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The Effective Abolition of Child Labor

Abstract
ILO's Global Report 2003 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

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The effective abolition of child labour

Australia

Government

This report updates and supplements Australia's 2000 (GB.277/3/2), 2001 (GB.280/3/2) and 2002 (GB.283/3/2) reports to the Annual Review under the follow-up to the Declaration and should be read in conjunction with them.

In Australia, the responsibility for the effective abolition of child labour falls primarily (but not exclusively) within the jurisdiction of the constituent state and territory governments.

The following report incorporates information concerning the effective abolition of child labour relating to the following jurisdictions:

- Commonwealth;
- Queensland;
- Western Australia;
- the Northern Territory; and
- Victoria.

Due to important late developments regarding child employment legislation in Victoria, and in order to submit Victoria's contribution for 2002 in time for examination by the ILO, Victoria's report contains information about the key developments under broad headings, rather than following the report form format.

New South Wales, South Australia, Tasmania and the Australian Capital Territory report that there are no changes to their law and practice concerning the abolition of child labour, since the 2002 report (GB.283/3/2).

NOTE: The term "Commonwealth" used in this report refers to the federal Government of Australia.

Full text copies of all federal and some state legislation can be obtained via the Australasian Legal Information Institute's Internet site: http://www.austlii.edu.au/.

Recognition of this principle and right

Queensland

The main piece of legislation regulating employment in Queensland is the Industrial Relations Act, 1999. While this Act does not specifically legislate for children in employment relationships, it provides protection of conditions of employment for all employees regardless of age.

Similarly, there are no specific provisions under Queensland's workplace health and safety legislation relating to child labour. The Workplace Health and Safety Act, 1995,

does not specify minimum age in its general legislative requirements. However, the Act does impose general obligations on employers and self-employed persons to ensure the workplace health and safety of each of the employer's workers at work and to ensure that the safety of others is not affected by the way the employer or self-employed person conducts their undertaking.

The Education (General Provisions) Act, 1989, imposes some limitations to work activities for children between the ages of 6 and 15 years. The age of compulsory schooling is defined in subsection 2(1) of the Act as meaning "not less than 6 nor more than 15 years." This definition applies to all students in Queensland attending state or non-state schools and regardless of whether or not they participate in home-schooling.

The Coal Mining Safety and Health Act, 1999, and the Mining and Quarrying Safety and Health Act, 1999, prevent children under the age of 16 from being employed underground.

While the above "mining" Acts provide specific protection for children under the age of 16, appropriate protection is afforded all workers, including children between the ages of 16 and 18 years through these acts and complementary regulations that control mining and quarrying industry hazards such as dust, heat, noise and rock falls.

Western Australia

Copies of the relevant instruments relating to child labour have previously been provided to the ILO. The following provides legislation applicable to this report:

- Occupational Safety and Health Act, 1984;
- Mines Safety and Inspection Act, 1994;
- Child Welfare Act, 1947;
- Criminal Code, 1913;
- Censorship Act, 1996;
- School Education Act, 1999;
- Prostitution Act, 2000; and
- Misuse of Drugs Act, 1981.

The relevant provisions of the Misuse of Drug Act, 1981, are provided in Attachment A [not reproduced].

With regard to the question on a national policy or plan aimed at ensuring the effective abolition of child labour, there is no change to the 2002 (GB.283/3/2) report.

Western Australia

In Western Australia, the Child Welfare Act, 1947, and School Education Act, 1999, prohibit the employment of children under 15 years during the hours that they are required to attend school.

The Child Welfare Act, 1947, also prohibits the employment of:

(a) a child under the age of 12 years, from engaging in street trading;

(b) a child under 15 years, but more than 12 years outside the hours between 6:00 a.m. and 7:00 pm if engaged in street trading; and

(c) a child under 15 years, outside the hours between 6:00 a.m. and 9:30 p.m. for employment other than street trading.

Aspects of the Child Welfare Act, 1947, relating to the employment of children under 15 years not engaged in street trading, relies on the establishment of an employment relationship. Consequently these provisions do not have effect where the child either receives no remuneration for the work performed, or where the contractual relationship does not constitute that of an employer and employee, i.e. contract for services.

Victoria

Review of Victoria's child employment legislation

The Government of Victoria is committed to eliminating child labour exploitation in Victoria. To identify the best ways to protect children from risks associated with employment, a comprehensive review of Victoria's child employment legislation has been conducted.

The review commenced in October 2001 with the release of an issues paper *Children at Work? The Protection of Children Engaged in Work Activities: Policy Challenges and Choices for Victoria*. The issues paper included examination of –

- the current legislative arrangements in place in Victoria for regulating child employment;
- the strengths and weaknesses associated with current arrangements;
- major issues which need to be addressed by any reform package intended to replace the current arrangements;
- alternative models currently in place in other Australian states and in selected countries overseas;
- whether or not the current arrangements ensure that Victoria observes its obligations under international treaties; and
- a number of options the Government of Victoria might consider in relation to improving current child employment legislation.

In relation to international obligations, the review paid particular attention to the requirements of the ILO's core Conventions on the abolition of child labour, i.e. the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). The review was also informed by the child employment provisions of the United Nations Convention on the Rights of the Child and the Committee on the Rights of the Child's concerns about Australia's compliance with these provisions. Online copies of the Issues Paper and an executive summary of this document are available http://www.irv.vic.gov.au/CA256A500013B52D/All/AC79F0C5D20E6CE8CA256C56001C9A9E?OpenDocument

Proposed new child employment legislation

On the basis of the review findings, the Government developed the Child Employment Bill, 2002. The Bill was introduced into the Victorian Parliament on 9 October 2002. Its objective is to both protect the health, safety and moral welfare of children at work and to ensure that work does not adversely affect their education.

The Bill is underpinned by the principle that the minimum age of employment is 15 years. However, in recognition of the fact that some children under 15 may obtain some benefits from working, the Bill permits limited employment of children, essentially between the ages of 13 and 15 years, subject to specific conditions.

An important provision of the Bill is that children can only be engaged in employment that falls within the definition of light work. This definition accords with Convention No. 138 and covers any work that firstly, is not likely to be harmful to a child's health, safety or moral or material welfare and secondly, will not prejudice a child's attendance at school or their capacity to benefit from instruction. Work that is inherently dangerous or that is performed in dangerous circumstances cannot qualify as light work. To aid in the interpretation of the definition of light work.

The Bill also takes the step of making it an offence to engage in prohibited forms of employment, i.e. door-to-door sales, deep-sea fishing, employment in the building and construction industry prior to lock-up stage and other prohibited employment. The Bill provides the Governor in Council with the power to declare any industry or type of work to be prohibited employment and to amend or revoke such a declaration. Breach of the prohibited employment provisions carries penalties of 100 units ($10,000) in the case of a body corporate and 60 units ($6,000) in any other case.

The existing permit system is retained for the employment of children under 15 years, with some modification. The primary modification sees the existing exemption for children who occasionally work with their parents in a shop attached to the family home extended to all children working with their parents in a family business. Although children working in family businesses will not require a child employment permit, the Bill requires that parents directly supervise their children and observe the restrictions relating to light and prohibited work and the performance of work during school hours.

The Bill provides for the appointment of additional Child Employment Officers with associated powers of enforcement. As there is considerable ignorance in the community concerning rights and obligations under child employment laws, the Bill provides that a key function of the Child Employment Officers will be provision of information. Particular importance will be placed on the development of educational materials regarding the child employment system and in relation to the employment of children in family businesses. The Child Employment Officers will also work with the Victorian WorkCover Authority to develop appropriate educational materials regarding the employment of children and an employer's responsibilities.

A community education campaign will be developed to advise parents, schools and employers of changes to Victoria's child employment laws prior to the Act taking effect.

The Child Employment Bill is awaiting debate following adjournment in the Legislative Assembly. Online copies of the Bill and the explanatory memorandum are available at http://www.dms.dpc.vic.gov.au/pdocs/bills/B01259/index.html. An online copy of the Minister's second reading speech is available at http://tex.parliament.vic.gov.au/bin/texhtmlt?form=VicHansard.dumpall&db=daily&dodra

ft=1&speech=4578&activity=Second+Reading&title=CHILD+EMPLOYMENT+BILL&date1=10&date2=October&date3=2002.

The Worst Forms of Child Labour, 1999 (No. 182)

The Government of Victoria strongly supports Convention No. 182 and registered Victoria's agreement to its ratification with the federal Government on 1 December 2000.

Victorian law and practice substantially comply with this Convention and active steps are being taken to achieve full compliance in the few areas where compliance gaps remain.

The Government is committed to ensuring that any legislation that it introduces and administers complies with international treaty obligations and core labour rights.

Federal

In Australia's 2002 report (GB.283/3/2) reference was made to the Occupational Health And Safety (Commonwealth Employment) Amendment Bill, 2000 (OHS (CE) A Bill). The Bill lapsed when the Federal Parliament was prorogued for the 2001 federal election. A new Bill, the Occupational Health And Safety (Employee Involvement and Compliance) Bill, 2002 was introduced into the Parliament on 26 June 2002. It is expected to be debated in the spring. The Bill is similar to the previous Bill, with provision for a greater emphasis on the primacy of the employer and employee relationship and introduction of flexibilities in workplace safety arrangements.

Reference was also made in the 2002 report (GB.283/3/3) to the Maritime Legislation Amendment Bill, 2000. This Bill also lapsed when the Federal Parliament was prorogued for the 2001 federal election. At this stage there is no indication that another Bill of this nature will be developed.

States and territories

Queensland

Hazardous work is not defined as such. The Workplace Health and Safety Act, 1995, applies to all workplaces, workplace activities and specified high risk plant (s.5), and applies to everyone who may affect the health and safety of others because of workplaces, workplace activities and specified high risk plant and to everyone whose health and safety may be affected by workplaces, workplace activities and specified high risk plant (s. 6).

Western Australia

The Occupational Safety and Health Act, 1984, defines "hazard," in relation to a person, as anything that may result in injury to the person or harm to the health of the person. This Act, together with the Mines Safety and Inspection Act, 1994, and the Petroleum Safety Act, 1999, cover all Western Australian workplaces.

Examples of hazardous work include operating forklifts, cranes, hoists, boilers and pressure vessels, construction diving and underground mining.

Northern Territory

Hazardous work is not defined by legislation.

Queensland

The Workplace Health and Safety Act, 1995, does not specify a minimum age for engaging in hazardous work in its general legislative requirements.

Northern Territory

Section 30(1) of the Northern Territory Education Act (the Act) states:

(a) No person, whether or not he is a parent of a child, shall employ or cause or permit to be employed a child of compulsory school age:

(b) during the hours at which he is required to attend school; or

during any part of a day or night in any labour or occupation that is such as to be likely to render the child –

(1) unfit or unable to attend school during the hours at which he is required to attend school; or

(2) unfit or unable to receive and understand instruction provided for him.

Penalty: $500 or imprisonment for 3 months.

Section 30(2) of the Act states:

The Minister, or a person authorized in writing by the Minister to do so, may grant an exemption in respect of a child from all or any of the provisions of subsection (1).

The Northern Territory Education Act can be viewed at: http://notes.nt.gov.au/dcm/legislat/legislat.nsf?OpenDatabase.

Queensland

Protection against children's involvement in pornographic films and photographs can be found in the Classification of Films Act, 1991, and the Classification of Publications Act, 1991.

Western Australia

As detailed earlier, the Child Welfare Act, 1947, restricts the employment of children under the age of 15 years.

The Child Welfare Act, 1947, also establishes provisions prohibiting the involvement of children under 18 years in pornography, whilst the Prostitution Act prohibits the involvement of children in prostitution.

The Misuse of Drugs Act, 1981, prohibits the trafficking and production of a prohibited drug, and makes it an offence to:

(a) incite, or attempt to incite, another person to commit an offence;

(b) become an accessory after the fact to an offence; or

(c) conspire with another to commit an offence.

Federal

The Measures to Combat Serious and Organized Crime Act, 2001, introduced protections for child complainants and child witnesses in proceedings for Commonwealth sexual offences, including child sex tourism and sexual servitude offences. The protections apply to persons under the age of 18 and are designed to reduce the stress and trauma of testifying and protect the privacy of child complainants and witnesses. The protections include limitations on examination as to sexual reputation and sexual experience, restrictions on cross-examination of child witnesses, provision for the use of closed-circuit television and court companions, and privacy and suppression orders.

States and territories

Queensland

No steps are being taken, at this stage, to amend existing legislation or to introduce a new one to address the elimination of any of the worst forms of child labour.

Northern Territory

It has been identified that legislative amendments are required with respect to:

- the regulation of the use of children for pornographic performances (Article 3(b) of the Worst Forms of Child Labour Convention, 1999 (No. 182)); and
- the regulation of the employment of children so that their health, safety and morals are protected (Article 3(d) of the Worst Forms of Child Labour Convention, 1999 (No. 182)).

The Northern Territory Department of Justice is to investigate the legislative amendments which need to be enacted to ensure compliance with the Convention is achieved.

Queensland

As regards compulsory schooling for children, the age of both boys and girls at the end of this period is 15 years, usually with a general requirement of 9 years or grades of instruction.

The age of compulsory attendance at a school is determined by the Education (General Provisions) Act, 1989, (section 2, definition of age of compulsory attendance). Parents of children of compulsory attendance age are obliged to have their child enrolled and attend a state-school or non-state school (section 114). Parents in breach of the obligation are liable for a fine (section 118). Further, parents of children of compulsory school age must not employ or cause children to be employed during the hours of schooling (section 119 and section 20 of the Education (General Provisions) Regulation, 2000). The parental obligation can be displaced if the Minister has granted a dispensation (section 115). A dispensation may be granted if the child is being home-schooled, suffers a medical condition or has a contagious or infectious disease. It may also be granted for reasons of remoteness of the child's home or for a reason, which in the opinion of the Minister is valid.

Under the *Education and Training Reforms for the Future,* there is a proposal to increase the age for ending compulsory schooling to 16 or 17 years. Consultation is currently under way in respect of these proposals, and a decision is to be made by Cabinet

in October 2002. The intention of these proposals is that young people over 15 should be either "learning or earning".

The young person should be enrolled in a school and the school is to be the coordinator of the young person's program, which may include education at the school, employment with an employer and/or education at Technical and Further Education (TAFE) or with other registered training providers.

Western Australia

Western Australia, currently, has in place laws and practices to effectively prevent the worst forms of child labour. Legislative restrictions also exist which limit the ability for a child under 15 years to be employed.

Northern Territory

As regards compulsory schooling for children, the age of both boys and girls at the end of this period is 15 years, with a general requirement of 9 years or grades of instruction.

With regard to the situation in the country with respect to child labour, there is no change to the 2002 report (GB.283/3/2).

Queensland

The reference to the Office of Fair Trading in the 2002 report (GB.283/3/2) no longer applies.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

Queensland

The Department of Employment and Training has introduced various programs, policies and initiatives that address the needs of young people. Queensland chairs the Ministerial Council on Education, Employment, Training and Youth Affairs' (MCEETYA) Ministerial Subcommittee on Young People's Transitions which is developing options to strengthen pathways for young people who are disconnected or at risk of becoming disconnected from society. A most significant outcome of the Subcommittee has been the development of a Ministerial Declaration, *STEPPING FORWARD – Improving Pathways for All Young People*. The Declaration demonstrates the commitment by ministers to providing leadership and establishing a common direction to make a difference to the lives of all young people, including those who are at risk, disconnected or in vulnerable circumstances, by increasing their social, educational and employment outcomes.

The Declaration has been signed by relevant state and commonwealth Ministers, including the Honourable Minister for Education, and the Honourable Minister for Families.

The Declaration was formally endorsed by MCEETYA at the July 2002 meeting. In Queensland, steps have already been taken to progress the intent of the Declaration.

In April 2002, a Youth Participation Charter was launched by the Minister for Employment and Training and Youth Affairs. The Charter will guide the way Government involves young people in policy, program and service development.

Western Australia

Western Australia currently has existing legislative provisions in place aimed at eliminating the worst forms of child labour, as detailed earlier, and the establishment of compulsory education.

The Child Welfare Act, 1947, limits the employment of children under the age of 15 years, as detailed earlier.

Queensland

The Commission for Children and Young People Act, 2000, requires the Commission, in undertaking its statutory functions, to give priority to the needs and interests of children and young people:

- who are not able to protect their rights, interests or well being;
- for whom there is no appropriate person to act on their behalf;
- who are disadvantaged because of a disability, geographic isolation, homelessness or poverty; or
- who are in, or may enter, out-of-home care or detention.

Under the Prostitution Act, 1999, the Prostitution Advisory Council (PAC) is required to promote and co-ordinate programs that divert minors and other vulnerable persons from prostitution, especially opportunistic prostitution. The PAC has identified programs implemented by the Department of Families and Self Health for Queensland Workers in the Sex Industry (SQWISI).

The Government of Queensland has released the discussion paper *Queensland the Smart State: Education and Training Reforms for the Future*, the Government is proposing new goals for education, training and employment outcomes for young Queenslanders.

The proposed reforms with respect to post-compulsory education and training especially aim to address the needs of those young people aged 15 – 17 years who are not engaged in school, training or employment. These reforms are intended to address many of the challenges confronting education and training systems today while embracing the principles of the National Goals for Schooling in the 21st Century.

The proposed reforms include:

- changing the school leaving age from 15 to 16 or 17 and for students to be engaged in full-time schooling, vocational education and training, higher education or work; and
- making the school the local coordinator for learning and youth support.

The objective is to ensure that all young Queenslanders in the 15-17 age group have maximum opportunities to succeed. The proposed reforms will provide young people with expanded opportunities to stay at school to complete year 12, which may include vocational education and training while still at school, or to obtain viable employment.

Strategies will include well-organized links between education and work or further study, tight-knit assistance for those at risk of leaving school early, good information and guidance, and a key person to guide each student.

The *Youth Access Program* has continued to assist school-based youth who are at risk of leaving school without the education or skills to get a job. This year, the program offered an alternative pathway into an apprenticeship or traineeship for 595 students who remained at school to complete their senior certificate.

Queensland is working to increase the number of school-based Skill Centres, particularly in regional and remote Queensland Indigenous communities, to enable young people (or year 11 and 12 equivalents) access vocational education and training without having to leave their communities. Work is currently being undertaken with the Western Cape College for the establishment of a school-based Skill Centre which will service the Western Cape communities.

Queensland Government agencies are working with employers and the community to develop a holistic approach to meeting the needs of young people, and ensuring their successful transitions from compulsory education to the labour market.

With regard to the involvement of employers' and workers' organizations in the development and implementation of measures or programs of action, there is no change to the 2002 report (GB.283/3/2).

Federal

Australia's development cooperation program seeks to address a root cause of child exploitation – poverty – through its support of economic opportunities, basic health, and education. During 2001-02, an estimated $10 million was spent on child exploitation and related activities through the Australian aid program (multilateral assistance – $4.9 million; regional activities – $2.0 million; bilateral activities $1.6 million; Australian non-governmental organizations' (NGOs) activities – $1.4 million; other – $0.1 million).

In this context, Australia's assistance focuses on combating a number of factors that fall under the rubric of child labour, including commercial sexual exploitation and trafficking of children and women; helping street children access health and education services; and minimising the exposure of children to dangerous work in hazardous occupations.

In addition to providing annual core funding for multilateral agencies that work to address issues related to child exploitation, such as the United Nations Children's Fund (UNICEF) (A$4.86 million in 2001-02), the United Nations Development Fund for Women (UNIFEM) (A$380,000 in 2001-02) and the United Nations Development Program (UNDP) (A$7 million in 2001-02). The Government of Australia's development cooperation program also works with developing country partner governments, regional agencies and civil society organizations to address these issues. Recent specific Australian-supported initiatives are provided below.

Cooperation with UNICEF

During the period 1993-94 to 2000-01, Australia provided A$37.76 million in core funding to UNICEF in support of its programs to improve the life of children throughout the developing world. The principal objectives of Australia's commitment to UNICEF are to support children and mothers, particularly in developing countries and those subjected to war or other human or natural calamities, and to assist in strengthening the permanent child

and welfare services of such countries. Australia is UNICEF's ninth largest government donor.

In addition, Australia also provided support in 2000 to UNICEF New York for its *Child Soldier Reintegration Program in Sierra Leone* (Australian contribution A$ 750,000 million) and its *Basic Education, Psycho-social and Advocacy for the Children Affected by Armed Conflict Program in Uganda* (Australian contribution A$ 750,000)

Cooperation with UNDP

Between May 1999 and April 2002, Australia contributed A$880,000 to the UNDP-coordinated *Trafficking of Women and Children in the Mekong sub-Region Project*. The project, which UNDP is coordinating on behalf of a United Nations Working Group, aims to reduce the incidence of trafficking in women and children in the Mekong region by enhancing the capabilities of organizations and persons and improving sub-regional and national communication and cooperation.

Cooperation with IOM

Australia has provided $4.7 million to the International Organization for Migration (IOM) to support the *Return and Reintegration of Trafficked Victims* over three years from September 2000. This project has international officers based in Bangkok and national representatives in Thailand, Cambodia and Viet Nam.

Australia is also funding a second and smaller IOM project to *Establish Capacity in Thailand, Cambodia and Viet Nam to Better Handle and Protect Victims of Trafficking*, in particular women and children, by establishing standards in legislation and ratifying Conventions in these countries.

Cooperation with ECPAT (End Child Prostitution, Pornography and Trafficking) Australia

ECPAT Australia was formed in 1992 and is affiliated with the international campaign to end child prostitution, which has 30 member countries. Australia provided ECPAT with $11,000 funding in 2001-02 to enable regional ECPAT representatives to prepare for and attend the 2nd World Congress Against the Commercial Sexual Exploitation of Children held in Yokohama in December 2001.

The Pacific Children's Program – Protecting Children from Violence

Under this program, Australia is cooperating with local organizations, communities and governments in addressing the physical, sexual and emotional violence and neglect of children in Fiji, Vanuatu and Samoa. Commencing in April 2002, Australia will provide A$2.5 million over three years to strengthen existing initiatives.

Cooperation with Australian non-government organizations

UNICEF Australia

- *Education and the Rights of the Child in Bhutan and Indonesia*

  (Australian contribution: $173,542 in 2001-2002)

- *Child Protection in Bangladesh, East Timor and the Pacific*

  (Australian contribution: $257,450 in 2001-02)

- *Contribution to UNICEF's Fifth Country Program for Children in the Philippines*

  (Australian contribution A$12.3 million over four years from 2000 to 2003)

Save The Children Fund Australia

- *Increase Awareness of and Support for Child Rights in Bangladesh, Laos, Papua New Guinea, Solomon Islands and Vanuatu.*

  (Australian contribution: $356,497 in 2001-2002)

World Vision Australia

- *Support and Rehabilitate Street and Working Children in India, Sri Lanka and Burma*

  (Australian contribution: $371,757 in 2001-2002)

OzChild

- *Vocational Training for Working Children in Madurai in Southern India*

  (Australian contribution: $43,705 over three years, 2000/2001 – 2002/2003)

- *Vocational Training for Street Children- Dindigul Town, Tamil Nadu, India*

  (Australian contribution - $ 21,286 over three years, 1999/2000-2001/02)

- *Vocational Training for Urban and Rural Girls and Boys, Sri Lanka*

  (Australian contribution: $59,102 over three years)

States and territories

Queensland

Liaison has occurred between various government agencies in relation to alleged incidences of child prostitution and pornography.

With regard to the question on whether the Government records the following information, in relation to the abolition of child labour: the number of children withdrawn from child labour; the number of ex-child labourers attending formal or non-formal education; and sanctions applied to users of child labour; there is no change to the information provided in the 2002 report (GB.283/3/2).

The Government does not undertake or has not undertaken surveys that provide statistical information on the extent and/or nature of child work.

In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 15 years.

Progress and achievements concerning this principle and right

Queensland

There is an ongoing role for industrial inspectors who have direct contact with workplaces and are able to assess the situation with regards to child labour.

With regard to the request to describe the major changes since our last report, there is no change to the 2002 report (GB.283/3/2).

Difficulties concerning the realization of this principle and right

With regard to the main obstacles encountered, with respect to realizing the principle of the effective abolition of child labour, there is no change to the 2002 report (GB.283/3/2).

Priority needs for technical cooperation

There is no need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Australia.

Report preparation

In preparing this report, consultations were held with employers' and workers' organizations, and other governmental agencies.

Federal

Copies of this report were forwarded to relevant Commonwealth government agencies, all state and territory governments, the Australian Chamber of Commerce and Industry (ACCI) and the Australian Council of Trade Unions (ACTU) with an invitation to contribute to the report. Comments provided by the federal agencies and state and territory governments were used in preparing this report.

Copies of this report have been forwarded to the Australian Chamber of Commerce and Industry (ACCI) and the Australian Council of Trade Unions (ACTU). Any observations/comments received from these organizations will be forwarded to the Office.

A copy of the address by the head of the Australian Government Delegation to the 2002 International Labour Conference on the abolition of child labour is attached for information (Attachment B) [not reproduced]. In the address the Australian Government announced its intention to ratify the Worst Forms of Child Labour Convention (No. 182), as soon as possible.

Annexes (not reproduced)

– Attachment A: Misuse of Drugs Act, 1981 [citation of website];

– Attachment B: International Labour Conference Agenda Item I (b) 90th Session, June 2002 Global Report on Child Labour Geneva: Australia: Plenary Address on Child Labour.

Azerbaijan

Government

Recognition of this principle and right

In Azerbaijan, the principle of the effective abolition of child labour is recognized by the Labour Code, 1999, article 42.

In addition, the Law on the Rights of the Child (accepted in May 1998) and the Labour Code (articles 46 (paragraph 4), 52, 91(paragraph 2), 247-255) aim at ensuring the effective abolition of child labour.

The general minimum age for admission to employment – 15 years for boys and girls (articles 42 and 46 of the Labour Code) – covers the following types of work:

- work performed in a family-owned/operated enterprise (14-15 year olds [are allowed to work in such enterprises, subject to certain restrictions] in accordance with article 258, paragraph 2 of the Labour Code);
- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work; and
- work performed in export processing zones.

Although, there is no definition of hazardous work in national legislation, the minimum age for engaging in this type of work is 18 years for boys and girls (articles 250 and 251 of the Labour Code).

In view of eliminating the worst forms of child labour, the following types of work are covered in laws or regulations:

- workplaces which have hazardous and dangerous working conditions;
- underground tunnels;
- night clubs;
- bars;
- casinos;
- alcoholic beverages;

- narcotics; and
- types of work which involve the preparation, storage or sale of toxic material. (article 250 of the Labour Code).

In addition, the Cabinet Ministers' Resolution No. 58 of 24 March 2000 is relevant to hazardous work.

No steps are currently being taken to amend existing legislation or introduce a new one to address the elimination of the worst forms of child labour.

As regards compulsory schooling, the ages of both boys and girls at the end of this period are 16-18 years, with a general requirement of 11 years or grades of instruction.

The following table provides data on economically active adolescents in Azerbaijan

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Number of Adolescents (in thousands)	12.4	12.5	11.2	10.6	10.3	10.4	10.5	11.5	12.0	12.0

With respect to the worst forms of child labour, sale or trafficking of boys and car washing by boys are believed or suspected to exist in the country.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment:

- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions; and
- free compulsory education.

Legal reform and special institutional machinery are also envisaged.

In addition, the following measures have been implemented to eliminate the worst forms of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil/administrative sanctions;
- free compulsory education;
- child rehabilitation following removal from work;

- vocational and skills training for young workers; and
- awareness raising/advocacy.

Moreover, special institutional machinery, employment creation/income generation, social assistance (e.g. stipends, subsidies, vouchers) and international cooperation programmes/projects are envisaged.

Within these measures or programmes, special attention is given to the needs of child refugees and orphaned children including those whose parents died in a war context.

The Government does not work with any multilateral agency (other than the ILO), bilateral donors or other organizations to combat child labour.

In relation to the abolition of child labour, the Government records information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and the sanctions applied to users of child labour.

As concerns statistical information on the extent and/or nature of child work, governmental surveys are undertaken once a year and the last one was carried out in 2000. Results are only presented by sex.

Progress and achievements concerning this principle and right

No special measures undertaken have been undertaken in Azerbaijan that can be regarded as successful examples in the abolition of child labour.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Azerbaijan, in particular in the following areas, in order of priority (1 = most important):

Type of technical cooperation needed	Ranking
Legal reform	1
Policy advice	1
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2
Training of other officials (e.g. police, judiciary, social workers, teachers)	1
Data collection and analysis	2
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	1
Social protection systems	1
Awareness raising, legal literacy and advocacy	2
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	1
Inter-institutional coordination	1
Special programme for the elimination of the worst forms of child labour	1

Report preparation

In preparing this report, consultations were held with employers' and workers' organizations and comments were made by the Confederation of Trade Unions of Azerbaijan [Azerbaijan Trade Union Confederation (ATUC)]. Their report [observations] was the same [as that of the Government].

A copy of this report was sent to the National Confederation of Employers of the Azerbaijan Republic [National Confederation of Entrepreneurs' (Employers') Organizations of Azerbaijan Republic (ASK)] and the Confederation of Trade Unions of Azerbaijan Republic [Azerbaijan Trade Union Confederation (ATUC)].

Bahrain

Government

Recognition of this principle and right

In Bahrain, the principle of the effective abolition of child labour is recognized in the Constitution, legislation, judicial decisions, and collective agreements.

The Government does not intend to adopt a national policy or plan aimed at ensuring the effective abolition of child labour. However, the national legislation establishes a general minimum age for admission to employment – 16 years for both boys and girls – which covers the following types of work:

- work performed in a family-owned or operated enterprise;
- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work; and
- work performed in export processing zones.

Hazardous work is defined in the legislation and the minimum age for engaging in this type of work is 18 years for both boys and girls.

No laws or regulations exist in Bahrain with the aim of eliminating the worst forms of child labour and no steps are currently being taken to address this issue in legislation.

Six years or grades of instruction are required for both boys and girls to complete compulsory education.

The worst forms of child labour (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; illicit activities, in particular production and trafficking of drugs, etc) do not exist in Bahrain.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

No specific measures/programmes of action have been implemented or are envisaged to bring about the effective abolition of child labour.

The Government does not work with any multilateral agency (other than the ILO), bilateral donors or other organizations to combat child labour.

In relation to the abolition of child labour, no information is recorded by the Government regarding the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or sanctions applied to users of child labour. The same applies to surveys in view of providing statistical information on the extent or nature of child work.

Progress and achievements concerning this principle and right

No special measures have been undertaken in Bahrain that can be regarded as successful examples in the abolition of child labour.

Since the last government report (GB.283/3/2), no changes have been noted.

Difficulties concerning the realization of this principle and right

In Bahrain, no obstacles have been encountered with respect to realizing the principle of the effective abolition of child labour.

Priority needs for technical cooperation

There is no need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Bahrain.

Report preparation

Other governmental agencies, employers' and workers' organizations were consulted by mail while preparing this report.

No comments were made on the report by employers' or workers' organizations.

Copies of the report were sent to the Bahrain Chamber of Commerce and Industry and the General Committee for Bahrain Workers.

Bangladesh

Government

Recognition of this principle and right

In Bangladesh, the principle of the effective abolition of child labour is recognized in the Constitution and legislation.

Although, there is no national policy or plan aimed at ensuring the effective abolition of child labour, the Government intends to adopt one or both instrument(s) by 2003.

National legislation does not establish a general minimum age for admission to employment. However, section 46 of the Bangladesh Export Processing Zones Authority (BEPZA) Instruction No. 1 of 1989, under the BEPZA Act, 1980, provides that "no child before completion of 14 years of age shall be allowed to work in any factory." Therefore, this minimum age covers work performed in export processing zones.

National legislation also defines hazardous work, as section 87 of the Factories Act, 1965, makes reference to "dangerous operations" which in today's parlance may be treated as hazardous work, and prohibited for children. The minimum age for engaging in this type of work is 18 years for both boys and girls.

Furthermore, Chapter 8, Rule 83 of the Factories Rules, 1979, under the Factories Act, 1965, lists as follows hazardous operations considered as worst forms of child labour: glass manufacturing; grinding or glazing of metals; generation of gas from dangerous petroleum; tanning of raw hides; compressed hydrogen or oxygen; manufacture of chromic acid; potassium; sodium operations; etc. Similarly, the Schedule of sections 3, 3(a) and 3(b) of the Employment of Children Act, 1938, lists the following processes that are also hazardous and thus, prohibited for children:

1. bidi-making
2. carpet-weaving
3. cement manufacture, including bagging of cement
4. cloth-printing; dying and weaving
5. manufacture of matches, explosives and fireworks
6. mica-cutting and splitting
7. shellac manufacture
8. soap manufacture
9. tanning
10. wool cleaning.

The revised and updated draft Labour Code prepared by the Bangladesh Labour Law Commission is under active process of gaining approval by the appropriate authority.

As regards compulsory schooling, the age of boys and girls at the end of this period is ten years, with a general requirement of 5 years/grades of instruction.

Child labour exists in Bangladesh, as in other developing countries. More than 76 per cent of the population live in rural areas and half of them live below the poverty line. Extreme forms of poverty play the most crucial role in driving the children to work and to

earn a living. The total number of child workers of between 5-14 years is estimated at about 6.3 million, of which about 3.8 million are boys and 2.5 million are girls. Only six per cent of these children are employed in the formal sector, while the remaining 94 per cent are engaged in the informal sector. Eighty-three per cent of all working children are found in rural areas and the remaining 17 per cent, in urban areas.

Since 1995, the Government has been trying to eliminate child labour through the ILO-International Programme on the Elimination of Child Labour (IPEC) and a good number of Action Programmes have been implemented successfully through government agencies, employers' organizations, trade unions and non-governmental organizations (NGOs).

With regard to the worst forms of child labour, sale and/or trafficking is/are believed or suspected to exist amongst girls and boys, while prostitution is believed or suspected to exist amongst girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and eliminate the worst forms of child labour:

- inspection/monitoring mechanisms;
- penal sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

In addition, legal reform and social assistance (e.g. stipends, subsidies, vouchers) are envisaged to enforce minimum age(s) for employment, while the following are envisaged to eliminate the worst forms of child labour:

- legal reform;
- penal sanctions;
- civil or administrative sanctions;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);

- child rehabilitation following removal from work;
- vocational and skills training for young workers; and
- awareness raising/advocacy.

Within these measures or programmes, special attention is given to children of the five-14-year-age-group who are engaged in the following sectors: bidi, match, construction, domestic child labour, leather/tanneries, etc.

Employers' and workers' organizations are involved in the implementation of Action Programmes. They are also active members of different committees such as the Tripartite Consultative Council National Steering Committee, and the Sub-Committee and Monitoring Committee.

The Government is working with the United States Agency for International Development (USAID) on the Eradication of Hazardous Child Labour in the country.

With respect to data collection, the Government records information on the number of children withdrawn from child labour and the number of ex-child labourers pursuing formal or non-formal education. However, it does not record information on sanctions applied to users of child labour.

As concerns statistical information on the extent and/or nature of child work, government surveys are carried out occasionally, and the last one was in 1996. The results of such surveys are presented separately by sex and age (5-14 years).

In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was five years.

Progress and achievements concerning this principle and right

The Government signed a Memorandum of Understanding with the ILO in 1994 to implement the IPEC programme. IPEC activities started in 1995 and since then, 76 Action Programmes have been implemented successfully through government agencies, employers' organizations, trade unions and NGOs. About 50,000 child workers and their families have benefited directly and indirectly through these Action Programmes.

In addition, the Bangladesh Garments Manufacturers' and Exporters' Association (BGMEA) also signed a Memorandum of Understanding (MOU) with the ILO and the United Nations Children's Fund (UNICEF) in 1995. BGMEA successfully identified an estimated 10,546 cases of child labour in garment factories. These children have been withdrawn and rehabilitated into school programmes. Following the retrenchment of children below the age of 14 years, UNICEF, ILO and BGMEA, have jointly provided these children with non-formal education, skills training, part-time employment (light work) and a subsistence stipend to compensate for their loss of income.

Furthermore, following the tremendous success of the MOU-1, BGMEA signed the MOU-2 with the same partners in Geneva, in 2000. Under this component, BGMEA has given on the job training to 900 students through local NGOs, ILO and UNICEF. They are also providing skills training in tailoring, embroidery, garment machine maintenance and knitting to 200 students.

With the support of BGMEA, the ILO Dhaka office has undertaken two projects for the former child labour students. Under these projects, over 1,400 students will be given skills training and their 100 elderly family members from 100 families will be provided with micro-credit, ranging from Tk2,000 to Tk10,000 [about US$33 to 165 as of 21/11/2002], for income generation. The Underprivileged Children Education Programme (UCEP) and SUIROVI, two NGOs, along with Singer Bangladesh (a national company) have been providing skills training to these students. Since July 2000, a total of 1,149 have already received skills training and 56 families have been provided with the micro-credit.

The Government of Bangladesh will formulate a National Child Labour Policy by 2003. The Government has also drafted a new Labour Code, which is now being considered for approval by the appropriate authority. The Government has undertaken a project under the Annual Development Programme (ADP) with the assistance of USAID – namely, the Eradication of Hazardous Child Labour in Bangladesh. The project will provide Non-Formal Education (NFE) and Skills Development Training (SDT) for 10,000 working children and micro-credit for 5,000 parents of child labour in Dhaka and Chittagong Metropolitan areas, in the shop factories; bangle-making; rickshaw/van pulling; fisheries; book-binding; welding; and automobile workshop sectors.

Difficulties concerning the realization of this principle and right

The main obstacles encountered in Bangladesh in the realization of the principle of the effective abolition of child labour are the following:

(i) lack of adequate awareness and education (skills development);

(ii) lack of adequate policy laws and regulations;

(iii) poverty;

(iv) absence of general minimum age for admission to employment;

(v) lack of adequate effective rehabilitation programmes; and

(vi) lack of adequate institutional and logistic support.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Bangladesh, in particular in the following areas, in order of priority (1 = most important, 2 = 2nd most important, etc.):

Type of technical cooperation needed	Ranking
Legal reform	8
Policy advice	11
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	5
Training of other officials (e.g. police, judiciary, social workers, teachers)	4
Data collection and analysis	7
Strengthening capacity of employers' and workers' organizations	6
Employment creation, skills training and income generation	1

Type of technical cooperation needed	Ranking
Social protection systems	3
Awareness raising, legal literacy and advocacy	4
Sharing of experience across countries/regions	10
Cross-border cooperation mechanisms	9
Inter-institutional coordination	12
Special programme for the elimination of the worst forms of child labour	2

Another need, in this regard, is for the strengthening of need-based and relevant education, which would lead to self/general employment.

Report preparation

The Government sent the questionnaire to other government agencies, employers' and different workers' organizations for them to provide information and their comments. Discussions were also held with them. The Bangladesh Employers' Federation and the following workers' organizations made comments on the report:

1. Jatiya Sramik League;
2. Bangladesh Trade Union Kendra (BTUK);
3. Bangladesh Jatiyatabadi Sramik Dal;
4. Jatiya Sramik Federation Bangladesh;
5. Jatiya Sramik Party;
6. Bangladesh Songjukta Sramik Federation;
7. Bangladesh Trade Union Songha;
8. Jatiya Sramik Jote Bangladesh;
9. Bangladesh Jatiya Sramik League;
10. Bangladesh Trade Union Federation;
11. Samajtantrik Sramik Front;
12. Bangladesh Workers' Federation;
13. Jatiya Sramik Jote;
14. National Workers Federation;
15. Jatiya Sramik Karmachary Jote Batngladesh;
16. Bangta Sramik Federation;
17. Bangladesh Free Trade Union Congress;
18. Bangladesh Sramik Federation;

19. Bang1adesh Sramik Kalyan Federation;

20. National Trade Union Federation;

21. Bangladesh Ganatantrik Sramik Federation; and

22. Bangladesh Jatiya Sramik Forum.

Bolivia

Government

Recognition of this principle and right

In Bolivia, the principle of the effective abolition of child labour is recognized in legislation.

Bolivia is working with the Plan for the Progressive Elimination of Child Labour Plan, which includes the following objectives:

1. promotion;

2. prevention;

3. control; and

4. direct care.

It is broken down into three phases spread over ten years:

(a) short-term (1 to 3 years);

(b) medium term (4 to 7 years); and

(c) long-term (8 to 10 years).

The objectives are described in more detail on page 38 of the Plan for the Progressive Elimination of Child Labour which will be sent to the Office.

National legislation establishes a general minimum age for admission to employment – 14 years for both boys and girls – which covers home work, domestic service, self-employed work and family and small-scale agriculture.

Bolivia's legislation does not specify the types of work listed in the questionnaire, but they are implicitly covered by article 124, Chapter III article 136, Chapter IV article 149 and Chapter V article 153 of the Children and Young Persons Code, 1999.

TITLE VI

RIGHT TO PROTECTION AT WORK

Chapter I

General provisions

Article 124 (Definitions). – A child worker means:

1. a person who carries out productive activities or provides material services, as an employee or on his own account, in return for a wage or to generate an economic income;
2. a person who carries out activities to satisfy the basic needs of his personal and his family's subsistence, both in urban and rural areas, and does not therefore receive financial remuneration nor is there an employment relationship because the work is of a familial or communal nature.

Chapter III

Employment of young persons

Article 136 (Definitions). – Work by young persons in a state of dependent employment, in carrying out activities for an employer in return for an economic remuneration.

Home workers are young persons who work continuously in a dependent relationship with a single employer in duties specific to home work.

Persons who work in service and commercial premises for profit, even when carried out in a private house, are not home workers.

Chapter V

Family work regime

Article 149 (Definitions). – Self-employment is work, which, while not forming part of the family work, is performed by the young person without any subordinate or dependent relationship with any enterprise or employer.

Chapter V

Family work regime

Article 153 (Definitions) – A worker in a family regime means a person who carries out activities to satisfy the basic needs of his personal and his family's subsistence, in both urban and rural areas.

Hazardous work is defined in Chapter II which deals with prohibited work, articles 133 and 134 of the Children and Young Persons Code, 1999.

Article 133 (Prohibited work) – Young persons are prohibited from undertaking hazardous, unhealthy or demeaning work.

Article 134 (Hazardous and unhealthy work) Hazardous and unhealthy work means:

1. carrying, loading and unloading of weights disproportionate to [the person's] physical strength;
2. work in quarries, underground, pitheads and hazardous places;
3. loading and unloading using hoists or mechanical or electric loaders;
4. work as engine drivers, stokers or similar activities;
5. spraying of herbicides, pesticides or handling substances which affect normal mental or physical development;
6. operation of conveyor belts;
7. work with circular saws and other high-speed machines;
8. smelting of metals, welding and glass-blowing;
9. transport of incandescent materials;
10. border work which endangers their safety;
11. work in distilleries, fermentation of products in the preparation of alcoholic beverages or blending of spirits;

12. manufacture of white lead, red lead and other toxic dyes, and handling of paints, enamels or varnishes which contain salts of lead or arsenic;
13. work in factories, workshops or premises where explosives or flammable or caustic materials are handled, manufactured or stored;
14. places where there are normally emissions of dust, gases, irritants and other toxics;
15. places with high or excessively low temperatures, humidity or poorly ventilated;
16. work in harvesting of cotton, cashew nuts and sugar cane; and
17. activities in general that endanger life, health, physical and mental integrity.

Article 133 (prohibited work) provides that young persons are prohibited from undertaking hazardous, unhealthy or demeaning work, and article 2 (protected persons), defines a child as any human being from birth up to the age of 12 years and young persons as aged from 12 to 18 years. In other words, the minimum age for employment in hazardous work is set at 18 years for both boys and girls.

There are still no laws to eliminate the worst forms of child labour, since the Worst Forms of Child Labour Convention, 1999 (No. 182) is in the process of being ratified by Bolivia. However, there is the Plan for the Progressive Elimination of Child Labour, which indicates various strategic objectives for its evaluation in the short, medium and long term, and also covers the strategic area of operation.

The Plan for the Progressive Elimination of Child Labour lists the following actions:

- child labour in mines;
- child labour in sugar and cashew nut plantations;
- domestic work by children under the age of 14 years for third parties in areas where its incidence is most common; and
- sexual exploitation of children.

The two main pillars on which the country's work is based are:

- the Plan for the Progressive Elimination of Child Labour, Supreme Decree 22019 of 7 June 2001; and
- the Project for the Prevention and Progressive Elimination of Child Labour in small-scale mining in South America.

Stimulated by the aforementioned project, some Latin American countries (Bolivia, Ecuador, Peru) have developed the "Workshop on Programmes and Policies for the Prevention and Progressive Elimination of Child Labour in Small-Scale Mining". In Bolivia, specifically, this involves the Workshop on Programmes and Policies for the Prevention and Progressive Elimination of Child Labour in Small-Scale mining, the Potosí Action Programme. This workshop includes, in turn, "the Action Programme for the Progressive Elimination of Child Labour in Small-Scale mining in the 20th Century, Llallagua – Potosí." The Tipuani Action Plan was also implemented.

All these plans, programmes, projects and workshops are the starting point for the implementation of new laws or amendments, as necessary, on the subject of child labour.

Steps are currently being taken to amend existing legislation or to introduce a new one to address the elimination of the worst forms of child labour. Indeed, it is for this reason that various plans were launched with the involvement of various inter-institutional bodies.

There is no compulsory schooling for children in Bolivia.

Child labour is growing, due to the economic situation faced by the country and the rise in the rate of unemployment, to the point that in many homes children are forced to give up school to help with the family budget, predominantly in the informal sector. Bolivia, thus, has an estimated 80,000 child workers in various branches of the economy.

With respect to the worst forms of child labour, the following are believed or suspected to exist amongst boys and girls: sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; pornography and work in sugar, cashew nut and mining sectors.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measure have been envisaged to enforce minimum age(s) for employment and eliminate the worst forms of child labour:

- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work; and
- vocational and skills training for young workers.

Legal reform and awareness raising/advocacy have been implemented to enforce minimum age(s) for employment, while international cooperation programmes or projects are envisaged in this regard.

Awareness raising/advocacy and international cooperation programmes or projects have been implemented to eliminate the worst forms of child labour, while legal reform is envisaged.

Other measures are the creation of departmental labour commissions on the eradication of the worst forms of child labour and seminars on socialisation in the nine departments.

As to action programmes, Bolivia is conducting various workshops as well as plans for the elimination of child labour, which took place in 2001 and 2002.

The design and amendment of the Children's and Young Persons Code, 1999, the General Labour Act, 1943, and other relevant legislation will enable the implementation of the various measures mentioned above in view of bringing about the effective abolition of child labour.

With respect to vocational and skills training for young workers, the necessary resources to implement this kind of measure are not available.

With regard to awareness raising/advocacy, measures of this kind are implemented via television and radio programmes, and socialisation seminars in the nine departments.

As concerns, international cooperation programmes or projects, these were envisaged by the member countries of the Andean Cooperation of Nations (CAN) in the meeting held in 2001 in the Common Market of the Southern Cone (MERCOSUR) and the forthcoming meeting to be held in September 2002 in Bogota, where international cooperation will be sought. In addition, international support for all the forums and programmes will be sought through the relevant government agencies.

With respect to the other measures adopted, i.e. the creation of departmental labour commissions on the eradication of the worst forms of child labour and seminars on socialisation in the nine department, it is planned that the national and departmental commission will be strengthened by involving new governmental, non-governmental and church agencies and institutions.

All these programmes pay special attention to children working in mines, sugar and cashew nut plantations, through the aforementioned measures. They also involve inter-institutional participation, as well as civil society and international organizations, as described on page three of the Plan for the Progressive Elimination of Child Labour.

The Government works with multilateral agencies (other than the ILO), bilateral donors and/or other organizations to combat child labour. As mentioned earlier, the Government relies on international agencies such as the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP).

In relation to the abolition of child labour, the Government does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education or on sanctions applied to users or child labour. The same applies for surveys that provide statistical information on the extent and/or nature of child work. Survey results are not separated by sex, age, occupation, type of activity or the number of hours worked.

In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 14 years.

Progress and achievements concerning this principle and right

No special measures, which can be regarded as successful examples in the abolition of child labour, have been undertaken. So far the aforementioned plans and projects are only at the feasibility study stage and will be confirmed in the long term.

No report was submitted because Bolivia has not ratified the Worst Forms of Child Labour Convention, 1999 (No. 182).

Difficulties concerning the realization of this principle and right

Although Bolivia is trying to eradicate child labour, the greatest obstacle to this is the high level of poverty.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Bolivia, in particular in the following areas, in order of priority (1 = most important):

Type of technical cooperation needed	Ranking
Legal reform	1
Policy advice	2
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	1
Social protection systems	2
Awareness raising, legal literacy and advocacy	2
Sharing of experience across countries/regions	2
Cross-border cooperation mechanisms	
Inter-institutional coordination	
Special programme for the elimination of the worst forms of child labour	

Report preparation

In preparing this report, governmental agencies, employers' and workers' organizations were not consulted. The social partners did not make any comments on the report, a copy of which was sent to the Confederation of Private Sector Employers (*la Confederación de Empresarios Privados de Bolivia*) (CEPB), i.e. the employers' organization and the Central Workers' Organization (*la Central Obrera Boliviana*), which is made up of representatives of workers from all sectors throughout the country.

Cambodia

Government

Recognition of this principle and right

In Cambodia, the principle of the effective abolition of child labour is recognized in the Constitution and legislation.

The Cambodian National Council for Children (CNCC) is responsible for the coordination, implementation and monitoring of the National Programme of Action (NPA) and to ensure it accords with the United Nations Convention on the Rights of the Child. In March 2000, the CNCC endorsed and adopted a National Five-Year Plan against child trafficking and commercial sexual exploitation of children.

National legislation establishes a general minimum age for admission to employment – 15 years for both boys and girls – which covers the following:

- work performed in a family-owned or -operated enterprise;
- work performed in enterprises of any size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work; and
- work performed in export processing zones.

Even though, national legislation does not define hazardous work, there is a minimum age for engaging in this type of work – 18 years for boys and girls.

Cambodian law covers the trafficking of children for labour and sexual exploitation.

Work on the draft Ministerial Orders on light and hazardous work, respectively, is in progress.

As regards compulsory schooling for children, the age of both boys and girls at the end of this period is 15 years, with a general requirement of 9 years/grades of instruction.

There are a few cases of child labour in Cambodia. In the formal sector, child labour is present in work involving the use of brick-kilns and in rubber plantations, saltpans, fisheries, etc. and in the informal sector, in scavenging and housework.

With respect to the worst forms of child labour, the following are believed or suspected to exist amongst boys and girls: sale/trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; and illicit activities, in particular production and trafficking of drugs. Pornography is believed or suspected to exist amongst girls.

Efforts made or envisaged to realize the effective abolition of child labour

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and eliminate the worst forms of child labour:

- legal reform: the Royal Government, ILO/International Programme on the Elimination of Child Labour (IPEC), Licado and Human Rights in Cambodia organized two workshops related to this subject and work is in progress on the draft Ministerial Orders related to hazardous and light work, respectively;

- inspection/monitoring mechanisms: the Child Labour Unit, the Department of Labour Inspection and the Cambodian Union Federation are actively inspecting and monitoring various factories;

- penal sanctions: from 10 to 15 years imprisonment for traffickers and deceivers (measure implemented to eliminate the worst forms of child labour only);

- special institutional machinery: the Ministry of Labour (created in 1992), the Cambodian National Council for Children (CNCC) (created in 1995) and the Child Labour Unit (created in 1997);

- free compulsory education: this is provided for in the Constitution of the Kingdom of Cambodia adopted in 1993;

- employment creation/income generation: International organizations (IOs) and non-governmental organizations (NGOs);

- social assistance: Government, NGOs and IOs;

- child rehabilitation: Government and NGOs;

- vocational training: Government and NGOs;

- awareness raising: Government and NGOs; and

- international cooperation programmes: ILO, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).

In addition, civil or administrative sanctions are envisaged to enforce minimum age(s) for employment and eliminate the worst forms of child labour, while penal sanctions are envisaged to eliminate the worst forms of child labour only.

Within these measures or programmes, special attention is given to the needs of scavengers and brick-kiln, saltpan, rubber plantation and fisheries workers.

The National Steering Committee of Child Labour, the Labour Advisory Committee and the Cambodian Union Federation, have been involved in the development and implementation of these measures.

Apart from the ILO, the Government works with the IOM, UNICEF and UNDP to combat child labour.

In relation to the abolition of child labour, the Government records information on:

- the number of children withdrawn from child labour: 200 children have been removed from working with brick-kilns to pursue formal education; and

- the number of ex-child labourers pursuing formal or non-formal education: more than 400 children in the Poipet area (bordering Thailand) are pursuing non-formal education classes.

The Government does not record information on sanctions applied to users of child labour.

As concerns, statistical information on the extent and/or nature of child work, government surveys are undertaken occasionally; the last one was carried out in 2001. The results were published in the Child Labour Survey 2001. Survey results are presented separately by sex, age (from 5-17 years: 5-9 years; 10-14 years; and 15-17 years), occupation, type of activity and number of hours worked.

In the last population census, held in 1998, the lowest age for whom questions were asked about economic activity was seven years.

Progress and achievements with respect to the effective abolition of child labour

The Sub-Committee on Child Labour and Other Forms of Commercial Exploitation of Children has conducted field visits to various provinces in order to observe and monitor the implementation of the National Plan. As a result of these visits, the Sub-Committee has witnessed concrete incidences of child labour. Based on these findings, the Sub-Committee is encouraging positive developments and improving that which was not appropriate.

In order to address the problem of child labour, there is close cooperation between the Child Labour Unit, the Department of Labour Inspection, the Provincial Departments of Labour, employers' associations, trade unions and international organizations, in particular ILO/IPEC. A working group was set up to coordinate the activities. This working group, composed of government officials, workers, NGOs and IOs meets every two months to share experiences and assist its members in their efforts to eliminate child labour.

The Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation has issued Circular No. 012 (Mosalvy) dated 2 June 2000, on the implementation of Safety and Health in Brick-Kilns and Ministerial Order No. 124 (Mosalvy) dated 15 June 2001, on the Manual Lifting of Weights. The Circular and Ministerial Order are contributing significantly to the effective elimination of child labour.

Obstacles with respect to the effective abolition of child labour

The main obstacles encountered in Cambodia with respect to realizing the principle of the effective abolition of child labour are as follows:

- difficulty in implementing regulations, especially Ministerial Orders on hazardous and light work, respectively;
- shortage of competent labour inspectors;
- lack of means of transport;
- lack of understanding of the problem of child labour, the Labour Law, related laws and regulations and international labour Conventions; and
- lack of responsibility by the society as a whole.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Cambodia, in particular in the following areas, in order of priority (1 = most important, 2 = second most important, etc.):

Type of technical cooperation needed	Ranking
Legal reform	2
Policy advice	13
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	3
Training of other officials (e.g. police, judiciary, social workers, teachers)	7
Data collection and analysis	6
Strengthening capacity of employers' and workers' organizations	12
Employment creation, skills training and income generation	8
Social protection systems	5
Awareness raising, legal literacy and advocacy	4
Sharing of experience across countries/regions	9
Cross-border cooperation mechanisms	10
Inter-institutional coordination	11
Special programme for the elimination of the worst forms of child labour	1
Other: Means of transportation	9

In particular, the first three priority area for technical cooperation can be identified as follows:

- need to speed up the Time-Bound Programme;
- need for ILO technical assistance for the drafting of relevant regulations; and
- building the capacity of labour inspectors and related officials, especially at the provincial level.

Report preparation

In preparing this report, other governmental agencies and employers' were not consulted. However, consultations were held with the Child Labour Unit of Mosalvy and the Cambodian Union Federation.

The social partners did not make comments on this report.

A copy of the report was sent to the Cambodian Federation of Employers and Business Associations (CAMFEBA) and the Cambodian Union Federation (CUF).

Canada

Government

The following are developments since Canada's 2002 report (GB.283/3/2) to the Annual Review under the follow-up to the Declaration.

Recognition of this principle and right

Legislation

In the aforementioned report (GB.283/3/2), it was noted that the Government had introduced legislation in Parliament, which included provisions to better protect children from sexual exploitation. Bill 15A, An Act to amend the Criminal Code and to Amend Other Acts, received Royal Assent on 4 June 2002. The Act creates a new offence that targets criminals who use the Internet to lure and exploit children for sexual purposes and makes it a crime to transmit, make available or export child pornography on the internet. It will also provide judges with additional remedial powers and simplify the process for prosecuting Canadians who sexually assault children in other countries.

The new Immigration and Refugee Protection Act (http://www.cic.gc.ca/english/pdf/pub/C-11_4.pdf), which specifically criminalizes the trafficking of persons, including for forced labour, received Royal Assent in November 2001 and came into force on 28 June 2002. Canada also ratified the United Nations Convention Against Transnational Organized Crime and its two Protocols on Trafficking and Smuggling [the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against the Smuggling of Migrants by Land, Sea and Air] on 14 May 2002.

The Rescuing Children from Sexual Exploitation Act (http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/02r05_e.htm), introduced by the Government of Ontario in 2001, received Royal Assent on 27 June 2002. The Act permits police and child protection workers to remove a child under the age of 18 from any situation where the child may be sexually exploited for commercial purposes, including street prostitution, adult entertainment facilities, massage parlours, bawdy houses, escort services, and locations where telephone or internet sex lines are being operated or pornography is being produced. The legislation allows the child to be placed in a safe house for up to 30 days where the child would receive a wide range of services such as medical treatment, drug and alcohol counselling, mental health services and specialized legal assistance. Other provisions allow the Government to take action against individuals who sexually exploit children.

The Remedies for Organized Crime and Other Unlawful Activities Act (http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/01r28_e.htm), also introduced by the Government of Ontario in 2001, came into force on 12 April 2002. The Act creates civil sanctions designed to remove the proceeds of unlawful activities, which could include the worst forms of child labour such as prostitution; pornography; and illicit activities, in particular the production and trafficking of drugs.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

Initiatives and programmes

As host of the third Summit of the Americas in April 2001 and the XIIth Inter-American Conference of Ministers of Labour in October of the same year, Canada promoted the inclusion, in both the Summit and the Conference Declaration and Plan of Action, commitments to work towards the elimination of child labour and, as a priority, to promote hemisphere-wide ratification and implementation of the Worst Forms of Child Labour Convention, 1999 (No. 182). In Ottawa at the Conference of Ministers of Labour, countries agreed to work to bring all national laws, regulations and policies into conformity with this Convention and to take immediate action to eliminate the worst forms of child labour. As part of the Conference's Plan of Action, a Working Group has been tasked to develop strategies for the promotion of Convention No. 182 and other Conventions.

In November 2001, in the framework of implementing the Canada-Chile Agreement on Labour Cooperation, a seminar entitled Child Labour and its Gender Dimensions in the New Economy was held in Santiago, Chile. The purpose of the seminar was to examine and discuss the international legal framework for combating harmful child labour, particularly in relation to elements of the United Nations Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution, and child pornography, and the ILO's Worst Forms of Child Labour Convention, 1999 (No. 182). The exchanges also provided opportunities to compare domestic measures taken in Canada, Chile, and Argentina, for implementation of their respective international obligations.

Similarly, in 2001, as an adjunct to the Canada-Costa Rica Free Trade Agreement, Canada entered into a labour cooperation agreement with Costa Rica. The Agreement contains a commitment to eliminate the worst forms of child labour. Negotiations are now underway with other countries for similar agreements and provisions.

On 18 June 2001, the Minister for International Cooperation unveiled the Canadian International Development Agency's (CIDA) Action Plan on Child Protection: Promoting the Rights of Children Who Need Special Protection Measures. The Child Protection Action Plan places a focus on children affected by armed conflict, including children forced into military service and harmful child labour. Preventing the exploitation of children, including the elimination of the worst forms of child labour is a strategic focus of this Plan.

Following up on commitments made at the Winnipeg Conference on War-Affected Children held in September 2000 and as part of the Canadian International Development Agency's Action Plan on Child Protection in December 2001, the Special Advisor on War-Affected Children to the Minister of International Cooperation, travelled to Sierra Leone to assess the living conditions of the country's children. He witnessed first-hand the impact of the long-term civil conflict on children in Sierra Leone while meeting with CIDA's partners in the field, Christian Aid for Under-Assisted Societies Everywhere (CAUSE) Canada, World Vision, Peacefund Canada and the United Nations Children's Fund (UNICEF). Upon his return, the Special Advisor recommended areas where Canada's efforts could be strengthened to help children heal and build lasting peace.

CIDA undertakes a number of projects for the reintegration of male and female former child soldiers (many of whom are forced labourers), for example in Sierra Leone and the Democratic Republic of Congo.

On 18 November 2001, the International Cooperation Minister announced that the Canadian International Development Agency (CIDA) would contribute $1.3 million to a Mozambican non-governmental organization co-founded and headed by Graça Machel. CIDA is supporting the Foundation and its partner Mozambican organizations to work to improve girl-child education and preventative community health care (including HIV/AIDS), in Inhambane Province, one of the poorest and most vulnerable provinces in Mozambique.

On 8 May 2002, the Minister for International Cooperation announced that Canada will contribute up to $3.5 million over three years to help Colombian children and youth build peace in their country. The funds will support the work of Save the Children in providing educational opportunities for children who cannot attend school and will finance projects that teach peace building and leadership skills for boys and girls in three of the most affected areas in the country. Foster Parents Plan Canada and its partner organization, Plan International Colombia, will receive funding to work with adolescents who live in or near areas that are known recruiting zones for the various armed groups, including drug traffickers and youth gangs.

CIDA has also funded a transit centre in Mali for children escaping forced and harmful child labour in the cocoa industry. In addition, CIDA has committed over $3 million to eliminate the trafficking of children into forced labour and to support the rehabilitation of children who have been trafficked. CIDA is also undertaking a study of the activities of the various international donors and agencies in dealing with the problem of forced child labour and has committed over $4 million to support small cocoa and coffee producer cooperatives. These programs raise awareness of abusive forms of child labour with producers, local communities and children themselves.

The Government of Canada continues to support ILO's International Programme on the Elimination of Child Labour (IPEC) program and contributed $3 million this year (2002) to projects in Central America, the Caribbean and Chile. CIDA also provides core financial support to UNICEF. Much of the international humanitarian assistance that CIDA provides to agencies, including the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP), benefits children affected by armed conflict. CIDA also provides financial support to Canada's non-governmental and academic communities, which are engaged in innovative programming and policy development for children in need of special protection measures. Small projects have been supported through the Canada Fund for Local Initiatives and other locally administered funds.

The attached report, *Canadian Strategy Against Commercial Sexual Exploitation of Children and Youth 1996-2001 Activities* [not reproduced], provides an extensive list of Canadian initiatives aimed at protecting children from all forms of sexual exploitation and sexual abuse.

Annexes (not reproduced)

– Senate of Canada. Five-Year Review 1996-2001 Activities: Canadian Strategy Against Commercial Sexual Exploitation of Children and Youth as Follow-up to the First World Congress in Stockholm, 1996

Colombia

Government

Recognition of this principle and right

In Colombia, the principle of the effective abolition of child labour is recognized in the National Plan for the Progressive Eradication of Child Labour and the Protection of Young Workers.

National Policy for the Progressive Eradication of Child Labour and the Protection of Young Workers

During the past ten years, Colombia has made a special effort to guarantee that children can fully exercise their basic rights. At the international level, it participated in the World Summit for Children, in 1990, and committed itself in the World Declaration on the Survival, Protection and Development of Children and Plan of Action.

The National Development Plans for 1994-1998 and 1998-2002 also incorporated specific objectives and strategies to guarantee the comprehensive protection of children and the full exercise of their rights. In parallel, the legal framework for the protection of children was also strengthened.

One of the Government's specific objectives, which is reflected in all of the plans and social programmes relating to children, is the progressive eradication of child labour (in the under-14 year-age-group) and protection of young workers (aged 14 to 17 years).

As a means of coordinating and enhancing activities by different actors in the field, in 1995, the Inter-institutional Committee for the Eradication of Child Labour and the Protection of Young Workers drew up, with ILO support, the National Plan of Action. It was based on a detailed analysis of trends in child labour nationally, its scale and characteristics and the institutional capacity currently available to prevent early entry into the labour market, save children from having to work and improve working conditions for young workers.[1]

In accordance with the National Development Plan 1998-2002 *Change for Peace*, the Ministry of Labour and Social Security strove to draw up a policy for the prevention and abolition of the worst forms of child labour and the protection of young workers, based on the relevant international instruments and the national legislation, taking into account the urgent need to reconstruct the social fabric in Colombia in order to attain sustainable economic development and social cohesion.[2]

Through the measures taken to date by the various actors, it has been possible to establish the scale and severity of the problem. The unravelling of the social fabric, the exacerbation of the armed conflict in the country and the economic crisis that is ravaging Colombia must be addressed urgently through more targeted activities by the Ministry within a clear institutional framework. This should be done in order fully to restore the

[1] Ministry of Labour, Spanish Agency for International Cooperation (AECI), the ILO/International Programme on the Elimination of Child Labour (IPEC), Project COL95/003, June 1999.

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

rights of children who are working in conditions that endanger their health, development and even their lives or in an environment of exploitation, abuse and neglect of their labour rights.

In order to implement the principles of equity, efficiency, quality and comprehensiveness in the exercise of these rights (not limited to the availability of services, with decentralized and locally executed social policy) it is necessary to apply other methods of designing and focusing on public policies, not as a temporary response to governmental commitments but as a guarantee that citizens can exercise the fundamental rights defined in the Constitution, opening the way for capacity-building.

The Ministry of Labour and Social Security has assumed the role of leader in implementing Colombia's international commitments in the field of prohibiting and eliminating child labour and protecting young workers. Consequently, it is responsible for ensuring that all public policies are sustainable and can in the long term bring about the elimination of the worst forms of child labour and the protection of young workers' rights.

Historical overview of child labour policy development

As mentioned earlier, at the international level, Colombia participated in the World Summit for Children in 1990 and committed itself in the World Declaration on the Survival, Protection and Development of Children and Plan of Action. Consequently, in 1991, the country developed and implemented the National Plan of Action for Children, which set specific objectives in the fields of health, nutrition, drinking water and basic sanitation, education and special protection for children in particularly difficult circumstances. The last of these objectives involves the progressive eradication of child labour and protection of young workers.

In 1994, Colombia organized the Second Meeting on Children and Social Policy. This led to the Nariño Commitment, which reiterated the commitment to progressive eradication of child labour and protection of young workers. In 1997, Colombia hosted the First Ibero-American Tripartite Meeting at the Ministerial Level on the Elimination of Child Labour, which was attended by Ministers of Labour and representatives of employers' and workers' organizations from over twenty countries. This Meeting led to the signing of the Cartagena de Indias Declaration on the Elimination of Child Labour, which included commitments regarding economic and social policy development as a means of progress towards eradicating child labour and guaranteeing the conditions for the all-round development of the most vulnerable population groups in each of those countries. It also called for an end to the worst forms of child labour, including those performed in slave-like conditions; forced or compulsory labour, including servitude in general and debt bondage; the involvement of children in prostitution and the production of pornographic materials or shows; the involvement of children in narcotic and psychotropic substance production; the involvement of children in dangerous or hazardous work; the use of children as substitutes for adult labourers; and the involvement of very young children in the labour market.

In the same year, the Regional Meeting of First Ladies of the Americas in Cartagena de Indias reiterated the commitment to strive to protect the most vulnerable children, including child workers.

The Fourth Ministerial Meeting on Children and Social Policy in the Americas, held in Lima, Peru, in 1998, reiterated and expanded the commitment to strive and invest socially to improve overall living conditions and enhance the well-being of children, adolescents, men and women of this generation and attain the objectives of the 1990 World Summit for Children.

At the national level, 1992 saw the launch of the Presidential Programme of Action for Children, which sought to achieve coordinated and integrated development of the policy for the eradication of child labour and the social policy on children. The Programme strove to bring about cultural change through awareness-raising, publicity and education in children's rights and to lead to social development and the implementation of plans of action for children, ensuring that all governmental activities and plans guaranteed children's rights.

In 1995, the National Council on Economic and Social Policy approved the Era of Children Programme, which outlined the policy on children and specified the objectives, strategies, programmes and tasks that the various sectors had to accomplish and the resources to be allocated to the development of a national policy on children, in particular, the progressive eradication of child labour and the protection of young workers.

Further, in 1995, Decree No. 0859 was adopted. This provided for the creation of the Inter-institutional Committee for the Eradication of Child Labour and the Protection of Young Workers, headed by the Ministry of Labour and Social Security and with the participation of the Office of the President; the Presidential Council on Social Policy; the National Planning Department; the Ministries of Health; Communications and Education; the Colombian Institute for Family Well-being (ICBF); the National Apprenticeship Service (SENA); the National Department of Statistics (DANE); the Office of the Parliamentary Commissioner; international organizations and programmes including ILO's International Programme on the Elimination of Child Labour (IPEC) and the United Nations Children's Fund (UNICEF); representatives of employers' and workers' organizations; non-governmental organizations (NGOs); and various national bodies.

The Committee drew up and implemented the Plan of Action for the Eradication of Child Labour and the Protection of Young Workers, 1995-98, with the support of the ILO and its IPEC programme. The Plan was extended until 2000. It is geared towards preventing early entry into the labour market, supporting children and young people at high risk and protecting and improving young people's working conditions.

The 1996 Covenant for Children, established by the President of the Republic as a central governmental strategy for the development of social policy on children in comprehensive integration with the different sectors of society, represents an important step forward. Another important step is the enactment of Act No. 515 dated 4 August 1999 [Reference is made to the application of ratified Convention No. 138].

The IPEC programme, agreed between the Government of Colombia and the ILO in 1996, brings together different sectors of society in supporting the development of a specific national policy on child labour targeted towards an analysis of the situation; strengthening of institutional capacity and sectoral and inter-sectoral policies for the eradication of child labour; the identification of intervention models for the prevention of early entry into the labour market; removal of child workers from the labour force and the protection of those children; legislative review and adjustment; and awareness-raising among different groups in society to obtain their support for and commitment to the eradication of child labour; and promotion and support of the incorporation of child labour policy into regional and local governmental planning by governors and mayors.

National legislation establishes a minimum age for admission to employment – 14 years for both boys and girls – which covers the following:

- work performed in a family-owned or -operated enterprise;
- work performed in all enterprises regardless of size;

- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- light work; and
- work performed in export processing zones.

With regard to hazardous work, Chapter 3, Article 245 of the Minors' Code, 1989, defines it as work that "involves serious exposure to health risks or risk of bodily injury."

Examples:

- work with toxic substances or those that represent a health hazard;
- work in abnormal temperatures, contaminated environments or with insufficient ventilation;
- work underground, under water, at dangerous heights or in enclosed spaces;
- underground mining work of all types and that which involves hazardous substances such as pollutants, temperature fluctuations or oxygen deficiency as a result of oxidation or gasification;
- quarry work;
- work in an unhealthy environment where the child is exposed to noise over eighty (80) decibels;
- work with radioactive substances, luminescent paints or X-rays or which involves exposure to ultra-violet or infra-red radiation or radio waves;
- work in processing, production, packing, distribution and transport, in water, gas and electricity supply and in all other similar operations and processes that place the child at serious risk;
- refuse collection and any other type of activity that involves contact with biological and pathogenic agents;
- activities that involve handling explosive, inflammable or caustic substances;
- work in the store-room or boiler-room of sea-going transport vessels;
- industrial painting work involving the use of ceruse, lead sulphate or any product containing those chemicals;
- work with sanding machines, with sharp tools, with high-speed grinding machines and similar;
- work with high-temperature furnaces, in foundries, steel factories, laminating workshops, forges and weighted metal presses;

- work involving manual lifting and carrying of loads over 10 kg; the carrying of loads over 20 kg using two-wheeled manual devices; and the carrying of loads over 200 kg using four-wheeled manual devices;
- work connected with the changing of drive belts, oil and lubricants and other work connected with heavy or high-speed transmissions;
- work with chaffing machines, slicing machines, laminating machines, lathes, milling machines, punching machines and other especially dangerous machinery;
- glass and pottery production, grinding and mixing of raw materials; furnace work, polishing and dry sanding of glass; sandblasting; glazed earthenware and etching work; work in the ceramics industry;
- soldering, gas and arc welding, oxygen cutting in tanks or enclosed spaces, in scaffolding and preheated mouldings;
- work in brickworks, pipe factories etc.; manual moulding of pipes; work in brick presses and furnaces;
- work in operations and processes connected with high temperatures and humidity;
- work in the production of iron and other metals, in processes involving toxic vapours or powders and in cement factories;
- work in urban or intercity public transport vehicles whether passenger, freight or mixed, and work as family chauffeurs;
- work in private security companies and in security activities;
- transport of securities by any means;
- live-in domestic service in household other than their own;
- construction and building work involving health risks;
- agricultural and agribusiness activities involving health risks; and
- work that exposes the child to physical, psychological or sexual abuse, including in brothels, places where alcoholic is consumed and areas of street violence.

The minimum age for engaging in this type of work is 18 years for both boys and girls.

The Congress of the Republic is currently debating a draft law, which would endorse the Worst Forms of Child Labour Convention, 1999 (No. 182).

Article 13 of Act No. 548 of 1999 on the extension of the validity of Act No. 418 dated 26 December 1997 and other provisions, establishes that “minors aged under 18 shall not be incorporated into military service units. Eleventh-grade students who have not reached the age of majority and are, under Act No. 48 of 1993, eligible for military service, shall not be called up until they reach the age of majority.”

Act No. 360 of 1997 on the amendment of certain provisions contained in Part II, Section XI of Decree Law No. 100 of 1980 (Criminal Code) on offences against sexual

freedom and modesty and the addition of article 417 to Decree No. 2700 of 1991 (Criminal Proceedings Code) and other provisions, increase sentences for crimes against minors and provides for the involvement of the National Institute for Family Well-being and a competent Commissioner for Families to take the appropriate protection measures, intervene and promote the necessary action by the courts to represent the minor and the family.

The Government of Colombia has responded favourably to the Worst Forms of Child Labour Convention, 1999 (No. 182), using it as the basis for its child labour eradication policy and social policy on children as defined in the National Development Plans, which have provided the framework for state policies, since 1990.

In its policy on children, Colombia has committed itself to building a culture that supports children, involving governmental bodies and all levels of society in implementing the policy through activities to protect children, ensuring that their basic human needs are met and promoting their harmonious and all-round development to attain their fullest potential.

The policy has been implemented through national, regional and local programmes and projects that coordinate the assistance and involvement of the private sector and international organizations, governmental bodies and NGOs within new frameworks for inter-institutional cooperation and action.

The objective is to establish all of the necessary conditions in order to collate information at the national and inter-sectoral level on child labour and child workers at risk, defining and implementing the necessary intra- and inter-institutional mechanisms to guarantee the effective and sustained development of this policy. This includes the enhancement of child labour prevention and inspection mechanisms through the establishment within the new Labour Inspection, Monitoring and Control Unit of a specialized Child Labour Inspectorate consisting of an interdisciplinary group of professionals.

Mechanisms are also being designed within adult employment creation programmes to provide targeted attention to families whose children, for social, economic and cultural reasons, are at an increased risk of being sent to work at an early age. These mechanisms ensure that the labour rights of young workers aged between 15 and 18 years are upheld and promote a culture of reducing occupational hazards to a minimum.

The various bodies involved in the Programme seek to promote cultural change within the community by publicizing the adverse effects of child labour to overcome the attitude that it is legitimate and natural in the types of work described earlier on, in this report.

Despite the efforts made in terms of institutional capacity-building policy and programme development, one of the major challenges still remains. This is the direct intervention and the construction of models to allow for the identification of all child workers so that they may be given comprehensive support to ensure their all-round development.

The Government of Colombia is working through the Ministry of Labour and other relevant bodies with the sectors and communities affected by this scourge in order to eradicate the most extreme and damaging forms of child labour. Special emphasis is being placed, in the relevant strategies and activities, on decentralization, to ensure that initiatives are generated locally and regionally to support the implementation of national policies.

Effective, time-bound measures, with an emphasis on education, also need to be adopted, to prevent the worst forms of child labour, withdraw the children involved, rehabilitate and reintegrate them and ensure that they receive free basic education and, where appropriate, vocational training. Children at risk must also be identified and supported, and the particular situation of girls must be taken into account.

As regards compulsory schooling, both boys and girls are required to complete ten grades of instruction. Chapter II of the Political Constitution on guarantees, rights and duties, 1991, establishes in article 67 that "the State, society and the family are responsible for education, which shall be compulsory between the ages of five and fifteen and shall include, as a minimum, one year of pre-school education and nine years of basic education".

The social context of child labour

Child labour is a social condition that makes it impossible for the individuals involved to exercise their basic rights as children and human beings. In the short term, it may be considered that "child labour engendered by poverty is a means of participation and at the same time a personal and social survival strategy; in the long term, child labour perpetuates poverty and represents a social problem."[3] It creates a vicious circle of self-perpetuating poverty since the child has to work at the lowest level of qualification, in exploitative conditions that make it impossible for him or her to receive education and break out of the situation. Furthermore, when the child reaches adulthood, he or she is unable to do any other type of work and thus, remains trapped in the same way of life.

It has been said that "child labour kills twice. It kills both the child and the adult."[4] The worst labour-related violation of the rights of the child is the resulting gulf of discrimination, since child workers come from poor families and loose the opportunity to develop as human beings and members of society and enjoy and exercise their rights, since they have to work.

In Colombia, children of various ages work in a variety of jobs. The common denominator is that very few of those jobs contribute to their all-round development and training. Most have the opposite effect and do so almost always within a family relationship in which the direct benefits remain within the family. In many cases, they benefit the adults, who justify the child's labour on the basis of the need for family solidarity. This can lead ultimately to a justification of abuse, ill-treatment and exploitation of children, treatment of them as objects and the perpetuation of the situation.

Child labour is clearly caused by poverty. Children are sent to work in order to earn money so that they and their families can survive. The family is not able to invest in their children's education and improving their quality of life. However, in many cases the labour of children and young people is exploited by their own parents and relatives, who instead of acting as protectors and guardians use the argument of economic need to become the beneficiaries of their own children's labour. They justify this action by referring to the tradition of parental authority, which allows them to convert their power into exploitation of those whom they themselves should be protecting, educating and supporting.

[3] Cited by Emilio García Mendez (1996). *Child Labour and Democracy in Latin America* [in Spanish]. Santa Fe de Bogotá. UNICEF Regional Office.

[4] Antonio Carlos Gomes Da Costa.

With respect to the worst forms of child labour, forced recruitment for armed conflict; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs are believed or suspected to exist amongst boys and girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, legal reform, civil/administrative sanctions, free compulsory education and vocational and skills training for young workers have been implemented to enforce minimum age(s) for employment. Employment creation/income generation is also envisaged.

In addition, special institutional machinery, awareness raising/advocacy and international cooperation programmes/projects have been implemented to eliminate the worst forms of child labour.

Moreover, legal reform; inspection/monitoring mechanisms; penal sanctions; social assistance (e.g. stipends, subsidies, vouchers); and child rehabilitation following removal from work are also envisaged.

Within these measures or programmes, special attention is not given to the needs of children.

The National Technical Committee drafted, followed up and assessed the Operative Plans for the Eradication of Child Labour and the Protection of Young Workers 2000 and 2001.

The strategy adopted for developing annual Plans was found to be effective, as was the working group that implemented the Plans, which was composed of representatives of the Ministry of Labour, the National Planning Department, the Office of the Attorney-General, the Office of the Public Prosecutor, the General Confederation of Democratic Workers (CGTD) and ILO/IPEC. They applied the chosen method, assessed it and produced results that were compiled and systematized by IPEC, which also led and coordinated the work very efficiently, as always.

The member institutions adopted the strategy and reported on progress made with regard to eliminating the worst forms of child labour in 2000 and when the 2001 Plan was being developed, they analysed the results to date and determined what needed to be developed further and other subject areas which should be examined in the new Plan.

The consolidated version of the Operative Plan 2000 contained information on desired outcomes, necessary measures, actors, time frames, resources committed, monitoring and the baseline situation.

The progress reports of the institutions covered activities up to 31 December 2000 and resources used (separately listing economic, human and material resources); factors impacting positively or negatively on the outcomes; adjustments to the activities made during implementation; what the institutions need to enhance the implementation of the Plan; the number of beneficiaries, both direct (children and families) and institutions; other related activities not covered in the Plan, and; comments and recommendations.

The Technical Secretariat received information from sixteen member bodies of the Committee – namely, the National Association of Industrialists (ANDI); the Colombian Flower Exporters' Association (ASOCOLFLORES); the Colombian Institute of Sport

(COLDEPORTES); the Confederation of Workers of Colombia (CTC); the National Department of Statistics (DANE); the Commissioner for the Rights of the Child, Young People, Women and the Elderly; the National Department for Planning; the Colombian Institute for Family Welfare (ICBF); the Ministry of Communications; the Institute of Housing and Urban Renewal of the Ministry of Development; the Ministry of Education; the Colombian Mining Company (MINERCOL); the Ministry of Health; the Ministry of Labour and Social Security; the Counsel for the Protection of Children and the Family, and; the National Apprenticeship Service. Reports from a number of bodies are still pending.

As regards the Course of Action for the National Information Subsystem, the project for a detailed inquiry and the enhancement of the national assessment mechanisms can begin implementation once Colombia receives confirmation of resource availability from the donor country, guaranteeing the execution of this project, planned for the 2001-02 period. The implementation of the project will facilitate that of other items contained in the Subsystem.

Furthermore, in the case of the Course of Action for the Social Mobilization and Cultural Transformation, a number of broad-ranging strategies have been developed to maintain awareness of the issue nationally, together with more direct activities (forums, workshops and seminars) targeted at sectors that play a key role in the eradication of child labour. The draft Report on Children made a significant contribution to these strategies.

In addition, with respect to the Course of Action for the Public Health Policies, a series of measures has been taken to introduce the issue of child labour into the Ministry of Health's various activities, particularly in terms of emphasising the relevance of the programme to workers aged under 18, including those working in the informal sector.

Progress in the prevention of child labour, has also been achieved through the development and implementation of educational models on the subject of occupational hazards by the Ministry of Labour.

The public policies developed on the family and children show that the need to earn money for the family is one of the main reasons why children go out to work. It is therefore essential to develop mechanisms to replace the lost income in order to gradually overcome the problem, and the Ministry of Labour must take steps to provide technical assistance for job creation and adult income programmes.

The ICBF is developing guidelines to adapt the operation of community welfare centres to suit the schedules of parents working antisocial hours. The purpose of this is to prevent children being sent to work. The first step has been to conduct preliminary studies in order to examine the situation nationally in connection with families with children aged under five. The same method was followed to develop new systems of after-school childcare to help working parents. On the basis of the two studies, it was possible to plan further action.

The National Association of Industrialists oversaw the adoption, in the Coffee Industry Regulations Act, 1970, of a standard encouraging enterprises to hire young workers, while the Ministry of Development has, through INURBE, promoted and publicized the issue at the national level and continued designing intervention strategies.

The development of public policies on recreation and leisure amenities has facilitated progress both in recreation programmes run by COLDEPORTES and in the play centre programme implemented by the ICBF. However, it is not possible to determine the level of coverage provided to child workers because the necessary instruments are not in place.

Under the follow-up to the Course of Action for Legislative Development, the Inter-institutional Committee strove to bring national legislation into line with international instruments. Over the course of the year, broad publicity was given to Convention No. 182, and the possibility of ratification by Colombia was studied.

Since various bodies, including NGOs and employers' and workers' organizations consider that it should be adopted, the Ministry of Labour, jointly with the Foreign Ministry, began the appropriate proceedings in the Congress of the Republic in the 2001 legislative period. It has already been debated and approved by the Senate of the Republic and is now at the final stage of debate in the Chamber of Representatives.

With the support of Project COL/95/003, the Ministry of Labour has been working to develop mechanisms that bridge the gap between standards and their application, by researching a child labour inspection and monitoring system, which it plans to implement in 2001.

The employers, for their part, have promoted the adoption of a code of conduct to improve the legally established working conditions and promote their adoption by the bodies affiliated to various unions. As part of this drive, ANDI and ASOCOLFLORES have publicized the codes of conduct relating to child labour for their respective industries.

The Course of Action for Direct Intervention has provided for the development and implementation of projects to facilitate the eradication of the worst forms of child labour.

Under the 2001 Operative Plan, approved by the Committee, a number of activities have been pursued. The Working Group appointed by the Technical Committee has continued to develop and implement plans and design instruments on the basis of the results obtained from the 2000 Operative Plan. Courses of Action have been drawn up for 2001 by each of the Committee's member institutions. This body has worked on the revision of the follow-up report to the 2000 Plan and courses of action as a basis for institutional operative plans for 2001. Working groups have been set up within the Committee to provide member institutions with technical assistance in the development of their own institutional operative plans. These plans were then consolidated into the 2001 National Operative Plan and submitted to the Inter-institutional Committee for approval.

The Plan includes annual commitments of various bodies to the progressive elimination of child labour (giving priority to its worst forms) and protecting young workers aged between 15 and 17 years from harmful or dangerous work.

The following institutions are involved: the Presidential Council for Social Policy; the National Planning Department; the National Administrative Department of Statistics; the Ministry of Health; the Ministry of Communications; the Ministry of National Education; the Ministry of Agriculture and Rural Development; the Ministry of Economic Development; the Colombian Institute for Family Welfare; the Colombian Institute of Sport; the Single Confederation of Workers of Colombia (CUT); the General Confederation of Democratic Workers (CGTD); the Trade Union Confederation of Workers of Colombia (CSTC); the National Association of Industrialists (ANDI); the Colombian Mining Company; the Colombian Confederation of NGOs; the Commissioner for the Rights of the Child, Young People, Women and the Elderly; the Counsel for the Protection of Children and the Family; Save the Children; Bell South; Fundación Renacer; the El Minuto de Dios Corporation; and ILO Project No. COL95/003. The Ministry of Labour is responsible for making this policy into state policy and implementing it with technical assistance and cooperation from ILO/IPEC, the Spanish Agency for International Cooperation (AECI) and the Department of Labor of the United States of America.

Colombia remains convinced of the need to contribute to the progressive eradication of child labour, giving priority to its worst forms, and to protect young workers aged between 15 and 17 years from harmful or dangerous work through the development of programmes that address the causes of child labour and ensure the comprehensive and equitable protection of boys and girls and the full restitution of their rights. Various coordinated activities are taking place at the national, regional and local levels, involving governmental, employers' and workers' organizations, non-governmental organizations, children, families and society as a whole.

The Ministry of Labour is continuing to act as policy leader within a framework of inter-institutional action, tirelessly seeking the full restoration of the rights of child workers, who are exposed to risks to their health and their physical, academic, psychological and moral development and in many cases, are vulnerable to exploitation and abuse.

The common denominator in the work done by most children and young workers is that it makes very little contribution to their overall development and training. In most cases, it has the opposite effect. Almost all cases of child labour have a familial element, and in some social groups it is a survival strategy that is considered to be self-justifying.

A large number of children, particularly girls, are employed as domestic servants. These workers are "invisible," scattered and ignored. Far from home, they are exposed to abuse and conditions that are an affront to human dignity and the rights of the child. In many cases the children become marginalized and resort to prostitution or drug trafficking. Teenage pregnancy and disease are also common in this group. Ostracized by their own communities, these children need to be reintegrated into society. For many people in the middle and upper classes, these child servants are an essential status symbol, subject to hidden exploitation that is presented in society as a relationship founded on altruism and generosity.

There is an urgent need for ongoing public awareness activities in order to highlight the issue and involve and commit as many social groups as possible to help Colombia's children now and in the future. The most needy children are those from poor families unable to provide the material support that would allow them to exercise their rights and ensure a viable and competitive future. All of the current efforts towards peace, economic growth and capacity-building depend on these children, who have not had the opportunity of a fair and dignified life. It would hardly be an exaggeration, judging by the current state of affairs that this situation is likely continue i.e. future generations will be trapped in the same cycle of resentment, retaliation and violence if action is not taken now to change things.

Apart from the ILO, the Government works with multilateral agencies, bilateral donors and/or other organizations to combat child labour.

With respect to data, the Government does not record information on the number of children withdrawn form child labour, the number of ex-child labourers pursuing formal or non-formal education or sanctions to users of child labour.

On the other hand, the Government undertakes surveys, occasionally, that provide statistical information on the extent and/or nature of child work. The last one was the DANE Survey of Children and Adolescents, which was undertaken in 1996. Results of surveys are presented separately by sex, occupation, type of activity and number of hours worked.

Statistical information on child labour

Children and young people work mainly in the informal sector, in illegal jobs and as unpaid workers in the home. It is really a "survival strategy" (Knaul, 1993).[5] Most of the work is conducted in the home, mainly by girls, who work full-time caring for siblings, cooking and running the household, standing in for their parents when they are at work. They are thus marginalized or have limited access to education and other activities appropriate to their age.

The National Household Survey and the Survey of Children and Adolescents (1996) represent the most recent measurements of the economic significance of work by children and young people. It was established that out of all child workers aged seven to 11 years in the eight largest cities, 49.3 per cent of boys and 64.9 per cent of girls worked in trade and retail. However, with regard to child workers in rural areas aged 10 to 11 years, 87 per cent of boys and 50 per cent of girls were engaged in agricultural work.[6]

The working week varied between 12 and 15 hours. Pay varied significantly by gender i.e. boys earned 47 per cent of the legal minimum hourly wage, while girls earned only 13 per cent. In rural areas, 10 to 11 year olds worked an average of 28 hours per week, but pay was low at only 12 per cent of the legal minimum hourly wage.

While a large percentage of children of both sexes worked in the morning and/or the afternoon, many girls worked only at night (10.2 per cent) or in the afternoon and at night (11.2 per cent), which could indicate a connection with sexual exploitation.

The workplace situation was very varied, with 38.3 per cent of children working at home, 22.4 per cent at other premises and 23.4 per cent outdoors. A large percentage of girls (65.9 per cent) worked in the home, either their own or that of another family, indicating that primarily girls are involved in housework or employed as domestic servants. However, 27.6 per cent of girls worked outdoors.

It was calculated that approximately 10 per cent of children aged 12 to 13 years and 26 per cent of children aged 14 to 17 years were involved in "work" according to the traditional definition. If housework was included, the percentage rose to 15 per cent for 12 to 13 year olds and 34.2 per cent for 14 to 17 year olds.

By gender, 30.4 per cent of girls worked, including housework, in the sense of the definition provided in the previous paragraph. Among boys aged 14 to 17 years, 38 per cent worked according to the same criteria.

In reviewing the breakdown of the urban population by occupation, it can be seen that 61.9 per cent of working boys aged 12 to 13 years work as traders or vendors, against only 36.6 per cent in 1992. Girls of the same age group work primarily in the service industry (77.7 per cent). Among older children (14 to 17 year olds), 49.5 per cent of boys work as labourers and operators and 59.9 per cent of girls work in the service industry. Rural boys of both age groups work mainly in agriculture (80 per cent of the 12 to 13 year olds and

[5] Felicia Knaul (1993). *Inter-institutional seminar on child labour in Colombia*. National Planning Department. UNICEF.

[6] Data for cities: *Survey of Children and Adolescents (1996)*; data for rural areas: *National Household Survey (1996)*.

81.4 per cent of the 14 to 17 year olds), while girls work as service staff and agricultural workers (46.7 per cent and 28.9 per cent respectively).

When the figures are analysed by economic sector, it can be seen that 66 per cent of urban boys aged 12 to 13 years work in trade and 70.6 per cent of girls of that age group work in the service sector. In the 14 to 17 year age group, 33.9 per cent of boys work in trade and 23.2 per cent in industry, while 55.3 per cent of girls work in the service sector and 27.5 per cent in trade. In rural areas, agriculture is the main source of employment for boys (81.4 per cent of 12 to 13 year olds and 82.4 per cent of 14 to 17 year olds are engaged in that industry). Girls, on the other hand, work in agriculture, trade and services, with 44.5 per cent of 12 to 13 year olds working in agriculture and 21.3 per cent in trade, while 31 per cent of the older age group works in agriculture and 41.4 per cent in the service industry.

Both genders work the same number of hours, with boys and girls aged 12 to 13 years working a national average of 36 hours per week, 40.2 hours a week for those aged 14 to 15 years and 49.2 hours for those aged 16 to 17 years.

The resulting income is low, with girls aged 12 to 13 years earning the equivalent of 20 per cent of the legal minimum wage per hour, while boys receive 31 per cent. Although the pay is higher for the next age group, it remains below the legal minimum, with boys receiving 66 per cent and girls 48 per cent.

In the 14 to 17-year-age-group, a total of 25.3 per cent of children work; this includes tasks in the home. Their average working week comprises of 40.4 hours, with pay of 69 per cent of the legal minimum hourly rate. These children are thus working in conditions similar to those of adults, who work a 48-hour week and earn 30 per cent below the minimum wage.

Realistically, in terms of helping family income, child labour makes no substantial contribution, leading as it does to a vicious circle of poverty and marginalization. Most of the work done by these children is overt exploitation and its so-called “benefits” are transferred to adults who do not invest it in the children’s development and thus, deprive them of future opportunities.

Child labour also destabilizes the labour market, forces children to abandon education, increases occupational disease and accident rates, health costs and occupational hazards and, with the excessive supply of unqualified labour, leads to adult unemployment.

It must be remembered that not all children are the same and they have very different opportunities for participating in the economic benefits of Colombia’s development model. The consequences of inequality and the lack of present and future opportunities appear above all to affect the more marginalized and poverty-stricken population groups. These impact all the relevant indices of social instability, in various ways.

In the last population census, held in 1993, the lowest age of persons for who questions were asked about economic activity was 12 years.

Progress and achievements concerning this principle and right

In the past ten years, Colombia has made a special effort to guarantee that children can fully exercise their basic rights. At the international level, it participated in 1990 in the World Summit for Children and committed itself in the World Declaration on the Survival, Protection and Development of Children and Plan of Action.

The National Development Plans for 1994-1998 and 1998-2002 also incorporated specific objectives and strategies to guarantee the comprehensive protection of children and the full exercise of their rights. In parallel, the legal framework for the protection of children was strengthened.

One of the Government's specific objectives, reflected in all of the plans and social programmes relating to children, is the progressive eradication of child labour (the under-14 year-age-group) and the protection of young workers (aged 14 to 17 years).

As a means of coordinating and enhancing activities by different actors in the field, the Inter-institutional Committee for the Eradication of Child Labour and the Protection of Young Workers drew up the National Plan of Action, in 1995, with ILO support. It was based on detailed analysis of trends in child labour nationally, its scale and characteristics and the institutional capacity currently available to prevent early entry into the labour market, saving children from having to work and improving working conditions for young workers.

In accordance with the National Development Plan 1998-2002, *Change for Peace*, the Ministry of Labour and Social Security strove to draw up a policy for the prevention and abolition of the worst forms of child labour and the protection of young workers, based on the relevant international instruments and national legislation, taking into account the urgent need to reconstruct the social fabric in Colombia in order to attain sustainable economic development and social cohesion.[7]

Through the measures taken to date by the various actors, it has been possible to establish the scale and severity of the problem. The unravelling of the social fabric, the exacerbation of the armed conflict in the country and the economic crisis that is ravaging the country, must be urgently addressed through more targeted activities by the Ministry, within a clear institutional framework in order to fully restore the rights of children who are working in conditions that endanger their health, development and even their lives or in an environment of exploitation, abuse and neglect of their labour rights.

In order to implement the principles of equity, efficiency, quality and comprehensiveness in the exercise of rights, not limited to the availability of services, with decentralized, locally executed social policy, it is necessary to apply other methods of designing and focussing public policies, not as a temporary response to governmental commitments but as a guarantee that citizens can exercise the fundamental rights defined in the Constitution, opening the way for capacity-building.

The Ministry of Labour and Social Security has assumed the role of leader in implementing Colombia's international commitments in the field of prohibiting and eliminating child labour and protecting young workers. Consequently, it is responsible for ensuring that all public policies are sustainable and can in the long term bring about the elimination of the worst forms of child labour and protection of young workers' rights.

Convention No. 182 has been examined by the Senate of the Republic and is currently before the Chamber of Representatives for committee and plenary debates.

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

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Colombia, especially in the areas of data collection; strengthening capacity of employers' and workers organizations; employment creation, skills training and income generation; social protection systems; sharing of experience across countries/regions, and; special programme for the elimination of the worst forms of child labour.

Report preparation

In preparing this report, other governmental agencies, employers' and workers' organizations were consulted, and no comments were received from them.

A copy of this report was sent to the following:

- National Association of Industrialists (ANDI);
- National Federation of Traders (FENALCO);
- Association of Small and Medium-sized Enterprise (ACOPI);
- Society of Agriculturalists of Colombia (SAC);
- Single Confederation of Workers of Colombia (CUT);
- General Confederation of Democratic Workers (CGTD); and
- Confederation of Workers of Colombia (CTC).

Cuba

Government

The Government submitted a full report on the principle of the effective abolition of child labour for the 2002 Annual Review under the Follow-up to the Declaration (GB. 283/3/2). The information in that report, i.e. the responses to the questionnaire and the explanations provided in the annex, remains valid and is confirmed in this report. The Government wishes to add the following clarifications in respect of the questions asked on the report form.

Recognition of this principle and right

The worst forms of child labour, as enumerated in the Worst Forms of Child Labour Convention, 1999 (No. 182), do not exist in Cuba. The Penal Code, 1987, establishes severe penalties for offences covered by this Convention and these penalties constitute legal preventive measures.

Furthermore, the Labour Code, 1984, lays down requirements and prohibitions to be observed in exceptional cases where children under the age of 18 are authorized to work, so as to help eliminate occupational hazards and create safe working conditions.

Although the worst forms of child labour listed in Convention No. 182 do not exist in Cuba, the Labour Code and its related regulations are constantly reviewed and amended to

ensure that they are consistent with the reality and practice in the country and the relevant Conventions ratified by Cuba.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

The Government would wish again to refer to the information on the measures adopted over the last forty years, which have made it possible to eliminate or prevent the appearance of the forms of child labour mentioned in Convention No. 182.

Information was provided in the previous report (GB.283/3/2) on provision for the disabled and the absence of child labour in this segment of the population.

A population and housing census was carried out in 2002, and the results are currently being processed.

Progress and achievements concerning this principle and right

Measures taken by the Government and steady progress over decades have ensured that the worst forms of child labour mentioned in Convention No. 182 have not emerged in Cuba. These measures were described previously and relate to the following:

- the high level of education of the whole population;
- the creation of the infrastructure needed to ensure that the education system stretched out to every region of the country, with free education up to the highest levels;
- guaranteed employment and adequate incomes for parents, based on their qualifications, activity and the economic conditions in the country;
- a health system covering the whole population; and
- a comprehensive social security system, which offers a solution to all the problems that a family may face, without the need to resort to child labour.

All the aforementioned points, combined with the Government's desire to pursue an effective policy for the protection and comprehensive development of children and young people, show the results that have been achieved in this direction.

Other economic and social measures in addition to those mentioned in the 2002 report (GB.283/3/2) are as follows:

- the educational system has been improved on the basis of entirely new ideas and approaches. It is being enhanced to make it more consistent with equality, justice, self-esteem and the moral and social needs of the people, and the model of the society that the Cuban people set out to create;
- mass media, audio-visual and computer equipment are being used to convey knowledge to children, adolescents and adults in school and at home;
- the use of television and video has been extended to all primary and secondary educational institutions. Every classroom in the country has a television set;

- in 2001, 44,790 computers were installed and over 12,000 young teachers were trained in this method of teaching not only at the university level but even at the pre-school stage, for those aged five years;

- a total of 2,320 schools in rural and mountain areas, previously without electricity, were equipped with solar panels to provide electricity so that computerisation could reach all the country's schools;

- the Government's policy on young people who have left school and are unemployed is that they should not be placed in work without creating the conditions to encourage their vocational, technical and general cultural development. In 2001, as part of the analysis and diagnostics of employment systematically undertaken in the country, it was found that a considerable number of the unemployed in certain localities, aged between 17 and 29 years, had not completed secondary education, most of them women. Those of them who had not passed their *bachillerato* (school-leaving certificate) are encouraged to do so, and those that already have the certificate are released from study and work and are required to update their general knowledge so as to enter higher education. It is a matter of fully involving these people in education so that they are in a position to reach higher levels in a range of social and economic fields in which they can be used. They are paid a stipend while studying, and are placed in good jobs on completing their studies;

- university education exists in all the country's provinces, so that thousands of budding primary and secondary school teachers, social workers, crafts instructors, workers and technicians in advanced training courses, students in comprehensive young people's training schemes and other development programmes can continue their university studies from their workplace or at home. Education spending in 2002 and investment in the sector is equivalent to 11.4 per cent of the gross domestic product (GDP);

- during the last 18 months, 4,453 new classrooms were created to allow primary education with a maximum of 20 pupils to a class. Efforts are being made to create the same conditions in secondary education. The rate of school attendance at primary level is 100 per cent; and

- a television channel dedicated to education was created and 10 to 12 hours of educational material is transmitted on the other two national channels, as part of an integrated system at all levels of education, to strengthen the specialist and direct teaching by teachers in primary and secondary schools.

The realization of the principle of the effective abolition of child labour is guaranteed by all these measures to improve education, together with:

- legislative provisions that make the minimum age for admission to employment in any activity 17 years;

- protective measures, restrictions and prohibitions that prevent children under the age of 18 from being employed in hazardous work as laid down in the Labour Code and the Occupational Health and Safety Act, and;

- other complementary provisions which were described previously.

Difficulties concerning the realization of this principle and right

Despite the economic and trade blockade, imposed by the United States of America for over 40 years, which has hindered the achievement of higher standards of living for the population, the political will of the Government to prioritize the care of young people and children through the series of measures described earlier is evidence to the fact that the lack of resources is no excuse for child labour. Expenditure in education in the national budget for 2002 is 11.4 per cent of GDP.

This situation is exacerbated in Cuba, as in all developing countries, by the unfair economic order whereby the rich countries raise barriers to access to their markets for the products of developing countries and limit their aid for the development of the poor countries, by imposing all kinds of conditions on them. In Cuba's case, the results achieved were the product of the Government's iron will to prioritise development plans for the benefit of the entire population, especially children and young people, and its enormous efforts in making society aware of the values of human solidarity.

Report preparation

This report has been prepared in coordination with the country's organizations and institutions involved in plans related to children and young people. The questionnaire was sent to the *Central de Trabajadores de Cuba* (Confederation of Workers of Cuba) and the *Grupo de Empleadores Cubanos* (Employers' Group of Cuba). The social partners' views are reflected in this report, a copy of which was sent to them.

Czech Republic

Government

Recognition of this principle and right

A draft Act on the Protection of Children and Young Persons at Work is under preparation and shall be communicated to Parliament in autumn 2002. It contains a general prohibition on child labour with the exception of the performance of light work by children of at least 13 years of age, cultural activities (including advertising activities) and the performance of sports, which has no age limit. The basic principles are that the particular type of work should correspond with the child's maturity and respect should be given to a child's right to rest and free activities. The work of a child will be subject to notification or permission by the Labour Office and to labour and occupational safety inspections. The draft Act shall be adopted by Parliament with a view for it to enter into force in 2003. Subsequently, the Ministry of Labour and Social Affairs will prepare and submit the proposal for the ratification of the Minimum Age Convention, 1973 (No. 138). The Czech Republic ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) in 2001, and therefore, it is preparing the National Action Programme on the Elimination of the Worst Forms of Child Labour.

The following worst forms of child labour are believed or suspected to exist amongst boys and girls: sale and/or trafficking; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs.

According to police statistics, in 2001 there were 27 cases of trafficking for the purpose of sexual intercourse (article 246 of the Penal Code), in which five children under

18 years of age were victims. There was no case of child trafficking [in the context of] article 216(a) of the Penal Code, which covers trafficking, other than that which is sex-related. The Penal Code was amended by Act No. 134/2002 (entered into force on 1 July 2002) with a view to strengthening the protection of children from commercial sexual abuse. This amendment extended the scope of article 246 of the Penal Code from the trafficking of women to sex-related trafficking of all persons without any distinction of sex, and tightened up sanctions in case of certain aggravating circumstances. As a result of the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), this amendment also specified the definition of a child, as a person under 18 years of age, for the purposes of the Penal Code.

Prostitution of children is mainly conducted in big urban agglomerations and regions bordering Germany and Austria. It is very hard to document particular cases and to prove such illegal activities. People involved in these activities, as procurers and so on, can be sentenced for up to three years (and up to 12 years in the case of certain aggravating circumstances) of imprisonment, according to article 204 of the Penal Code.

Article 205 of the Penal Code (dealing with protection from pornography) was also amended by the abovementioned Act No. 134/2002. It now also covers cases of pornographic material published on the internet and sanctions for making pornographic material available to children were tightened.

With regard to drug production and trafficking, 95 persons under 18 years of age were prosecuted for the illegal production and possession of drugs in 2001. Due to the seriousness of this matter, the Ministry of Interior has been working on the conception of a preventive project aimed at limiting drug availability among children and young persons.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

The following measures have been implemented to enforce minimum age(s) for employment:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- free compulsory education;
- social assistance (e.g. stipends, subsidies, vouchers); and
- awareness raising/advocacy.

In addition, legal reform is envisaged.

In view of eliminating the worst forms of child labour, the following measures have been implemented:

- legal reform;

- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- awareness raising/advocacy; and
- international cooperation programmes/projects.

In addition, inspection/monitoring mechanisms, child rehabilitation following removal from work and awareness raising/advocacy are envisaged.

The Ministry of Interior has prepared a "National Action Plan for the Fight against the Commercial Sexual Abuse of Children." This long-term strategy of cooperation between the ministries and non-governmental organizations (NGOs) has been evaluated and is updated every two years. Its last version was adopted by Government Resolution No. 716 of 10 July 2002. Its measures include the reinforcement of legal conditions for the restriction of the availability and distribution of child pornography (for example, the signature and ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography), awareness raising and prevention (training of social workers oriented on the detection of child victims of sexual abuse), raising the effectiveness of police work (better equipment, more policemen specialised in this area and so on) and the protection of victims and witnesses.

Report preparation

The report form was translated and sent to the Ministry of Interior and the Ministry of Education, Youth and Sports, with the request for the provision of relevant information. It was also sent to the Czech-Moravian Confederation of Trade Unions (CMKOS) and the Union of Industry of the Czech Republic, being the most representative [social partners] with the request for any comments and remarks which they would wish to include in the report.

Both the Czech-Moravian Confederation of Trade Unions (CMKOS) and the Union of Industry stated that, in their opinion, there were no substantial changes since the last report (GB.283/3/2). However, no comments were received from employers' organizations.

A copy of the report was sent to:

- the Union of Industry of the Czech Republic;
- the Confederation of Employers' and Entrepreneurs' Unions;
- the Czech-Moravian Confederation of Trade Unions (CMKOS); and
- the Association of Independent Trade Unions.

Eritrea

Government

No significant changes have been noted since the last report to the Annual Review (GB.277/3/2) under the Follow-up to the Declaration. [The Government makes reference to a report on ratified Convention No. 138]. The Government has submitted the Worst Forms of Child Labour Convention, 1999 (No. 182) to the competent authorities. Ratification of this Convention is under review.

Priority needs for technical cooperation

The Government would indeed appreciate any technical cooperation provided by the ILO with regard to the worst forms of child labour, in general, and especially through a national programme of the International Programme on the Elimination of Child Labour (IPEC).

In addition, capacity-building (relating to methods of combating child labour, including its worst forms) of the Labour Department, the social partners and stakeholders would also be welcomed.

Report preparation

A copy of this report has been communicated to the Employers' Federation of Eritrea (EFE) and the National Confederation of Eritrean Workers (NCEW), for possible comments.

Estonia

Government

Recognition of this principle and right

In Estonia, the principle of the effective abolition of child labour is recognized in national legislation.

The Government does not intend to adopt a national policy or plan aimed at ensuring the effective abolition of child labour. However, the national legislation establishes a general minimum age for admission to employment – 16 years for both boys and girls.

The general minimum age for admission to employment covers self-employed work, commercial agriculture, light work and work performed in export processing zones.

Provisions applying to the types of work not covered by the general minimum age are found in section 7 subparagraphs 4, 5 and 6 of the Employment Contracts Act, 1992, which provides as follows:

> 7. Circumstances to which the Employment Contracts Act does not extend.
>
> The Employment Contracts Act, 1992, does not extend to:
>
> (4) work as a member of a farming family for family enterprise in a family farm enterprise or in a family enterprise

(5) household work by parents, spouses or children for one another and care by such persons for one another

(6) work by family members in a shared household and care for family members.

Hazardous work is defined in section 36 of the Employment Contracts Act, 1992, which provides as follows:

36. Work for which employment of minors is prohibited

It is prohibited to hire and employ minors for heavy work, work which poses a health hazard or has dangerous working conditions, underground work, or work which endangers the morality of minors. The list of work which is prohibited for minors shall be determined by the Government of the Republic.

The minimum age for engaging in hazardous work is 18 years for both boys and girls.

No laws or regulations exist in Estonia with the aim of eliminating any of the worst forms of child labour. A special Act on the Employment of Young Workers was drafted but, following a decision by the Government, relevant articles concerning minors will be included into other labour Acts.

Steps are currently being taken to amend existing legislation or introduce a new one to address the elimination of the worst forms of child labour.

As regards compulsory schooling, the age of both boys and girls at the end of this period is 17 years, with a general requirement of 9 years or grades of instruction.

The principle of the abolition of child labour is acknowledged by the Republic of Estonia. Estonian practice and customs do not favour children working; the under-aged 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 the society.

The following worst forms of child labour are believed or suspected to exist amongst boys and girls in Estonia: prostitution; pornography; and illicit activities, in particular production and trafficking of drugs.

In addition, some cases of prostitution and children involved in drug use and trafficking are presented in a rapid assessment carried out among children and young adults in February and March 2002, through the application of the Rapid Assessment methodology prepared by the ILO and the United Nations Children's Fund (UNICEF). It was published by the ILO in June 2002.

Slavery and other forms of forced labour are illegal for all ages. Trafficking is not known to exist, and if it were to become known, it would be vigorously repressed by the police. Armed conflicts, in particular those which might involve children, are not known to exist.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

Article 33 of the Child Protection Act, 1992, provides as follows:

33. Protection from sexual abuse

The child shall be protected from all forms of sexual exploitation; the following is prohibited for adults:

(1) inducement of a child to engage in sexual activity;

(2) exploitative use of children in prostitution;

(3) exploitative use of children for pornographic progress.

In addition, the following measures have been implemented to enforce minimum age(s) for employment:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- free compulsory education;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

Measures are also provided by legal Acts – namely, the Employment Contracts Act, 1992, the Child Protection Act, 1992, the Penalties Act, 2002, and the Basic School and General Upper-Secondary Education Act, 1993.

Moreover, in cooperation with the ILO, trafficking of drugs by children was investigated. The results are published in *Children and Adolescents Involved in Drug Use and Trafficking: A Rapid Assessment – Estonia* by Nelli Kalikova, Aljona Kurbatova, Ave Talu, Investigating the Worst Forms of Child Labour, No. 37, ILO 2002.

Within these measures or programmes, no special attention is given to the needs of particular groups of children.

Apart from the ILO, the Government does not work with any other multilateral agency, bilateral donors or other organizations to combat child labour.

No information is collected on the number of children withdrawn from child labour and the number of ex-child labourers pursuing formal or non-formal education. However, sanctions applied to users of child labour are recorded by the police and the courts. In addition, a Labour Force Survey, which includes information on minors (16 and 17 years) involved in economic activities, is carried out every year.

The results are presented separately by sex, age (16 and 17), occupation, type of activity and number of hours worked.

The last population census took place in 2000. The questionnaire of the population census asked about sources of subsistence of every person, in spite of his/her age. Specifications on employment or economic activity were requested in cases where wages or salaries were earned.

Progress and achievements concerning this principle and right

The Government considers that adequate police and regulatory mechanisms are in place and that the number of working children is very low (less than 0.01 per cent of

economically active persons). In addition, a new Penalty Act was adopted by Parliament on 1 September 2002.

Difficulties concerning the realization of this principle and right

The number of labour inspectors is not enough to be able to find all cases of the illegal use of child labour.

Priority needs for technical cooperation

There is no need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Estonia.

Report preparation

The report preparation involved consultations with other governmental agencies, as well as with employers' and workers' organizations, which presented their completed questionnaires and comments to the Ministry of Social Affairs. Different opinions, due to different interpretations of the questions, were discussed and a common view was formed.

A copy of this report was sent to the Estonian Confederation of Employers and the Estonian Confederation of Workers.

Ethiopia

Government

Recognition of this principle and right

In Ethiopia, the principle of the effective abolition of child labour is recognized in the Constitution, legislation, judicial decisions~~,~~ and collective agreements.

The Constitution of the Federal Democratic Republic of Ethiopia (Article 36/1/d) provides, for children under the age of 18, the right to be protected from exploitative, hazardous or harmful jobs, which limit a child's educational carrier and impair his or her health or well-being.

In the Labour Proclamation No. 42/1993, children under the age of 14 are prohibited from any kind of formal employment. Ethiopia has ratified the Minimum Age Convention, 1973 (No. 138) and the United Nations Convention on the Rights of the Child (CRC). The overall goal is to achieve the effective abolition of the employment of children and the progressive increase of the minimum age for the entry of young persons into employment.

The Government of Ethiopia is currently working towards the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) to ensure that children are protected from hazardous, heavy, dangerous and abusive work. Moreover, the Government is conducting a National Child Labour Survey, to be able to get information on the prevalence and extent of child labour. This Survey is being undertaken in collaboration with the ILO.

Legislation in Ethiopia establishes a general minimum age for admission to employment – 14 years for both boys and girls, which covers the following types of work:

- work performed in a family-owned or -operated enterprise;
- commercial agriculture;
- family and small-scale agriculture; and
- light work.

There are no export processing zones or similar types of enterprises in the country.

Hazardous work is not defined, listed or identified in the national legislation, but the Government is planning to do so, depending on its capacity.

Although, no national laws or regulations exist in Ethiopia with the aim of eliminating the worst forms of child labour, steps are currently being taken to amend existing legislation or to introduce a new one to address this issue. As indicated earlier, the Government in collaboration with the ILO is undertaking a National Level Census on the situation of child labour in the country. Further, a list of dangerous trades/operations that can lead to adverse effects on the safety and health and moral development of young workers will be regulated together with the National Occupational Safety and Health Regulation/Directive, which is also under formulation.

There is no compulsory schooling for children in Ethiopia.

Even though the Census Survey Report has not yet been officially published, child labour is a growing phenomenon, particularly in the urban centres of the country. The problem is much more common in small-scale enterprises, the informal sector and in agricultural firms.

As regards the worst forms of child labour, it is not known whether sale or trafficking actually exists in Ethiopia but they are believed or suspected to exist amongst boys and girls. Debt bondage, serfdom, forced or compulsory labour; pornography; and illicit activities, in particular production and trafficking of drugs are also believed or suspected to exist amongst boys and girls. Moreover, prostitution is believed or suspected to exist amongst girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

The following measures have been implemented to enforce minimum age(s) for employment:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- employment creation/income generation;
- child rehabilitation following removal from work;
- vocational and skills training for young workers;

- awareness raising/advocacy; and
- international cooperation programmes/projects.

In addition, free compulsory education is envisaged.

As regards the elimination of the worst forms of child labour, the following measures have been implemented:

- inspection/monitoring mechanisms;
- penal sanctions;
- employment creation/income generation;
- child rehabilitation following removal from work;
- awareness raising/advocacy; and
- international cooperation programmes/projects.

Within these measures or programmes, no special attention is given to the needs of particular groups of children.

Apart from the ILO, the Government works in particular with the United Nations Children's Fund (UNICEF) to combat child labour.

The Government does not record any information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and sanctions applied to users of child labour. However, relevant surveys are undertaken occasionally and the last one, which has not yet been finalised, was for the years 2001-2002.

Progress and achievements concerning this principle and right

The following measures have been undertaken in Ethiopia that can be regarded as successful examples in the abolition of child labour:

- the ratification of the Minimum Age Convention, 1973 (No. 138);
- the constitutional protection of the rights of the child (Article 36);
- the prohibition of the engagement of children under 14 years of age in any formal employment (article 89/2 of the Labour Proclamation); and
- the ratification of the United Nations Convention on the Rights of the Child.

Social partners have participated regularly in the ratification process and legislation formulation, either by awareness creation programmes or in Parliament.

There have been no changes with regard to the regulation or policy instrument since the last government report.

Difficulties concerning the realization of this principle and right

The main obstacles that have been encountered in Ethiopia with respect to realizing the principle of the effective abolition of child labour are linked with poverty, unemployment, lack of data/information and weak enforcement.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Ethiopia, in particular in the following areas, in order of priority (1 = most important):

Type of technical cooperation needed	Ranking
Legal reform	2
Policy advice	2
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	1
Social protection systems	1
Awareness raising, legal literacy and advocacy	2
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	1
Inter-institutional coordination	1
Special programme for the elimination of the worst forms of child labour	1

Report preparation

Following consultations, employers' and workers' organizations made comments on the report. However, the Ethiopian Employers' Federation (EEF) did not participate in the meeting concerning this report.

A copy of this report was sent to the Ethiopian Employers' Federation (EEF) and the Confederation of Ethiopian Trade Unions (CETU).

Fiji

Note from the Office

The Office received no report from the Government for the annual reviews of 2000, 2001, 2002 and 2003.

Observations submitted to the Office by the Fiji Trades Union Congress (FTUC)

Recognition of this principle and right

In Fiji, the principle of the effective abolition of child labour is not recognized in the Constitution, legislation, judicial decisions or collective agreements. However, under section 2 of the Employment Act (Cap. 92), 1965, "'child' means a person who has not attained the age of 15 years", while "'young person' means a person of or over the age of 15 but under the age of 18 years".

There is no national policy or plan aimed at ensuring the effective abolition of child labour. National legislation establishes a general minimum age for admission to employment – 12 years for both boys and girls. In this respect, section 59(1) of the Employment Act (Cap. 92), 1965, provides that no child under the age of twelve years shall be employed in any capacity whatsoever […]. This Act (sections 61-71) also imposes some restrictions on the employment of children and young persons up to the age of 18 years.

The general minimum age for admission to employment covers the following types of work:

- work performed in a family-owned/operated enterprise;
- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work; and
- work performed in export processing zones.

No child is to be employed in any industrial undertaking and in any type of work that is injurious to his/her health, or dangerous or unsuitable.

Although the minimum age for engaging in hazardous work is over 18 years for boys and girls, this type of work is not defined in national legislation.

No laws or regulations exist in Fiji with the aim of eliminating the worst forms of child labour and no steps are currently being taken to amend existing legislation or introduce a new one to address this issue.

The age of boys and girls at the end of compulsory schooling is 13 years. Thus, they are required to attend classes 1 to 8 (ages 6 to 12), in order to complete compulsory education (compliance is not monitored).

Children are employed in activities such as bottle collecting and shoe shining, and also as shop assistants, packers, maidservants; and in back-yard garages.

As concerns the worst forms of child labour, it is not known whether sale or trafficking exists in Fiji. However, prostitution, pornography and illicit activities (in particular production and trafficking of drugs) are believed or suspected to exist amongst boys and girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

No specific measures or programmes of action have been implemented or are envisaged to bring about the effective abolition of child labour.

The Government does not work with any multilateral agency (other than the ILO), bilateral donors or organizations to combat child labour.

In relation to the abolition of child labour, no information is recorded by the Government on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or sanctions applied to users of child labour. The same applies to surveys in view of providing statistical information on the extent or nature of child work.

In the last population census, held in 1996, the lowest age of persons for whom questions were asked about economic activity was 15 years.

Progress and achievements concerning this principle and right

No special measures undertaken in Fiji could be regarded as successful examples in the abolition of child labour.

Annexes (not reproduced)

– An Act to Provide for the Control of Conditions of Employment (Cap. 92), 1965, (sections 1-5 and 54-72).

Gabon

Government

Recognition of this principle and right

Child labour is an emerging phenomenon which has been introduced into the country by foreign communities living in Gabon. It involves foreign children and is aggravated as a result of the trafficking in these children. The urgency of the problem led the Government to set up an Inter-Ministerial Committee on the Prevention of Child Labour and Trafficking in Children in May 2000. This Committee is responsible for presenting the Government with a national strategy to overcome the phenomenon with the help of civil society, collaboration with the countries of origin and transit of the children and development partners. It would be premature to suggest a date for the adoption of this national strategy.

The laws and regulations for the elimination of the worst forms of child labour, or some of them, are:

1. Decree No. 31/PR/MTEFP of 8 January 2002 on the prevention of child labour pursuant to the provisions of Article 51 of the Constitution and article 117 of the Labour Code; and

2. the draft Order which amends and supplements certain provisions of the Criminal Code with respect to the trafficking, pledging children under the age of 16 years or acceptance of such pledges as security, as well as trafficking in and exploitation of human beings (Council of Ministers, 13 August 2001).

The abovementioned Decree sets out practical measures such as denunciation of any act of employing a child, placement in appropriate reception or transit centres of children under the age of 16 exploited for the purposes of labour, repatriation of children of foreign nationality to their country of origin at the expense of the person or persons who have them in their charge or who employed them.

Under the abovementioned order, prior to that, "any person who organizes or facilitates trafficking in children or who participates, in particular their transportation, introduction into the national territory, reception, accommodation, sale, illicit employment or who has gained any benefit therefrom, shall be punished by a term of imprisonment or a fine of from 10 to 20 million CFA francs" [about 15,240 to 30,480 US dollars on 21 November 2002].

In Gabon, child labour and the trafficking in children are linked. The child victims of this scourge come from West Africa (97.5 per cent), Central Africa (1.5 per cent) and other countries (1 per cent).

Of the total number of child workers, 71.2 per cent are employed in the tertiary sector, where commerce alone accounts for 49.2 per cent, 12.6 per cent boys and 36.6 per cent girls; 4.6 per cent are employed in households as domestic servants or baby-sitters, 3.9 per cent in restaurants and bars, 1.3 per cent of them boys and 2.6 per cent girls.

Boys, 3.3 per cent, are employed in urban transport, and other services absorb 10 per cent of the victims of trafficking in persons.

In the secondary sector, only boys are employed: 5.8 per cent in garages and 2 per cent in carpenters' shops and similar workshops. In all, child labour in this sector is 12.6 per cent.

In the primary sector, children are employed in the following activities: fishing, 9.5 per cent and agriculture, 6.6 per cent.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In the context of measures or programmes concerning child victims of human trafficking, particular attention is paid to the needs of certain groups of children. These, as indicated above, are child victims of the trafficking in human beings from countries already identified. To this category of children is added so-called "street children".

The following measures are being taken in relation to children:

(1) once the place of employment has been located, and the child and the employer have been identified, the child is automatically removed from the latter;

(2) the child is admitted and taken in charge by an appropriate institution:

– for expatriates, the diplomatic mission of the country of origin is asked to help with voluntary repatriation;

– for national children, the parents are sought and the child is restored to the family.

Employers' and workers' organizations have taken part in drawing up and implementing measures and action programmes to disseminate information to all the partners through seminars, conferences, workshops and their active involvement in the activities of national tripartite bodies.

With respect to the bilateral level, the Government is initiating contacts with the representatives of donor countries which can support its actions in all stages of the process to allow the removal and voluntary repatriation of children to their country.

At multilateral level, Gabon has embarked on the operational phase of the International Programme on the Elimination of Child Labour (IPEC), following the launch of the national project in May 2002.

The development of the partnership with the United Nations Children's Fund (UNICEF) continues. This partnership is very active in training and advocacy. The Government requested and obtained, through the African Commission on Labour and Social Affairs, the inclusion of the child labour question on the agenda of sessions of the Organization of African Unity (OAU).

Civil society (non-governmental organizations, NGOs, and associations) undertakes actions in this context, in particular reception of children and raising public awareness. These associations include the Association for the Protection of Women's and Children's Rights (ADDFE), SOS MWANA, the Gabonese Association (AGOS) and the Gabon Association of Women Teachers (AFEG).

Survey results are broken down by sex (56 per cent girls against 44 per cent for boys): by age group (12 years – 40 per cent, 13 to 15 years – 32.6 per cent and 16 to 18 years – 27.3 per cent); and by branch of activity (tertiary sector: 71.2 per cent (including 49.2 per cent in commerce), the secondary sector, which employs only boys: 12.6 per cent (5.8 per cent in metal and iron working; 5.8 per cent in garages and 2 per cent in carpenters' and similar workshops); and the primary sector: 16 per cent (9.5 per cent in fishing and 6.6 per cent in agriculture)).

Progress and achievements concerning this principle and right

In view of the importance the Government attaches to the abolition of child labour, a number of actions have been successfully undertaken to that end. Here we just indicate some of them as an illustration of their impact on the efforts to eradicate the phenomenon.

In addition to the adaptation of the legal framework to take account of child labour, and the creation of a technical body responsible for implementing the platform of action, the following should be mentioned:

- ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182);
- project for the creation of a special child labour inspectorate;
- launch of a publicity campaign with the collaboration of NGOs, "ALISEI" and UNICEF;
- launch of the IPEC project, following the recruitment and installation of the national coordinator;
- intensification of cooperation with the diplomatic missions of the African countries from which child workers come; and
- organization of subregional consultation on the issue.

In addition, since the last government report (GB.283/3/2), the following changes should be noted:

- the adoption of Decree No. 31/PR/MTEFP of 8 January 2002 on the prevention of child labour; and
- the launch of the IPEC project in May 2002.

Difficulties concerning the realization of this principle and right

Although not an exhaustive list, the following can be regarded as national obstacles to the implementation of the principle of abolition of child labour:

(1) the lack of relevant training of civil servants in the departments concerned – labour inspectors, security forces, judges, social affairs, finance;

(2) the inadequacy of effective collaboration between these departments despite the establishment of the Inter-Ministerial Committee;

(3) the reticence of foreign communities for whom child labour is a normal practice;

(4) the shortage of logistical and financial resources in the departments concerned; and

(5) the arrest and conviction of national and foreign offenders – in this respect the contribution of the media (television, press) could be used to publish the identity of such offenders.

Report preparation

The report form was made available to government agencies, employers' and workers' organizations to obtain their views which were taken into account in the preparation of this report.

A copy of this report was sent to the following organizations:

– the Confederation of Gabonese Employers (C.P.G.)

– the National Confederation of Gabonese Employers (C.N.P.G.)

– the Gabonese Trade Union Confederation (COSYGA)

– the Gabonese Confederation of Free Trade Unions (C.G.S.L.)

– the Gabonese Union of Workers (U.T.G.) and

– the Trade Union Congress of Gabon (C.S.G.).

Ghana

Government

Recognition of this principle and right

In Ghana, the principle of the effective abolition of child labour is recognized, in the Constitution, legislation, judicial decisions, collective agreements, and through:

- the establishment in 1979 of the Ghana National Commission on Children (GNCC); a public institution which operates within a legal framework to formulate policies related to child welfare, and serves as a coordinating body involved in advocacy and monitoring of child-related activities;
- the signing of a Memorandum of Understanding between the Government of Ghana and the ILO/International Programme on the Elimination of Child Labour (IPEC) in March 2000, which was followed by the launching of the IPEC Programme in Ghana;
- the establishment in March 2000 of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC);
- the establishment of a Child Labour Unit within the Labour Department to facilitate action on the worst forms of child labour, in March 2000;
- the ratification of the Worst Forms of Forced Labour Convention, 1999 (No. 182), on 13 June 2000;
- the establishment of a National Steering Committee on Child Labour, in August 2000;
- the development of a National Plan of Action to Combat Child Labour, in November 2000;
- the establishment of the Ministry of Basic Secondary and Girl-Child Education, in January 2001;
- the establishment of the Ministry of Women and Children's Affairs, in January 2001;
- the establishment of several institutions to deal with the child labour menace by the Ministry of Women and Children's Affairs in parallel, in January 2001; and
- the launching of a three-year Child Trafficking Project by the ILO/IPEC in collaboration with the Ministry of Manpower Development and Employment and the Ministry of Women and Children's Affairs (towards the elimination of child trafficking in the country), in March 2002.

In addition, the following national plans and policy are aimed at ensuring the effective abolition of child labour:

- the National Plan for Action on Child Labour;
- the National Plan of Action on Trafficking of Children for Labour Exploitation; and
- the National Policy on Street Children and Child Labour which is being developed by the Ministry of Manpower Development and Employment.

The objectives of the National Plan of Action are to set up the national policy on child labour and guide all institutions working in this area.

Legislation in Ghana establishes a general minimum age for admission to employment – 15 years for boys and girls (the 1992 Constitution of Ghana and the Children's Act No. 560 of 1998).

The general minimum age for admission to employment covers the following types of work:

- work performed in a family-owned/operated enterprise;
- work performed in enterprises below a certain size (small);
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- work performed in export processing zones; and
- all types of work excluding light work.

It does not cover light work, the minimum age of which is 13 years.

The minimum age for engaging in hazardous work is 18 years for boys and girls, and this type of work is defined by Part V (Section 91.3) of the Children's Act No. 560, 1998, as work that poses a danger to the health, safety or morals of a person, such as: work at sea; mining and quarrying; lifting and carrying of heavy loads; the production and use of chemicals; work in places where machines are used; and work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.

Moreover, in order to address the elimination of the worst forms of child labour the New Labour Bill, currently before Parliament, and the Criminal (Amendment) Code, 1998, are being elaborated and amended respectively to include child trafficking clauses.

The national legislation derives from international treaties on the rights of the child, which Ghana has either ratified, or is party to. Thus, the Children's Act No. 560, 1998 and the Criminal (Amendment) Code, 1998, even though enacted prior to the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) by Ghana, have reflected the provisions of this instrument as well as those of the Minimum Age Convention, 1973 (No. 138), which will soon be ratified by Ghana. The provisions of the United Nations Convention on the Rights of the Child, which was ratified by Ghana in 1990, are also reflected in legislation.

However, there have been some lapses have been identified in the aforementioned Acts – namely the principal enactments on the worst forms of child labour, such as the citing of child trafficking and compensation for child victims. The amendment of the laws has already been initiated.

In addition, penalties in the local currency that appear now to be low, should be reviewed.

Compulsory schooling in Ghana is backed by the Free Compulsory Universal Basic Education (FCUBE) policy. The age of boys and girls at the end of compulsory schooling is 15 years, with a general requirement of 9 years or grades of instruction.

The national situation in practice with respect to child labour, including the informal sector is as follows:

- child labour in farms;
- child labour in fishing;
- shepherd boys;
- informal mining;
- shoe mending;
- ritual servitude;
- bondage;
- prostitution;
- pick-pocketing;
- drug peddling;
- armed robbery;
- construction work;
- informal trades;
- truck pushing;
- street vending;
- chop bar attendants;
- drivers' mates/collectors;
- domestic servants; and
- scavengers.

As regards the worst forms of child labour, it is not known whether pornography exists in Ghana. However, sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; and illicit activities, in particular production and

trafficking of drugs are believed or suspected to exist amongst boys and girls. In fact, all the worst forms of child labour, with the exception of child combatants or child soldiers, are believed or suspected to exist in Ghana.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and to eliminate the worst forms of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

Other related measures include the following:

- the ILO/IPEC Programme;
- the Poverty Reduction Programme;
- the Emergency Social Relief Funds;
- the Social Investment Fund; and
- the Poverty Reduction Programme Street Children component sponsored by the World Bank.

With regard to the Street Children Component of the Poverty Reduction Programme, special attention will be given to children living in the streets – the most vulnerable group of child workers.

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

The ILO/IPEC Programme gives special attention to children engaged in the worst forms of child labour, including street children, child domestic workers, head porters, children in prostitution, children working in small mines, children working in hazardous situations or abusive conditions and young children below 12 years of age and girls.

The ILO/IPEC, in collaboration with the Government, is implementing four pilot projects to withdraw working children, rehabilitate and mainstream them into formal schools or vocational training programmes. In this respect, a total of 1,006 working children have been withdrawn from workplace, provided with counselling and placed in either formal basic schools or non-formal education or vocational training institutions. In addition, the Government, in the framework of the National Poverty Reduction Programme, is providing assistance to vulnerable groups in the informal sector and to families of working children, mainly through micro-credit schemes.

The ILO/IPEC, in collaboration with the Government of Ghana, has established the following projects around the nation to withdraw working children, counsel and mainstream them into formal or informal schools:

- female ritual servitude: in Akatsi, District of Volta Region;
- child prostitution: in Cape Coast/Elmina, Central Region;
- Child domestic workers: in Kumasi Ashanti Region; and
- Preventive actions of *Kayaye*: in Tolon Kunbuyu, District of the Northern Region.

For further information, please refer to:

- the reports on child trafficking in Ghana commissioned by ILO/IPEC Ghana and the Danish International Development Agency (DANIDA) in April 2000 and February 2002, respectively (Annexes Nos. 7 and 8 [not reproduced]); and
- the ILO/IPEC Brief on the Elimination of Child Labour in Ghana and the Ghana Status Report (June 2002) enclosed as Annexes Nos. 9 and 10 [not reproduced], respectively.

Employers' and workers' organizations (and civil society) are represented in all the following committees and task forces:

- ILO/IPEC National Steering Committee;
- ILO/IPEC Educational Task Force; and
- ILO/IPEC National Task Force against trafficking of children for labour exploitation.

They are involved in the establishment and functioning of the aforementioned bodies.

As regards technical cooperation, the Government of Ghana is working in collaboration with ILO/IPEC and other stakeholders (child rights organizations) on international and national social mobilization programmes aimed at preventing the engagement of children in the worst forms of child labour.

The stakeholders include development partners such as: the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the World

Bank; The African Development Bank (ADB); the United States Agency for International Development (USAID); DANIDA; Save the Children Fund – United Kingdom; Plan International; Anti-Slavery International; Action Aid; and so on.

The programmes include:

- media sensitization tour of child labour sites;
- training workshops for target groups;
- radio and television talk shows;
- television documentary on the worst forms of child labour;
- withdrawal and rehabilitation of child domestic workers;
- withdrawal and rehabilitation of child workers in the tourism sector;
- liberalization and rehabilitation of "child *Trokosi*" (children in servitude); and
- micro credit facilities for needy families – built into a withdrawal programme.

The Government of Ghana, with the support of UNICEF, UNDP and the World Bank, has funded various projects related to the street children phenomenon, aimed at combating child labour. These projects are essentially targeted activities for poverty alleviation, including employment generation programmes. For instance, in collaboration with UNDP and the ADB, the Government has set up a Social Investment Fund (SIF) to complement the activities of the National Poverty Reduction Programme.

Currently, the Government is implementing a new national development strategy – the Ghana Poverty Reduction Programme – which aims at instituting broad-based consensus building among Government, civil society, the private sector, social partners and development partners, on key issues and programmes for accelerated and sustainable poverty reduction.

In addition, the Government has launched a National Emergency Social Relief Programme (financed by the fund accrued from the Highly Indebted Poor Countries-HIPC relief) aimed at poverty reduction by providing financial assistance to self-employed in the informal sector to enhance income generating activities, improve productivity and combat child labour.

The Government, in collaboration with employers' and workers' organizations and donor agencies, has formed a National Steering Committee to execute the IPEC Programme through a National Programme Manager.

The Ministry of Manpower Development and Employment is currently working on accessing a US$2.5 million loan from the World Bank in order to develop a programme for working children, especially those on the streets. This forms part of the Community-Based Poverty Alleviation Programme.

The Government does not record the sanctions applied to users of child labour. However, it collects information on the number of children withdrawn from child labour and the number of ex-child labourers pursuing formal or non-formal education. In addition, IPEC/Ghana, in collaboration with the Ministry of Manpower Development and Employment, has set up a database at IPEC project sites with the central point at the

Employment Information Branch in order to collect and update data and other relevant information on children withdrawn from work. IPEC also commissioned the Ghana Statistical Service to undertake a national qualitative survey to ascertain the nature and magnitude of Child Labour in Ghana in 2001. The results are at their final stage and will be soon published. Surveys are not carried out on a regular basis. The last survey was undertaken in 2001. The results of which are not yet out, but the questionnaire suggests that the results will be presented separately to cover all the areas – namely, sex, age, occupation, type of activity, and number of hours worked.

However, UNICEF recently published a Situation Analysis of Children Report 2000, which estimated about 800,000 children engaged in various forms child labour.

In the last population and household census, was carried out in 2000 with a total of 18, 845,265 inhabitants census, the lowest age of persons for whom questions were asked about economic activity was seven years.

Progress and achievements concerning this principle and right

As regards successful examples in the abolition of child labour, under the IPEC Programme in Ghana, 1,006 children have been withdrawn from work and mainstreamed into schools.

Social partners are involved at all levels, in the ILO/IPEC National Steering Committee, the ILO/IPEC Educational Task Force and the ILO/IPEC National Task Force against trafficking of children for labour exploitation.

The majority of the population has been sensitised on child labour issues and their implication on children.

Some other successful measures being undertaken in Ghana with ILO/IPEC technical assistance include:

- the *Trokosi* Project;
- the Project on Child Domestic Servitude;
- the Project on the Elimination of Child Labour in the Tourism Sector in Cape Coast and Elmina;
- the Project on the Prevention of *Kayaye* among fostered girls in the Northern Region of Ghana;
- the Action Programme for the Design of a Tracking Database; and
- the campaign, sensitization and advocacy programmes.

Three projects which started in August 2001 have withdrawn a total of 1,006 children. The *Trokosi* Project has freed a total of 111 *Trokosi* women and withdrawn a total of 608 children, including 16 young *Trokosi* below 18 years of age. These children have all been given pre-liberation counselling and then registered at counselling centres where counselling was given to them together with their parents. However, they are yet to be placed in formal schools or vocational training centres.

In the project on domestic servitude, 108 children have been withdrawn. They have all been placed in formal or non-formal education classes.

The Action Programme on the tourism sector has withdrawn a total of 290 children, out of which 250 have been placed in formal or non-formal education classes. The remaining 40 children are yet to be placed in schools.

The major changes since the submission of the last report include the following:

- the establishment in 1979 of the Ghana National Commission on Children (GNCC); a public institution which operates within a legal framework to formulate policies related to child welfare, and serves as a coordinating body involved in advocacy and monitoring of child related activities;
- the signing of a Memorandum of Understanding between the Government of Ghana and the ILO/International Programme on the Elimination of Child Labour (IPEC) in March 2000, which was followed by the launching of the IPEC Programme in Ghana;
- the establishment in March 2000 of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC);
- the establishment of a Child Labour Unit within the Labour Department to facilitate action on the worst forms of child labour, in March 2000;
- the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), on 13 June 2000;
- the establishment of a National Steering Committee on Child Labour, in August 2000;
- the development of a National Plan of Action to Combat Child Labour, in November 2000;
- the establishment of the Ministry of Basic Secondary and Girl-Child Education, in January 2001;
- the establishment of the Ministry of Women and Children's Affairs, in January 2001. The main objective of this Ministry is to contribute to the development of Ghana by achieving equal status and rights for women and by ensuring the survival, protection and the development of participation of both women and children in the development process;
- the establishment of several institutions to deal with the child labour menace by the Ministry of Women and Children's Affairs in parallel in January 2001; and
- the launching of a three-year Child Trafficking Project by the ILO/IPEC in collaboration with the Ministry of Manpower Development and Employment and the Ministry of Women and Children's Affairs (towards the elimination of child trafficking in the country), in March 2002.

Difficulties concerning the realization of this principle and right

The main obstacles encountered in Ghana with respect to realizing the principle of the effective abolition of child labour are poverty and the fact that the Free Compulsory Universal Basic Education (FCUBE) Programme is not really free.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Ghana, in particular in the following areas, in order of priority (1 = most important, 2 = 2nd most important, etc. 0 = not important):

Type of technical cooperation needed	Ranking
Legal reform	1
Policy advice	1
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	0
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	1
Social protection systems	3
Awareness raising, legal literacy and advocacy	2
Sharing of experience across countries/regions	4
Cross-border cooperation mechanisms	3
Inter-institutional coordination	3
Special programme for the elimination of the worst forms of child labour	0

In particular, technical cooperation is needed in the following specific areas:

- legal reform: the Government should be assisted in integrating specific laws/regulations to combat child trafficking;
- policy advice: the Government needs policy advice in child trafficking, child prostitution and the worst forms of child labour, in general; and
- capacity building: this is needed for the Labour Department, the social partners and stakeholders with regard to the means to combat child labour, including its worst forms.

Report preparation

In preparing this report other governmental agencies as well as employers' and workers' organizations were consulted, and comments were made by the social partners.

A copy of the report has been communicated to the Ghana Employers' Association (GEA) and the Trades Union Congress of Ghana (TUC).

Annexes (not reproduced)

– African Centre for Human Development, 2002. Ghana Country Study – A Country Report Commissioned by ILO/IPEC under the Sub-Regional Project on Combating the Trafficking in Children for Labour Exploitation in West and Central Africa (April 2002) (Annex No. 7).

– ILO/IPEC, 2002. *Elimination of Child Labour in Ghana – Brief* (Annex No. 9)

– ---. 2002. *IPEC Ghana – Status Report* (June 2002) (Annex No. 10)

– Tengey, W. and Oguaah, E., 2002. *The Little Ghanaian Slaves Cry for Help: A Report on Child Trafficking in Ghana*. An African Centre for Human Development Publication, Commissioned by the Danish International Development Agency (DANIDA). Accra: 2002 (Annex No. 8)

Observations submitted to the Office by the Ghana Employers' Association (GEA)

Recognition of this principle and right

In Ghana, the principle of the effective abolition of child labour is recognized in the Constitution, legislation, judicial decisions, collective agreements, and through the establishment of the following institutions to deal with the problem of child labour:

- the development of the National Action Plan to Combat Child Labour, in November 2000;
- the establishment of the Ministry of Women and Children's Affairs;
- the creation of a Ministry with a Minister responsible for Basic and Child Education;
- the existence of the Ghana National Commission on Children;
- a Memorandum of Understanding signed between the Government of Ghana and the ILO/International Programme on the Elimination of Child Labour (IPEC);
- the launching of the IPEC Project on Child Trafficking in Ghana, over a three- year period;
- the establishment of the Child Labour Unit in Labour Department;
- the commissioning of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC); and
- the ratification, in 2000, of the Worst Forms of Child Labour Convention, 1999 (No. 182), which provides for the elimination and the immediate abolition of the worst forms of child labour.

In addition, the following national plans of action and policy are aimed at ensuring the effective abolition of child labour:

- the National Plan of Action on Child Labour;
- the National Plan of Action on Trafficking of Children for Labour Exploitation; and
- the Ministry of Manpower Development and Employment is developing a National Policy on Street Children and Child Labour.

The objective of the National Plan of Action (NPA) is to serve as the national policy, and guide all institutions working in this area.

Legislation in Ghana establishes a general minimum age for admission to employment – 15 years for boys and girls (the 1992 Constitution of Ghana and the Children's Act No. 560 of 1998) – which covers the following types of work:

- work performed in a family-owned/operated enterprise;
- work performed in enterprises below a certain size (small);
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture; and
- work performed in export processing zones.

It does not cover light work.

The minimum age for engaging in hazardous work is 18 years for boys and girls, and this type of work is defined by Part V (Section 91.3) of the Children's Act No. 560, 1998, as work that poses a danger to the health, safety or morals of a person, such as: going to sea; mining and quarrying; portage of heavy loads; work performed in manufacturing industries where chemicals are used or produced and where machines are used; and work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.

Moreover, in order to address the elimination of the worst forms of child labour the New Labour Bill, currently before Parliament, and the Criminal (Amendment) Code, 1998, are being elaborated and amended respectively to include child labour clauses.

Compulsory schooling in Ghana is backed by the Free Compulsory Universal Basic Education (FCUBE) policy. The age of boys and girls at the end of compulsory schooling is 15 years, with a general requirement of 9 years or grades of instruction.

The national situation in practice with respect to child labour is that there is child labour of all forms including the following:

- informal mining and quarrying;
- ritual servitude;
- bondage;
- prostitution;
- pick-pocketing;
- drug peddling;
- armed robbery;
- construction work;
- informal trade;

- fishing;
- shepherd boys;
- shoe mending;
- truck pushing;
- street vending;
- chop-bar attendants;
- drivers' mate/collectors;
- domestic servants; and
- scavengers.

As regards the worst forms of child labour, it is not known whether pornography exists in Ghana. However, sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; and illicit activities, in particular production and trafficking of drugs, etc., are believed or suspected to exist amongst boys and girls. In fact, all the worst forms of child labour, with the exception of child combatants or child soldiers, exist in Ghana.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and to eliminate the worst forms of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

Civil or administrative sanctions are also envisaged.

Other related measures include the following:

- ILO/IPEC Programmes;
- Poverty Reduction Programmes;
- Emergency Social Relief Funds;
- the Social investment Fund; and
- the Poverty Reduction Programme – Street Children component sponsored by the World Bank.

With regard to the Street Children Component of the Poverty Reduction Programme, special attention will be given to children living in the streets – the most vulnerable group of child workers. In this regard, the Government conceived a policy on street children in 1998, before the ILO Memorandum of Understanding was signed.

The Children's Act No. 560, 1998, also stipulates the age at which children are supposed to be in school but not working.

Another step taken by the Government is to merge child labour and street children policies together to enhance attention [on these groups] to solve the problem.

The Ministry of Manpower Development has undertaken research on child labour through SIMPOC. The Government, in this regard, has given grants to service providers to implement interventions. The Ministry has also embarked upon a sensitization programme to disseminate information on the problem of child labour and the need to stop such practices.

There is now a link with other existing programmes. The reason being that there is the perception that wars, poverty, and so on are some of the causes of child labour. The remedy for this situation has been identified to be conflict resolution and poverty alleviation, as being implemented by the Government in the north of the country. The Government's Emergency Relief Fund and the Government's Poverty Initiative are some of the examples of the Government's intervention.

There has been a shift in government policy from voluntary training to placing child workers back into their communities. They are then trained in these communities and resettled into decent accommodation. However, the Government is being guided by the Employment Act to make sure that they do not put children of a certain age into employment.

The Government of Ghana, in collaboration with employers' and workers' organizations, non-governmental organizations (NGOs) and donor agencies, has formed a National Steering Committee to execute IPEC programmes through a National Programme Manager. The Committee meet to discuss and share ideas on issues that concern child labour and how best to solve them.

As concerns technical cooperation, the Government of Ghana is working with collaborators, ILO/IPEC and other stakeholders on child labour and on both International and National Social Mobilization Programmes aimed at preventing the engagement of children in all the worst forms of child labour.

Stakeholders include:

- the United Nations Children's Fund (UNICEF);

- the United Nations Development Programme (UNDP);
- the World Bank;
- the Danish International Development Agency (DANIDA);
- Save the Children's Fund – United Kingdom;
- Anti Slavery International;
- the United States Agency for International Development (USAID); and
- Action Aid.

The programmes for elimination of child labour embarked upon by the stakeholders include:

- media sensitization tours of child labour sites;
- training workshops for target groups – training of trainers and training of labour inspectors;
- radio and television talk shows;
- a documentary on the worst forms of child labour;
- withdrawal and rehabilitation of child domestic workers;
- withdrawal and rehabilitation of child workers in the tourism industry;
- liberation and rehabilitation of "child *Trokosi*" – (children in servitude);
- micro-credit facilities for needy families, built into withdrawal programmes; and
- the use of basic education and science clinics to stem the problem of child labour.

The Government does not record sanctions applied to users of child labour. However, it collects information on the number of children withdrawn from child labour and the number of ex-child labourers pursuing formal or non-formal education. In addition, IPEC/Ghana, in collaboration with the Ministry of Manpower Development and Employment (MMDE), has set up a database at IPEC project sites with the central point at the Employment Information Branch (EIB) in order to collect and update data and other relevant information on children withdrawn from work.

Surveys are carried out occasionally. The last one was undertaken in January 2001. IPEC Ghana commissioned the Ghana Statistical Service to undertake the project in 2000. The results of surveys are presented separately by the following: sex, age, occupation, type of activity, and number of hours worked.

In the last population census, held in 2000, the lowest age of persons for whom questions where asked about economic activity was seven years.

Progress and achievements concerning this principle and right

Special measures have been undertaken in Ghana that can be regarded as successful examples in the abolition of child labour.

The IPEC Programme

A total of 1,006 children have been withdrawn from work. The *Trokosi* project has freed a total of 111 *Trokosi* women, a total of 608 children including 16 young *Trokosi*s below 18 years. A group of 108 children under servitude have also been withdrawn and are now receiving formal education. The Action Programme on Tourism has withdrawn 290 children of which 250 have been placed in formal and non-formal education. The other 40 children are now receiving counselling and are yet to be placed in schools.

Major changes that have taken place since the submission of the last report include:

- the ratification, in 2000, of the Worst Forms of Child Labour Convention, 1999 (No. 182), which provides for the elimination and immediate abolition of the worst forms of child labour;
- the signing of a Memorandum of Understanding between the Government of Ghana and ILO/IPEC and the launching of IPEC programme in Ghana, in March 2000;
- a three-year Child Labour Trafficking Project has been launched by ILO/IPEC in collaboration with the Ministry of Manpower Development and Employment and the Ministry of Women and Children's Affairs towards the elimination of child trafficking;
- the Commissioning of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC);
- the Child Labour Unit established at the Labour Department to facilitate activities on the worst forms of child labour in March 2000;
- the appointment of a National Programme Manager; and
- the inauguration of the National Steering Committee on 15 August 2000.

Difficulties concerning the realization of this principle and right

The main obstacles encountered in Ghana, with respect to realizing the principle of the effective abolition of child labour, are the following:

- poverty, which is prevalent in rural areas as well as in urban centres;
- the Free Compulsory Universal Basic Education Programme (FCUBE) is not really free;
- the lack of institutional support for child workers who have been withdrawn from workplaces; and
- the need to provide shelter, medical care, food and psychological counselling for those who have been traumatized.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Ghana, in particular in the following areas, in order of priority (1 = most important, 2 = 2nd most important, etc.):

Type of technical cooperation needed	Ranking
Legal reform	13
Policy advice	9
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	7
Training of other officials (e.g. police, judiciary, social workers, teachers)	6
Data collection and analysis	5
Strengthening capacity of employers' and workers' organizations	4
Employment creation, skills training and income generation	7
Social protection systems	10
Awareness raising, legal literacy and advocacy	2
Sharing of experience across countries/regions	12
Cross-border cooperation mechanisms	11
Inter-institutional coordination	3
Special programme for the elimination of the worst forms of child labour	1

A National Steering Committee was inaugurated in August 2000. The Committee, which comprises employers, the Government and other social partners, meets to discuss and exchange information and ideas on child labour issues and how to combat this phenomenon.

The Ghana Statistical Service with support from the ILO, undertook a national survey on child labour in Ghana. The survey, which forms part of ILO's Statistical Information and Monitoring Programme on Child Labour (SIMPOC), is yet to be published. The publication is expected to be ready by the end of August 2002.

Guinea-Bissau

Government

Recognition of this principle and right

In Guinea-Bissau, the principle of the effective abolition of child labour is recognized in the General Labour Law, 1986.

There is a national plan/policy aimed at ensuring the effective abolition of child labour.

Article 146 of the General Labour Law establishes a general minimum age for admission to employment – 14 years for both boys and girls – which covers the following types of work:

- work performed in a family-owned or -operated enterprise;

- work performed in enterprises in general;
- home work;
- domestic service;
- self-employed work; and
- commercial agriculture.

Law No. 2/86 (the General Labour Law, 1986, sent to the ILO) does not mention a particular type of activity in this regard, but provides a general reference on the subject.

Although, national legislation does not define hazardous work, there is a minimum age for engaging in this type of work i.e. 18 years for both boys and girls.

Article 146 et seq. of the General Labour Law prohibits the employment of children under 14 years of age.

Guinea-Bissau has a Parliamentary Commission on Children and Women, which is responsible for amending and adopting legislation in line with the needs and rights of these vulnerable groups.

As regards compulsory schooling for children, the age of boys and girls at the end of compulsory schooling is not laid down in the law; nonetheless, boys and girls are required to complete the sixth grade.

Given the country's economic and financial problems, children work in the informal sector to help solve the economic problems of their respective families.

With respect to the worst forms of child labour, sale and/or trafficking is believed or suspected to exist amongst boys and girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and eliminate the worst forms of child labour:

- legal reform: revision of the General Labour Law and the submission of the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190) to the People's National Assembly (ANP);
- inspection/monitoring mechanisms; and
- awareness raising/advocacy.

In addition, civil or administrative sanctions, special institutional machinery and social assistance (e.g. stipends, subsidies, vouchers) have been implemented to enforce minimum age(s) for employment, while international cooperation programmes or projects are envisaged to eliminate the worst forms of child labour.

Within these measures or programmes, special attention is given to the needs of children vulnerable to entering the labour market.

The Chamber of Commerce, Industry and Agriculture (CCIA), the National Union of Workers of Guinea-Bissau (UNTG) and the Confederation of Independent Workers' Unions of Guinea-Bissau (CGSI/GB) jointly examined [the request for the approval] of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

The Government works with multilateral agencies (other than the ILO), bilateral donors and/or other organizations to combat child labour.

In relation to the abolition of child labour, the Government does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and sanctions applied to users of child labour. The same applies for surveys that provide statistical information on the extent and/or nature of child work.

Progress and achievements concerning this principle and right

Special measures that have been undertaken in Guinea-Bissau and can be regarded as successful examples in the abolition of child labour, are the following:

- the creation of the Institute for Mother and Child;
- the creation of a Parliamentary Commission on Children and Women; and
- the submission of Conventions Nos. 138 and 182 to the People's National Assembly for approval.

Since last government report (GB.283/3/2), no changes have been noted, except for the above agenda for Conventions Nos. 138 and 182, now in stage of the final procedures.

Difficulties concerning the realization of this principle and right

There are no obstacles encountered in Guinea-Bissau with respect to realizing the principle of the effective abolition of child labour, because Conventions Nos. 138 and 182 have now been approved by the People's National Assembly and all that remains is the signature of the President of the Republic (this act will be communicated to the ILO in due course).

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Guinea-Bissau, in particular in the following areas, in order of priority (1 = most important):

Type of technical cooperation needed	Ranking
Legal reform	2
Policy advice	1
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2

Type of technical cooperation needed	Ranking
Training of other officials (e.g. police, judiciary, social workers, teachers)	1
Data collection and analysis	2
Strengthening capacity of employers' and workers' organizations	1
Employment creation, skills training and income generation	2
Social protection systems	1
Awareness raising, legal literacy and advocacy	
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	2
Inter-institutional coordination	2
Special programme for the elimination of the worst forms of child labour	1

In particular, the first three priority needs for technical cooperation can be identified as follows:

- special programme for the elimination of the worst forms of child labour – to help the country carry out a study on child labour and identify methods for its prevention;
- sharing of experience across countries/regions – to complement what is happening in Guinea-Bissau; and
- training of other officials (those involved in the public service e.g. police, judiciary, social workers, teachers) – to involve everyone in efforts to combat the worst forms of child labour.

Report preparation

In preparing this report, other governmental agencies, employers' and workers' organizations were consulted. The consultation process was conducted through meetings of the Permanent Council for Social Consultation and provision of copies of this report to the Chamber of Commerce, Industry and Agriculture (CCIA), the National Union of Workers of Guinea-Bissau (UNTG), and the Confederation of Independent Workers' Unions of Guinea-Bissau (CGSI/GB). No comments were received from the social partners.

India

Government

Detailed information on the questions contained in the questionnaire was provided in the 2002 report to the annual review under the follow-up to the Declaration (GB.283/3/2). There are no changes in the positions stated in that report, except the following.

Recognition of this principle and right

The modification of existing legislation is under examination. The issue regarding the amendment of the Child Labour (Prohibition and Regulation) Act, 1986, is an ongoing process. The existing Act prohibits the employment of children in occupations and processes cited in the Schedule to the Act. Additions to the Schedule are made on the advice of a Technical Advisory Committee. Copies of the Act and the Schedule have

already been provided as Annexures II and IV respectively as part of the 2002 report (GB.283/3/2).

The Child Labour (Prohibition and Regulation) Act, 1986, prohibits the employment of children in 13 occupations and 57 processes listed in the Schedule to the Act, and regulates the working conditions in other occupations. The Act does not cover the informal sector. Awareness generation on the evils of child labour covering the formal and informal sectors are taken up at the district level.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

The following steps have been taken by the Government of India to combat the trafficking of women and children:

- the drawing up of a National Plan of Action (1998) and the constitution of a National Advisory Committee to combat trafficking, rehabilitate victims of trafficking and commercial sexual exploitation and improve legal and law enforcement systems to strengthen the fight;

- the setting up of State Advisory Committees on Trafficking for the same purpose, devolving authority and seeking to mobilize greater state resources in the fight against trafficking. Chief Secretaries of the states have also been requested to provide adequate resources to their police force both in terms of personnel and material for combating the menace of trafficking in their states;

- the review of existing legal framework including the Immoral Trafficking Prevention Act (ITPA) 1956, the Indian Penal Code (IPC) Act No. 45 of 1860, the Code of Criminal Procedure, 1883, and the Evidence Act, 1872, with a view to making the punishment more stringent to traffickers (including the confiscation of the property of traffickers), and to create a nodal authority for overseeing activities related to combating trafficking at the national level while making the laws more victim-friendly with the ultimate aim of lesser problems to victims who are willing to testify;

- the enactment of the Juvenile Justice Act (JJA), 2000 and the Indian Information Technology Act, 2000 which declares online pornography a punishable offence (section 67);

- the undertaking of regional efforts, in alliance with non-governmental agencies (NGOs), to create a greater awareness of the dimensions of trafficking and increase sensitivity towards victims among government departments, the police and judiciary as well as within civil society at large;

- the enactment of legislation to prohibit Devdasi and Jogin traditions of sexual exploitation;

- the profiling of NGOs that are engaged in tackling trafficking and in helping to rehabilitate victims;

- the creation of schemes of assistance to NGOs under Grant-in-Aid, to combat trafficking in source areas, traditional areas and destination areas through efforts to prevent, rescue and rehabilitate;

- the initiation of a new scheme called SWADHAR for women in difficult situations, applicable as well to victims of trafficking;

- the efforts of the rescue operation of victims have been stepped up since the year 2001 and many raids have been conducted across the major metropolis like Delhi, Bombay, Calcutta and other places. The traffickers, brothel-owners and others have been booked under the IPC and the ITPA;

- composite, holistic and comprehensive projects have been invited from the state Governments of Andhra Pradesh, Karnataka, Tamil Nadu, Rajasthan, Madhya Pradesh, West Bengal, Maharashtra, Goa and Delhi which are either major sources or destination areas for prevention, awareness generation, rescue, rehabilitation and reintegration of victims. Prominent NGOs of these states are also joining hands in the endeavour of the states to combat trafficking. Some shelter-based projects for rehabilitation, reintegration of victims based on the aforementioned holistic models have been sanctioned;

- the Central Bureau of Investigation (CBI) has been entrusted with the job of investigating and prosecuting inter-state/inter-country ramification and officers of the level of inspector and above of the CBI have been appointed as trafficking police officers;

- with regard to regional cooperation, India has signed the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and cooperated with the Asian Development Bank to conduct a survey on regional cross border trafficking with an emphasis on trafficking from [countries named] to India; and

- manuals that will work as a reference for lower judiciary, police officials, social organizations and so on, while dealing with victims of trafficking or traffickers, are under preparation in consultation with the National Human Rights Commission (NHRC) and the United Nations Children's Fund (UNICEF).

A Copy of the *Schemes of Assistance to Voluntary Organizations to Combat the Trafficking of Children for Commercial Sexual Exploitation* is enclosed as Annexure I [not reproduced]. Similarly, a copy of *Swadhar – A Scheme for Women in Difficult Circumstances* is enclosed as Annexure II [not reproduced].

In relation to the abolition of child labour, the Government records information on the number of children withdrawn from child labour and the number of ex-child labourers attending formal or non-formal education – 211,000 children, who have been withdrawn from work, are pursuing an education. Sanctions applied to users of child labour are reflected in the following table:

Year	Inspection	Violation	Prosecution	Convictions
1998-1999	222 856	11 263	6 469*	4 125*
1999-2000	242 269	7 598	3 972	1 333
2000-2001	182 362	11 125	2 076	920

* Including cases carried forward.

The results of surveys are presented separately by sex, age (5-14 years), occupation and type of activity.

The questions on economic activity were canvassed for all persons without excluding any age group. However, the tabulation on economic activity is carried out excluding the age group of zero-four years.

Progress and achievements concerning this principle and right

The Government has already submitted reports with respect to major changes in its 2000 (GB.277/3/2), 2001 (GB.280/3/2) and 2002 (GB.283/3/2) reports to the Annual Review under the Follow-up to the Declaration. The number of child labour projects in operation has been increased from 93 for covering 200,000 children in the year 2000 to 100 projects, covering 211,000 children in the year 2001.

Priority needs for technical cooperation

The ILO/International Programme on the Elimination of Child Labour (IPEC) programme is currently approved till 31 December 2002.

Report preparation

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

- Employers' Federation of India, Mumbai;
- All India Organization of Employers, New Delhi;
- Standing Conference of Public Enterprises (SCOPE), New Delhi;
- All India Manufacturers' Organization, Mumbai;
- Confederation of Indian Industry, New Delhi;
- Laghu Udyog Bharati, New Delhi;
- the Associated Chambers of Commerce and Industry, New Delhi;
- Federation of Indian Chamber of Commerce and Industry, New Delhi;
- Indian National Trade Union Congress (INTUC), New Delhi;
- All India Trade Union Congress (AITUC), New Delhi;
- Bhartiya Mazdoor Sangh (BMS), New Delhi;
- Centre of India Trade Unions (CITU), New Delhi;
- Hind Mazdoor Sabha (HMS), New Delhi;
- United Trade Union Centre (LS), Calcutta;
- United Trade Union Congress, Calcutta; and
- National Front of Indian Trade Unions (NFITU), Calcutta.

Annexes (not reproduced)

– Annexure I Government of India, Department of Women and Child Development, Ministry of Human Resource Development. Schemes of Assistance to Voluntary Organizations to Combat the Trafficking of Children for Commercial Sexual Exploitation.

– Annexure II Government of India, 2001. *SWADHAR – A Scheme for Women in Difficult Circumstances*. September 2001.

Observations submitted to the Office by Hind Mazdoor Sabha (HMS)

Recognition of this principle and right

The principle of the effective abolition of child labour is recognized in India in the Constitution, legislation, judicial decisions and collective agreements.

There is a national policy or plan aimed at ensuring the effective abolition of child labour.

Legislation in India establishes a general minimum age for admission to employment – 14 years for boys and girls – which covers work performed in commercial agriculture and in export processing zones (but not home work, domestic service, self-employed work and work performed in a family-owned/operated enterprise, family and small-scale agriculture and in enterprises below a certain size). There is a dispute about the definition of work. Some types of work are not defined in the law.

Hazardous work is defined in the legislation and the minimum age for engaging in this type of work is 18 years for both boys and girls.

Laws/regulations exist in India with the aim of eliminating the worst forms of child labour but no steps are currently being taken to amend existing legislation or to introduce a new one to address this issue.

There is no compulsory schooling for children in India.

With respect to the worst forms of child labour, sale and/or trafficking, and debt bondage, serfdom, forced or compulsory labour are believed or suspected to exist amongst boys and girls, while prostitution might concern girls, and pornography and illicit activities, in particular production and trafficking of drugs might involve boys.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, measures for the enforcement of the minimum age(s) and the elimination of the worst forms of child labour are envisaged, namely in terms of legal reform, inspection/monitoring mechanisms, penal sanctions, free compulsory education, employment creation/income generation, child rehabilitation, vocational and skills training for young workers, awareness raising/advocacy and international cooperation programmes/projects. In this respect, worker's organizations are involved in awareness raising, advocacy campaigns, ensuring a special clause while making wage agreements, running some Non-Formal Education and

Rehabilitation Centres for Child Labour and pressuring the Government to adopt policies of compulsory and free education and employment creation and income generation schemes.

Within these measures/programmes, no special attention is given to the needs of particular groups of children.

Apart from the ILO, the Government works in particular with the United Nations Children's Fund (UNICEF) to combat child labour.

In relation to the abolition of child labour, the Government does not record any information on the number of children withdrawn from child labour or the number of ex-child labourers pursuing formal or non-formal education. However, some details of fines realised from employers have been recorded. The fines are too meagre when compared to the problem. In addition, no surveys, which could provide statistical information on the extent or nature of child work, are undertaken.

In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 14 years.

Difficulties concerning the realization of this principle and right

In India, the main obstacles that have been encountered in the realization the principle of the effective abolition of child labour are the political will of the Government, free and compulsory education, poverty, unemployment, public apathy and land reforms.

Government observations on Hind Mazdoor Sabha's (HMS) comments

1. *HMS's comments*: Legislation in India establishes a general minimum age for admission to employment – 14 years for boys and girls, which covers work performed in commercial agriculture and in export processing zones. There is a dispute about the definition of work. Some types of work are not defined in the law.

   Government observations: Laws/regulations exist in India with the aim of eliminating the worst forms of child labour. There are different ages for the employment of a child as per different laws. There is no ambiguity with regard to the definition of work as understood under the law.

2. *HMS's comments*: Laws/regulations exist in India with the aim of eliminating the worst forms of child labour but no steps are currently being taken to amend existing legislation or to introduce a new one to address this issue.

   Government observations: Laws/regulations exist in India with the aim of eliminating the worst forms of child labour. There are different ages for the employment of a child as per different laws. Inter-ministerial consultations, aimed at bringing the laws regarding the definition of a child and the age into uniformity, have already been held.

3. *HMS's comments*: There is no compulsory schooling for children in India.

   Government observations: The Constitution (93rd Amendment) Bill, 2001, to make education for children between the ages of 6-14 years a fundamental right, has been passed by Parliament recently. Nineteen state (provincial) governments have already

enacted laws for their states to make education compulsory for children up to the age of 14.

4. *HMS's comments*: Worst forms of child labour, sale and/or trafficking, and debt bondage, serfdom, forced or compulsory labour are believed or suspected to exist amongst boys and girls, while prostitution might concern girls, and pornography and illicit activities, in particular production and trafficking of drugs might involve boys.

   Government observations: The worst forms of child labour indicated have already been included in the definition of the worst forms of child labour as per the Worst Forms of Child Labour Convention, 1999 (No. 182). The Technical Advisory Committee (TAC) is in the process of continuously examining all these occupations and areas of work which could be included in the various definitions.

5. *HMS's comments*: In view of bringing about the effective abolition of child labour, measures for the enforcement of the minimum age(s) and the elimination of the worst forms of child labour…, no special attention is given to the needs of particular groups of children.

   Government observations: With regard to the effective abolition of child labour, the Government has adopted a new strategy during the Tenth Plan period, i.e. working children aged six-eight years will be sent directly to formal schools, while those aged 9-14 years will be mainstreamed into formal schools through the National Child Labour Programme's (NCLP) rehabilitation centres. Intensive Awareness Generation activities will be taken up to prevent the new entry of children into the labour market.

6(i) *HMS's comments*: In relation to the abolition of child labour, the Government does not record any information on the number of children withdrawn from child labour or the number of ex-child labourers pursuing formal or non-formal education.

   Government observations: Under the scheme of the NCLP, at present 2.11 *lakh* [thousand] children are being covered through the NCLP in 100 districts in 13 child labour endemic states. Over 1.50 *lakh* [thousand] children have already been withdrawn and mainstreamed into the formal education system.

(ii) *HMS's comments*: Some details of fines realized from employers have been recorded. The fines are too meagre when compared to the problem.

   Government observations: The Child Labour (Prohibition & Regulation) Act, 1986, prohibits the employment of children in 13 occupations and 57 processes listed in the Schedule to the Act, and regulates the employment of children in all other types of employment. According to the Act, whoever employs or permits any child to work in contravention of the provisions in section 3, shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year, or with a fine which shall not be less than 10,000 rupees but which may extend to 20,000 rupees, or with both.

   In addition to the aforementioned provisions, the Honourable Supreme Court in its judgement dated 10 December 1996 in Writ Petition (Civil) No. 465/1986, gave certain directions on the issue of the elimination of child labour. These included the payment of a contribution of Rs.20,000 per child by the offending employers into a welfare-cum-rehabilitation fund to be constituted in the states for this purpose and a contribution of Rs.5,000 to be paid by the state Government if employment could not be provided to one adult member of the family of the child withdrawn from work.

(iii) *HMS's comments*: No surveys that can provide statistical information on the extent or nature of child work are undertaken.

Government observations: Authentic information on working children in the country is generated during the decennial census. Census figures of 2001 on working children have not yet been published. However, the last sample survey, which is accepted in relation to its authenticity, placed the figure at 10.4 million.

(iv) *HMS's comments*: In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 14 years.

Government observations: The question on economic activity was canvassed in the 2001 Census for all persons, without excluding any age group. However, the tabulation on economic activity is carried out with the exclusion of those aged zero-four years.

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

India has neither ratified the ILO Minimum Age Convention, 1973 (No. 138), nor the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

There is no universal minimum age for employment and primary school education is not compulsory, free or universal. Child labour is not illegal in India except in hazardous sectors. The Child Labour (Prohibition and Regulation) Act, 1986, prohibits the employment of children in some occupations and processes that are considered hazardous – notably, railways; carpet weaving; cement manufacturing; building and construction; cloth printing; dyeing and weaving; matches, explosives, and fireworks; cigarette making; printing; and soldering processes in electronics industries. The Act regulates the employment of children in other areas, providing for six hours' daily work and one day's rest per week. Forced and bonded labour by children is prohibited, but this law is not effectively enforced [the ICFTU asks the Office, at this point, to refer to its report on forced labour in India].

The implementation of the Child Labour (Prohibition and Regulation) Act, 1986, which is the responsibility of state governments, is very poor as reflected by the lack of convictions under the Act. Industries that utilise a large degree of child labour include many which are defined as hazardous under the Act. The main sectors using child labour include: agriculture; hand-knotted carpets; gemstone polishing; brass and base metal articles; glass and glassware; footwear; textiles; silk; fireworks; bidi cigarettes; domestic service; and sporting goods.

Estimates of the numbers of working children in India vary between 22 million and 50 million – indeed, some estimates have put the figure as high as 100 million. Due to the clandestine nature of much child labour, accurate figures are hard to obtain. The ILO estimates the number as at least 44 million, while the Government in 1999 estimated 11 million child workers. The Commission on Labour Standards, which was set up by the Government of India in 1995, found the number of child labourers at 25 million (1993) and growing at a rate of four per cent per year. About 120 million children of the primary school-going age population (between the ages of five and 14) of approximately 205 million, attend school. Most, if not all, of the 85 million children not in school do housework; work on family farms; work alongside their parents as paid agricultural labour; work as domestic servants; or are otherwise employed.

Perhaps half of India's child labourers are engaged in dangerous professions. Many of them do not survive the harsh environment or are left physically or mentally scarred. The other half are employed elsewhere in the vast informal sector where they are deprived of minimum wages, regular working hours and any measure of job security.

Some of the sectors where children are employed are closely related to exports, particularly gemstones and jewellery (which accounted for 17 per cent of India's exports in 1994/95) carpets, textiles and sporting goods. A research survey by Christian Aid in 1997 revealed that Indian children as young as seven were routinely stitching footballs for export to Britain and that there are about 30,000 children employed in India's sporting-goods industry. In the carpet industry, human rights organizations estimate that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labour. The Government of India has now indicated support for fair labelling initiatives.

In the diamond cutting and polishing industry in India, at least ten per cent of the 800,000 workers are less than 14 years old. They work for 12 hours a day and are paid a wage that is at a maximum 60 per cent of the normal average daily wage of an adult. These industries are located in Bombay, Surat, Ahmedabad, Navsari and Bhavnagar. Conditions for other gemstone industries are worse still than in the diamond sector and many children work up to two years for no income under the pretext that they are "learning the trade". About 200,000 child labourers are employed in Jaipur where some 95 per cent of gemstones processed in India are cut, shaped, polished and carved.

A 1996 Supreme Court decision imposed a penalty of about $570 (25,000 rupees) on persons employing children in hazardous industries and stipulated that parents or guardians of children are to receive an income supplement payment from a fund created with this money, on condition that the children removed from employment attend school.

A plan to eliminate child labour from hazardous industries by the year 2000, and from all industries by 2010, has so far touched only a small fraction of children in the workplace. The current Government has carried on with the programme, but has dropped the time bound targets. The programme, for which approximately $60 million has been budgeted since its inception, includes enhanced enforcement of child labour laws, income supplements for families, subsidised school lunches in areas with a concentration of child labour and a public awareness campaign.

A constitutional provision to provide free and universal primary education has never been implemented, and school enrolment rates remain low notwithstanding recent commitments to a 300 per cent increase in the education budget. The Government has informed the ILO that changes to child labour laws are being considered, which would include a universal minimum age for employment of 14 years, and a minimum age for hazardous employment of 18 years. There has however been no progress in this regard for the last two years.

India has been involved with the ILO's International Programme on the Elimination of Child Labour (IPEC) since the early 1990's, and some estimates suggest 90,000 child labourers have been rehabilitated in that time. There is also the National Child Labour Project (NCLP) that rehabilitates children in hazardous work through education and small family stipends. Government figures suggest that over 200,000 children were involved in the NCLP over the course of the year 2000, but no figures are available to suggest how many of these children were actually removed from hazardous employment. There are also numerous non-governmental organizations (NGOs) active in rehabilitating working children, in particular the South Asian Coalition on Child Servitude (SACCS).

Given the scale of the problem of child labour in India, the measures undertaken so far stand to be inadequate to achieve their objectives. Trade unions, social organizations and the Government have initiated programmes to work together to achieve the elimination of child labour. Such programmes need to be supported through a much greater commitment of resources from the Government of India. Such an effort stands to yield substantive results. In this regard, the example of the relatively poor Indian state of Kerala continues to be extremely instructive. Kerala's consistent high level of spending on education as a share of the state budget, well above the average level in India, has achieved spectacular successes in terms of the highest school retention rate in India; by far the lowest gender disparity; almost double the national figure for literacy; and a far lower work participation rate of children, at a third or less of the average level for India.

Governmental efforts to reduce child labour have yet to have much impact and must be considered inadequate to deal with the scale of the problem, although the activities of the ILO's IPEC have been making some progress. However, the problem remains enormous and there is a clear need for changes to national laws with regard to the prohibition of child labour and to provide universal, free compulsory education.

Conclusions

India must ratify and fully implement the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) […reference is also made to ratified ILO core Conventions…].

Child labour continues to be a major problem in India, and while some steps have been taken to deal with this problem, they are not adequate when compared with the size of the problem. Many more resources need to be devoted to rehabilitating child labourers, especially those in hazardous employment, and to providing education for many more children. Laws regarding child labour must be amended to provide a universal minimum age for employment, and a higher minimum age for employment in hazardous occupations.

References

[The following is a general reference cited by the ICFTU, for its observations on child labour, freedom of association and collective bargaining and forced labour.]

– Amnesty International, Persecuted for Challenging injustice: Human Rights Defenders in India, 2000.

– Comtex Newswire, *Newswire press* articles, various dates.

– Education International, *EI Barometer*, 2001.

– Global March Against Child Labour, *Country-wide Data on the Worst Forms of Child Labour*, October 2000.

– Hind Mazdoor Sabha, various correspondence, various dates.

– ICFTU, Annual Survey of Violations of Trade Union Rights, 1998-2001.

– Indian National Trade Union Congress, Various correspondence, various dates.

- ILO, Report of the Committee of Experts on Application of Conventions and Recommendations, 1995-2001.

- ILO, Review of Annual Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 2000-1.

- US Department of State, Report on Human Rights Practices for 1999, 2000, 2000-01.

Government observations on the International Confederation of Free Trade Unions' (ICFTU) comments

1. *ICFTU's comments*: There is no universal minimum age for employment.

   Government observations: The Government agrees that there is no omnibus provision in the labour laws prohibiting children below a certain age from doing any work. The enactment of a central legislation fixing a minimum age for admission to employment and work is under consideration. The fixing of a minimum age for admission to employment needs to be preceded by the creation of suitable enforcement machinery and measures as would warrant the children not being [to be] compelled by circumstances to seek employment. The setting up of such machinery particularly for the unorganized sectors like agriculture, cottage and small-scale industries etc., (except for those industries which are covered under the Factories Act, 1948) becomes a difficult task in a developing country like India. Considering the large size of India's rural and informal sector as well as the low level of economy coupled with the rapid growth of the population, it will take some time to achieve satisfactory enforcement and compliance of the proposed legislation.

2. *ICFTU's comments*: Primary school education is not compulsory, free or universal.

   Government observations: The Constitution (93rd Amendment) Bill, 2001, to make education for children between the ages of 6-14 years a fundamental right has been passed by Parliament recently. Nineteen state (provincial) governments have already enacted law for their states to make education compulsory for children up to the age of 14.

3. *ICFTU's comments*: Child Labour is not illegal except in the hazardous sector. The Child Labour (Prohibition and Regulation) Act, 1986, prohibits the employment of children in some occupations and processes that are considered hazardous … The Act regulates the employment of children in other areas, providing for six hours' daily work and one day's rest per week … but this law is not effectively enforced.

   Government observations: Appropriate governments are responsible for the enforcement of the Child Labour (Prohibition & Regulation) Act, 1986. Employers found to be employing children in occupations and processes prohibited under the Act are prosecuted under the provisions of the Act, which, inter alia, provides for the punishment of imprisonment for a term which shall not be less than three months but which may extend to one year, or with a fine which shall not be less than Rs.10,000 but which may extend to Rs.20,000, or with both.

4. *ICFTU's comments*: The implementation of the Child Labour (Prohibition and Regulation) Act, 1986, which is the responsibility of state governments, is very poor as reflected by the lack of convictions under the Act.

Government observations: It is being proposed for the implementation of the Act to be strengthened during the 10th Plan period.

5. *ICFTU's comments*: Estimates of the number of working children in India vary between 22 million and 50 million – indeed, some estimates have put the figure as high as 100 million …

   Government observations: Authentic information on child labour in the country is generated during the decennial census. According to the 1991 census, the number of working children in India is 11.28 million. The figures of the 2001 census have not yet been published. The estimated number of working children in the country is 10.4 million according to the estimates of the 55th round of the National Sample Survey Organization's (NSSO) survey 1999-2000. The unofficial figures on working children vary widely from that of the official census figures. This is mainly on account of definitional variances and sample selection. Some non-governmental organizations (NGOs) are of the view that all children who do not attend school are essentially working children.

6. *ICFTU's comments*: Half of India's child labourers are engaged in dangerous professions – many of them are left physically or mentally scarred. The other half employed in the informal sector are deprived of minimum wages, regular working hours and any measures of job security.

   Government observations: This is not true. As per the 1991 Census, the number of working children is 11.28 million of which only about 21 *lakh* [thousand] children are engaged in hazardous occupations.

7. *ICFTU's comments*: Some of the sectors where children are employed are closely related to exports … Human Rights Organizations estimate that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labour. The Government of India has now indicated support for fair labelling initiatives.

   Government observations: The Government has no comment to make on these observations.

8. *ICFTU's comments*: In the diamond cutting and polishing industry in India, ten per cent of the 800,000 workers are less than 14 years old. They work for 12 hours a day and are paid wages that is at a maximum 60 per cent of the normal average daily wages of an adult. These industries are located in Bombay, Surat, Ahmedabad, Navsari, Bhavnagar and Jaipur.

   Government observations: The Government has no comment to make on these observations.

9. *ICFTU's comments*: A plan to eliminate child labour from hazardous industries by the year 2000, and from all industries by 2010, has so far touched only a small fraction of children in the workplace.

   (i) The Government has carried on with the programme, but has dropped the time bound targets …

   (ii) A constitutional provision to provide free and universal primary education has never been implemented, and school enrolments rates remain low notwithstanding … 300 per cent increase in the education budget.

Government observations: The Constitution (93rd Amendment) Bill, 2001, to make education for children between the ages of 6-14 years a fundamental right has been passed by Parliament recently. Nineteen state (provincial) governments have already enacted law for their states to make education compulsory for children up to the age of 14.

(iii) *ICFTU's comments*: The Government has informed the ILO that changes to child labour laws are being considered…include a universal minimum age for employment of 14 years, and a minimum age for hazardous employment of 18 years. There has been no progress in this regard for the last two years.

Government observations: In the Tenth Plan period, the target should be to eliminate child labour from hazardous occupations through a determined and focused effort and progressively move towards the complete elimination of child labour from other occupations.

10. *ICFTU's comments*: India has been involved with the ILO's International Programme on the Elimination of Child Labour (IPEC) since the 1990's – some estimates suggests 90,000 children have been rehabilitated … There is also the National Child Labour Project (NCLP). Government figures suggest the over 200,000 children are involved in the NCLP over the course of the year 2000 but no figures are available to suggest how many of these children were actually removed from hazardous employment …

Government observations: The working children being covered under the scheme of NCLPs, i.e. 2.1 *lakh* [thousand] at present, are generally the children withdrawn from hazardous occupations/processes.

11. *ICFTU's comments*: Given the scale of the problem of child labour in India, the measures undertaken so far stand to be inadequate to achieve their objectives … Such programmes need to be supported through a much greater commitment of resources from the Government of India e.g. Kerala's consistently high level of spending on education as a share of the state budget, has achieved spectacular success in terms of the highest school retention rate in India …

Government observations: It would be incorrect to say that the measures undertaken to achieve the objective of the elimination of child labour are inadequate. However, it is through this that greater support, both in terms of resources and commitment, would be needed to tackle this difficult problem.

12. *ICFTU's comments*: Governmental efforts to reduce child labour have yet to have much impact and must be considered inadequate to deal with the scale of the problem, although the activities of the ILO's IPEC have been making some progress.

Government observations: It is not true that the impact of the Government's programmes are inadequate while IPEC has been making progress. The Government funded NCLPs are functioning in 100 districts with a financial commitment of over Rs.2.5 billion from the last Plan. This amount is to be doubled in the current Plan. The IPEC programme has been welcome, however, it is less than five per cent of the Government's efforts in terms of financial allocation.

13. *ICFTU's comments*: However, the problem remains enormous and there is a clear need for changes to national laws with regard to the prohibition of child labour and to provide universal, free compulsory education.

Government observations: This position is based on facts, hence, the Government has no comments to make.

Iran, Islamic Republic of

Government

Recognition of this principle and right

In the Islamic Republic of Iran, the principle of the effective abolition of child labour is recognized in the Constitution, legislation and judicial decisions.

The national policy/plan aimed at ensuring the effective abolition of child labour, has included the ratification of the United Nation's Convention on the Rights of the Child, the Worst Forms of Child Labour Convention, 1999 (No. 182), and the provision of the labour inspection circular to labour departments.

National legislation establishes a general minimum age for admission to employment – 15 years for both boys and girls – which covers home work, domestic service, commercial agriculture, light work, and work performed in export processing zones.

Article 1 of the Hard and Hazardous Work Regulation, which was approved to implement the Note under article 52 of the Labour Code, 1990, defines hazardous work. The minimum age in engaging in this type of work is 18 years for both boys and girls. [Reference is made to the application of Convention No. 182, which has been ratified by the Islamic Republic of Iran.]

As regards compulsory schooling for children, the age of both boys and girls at the end of this period is 12 years, with a general requirement of 5 years or grades of instruction.

It is highly regrettable that child labour exists in some family-owned or operated enterprises, as a result of cultural tradition and economic poverty. No figures or statistics are available.

With respect to the worst forms of child labour, it is not known whether prostitution and pornography exist, however, illicit activities, in particular production and trafficking of drugs are believed or suspected to exist amongst both boys and girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour the following measures have been implemented to enforce minimum age(s) for employment and eliminate the worst forms of child labour: legal reform; inspection/monitoring mechanisms; penal sanctions; employment creation/income generation; and vocational and skills training for young workers.

The Islamic Republic of Iran has relations with the United Nations Children's Fund (UNICEF) as a result of its ratification of the United Nations Convention on the Rights of the Child.

In relation to the abolition of child labour, the Government records information on sanctions applied to users of child labour. As stated earlier, the Islamic Republic of Iran has ratified Convention No. 182. Penalties for users of child labour have also been stipulated.

Progress and achievements concerning this principle and right

The provision of the labour inspection circular to labour departments with a view to preventing offences related to child labour, can be regarded as a successful example of a measure undertaken in the Islamic Republic of Iran to abolish child labour.

Difficulties concerning the realization of this principle and right

The main obstacle with respect to realizing the principle of the effective abolition of child labour is that work performed in family-owned or -operated enterprises is not subject to the Labour Code.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Iran, in particular in the following areas, in order of priority (1 = most important, 2nd most important, etc.):

1. social protection systems;
2. policy advice;
3. sharing of experience across countries/regions;
4. strengthening capacity of employers' and workers' organizations; and
5. employment creation, skills training and income generation.

Report preparation

In preparing this report, consultations were held with the employers' and workers' organizations, and comments were received from them.

A copy of this report was sent to the Iran Confederation of Employers' Associations and the Workers' House of the Islamic Republic of Iran.

Kazakhstan

Government

Recognition of this principle and right

In Kazakhstan, the principle of the effective abolition of child labour is recognized in the Constitution.

There is no national policy/plan aimed at ensuring the effective abolition of child labour.

National legislation establishes a general minimum age for admission to employment – 16 years for both boys and girls – which covers, work performed in enterprises below a certain size (14-15 years).

Furthermore, national legislation defines hazardous work as the following: hazardous (very hazardous) labour conditions are the conditions under which the impact of certain production factors is conducive to work efficiency reduction and the sickness of a worker, or it affects negatively the state of health of his descendants [According to Labour Law, 1999, harmful (very harmful) labour conditions means labour conditions under which the effect of certain production factors causes reduction of the workers' ability to work or his sickness, or negative influence upon his posterity]. The minimum age for engaging in this type of work is 18 years for both boys and girls.

No laws/regulations exist in Kazakhstan with the aim of eliminating the worst forms of child labour and no steps are currently being taken to amend existing legislation or introduce a new one to address this issue.

There is no compulsory schooling for children in Kazakhstan.

With respect to the worst forms of child labour, prostitution; pornography; and illicit activities, in particular production and trafficking of drugs are believed or suspected to exist amongst boys and girls. However, it is not known whether other worst forms of child labour (such as sale and/or trafficking; debt bondage; serfdom; forced or compulsory labour; and forced recruitment for armed conflict) exist.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following have been envisaged to enforce minimum age(s):

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- employment creation/income generation;

- social assistance (e.g. stipends, subsidies, vouchers); and
- vocational and skills training for young workers.

Employment creation/income generation and social assistance (e.g. stipends subsidies, vouchers) are envisaged to eliminate the worst forms of child labour.

Within these measures or programmes, special attention is not given to the needs of particular groups of children.

The Government does not work with any multilateral agency (other than the ILO), bilateral donors or other organizations to combat child labour.

With respect to data, the Government does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and sanctions applied to users of child labour. The same applies to surveys that provide statistical information on the extent and/or nature of child work.

In the last population census, held in 1999, the lowest age of persons for whom questions were asked about economic activity was 18 years.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Kazakhstan, in the following areas, in order of priority (1 = most important, 0 = not important):

Type of technical cooperation needed	Ranking
Legal reform	1
Policy advice	0
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Training of other officials (e.g. police, judiciary, social workers, teachers)	1
Data collection and analysis	2
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	1
Social protection systems	1
Awareness raising, legal literacy and advocacy	1
Sharing of experience across countries/regions	2
Cross-border cooperation mechanisms	1
Inter-institutional coordination	2
Special programme for the elimination of the worst forms of child labour	1
Other: Adoption of legislation	

Report preparation

In preparing this report, employers' and workers' organizations were consulted, and selective enquires were made of workers' organizations. Comments were received from the social partners.

A copy of this report was sent to the Confederation of Employers of Kazakhstan and the Trade Union Federation of Kazakhstan.

Kiribati

Government

Recognition of this principle and right

In Kiribati, the principle of the effective abolition of child labour is recognized in the Constitution, legislation and judicial decisions, but not in collective agreements.

There is no national policy or plan aimed at ensuring the effective abolition of child labour and the Government does not intend to adopt either instrument.

Legislation establishes a general minimum age for admission to employment – 14 years for both boys and girls, which covers the following types of work:

- work performed in a family-owned or -operated enterprise;
- work performed in all enterprises;
- domestic service;
- self-employed work;
- commercial agriculture;
- light work; and
- work performed in export processing zones.

It does not cover home work and work undertaken in family and small-scale agriculture. Members of the family are allowed to participate in family duties.

Hazardous work is not defined in national legislation. The Government is unsure as to how to answer the question “what is the minimum age for engaging in hazardous work?.” [However, it makes reference to PART IX of the Employment Ordinance entitled “Employment of Children and other Young Persons” which includes the following sections:

- section 83 “Interpretation”;
- section 84 “Employment of children under 14 forbidden”;
- section 85 “Employment of persons under 15”;
- section 86 “Employment underground of male persons under 16”;
- section 87 “Employment of persons under 18”;
- section 88 “Register of young persons”;
- section 89 “Presumption of age”; and

- section 90 “Penalty”.]

There are no national laws or regulations with the aim of eliminating the worst forms of child labour, and no steps are currently being taken to amend existing legislation or introduce new legislation to address this issue.

The age of boys and girls at the end of compulsory schooling is 16 years, with a general requirement of 9 years or grades of instruction.

Child labour is not a major issue in the country, but there are very few isolated issues that are dealt with under the United Nations Convention on the Rights of the Child, which was ratified by Kiribati in 1995.

The worst forms of child labour (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs) do not exist in Kiribati.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

With regard to multilateral agencies, other than the ILO, the Government works in particular with the United Nations Children’s Fund (UNICEF) to combat child labour. Since Kiribati ratified the United Nations Convention on the Rights of the Child in 1995, it has adhered to and is still adhering to the Articles of the Convention. The Ministry of Environment and Social Development, after the ratification of the Convention, established the Kiribati Advisory Committee for Children which is responsible for the general implementation and monitoring of the Convention especially Articles 2 and 32 in this context, and putting the Convention into law. The Ministry has also organized two workshops to ensure public awareness on the Convention. The first workshop was a National Workshop involving participants from urban and rural areas and the second workshop is for Members of Parliament only.

In relation to the abolition of child labour, no information is recorded by the Government on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or sanctions applied to users of child labour. The same applies to surveys in view of providing statistical information on the extent or nature of child work.

In the last population census, held in 2000, the lowest age of persons for whom questions were asked about economic activity was 15 years.

Progress and achievements concerning this principle and right

No special measures have been undertaken in Kiribati that can be regarded as successful examples in the abolition of child labour.

Priority needs for technical cooperation

There is no need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Kiribati.

Report preparation

In preparing this report other governmental agencies, as well as employers' and workers' organizations were consulted, and comments were made by the social partners.

A copy of the report was sent to the Kiribati Chamber of Commerce (KCC) and the Kiribati Trade Union Congress (KTUC).

Observations received from employers' and workers' organizations

Employers' Organization: Kiribati Chamber of Commerce (KCC)

The Kiribati Chamber of Commerce hopes the Government will continue to progress the issue of workers through the ILO Declaration and with new legislation.

Workers' Organization: Kiribati Trade Union Congress (KTUC)

The Kiribati Trade Union Congress (KTUC) acknowledges the receipt of the two reports on the worst forms of child labour and on discrimination in employment and occupation. It is quite satisfied with the text and has no comments.

Lebanon

Government

Recognition of this principle and right

In Lebanon, the principle of the effective abolition of child labour is recognised in legislation.

There are national plans and policy for the effective abolition of child labour, which are carried out through several tracks, as demonstrated by the following:

- the legislative track completely prohibits the employment of any person who has not completed his thirteenth year, i.e. is under 14 years of age (Law No. 536 of 24 July 1996). This age limit is applicable to both boys and girls. Adolescents (both male and female) may not be employed in industrial projects, physically exhausting activities or activities which are hazardous to health (as stipulated in Schedules I and II of the Labour Code, 1946) before reaching the age of 15. They may not be employed in activities that are dangerous by nature or hazardous to life, health or morals due to the conditions in which they are performed, before reaching the age of 16. Decree No. 700 of 25 May 1999, provides the type of activities and prohibits the employment of young persons under the age of 16 or 17 depending on the circumstances. This Decree will be revised in the light of the provisions of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour, 1999 (No. 182) [Lebanon ratified Convention No. 182 on 11 September 2001];

- the following are policies and programmes in Lebanon aimed at ensuring the effective abolition of child labour:

  – in 2002, a Memorandum of Understanding (MOU) was signed between the Government of Lebanon, represented by the Ministry of Labour, and

ILO/International Programme on the Elimination of Child Labour (IPEC) to promote conditions which would enable the national authorities to limit and gradually organize child labour, with a view to abolishing it completely;

– the National Committee to Combat Child Labour was reactivated by the Minister of Labour's Order No. 1/55 of 4 May 2001, after its membership was expanded and its tasks defined as preparing and following up on the implementation of programmes, plans and projects aimed at combating child labour. The Committee is comprised of representatives of ministries, national childcare societies, employers, workers and delegates from specialised international organizations which coordinate activities with ILO/IPEC. To achieve the goals set out in the MOU, in 2001, the Minister of Labour signed an agreement on child labour with ILO/IPEC and accordingly, several practical steps were taken to achieve them by the Ministry of Labour in cooperation with IPEC. For instance, there is the establishment of the Unit for Combat of Child Labour at the Ministry of Labour, to increase awareness of the dangers arising out of such work and coordinate efforts with the different government administrations, civil society organisms, regional and international organizations to participate in the development of strategies and national action plans regarding the elimination of child labour. The Unit=s areas of action are as follows:

- participating in the development of legislation on child labour;
- defining the worst forms of child labour;
- endeavouring to involve local communities in development programmes aimed at combating child labour;
- publicizing the rights of the child and stressing right of every child to free and compulsory education;
- receiving grievances and complaints regarding violations of child labour legislation;
- establishing a specialized library on child labour;
- creating a website dealing with the problem of child labour;
- developing vocational training programmed for working children; and
- organizing seminars for those involved with child labour.

A special pamphlet has been prepared, in three languages (Arabic, English and French), to publicize the work of the Unit. It should be noted that as part of the implementation of the special agreement on child labour, IPEC has requested a specialised institution to prepare an up to date survey of child labour in Lebanon; a preliminary draft has been prepared for discussion. The results of the survey are due, in principle, in two months time. Its conclusions shall be the basis of a national strategy to combat child labour and for the selection of priorities with regard to implementation and of programmes.

National legislation establishes a general minimum age for admission to employment – 14 years for both boys and girls – which covers the following:

- work performed in all enterprises;

- home work;
- self-employed work;
- commercial agriculture;
- light work; and
- work performed in export processing zones.

Domestic service is exempted from the provisions of the Labour Code (article 7). In addition, the department in charge of supervising foreigners employed in Lebanon at the Ministry of Labour only grants leave, under the prevailing decisions, to those aged 18 and over. Generally speaking, the employment of anyone under the age of 14 in domestic service, is very rare.

As regards employment in family and small-scale agricultural establishments, the Government would like to point out that agricultural establishments not involved in trade and industry, and family establishments are excluded from the provisions of the Labour Code (Article 7).

The Government would also like to point out that the draft Amendment to the Labour Code prepared by the Tripartite Committee set up by the Minister of Labour's Order No. 1/210 of 21 December 2000, excludes those categories from the provisions of the Labour Code and provides that they shall organize their business according to specific legislation.

National legislation defines hazardous work. Decree No. 700 of 25 May 1999, deals with hazardous work and work that can jeopardise life, health or morals. Schedule I lists these occupations and prohibits the employment of young persons under the age of 16 (i.e. the beginning of the age of 17), under the age of 17 (i.e. the beginning of the age of 18), depending on the type of occupation. As stated earlier, this Schedule I shall be revised in the light of Lebanon's ratification of Conventions Nos. 138 and 182 [the Instrument of ratification for Convention No. 138 and the relevant Declaration have not been received by the Office].

The Preamble of Decree No. 700 defines hazardous work as work which endangers life, health or morals, i.e. the definition adopted by the ILO –

- *work dangerous to life*: work that can cause death or direct physical injury because of its nature, the substance used or sediments resulting from it or because of the harm caused by handling or storage of corrosive, inflammable or explosive material; e.g. the disposal of dust from furnaces, the aluminium industry, manufacture and manual processing of explosives; work in tanneries and in the production, transformation and conveying of electricity;
- *work dangerous to health*: work which by its nature is harmful to the health of an employee or may cause injury due to the nature of the substance used or produced, including toxic substances, noxious gases or fumes or odours as well as dangerous or harmful dusts; e.g. work in soap or rubber factories, work with chemical substances or occupations in which there is exposure to asbestos or cotton dust, lead or (white) zinc extraction, manufacture of mirrors (using silver), the extraction and production of oil and work under water;
- *work endangering morals*: work that is harmful to the young person, such as involving a young person in sexual activities that are indecent, in addition to activities

that could expose a young person to extreme psychological pressure such as forced labour, slavery or bondage; e.g. street hawkers, work in courts of law or prisons, bars or night clubs, production of pornographic material, street begging or caring for the mentally disturbed.

The minimum age for employment in hazardous work or work is dangerous to life, health or morals, due to its conditions, is 17 or 18 years (depending on the nature of this activity, as defined by Decree No. 700), for both boys and girls.

Laws or regulations exist in Lebanon with the aim of eliminating the worst forms of child labour. As stated earlier, Decree No. 700 prohibits the employment of young persons before they turn 17 or 18 in dangerous occupations or in occupations that are hazardous to life, health or morals because of the conditions in which they are undertaken. These occupations fall within the definitions of the worst forms of child labour as provided by Conventions Nos. 138 and 182.

Steps are currently being taken to amend existing legislation or introduce a new one to address the elimination of the worst forms of child labour. The draft Amendment to the Labour Code prepared by the Tripartite Committee referred to earlier, includes provisions that uphold the principle of the effective abolition of the worst forms of child labour, and considers the following actions as crimes punishable under the Penal Code, 1943, in addition to the sanctions set forth in the Labour Code for all those who take part in, facilitate or encourage:

- all forms of slavery or acts assimilated to slavery;
- the employment of a child or young person, using or offering them for prostitution; and
- the employment of a child or young person, using or offering them to undertake illegitimate activities.

Employers or their representatives, parents or tutors shall bear partial responsibility for violations of all the provisions of the Labour Code regarding the employment of young persons.

The draft Amendment to the Labour Code stipulates that mitigating circumstances may not be taken into consideration, neither can a sentence be suspended in cases of violations of the Chapter regarding the employment or work of young persons or crimes committed by a repeat-offender or his representative, who has been previously warned in writing. Such a person shall be sentenced for each offence separately and the sentences may not be served concurrently. These provisions fall within the scope of the implementation of Conventions Nos. 138 and 182.

Law No. 686 of 16 March 1998, provides that “primary education is compulsory and provided free of charge.” It is the right of every Lebanese citizen of primary school-going age as described by a Cabinet Decree, which sets out the conditions and the organization of the free and compulsory education. These provisions apply equally to both boys and girls, though the organizing rules for this legislation have not yet been published. The age of both boys and girls at the end of the compulsory education phase, under this law is 12 years, with children commencing the first year of kindergarten between ages four and five. They go through the basic primary education phase from ages five to eight and then the second basic primary education phase from ages eight to twelve.

"In the year 2000, the Central Statistical Office, the Ministries of Health, National Education, Higher Education, Labour and Social Affairs with the support of the United Nations Children's Fund (UNICEF) undertook a study on the situation of the Lebanese child in order to obtain basic indicators regarding child survival and development, nationally and in the governorates."

The study provided the following data regarding the employment of children between the ages of 5 and 14:

- nine per cent of children aged five to nine years and 1.8 per cent of children aged between 10 and 14 are gainfully employed. This percentage is 3.5 times higher for boys than for girls;
- regional differences indicate that gainful employment is more widespread in the southern regions and the Bekaa when compared to other governorates;
- 2.5 per cent of boys and 7.8 per cent of children in the five to nine and the 10 to 14 age groups are employed without pay. This percentage is twice as high for boys than for girls. It is also more widespread in the South and the Bekaa than in Beirut;
- 22.2 per cent and 44.5 per cent of children in the five to nine and the 10 to 14 age groups are employed at home for less than four hours a day. As expected, this applies more to girls than to boys. As for the percentage of children working at home for more than four hours per day, this represents 0.3 per cent and 2.25 per cent for the five to nine and the 10 to 14 age groups. It is more widespread among girls and in the northern governorates and least in Beirut and the Bekaa.

The overall percentage of children aged between five and 14 engaged in paid or unpaid employment either in or outside of their homes amounts to 39.1 per cent and they work for more than four hours a day in domestic work.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented and are envisaged to enforce minimum age(s) for employment:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- vocational and skills training for young workers;
- awareness raising/advocacy; and

- international cooperation programmes or projects.

In addition, employment creation/income generation and child rehabilitation following removal from work are envisaged.

A number of activities (seminars and training courses) on the subject of child labour have been undertaken in 2001 and 2002 by IPEC with the participation of or in cooperation with the Ministry of Labour.

Within these measures or programmes, special attention is given to the needs of particular groups of children. IPEC in Lebanon is concerned with child labour in the informal sector especially in the regions. It is worth noting that a Centre for Protection against Child Labour was established in the region of Nabatea. It is a joint project between ILO/IPEC and the Ministries of Education and Higher Education to protect children and defend their rights, as well as provide training for those at work. The Centre officially started its activities in November 2001. Attached is a copy of the pamphlet introducing the Centre. It deals with the activities of children aged 14 to 18 years with regard to vocational training for the activity they are currently undertaking or in other activities such as car mechanics. It cooperates with the social centres of the Ministry of Social Affairs and 12 national societies in the regions, and cares for the health, social, psychological and daily needs of children under the age of 18. It also coordinates with the Labour Department in Nabatea, which is a regional department of the Ministry of Labour, dealing with working children.

The Centre has also set up a “business management” programme for children, which so far, has been attended by 40 children aged between 14 and 18. The programme is aimed at familiarising children with their professions if they should want to take up such an activity. It also organizes literacy programmes.

Furthermore, the Unit for Combat of Child Labour at the Ministry of Labour shall be participating in a training workshop on sex organized by IPEC in Turkey from 30 October to 1 November 2002. The workshop is aimed at strengthening the capacity of participants to include the gender perspective in activities aimed at reducing and eliminating work undertaken by girls and boys especially the worst forms of this type of work. This training workshop shall help identify possible frameworks for programmes, which would take into account the needs of children under the age of 12 and young girls, in particular.

As stated earlier, members of the National Committee to Combat Child Labour include employers’ and workers’ representatives. Their organizations have their own programmes that fall within the scope of the comprehensive IPEC programme in Lebanon.

On the employers’ side, the Association of Lebanese Industrialists undertook a study with IPEC on the number of children employed in the industrial sector. The study was completed a short while ago and in light of its results, a training workshop will be held for certain employers to acquaint them with the dangers of child labour, especially its worst forms. Seminars and training workshops will also be organized with industrialists, especially in the regions and for specific industrial sectors (which the study indicated as employing children) to examine the issues and ways to redress the situation.

As for workers’ organizations, the General Confederation of Lebanese Workers has set up a Central Committee and a unit to follow-up on the combat against child labour. Subsidiaries have been established in all governorates in Lebanon which operate in coordination with civil society, which have been established to prevent child labour from becoming widespread.

The Confederation also organized seminars and information campaigns on child labour for children and parents as well as trade unions. It is currently coordinating action [programmes] with schools at the beginning of the school year and with parent-teacher associations (PTAs) to organize further activities.

The IPEC programme in Lebanon is financially backed by France, while the United Kingdom directly participates with the Ministry of Interior and municipalities by covering the Ministry-s expenses for the abolition of child labour programme. Furthermore, UNICEF covers the expenses of training workshops for children aged 14, while IPEC in Lebanon is being supported with studies on child labour.

Lebanon is currently drafting a programme and a national strategy to reduce child labour with a view to abolishing it, as well as setting up a labour inspection, protection and safety mechanism in the Ministry of Labour to enable it to tackle the question of child labour. When these steps are completed, plans can be drawn up to remove children illegally employed or those exposed to danger. This would help to assess their numbers and impose sanctions on violators as well as provide the required information.

As concerns statistical information on the extent and/or nature of child work, governmental surveys are undertaken and results are separated by sex, age, occupation, type of activity and the number of hours worked. Several studies have been undertaken, which provide the numbers of working children. They are as follows:

- a study by the Ministry of Social Affairs and the United Nations Population Fund (UNFPA) which surveys population and housing statistics in 1997 and indicates that the number of working children aged ten years and above by situation (both male and female), main activity (both male and female), economic sector, gender and wage;

- a labour market study, published in 1997, on the statistical survey of those institutions, which was undertaken by the National Employment Institution, ILO and UNDP and which studied the under 20 years age group. The data shows worker distribution by gender, age and level of education (for both girls and boys). In 2000, an update of the 1997 study examined the under 25 years age group and provided tables of worker distribution by gender, age, profession, educational level, average wage etc. Both studies have been made available to the ILO;

- the National Report on Child Labour in Lebanon prepared by the Ministry of Labour in 1997, was based on a study by the Ministry of Social Affairs and studies by the Lebanese University and UNICEF. Statistical tables covered child labour from the age of ten. This report has been made available to the ILO;

- as mentioned earlier, IPEC has entrusted a specialised institution to undertake a more up to date study on child labour in Lebanon. The results are expected to be published within two months. It is hoped that the study will be updated regularly; and

- in 2000, the Central Statistics Authority in cooperation with the ministries concerned and with UNICEF support, undertook a “Study of the Condition of the Child” which contains data regarding child labour from the age of five.

The latest comprehensive population census undertaken in Lebanon dates back to 1932, therefore the Government cannot answer the question on this report form in this regard.

Progress and achievements concerning this principle and right

As mentioned earlier, successful steps have been taken with a view to solving the issue of child labour on the legislative level (the current Labour Code and in its draft Amendment) or at the level of projects, programmes or on-going or future plans. The latest comprehensive report by the Ministry of Labour regarding the principle of the effective elimination of child labour, has been referred to the ILO under Reference No. 3/1764 of 14 August 2001.

With respect to the latest developments since the last report (GB.283/3/2), some details were listed at the beginning of the present report, to which the Government would like to add the following:

- the draft Amendment to the Labour Code drawn up by the Tripartite Committee established by the Minister of Labour's Decree No. 1/210 of 21 December 2000, contained a text raising the minimum age for employment or work from 14 to 15 years. The Government would like to point out that this project used the words "employment or work" in the text of the provisions regarding young persons on the basis of the provisions of Convention No. 138;

- Lebanon has ratified Convention No. 182 by virtue of Law No. 335 on 2 August 2001. Convention No. 138 was ratified by virtue of Law No. 400, on 5 June 2002 [the Instrument of ratification for Convention No. 138 and the relevant Declaration have not been received by the Office];

- an officer has been appointed at the Ministry of Labour, as a focal point, to coordinate between ministries, administrations and national associations in the implementation of projects for the elimination of child labour, in cooperation with IPEC;

- Law No. 414 of 5 June 2002 authorises the Government to accede to the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and

- Law No. 224 of 6 June 2002, was passed to protect minors who have broken the law or are exposed to danger. A minor has been defined as being in danger, in the following circumstances:

    1. if the child is found in an exploitative environment which jeopardises his health, safety or the conditions in which he is being raised;

    2. if the child is exposed to sexual attack or to physical violence exceeding that which is customarily accepted as non-harmful corporal punishment;

    3. if the child is found to be a beggar or a vagrant, as the law provides for protective measures; and

    4. under Decree No. 7826 of 20 April 2002, an agreement was concluded between the Ministry of Interior, the municipalities and ILO/IPEC to strengthen the capacity of the Ministry of Interior and the municipalities, in order to limit and eradicate child trafficking and children working on the streets, through a multi-sectoral programme.

Difficulties concerning the realization of this principle and right

Obstacles encountered in Lebanon with respect to realising the principle of the effective abolition of child labour are the following:

- failure to implement legislation on free and compulsory education for a number of reasons including, the insufficient numbers of government schools and school equipment, at a time when the Lebanese economy is overcoming the effects of the war years;
- the low standards of living of large numbers of Lebanese families, as a result of the specific economic conditions of Lebanon, which leads families to employ their children to provide extra family income due to the absence of other sources of income at the present time;
- the lack of knowledge on the part of certain families on the dangers of work at an early age on a child-s physical, mental and psychological development, especially the worst forms of child labour;
- the limited job creation opportunities, due to the difficult economic conditions encountered by the production sectors, which have a negative impact on the employment of parents, in addition to delays in receiving aid pledged for reconstruction and development;
- truancy for many reasons, with children opting to enter the work market at an early age to earn a living or learn a trade or gain on the job training; and
- the lack of adequate training and information for the Labour Inspection and Safety and Health Corps regarding the methods of inspection of child labour and on how to tackle the situation and the Government would like to point out that the Ministry of Labour shall be organizing a training workshop for labour inspectors with IPEC, on inspection methods with regard to child labour and the means to redress the situation.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Lebanon, in particular in the following areas, in order of priority (1 = most important, 2 = 2nd most important; etc.):

Type of technical cooperation needed	Ranking
Legal reform	
Policy advice	
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Training of other officials (e.g. police, judiciary, social workers, teachers)	3
Data collection and analysis	X
Strengthening capacity of employers' and workers' organizations	X
Employment creation, skills training and income generation	X
Social protection systems	X
Awareness raising, legal literacy and advocacy	
Sharing of experience across countries/regions	

Type of technical cooperation needed	Ranking
Cross-border cooperation mechanisms	
Inter-institutional coordination	
Special programme for the elimination of the worst forms of child labour	2

The three priority areas for technical cooperation with the ILO, which are directly related to the implementation of plans and projects established as part of the IPEC programme in Lebanon, are to help support the authorities capacity with respect to child labour to confront the problem and find appropriate solutions.

The ILO possesses the experience in the three chosen areas. The provision of assistance should create optimum opportunities for the success of the IPEC programme in Lebanon and translate it into a reality on the ground to reduce child labour with a view to eliminating it, at a later phase. Lebanon looks forward to implementing Conventions Nos. 138 and 182 adequately.

Report preparation

Due to time constraints the Government was unable to undertake consultations with any official authority or employers' or workers' organization before preparing this report. The Government would like to point out the following:

- the National Committee to Combat Child Labour, set up by the Minister of Labour by virtue of Decree No. 1/55 of 4 January 2001, is composed of representatives of several official administrations involved with childcare and of employers' and workers' organizations. The Committee's tasks are to prepare and follow-up on the implementation of programmes and plans aimed at combating child labour. Consequently, these authorities are informed about programmes and projects aimed at the effective elimination of child labour, as they effectively take part in discussions on this issue;

- the Ministry of Labour's report, which was forwarded to the ILO with the Government's letter, No. 3/2382 of 31 August 2002, contained the Government's replies to the report form on the principle of freedom of association and the effective recognition of the right to collective bargaining and clarifications related to the position of Lebanese legislation on the principles embodied in Convention No. 138, was referred at the time to the employers' and workers' organizations mentioned in that letter. The Federation of Chambers of Commerce, Industry and Agriculture in Lebanon, in its letter, No. 806/2002 of 9 September 2002, informed the Government that it had examined the Ministry-s report and circulated it to the Lebanese Chambers; and

- in its letter, No. 2320/3 of 24 August 2002, the Ministry of Labour informed the Association of Lebanese Industrialists (ALI), the Federation of Chambers of Commerce, Industry and Agriculture in Lebanon and the General Federation of Workers, that under the provisions of Law No. 400 of 5 June 2002, the Government of Lebanon has been authorized to accede to Convention No. 138.

The Ministry of Labour has also sent a copy of this report, which contains answers to the questions in the report form on the principle of the effective abolition of child labour, to the Association of Lebanese Industrialists (ALI), the Federation of Chambers of Commerce, Industry and Agriculture in Lebanon and the General Federation of Workers. The Government has not as yet received any comments from them.

The Ministry has already provided the ILO with documentation and information (legislative, the composition of relevant committees, plans and strategies around that time) regarding activities undertaken in Lebanon with respect to the elimination of child labour.

Annexes (not reproduced)

- A list of seminars, colloquia and training workshops, attended or organized by the Ministry of Labour and IPEC in 2001 and 2002.
- Decree No. 700 of 25 May 1999 concerning the prohibition of the employment of minors under the age of 16 or 17 in work hazardous by nature and which threatens life, health or morals.
- Unit for Combat of Child Labour in Lebanon, Ministry of Labour (a brochure providing the definition, goal, reasons for the establishment of the Unit and fields of action in Arabic, English and French).

Lithuania

Government

Recognition of this principle and right

In Lithuania, the principle of the effective abolition of child labour is recognized, among others, in the Constitution, legislation, judicial decisions and collective agreements, as demonstrated by the following:

- Constitution of the Republic of Lithuania, (25 10 1992), article 48;
- Law on the Employment Contract (28 11 1991 No. I-2048);
- Law on Safety and Health at Work (17 10 2000 No. VIII-2063);
- Law on the Labour Inspectorate (25 10 1994 No. I-614);
- Law on Fundamentals of Protection of the Rights of the Child (14 03 1996 No. I-1234);
- Law on Protection of the Rights of the Child Ombudsman (25 05 2000 No. VIII-1708);
- Law of the Republic of Lithuania “On Ratification of the United Nations Convention on the Rights of the Child”(03 07 1995 No. I-987);
- Law of the Republic of Lithuania on the ratification of the European Social Charter (revised), 15 May 2001, No. IX-317;
- Resolution of the Supreme Council of the Republic of Lithuania on ratification of the International Covenant on Economic, Social and Cultural Rights, 12 March 1991, No. I-1136;

- Government Resolution No. 1055 on Regulations of Working and Employment Conditions for Persons up to the Age of 14, Persons from Age 14 to 16 and Persons from Age 16 to 18, adopted on 11 September 1996;

- Government Resolution No. 29 of 11 January 2000 on the National Programme against the Commercial Sexual Exploitation and Sexual Abuse of Children;

- Government Resolution No. 282 of 28 February 1995, on Approval of the Governmental Drug Control Commission and its Regulations;

- Government Resolution No. 970 of 6 September 1999, on Approval of National Drug Control and Drug Addiction Prevention Programme for 1999-2003; and

- Government Resolution No. 73 of 28 January 2001, on the partial revision of Government Resolution No. 282 of 28 February 1995, and Government Resolution No. 970 of 6 September 1999.

Copies of the aforementioned documents have already been submitted to the ILO with the reports on the application of relevant ratified Conventions and the 2002 Annual Review under the Follow-up to the Declaration (GB.283/3/2).

The Government of the Republic of Lithuania, in striving to ensure the protection of the rights and legitimate interests of children and to decrease the possibility of children becoming victims of sexual abuse and commercial sexual exploitation, adopted Government Resolution No. 29 of 11 January 2000, on the National Programme against Commercial Sexual Exploitation and Sexual Abuse of Children.

This Programme provides for legal, educational, social, medical, organizational and informative measures to achieve the strategic and tactical objectives – i.e. to create conditions for combating commercial sexual exploitation and sexual violation, and provide for ways of achieving them. The main goals of the programme are as follows:

1. strategic objective – to create a system of preventive measures against commercial sexual exploitation and sexual violation of children;

2. tactical objective – ascertain the main reasons for commercial sexual exploitation and sexual violation of children and ways for their abolition, to choose the most suitable measures to achieve the strategic objective and establish stages for its implementation;

3. other goals:

    3.1. to develop a legal base and a system for its implementation, to strengthen penal liability for persons who commit crimes (including sexual crimes) against children, and to develop further measures for the rehabilitation of children who suffered from violence or sexual exploitation;

    3.2. to create a balanced system of institutions and individuals working on the protection of children's rights, and a system for their functioning; to ensure good contacts and cooperation at the municipal, state and international levels;

    3.3. to create an informative and scientific methodological system which could allow for the accumulation and analysis of data on commercial sexual exploitation and sexual violation of children; this would also help to foresee the tendencies for and spread of such exploitation.

The National Drug Control and Drug Addiction Prevention Programme for 1999-2003 was adopted by the Government in 1999, with the goal of preventing the spread of drug addiction (there is no translation of the Programmes from Lithuanian into English or French).

The Law on Safety and Health at Work (article 58(2)) and the Law on the Employment Contract (article 4) establish a general minimum age for admission to employment (16 years for both boys and girls).

Government Resolution No. 1055 on Regulations of Working and Employment Conditions for Persons up to the Age of 14, Persons from Age 14 to 16, and Persons from Age 16 to 18, adopted on 11 September, 1996, identifies jobs prohibited to persons of a certain age. The new Labour Code was adopted, this year (2002), by the *Seimas* (Parliament) of the Republic of Lithuania. It comes into force on 1 January 2003 and provides for the correction and amendment of Government Resolution No. 1055, to be carried out at the end of 2002.

National legislation defines hazardous work, as noted in the Law on Safety and Health at Work (17 10 2000 No. VIII-2063), Article 67:

1. Article 67. Classification of the working environment

The working environment shall be classified as follows:

(1) optimal working environment: working environment which contains no hazardous factors which may have a negative effect on the worker's condition, functional capacity or health;

(2) normal working environment: working environment which contains hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which do not exceed the limits established in legal acts on safety and health at work;

(3) hazardous working environment: working environment which contains one or more hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which, at certain points in time during the working day, exceed the limits established in legal acts on safety and health at work. When working in such an environment, conditions to protect workers' health must be created;

(4) extremely hazardous working environment: working environment which contains one or more hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which, during the working day, continuously exceed the limits established in legal acts on safety and health at work. Workers may work in such an environment only in exceptional cases and must be provided with conditions to protect their health;

(5) dangerous working environment: working environment in which the release of especially dangerous chemical substances or agents, in the form of aerosols or dust, into the environment may occur in the course of work; also includes the use of dangerous explosive substances. In order to protect the workers from possible exposure, measures specified in article 20(3) must be introduced.

2. Permitted levels and quantities of factors in the working environment shall be laid down in legal acts on safety and health at work.

The minimum age for engaging in hazardous work is 18 years for both boys and girls.

Laws/regulations with the aim of eliminating the worst forms of child labour were listed earlier (apart from the Criminal Code (articles 131-3, 241, 242 (2), which is also relevant in this regard).

It is planned that amendments to the Law on Safety and Health at Work and to Government Resolution No. 1055 will be adopted by the end of 2002.

As regards compulsory schooling (provided for in the Constitution of the Republic of Lithuania, article 41), the age of boys and girls at the end of compulsory schooling is 16 years.

Unemployment in Lithuania is rather high (11 per cent in the third quarter of 2002) and child labour is not widespread (see table 1):

Table 1

Activity of the State Labour Inspectorate	2001	2002 (half-year)
Number of inspected enterprises with respect to issues of safety and health	14 502	7 745
Total number of employees in enterprises inspected	743 735	409 324
Employees under the age of 18	204	148

According to crime statistics of the Ministry of Internal Affairs of the Republic of Lithuania, some of the following crimes are rare amongst boys and girls: sale and/or trafficking; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs. It is not known whether other worst forms of child labour exist.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

The Government of the Republic of Lithuania, in striving to ensure the rights and legitimate interests of children and to decrease the possibility of children becoming victims of sexual harassment and commercial sexual violation, adopted Government Resolution No. 29, 11 January 2000, on the National Programme against Commercial Sexual Exploitation and Sexual Violence of Children. The Commission for the Co-ordination of the National Programme against Commercial Sexual Exploitation and Sexual Violence of Children was created by Order No. 107 (3 August 2001), of the Minister of Social Security and Labour.

The Governmental Drug Control Commission was created by Government Resolution No. 282 of 28 February 1995 and the National Drug Control and Drug Addiction Prevention Programme for 1999-2003 was approved by Government Resolution No. 970 of 6 September 1999. It was revised by Government Resolution No. 73 of 28 January 2001, the partial revision of Government Resolution No. 282 of 28 February 1995, and Government Resolution No. 970 of 6 September 1999.

The Programmes provide plans for measures to be taken at different levels (Government, municipalities and educational institutions).

The Poverty Reduction Strategy, which focuses on the situation of children, has been created, and the Programme of Action for its implementation was to be adopted by the Government in the first quarter of 2002.

In view of bringing about the effective abolition of child labour, the following measures to enforce minimum age(s) for employment and eliminate the worst forms of child labour have been implemented:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery; and
- free compulsory education.

In addition, child rehabilitation following removal from work, vocational and skills training for young workers, and awareness raising/advocacy have also been implemented to eliminate the worst forms of child labour:

A vocational training and counselling system has been created. It is coordinated by the Lithuanian Vocational Training and Counselling Authority, the Lithuanian Labour Exchange and the Ministry of Education and Science. Many projects have been carried out in cooperation with other countries, for example, the Youth Employment Centre was established at the Vilnius Labour Exchange in cooperation with the Labour Ministry of Denmark. Based on this experience, the establishment of such centres in other towns in Lithuania is planned.

Furthermore, the social security system includes social assistance for children and a vocational orientation centre for soldiers at the Vilnius Training and Counselling Centre, which tries to help young people to choose a profession after military service.

Within these measures or programmes, special attention is given to the needs of particular groups of children, who are victims of sexual exploitation and drug addiction.

Employers' and workers' organizations are involved in the development and implementation of these measures or programmes of action through the Tripartite Council of the Republic of Lithuania – a body based on equal-rights of the tripartite partners, and which, by mutual agreement, deals with social, economic and labour-related problems including child labour. The Regulations of the Tripartite Council specify that the Council may decide to establish standing and provisional commissions to consider special, perpetual and extraordinary problems. Therefore, on 12 January 1999, upon the decision of the Tripartite Council, the Standing Commission of Tripartite Consultations on Implementation of International Labour Standards was set up. During its December 2000 meeting, the Commission discussed, among others, the possibility of ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182) and possible measures to assess and abolish the worst forms of child labour still in existence the country. The ratification of Convention No. 182 has been included in the agenda of the winter session of the *Seimas* (Parliament) of Lithuania.

Apart from the ILO, the Government works with multilateral agencies, bilateral donors and/or other organizations to combat child labour.

Many projects at the Lithuanian Labour Exchange, the Lithuanian Training and Counselling Authority, the Ministry of Education and Science and other institutions are carried out in cooperation with institutions in different countries.

The Government does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or sanctions applied to users of child labour.

The State Labour Inspectorate does not distinguish children (either by age, sex, occupation, etc.) as a special category of employees during enterprise inspections and the recording of the results of inspection. It looks only at the number of employees under 18 years of age.

The State Labour Inspectorate inspects enterprises on a regular basis and gets information on the extent of child labour. The nature of child labour is not registered.

In the last population census, held in 2001, all inhabitants who were at home on 5 April 2001 were interviewed. According to the Law on Census, there is no special limit on the age at which a person should be directly interviewed; the decision binds on the child's parents.

Progress and achievements concerning this principle and right

The programmes and measures which were described in the preceding sections, can be regarded as successful examples in the abolition of child labour.

Difficulties concerning the realization of this principle and right

There are no special obstacles with respect to realising the principle of the effective abolition of child labour because child labour is not widespread in Lithuania (see Table 1), and it is regulated by national legislation.

The most urgent problems concern the so-called street children, who live as tramps and are, therefore, most vulnerable to becoming victims of sexual abuse, drug addiction or being involved in crimes.

Therefore, all government efforts, with the active participation of non-governmental organizations, are directed towards such children. Besides the measures mentioned before, social and education counsellor positions were established in 2001. Since September 2001, 150 counsellors began their work at educational institutions. Their duties include work with children and their parents and coordination of activities with other institutions. Children who are victims of drug addiction undergo rehabilitation in psychological-pedagogical rehabilitation camps. Every municipality has services for the protection of children's rights. There are child day centres and child support centres which try to help children and their parents to overcome psychological crises. The aim is to take preventive measures against the violation and exploitation of children, and to try to involve society in solving problems affecting children.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Lithuania, in particular in the following areas, in order of priority (1 = most important, 0 = not important):

Type of technical cooperation needed	Ranking
Legal reform	2
Policy advice	1
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	0
Employment creation, skills training and income generation	0
Social protection systems	0
Awareness raising, legal literacy and advocacy	0
Sharing of experience across countries/regions	2
Cross-border cooperation mechanisms	2
Inter-institutional coordination	0
Special programme for the elimination of the worst forms of child labour	2

ILO experts analysed national legislation regulating the prohibition of the worst forms of child labour and they advised on the need to amend the legislation. They found nothing in the national legislation which was incompatible with Convention No. 182. It was concluded that nothing in the national legislation would prevent the ratification of this Convention. However, efforts, such as designing and implementing programmes of action in this regard, will continue.

Report preparation

In preparing this report, consultation was held with the following governmental agencies:

- the State Labour Inspectorate;
- the Statistic Department at the Government of the Republic of Lithuania;
- the Ministry of Internal Affairs; and
- the Ministry of Education and Science.

Comments by employers' and workers' organizations have not yet been received.

A copy of this report was sent to:

- Lithuanian Business Employers' Confederation;
- Confederation of Lithuanian Industrialists (LPK);
- Lithuanian Trade Unions' Confederation;
- Lithuanian Trade Union "*Solidarumas*"; and
- Lithuanian Labour Federation (LDF).

Mexico

Government

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

[Reference is made to the first government report on ratified Convention No. 182 – see Annexes (not reproduced).]

The Government of Mexico will participate in a specific programme of the International Programme on the Elimination of Child Labour (IPEC), financed by the United States Department of Labor.

Furthermore, as part of the activities for the elaboration of the specific Programme of Action, a strategic planning workshop was held in Mexico City on 10 and 11 July 2002. It was attended by representatives of workers' (the Confederation of Mexican Workers (CTM)) and employers' organizations (the Mexican Confederation of Chambers of Industry (CONCAMIN) and the Mexican Employers' Federation (COPRAMEX), various government departments, and the academic world. The results of the workshop identified objectives, strategies and outputs in the area covered by the Programme.

The draft specific Programme of Action envisages activities over a period of 30 months to combat commercial sexual exploitation of children at national and state levels, through:

(i) prevention;

(ii) adapting the legal framework;

(iii) care for child victims in Acapulco, Guadalajara and Tijuana; and

(iv) strengthening inter-institutional coordination.

Among the actions envisaged, the specific Programme of Action is intended to finance specific activities promoted by the National Coordination for Preventing, Tackling and Combating Commercial Sexual Exploitation of Children, led by the National Integrated Family Development Programme (DIF). The Secretariat of Labour and Social Security will participate in its committees.

It is hoped that the project will be approved shortly, by the authorities in the United States, as the donor country which will provide resources for the implementation of the Programme.

Progress and achievements concerning this principle and right

[Reference to the first government report on ratified Convention No. 182 – see annexes (not reproduced).]

Annexes (not reproduced)

– Government of Mexico, 2000. Report on the Worst Forms of Child Labour Convention, 1999 (No. 182) [in Spanish].

Mozambique

Government

Recognition of this principle and right

In Mozambique, the principle of the effective abolition of child labour is recognized in the Constitution, legislation and judicial decisions.

A national survey was carried out to ascertain the scale of child labour in Mozambique. The results of this survey have not yet been published. These results will dictate the measures to be taken to ensure the effective abolition of child labour.

The Government is currently carrying out a study with a view to adopting a national plan to combat child labour.

Legislation in Mozambique establishes a general minimum age for admission to employment. Law 8/98 of 20 July 1998 sets a general minimum age of 15 years for admission to employment for boys and girls.

The general minimum age for admission to employment covers the following types of work:

- work performed in a family-owned or operated enterprise;
- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- light work;
- work performed in export processing zones; and
- other types of work (work undertaken by migrant workers and work performed in the informal sector).

It does not cover work undertaken in the areas of commercial agriculture and family and small-scale agriculture.

Legislation in Mozambique defines hazardous work. Law 8/98 of 20 July 1998 (article 80) cites the need to adopt measures for the education of children who have attained the minimum age for employment, and to create conditions of work appropriate to their age, taking into account any harm to their physical and moral development. Article 80 also prohibits the employment of children under 18 years, in unhealthy, hazardous types of

work or in tasks that require great physical effort. The minimum age for engaging in hazardous work is 18 years for boys and girls.

In view of eliminating the worst forms of child labour, Law 8/98 of 20 July 1998 provides for:

- the creation of conditions to enable all children of school-going age to complete their compulsory education;
- the prohibition on young people under 18 years from engaging in hazardous work; and
- the creation of conditions of work appropriate to a child's age.

As mentioned earlier, the measures to be adopted in order to address the elimination of child labour will depend on the results of the national survey, which was undertaken with a view to eliminating the worst forms or certain existing forms of child labour.

As regards compulsory schooling, all children in Mozambique are required by law to attend school for seven years (Law 6/92 of 6 May [1992], which amends the general framework or provisions of the National Education System). The age of both boys and girls at the end of this period is 12 years, with a general requirement of 7 years of instruction (e.g. from the first to the seventh grade of primary school; a child is six years old when he or she begins the first grade).

In Mozambique, child labour is found mainly in the informal sector. It is normal to see children aged 12 to 15 years as itinerant vendors or in informal markets, as a means of survival.

The worst forms of forced labour (such as sale or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; pornography; and illicit activities, in particular production and trafficking of drugs) do not exist in Mozambique. However, prostitution, one of the worst forms of child labour, is believed or suspected to exist amongst girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment:

- inspection/monitoring mechanisms;
- penal sanctions;
- free compulsory education;
- employment creation/income generation;
- child rehabilitation following removal from work;
- vocational and skills training for young workers; and
- awareness raising/advocacy.

In addition, legal reform; civil/administrative sanctions; special institutional machinery; social assistance (e.g. stipends, subsidies, vouchers); and international cooperation programmes or projects are envisaged.

With respect to the elimination of the worst forms of child labour, the following measures have been implemented:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers; and
- awareness raising/advocacy.

Furthermore, civil or administrative sanctions, special institutional machinery, and international cooperation programmes/projects are envisaged.

Programmes, with a view to abolishing the worst forms of child labour and observing the minimum age for admission to employment, are aimed mainly at disadvantaged groups of children and others in the informal sector, whose parents lack the economic prowess to provide for their basic needs and education.

Employers' and workers' organizations are involved in developing programmes of action to eliminate the worst forms of child labour.

In terms of technical cooperation with the aim of combating child labour, the recent national survey to ascertain the scale of child labour was carried out in cooperation with the ILO and the United Nations Children's Fund (UNICEF).

The Government does not have any statistics on child labour neither does it have data on children who work as well as attend school or do not attend school. However, as mentioned earlier, a national survey on this subject was carried out and results are expected.

Progress and achievements concerning this principle and right

Special measures that have been undertaken in Mozambique that can be regarded as successful examples in the abolition of child labour are the assurance of compulsory and free education and that children are engaged in activities compatible with their age, to enable them to have healthy and sound physical and spiritual development.

Myanmar

Government

Recognition of this principle and right

In Myanmar, the principle of the effective recognition of child labour is recognized only in the legislation, which establishes a general minimum age of 18 years for both boys and girls. The Factories Act, 1951, provides as follows:

> 2 (a) "Child" means a person who has not completed his fifteenth year.
>
> 2 (b) "Adolescent" means a person who has not [who has] completed his fifteenth [year] but has not completed his eighteenth year.
>
> 2 (c) "Young person" means a person who is either a child or an adolescent.
>
> 75. No child who has not completed his thirteenth year shall be required or allowed to work in any factory.
>
> 76. A child who has completed his thirteenth year or an adolescent shall not be required or allowed to work in any factory unless –
>
> (a) a certificate of fitness granted under section 77 with reference to him is kept in the custody of the manager of the factory; and
>
> (a) [b] such a child or adolescent carries a token referring to [evidence of] such a certificate, while he is at work.

Further, the Shops and Establishments Act, 1951, states the following:

> 8 (1) No person, who has not attained the age of 13 years shall be required or permitted to work in any shop, commercial establishment or [in any] establishment for public entertainment.

With regard to hazardous work, the following hazardous occupation rules which were made under the Factories Act, 1934, may still be deemed as being enforced under the provisions of the Factories Act, 1951:

(a) Hazardous Occupation (Lead) Rules, 1937;

(b) Hazardous Occupation (Miscellaneous) Rules;

(c) Hazardous Occupation (Aerated Water) Rules, 1937;

(d) Hazardous Occupation (Rubber) Rules, 1937;

(e) Hazardous Occupation (Cellulose Spraying) Rules, 1937;

(f) Hazardous Occupation (Chromium) Rules, 1937; and

(g) Hazardous Occupation (Sand Blasting) Rules, 1937.

The minimum age for engaging in hazardous work is 18 years for boys, while the Factories Act provides further protection in sections 75 and 76 [cited earlier].

In addition, women and children shall not be allowed to work in certain types of hazardous work. The Factories Act provides:

24. No woman or child shall be allowed to clear, lubricate or adjust any part of the machinery while that part is in motion, or work between moving parts, or between fixed and moving parts of any machinery which is in motion.

25 (1) No young person shall work or be required to work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection therewith and the precautions to be taken and –

(a) has received sufficient training in work at the machine, or

(b) is under supervision of a person who has a thorough knowledge and experience of the machine.

29. No woman or child shall be employed in any part of a factory in which a cotton opener is at work.

36. No woman, adolescent or child shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause injury.

Note: The aforementioned provisions are protective measures for working children (that is if they are any, for in Myanmar no one under the age of 18 years can be employed). However, pre-registration for employment can be done at age 16 according to the Employment and Training Act, 1950. These Acts are going to coincide with the current economic, social, cultural and traditional situation.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, inspection/monitoring mechanisms have been implemented to enforce minimum age(s) for employment.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Myanmar. In this respect, capacity-building of responsible government institutions (e.g. labour inspection and administration) is the most important type of technical cooperation needed, while social protection systems are next in line, in that regard.

Report preparation

According to article 23 paragraph 3 of the ILO Constitution, this report has been communicated to the Factories and General Labour Laws Inspection Department, the Department of Social Welfare, the Attorney General's Office, the Union of Myanmar Federation Chamber of Commerce and Industry (UMFCCI) and the Workers Welfare Associations concerned.

New Zealand

Government

New Zealand provided a complete report to the annual review under the follow-up to the Declaration in November 1999 (2000 report GB.277/3/2), and supplementary reports to the annual review under the follow-up to the Declaration in September 2000 (2001 report GB.280/3/2) and 2001 (2002 report GB.283/3/2) to update the information contained in the

first report (GB.277/3/2). Major changes that have not been described earlier are outlined below.

Recognition of this principle and right

The Government of New Zealand is deeply concerned about the exploitation of children and is actively engaged in a number of international forums dealing with this issue. New Zealand therefore strongly supports initiatives to eliminate the worst forms of child labour, and ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), on 14 June 2001.

The Government does not believe, however, that all forms of child employment are harmful. While New Zealand places restrictions on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking. The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.

For details on the restrictions on the employment of young persons, care/protection and human rights issues, refer to the Government's 2000 (GB.277/3/2), and 2001 (GB.280/3/2) reports. The legislation and policies as described in those reports provide a wide range of protections against the exploitation of children in employment in New Zealand.

New Zealand ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) on the 14 June 2001 and the Government formed the Child Labour Officials Advisory Committee (CLOAC) to raise public awareness and understanding of the Convention and encourage initiatives to identify and eliminate the worst forms of child labour in New Zealand. In fulfilling its mandate, CLOAC consults closely with the New Zealand Council of Trade Unions (NZCTU) and Business New Zealand.

The Government is currently implementing a plan of action concerning the worst forms of child labour to comply with its obligations under Convention No. 182. The CLOAC work plan is attached as Annex 2 [not reproduced].

National legislation does not establish a general minimum age for admission to employment. However, the Government is currently assessing, in the context of reviewing its reservation to Article 32 (2) of the United Nations Convention on the Rights of the Child, whether a general minimum age is the most appropriate protection against the exploitation of children in work.

This work, once completed, will assist with determining whether New Zealand is able to ratify the Minimum Age Convention, 1973 (No. 138).

National legislation does not define hazardous work (refer to the Government's 2000 (GB.277/3/2) and 2001 (GB.280/3/2) reports to the annual review under the follow-up to the Declaration).

The Crimes Amendment Act came into effect on 3 April 2001 to bring New Zealand legislation into full compliance with the Worst Forms of Child Labour Convention, 1999 (No. 182). The Act:

(a) prohibits any person from being a client in an act of prostitution by a person under 18 years of age;

(b) prohibits the procuring of a person for the purposes of prostitution with another person;

(c) provides a general prohibition on debt bondage and serfdom.

Other legislation, while not directly targeted at the worst forms of child labour but relevant to them, are as follows:

(a) the Films, Videos and Publications Classification Act 1993 effectively prohibits child pornography;

(b) the Crimes Act 1961 prohibits the sale of any person as slave and also provides a comprehensive ban on trafficking of slaves.

No steps are currently being taken to amend existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour.

As regards compulsory schooling for children, the age of boys and girls at the end of this period is 16 years.

With regard to the worst forms of child labour, debt bondage, serfdom, forced or compulsory labour and forced recruitment for armed conflict do not exist in New Zealand, while prostitution and illicit activities, in particular production and trafficking of drugs are believed or suspected to exist.

While *trafficking* in New Zealand is currently a relatively small problem, organizations such as the Human Rights Commission and New Zealand Police acknowledge that it has the potential to become a growing problem. Throughout the world the trafficking of people from socio-economically deprived circumstances has increased markedly.

Estimating the true nature and extent of child *prostitution* in New Zealand is very difficult due to the clandestine nature of the activity. Research and anecdotal evidence suggest that child prostitution is a growing problem in New Zealand. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) New Zealand recently completed the first stage of a three-stage research project to establish the extent of child prostitution in New Zealand. Initial findings revealed that child prostitution is reported by youth workers in New Zealand, in rural districts and towns, as well as cities.

Child *pornography* (mainly of an internet-based nature) appears to be a growing problem in New Zealand, although the problem appears to be associated with the possession and distribution of pornography that has been imported, as opposed to the production of child pornography within New Zealand.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

Measures to enforce minimum age(s) for employment

Although the Minimum Age Convention, 1973 (No. 138) has not been ratified, New Zealand has a number of provisions that restrict the employment of young persons. For example, the Education Act 1989 requires children to attend school up until 16 years of age. The Act also prevents the employment of school age children within school hours or if the employment interferes with the child's attendance at school.

There are also a number of restrictions on employment of children due to occupational health and safety requirements. For example, provisions in the Health and Safety in Employment Regulations 1995 restrict the employment of people under l5 years of age in a number of industries and situations, and prohibit the employment of people under 16 between the hours of 10 p.m. and 6 a.m., unless the employee's employment complies with an approved code of practice.

New Zealand also has statutory minimum conditions, which apply to all employees, including children. These include entitlements to:

- annual and statutory holidays;
- specific leave for sickness, domestic purposes or bereavement (Holidays Act 1981);
- protection against unlawful deductions from wages (Wages Protection Act 1983);
- equal pay for women and men where the only difference is their sex (Equal Pay Act 1972);
- a right to take advice before entering into an employment relationship (the Employment Relations Act (ERA) 2000);
- protections against unfair bargaining, including taking advantage of the lack of capacity of a person because of their age (ERA 2000); and
- right to bargain collectively (ERA 2000).

Measures that have been implemented to enforce minimum ages for employment (in areas where minimum ages apply, in the case of the first three measures) are inspection/monitoring mechanisms, penal sanctions, special institutional machinery, and free compulsory education. In addition, as mentioned earlier, the Government is currently assessing (in the context of reviewing New Zealand's reservation on Article 32 (2) of the United Nations Convention on the Rights of the Child) whether a minimum age is the most appropriate protection against the exploitation of children in work.

Measures to eliminate the worst forms of child labour

As indicated earlier, New Zealand ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) in June 2001. In meeting the practical requirements of the Convention, the Government has established a twelve-month work plan of action to secure the prohibition and elimination of the worst forms of child labour in New Zealand (attached as Annex 2, [not reproduced]).

New Zealand ratified the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict in 2001 and the United Nations Protocol to the Convention against Transnational Organized Crime to prevent, suppress and punish the trafficking of persons especially women and children, in July 2002. Work is underway on the necessary legislative changes to enable the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography.

The New Zealand Government is funding the first programme of the International Programme on the Elimination of Child Labour (IPEC) in the Pacific. The IPEC programme will take the form of a Sub-Regional Training Workshop on Ratification/Implementation and Reporting on Conventions Nos. 138 and 182. It will aim

to provide practical skills and also advice to tripartite delegations from Fiji, Kiribati, Papua New Guinea, Solomon Islands, Vanuatu and Samoa.

Other measures which have been implemented to eliminate the worst forms of child labour, include the following:

- legal reform: information on the Crimes Amendment Act and other legislation relevant to the worst forms of child labour, were mentioned earlier;
- awareness raising/advocacy: the New Zealand Police and the Department of Child, Youth and Family Services are to develop information pamphlets for the public, on changes to law in relation to prostitution; and
- international cooperation programmes or projects: In June 2001, the Government provided a grant of NZ$100,000 to the ILO's IPEC programme.

It is envisaged that a coordinating/monitoring mechanism will be established to ensure fulfilment of the Government's obligations under Convention No. 182. A consultation process is currently underway with the Government's social partners (the NZCTU and Business New Zealand) and key human rights/children's rights agencies on the establishment of such a mechanism and other measures to implement the provisions of the Convention. Such a mechanism will be likely to examine a range of measures including rehabilitation and awareness raising.

A National Plan of Action against the Commercial Sexual Exploitation of Children is currently being developed in response to the Agenda for Action from the 1996 World Congress against the Commercial Sexual Exploitation of Children. Many of the issues addressed by the Plan of Action are also relevant to Convention No. 182, and will also be considered within the context of the consultation/implementation processes for that Convention.

Further, New Zealand is currently in the process of ratifying the Optional Protocol on the sale of children, child prostitution and child pornography.

Within these measures or programmes, special attention is not given to the needs of particular groups of children.

The Government does not work with any multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour.

No information is recorded in relation to the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or the sanctions applied to users of child labour. However, the Government undertakes or has undertaken surveys that provide statistical information on the extent and/or nature of child work (for further information, refer to the Government's report to the 2000 annual review under the follow-up to the Declaration (GB.277/3/2)). The results of these surveys are presented separately by sex and age (15-19 years).

In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 15 years.

Progress and achievements concerning this principle and right

While New Zealand does not subscribe to the view that all forms of child employment are harmful and must be abolished, we do have measures in place which ensure that the focus of young people is on education and that appropriate protections are in place where young people are involved in paid employment [as demonstrated earlier with regard to the measures to enforce minimum age(s) for employment and to eliminate the worst forms of child labour].

Minimum wage

In March 2002, the Government increased both the adult minimum wage rate for all employees aged 18 and above, and the youth rate, which covers those aged 16-17. The minimum wage for adults is now $8.00 per hour, $64.00 for an eight-hour day, and $320.00 for a 40-hour week. The minimum wage for youths is now $6.40 per hour, $51.20 for an eight-hour day and $256.00 for a 40-hour week.

A Bill has been introduced to repeal an existing provision under the Minimum Wage Act 1983 that exempts trainees from minimum wage. The Bill will enable a minimum wage to be set for recognised trainees, based on the current criteria whereby a trainee is required to undertake a minimum amount of training towards a qualification on the National Qualifications Framework. It is intended to replace the existing exemption with a minimum training wage set at the rate for young people aged 16-17 (currently $6.40 an hour). This will set a floor to wages for employees undertaking industry training similar to an apprenticeship, and will in particular assist young employees undertaking Modern Apprenticeships.

Employment Relations Act 2000

As indicated in previous reports, the Employment Relations Act 2000 (ERA) came into force in October 2000, containing a number of provisions that will particularly assist young people.

New Zealand 2002 report to the annual review under the follow-up to the Declaration (GB.283/3/2) signalled that the Department of Labour had upgraded its system for disseminating information about the Employment Relations Act and minimum employment standards, with a particular focus on young people. Between 2 October 2000 and 30 June 2002, the Department has responded to 337,344 employment-related inquiries, most concerning questions relating to holidays and leave entitlements.

The Department has also taken an active role in promoting awareness. Mediators have undertaken 610 seminars, talks or visits on problem resolution services and other employment related topics. Information officers and labour inspectors have conducted approximately 400 talks or seminars about employment rights and obligations with high schools, tertiary providers, Citizens Advice Bureaux, industry training providers, wok-places, community representatives and employers.

Labour inspectors have also taken a proactive approach when exercising their various statutory powers of investigation and enforcement under the ERA. Between 2 October and 30 June 2002, labour inspectors conducted 378 work-place visits and targeted inspections, as well as undertaking complaint-based work.

The new process and institutions of the ERA have also produced results that are likely to benefit young people. The Act ensures access to information, mediation services, and

adjudication in the Employment Relations Authority which is required to resolve employment problems by establishing the facts and making a determination according to the substantial merits of the case, without regard to technicalities. To date, 93 per cent of mediation applications have been completed within three months of contact, while 64 per cent of all Authority cases have been completed within four months of application (and 76 per cent within five months).

Difficulties concerning the realization of this principle and right

With regard to the worst forms of child labour, the exact nature and extent of the commercial sexual exploitation of children within New Zealand is extremely difficult to establish. The area of youth engagement in prostitution is complex and fraught with mixed motives and sometimes chronic psycho/social alienation. Obstacles include the very complex power relationships that challenge abolition. Feelings of shame, fear, chronic disempowerment, alienation and isolation can prevent disclosure and victims from seeking assistance.

The Government of New Zealand is endeavouring, through the establishment of official committees such as the Child Labour Officials Advisory Committee (CLOAC), to establish and co-ordinate mechanisms that will enable a more effective and enduring response to the commercial sexual exploitation of children in New Zealand.

Report preparation

Full reports were sent to appropriate government departments and then to Business New Zealand and the New Zealand Council of Trade Unions (NZCTU), to invite their comments in the report forms. They were all consulted regarding the preparation of the report, and the social partners made comments on the report.

Annexes (not reproduced)

– Strategies to be addressed by CLOAC workplan.

Observations submitted to the Office by Business New Zealand through the Government

Business New Zealand is in general agreement with the Government's draft report but would add the following comments.

With regard to legislation establishing a general minimum age for admission to employment, the Government indicated that it was currently assessing whether a general minimum age was the most appropriate protection against the exploitation of children at work. Business New Zealand noted at the time [during the 2002 reporting process to the annual review under the follow-up to the Declaration] that in its view the introduction of a general minimum wage would be inappropriate for the New Zealand situation. Given the Government's response with regard to the successful examples in the abolition of child labour, that New Zealand does not subscribe to the view that all forms of child employment are harmful (essentially repeating a similar statement in the 2002 report to the annual review under the follow-up to the Declaration (GB.283/3/2)), Business New Zealand assumes that this is the conclusion at which the Government's assessment of the New Zealand situation has arrived. As the Government points out, with New Zealand's focus on education and the fact that appropriate protections are in place where young people *do* engage in paid employment, introducing a minimum employment age would

serve only to deprive young people of useful work experience. As Business New Zealand noted in the 2002 report to the annual review under the follow-up to the Declaration (GB.283/3/2), gaining work experience can stand young people in very good stead, teaching them basic employment skills, such as the need for punctuality and co-operation with others, and providing some practical experience of the rights and responsibilities involved in workplace relations.

In regard to school attendance, section 33 of the Education Act 1989 makes it illegal to employ someone under the age of 16 at any time within school hours. The Act does allow a parent, in very limited circumstances, to apply to the Secretary of Education to exempt a young person who has reached the age of 15 from the requirement to be enrolled at a registered school. However, the application will only be granted if the Secretary is satisfied on the basis of educational problems, conduct and the benefit (if any) the young person would be likely to get from available schools that it would be sensible to grant an exemption (section 22 of the Education Act). School attendance statistics are attached as an annex to these comments [not reproduced].

Measures to eliminate the worst forms of child labour

It is noted that the Government states that work is underway on the necessary legislative changes to enable the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography. While New Zealand legislation may not already conform exactly to the letter of the Optional Protocol (and New Zealand does not ratify international Conventions until it is satisfied that its legislation is in conformity) there can be no doubt that even without ratification, crimes of this nature can be successfully prosecuted in New Zealand's courts.

Minimum wage

It is of some significance that recent legislative changes have both raised youth and adult minimum wages and applied the adult minimum wage from the age of 18 (previously only applicable from age 20 onwards). Evidence suggests, however, that the availability of the adult rate from age 18 may be causing some difficulty since the 15.1 per cent unemployment rate in the 15-19 age-group (June 2002 Household Labour Force Survey) is almost three times as high as the general rate of unemployment in New Zealand. Business New Zealand has real concerns that the introduction of a minimum training rate could inhibit rather than encourage expansion of apprenticeship type training in New Zealand.

Annexes (not reproduced)

– School Attendance Statistics.

Government observations on Business New Zealand's comments

The Government of New Zealand wishes to respond to the comment made by Business New Zealand [with regard to the Government's response to the question on successful examples in relation to the abolition of child labour].

The Government of New Zealand would like to clarify that its assessment of whether a general minimum age is the most appropriate protection against the exploitation of child work for New Zealand, is still at the information gathering stage and no conclusions have been drawn.

The assessment that the Government is currently undertaking, is focused on addressing New Zealand's reservation to Article 32(2) of the United Nations Convention on the Rights of the Child, on the obligation to have a minimum age for admission to employment. This work once completed, will assist with determining whether New Zealand is able to ratify the Minimum Age Convention, 1973 (No. 138).

The assessment does not aim to analyse whether different forms of child employment are beneficial.

The Government notes that its view expressed in the report to the annual review under the follow-up to the Declaration, that not all forms of child employment are harmful, is consistent with the ILO's position on this issue. The ILO's 2002 Global Report, entitled *A Future without Child Labour* states:

> the term *child labour* does not encompass all work performed by children under the age of 18. Millions of young people legitimately undertake work, paid or unpaid, that is appropriate for their age and level of maturity (paragraph 25).

The Global Report further specifies that by undertaking work appropriate to their age and level of maturity, children learn essential skills and "add to their families' and their own well being" (paragraph 25).

Observations submitted to the Office by the New Zealand Council of Trade Unions (NZCTU) through the Government

The NZCTU strongly welcomed the Government of New Zealand's ratification last year (2001) of the Worst Forms of Child Labour Convention, 1999 (No. 182). The NZCTU has also been involved in the consultation process about the terms of reference and work-plan identified for the Child Labour Officials Advisory Committee (CLOAC). One of their objectives is to raise public awareness and understanding of Convention No. 182.

Furthermore, the NZCTU has addressed minimum age issues raised in the Minimum Age Convention, 1973 (No. 138), through the Government's consultation on Article 32 of the United Nations Convention on the Rights of the Child (UNCROC). In that submission we supported the Government of New Zealand's view that paid employment is a common and accepted part of life for secondary school age students in New Zealand. However, we stipulated that children of school-going age should not be in a situation where they need to work in order to financially support themselves or others.

There are rising concerns within New Zealand about the incidence and long-term implications of child poverty. Decent wages and employment conditions are an essential component of any poverty eradication programme. Encouraging children from poor families to work is not an acceptable solution to such issues of hardship.

The NZCTU's submission on Article 32 of UNCROC, also noted the need for additional research about young people's involvement in the labour market, particularly, their knowledge of employment rights (including those related to health and safety).

With regard to whether or not the Government has undertaken surveys that provide statistical information on the extent and/or nature of child work, as the Government submitted a full report using the child labour report form last year (2001), it is only required to indicate changes since the last report to the annual review under the follow-up to the Declaration (GB.283/3/2). Research will play a pivotal role in informing New Zealand's policy and legislation responses to child labour issues. Therefore, the NZCTU

suggests that this is an area where additional information outlining progress since the last report would have been useful.

Government observations on the New Zealand Council of Trade Unions' (NZCTU) comments

The Government notes the statement made in the NZCTU's comments relating to whether or not the Government has undertaken surveys that provide statistical information on the extent and/or nature of child work. The NZCTU mentioned that "additional information" on the extent of the nature of child work "outlining progress since the report would have been useful."

The Government will comment in detail on preliminary research relating to Article 32 of the United Nations Convention on the Rights of the Child, once its report on that Convention is completed in June 2003.

Oman

Government

Recognition of this principle and right

In Oman, the principle of the effective abolition of child labour is recognized in the Constitution, judicial decisions and collective agreements. Child labour is not allowed by law.

National legislation establishes a general minimum age for admission to employment – 16 years for both boys and girls – which covers the following:

- work performed in a family-owned or operated enterprise;
- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work; and
- work performed in export processing zones.

National legislation defines hazardous work as any work that leads to hazardous conditions, petroleum engineering, digging wells and destination power stations. The minimum age for engaging in this type of work is 16 years for boys and 18 years for girls.

Laws/regulations exist in Oman with the aim of eliminating the worst forms of child labour and there are new labour laws in process.

As regards compulsory schooling, the age of boys and girls at the end of this period is 15 years, with a general requirement of 9 years/grades of instruction.

Child labour, including its worst forms (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; illicit activities, in particular production and trafficking of drugs, etc.), does not exist in Oman.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

Specific measures or programmes of action with special attention given to the needs of particular children, have been implemented or are envisaged in the country to bring about the effective abolition of child labour.

The Government does not work with any multilateral agency (other than the ILO), bilateral donors or other organizations to combat child labour.

In relation to the abolition of child labour, the Government records information on the number of ex-child labourers pursuing formal or non-formal education.

Results of surveys are presented separately by sex; age; occupation; type of activity; and number of hours worked. In the last population census, held in 2000 (as was the household survey), the lowest age of persons for whom questions were asked about economic activity was 15 years.

Progress and achievements concerning this principle and right

The Government has already approved a declaration on the Worst Forms of Child Labour Convention, 1999 (No. 182).

Difficulties concerning the realization of this principle and right

There are no obstacles encountered in Oman with respect to realizing the principle of the effective abolition of child labour.

Priority needs for technical cooperation

There is no need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in the country.

Report preparation

In preparing this report, consultations were held with the Chamber of Commerce and Industry of Oman, the Board of Employers and the Public Authority for Labour Insurance. No comments were received from the social partners.

A copy of this report was sent to the Chamber of Commerce and Industry of Oman and the Public Authority for Labour Insurance.

Pakistan

Government

Progress and achievements concerning this principle and right

The Government of Pakistan has already submitted a full report on the principle of the effective abolition of child labour for the 2002 Annual Review under the Follow-up to the Declaration (GB.283/3/2), on the prescribed report form. Since the submission of that report, there has been a significant development, i.e. the preparatory phase of the ILO's Time Bound Programme for the elimination of the worst forms of child labour has been launched in Pakistan. Under this Programme, a list of trades/occupations of hazardous work for children has been prepared with the consensus of all stakeholders.

Observations submitted to the Office by the All Pakistan Federation of Trade Unions (APFTU)

Recognition of this principle and right

In Pakistan, the principle of the effective abolition of child labour is recognized in the Constitution, legislation, judicial decisions, and collective agreements. The national Constitution lays down that children below the age of 14 years should not be employed in hazardous work. The Government has also enacted the Employment of Children Act, 1991, and the Abolition of Bonded Labour System Act, 1992 [the Bonded Labour System (Abolition) Act, 1992].

A national plan has also been adopted by the Government of Pakistan in consultation with the ILO for the abolition of child labour. A project for the abolition of child labour in soccer ball, carpet and surgical industries is in progress, with the cooperation of the Government, employers' and workers' organizations.

The All Pakistan Federation of Trade Unions (APFTU) has been carrying out a special programme for the provision of free computer education and training to poor persons of deceased and injured workers, and low paid employees. It has also been providing books to children of workers who died during the performance of their duties.

Furthermore, the Federation has been engaging in collective bargaining with employers for enlarging the facilities for the provision of education to children of workers, as well as urging the Government to allocate more resources for the provision of education to the children of workers through the establishment of schools and the provision of textbooks, out of the Workers Welfare Fund.

The national legislation establishes a general minimum age for admission to employment – 18 years (14 years under the Factories Act, 1934) – which covers light work, as well as works performed in a family-owned/operated enterprise, in commercial agriculture and in export processing zones (but not home work, domestic service and family and small-scale agriculture).

The definition/examples of hazardous work in national legislation include mines, construction, chemicals and so on. The minimum age for engaging in this type of work is 18 years.

The Abolition of Child Labour Act, 1991, aims at eliminating the worst forms of child labour. The Government is contemplating the improvement of existing laws on this subject, with tripartite consultation.

There is compulsory schooling for children in Pakistan.

Child labour is widespread, prevailing in agriculture, small industries and in informal sectors. In addition, some worst forms of child labour, such as debt bondage, serfdom, forced or compulsory labour are believed or suspected to exist amongst boys.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures to enforce minimum age(s) for employment have been implemented:

- civil/ administrative sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

Among these measures, legal reform; inspection/monitoring mechanisms; penal sanctions; free compulsory education; employment creation/income generation; social assistance; child rehabilitation following removal from work; vocational and skills training for young workers; awareness raising/advocacy; and international cooperation programmes/projects are envisaged.

As regards the elimination of the worst forms of child labour, international cooperation programmes/projects have been implemented. In addition, legal reform, inspection/monitoring mechanisms, penal sanctions and international cooperation programmes/projects are envisaged.

Within these measures and programmes of action, special attention is given to the needs of children engaged in the carpet, surgical and carpet industries, and APFTU is involved in their development and implementation.

Apart from the ILO, the Government works with other multilateral or bilateral institutions/donors to combat child labour – namely, the European Commission and the Government of the United States.

No information is recorded by the Government in respect of the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or sanctions applied to users of child labour. However, related surveys are undertaken occasionally, and the last one was carried out in the nineties.

In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 18 years.

Progress and achievements concerning this principle and right

As regards successful examples in the abolition of child labour, special measures have been undertaken in Pakistan, such as the ILO Project for the Abolition of Child Labour in Soccer Ball, Carpet and Surgical Industries, and the creation of an awareness campaign on this issue.

Moreover, the Government has formulated a national plan of action for the abolition of child labour, involving government agencies, social partners and representatives of civil society.

Difficulties concerning the realization of this principle and right

In Pakistan, the main obstacles that have been encountered in the realization the principle of the effective abolition of child labour are poverty, unemployment and the lack of adequate provision of social safety nets for the poor.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Pakistan, in particular in the following areas, in order of priority (1 = most important, 0 = not important):

Type of technical cooperation needed	Ranking
Legal reform	
Policy advice	
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	
Strengthening capacity of employers' and workers' organizations	1
Employment creation, skills training and income generation	1
Social protection systems	2
Awareness raising, legal literacy and advocacy	1
Sharing of experience across countries/regions	
Cross-border cooperation mechanisms	
Inter-institutional coordination	2
Special programme for the elimination of the worst forms of child labour	1

Qatar

Government

Recognition of this principle and right

In Qatar, the principle of the effective abolition of child labour is recognized in the Constitution and in legislation.

The objectives and targets of the national policy/plan are the provision of human and material resources, as well as all other means that ensure childcare and the protection of children in order to properly prepare them for the future, in the context of good family, social and economic conditions. Among the most important measures to achieve these aims are the provision of health, education and social services, material and moral guidance and other means which might promote the well-being of children.

Legislation establishes a general minimum age for admission to employment – 18 years, for boys and girls – which covers the following types of work:

- work performed in a family-owned or -operated enterprise;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture; and
- light work.

Hazardous work is not defined in the legislation. However, the minimum age for engaging in that type of work is 18 years, for both boys and girls.

In view of eliminating the worst forms of child labour, relevant national laws contain provisions that incriminate acts that harm children, expose them to delinquency or engage them in illicit activities or activities which harm their health and morals. No steps are currently being taken to amend existing legislation or introduce a new one to address this issue.

The age of the child at the end of compulsory schooling is either 18 years or the age of the child on completion of preparatory school, whichever comes first. To complete compulsory education, 9 years or grades of instruction are required of both boys and girls.

Child labour does not exist in Qatar; the law provides for a general minimum age for admission to employment of 18 years. Furthermore, the Labour Code, 1962, forbids the access of children under 15 years of age to work sites and regulates assignments for adolescents (15-18 years) in the types of work which do not harm their health, security and morals.

The worst forms of child labour (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution;

pornography; illicit activities, in particular production and trafficking of drugs, etc.) do not exist in Qatar.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment:

- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation; and
- social assistance (e.g. stipends, subsidies, vouchers).

Within these measures/programmes, no special attention is given to the needs of particular groups of children.

The Government works with other international organizations (other than the ILO) such as the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the Committee on the Rights of the Child.

No information is recorded by the Government in respect of the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or the sanctions applied to users of child labour. The same applies to surveys in view of providing statistical information on the extent or nature of child work. However, labour inspectors' reports and manpower statistical surveys include questions on a worker's age and type of work, in order to ensure that there is no child labour.

In the last population census, held in 1997, the lowest age of persons for whom questions were asked about economic activity was 15 years.

Progress and achievements concerning this principle and right

No special measures have been undertaken in Qatar that can be regarded as successful examples in the abolition of child labour. There are no major changes since the last report (GB.283/3/2).

Difficulties concerning the realization of this principle and right

Since child labour does not exist in Qatar, no obstacles have been encountered in the realization of the principle of the effective abolition of child labour.

Priority needs for technical cooperation

The most important type of technical cooperation that is needed from ILO is policy advice [the Government of Qatar only placed "1" by policy advice on the technical cooperation table in the report form; which is equal to "most important" in the ranking order of priority needs with regard to technical cooperation].

Report preparation

In preparing this report, the questionnaire was sent to the employers' and workers' organizations. The High Council for Family Affairs and Social Affairs' Administration and the Ministry of Interior have also been contacted with regard to the action on the elimination of child labour.

No comments on the report were received from employers' and workers' organizations.

A copy of the report has been sent to the Chamber of Commerce and Industry of Qatar and the Committee of Workers of Qatar.

Russian Federation

Government

Recognition of this principle and right

The Russian Federation has ratified all the core labour Conventions, apart from the Worst Forms of Child Labour Convention, 1999 (No. 182).

In 2001, the Government of the Russian Federation completed the report form on the principle of the effective abolition of child labour for the 2002 Annual Review under the Follow-up to the Declaration and submitted additional material to the ILO related to this principle. At present, it is continuing its preparatory work towards the ratification of Convention No. 182.

In accordance with article 63 of the new Labour Code of the Russian Federation, which entered into force on 1 February 2002, the minimum age for admission to employment is 16 years.

> The Labour Code of the Russian Federation of 30 December 2001, No. 197-F3
>
> Adopted by the State *Duma* on 21 December 2001
>
> Approved by the federal Council on 26 December 2001
>
> Entered into force on 1 February 2002
>
> PART THREE
>
> SECTION III. The employment contract
>
> CHAPTER 11. Conclusion of the employment contract.
>
> Article 63. Age at which an employment contract may be concluded.
>
> An employment contract may be concluded by persons who have attained the age of sixteen years.

An employment contract may be concluded with young persons who have attained the age of fifteen years and have completed their basic general education or attend a general education institution in accordance with federal law.

With the consent of one of the parents (guardian, trustee) and guardianship or trustee bodies, an employment contract may be concluded with students who have attained the age of fourteen years for the performance, in their free time, of light work that is not harmful to their health and does not interfere with their education.

In cinematographic companies, theatres, theatrical and concert companies and circuses, with the consent of one of the parents (guardian, trustee) and guardianship or trustee bodies, an employment contract may be concluded with persons who have not attained the age of fourteen years to allow them to participate in making and/or perform in productions provided that it does not harm their health or their normal development.[8]

Worst forms of child labour

In 1999, the ILO adopted Convention No. 182, which defines the worst forms of child labour as follows: slavery, forced or compulsory labour, forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

In the Russian Federation, the group at "risk" of these forms of labour are neglected and destitute children, children from asocial and migrant families, respectively. They carry out a wide range of work and are often used for criminal activities. This is the reason why these worst forms of labour such as prostitution, use in illicit activities, production of pornography and drug trafficking are to a large extent characteristic of big cities and ports, the southern resorts and border areas. Uncontrolled migration aggravates the situation by spreading the worst forms of child labour to the places of destination of migrant flows.

A survey carried out in 2001, with ILO support, into the situation of working children in the St Petersburg, Moscow and Leningrad regions showed that the age at which children start to work is generally 10-12 years. Girls start in prostitution mainly at the age of 14-15 years. About 3/5 of working street children are boys and less than 2/3 of street children are in continuous education. The children engage in work related to trading (assisting on stalls, carrying goods, loading and unloading, clearing up stalls, etc.), the agricultural and construction sectors, sorting waste and providing services to the public.

Current Russian legislation prohibits the following worst forms of child labour: forced labour; trafficking in children; forcing children to engage in armed conflict; and the use of children in prostitution and illegal activities.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

Worst forms of child labour

A whole raft of measures to protect children from work, which by the nature of the conditions in which it is performed, may cause harm to their health, safety or morals, or which by its nature is similar to the worst forms of labour, are contained in labour law

[8] Published in the *Russian Gazette* of 31 December 2001, No. 256 (2868).

including, in particular, the Labour Code of the Russian Federation, adopted on 30 December 2001, No. 197FZ.

The most important measures to combat the use of children in the worst forms of labour are: the prevention of the marginalization of families, child neglect and crime; ensuring the highest attendance rate at school of children and adolescents; organization of leisure activities, rest and the health of children; temporary employment for adolescents during school holidays; organization of vocational training for children and adolescents with special needs of social protection and work experience.

Levels of child labour

According to sample surveys of labour problems carried out by the Russian Statistical Office in 2001, the number of economically active children aged 15-17 years almost halved to 261,100, in comparison with the previous year (503,400 in 2000). The cessation of the rise in child labour was due to the decline in the number of children working for private manufacturing subcontracting firms engaged in production. The pattern of child labour has remained stable, with the majority of children employed in agriculture (41.7 per cent), industry (16.0 per cent), trade, catering, selling and preparation (24.1 per cent). According to figures for the last three years (1999-2001), the proportion of boys rose steadily from 54.3 per cent in 1999 to 67.7 per cent in 2001.

On average, half of child workers (56.2 per cent in 2001) have completed basic general education. Girls are characterized by a higher level of education than boys. In 2001, 43.9 per cent of working girls had completed basic general education, 47.2 per cent, secondary general education, whilst 62 per cent of working boys had only basic general education and a total of 29.6 per cent secondary general education. This disparity is primarily due to the fact that more boys refuse, for various reasons, to go on to further education. Parents, teachers and social services need to pay greater attention to this problem, especially to “risk” groups amongst boys.

Specialist research shows that almost half of the children would like to earn a stable wage and combine work with their studies. This is confirmed by the number of students between the ages of 14 and 17 years seeking placement through government employment agencies. In 2001 1,663,000 children registered with employment agencies (in 2000, 1,378,000). The majority of them (1,531,000 in 2001, 1,262,000 in 2000) found work, mostly temporary work during the holidays and their free time (1,479,000 in 2001 and 1,229,000 in 2000). At the same time, the number of registered unemployed aged 16-17 years rose to 24,100 at the end of 2001 (at the end of 2000, 23,300).

In 2001, the Russian Ministry held a national competition “Job Kaleidoscope”, primarily to encourage the younger generation into employment and training and motivate them to work, in which most of the regions of Russia took part.

Under the 2001 budget of the Russian Federation, measures to organize temporary placement of children were financed from the federal budget with the establishment of special employment promotion programmes. In 2001, 537,200,000 roubles, or 25.1 per cent of the total resources allocated, were spent on special employment promotion programmes and provided employment for 1,472,800 children or 49.6 per cent of the total involved in the special programmes.

The largest number of participants in the temporary youth employment schemes were in the Sverdlovsk (55,300), Chelyabinsk (51,900), Moscow (51,900) Irkutsk (47,200) and Kirovsk (46,900) Regions, the Krasnoyarsk District (44,500) and in Moscow (41,900).

There is a special focus on organizing work for the following categories of children during the holidays and in their free time:

- children in social care and those discharged from children's homes;
- children from orphanages, those without parents and parental substitutes, families with unemployed parents or with several children and single-parent families; and
- children in the care of child welfare committees, those leaving vocational training institutions or who have completed special education.

Measures undertaken by the local agencies of the Russian Ministry of Labour, on employment issues with regard to arranging temporary employment of children include:

- research into the employment needs of young people;
- informing young people about planned measures to provide them with temporary work; and
- participation in the organization of temporary jobs for young people and supervising them in these jobs.

In addition, in order to adapt the law to the needs of economic development under free market conditions and reduce the tax burden on businesses, insurance contributions to the Employment Fund were abolished in 2001. All employment programmes, including youth employment programmes, are therefore now financed from the Russian federal budget. The task of financing support for youth employment and eliminating child neglect and crimes related to children (including the use of children for criminal activities), against a background of budgetary constraints, will be exceptionally important in the next few years.

With the adoption in December 2001 of the Labour Code of the Russian Federation, the role of consent in normal employment relations has been considerably strengthened. In this respect, the law excludes rules on work place quotas for youth employment. Under article 272 of the Labour Code of the Russian Federation, the basis of employment of young people up to the age of 18 years is determined by consent in applicable collective agreements. This approach requires direct involvement of government authorities at all levels, trade unions and enforcement agencies in sectoral and regional agreements on employers' obligations to provide jobs to young people seeking work.

Another problem, which needs to be studied urgently, is practical work by children in private subsidiary production for their own consumption. With the extreme widespread poverty of families with children, especially in rural areas, the risk of the exploitation of child labour arises. Research carried out in 2001 by the Russian Statistical Office *(Goskomstat)* showed that 66 per cent of children aged 15-17 years surveyed during the year, worked less than 16 hours a week, 4.5 per cent from 16 to 20 hours a week, and 26.4 per cent of children were absent at the time.

According to this research, the child labour situation in private subsidiary activities is generally improving, although a system for monitoring the process needs to be established in order to disallow the excessive interference in a child's studies and development when he or she works in a family business.

Conditions of work

In 2001, 25,200 young people under the age of 18 years were employed in industry, transport, communications and construction (25,700 in 2000). The proportion of young people working in conditions that did not meet health and safety standards was 2.6 per cent (2.5 per cent in 2000). Overall in 2001, 655 young people worked in such conditions, of whom 388 worked with exposure to high levels of noise, ultrasound, infrasound; 150 in excessive atmospheric fumes; 131 in high levels of dust in the air; 11 in excessive levels of vibration; and 19 young persons were employed in heavy physical labour.

According to the 2001 figures from the Federal Labour Inspectorate, with respect to industrial accidents, 29 children died, 18 of them in agricultural enterprises and organizations, five in industry and three in construction. Two cases of fatal industrial accidents occurred in the Republic of Tartarstan and the Vologda, Kirovsk, Moscow and Penza regions.

Difficulties concerning the realization of this principle and right

Worst forms of child labour

The effective elimination of the worst forms of child labour is hindered by a whole range of unresolved problems.

There are no mechanisms and procedures in place for identifying children used in the worst forms of child labour who are victims of various kinds of coercion. These children are generally detected in the course of detecting other crimes.

Certain categories of children (refugees and forced migrants, disturbed children, “difficult children”) are unwanted in educational institutions and are denied education for a variety of reasons. In this respect, the parents of these children through lack of information or disinterest do not try to ensure that their children attend school.

The law does not prohibit the use of children to manufacture, store for the purpose of distribution or distribute goods of a sexual nature, in services and entertainment of a sexual nature, the use of images of children in any form, in goods of a sexual nature or in services and entertainment of a sexual nature.

Criminal responsibility is not envisaged for procuring and pimping, nor certain forms of “pornography” Russia has one of the lowest age thresholds (14 years) above which sexual relations with children are allowed. The criminal procedures rules on protection of witnesses and victims are inadequate, which means that children refuse to testify against people who have forced them to have sexual relations.

There is a lack of legislation to regulate the use of new information and communication technologies and the activities of firms that provide internet access, which encourages the spread of child pornographic material through the web.

A control mechanism has not been put in place to enforce existing legislation and law enforcement agencies are not effective enough. Furthermore, penalties for violations of legislation are lacking or inadequate, especially in the non-governmental sectors of the economy, above all, in small business.

Crucial issues related to the control of migration and prevention of illegal forms of labour, have not been sufficiently addressed.

All the aforementioned tasks must be decided in practice, including on-going work to prevent child neglect and crime, provision of help to families at risk and stronger controls to enforce children's rights, including in the family.

A draft federal law has been prepared on "Amendments and Additions to the Russian Federation Criminal Code" to strengthen the law to prevent the use of children in the worst forms of labour, protect their spiritual and moral development, in particular criminal liability for offences against the sexual inviolability of children, their seduction, use in prostitution and in the manufacture of pornographic products, etc.

Compliance with labour law

The problem of compliance with labour law in relation to children is still highly topical. In 2001, federal labour inspection agencies carried over 3,000 special investigations relating to compliance with labour law and the protection of young people, including children, in employment in the course of which over 12,000 different offences were detected and rectified.

The investigations show that in many regions, due attention is not paid to vocational guidance and employment of young people in permanent work. The relevant youth employment mechanisms established for this purpose in local authorities do not work. Typical violations of labour and employment protection law by employers in relation to young people in 2001 are as follows:

- admission to employment without a prior medical examination (Republics of Adygeya, Mordovia, North Ossetia-Alanya, Kaluga and Penza Regions and the City of Moscow, etc.);
- medical examination at the employee's expense and not the employer's (Republics of Komi and Tartarstan, Amursk and Chelyabinsk regions, etc.);
- breach of regulations on vocational training for young people i.e. lack of training, absence of employment contract in writing, absence of handbooks, absence of instructions on admission to employment, etc. (Republic of Buryatiya, Krasnoyarsk and Primorskiy districts, Kemerova and Sverdlovsk regions, City of Moscow, etc.);
- admission to employment for a probationary period (Republics of Karelya and Tartarstan, the Krasnoyarsk District, Ivanovoye, Keremova and Sverdlovsk regions, city of Moscow, etc.);
- absence of short-term contracts, overtime incentive and work on rest days (Republics of Kalmykiya, Komi, Mordovia and North Ossetia-Alanya, the Krasnoyarsk District, Kostroma, Penza, Sverdlovsk, Tulos and Chelyabinsk regions, etc.);
- conclusion by employers of written contracts with children on full material responsibility, often resulting in deductions from their wages (Republic of Karelya, Krasnoyarsk District, Leningrad, Novgorod and Novosibirsk regions, cities of Moscow and St Petersburg, etc.);
- employment of children in heavy work and work in harmful and hazardous conditions, and work which could cause harm to their proper development (Republics of Adygeya, Kabardino-Balkariya and North Ossetia-Alanya, Vologda, Keremova, Kostroma, Leningrad, Orenburg, Penza and Sakhalin regions etc.);

- provision to children of paid annual holidays for a period of less than 31 calendar days (Republic of Karelya, Vologda, Kirovsk, Kostroma, Novosibirsk, Orenburg, Tomsk, Ulanova and Chelyabinsk regions, city of Moscow, etc.); and

- cancellation of employment contracts with children by the employer with the consent of the State Labour Inspectorate and the Committee for Children and Children's Rights (Krasnodar and Promorskiy districts, Astrakhan region, etc.).

Annexes (not reproduced):

– Decree No. 154 of 13 March 2002 of the Government of the Russian Federation, on Additional Measures to Strengthen the Prevention of Child Neglect and Destitution.

– Resolution No. 2490-IIIGD of 27 June 2002 of the State Duma of the federal Assembly of the Russian Federation, on the Draft Federal Act No. 108017-3 Amendments and Additions to the Criminal Code of the Russian Federation.

– Russian Federation Federal Law on Amendments and Additions to the Criminal Code of the Russian Federation Draft No. 108017-3.

Saint Kitts and Nevis

Government

Recognition of this principle and right

In Saint Kitts and Nevis, the principle of the effective abolition of child labour is recognized through the Employment of Children (Restriction) Ordinance, 1966, No. 2, the Education Act, 1975 [not reproduced], and the Employment of Women, Young Persons and Children Act, 1939, (sections 4 and 5).

The national policy aimed at the abolition of child labour is to be incorporated in the proposed Labour Code, currently tabled for discussions by the National Tripartite Committee.

National legislation establishes a general minimum age for admission to employment – 14 years for both girls and boys – which covers work performed in export processing zones and in commercial agriculture and light work.

Hazardous work is defined in the legislation. The Employment of Children (Restriction) Ordinance, 1966, No. 2, section 3, subsections 1(f) and (g) state as follows:

> 3. (1) Subject to the provisions of this Ordinance and of any regulations made thereunder no child shall be employed –
>
> […]
>
> (f) to lift, carry or move anything so heavy as to be likely to cause injury to him; or
>
> (g) in any occupation likely to be injurious to his life, limb, health or education, regard being had to his physical condition.

Furthermore, the Employment of Women, Young Persons and Children Act, 1939, sections 2, 4 and 5 provide as follows:

2. In this Act –

"child" means a person under the age of fourteen years:

"guardian" includes any person who is liable to maintain or has the actual custody of a child or young person;

"industrial undertaking" includes –

(a) mines, quarries, and other works for the extraction of minerals from the earth;

(b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding, and the generation, transformation and transmission of electricity or motive power of any kind;

(c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;

and, in relation to the employment of young persons and children, also includes –

(d) transport of passengers or goods by road or rail, or inland waterway; including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand;

"night" signifies a period of at least eleven consecutive hours including the interval between ten o'clock in the evening and five o'clock in the morning;

"ship" means any seagoing ship or boat of any description registered in the Colony;

"woman" includes all persons of the female sex without distinction of age;

"young person" means a person who has ceased to be a child and who is under the age of eighteen years.

4. (1) No child shall be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, and any person who employs any child or permits him to work in contravention of this section shall be guilty of an offence.

(2) The provisions of this section shall 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.

5. No child shall be employed or work on any ship other than a ship upon which only members of the same family are employed; and any person who employs any child or permits him to work in contravention of the provisions of this section shall be guilty of an offence.

The minimum age for engaging in hazardous work is 14 years for both boys and girls.

The Probation and Child Welfare Board Act, 1994, (section 2 (c)) [not reproduced] aims at eliminating the worst forms of child labour. In addition, the proposed Labour Code being developed includes specific provisions addressing this issue.

The age of boys and girls at the end of compulsory schooling is 16 years.

There is no evidence of child labour in Saint Kitts and Nevis, and the worst forms of child labour (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs) do not exist in the country.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and to eliminate the worst forms of child labour:

- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- social assistance (e.g. stipends, subsidies, vouchers);
- vocational and skills training for young workers; and
- awareness raising/advocacy.

In addition, legal reform is envisaged, via the proposed national Labour Code for Saint Kitts and Nevis, by 2003.

In terms of social assistance, the following programmes are being carried out:

(a) School Meals Programme: children in public schools are provided with hot lunches;

(b) SELF Programme: textbooks are provided for children from generally low-income families and the Government pays their exam fees;

(c) Welfare Uniform Assistance Programme: school uniforms are made available; and

(d) Other Assistance Programmes: assistance is provided based on need.

The Government does not work with any multilateral agency (other than the ILO), bilateral donors or other organizations to combat child labour.

In relation to the abolition of child labour, no information is recorded by the Government on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or sanctions applied to users of child labour. The same applies to surveys in view of providing statistical information on the extent or nature of child work.

In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 16 years.

Progress and achievements concerning this principle and right

No special measures have been undertaken in the country that can be regarded as successful examples in the abolition of child labour.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Saint Kitts and Nevis, in particular in the following areas, in order of priority (1 = most important):

Type of technical cooperation needed	Ranking
Legal reform	1
Policy advice	2
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	2
Social protection systems	2
Awareness raising, legal literacy and advocacy	2
Sharing of experience across countries/regions	2
Cross-border cooperation mechanisms	2
Inter-institutional coordination	2
Special programme for the elimination of the worst forms of child labour	2

In particular, the first three priority needs for technical cooperation can be described as follows:

- legal reform: reviewing existing laws through the incorporation of a Labour Code;
- capacity-building: sensitizing labour administrators and labour official on labour administration; and
- data collection and analysis: training of the staff of the Department of Labour, in the pursuance of statistical reports and analyses.

Report preparation

By way of consultation, a copy of this report form was sent to employers' and workers' organizations seeking their input. No comments were received from them.

A copy of the report was sent to the Saint Kitts and Nevis Chamber of Industry and Commerce and the Saint Kitts and Nevis Trades and Labour Union. .

Annexes (not reproduced)

– Education Act, 1975 (an excerpt);

– Probation and Child Welfare Board Act, 1994 (sections 1 and 2 (a-c)).

Saint Vincent and the Grenadines

Government

Recognition of this principle and right

In Saint Vincent and the Grenadines, the principle of the effective abolition of child labour is recognized in legislation.

There is no national policy/plan aimed at ensuring the effective abolition of child labour.

National legislation establishes a general minimum age for admission to employment – 15 years for both boys and girls – which covers the following types of work:

- work performed in a family-owned or operated enterprise;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work; and
- work performed in export processing zones.

National legislation defines hazardous work. The minimum age for engaging in this type of work is 16 years for both boys and girls.

No laws/regulations exist in Saint Vincent and the Grenadines with the aim of eliminating the worst forms of child labour, and no steps are currently being taken to amend existing legislation or introduce a new one to address this issue.

As regards compulsory schooling, the age of both boys and girls at the end of this period is 16 years, with a general requirement of 11 years/grades of instruction.

With respect to the worst forms of child labour, sale/trafficking, and illicit activities (in particular production and trafficking of drugs) are believed or suspected to exist amongst boys and girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

No specific measures or programmes of action have been implemented or are envisaged in Saint Vincent and the Grenadines to bring about the effective abolition of child labour.

The Government does not work with any multilateral agency (other than the ILO), bilateral donors or other organizations to combat child labour.

Also, no information is recorded by the Government on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and sanctions applied to users of child labour. The same applies to surveys that provide information on the extent and/or nature of child work.

In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 15 years.

Progress and achievements concerning this principle and right

No special measures have been undertaken in Saint Vincent and the Grenadines that can be regarded as successful examples in the abolition of child labour.

Difficulties concerning the realization of this principle and right

The main obstacle encountered in Saint Vincent and the Grenadines in the realization of the principle of the effective abolition of child labour is the absence of regulations to administer legislation on compulsory education.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Saint Vincent and the Grenadines, in particular in the following areas, in order of priority (1 = most important):

Type of technical cooperation needed	Ranking
Legal reform	1
Policy advice	2
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Training of other officials (e.g. police, judiciary, social workers, teachers)	1
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	1
Employment creation, skills training and income generation	1
Social protection systems	2
Awareness raising, legal literacy and advocacy	1
Sharing of experience across countries/regions	2
Cross-border cooperation mechanisms	2
Inter-institutional coordination	1
Special programme for the elimination of the worst forms of child labour	1

Report preparation

In preparing this report, other government agencies and employers' organizations were consulted. No comments were received from the social partners.

A copy of this report was sent to the St. Vincent Employers' Federation and the National Labour Congress.

Singapore

Government

Recognition of this principle and right

Child labour does not exist in Singapore. In the country, the majority of children and young persons are in schools or approved training institutes pursuing their education. This situation is to be further improved with the implementation of compulsory education from 1 January 2003.

The Compulsory Education Act (Cap 51) defines a child of "compulsory school age" as one who is above the age of six years and who has not yet attained the age of 15 years.

Ratification of ILO Conventions on child labour

Singapore ratified a core labour Convention, the Worst Forms of Child Labour Convention, 1999 (No. 182) in June 2001, as there are adequate laws in place to safeguard children in the country against the forms of exploitation and employment cited in the Convention.

The other Conventions concerning child labour that have been ratified by Singapore, are as follows:

- the Minimum Age (Industry) Convention, 1919 (No. 5);
- the Minimum Age (Sea) Convention, 1920 (No. 7); and
- the Minimum Age (Trimmers & Stokers) Convention, 1921 (No. 15).

Legislation on child labour in Singapore

The employment of children and young persons in Singapore is strictly enforced by the Ministry of Manpower under Part VIII of the Employment Act, 1968, and the Employment of Children and Young Persons Regulations, 1976.

Furthermore, the Women's Charter, 1961, the Penal Code, 1872, and the Children and Young Persons Act, 1993, prohibit the exploitation and ill treatment of children and young persons, thereby ensuring their physical, social and moral welfare.

Under the Employment Act, 1968, and the Children and Young Persons Act, 1993, a "child" is defined as a person who has not completed the age of 14. A "young person" is defined as one who has completed his fourteenth year but who has not completed his sixteenth year.

The Employment Act, 1968, and the Employment of Children and Young Persons Regulations, 1976, provide for the minimum age to work in Singapore, as well as the terms and conditions of employment of children and young persons.

Minimum age to work

No child below the age of 12 is allowed to work in Singapore. A child who is 12 years old and above, may be engaged in light work suited to his capacity in a non-industrial undertaking. He is not allowed to be employed in any industrial undertaking as

defined under the Factories Act, 1973. The certification of a medical officer shall be conclusive upon the question of whether any work is suited to the capacity of any particular child.

A young person can be employed in an industrial undertaking, but his employer has to notify the Commissioner of Labour, in the prescribed form, of his employment within 30 days from the date of his employment. Medical certificates, which certify the fitness of the young person prior to the employment, should also be forwarded to the Commissioner.

Terms and conditions for employment

In addition, the employer shall observe the terms and conditions as spelt out in the Employment of Children and Young Persons Regulations, 1976. Some of the regulations are as follows:

(a) no child shall be employed as a workman for more than three hours without a break of 30 minutes or for more than six hours in any one day;

(b) no young person shall be employed as a workman in an industrial undertaking for more than four hours without a break of 30 minutes or for more than seven hours in any one day;

(c) no child or young person shall be allowed to work at night (11 p.m. to 6 a.m. on the following day);

(d) when a child or young person is attending school, the period of work plus the period of school attendance shall not in the aggregate exceed six hours or seven hours respectively in any one day;

(e) no child or young person shall, without written permission of the Commissioner, be employed as a workman on a rest day;

(f) no child shall be employed as a workman upon any vessel unless such vessel is under the personal charge of the parent of the child;

(g) no child or young person shall be employed in any underground work;

(h) no child or young person shall be employed in any service involving the management of attendance on machinery in motion, or on live apparatus not effectively insulated;

(i) no child or young person shall be employed in any occupation or in any place or under working condition injurious or likely to be injurious to his health.

The Factories Act, 1973, also provides special protection to persons below the age of 20 who are not allowed to handle dangerous machinery.

So far, the Ministry has not found any employer infringing the provisions governing the employment of children and young persons.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

Statistics on child labour

The Ministry of Manpower conducts a mid-year labour force survey with the objective of gathering data on economic activities of the population, including information on the characteristics of the labour force. The survey covers economic activities engaged by persons aged 15 and above. In addition, the population census was last conducted in year 2000.

Consultations with social partners

Both the Singapore National Trades Union Congress (NTUC) and the Singapore National Employers' Federation (SNEF) were consulted in the development and implementation of the various measures to eliminate child labour.

Progress and achievements concerning this principle and right

Updates

Child labour is not an issue in Singapore. Sufficient measures have already been put in place to eliminate and prevent child labour.

Since last report (GB.283/3/2), no major changes have been noted in the efforts to abolish child labour in Singapore.

Priority needs for technical cooperation

Cooperation with the ILO

The Government is satisfied with the existing cooperation with the ILO concerning the elimination of child labour.

Report preparation

Comments by the Singapore National Trades Union Congress (NTUC) and the Singapore National Employers' Federation (SNEF) were received and taken into consideration in the preparation of this report.

A copy of this report has been forwarded to both the workers' and employers' organizations.

Sudan

Government

Recognition of this principle and right

In Sudan, the recognition of the principle of the effective abolition of child labour is recognized in the Constitution and legislation. Article 21 of the Labour Act, 1997, which is aimed at the elimination of the worst forms of child labour, provides the following:

21. (1) It shall be forbidden to employ young persons in any of the following jobs:

(a) carrying heavy loads;

(b) work involving the use of metal presses;

(c) work related to iron and steel smelting;

(d) work performed underground or under water, and mining and quarrying work;

(e) work involving the use of lead or lead compounds;

(f) jobs in which workers are exposed to organic or inorganic poisonous or harmful material such as lead, mercury, calcium, benzene and its derivatives;

(g) jobs involving x-rays and other harmful radiation;

(h) jobs involving the maintenance of machinery and conveyer belts.

(2) Without any prejudice to the provisions of sub-paragraph (1) it shall be forbidden, as a rule, to employ a young person in hazardous or unhealthy industries and jobs or in jobs requiring large physical effort or in jobs or occupations which are harmful to their morals. Such jobs and industries shall be specified by order of the Minister or his delegate.

(3) It shall be forbidden to employ a young person between 8 p.m. and 6 a.m. The competent authority may, however, exclude any category of young persons from this provision in cases of young persons between the age of 15 and 16 years.

(4) It shall be forbidden to employ young persons under the age of 12 years, except in:

(a) the State's training schools;

(b) non-profitable training workshops;

(c) jobs supervised by his family members in establishments which do not employ other persons;

(d) jobs performed under apprenticeship contracts.

In addition, national strategies provide numerous projects on child welfare and protection.

National legislation establishes a general minimum age for admission to employment – 14 years for both boys and girls – which covers work performed in a family-owned or operated enterprise, light work and work performed in export processing zones.

Furthermore, national legislation also defines hazardous, as illustrated in article 21 of the Labour Act of 1997. This type of work includes the carrying of heavy loads and work involving steam boilers, and the minimum age for engaging in it is 18 years, for both boys and girls.

A national commission has been established to amend labour laws.

Elementary school is compulsory for children in Sudan. The age of both boys and girls at the end of this period is 14 years, with a general requirement of 8 years/grades of instruction.

Child labour is generally found in the following areas: shoe polishing (boys); the urban informal economy; and sales of goods. With regard to the worst forms of child labour, sale and/or trafficking is/are believed or suspected to exist amongst boys.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and eliminate the worst forms of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

Within these measures or programmes, special attention is not given to the needs of particular groups of children.

The Government works with the United Nations Children's Fund (UNICEF) and non-governmental organizations (NGOs) to combat child labour.

With respect to data, the Government does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education or sanctions applied to users of child labour. The same applies to surveys in view of providing statistical information on the extent and/or nature of child work.

In the last population census, held in 1993, the lowest age of persons for whom questions were asked about economic activity was 18 years.

Progress and achievements concerning this principle and right

Special measures undertaken in Sudan that can be regarded as successful examples in the abolition of child labour are compulsory education, which a child only completes when he/she is 14 years old and article 21 of the Labour Act, 1997.

Further, major changes since the last report (GB.283/3/2) to the Annual Review under the Follow-up to the Declaration are the institutional framework where the Government amends labour laws; strategic policies, a new one is under discussion, and; the extension of educational services.

Difficulties concerning the realization of this principle and right

The obstacles encountered in Sudan with respect to realizing the principle of the effective abolition of child labour are poverty within the population, the civil war, migration and displacement.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Sudan, in particular in the following areas, in order of priority (1 = most important):

Type of technical cooperation needed	Ranking
Legal reform	2
Policy advice	1
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Training of other officials (e.g. police, judiciary, social workers, teachers)	1
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	1
Employment creation, skills training and income generation	1
Social protection systems	1
Awareness raising, legal literacy and advocacy	1
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	1
Inter-institutional coordination	1
Special programme for the elimination of the worst forms of child labour	1

In particular, the first three priority technical cooperation needs are as follows:

1. data collection;
2. policy advice; and
3. capacity building of responsible government institutions.

Report preparation

In preparing this report, consultations were held with governmental agencies, and employers' and workers' organizations. No comments were received from the social partners.

A copy of this report was sent to the Sudanese Businessmen and Employers' Federation and the Sudan Workers' Trade Unions' Federation.

Suriname

Government

Recognition of this principle and right

In Suriname, the principle of the effective abolition of child labour is recognized in the legislation and through the United Nations Convention on the Rights of the Child.

There is no national policy/plan aimed at ensuring the effective abolition of child labour, but the Government intends to adopt one.

National legislation establishes a general minimum age for admission to employment – 14 years for boys and girls, however, the law also allows those who have passed the age of compulsory schooling (12 years) to work under certain conditions.

Child labour is prohibited unless it is for educational purposes and is not hazardous to the health of children.

Although, national legislation does not define hazardous work, there is a minimum age for engaging in this type of work, i.e. 18 years for both boys and girls.

No laws/regulations exist in Suriname with the aim of eliminating the worst forms of child labour and no steps are currently being taken to amend existing legislation or to introduce new one to address the elimination of the worst forms of child labour.

As regards compulsory schooling for children, the age of boys and girls at the end of this period is 12 years, with a general requirement of 6 years of instruction.

No cases of child labour have been found in listed enterprises, but child labour does occur in the informal sector. The results of a study show that there is about a two per cent occurrence of child labour in Suriname.

With respect to the worst forms of child labour, it is not known whether exist sale and/or trafficking, debt bondage, serfdom, forced or compulsory labour, and other worst forms of child labour. However, prostitution, pornography, and illicit activities, in particular production and trafficking of drugs, are believed or suspected to exist amongst boys and girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

No specific measures or programmes of action have been implemented or are envisaged to bring about the effective abolition of child labour.

The Government works with multilateral agencies (other than the ILO), bilateral donors and/or other organizations to combat child labour. It has implemented projects on the rights of the child, which are being/have been sponsored by the United Nations Children Fund (UNICEF). The projects that have been implemented so far have not been specifically on child labour.

In relation to the abolition of child labour, the Government does not record information on the number of children withdrawn from child labour, the number of ex-

child labourers pursuing formal or non-formal education and sanctions applied to users of child labour.

As concerns statistical information on the extent and/or nature of child work, government surveys are undertaken occasionally. The last one was carried out in 1998 (*Draft Report of the Survey on Child Labour in Suriname 1998*, Labour Market Department, Ministry of Labour).

Results of surveys are presented separately by:

- sex;
- age (four-14 years);
- occupation;
- type of activity; and
- number of hours worked.

The results of the last population census (1980) show a category of persons aged 15 and younger, being head of households.

Progress and achievements concerning this principle and right

No special measures have been undertaken in Suriname that can be regarded as successful examples in the abolition of child labour and no major changes have occurred since the last report (GB. 283/3/2).

Difficulties concerning the realization of this principle and right

The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour in Suriname, are the lengthy procedures for the modification and passage of legislation.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Suriname, in particular in the following areas, in order of priority:

1. special programme for the elimination of the worst forms of child labour;
2. data collection and analysis; and
3. awareness raising, legal literacy and advocacy.

Report preparation

In preparing this report, government agencies were asked to provide information, while employers' and workers' organizations were requested to make possible comments and input on this document. No comments were received from the social partners.

A copy of this report was sent to the following organizations:

- Suriname Trade and Industry Association *(Vereniging Surinaams Bedrijfsleven)* (VSB);
- Suriname Manufacturers' Association *(Associatie van Surinaamse Fabrikanten)* (ASFA);
- Progressive Trade Union Federation *(Progressieve Vakcentrale C-47)*;
- *AVVS de Moederbond*;
- Federation of Civil Servants Organization *(Centrale van Landsdienaren Organisaties)* (CLO);
- *Organisatie van Samenwerkende Autonome Vakbonden* (OSAV);
- Progressive Workers' Organization *(Progressieve Werknemers Organisatie)* (PWO); and
- Federation of Farmers and Agrarians *(Federatie van Agrariës en Landarbeiders)* (FAL).

Syrian Arab Republic

Government

Recognition of this principle and right

In the Syrian Arab Republic, the principle of the effective abolition of child labour is recognized in the following:

- the Constitution;
- legislation;
- judicial decisions;
- collective agreements;
- ministerial decisions and executive instructions, giving effect to ministerial decisions, such as Decision No. 923 of 26 May 2001;
- Decision No. Q/3/182 of 21 January 2001;
- Decision No. Q/3/183 of 28 January 2001;
- Circular No. B/1/1758 of 2 March 2001; and
- Circular No. A/2/1752 of 4 March 2001.

The aforementioned documents were sent to the Office with covering letter No. AD/3/6524 dated 22 August 2001.

Childhood issues are among the main concerns of the Syrian Arab Republic, as the child, being the man of the future, is the cornerstone on which the whole nation is built.

The Government protects children against all forms of sexual exploitation and against any form of discrimination. The Syrian Arab Republic has ratified the United Nations Convention on the Rights of the Child, which aims to provide special care for children. It has also ratified the Minimum Age Convention, 1973 (No. 138), which is one of the fundamental labour Conventions. The Ministry has prepared the decree project concerning the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). This project has been referred to the Cabinet of Ministers for them to refer it, in turn, to the competent authorities for promulgation.

The High National Committee for Childhood has been constituted with the Deputy Prime Minister for Service Affairs as President and the membership of all government authorities and organizations concerned with childhood affairs. The Committee shall follow up and study the state of childhood in the country.

It is worth recalling that the Syrian Arab Republic has ratified the Labour Inspection Convention, 1947 (No. 81), including Protocol of 1995 to the Labour Inspection Convention, 1947; the Minimum Age (Underground Work) Convention, 1965 (No. 123); the Minimum Age Convention, 1973 (No. 138); as well as Arab Labour Conventions No. 1 of 1966 concerning labour standards, No. 6 of 1976 revising the preceding Convention, No. 7 of 1977 concerning Occupational Safety and Health; and No. 18 of 1996 concerning the Employment of Young Persons. All these Conventions are in conformity with the United Nations Convention on the Rights of the Child and with the International Covenant on Economic, Social and Cultural Rights.

National legislation establishes a general minimum age for admission to employment – 15 years for both boys and girls – which covers the following types of work:

- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work;
- work performed in export processing zones; and
- other types of work: Syrian law prohibits, categorically, the employment of adolescents under 15 years of age in any type of work.

National law does not explicitly define hazardous work. However, laws in force and executive decisions giving effect to such laws have defined hazardous types of work and industries where adolescents are not allowed to be employed before reaching a certain age. For instance, Decision No. Q/3/183 of 28 January 2001 giving effect to article 124 of the Labour Code and Law No. 24 modifying Labour Code No. 91 of 1959, define industries and the types of work where adolescents under the age of 18 should not be employed. Decision No. Q/3/182 dated 28 January 2001 defines some industries and types of work where adolescents under the age of 16 should not be employed without a medical

certificate indicating their physical and health status. The minimum age for engaging in this type of work is 18 years for both boys and girls.

The following laws are aimed at eliminating the worst forms of child labour in Syria:

- the Penal Code promulgated by virtue of Legislative Decree No. 184 of 22 June 1949, and in particular articles 489, 491, 492, 493, 495, 496, 501, 502, 504, 505 and 506;
- the Combating Prostitution Act promulgated by Law No. 10 on 8 March 1961;
- Compulsory Education Act No. 35 of 1981;
- Delinquent Adolescents Act No. 58 of 1975;
- Legislative Decree No. 13 of 1982;
- Labour Code No. 91 of 1959 and its modifications;
- Drugs Act No. 2 of 1993;
- Agricultural Relations Regulation Act No. 134 of 1958; and
- Act No. 32 of 7 April 2002.

The following sections provide detailed information on several decisions giving effect to some articles of the aforementioned laws dealing with child labour.

Sexual exploitation and aggression

The Penal Code protects adolescents against sexual aggression and imposes severe sanctions on offenders. Article 489/2 provides that the penal sanction should not be less than 21 years of imprisonment if the aggressed adolescent is under the age of 15.

Moreover, article 491 of the Penal Code provides that:

(a) He who has sexual intercourse with a person under the age of 15 shall be sentenced to nine years of imprisonment with hard labour.

(b) Should the child be under the age of 12, the penalty shall not be less than 15 years of imprisonment.

Syrian legislation imposes penalties ranging from 18 years of imprisonment, with hard labour to detention for acts on minors that are incompatible with chastity, such as touching, flirtations or gestures (articles 493, 495, 505 and 506 of the Penal Code).

Furthermore, national legislation protects children from trafficking for sexual purposes and exploitation by virtue of the Combating Prostitution Act No. 10 of 8 March 1961. The penal sanction of imprisonment is imposed on those who incite or help a boy or girl to engage in prostitution or fornication or facilitates such acts. If the victim is under the age of 21, the penalty imposed is not less than one year and does not exceed five years of imprisonment (article 1).

Legislation also protects children against instigation and from persons helping to transfer them abroad to engage in prostitution and fornication by providing similar

penalties to those mentioned in the preceding paragraph (article 3 of the Combating Prostitution Act).

It imposes a more severe penalty if the victim of sexual exploitation or trafficking crimes is under the age of six. In this case, the penalty ranges from three to seven years of imprisonment (article 4 of the Combating Prostitution Act).

Selling, trafficking and kidnapping

Syrian legislation protects children from all forms of kidnapping and trafficking, considering such acts as criminal, entailing a punishment under law (articles 478, 479, 481 and 484 of the Penal Code).

Drugs

Syrian legislation gives the highest priority to combating child exploitation in the field of drugs, given the dangerous effects that drugs might have on a child's psychological development and safety. Therefore, articles 41 and 40 of the Drugs Act Law No. 2 of 12 April 1993, allows for the sentencing to death of any person who solicits a minor into committing a crime of smuggling, fabricating or planting drugs and similar substances, trafficking, selling, delivering or buying drugs.

Paragraph 2 of article 42 of the Drugs Act, states that any person who offers drugs to a minor or forces a minor to take them through coercion, deception or temptation, shall be sentenced to life imprisonment and a fine.

The same sentence applies to any person who promotes drugs in educational institutions or camps, etc. or at any other gathering of youths or minors or in the vicinity of such institutions or camps (article 42 of the Drugs Act).

Article 611 of the Penal Code states that any person who offers alcohol to a minor under the age of 18, to the extent that the minor becomes drunk, should be fined. Article 612 provides that the owner of a bar or any other place open to the public and the clients in such places should be held in a detention centre and fined if they offer alcohol to a minor under the age of 18.

Therefore, national legislation protects children from the harmful effects of all forms of drugs. The results of this protection are reflected in the absence of drug use amongst children in all age groups.

As mentioned earlier, the Syrian Arab Republic has always endeavoured to ratify Arab and International Labour Conventions concerning and representing the best interests of children, including the Arab Labour Convention No. 18 of 1996 and Convention No. 138. Convention No. 182 has been referred to the Cabinet of Ministers for ratification.

Similarly, the two optional Protocols attached to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, respectively, have been referred to the Cabinet of Ministers to refer them, in turn, to the competent authorities for ratification.

All forms of exploitation

Syrian legislation protects children against all forms of economic, social or moral exploitation and imposes severe sanctions on offenders. It establishes rules to protect the development and growth of children, with a view to ensuring a safe and stable childhood,

as children represent the future of the nation and its aspirations for prosperity and growth on all levels.

Steps that have been taken to amend existing legislation or to introduce a new one are as follows:

- ratification of Convention No. 138;
- ratification of Arab Labour Convention No. 18 of 1996;
- Laws No. 24 and 34 of 2000 containing the modification to the mandatory age of child labour; and
- Act No. 32 of 7 April 2002, which considers the elementary and preparatory phases of school as one single phase called "'the basic education phase' which is free of charge."

In addition, the ratification of both optional Protocols attached to the Convention on the Rights of the Child, the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Convention on the Elimination of All Forms of Discrimination against Women are envisaged.

As regards compulsory schooling for children, the age of both boys and girls at the end of this period is 15 years, with a general requirement of 9 years/grades of instruction.

In accordance with article 124 of the Labour Code No. 91 of 1959, amended by Act No. 24 of 2000, the Ministry has issued decrees giving effect to the Act and instructed all Departments of Social Affairs and Labour to intensify inspections of industrial, commercial and cultural enterprises and market vendors in order to eliminate the employment of children under the age of 15 in any type of work. Violators are subject to fines or referred to the courts.

The Government has implemented several programmes aimed at protecting children, including the monitoring of child labour by inspection bodies and the continuation of the following programmes: the employment programme as provided for in the Basic Education Law; the literacy programme set up by the High Council for the Elimination of Illiteracy; social assistance programmes for combating begging, offered by the Ministry of Social Affairs and Labour in cooperation with charities and civil associations; and the development of social care programmes undertaken by centres for the rehabilitation of delinquent adolescents and displaced persons, care institutes for disabled persons, and homes for orphans and disadvantaged persons. In addition, there are programmes whereby the Government absorbs the costs of basic food subsidies and undertakes the responsibility of channelling them to citizens at nominal prices.

The Ministry of Culture undertakes to write, translate and print books for children. The Al-Assad National Library in Damascus, containing six million books, pays special attention to children by dedicating special reading rooms for their use. The Information Ministry prepares cultural, scientific and entertainment programmes and organizes competitions for children and the Ministry of Local Administration constructs gardens, dedicating sections for children, with all the necessary entertainment facilities with which they can fill their free time. Organizations, such as the General Federation for Women, the Organization of Baath Scouts, the Federation of Revolution Youth, the General Federation for Sports and the Federation of Syrian Trade Unions, as well as voluntary associations, have established a number of care and awareness-raising programmes for children.

The worst forms of child labour (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; illicit activities, in particular production and trafficking of drugs; etc.) do not exist in Syria.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and eliminate the worst forms of child labour:

- legal reform, including:
  - Laws 24 and 34 of 2000 (to enforce minimum age(s) for employment);
  - ratification of Arab Labour Convention No. 18 of 1996;
  - promulgation of Basic Education Law No. 32 of 7 April 2002; and
  - promulgation of Unemployment Law No. 71 of 8 December 2001 which has, inter alia, the objective of presenting several projects targeting women and youth, in particular;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil/administrative sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation (in the case of the elimination of the worst forms of child labour: the promulgation of the Unemployment Act, now in force);
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

In addition, legal reform is envisaged as follows:

- ratification of both optional Protocols attached to the Conventions on the Rights of the Child;
- ratification of Convention No. 182;

- ratification of the Convention on the Elimination of All Forms of Discrimination against Women; and
- amendment of the Delinquent Adolescents Act.

Within these measures or programmes, special attention is given to children with special needs i.e. orphans, the disabled and delinquents.

Relevant government authorities consult and cooperate with organizations that offer basic services to children, such as the Federation of Revolution Youth, the Organization of Baath Scouts, the Federation of Syrian Trade Unions, the General Federation for Women, the General Federation for Sports, etc.

Apart from the ILO, the Government cooperates with the following multilateral agencies in combating child labour: the United Nations Children's Fund (UNICEF); the United Nations Development Fund for Women (UNIFEM); the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); the Italian agency FIMONDO; City Centre in Cairo; the Karim Rida Said Institution; and the Japanese International Cooperation Agency (JICA).

The following laws, which have proved effective in combating child labour, provide penalties for users of child labour: Labour Code No. 91 of 1959 as amended by Law No. 24 of 2000, the Delinquent Adolescents Act, the Combating Prostitution Act and the Penal Code.

All international and Arab Conventions, which have been ratified and considered all together to be an integral part of national legislation, stress the necessity of applying all sanctions on users of child labour.

In relation to the abolition of child labour, the Government records information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and sanctions applied to users of child labour.

The *1998 National Report on Child Labour in the Syrian Arab Republic* was prepared by the Ministry of Social Affairs and Labour, other government authorities, organizations and other bodies, in cooperation with the ILO.

As concerns statistical information on the extent and/or nature of child work, government surveys are undertaken occasionally. The last one was carried out in 1998 by the Ministry of Social Affairs and Labour, UNICEF and the Central Office of Statistics. It focused on child workers aged below the mandatory age for employment, i.e. those aged between six and 17, and school drop-outs who were economically active. Data were collected on 1,000 child workers from a sample of 50,000 families.

The results of the survey produced the main reasons behind children working: 63 per cent of child workers were either not interested in attending school or failing in their studies; 17 per cent worked to help with family expenses; 10 per cent had to take care of their families; 7 per cent wished to be independent; and 3 per cent cited reasons other than those already stated.

In addition, the General Federation for Women undertook a survey on child labour in 1995, in cooperation with UNICEF and the Central Office for Statistics.

Results of surveys are presented separately by sex, age (6-17), occupation, type of activity and the number of hours worked.

In the last population census, held in 1994, children aged up to ten were asked questions about economic activity.

Progress and achievements concerning this principle and right

The following special measures, which can be regarded as successful examples in the abolition of child labour, have been undertaken in the Syrian Arab Republic:

- promulgation of Laws Nos. 24 and 34 in 2000;
- ratification of Convention No. 138;
- ratification of Arab Labour Convention No. 18 of 1996;
- promulgation of Act No. 32 on 7 April 2002 concerning basic education;
- ratification of the Convention concerning the foundation and functioning of SOS Children's Villages, as well as joint projects with the organization of SOS Children's Villages (SOS-Kinderdorf International) by virtue of Legislative Decree No. 42 issued on 13 July 2002;
- promulgation of Unemployment Act No. 71 on 8 December 2001;
- preparation of the law project concerning the ratification Convention No. 182;
- preparation of the decree project concerning the ratification of the two Protocols attached to the Convention on the Rights of the Child and its referral to the Cabinet of ministers for promulgation; and
- preparation of the decree project concerning the ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

Major changes with regard to child labour since the submission of the last report (GB.283/3/2) to the Annual Review under the follow-up to the Declaration, are as follows:

- promulgation of Act No. 32 of 7 April 2002;
- promulgation of Unemployment Act No. 71 on 8 December 2001;
- ratification of Arab Labour Convention No. 18 of 1996; and
- efforts undertaken to ratify instruments cited in the preceding paragraph.

The Unemployment Act would help to reduce child labour to a great extent.

Difficulties concerning the realization of this principle and right

The Government has implemented several programmes related to child labour including the promulgation of laws prohibiting child labour. Nevertheless, there are many reasons for child labour, which are the outcome of individual and social factors, in particular:

- the familial situation of the child, such as the loss of familial care, dysfunction of the family, poverty, low income and illiteracy;

- housing conditions of the child;
- conditions at school – some children do not like school while others do, but fail in their studies; and
- the cheapness of child labour.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Syria, in particular in the following areas, in order of priority (1 = most important, 2 = 2nd most important, etc.):

Type of technical cooperation needed	Ranking
Legal reform	13
Policy advice	12
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	3
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	9
Strengthening capacity of employers' and workers' organizations	4
Employment creation, skills training and income generation	1
Social protection systems	6
Awareness raising, legal literacy and advocacy	8
Sharing of experience across countries/regions	5
Cross-border cooperation mechanisms	7
Inter-institutional coordination	10
Special programme for the elimination of the worst forms of child labour	11

Report preparation

In preparing this report, consultations were held with the ministries concerned with child labour, other governmental bodies, the Damascus Chamber of Industry (representing employers and the private sector) and the General Federation of Syrian Trade Unions.

The policy followed by the Government is aimed at eliminating child labour in cooperation, coordination and consultation with other public institutions and organizations that have an active and prominent role in reducing child labour. The social partners made comments on the report.

A copy of this report was sent to the following:

- the Ministry of Justice;
- the Ministry of the Interior;
- the Ministry of Industry;
- the Damascus Chamber of Industry;
- the General Federation of Syrian Trade Unions;

- the General Federation for Sports;
- the Federation of Revolution Youth;
- the General Federation for Women; and
- the Organization of Baath Scouts.

Annexes (not reproduced)

– Act No. 32 of 7 April 2002 concerning basic education.

Thailand

Government

Recognition of this principle and right

In Thailand, the principle of the effective abolition of children is recognized in the Constitution, legislation and judicial decisions.

The new development which has taken place in 2002, is that the Government is planning to adopt the draft National Plan and Policy on the Prevention of and Solution to Domestic and Cross-Border Trafficking in Children and Women, for 2002-2007.

National legislation establishes a general minimum age for admission to employment – 15 years for both boys and girls – which covers light work and work performed in export processing zones. The minimum age for admission to employment in the fisheries sector (sea) is 16 years, while for dock work, it is 18 years.

Hazardous work is not defined in national legislation, but the minimum age for engaging in this type of work is 18 years for both boys and girls.

Laws/regulations exist in Thailand with the aim of eliminating the worst forms of child labour. No steps are currently being taken to amend existing legislation or to introduce new one to address the aforementioned issue.

As regards compulsory schooling, the age of both boys and girls at the end of this period is 15 years, with a general requirement of 9 years or grades of instruction.

The Labour Statistics Year Book of 2001, published by the Department of Labour Protection and Social Welfare, shows that the number of inspected young workers tends to decrease. In comparison with 2000, there was a decline in the number of young workers – from 4,303 to 3,849 inspected young workers and from 67 to 13 cases of child labour involving children under 15 years of age. In 2001, twenty-four illegal young workers were found.

With respect to the worst forms of child labour, sale and/or trafficking; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs, are believed or suspected to exist amongst boys and girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and eliminate the worst forms of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

Within these measures or programmes, special attention is given to the needs of particular groups of children.

Apart from the ILO, the Government works and cooperates with other agencies in the following ways:

- the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) subsidized the budget for protection plans for children;
- the United Nations Development Programme (UNDP) cooperates with Thailand in the Project on Trafficking in Women and Children in the Mekong Sub-Region; and
- the International Organization for Migration is cooperating with the Government to solve the problem of trafficking in women and children.

In relation to the abolition of child labour, the Government records information on the number of children withdrawn from child labour and sanctions applied to users of child labour. In this respect, a total of 913 foreign victims (358 boys, 294 girls, and 261 women) have been admitted into shelters of the Ministry of Labour and Social Welfare (MOLSW), while 770 (313 boys, 241 girls, and 216 women) have been repatriated to their home countries.

The summary of the MOLSW report, concerning cases of grievances reported via the hotline and letters between October 2000 and September 2001, shows that labour

inspectors followed up on those cases of grievances and withdrew 98 child and young workers. Ten employers were prosecuted for the exploitation of child labour and exposing young workers to occupational hazards. The total fine paid by the employers was 29,000 baht and 567,820 baht was paid in compensation to the child workers involved. The orders were issued to employers in cases of the violation of the Labour Protection Act of 1998 (such as unpaid wages, non-provision of paid holidays, payment of wages below the minimum wage and work hours beyond what is legally allowed).

The Government does not undertake surveys that provide statistical information on the extent and/or nature of child work.

Progress and achievements concerning this principle and right

The Taxi Driver Volunteer Project can be regarded as a successful example of special measures undertaken in Thailand, in 2001, for the abolition of child labour. The project was launched by MOLSW in December 2001, to encourage taxi drivers to inform or report on traces of child labour or unfair labour practice on young workers to labour officials.

Difficulties concerning the realization of this principle and right

The main obstacles encountered in Thailand with respect to realizing the principle of the effective abolition of child labour are the lack of a complete and systemized process of gathering statistics and inadequate data analysis.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Thailand, in particular in the following areas, in order of priority (1 = most important, 0 = not important):

Type of technical cooperation needed	Ranking
Legal reform	0
Policy advice	0
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2
Training of other officials (e.g. police, judiciary, social workers, teachers)	0
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	0
Social protection systems	1
Awareness raising, legal literacy and advocacy	0
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	1
Inter-institutional coordination	0
Special programme for the elimination of the worst forms of child labour	1

Report preparation

In preparing this report, other governmental agencies were consulted.

A copy of this report was sent to the Employers' Confederation of Thailand (ECOT), the Labour Congress of Thailand and the National Congress of Thai Labour (NCTL).

Observations submitted to the Office by the Employers' Confederation of Thailand (ECOT) through the Government

Progress and achievements concerning this principle and right

Tripartite contributions with regard to the principle of the effective abolition of child labour are as follows:

- Employers: Members of the Employers' Confederation of Thailand (ECOT) have been informed about child labour and a consensus has been reached to denounce all forms of child labour for those under the age of 15. Good corporate practices encourage the abolition of child labour throughout the production process i.e. from the supply chain to the manufacturing industries;

- Government: Labour law enforcement, registration of migrant workers and the provision of social security for workers have all contributed to the Government's capacity to access, monitor and control the employment of child workers.

- Unions: The National Congress of Thai Labour (NCTL) has completed a community project to raise awareness amongst parents on the detrimental effects of child labour, appraise and recognize of the importance of education, and provide training workshops for disadvantaged children.

ECOT is an official member of the National Steering Committee (NSC) on the Elimination of Child Labour to which this report shall be subsequently submitted.

Difficulties concerning the realization of this principle and right

The main obstacles encountered with respect to realizing the principle of the effective abolition of child labour are as follows:

- the hidden nature of child labour: it is both hard to define and find, i.e. what is it, who are child workers and where are they;

- victims avoid help or surrender themselves to this type of work which can be performed voluntarily or by those in desperate need of a job in order to survive. There are mixed motives for engaging in this type of work, which especially involves migrant workers who seek refuge and need to survive in a new culture;

- legal loopholes: children are easy prey and targeted to carry out illegal and illicit activities, since they are subject to 'light' penalties. This is the case particularly in drug trafficking, where children are workers/victims of drug abuse and traffickers, i.e. a case of double jeopardy, as they are abused twice; and

- lack of knowledge: family members, relatives, friends and neighbours are unaware of their rights and their knowledge of labour law and practice is minimal, especially in rural areas.

Priority needs for technical cooperation

The second most important types of technical cooperation needed in the country are employment creation, skills training and income generation.

Observations submitted to the Office by the National Congress of Thai Labour (NCTL) through the Government

The NCTL is of the opinion that the report produced by the Government is accurate and presents facts based on actual national circumstances.

Trinidad and Tobago

Government

The changes since the last report are detailed as the following.

Recognition of this principle and right

In relation to national policy or plan aimed at ensuring the effective abolition of child labour, the National Committee to monitor the implementation of the National Plan of Action for Children and the United Nations Convention on the Rights of the Child has been reconstituted. This Committee has been functioning effectively and has held three workshops as part of its strategy of devising an action plan to deal with issues affecting children. These workshops have focused on Children in Education, Children in Health and Children in Difficult Circumstances. The reports of these workshops are being compiled and will form the basis of two national consultations – one in Trinidad and the other in Tobago. The outcome of the workshops and consultations will be a revised, comprehensive and supported National Plan of Action for Children.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

A rapid assessment study by the ILO Caribbean Office, on the Worst Forms of Child Labour in Trinidad commenced in early 2002. The draft report was reviewed and critically examined by a team representing the Ministry of Labour and Small and Micro Enterprise Development, the Central Statistical Office, the Ministry of Social Development, the ILO Caribbean Office and researchers. The final report of this rapid assessment study is being prepared. The study focused on the activities of children in four areas:

- scavenging;
- agriculture;
- domestic work; and
- child prostitution and pornography.

The preliminary results suggest that there are instances of the four identified worst forms of child labour in Trinidad. It has been estimated that approximately 70 children work in scavenging at the three sites surveyed. Estimates of the number of children involved in the other three types of activities proved difficult as workers tend to be scattered. The results of the survey were presented by age, sex, household size, educational attainment, number of hours worked per day, number of hours worked per week and income, to name a few variables.

A Multiple Indicator Cluster Survey (MICS) was conducted in 2000 and its findings were to be available at the end of 2001. A draft report available at the website www.childinfo.org, has been prepared. The MICS estimated that about 1.2 per cent of children aged 5-14 years were engaged in paid work. Less than one per cent (0.3 per cent) was found to be participating in unpaid work for someone other than a household member.

Following consultations within the Tripartite Committee, ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) was considered, and Cabinet agreed *in principle* to its ratification by Trinidad and Tobago (Cabinet Minute No. 729 of 18 April 2002). Cabinet also agreed that the Attorney General would advise on the appropriate timing for action.

With regard to the ratification of the Minimum Age Convention, 1973 (No. 138), the Human Rights Unit of the Ministry of the Attorney General is undertaking a thorough legal assessment of the Convention before a Declaration of a minimum age for admission to employment is made, to complete ratification by Trinidad and Tobago.

Observations submitted to the Office by the Employers' Consultative Association of Trinidad and Tobago

Recognition of this principle and right

In Trinidad and Tobago, the principle of the effective abolition of child labour is recognized in collective agreements. The Children's Act, 1925, Chapter 46:01 effectively provides for varying ages at which children should be employed. Child labour has been subsequently addressed as a national issue, indirectly, by different committees; including, most recently, the United Nations Committee on the Rights of the Child (CRC/C/11/Add. 10). However, no single legislation has been implemented to date.

There is no national policy/plan aimed at ensuring the effective abolition of child labour. However, the aforementioned Committee has made certain observations, which were welcomed by the Government, including the incorporation of a National Plan of Action on Children (NPA) into the general development of the country. Although Trinidad and Tobago ratified the United Nations Convention on the Rights of the Child in 1991, difficulties regarding the implementation of this Convention have been noted.

National legislation establishes a general minimum age for admission to employment. Children under 12 years are not eligible for employment. Furthermore, certain conditions must be met for children between the ages of 12 and 18 to be effectively and legally employed.

The general minimum age for employment covers work in a family-owned or – operated enterprise, commercial agriculture, family and small-scale agriculture, and work on vessels. On the other hand, it does not cover work performed in enterprises below a certain size (however, the question as to what is an industrial undertaking, is determined by the President of the Republic); homework; domestic service; self-employed work; light

work; and work performed in export processing zones. It must be noted that the types of work to which the minimum age is applicable are included under Part s.90-96 of the Children's Act, Chapter 46:01.

Although national legislation does not define hazardous work, there is a minimum age for engaging in this type of work, i.e. 14 years for both boys and girls.

No laws/regulations exist in Trinidad and Tobago with the aim of eliminating any of the worst forms of child labour, and no steps are currently being taken to modify existing legislation or introduce a new one to address this issue..

As regards compulsory schooling for children, the age of boys and girls at the end of this period is 12 years, with a general requirement of 6 years or grades of instruction.

With regard to the worst forms of child labour, debt bondage, serfdom, forced or compulsory labour and forced recruitment for armed conflict does not exist in Trinidad and Tobago. However, it is not known whether sale and/or trafficking, prostitution or pornography exist.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

No special measures/programmes of action have been implemented or are envisaged in Trinidad and Tobago to bring about the effective abolition of child labour.

The Government works with the United Nations to combat child labour. The United Nations Convention on the Rights of the Child recognises a child as every person under the age of 18, unless national laws recognise the age of majority earlier. It provides the most comprehensive statement of what the world community wants for its children. It encompasses economic, social, civil and political rights. State parties are required in Article 32 to "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."

In relation to the abolition of child labour, the Government does not record information on the number of children withdrawn from child labour and the number of ex-child labourers pursuing formal or non-formal education. The same applies to surveys that provide statistical information on the extent and/or nature of child work.

In the last population census, held in 2000, the lowest age of persons for whom questions were asked about economic activity was 16 years.

Progress and achievements concerning this principle and right

No special measures have been undertaken in Trinidad and Tobago that can be regarded as successful examples in the abolition of child labour.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Trinidad and Tobago, in particular in the following areas, in order of priority (1 = most important, 0 = not important):

Type of technical cooperation needed	Ranking
Legal reform	1
Policy advice	1
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	1
Social protection systems	2
Awareness raising, legal literacy and advocacy	1
Sharing of experience across countries/regions	2
Cross-border cooperation mechanisms	2
Inter-institutional coordination	0
Special programme for the elimination of the worst forms of child labour	0

Report preparation

In preparing this report, governmental agencies, employers' and workers' organizations were consulted in the following ways:

- data collection from the Ministry of Labour;
- internet use i.e. the child labour web site;
- consultation with the Ministry of Information;
- in-house research i.e. within the Employers' Consultative Association of Trinidad and Tobago; and
- data collection from Central Statistical Office.

United States

Government

Many of the questions in the report are not susceptible to simple yes/no answers; however, to accommodate the ILO's request, yes/no answers have been provided that reflect the *general* principles of United States law and practice. The following are brief explanations of a complicated and detailed system of laws, and of necessity these statements cannot fully reflect United States law and practice. Additional materials and web sites referenced in this report, and prior reports on related ILO Conventions, should be consulted for a more complete explanation of United States law and practice.

Recognition of this principle and right

In the United States, the principle of the effective abolition of child labour is recognized in legislation.

The elimination of illegal and exploitative child labour is both a domestic and international priority of the Government of the United States. The federal Fair Labor Standards Act of 1938, 29 U.S.C. §201, et seq. (FLSA or Act), is the major federal child labour statute. The FLSA contains provisions designed to control or regulate the employment of children as well as to abolish or prevent, outright, the employment of oppressive child labour (see 29 U.S.C. §212). The FLSA provides, in pertinent part, that no producer, manufacturer, or dealer shall ship or deliver for shipment, in interstate commerce any goods produced in an establishment where oppressive child labour has been employed (29 U.S.C. §212(a)). The FLSA further provides that "no employer shall employ oppressive child labour in commerce, the production of goods for commerce or in any enterprise engaged in commerce" (29 U.S.C. §212(c)). Oppressive child labour is defined as the employment of a child under 16 years of age in any occupation (29 U.S.C. §203(I)). In addition the term includes the employment of minors 16 and 17 years of age in any occupation deemed hazardous by the Secretary of Labor (the Secretary).

Under United States law, child labour is subject not only to federal law and regulation but also to state laws and regulations. Those employees who are not engaged in interstate commerce and those not employed by FLSA covered enterprises are bound by the relevant state child labour law provisions rather than by the provisions of the FLSA. If both state and federal law apply to the same employment situation, the more stringent standard of the two must be observed.

National legislation establishes a general minimum age for admission to employment – 16 years for both boys and girls – which covers commercial agriculture. In this respect, separate child labour standards for agricultural employment date to the original enactment of the FLSA when most agricultural jobs were on small family-operated farms. The FLSA defines agriculture as farming in all its branches and, among other activities, includes cultivating and tilling the soil, dairying, producing, growing and harvesting agricultural or horticultural commodities, and raising livestock or poultry (see 29 U.S.C. §203(f)).

Federal Fair Labor Standards in agriculture prohibit the employment of those under 16 during school hours. Additionally, children under 16 are prohibited from engaging in agricultural jobs declared hazardous by the Secretary of Labor (29 U.S.C. §213(c) (2)). Except for these restrictions, those 14 years old and over may engage in any agricultural work. Those 12 and 13 years old may perform non-hazardous work in any farm outside school hours provided that they have parental consent or their parents are working on the same farm (see 29 C.F.R. §570.122. Children of any age may be employed by their parents or persons standing in place of their parents (29 U.S.C. §213(c)(2)).

Under the FLSA, the Secretary has authority to grant waivers for the employment of 10 and 11 year olds as hand harvest labourers for a period up to eight weeks between 1 June and 15 October each year (29 U.S.C §213(c)(4)). However, the Department is effectively enjoined from issuing any waivers under this section and has not issued any for several years (see National Association of Farm Workers Organizations, et al. v. Marshall, 628 F.2d 604 (D.C. Cir. 1980)).

With regard to work performed in a family-owned or -operated enterprise, according to the FLSA, a parent or a person standing in place of a parent may employ his own child or a child in his custody under the age of 16 years, in any occupation other than mining, manufacturing or an occupation found by the Secretary to be particularly hazardous or detrimental to health or well-being for children between the ages of 16 and 18. This exemption applies in those cases where the child is exclusively employed by his parent or a person standing in his parents' place. The FLSA's definition of "enterprise engaged in commerce or the production of goods for commerce" provides that "any establishment that has as its only regular employees the owner thereof or the parent, spouse, child, or other

member of the immediate family of such owner shall not be considered to [be] an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise" (29 U.S.C. §203(s)(2)).

Furthermore, with respect to work performed in enterprises below a certain size, homework, domestic service and self-employed work, the FLSA applies to all employees of certain enterprises having workers engaged in interstate commerce, producing goods for interstate commerce, or handling, selling, or otherwise working on goods or materials moved in or produced for such commerce. Covered enterprises include private businesses where the annual gross volume of sales made or business done is not less than $500,000, or certain named facilities like hospitals, nursing homes, and schools. Employees of firms which are not enterprises within the scope of the FLSA may yet be subject to the child labour provisions if they are individually engaged in interstate commerce or in the production of goods for interstate commerce, or in any closely-related process or occupation directly essential to such production.

In a number of states, child labour laws apply on an industry basis; in another group of states, child labour laws cover any gainful occupation, business or service. Exemptions from the law frequently include such activities as domestic employment, farm labour and babysitting. All exclude some activities and jobs from some of the basic regulation, sometimes by a minimum age for particular occupations, and sometimes by excluding activities or forms of employment from some or all other requirements.

With respect to family and small scale agriculture, children under 16 years of age are permitted to work for their parents on their parents' farm at any time, provided they are not employed in mining or manufacturing (29 C.F.R. §570.123(d)).

Light work is work that is not harmful to the health or development of young persons nor prejudicial to school attendance or participation in approved vocational programs (see *General Survey by the Committee of Experts on the Application of Convention and Recommendations: Minimum Age, International Labour Conference, 67th Session, 1981* page 159). The FLSA authorizes the Secretary to provide by regulation or order that the employment of those between the ages of 14 and 16 is not "oppressive child labour" if the Secretary determines that such employment is confined to periods that will not interfere with their health and well being (29 U.S.C. §203(1)). Pursuant to this authority, the Secretary, under Child Labor Regulation 3, permits the employment of 14 and 15 year olds where the work is performed outside of school hours and conforms to the specifications delineated in the Department of Labor regulations. Hazardous work is not permitted. Additionally, the work permitted must meet narrow time restrictions so as not to interfere with school hours. The work permitted by these regulations is consistent with the concept of light work.

Under the FLSA, child labour standards with regard to hazardous work differ with respect to non-agricultural and agricultural employment.

With regard to non-agricultural employment, the term "oppressive child labour" includes the employment of minors 16 and 17 years of age in any occupation the Secretary of Labor deems hazardous or detrimental to their health or well-being. To date the Secretary has issued 17 hazardous orders. The hazardous orders now in effect deal with the following:

1. manufacturing and storing explosives;

2. motor-vehicle driver and outside helper;

3. coalmining;
4. logging and saw-milling;
5. power-driven woodworking machines;
6. exposure to radioactive substances;
7. power-driven hoisting apparatus;
8. power-driven metal forming, punching, and shearing machines;
9. mining other than coalmining;
10. slaughtering, or meatpacking, processing or rendering;
11. power-driven bakery machines;
12. mower-driven paper products machines;
13. manufacturing brick, tile, and kindred products;
14. power-driven circular saws, band saws, and guillotine shears;
15. wrecking, demolition, and ship breaking operations;
16. roofing operations; and
17. excavation operations.

With regard to agricultural employment, children under 16 are prohibited from engaging in agricultural jobs declared hazardous by the Secretary of Labor (29 U.S.C. §213(c)(2)). The Secretary has identified 11 hazardous occupations in agriculture. These include activities involving the operation of large farm machinery, for example, tractors over 20 PTO horsepower, cotton and corn pickers, harvesters and balers, or the handling of toxic or explosive substances (see 29 C.F.R. §§570.71 and 570.123).

The United States has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), and has laws and regulations that cover all of the types of work listed in the Convention as the worst forms of child labour.

No steps are currently being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour.

Compulsory education is subject to state law and regulation. With regard to the age of a child at the end of compulsory schooling, it is 16 years for 33 states, 17 years for seven states and the District of Columbia and 18 years for ten states.

In the United States, child labour is regulated by both federal and state legislation and regulations. Federal regulation of child labour pursuant to the FLSA is predicated on the Commerce Clause of the United States Constitution and the impact of such labour on interstate commerce. As mentioned above, the FLSA prohibits the employment of “oppressive child labour” in interstate or foreign commerce, in the production of goods for such commerce, or in any enterprise engaged in interstate commerce or the production of goods for interstate commerce (29 U.S.C. §212(a) and (c)).

Non-agricultural employment

With regard to non-agricultural employment, the term "oppressive child labour" is defined as employment of a child under 16 years of age in any occupation (29 U.S.C. 203(l)). In addition the term includes the employment of minors 16 and 17 years of age in any occupation the Secretary of Labor deems hazardous or detrimental to their health or well-being.

Regulations promulgated by the Secretary detail those occupations found to be hazardous. As detailed above, the Secretary has issued 17 hazardous orders addressing non-agricultural occupations.

With respect to occupations other than mining, manufacturing and occupations the Secretary deems hazardous, as stated before, the Secretary is authorized to issue regulations or orders lowering the 16 year minimum age of employment to 14 years where she finds that such employment is confined to periods that will not interfere with the minors' schooling nor interfere with their health and well being (see 29 C.F.R. §570.119). Pursuant to this authority the Secretary, under Child Labor Regulation 3, permits the employment of 14 and 15 year olds where the work is performed outside of school hours and conforms to the specifications delineated in the Department of Labor regulations (see 29 C.F.R. §§570.33-570.35 and 570.118). These regulations establish a scheme for the certification of the age of the worker, detail the permissible occupations, prescribe working conditions, and limit the hours and times that these children may be employed. Pursuant to these regulations employment in a wide variety of industrial activities is prohibited. Generally, the regulations permit the employment of 14 and 15 year olds in certain retail and service industries.

Agricultural employment

Separate child labour standards for agricultural employment date to the original enactment of the FLSA when most agricultural jobs were on small family-operated farms. The FLSA defines agriculture as farming in all its branches and, among other activities, includes cultivating and tilling the soil, dairying, producing, growing and harvesting agricultural or horticultural commodities, and raising livestock or poultry (see 29 U.S.C. §203(f)).

Federal fair labour standards in agriculture prohibit the employment of those under 16 years of age during school hours. Additionally, children under 16 years are prohibited from engaging in agricultural jobs declared hazardous by the Secretary of Labor.

Except for these restrictions, children aged 14 years old and over may engage in any agricultural work. Those aged 12 and 13 years may perform non-hazardous work in any farm outside school hours provided that they have parental consent or their parents are working on the same farm (29 U.S.C. 213(c)(1)). Children of any age may be employed by their parents or persons standing in place of their parents at any time and in any occupation on a farm owned or operated by their parents or persons standing in place of their parents (29 U.S.C. §213(c)(2)).

The informal sector

In the United States, the employment of children in door-to-door sales of products is the most problematic practice in the informal sector of the economy relative to child labour. The Child Labor Coalition estimates that as many as 50,000 children work selling magazine subscriptions, candy, and other items door-to-door in residential neighbourhoods and on the streets. The ages of the children employed as youth peddlers vary. These

children often work well beyond the hours that would be allowable under the FLSA and under unsafe conditions. Most often, the FLSA does not apply to this work because the business income generated does not meet the Act's enterprise coverage provision; however, many states have laws that apply to this work.

With respect to the worst forms of child labour, prostitution; pornography; and illicit activities, in particular production and trafficking of drugs are believed or suspected to exist amongst both boys and girls.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment and to eliminate the worst forms of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programs/projects.

The elimination of illegal child labour is a primary objective of the Government of the United States. The Department of Labor, in particular, has developed a broad array of programs to abolish illegal child labour and to ensure the safety and well-being of young people at work. These programmes are aimed at enhanced enforcement of existing laws as well as education and outreach to expand awareness of workers' rights and employers' responsibilities. Recent examples of specific measures are the Department's new *Youth Rules!* campaign, a continuous, year-round, nationwide program, initiated in May 2002, which informs the public concerning child labour rules and regulations. Partners in this information/outreach programme include unions, child labour advocates, corporations, trade associations, and state labour organizations. Links to all federal and state child labour laws are available on the programme's web site (www.youthrules.dol.gov), as well as information on current initiatives in child labour being undertaken by the Wage and Hour Division of the United States Department of Labor (Wage and Hour Division). The site also contains brochures, posters, bookmarks containing child labour rules, and labels for

dangerous machinery, which may be downloaded. Prior to the *Youth Rules!* campaign, the Department sponsored seasonal information campaigns designed to provide saturation information on child labour laws to children, their parents, educators and employers. Programmes such as *Work Safe This Summer*, and *Spring into Safety* constituted all-out efforts at informing the public on how to protect children in the marketplace during the high seasons of youth employment.

The Wage and Hour Division contracted with the National Institute for Occupational Safety and Health (NIOSH), for that federal agency to conduct a study of the current hazardous orders and to make recommendations for any changes. NIOSH completed that study, N*ational Institute for Occupational Safety and Health (NIOSH) Recommendations to the U.S. Department of Labor for Changes to Hazardous Orders*, in May 2002. The Wage and Hour Division had already begun processes to effect a few of the changes to hazardous orders recommended by NIOSH, and expects to finalize them early in 2003. The Wage and Hour Division is still in the process of analysing the report to consider whether to recommend possible further regulatory action. To that end, it will hold stakeholder meetings shortly where it will seek comments from employers, unions and child advocacy groups regarding the NIOSH recommendations.

Another study on child labour by the United States General Accounting Office (GAO), the investigative arm of the United States Congress – namely *CHILD LABOR Labor Can Strengthen Its Efforts to Protect Children Who Work* – was published in September 2002. The study may be accessed at www.gao.gov. The GAO recommended that the Wage and Hour Division use its resources more effectively and review the effectiveness of its child labour enforcement programs. Specifically recommended was the development of programs to improve compliance in construction, agriculture, transportation, public utilities and family businesses – where children are at greatest risk of being injured or killed. The GAO also stated that the Wage and Hour Division needed to develop adequate methods of measuring the success of its compliance efforts, and needed to better assist with and assess compliance efforts in local Wage and Hour offices, as well as provide better training for those offices.

The Wage and Hour Division and the Bureau of Labor Statistics took issue with GAO in its use and interpretation of available data and in other portions of its analysis and advice (see Comments from the Department of Labor at Appendix IV of the GAO Report). Most notably, the Wage and Hour Division stated it directs its resources proportionately to where children work and are injured or killed. For example, children rarely work in transportation and public utilities (1 per cent), whereas, the greatest numbers of young workers are employed in the retail (61 per cent) and service (25 per cent) industries, with agriculture (7 per cent) and construction (3 per cent) having low rates of employment of youngsters.

The Wage and Hour Division also noted that it had contracted research projects with NIOSH addressing the health and safety of young workers in the construction industry, and would await those studies before deciding on targeting construction for increased enforcement.

Furthermore, the Wage and Hour Division stated that it has in place several methods of measuring the success of its compliance efforts, including an investigation-based industry compliance survey, which is a statistically valid method of measuring compliance efforts. For example, as will be discussed later, a child labour compliance survey of the retail trade, where most youth work, was initiated in 2000.

Moreover, the Wage and Hour Division stated that it has in place a process for providing advice to its regional and district offices concerning effective child labour

enforcement, that it would work to streamline the penalty assessment process, and that it would revise its investigator's handbook in the process.

In the same vein, it also stated that it would train its managers and investigators to easily retrieve information from its current database and will institute a new reporting system which will provide for more standardized reports. In addition, in 2003, each district office will be required to submit plans for at least one directed child labour investigation. All of the elements of this strategy are aimed at increasing compliance with child labour laws.

Inspection and monitoring systems for child labour have been in place since the enactment of the FLSA. Investigators from the Department's Wage and Hour Division investigate workplaces for child labour violations, and issue civil money penalties for each violation. The Wage and Hour Division also targets certain industries for investigation to increase child labour compliance. Agriculture and poultry processing industries have been the subject of recent Wage and Hour sweeps. The most recent effort along these lines, as noted, was a child labour compliance survey directed at the retail industry i.e. fast food, full service restaurant and service industries. Investigation summaries of this recent initiative are at: www.dol.gov/esa/regs/compliance/whd/whdfs41.htm.

Regarding sanctions, the FLSA (which contains federal child labour provisions) provides for both civil and criminal penalties. Employers who violate child labour standards are subject to civil fines up to $11,000 for each child for each violation. In addition, employers convicted of wilful child labour violations may be subject to a criminal fine of $10,000, or imprisonment, or both. Attorneys in the Department's Solicitor's Office may also seek injunctions against future violations, and "hot goods" injunctions in United States district courts.

Within these measures or programmes, special attention is not given to the needs of particular groups of children.

With regard to the involvement of stakeholders, employers' and workers' organizations, along with the general public, have regular access to the Department of Labor and other government agencies, which for their part regularly consult stakeholders in their programs. Stakeholders can and do provide the Department and other concerned agencies with information about the existence of illegal child labour as well as receive relevant information from the Government. Child labour regulations are issued through notice-and-comment rulemaking, subject to the requirements of the Administrative Procedure Act, 1947 (APA), 5 U.S.C. §555 et seq., in which employers' and workers' organizations are entitled to, and do, participate. These opportunities to comment may be supplemented, as needed and appropriate, with special consultations between the Department of Labor and interested employers' and workers' organizations. The Secretary of Labor is required by the APA to fully consider the comments of the interested organizations (and other members of the public). In the United States, employers' and workers' organizations (other members of the public and their representatives) have routine access to federal and state government agencies and regular opportunity to participate in the administrative process.

The Government does not work with any multilateral agency (other than the ILO) bilateral donors or other organizations to combat child labour.

In relation to the abolition of child labour, the Government does not record information on the number of children withdrawn from child labour and the number of ex-child labourers pursuing formal or non-formal education. It does, however, record information on sanctions applied to users of child labour. The statistics concerning Wage

and Hour Division enforcement for cases concluded during Fiscal Years 2000 and 2001 for violations of the FLSA's child labour provision are as follows:

Fiscal Year	2000	2001
CL CMP Assessments	$6 177 624	$6 672 335
CL CMP Collections	$5 945 514	$6 299 919
Number of concluded cases in which child labour violations were found	1 886	2 103
Number of minors illegally employed	7 874	9 918

Further, the Government undertakes surveys, occasionally, that provide statistical information on the extent and/or nature of child work. The last one was undertaken in 2001. The complete reference of publications of survey results is as follows:

- *Current Population Survey:* Bureau of Labor Statistics, available at www.bls.gov;
- *National Longitudinal Survey - Youth*: Bureau of Labor Statistics, available at www.bls.gov;
- *CHILD LABOR, Labor Can Strengthen Its Efforts To Protect Children Who Work*: United States General Accounting Office, available at www.gao.gov;
- National Institute for Occupational Safety and Health (NIOSH), *Recommendations to the U.S. Department of Labor for Changes to Hazardous Orders*, available at www.cdc.gov/niosh; and
- *2000 Wage-Hour Compliance Survey of Youth Employed in the Retail Industry*, contact the Department of Labor, Division of Employment Standards Administration, Division of Wage-Hour, Child Labor, N.W. Washington, D.C.

The results of surveys are presented separately by age, occupation and type of activity.

In the last population census, held in 2000, the lowest age of persons for whom questions were asked about economic activity was 16 years.

Progress and achievements concerning this principle and right

No special measures have been undertaken in the United States that can be regarded as successful examples in the abolition of child labour and there have been no major changes since the last report (GB.283/3/2) to the annual review under the follow-up to the Declaration.

Difficulties concerning the realization of this principle and right

The Government of the United States has in place strictly enforced standards on child labour, as described in some detail above. The Government is aware, however, of the importance of re-examination of the adequacy of federal child labour laws and their enforcement, and has participated in funding studies and reports on the domestic child labour scene. For example, the National Research Council of the National Academy of Sciences (a congressionally chartered private organization which advises the federal Government on scientific and technical matters), with underwriting largely from

government agencies such as the National Institute for Occupational Safety and Health and the Wage and Hour Division of the United States Department of Labor, recently published a document entitled *Protecting Youth at Work*. The document examines the spectrum of child labour in America, with a focus on working children's health and safety on the job.

Priority needs for technical cooperation

There is no need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in the United States.

Report preparation

The draft report was reviewed by members of the Tripartite Advisory Panel on International Labour Standards, a subgroup of the President's Committee on the ILO which includes representatives from the United States Council for International Business (USCIB), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and other government agencies. The social partners made comments on the report.

A copy of this report was sent to the United States Council for International Business (USCIB) and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

In addition to attachments provided in connection with the 2000 report (GB.277/3/2) to the annual review under the follow-up to the Declaration and reports on related Conventions, additional material may be found on the United States Department of Labor web site at http://www.dol.gov/dol/topic/youthlabor/index.htm

Observations submitted to the Office by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) through the Government

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) hereby submits these comments on the draft report of the Government of the United States on the principle of the effective abolition of child labour (report), for the 2003 annual review, pursuant to the Declaration of Fundamental Principles and Rights at Work and its Follow-up (Declaration). The AFL-CIO's primary concern with the draft is that it provides virtually no information on current United States practice with respect to enforcing child labour laws, and therefore provides the ILO with no basis for assessing the Government-s compliance with its obligations under this core principle.

This omission is compounded by the fact that, in 1999 (the same year the United States ratified the Worst Forms of Child Labour Convention, 1999 (No. 182)), the Occupational Safety and Health Administration (OSHA) alerted its regional administrators and state designees of certain extant enforcement obligations with respect to child labour. For example, on 13 July 1999, the Deputy Assistant Secretary reminded personnel in the field that it had entered into a Memorandum of Understanding (MOU) in 1991 with the Employment Standards Administration (ESA), Wage and Hour Division (WH), as well as a change thereto, that clarified "that referrals received from ESA/WH under the MOU were considered Safety and Health Agency Referrals". The 1999 Memorandum stated that "adherence to the referral system is important in OSHA's efforts to provide more effective protection for young workers, who are especially vulnerable to workplace hazards."

In addition, the Assistant Secretary notified Regional Administrators and State Designees on 13 July 1999, of an "additional direction" to OSHA's Complaint Policies and

Procedures, which called for an on-site inspection, rather than one using telephone or telefax, whenever OSHA receives a complaint that gives it "reasonable grounds to believe that a serious violation of a safety or health standard or danger to employees exists, the complainant alleges that workers under 18 years of age are exposed to such workplace hazards."

Third, the Assistant Secretary notified field personnel on that same date that in order to "provide more effective protection for young workers," employers found to have engaged in wilful safety and health violations involving children would be subject to penalties for egregious violations, including violation-by-violation penalties. An additional change was made to OSHA's "probability assessment and 'good faith' penalty adjustment considerations for violations involving minor employees" in order to better protect young workers.

Finally, the Wage and Hour Division and the National Institute for Occupational Safety and Health (NIOSH) entered into an agreement in April 1999 under which NIOSH was to evaluate the adequacy of the Secretary's Hazardous Orders and release a final report by March 2000.

The draft government report to the annual review makes no mention of these initiatives or any others, and leaves the impression that virtually none exist. For example, in response to the question which calls for the United States "to describe the situation **in practice** ... with respect to child labour" (emphasis added), the draft government report simply repeats in general terms what has already been stated with respect to United States laws in place, but says nothing about United States practice. This clearly gives the impression that there is little or no practical enforcement of child labour in this country.

On the other hand, in response to the question, which asks whether "specific measures or programmes of action have been implemented ... to bring about the effective abolition of child labour," the draft checks off a host of measures, such as "inspection/monitoring mechanisms," "employment creation/income generation," "social assistance," "child rehabilitation following removal from work," and "vocational and skills training for young workers." When asked to provide specific details, the draft government report points only to the Department's Low-Wage Initiative, "which contained a child labour component," and the Safe Work/Safe Kids Initiative, information about both of which is claimed to be available at the Department's website, www.dol.gov. However, the AFL-CIO could locate neither one of these initiatives on the current site.

Moreover, Part III of the report form seeks information about "progress and achievements with respect to the effective abolition of child labour." One question in that section asks whether "any special measures [have] been undertaken in your country that can be regarded a successful examples in the abolition of child labour." *The draft report answers "no" to that question*. The fact that the Department points to no statistics, initiatives, enforcement efforts, etc., that have contributed to the elimination of child labour raises the issue that United States practice may be deficient. If such initiatives exist, why hide them?

For all of these reasons, the AFL-CIO is concerned about the overall approach of the draft government report. The AFL-CIO urges the drafters to come forward with whatever evidence exists to demonstrate that not only United States law, but also United States practice, remains focused on this important area.

The AFL-CIO is also concerned about the conclusions reached in a newly released General Accounting Office (GAO) report to the Chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the

United States Senate. That report, entitled *Child Labor: Labor Can Strengthen Its Efforts to Protect Children Who Work* (GAO report) (GAO-02-880, September 2002). The GAO report focused on the efforts of the Department of Labor (DOL) to combat illegal child labour and concluded that "labor devotes many resources to ensuring compliance with the child labor provisions of the Fair Labor Standards Act (FLSA), 1938, including conducting nationwide campaigns designed to increase public awareness of the provisions, but its compliance efforts suffer from limitations that may prevent adequate enforcement of the law." In particular, the GAO Report noted (at 3) that:

(1) DOL lacks "specific goals for industries for which children have high rates of injuries and fatalities;"

2) the agency "has not developed adequate methods of measuring the success of all of its compliance efforts;"

(3) labour does not use all available data to plan its compliance efforts or assess the efforts of its local offices to ensure compliance;" and

(4) DOL "does not provide sufficient guidance and training to its local offices" with respect to child labour enforcement.

Furthermore, the agency does not have a "sound basis for determining … extent to which it should devote resources to child labour investigations versus its education and outreach and other compliance assistance activities" (see id. at 46). [Reference is made to the Worst Forms of Child Labour Convention, 1999 (No. 182), which the United States has ratified, and to the principle of the elimination of all forms of forced or compulsory labour.]

GAO's conclusions and recommendations, which focus specifically on performance management, deployment of resources, and data utilization (see pages 47-48), lend themselves to modest but frank admissions concerning strategy and goals in the report.[9] Without this kind of discussion, the United States submission to the ILO will be of little value.

Yugoslavia

Government

Recognition of this principle and right

In Yugoslavia, the principle of the effective abolition of child labour is not recognized in the Constitution, legislation, judicial decisions and collective agreements.

In the same vein, there is no national policy/plan aimed at ensuring the effective abolition of child labour and the Government does not intend to adopt either instrument.

[9] For example, one question seeks a description of "the main obstacles encountered in your country with respect to realizing the principle of the effective abolition of child labour." While another, asks if the Government "sees a need for…technical cooperation" in such areas as "capacity-building of responsible government institutions," and "data collection and analysis."

However, national legislation does establish a general minimum age for admission to employment – 15 years for both boys and girls – which covers work performed in a family-owned or operated enterprise, domestic service and self-employed work.

Furthermore, national legislation defines hazardous work. Article 35 of the Basic Act of 1966 on Labour Relations (as amended on 25 February 1970), cites underground work and underwater work as being hazardous. The minimum age for engaging in this type of work is 18 years for both boys and girls.

No laws/regulations exist in the country with the aim of eliminating the worst forms of child labour and no steps are currently being taken to amend existing legislation or to introduce one to address this issue.

As regards compulsory schooling, both boys and girls are required to complete 8 years/grades of instruction.

With respect to the situation in practice in Yugoslavia there are no data on child labour. Therefore, it is not known whether exist the worst forms of child labour, such as sale/trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs.

Efforts made or envisaged to ensure respect, promotion and realization of this principle and right

No specific measures or programmes of action have been implemented or are envisaged in Yugoslavia to bring about the effective abolition of child labour and the Government does not work with any multilateral agency (other than the ILO), bilateral donors and other organizations to combat child labour.

The Government does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education or the sanctions applied to users of child labour.

Progress and achievements concerning this principle and right

No special measures have been undertaken in Yugoslavia that can be regarded successful examples in the abolition of child labour.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Yugoslavia, in particular in the following areas, in order of priority (1 = most important, 0 = not important):

Type of technical cooperation needed	Ranking
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	0
Training of other officials (e.g. police, judiciary, social workers, teachers)	0
Data collection and analysis	2
Strengthening capacity of employers' and workers' organizations	0
Employment creation, skills training and income generation	1

Type of technical cooperation needed	Ranking
Sharing of experience across countries/regions	0
Cross-border cooperation mechanisms	0

Report preparation

In preparing this report, governmental agencies, employers' and workers' organizations were not consulted. However, employers' organizations made comments on this report.

A copy of this report was sent to the Yugoslav Union of Employers.