

The effective abolition of child labour

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Angola

Means of assessing the situation

Assessment of the institutional context

Decree No. 58/82 of 9 July prohibits the admission to employment of persons under the age of 14 years and restricts employment of minors between 14 and 18 years.

The Constitutional Law (Law No. 23/92 of 16 September)

— The General Labour Law (Law No. 6/81 of 24 August)

— Decree No. 58/82 of 9 July.

Decree No. 58/82 of 9 July fixes the minimum age of admission to employment at 14 years.

Article 2-1 of the above decree prohibits the employment of minors in mines and underground work, while article 6 prohibits minors from engaging in night work. Article 3 prohibits minors from engaging in work in theatres, cinemas, night clubs, dance halls, cabarets etc.

Minors may work only in those companies exclusively engaging members of the family and which are under the direction of the father, article 1 of the above Decree.

Assessment of the factual situation

The new general labour law that has recently been enacted by the National Assembly embodies several provisions intended to advance towards the abolition of child labour.

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

— Convention No. 138 on minimum age has already been submitted to the National Assembly for ratification.

— The INC takes in street children.

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

National Union of Angolan Workers — Trade Union Confederation (UNTA-CS); Central Organization of Independent and Free Trade Unions of Angola (CGSILA) and Chamber of Commerce and Industry of Angola (CCIA)

Observations received from employers' and workers' organizations

No comments.

Australia

Means of assessing the situation

Assessment of the institutional context

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; New South Wales (NSW); Victoria (VIC); Western Australia (WA); South Australia (SA); Northern Territory (NT); and Australian Capital Territory (ACT).

Contributions to the report have not yet been received from the remaining jurisdictions (i.e. Queensland and Tasmania). Copies of their contributions will be forwarded to the ILO on receipt. 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/>.)

Federal

The principle of the effective abolition of child labour is recognized in Australia through a range of Commonwealth, State and Territory legislation providing for compulsory attendance at school to at least age 15, minimum ages for employment in selected occupations, child welfare legislation, and occupational safety and health standards.

Specific issues concerning Australia's inability to comply with the Minimum Age Convention, 1973 (No. 138), are discussed in this section of the report.

ILO minimum age Conventions ratified by Australia

While Australia has not ratified Convention No. 138, it has ratified the following related ILO minimum age Conventions: No. 7, Minimum Age (Sea), 1920 (ratified 28 June 1935); No. 10, Minimum Age (Agriculture), 1921 (ratified 24 December 1957); No. 15, Minimum Age (Trimmers and Stokers), 1921 (ratified 28 June 1935) (shelved by the ILO); No. 58, Minimum Age (Sea) (Revised), 1936 (ratified 11 June 1992); No. 112, Minimum Age (Fishermen), 1959 (ratified 15 June 1971); and No. 123, Minimum Age (Underground Work), 1965 (ratified 12 December 1971).

Australia's compliance with these Conventions has been detailed in article 22 reports previously submitted to the ILO.

ILO minimum age Conventions not ratified by Australia

Australia has not ratified the following minimum age Conventions: No. 5, Minimum Age (Industry), 1919, No. 59; Minimum Age (Industry) (Revised), 1937; No. 60, Minimum Age (Non-Industrial Employment) (Revised), 1937 (shelved by the ILO, and a candidate for possible abrogation); No. 138, Minimum Age, 1973; and No. 182, Worst Forms of Child Labour, 1999.

Ratification of Conventions Nos. 5, 59 and 60 is not being pursued, noting that they have been revised by Convention No. 138, and the ILO no longer promotes their ratification.

Ratification of Convention No. 182 is under active consideration by the Commonwealth, State and Territory governments.

*Convention No. 138, Minimum Age, 1973 — Ratification issues**Australian law and practice*

Australia's legislation providing for compulsory education, minimum ages for employment in selected occupations, child welfare and occupational health and safety demonstrates Australia's support for the principles of Convention No. 138. These legislative provisions are supported by an Australian culture characterized by protective attitudes towards children, and news media which are strongly predisposed to reporting instances of exploitation of children. This combination of laws and cultural factors prevents the admission of children to harmful employment and promotes their fullest physical and mental development.

Australia considers that current law and practice at all levels of government meet the requirements of Article 2 of the Declaration on Fundamental Principles and Rights at Work to "respect, to promote, and to realize in good faith and in accordance with the Constitution" the principle of effective abolition of child labour.

Ratification issues

In considering whether Australia should ratify this Convention, Australian governments have taken into account the lack of evidence of any significant problem of harmful child labour in this country. Most Australian children who work do so at weekends and during school holidays in order to supplement allowances from parents, or to help pay their education expenses. Such activity might also be reasonably expected to help them acquire important life skills. Furthermore, Australian children benefit from a highly developed education system and a sophisticated system of industrial regulation which provides a safety net of minimum employment conditions, including health and safety standards that are more than adequate.

In the light of these factors, Australian governments have not been prepared to legislate for a general minimum age for employment (as per Article 2 of Convention No. 138). As current law and practice is sufficient to protect children from harmful or exploitative forms of child labour, there is no perceived need for additional legislation.

ILO's position on ratification

Australia understands that it does not comply sufficiently with Convention No. 138 to enable Australia to ratify the instrument. However, it should be noted that legislation in all States and Territories prohibits the employment of children under the school-leaving age during school hours. The school-leaving age is defined by law as 16 in Tasmania, and 15 in all other States and Territories.

Australia would be in a better position to consider ratification of Convention No. 138 if the ILO were prepared to accept Australia's compulsory education legislation, and other legislative and policy safeguards for children outlined in this report, as constituting effective compliance with the Convention.

Commonwealth law and practice

The effective abolition of unacceptable forms of child labour is implemented primarily through State and Territory legislation. However, a number of child labour issues are addressed, at least in part, through Commonwealth legislation and policy.

Conventions No. 7, Minimum Age (Sea), 1920, and No. 58, Minimum Age (Sea) (Revised), 1936

Section 48A(1) of the Navigation Act (Commonwealth) provides that a minimum age for employment at sea may be prescribed. Marine Order (MO) 53, Employment of Crews (made under the Navigation Act), provides that the minimum age for employment at sea is 16 years of age. Agreements between a master and crew members are required to be in a prescribed form which is laid down in MO 53. This form includes provision for the master to list the names and dates of birth of all persons under 18 years of age employed on board the vessel. MO 3, Seagoing Qualifications, also details the minimum age of employment for various seafarer levels and activities. (See Australia's article 22 reports for Conventions Nos. 7 and 58.)

Recruitment to the Australian Defence Force

The minimum age for recruitment to the Australian Defence Force (ADF) and involvement in armed combat is governed by the policies of the Commonwealth Department of Defence.

Persons aged 17 years who choose to volunteer for military service can be recruited by the ADF, but principally for training and apprenticeships. Australian government policy provides that no recruit under 18 is to be placed in a combat position.

The Australian Services Cadet Scheme (ASCS)

The ASCS comprises three separate elements: Naval Reserve Cadets (NRC), supported by the Royal Australian Navy, Army Cadet Corps (ACC), supported by the Australian Army, and Air Training Corps (AIRC), supported by the Royal Australian Air Force.

While the rank structure and uniforms of the ASCS reflect those of the sponsoring service, ASCS members are not part of the ADF. Cadets do not participate in ADF operational deployments of any kind, do not engage in war-like training and may participate in routine ADF unit activities and adventurous training under prescribed conditions.

Examples of cadet activities: Each of the cadet schemes has training tailored to meet the focus of their service-orientated activities. Examples of the core and elective training elements over a 12-month period are provided (not reproduced).

States and territories

New South Wales (NSW)

NSW has no general legislation concerned specifically with the employment of children under school-leaving age. There is no statutory minimum age for employment of children apart from some provisions which are specific to minors in the Acts detailed below. Most

children's employment is not regulated at all, other than through industrial relations law and health and safety legislation which have general application. However, it is an offence to put at risk the physical or emotional well-being of a person under 18 years of age and a person under 18 can be removed from unlawful employment.

NSW takes the view that a rigid minimum age for the employment of children is not consistent with modern views about child development. Children can benefit economically, socially and educationally by exposure to employment and the opportunity to develop abilities and display their talents, provided that the experience is positive and they are protected from inappropriate environments, examples, exploitations and abuse and that their education is not adversely affected.

The general approach of child protection legislation has been to deal with the problems arising in respect of the employment of children on the basis of management by exception. Where there is a systemic problem, there is adequate power in the *Children (Care and Protection) Act 1987* to take action. In the absence of such evidence (and this is the overwhelming experience of the NSW Department of Community Services) then the child and his/her parents are free (within such limitations as prescribed by legislation) to make decisions about employment in the same way as they do about a range of other influences in the child's development. The consensus of opinion is that NSW law is moving even further away from the rigid approach of the Convention.

Legislative and administrative regulation

Children (Care and Protection) Act 1987, Children (Care and Protection) (Child Employment) Amendment Act No 51 of 1992 (commenced 1 September 1993), Industrial Relations Act 1996, Annual Holidays Act 1944, Banks and Bank Holidays Act 1912, Workplace Injury Management and Workers Compensation 1998 (in part), Occupational Health and Safety Act 1983, Education Act 1990, Factories, Shops and Industries Act 1962, Liquor Act 1982, Casino Control Act 1992, Registered Clubs Act 1976.

Children (Care and Protection) Act 1987

Part 4 section 50 of the Act regulates some areas of paid employment, or employment under which some material benefit is provided, where a child is under the age of 15 years. If children are to be employed in these areas, the employer must hold an employer's authority from the NSW Department of Community Services (DOCS).

Section 52 of the Act provides for specific regulation of employment in film, TV or theatre productions; employment in still photography; door-to-door selling (but not newspaper selling); shopping centre performances.

Children (Care and Protection — Child Employment) Regulations 1993

The Regulations and a comprehensive Code of Practice govern children's employment in the regulated activities. There is capacity to extend these categories of employment by regulation. A copy of the current Regulations and Code of Practice are attached (not reproduced).

A range of aspects of children's employment is covered including records of employment, hours of work, punishment being prohibited, times of work, employment of babies under 12 weeks, door-to-door sales, etc.

A child may only be employed for one shift per day, and for no more than four hours on any school day. Children may not work after 9 p.m. if required to attend school on the following day and must have a ten-minute rest break every hour, and a one-hour break every four hours.

There are also specific conditions applying to particular work situations. For example, clause 27 of the Code of Practice limits employment of children in door-to-door sales to children who are at least 13 years of age.

Young children and babies may be involved in artistic performances, covered by the entertainment and film industry regulations consistent with the provisions of Article 8 of the Convention. Children may not be cast in inappropriate roles having regard to their age, maturity, emotional and psychological development, must not be exposed to scenes likely to cause distress, must not be employed in any situation where they, or any adult, are naked and must be appropriately supervised.

Clause 14 of the Code provides that any permit for the employment of children under the regulation is subject to the provisions of any award or agreement in force under the *Industrial Relations Act 1996*.

The monitoring of employment is carried out by the DOCS Children's Employment Unit which undertakes a prioritized inspection of productions employing children, advice to employers, investigations of breaches and licensing requirements.

The provisions in the legislation do not seek to address all the situations where a person below the age of 15 (the minimum school-leaving age) might be employed, but to regulate those areas of employment where there is a known propensity for the abuse of children.

Industrial Relations Act 1996

Annual Holidays Act 1944

Banks and Bank Holidays Act 1912

Workplace Injury Management and Workers Compensation 1998 (in part)

Occupational Health and Safety Act 1983

To the extent that it is applicable the above Acts regulate issues of employment conditions, remuneration, access to paid holiday leave and public holidays, and the conciliation of a worker's compensation claim, for adults as much as children.

There is no differentiation between adults and children apart from where junior rates apply to awards and other industrial instruments made under the *Industrial Relations Act 1996*.

It is noted that the Act specifically exempts from its cover children employed by parents. Section 5(4) states: "a person employed or engaged by his or her spouse or parent is not an employee for the purposes of this Act".

It is further noted that an example provided under the general definition of an industrial matter in the Act is the employment of persons in any industry (including the employment of minors, trainees and apprentices): section 6(2)(a).

In NSW there is no statutory minimum age for employment of children apart from the specific provisions outlined in the above Acts. The minimum age for the end of compulsory schooling in NSW is 15 years, as specified by the *Education Act 1990*, No. 8.

Except where permitted by certificates issued under the *Education Act 1990*, children under the age of 15 would not be able to be in full time employment because of the

obligation they have to pursue their school education. However it is widely accepted that taking part in occasional employment can be beneficial to children and work experience in the education system is now an acknowledged part of a senior student's school curriculum designed to give students practical experience in selected vocations. The current legal provisions and child protection procedures for workplace learning programs are detailed in the attached paper prepared by the NSW Department of Education and Training (not reproduced).

There is no specific list of work that is considered dangerous in NSW however some potentially dangerous areas of employment for young persons are regulated in part by the following legislation.

Factories, Shops and Industries Act 1962

Division 7 of Part 3 of the Act, is administered by WorkCover and regulates the employment of young persons in factories. This section of the Act sets out specific provisions applicable to children up to 15 years of age, and young people from 15 to 17 years.

Under the Act, no child under 15 years of age may be employed in a factory except with Ministerial permission, and that permission cannot be given for a child under 14 years (section 49(1)). Children aged 14-16 years may be employed in a factory provided that they hold the appropriate medical certificate (section 49(2)).

The occupier of a factory is to provide a medical certificate of fitness for a person under 16 years of age if requested by an inspector at the factory (section 49(5)).

Employment of a person under 16 years of age in a factory can be terminated/discontinued, if a WorkCover inspector is of the view that the young person is by disease or bodily infirmity, incapacitated for working daily for the time allowed by law in a factory. The employer after being served a notice by an inspector requesting the termination of a young person's employment in a factory, is to stop employing the young person, unless a legally qualified medical practitioner has, after the service of the notice, examined the young person and certified that s/he is not incapacitated (section 49(6)).

There are specific provisions also in respect of employment of young persons at night (section 54) and dangerous machinery (section 51). The Act provides that:

- the Minister may prohibit the employment of children under the age of 16 years in a factory in connection with dangerous machinery (section 51(1));
- no child under the age of 18 years of age is allowed to work with transmission machinery which is in motion (section 51(2)) or between the fixed and traversing part of any self acting machine while the machine is in motion (section 51(3)).

No child under the age of 16 may be employed in any factory between 6 p.m. and 6 a.m. except in the case of overtime working, which is permitted in an award. It is further noted that the Minister has the right to exempt factories from this requirement (section 54(2)).

Section 55(1) of the Act provides the power to make regulations prohibiting or restricting employment in factories for persons under the age of 21. Restrictions imposed by such regulations may relate to the number of hours in a week or times a young person may be employed (section 55(2)).

Section 71 provides that a parent or guardian having control of a young person under 16 years of age shall comply with the requirements set out in Division 7 for the employment

of young persons. To not comply with the provisions is an offence under the Act, unless the offence was committed without the consent, connivance, or wilful default of the parent or guardian.

It is to be noted that Part 3 of the *Factories, Shops and Industries Act* is to be repealed by the *Occupational Health and Safety Amendment Act 1997 (No. 51 of 1997)* upon a future proclaimed date. It is understood that the *Occupational Health and Safety Act* and its regulations will thence include protective provisions as may be deemed relevant to factory employment of children and young persons.

Liquor Act 1982

Section 116a of the Act prescribes that it is an offence for a person under 18 years to enter or remain in a restricted area of a hotel other than for only the purpose of receiving trade training as an apprentice or trainee — not being training in the sale, supply or service of liquor.

Casino Control Act 1992

Section 101 of the Act does not permit a person under the age of 18 years to enter or remain in a casino except for apprentices and trainees for the sole purpose of training or instruction.

Registered Clubs Act 1976

This Act does not permit a person under the age of 18 to be in a bar or poker machine area except for the purpose of receiving trade training as an apprentice or trainee. The approach of the above detailed legislation is to regulate only specific areas of employment, rather than every possible area of employment for children.

Abuse in an employment situation is “abuse” within the meaning of the *Children (Care and Protection) Act 1987*.

Part 4 section 51 of the Act (Endangering children in employment) provides that: “A person who causes or allows a child to take part in any employment in the course of which the child’s physical or emotional well-being is put at risk is guilty of an offence.”

Inappropriate circumstances, such as a dangerous or unsuitable working environment, could ground an application by the NSW Department of Community Services for an order from the Children’s Court that a child was in need of care. The Court’s powers to make orders in respect of 16 and 17 year-old children are more limited than for younger children.

In respect of other areas in which children may be employed, sanctions may be found in industrial awards and agreements, school attendance requirements and criminal breaches of legislation involving the police.

Assessment of the factual situation

Statistics provided by the Australian Bureau of Statistics using data from the 1996 Census of Population and Housing, published September 1998: New South Wales’ Young People 1996 show that among young people aged 15-19 years, 23 per cent were working part-time, compared with 14 per cent in full-time work.

Labour force statistics provided by the Australian Bureau of Statistics on teenage employment dated January 1999 show that in New South Wales 74,000 young people aged

15 to 19 years of age were employed as full time workers attending neither school nor a tertiary educational institution full time.

Employment Injury Statistics (from WorkCover):

- In 1995/96 there were 62,469 employment injury claims in NSW. 1,794 were made by workers 18 years or under (representing 3 per cent of the total). It involved 1,298 males (72 per cent), 494 females (28 per cent) and two unspecified.
- Of the 1,794 claims, ten were for fatalities; 225 for permanent disabilities; 118 for temporary disabilities involving more than six months off work; and the balance for temporary disabilities with six months or less off work.
- The claims were most commonly from the wholesale and retail sector (33 per cent); manufacturing (22 per cent); recreation and other personal services (17 per cent); construction (11 per cent); and agriculture, etc. (5 per cent).
- The most common types of accidents were: muscular stress while lifting (15.1 per cent); hitting moving objects (13.4 per cent); level falls (11.8 per cent); hit by moving objects (8.8 per cent) and fall from height (6.9 per cent).
- The most common types of injuries were: sprains and strains (33.8 per cent); open wounds (24.6 per cent); fractures (11.4 per cent); contusions and crushing (8.6 per cent) and burns (7.4 per cent).

Victoria

The recently-elected Victorian Government recognizes that the purpose of the Declaration is to reaffirm the commitment of ILO member States to the fundamental principles of the ILO, and is pleased to report that the Government's policies are committed to maintaining and complying with the standards set out in international treaties and conventions. Additionally, the policies indicate that the Government will ensure that any legislation it introduces and administers complies with Australia's international treaty obligations and core labour rights.

Western Australia

The principle of the effective abolition of child labour is recognized by the Western Australian Government. In Western Australia, the Child Welfare Act restricts children aged:

- (a) under 15 years being employed during school hours except with the approval of the Director-General of Education;
- (b) under 15 years being employed between 9.30 p.m. and 6 a.m.;
- (c) under 12 years of age from engaging in street trading;
- (d) between 12 and 15 years from engaging in street trading during the hours the child is to attend school, unless exempted, and between 7 p.m. and 6 a.m.

These restrictions on the employment of children cover all categories of work, economic sectors and types of enterprise.

In addition to the provisions of the Child Welfare Act, as outlined above, the Education Act makes it compulsory for all children to attend school up to and including the year in which the child is 15 years old. The Criminal Code, Videotapes Classification and Control Act and Indecent Publications and Articles Act contain provisions imposing penalties on adults who exploit children for pornographic or other indecent proposals.

In Western Australia, the Occupational Safety and Health Act contains provisions which require an employer to provide a workplace that is safe for all employees regardless of age. In August 1999 a new code of practice regulating workplaces where children and young people may be working was introduced to ensure the risks faced by young people in the workplace are addressed.

It is the view of the Western Australian Government that the worst forms of child labour as specified in Convention No. 182 do not exist within the State, and that current legislative arrangements appropriately restrict the working arrangements of children. For example, arrangements for the sale and delivery of newspapers by young people are made in compliance with the Child Welfare Act.

Western Australia does not have formal detailed information and statistical data on the nature and extent of child labour. Many young people engaged in employment do so as part of a small business owned and operated by family members and as such no formal data is available.

South Australia

The abolition of all child labour is not contemplated in South Australia. However, there are considerable restrictions on child labour, imposed by legislation providing for compulsory education, minimum ages for employment in certain occupations, child welfare and occupational health, safety and welfare.

The principal piece of legislation which addresses employment in South Australia is the *Industrial and Employee Relations Act 1994* ("the IER Act"). There is no legal minimum working age for children under the IER Act.

The IER Act provides for the formation of industrial instruments such as industrial awards and enterprise agreements that specify the working conditions of employees. The working conditions specified by these instruments include minimum wages, hours of work, overtime and penalty rates, meal breaks and rest periods for employees. Examples of awards where children are referred to include the Actors Feature Film (South Australia) Award and the Actors Television Award, that regulate the minimum working conditions of employees in the Film and Television industry. The Retail Industry (South Australia) Award prohibits the employment of children under the age of 13 in door-to-door sales and specifies strict conditions in relation to the employment and supervision of older children involved in this area. If children are employed and are not being provided with the minimum conditions and provisions, as identified in the relevant award or enterprise agreement, the employer could be in breach of the relevant award or agreement and subject to prosecution under the IER Act.

A number of other pieces of legislation prohibit or restrict the employment of children in some areas.

Section 78 of the *Mining Act 1971* states that:

(1) No person under the age of 16 years is competent to hold a miner's right or mining tenement.

(2) The obligations imposed by or under this Act are binding on a minor of or above the age of 16 years who holds a miner's right or mining tenement.

In addition, the *Mines and Works Inspection Act 1920* in section 17 provides that a person shall not, except with the written consent of the Minister, employ, or suffer or permit to be

employed, underground in any mine, any person under the age of 18 years. Penalty: Five hundred dollars.

Section 107 of the *Liquor Licensing Act 1997* prohibits minors (under the age of 18 years) from being employed to sell, supply or serve liquor on licensed premises. It provides that:

- (1) If a minor is employed to sell, supply or serve liquor on licensed premises, the licensee is guilty of an offence.
- (2) However, this section does not prevent the employment of a minor to sell, supply or serve liquor on licensed premises if the minor is of or above the age of 16 years and is a child of the licensee or of the manager of the licensed premises.

Under section 78 of the *Education Act 1972* (“the Education Act”) there are some restrictions on the employment of children of compulsory school age (6-14 years inclusive).

Section 78 states that:

Employment of children of compulsory school age

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

- (a) during the hours at which he is required to attend school; or
- (b) during any part of a day or night, in any labour or occupation that is such as to render the child unfit to attend school as required by this Part or to obtain the proper benefit from the instruction provided for him.

Penalty: Five hundred dollars.

(2) The Minister may grant an exemption from all or any of the provisions of this section in respect of a child if, in his discretion, he considers it appropriate to do so.

School hours are generally from Monday to Friday between the hours of 8.30 a.m. to 3.30 p.m.

The *Children’s Protection Act 1993* (“the CP Act”) is also relevant to this Convention. The CP Act seeks to provide for the care and protection of children. This Act does not relate directly to the issue of working children but refers to the “abuse or neglect” of a child. This Act may be activated in relation to an employment situation depending on the facts and circumstances of the case.

Under the *Occupational Health, Safety and Welfare Act 1986* (“the OHSW Act”) an employer is obliged to provide their employees with a safe working environment, that is safe from injury and risks to their health. The provisions of this Act therefore require the employer to tailor the working environment to each employee, which in some situations requires special conditions for children.

The *Workers Rehabilitation and Compensation Act 1986* (“the WR&C Act”) establishes a system of financial compensation and rehabilitation for an employee if they sustain an injury whilst at work. This Act covers all employees, regardless of their age.

The *Collection for Charitable Purposes Act 1939* establishes a Code of Practice which recommends that children under 15 should not be employed as door-to-door collectors unless they are under adult supervision. Breaches of this code can result in a person or body losing their licence under the Act.

The *Industrial and Employee Relations (Workplace Relations) Amendment Bill 1999*, currently being considered by South Australia's Parliament, prescribes that there be a prohibition on the employment of children under 14 years of age in the areas/industries prescribed by regulation to the IER Act. At this stage the Government intends to limit the application of this prohibition to the area of door-to-door selling.

In addition, the South Australian Government has approved the pursuance of the establishment of a Code of Practice under the OHSW Act, covering children 14 years of age employed in door-to-door selling. In relation to the code of practice, the OHSW Act enables Codes of Practices to be approved by the Minister, on the recommendation of the tripartite Ministerial Advisory Committee (comprising representatives of employers' and workers' organizations and Government representatives) created under the OHSW Act. In the event that an employer does not comply with an approved Code of Practice, the employer, in the absence of proof to the contrary, is taken to have failed to exercise the standard of care required by the OHSW Act.

The principal piece of legislation which addresses employment in South Australia is the *Industrial and Employee Relations Act 1994* ("the IER Act"). There is no legal minimum working age for children under the IER Act.

There are no categories of jobs or work, economic sectors or types of enterprises excluded from the South Australian legislation.

A number of bodies are created under the terms of the IER Act and the OHSW Act to ensure the effective operation of these Acts. These are the Industrial Relations Court of South Australia ("the Court"); the Industrial Relations Commission of South Australia ("the Commission"); the Industrial Relations Advisory Committee ("IRAC"); the Employee Ombudsman; the inspectors located in the Industrial Services Division of the Department for Administrative and Information Services and the Occupational Health, Safety and Welfare Advisory Committee "the OHS&WAC".

The jurisdiction of the Court is detailed in sections 11-15 of the IER Act. Its jurisdiction extends to: interpreting an award or enterprise agreement; hearing and determining questions of law referred by the Commission and jurisdictional questions about the determinations of the Commission; making declaratory judgements; hearing and determining monetary claims by employees and former employees and issuing injunctions against a person who contravenes or fails to comply with a provision of the Act, an award or enterprise agreement.

The jurisdiction of the Commission is detailed in sections 26-27 of the IER Act. Its jurisdiction extends to: approving enterprise agreements; making industrial awards; resolving industrial disputes; hearing and determining any matter related to an industrial matter; other jurisdictions conferred by the Act and inquiring into and reporting to the Minister on questions referred to it by the Minister.

The Commission's jurisdiction in relation to industrial disputes is exercised through a system comprising mediation voluntary and compulsory conferences (see sections 197-205 of the IER Act).

IRAC is a tripartite committee established under the IER Act to assist and advise the Minister in formulating and implementing industrial relations policies, to advise the Minister on legislative proposals of industrial significance and to consider matters referred to it by the Minister or members of the Committee (sections 46-56 of the IER Act).

The Employee Ombudsman is an independent officer whose functions include: advice to employees on their rights; investigation of claims by employees or unions of coercion in the negotiation of enterprise agreements; scrutiny of enterprise agreements lodged for approval under the IER Act; representation of unrepresented employees in certain industrial proceedings; advising home-based workers who are not covered by an industrial award or enterprise agreement in relation to individual contracts, and investigation of the conditions of work for outworkers and advice on the occupational health, safety and welfare rights of employees (see sections 57-63 of the IER Act).

The functions of the inspectors (who include the Employee Ombudsman) are: to investigate complaints of non-compliance with the Industrial and Employee Relations Act, enterprise agreements and awards; to encourage compliance; and if appropriate take action to enforce compliance (see sections 64-65 of the IER Act).

The inspectorate has considerable powers to enter workplaces, inspect work and question persons in relation to industrial matters (section 104 of the IER Act). The inspectorate ensures compliance with the IER Act through the provision of advice, verbal instructions and through the encouraging of compliance.

The OHS&WAC is a tripartite committee established under the OHSW Act with functions including assisting the Minister in formulating and advising the Minister on implementing occupational health, safety and welfare policies and advising the Minister on legislative proposals of occupational health, safety and welfare (see section 8 of the OHSW Act).

Under the OHSW Act inspectors have the power to issue an improvement and/or prohibition notice to facilitate compliance. The issue of the notices is at the discretion of the Inspector. Prosecution is contemplated in cases of more serious breaches and in light of other factors such as the record of the company involved. Whilst there is no legal requirement for warnings as to the likelihood of legal action, in practice the risk of prosecution would tend to become clear as a component of the investigation process.

There are penalties prescribed in many sections of the Acts and Regulations which are enforced by inspectors of the Department for Administrative and Information Services. For example, a fine not exceeding \$100,000 can be imposed for a second or subsequent breach of section 19 (the main duty of care obligation) of the OHSW Act while under the IER Act a fine of \$20,000 may be imposed for an offence against the principle of freedom of association (section 116A).

A fine of up to \$15,000 may be imposed for obstructing or hindering an occupational health and safety inspector (section 38(8) OHSW Act). A fine of up to \$1,250 may be imposed on a person who hinders or obstructs an industrial inspector (section 104(8) IER Act).

Section 80 of the Education Act provides that the following persons are authorized for the purpose of enforcing Part 6 of that Act, dealing with compulsory attendance at school:

- (a) any member of the police force; or
- (b) any person authorized in writing by the Director General of Community Welfare to exercise the powers of an authorized officer under the Education Act; or

- (c) any person authorized in writing by the Director-General to exercise the powers of an authorized officer under the Education Act.

Where an authorized officer observes any child who appears to be a child of compulsory school age in any public place at a time when the child should normally be attending school, they may approach the child and seek to obtain from the child the following information:

- (a) the name and address of the child; and
- (b) the age of the child; and
- (c) the reason for their non-attendance at school.

Any person who, when requested to furnish this information fails to furnish the information to the best of the person's knowledge or belief, or wilfully furnishes any false information, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Section 16 of the CP Act gives officers who regulate that Act the power to remove children from dangerous situations if the officer believes on reasonable grounds –

- (a) that a child is in a situation such that, if not removed pursuant to this section, the child's safety would be in serious danger; and
- (b) that the child is not in the company of any of his or her guardians, the officer may remove the child from any premises or place, using such force (including breaking into premises) as is reasonably necessary for the purpose.

An officer who removes a child pursuant to section 16 must use all reasonable endeavours to return the child to the child's residence unless of the opinion that it would not be in the best interests of the child to do so.

Monthly statistics are kept by each of the industry teams and regional offices of the Industry Services Division of the Department for Administrative and Information Services. Statistics collected are incorporated into the annual report produced by the Department and include, for example: the number of prohibition and improvement notices issued by inspectors and the reason for the issue; the number of fatalities during the period; the number of immediately notifiable work related injuries reported and the number investigated; the number and cause of dangerous occurrences; the number of complaints received on the observance of the OHSW Act and Regulations and the number of award and long service leave investigations undertaken by inspectors and the number of complaints completed.

There is no separate statistical data kept on children engaged in employment, however the date of birth of employees involved in a claim is recorded by inspectors for identification purposes.

Northern Territory

Part IV of the *Education Act* makes it compulsory for a parent of a child of compulsory school age (a child of or above the age of six years who has not yet attained the age of 15 years) to enrol that child in a school or provide education for the child which, in the opinion of the Secretary of the Department of Education, is efficient and suitable.

Applications for exemptions from this statutory provision are only approved in exceptional circumstances where it is deemed by the parent, School Principal and the Department that it would be in the child's best interests to be granted exemption from school attendance.

Part XI of the *Community Welfare Act* deals with the employment of children. Section 92 provides that no person shall, except with the written consent of the (Health) Minister, employ a child less than 15 years of age, between 10.00 pm and 6.00 am the next morning. The penalty for violation of this provision is a Aus\$500 fine or imprisonment for three months.

Section 93 of the *Community Welfare Act* provides that no person shall, except with the written consent of the Minister, employ a child where employment involves the child in an activity dangerous to the health and safety of the child. The penalty for violation of this provision is a Aus\$1,000 fine or imprisonment for six months.

These statutory provisions are in accord with Article 2 of Convention No. 138 and, as such, should be seen as a substantial impediment to the use of child labour.

Australian Capital Territory

The ACT Department of Education and Community Services is responsible for administering the *Education Act 1937* and the *Children's Services Act 1986* which together provide for the compulsory schooling and regulation of employment of children.

Compulsory schooling

Part II of the *Education Act 1937* requires that children compulsorily attend school between the ages of 6 and 15 years. Provisions also prohibit the employment of a child under the school leaving age where (apart from the exceptions and exemptions provided for in the Act) the child would be required to attend school.

Regulation of employment

Part VIII of the *Children's Services Act* deals with employment of children, i.e. children under 18 and those under the school leaving age of 15 years of age (young children). The Act describes employment of children in terms of participation or assistance in a business, trade, calling or occupation carried on for private profit whether or not the child is paid or otherwise rewarded.

Corporations and/or private persons can employ young children in the ACT if they are to undertake light work as described at section 129 of the Act. Light work is described in the legislation as baby sitting, selling and delivering newspapers, gardening, and errand sending etc, and where it is not prejudicial to a young child. The only exemption to this is when the young child is employed by a parent or by a company where the parent is a Director (section 130 of the Act).

Section 131 of the Act (employment not to interfere with schooling, etc.) supports the requirements of the Education Act and prohibits employment when likely to prejudice the health, safety or personal or social development of a young child or the ability of a young child to benefit from his or her education or training. This provision overrides allowable employment situations including the employment by parents where it is prejudicial to a young child.

Employers are expected to do all things necessary and reasonable to ensure the health and safety of the child. Penalties apply in the ACT for specific breaches of the legislation by parents and/or employers.

The ACT Department of Education and Community Services advises that both the *ACT Education Act 1937* and the *Schools Authority Act 1976* are under review and the review report is expected to be presented to Government by mid year 2000. It is anticipated that any new legislation will aim to reflect current education and school governance thinking and provide a basis for school education into the twenty-first century. The *Children Services Act 1986* has been recently reviewed, however provisions relating to the employment of children have not required alteration.

Work experience programmes fall outside the regulation of employment in the ACT. However, guidelines issued by the Department of Education and Community Services, provide the maximum protection of all parties involved in placements. The guidelines entitled Experience Counts were reviewed in 1995 by the ACT Tripartite Advisory Committee for Work Experience and Vocational Placements and cover such things as schools duty of care; occupational health and safety including accident reporting; and student and employer responsibilities. The Advisory Committee's membership includes both the public and private sectors of industry, unions and education authorities.

In summary, ACT legislation puts priority for school aged children on attendance at school and on the health, safety and personal and social development of children. Measures to protect the interests of children are adequately covered by legislation and as a consequence the ACT meets the fundamental principles of the Minimum Age Convention.

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

Federal

The Australian Government has taken a range of measures to promote the effective abolition of child labour, both within Australia and in the Asia Pacific region.

Commercial sexual exploitation of children

Australia was a signatory to the Stockholm Declaration and the Agenda for Action that arose out of the 1996 the World Congress Against the Commercial Sexual Exploitation of Children. Consequently, Australia is committed to the development of a National Plan of Action (NPA) to end the commercial sexual exploitation of children.

A Steering Committee to Progress Outcomes of the World Congress Against the Commercial Sexual Exploitation of Children has been established to develop a framework for an NPA as soon as possible. It is composed of Commonwealth Government departments, and representatives of State and Territory governments and non-government organizations. As part of the process of developing the NPA, State and Territory governments have been asked to examine their current law and practice to determine whether it currently provides protection against under-18s involvement in prostitution (in those States where the age of consent is under 18), and similarly whether protection is provided against involvement of under-18s' in the production of pornographic material.

*Australian participation in international action**Consultation with non-government organizations (NGOs)*

The federal Department of Foreign Affairs and Trade conducts formal consultations twice a year with representatives of Australian human rights NGOs on issues of current interest. The agenda is set jointly by the department and NGO representatives. Subjects discussed include human rights issues under consideration in United Nations fora, and thematic issues.

Australia's delegate to the Child Labour Committee of the 1999 International Labour Conference gave a presentation to the consultative meeting of 30 August 1999 on the adoption of Convention No. 182, Worst Forms of Child Labour, 1999.

Regional aid programmes

The Australian Government has supported, through its aid program, region-wide efforts to create and increase public awareness of the exploitation of children. These efforts include support for NGOs active in preventing sexual abuse of children, and support for regional workshops and seminars as part of the Stockholm Agenda for Action. Memoranda of Understanding have been signed with the Governments of the Republic of the Philippines and Fiji to cooperate in combating the commercial sexual exploitation of children.

Australia addresses exploitative child labour in the Asia Pacific region by addressing the underlying economic and social problems facing developing countries. The aid program achieves this by focussing on sustainable development, strengthening educational systems and building human rights institutions.

Specifically, the Australian aid program targets intervention and rehabilitation programs to those children in most need. In 1997-98 Australia allocated over \$14 million to interventions of this type. These programmes included: health programmes for street children in a number of countries; education and training for village girls at particular risk of sexual exploitation; and broad community education programmes.

Australia also assists domestic law enforcement and monitoring agencies in developing countries through capacity-building programmes and training for public officials.

In 1995 Australia donated US\$100,000 to the IPEC program in two instalments, \$50,000 in 1995 and the remainder in 1996.

In 1999 the Australian Government allocated \$800,000 to a major UNDP coordinated project to combat the trafficking of women and children in the Mekong region.

States and territories*New South Wales*

In a 1997 Discussion Paper to review the *Children (Care and Protection) Act 1987* it was recognized that there were reasons for regulating children's employment and that children need to be protected from: all forms of exploitation and discrimination in employment due to age, dependency or vulnerability; occupations which expose children to particular safety risks; excessive or unreasonable demands placed upon a child by an employer; and employment situations which interfere with a child's capacity to give due attention to school work or restrict opportunities for socialization or leisure.

In 1998 the NSW Government established a Children's Employment Law Taskforce to review the issue of whether there should be minimum ages for child labour, and if so, for

different categories of work depending upon the impact on the child's welfare and development and health and safety considerations.

The Terms of Reference for the Taskforce are to: review all legislation currently pertaining to the employment, within NSW, of children and young people under the age of 18 years; consider the recommendations of the Review of the Children (Care and Protection) Act 1987, dated December 1997; and prepare a discussion paper on whether NSW legislation adequately addresses the needs of children in employment (whether paid or unpaid) with clear proposals for legislative reform if considered necessary and any related changes to administrative processes and procedures. The Taskforce is expected to finalize its recommendations by the end of 1999.

Victoria

No comment.

Western Australia

No comment. Please refer to the response in earlier section.

South Australia

Please refer to information provided in previous section.

In addition, section 16 of the CP Act gives officers who regulate that Act the power to remove children from dangerous situations if the officer believes on reasonable grounds –

- (a) that a child is in a situation such that, if not removed pursuant to this section, the child's safety would be in serious danger; and
- (b) that the child is not in the company of any of his or her guardians, the officer may remove the child from any premises or place, using such force (including breaking into premises) as is reasonably necessary for the purpose.

An officer who removes a child pursuant to section 16 must use all reasonable endeavours to return the child to the child's residence unless of the opinion that it would not be in the best interests of the child to do so.

Social security falls within the realm of the Commonwealth jurisdiction.

The South Australian Government is committed to the promotion, encouraging of compliance and the enforcement of all aspects of its legislative provisions.

Northern Territory

No comment.

Australian Capital Territory

The information in previous sections apply.

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

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

Observations received from employers' and workers' organizations

Any observations received from these organizations will be forwarded to the Office (none received).

Annexes (not reproduced)

New South Wales:

- Children (Care and Protection-Child Employment) Regulation 1993.
- Work Placement Policies and Provisions for Young People in Education and Training — draft discussion paper.

Australian Capital Territory:

- Education Act 1937.
- Children's Services Act 1986.
- Experience Counts — guide for schools.
- Examples of core and elective training elements of cadet schemes in the Naval Reserve Cadets, Army Cadet Corps and Air Training Corps.

Austria

Means of assessing the situation

Assessment of the institutional context

Fully recognizing the principle of the effective abolition of child labour, Austria guarantees that children and young persons are protected against inadmissible employment through a number of laws. The protective provisions are laid down in particular in the following statutes:

- Act concerning the employment of children and young persons (1987) (KJBG), Official Gazette No. 599 in the Federal Act version; Official Gazette No. 126/1997 (KJBG Annex 1);
- Federal Act concerning basic labour law principles in the agricultural and forestry sectors (1984) (LAG), Official Gazette No. 287 — in the version published in Official Gazette No. 101/1998 (LAG), and more specifically in sections 101 to 110 (Annex 2).

Furthermore, the following labour law regulations contain special provisions which take account of the young workers' special need of protection:

- Federal Act concerning labour inspection (1993) (ArbIG), Official Gazette No. 27 (Annex 3);
- Federal Act concerning labour inspection in the transport sector (1994) (VAIG), Official Gazette No. 650 (Annex 4);
- Labour Constitution Act (ArbVG), Official Gazette No. 22/1974 (Annex 5);
- Federal Act on the Postal Service Works Constitution (P-BVG), Official Gazette No. 326/1996 (Annex 6);
- Federal Act promulgating the Railway Works Constitution (B-BVG), Official Gazette No. 66/1997 (Annex 7);
- Federal Act concerning the Chamber of Labour (1992) (AKG) Official Gazette No. 626/1991 (Annex 8);
- Federal Act on vocational training of apprentices (BAG), Official Gazette No. 142/1969, plus the training rules issued on the basis of that Act (Annex 9); and
- Federal Act on vocational training of agricultural and forestry workers (LFBAG), Official Gazette No. 298/1990 (Annex 10) (annexes not reproduced).

According to the amended version of section 2, paragraph 1, of the 1987 Federal Act concerning the employment of children and young persons (KJBG) published in Official Gazette I, No. 79/1997, “*minors up to the age of 15 or up to the subsequent completion of compulsory education*” are considered to be *children*. An identical definition is now also included in the amended version of section 110 of the 1984 Federal Act concerning basic labour law principles in the agricultural and silvicultural sectors (LAG) (Official Gazette No. 287) published in Official Gazette I, No. 101/1998.

According to section 3 of the KJBG and section 109, paragraph 1, of the LAG, *persons up to the age of 18* who are not considered to be children within the meaning of section 2, paragraph 1, of the KJBG (and/or section 110, paragraph 6, of the LAG) are considered to be *young persons*.

Persons who have reached the age of 15 but are still required to attend school are thus still considered to be children until they have completed compulsory education. Compulsory education is governed by the version of the 1985 Federal Act on Compulsory Education (Official Gazette No. 76/1985) published in Official Gazette I, No. 134/1998. According to sections 2 and 3, general compulsory education begins on 1 September following the date on which a child reaches the age of 6 and continues for nine school years. According to the version of section 14 of the Federal Act on the Period of Schooling (Official Gazette No. 77/1985) published in Official Gazette No. 45/1998, the end of compulsory schooling coincides with the end of the last year of instruction, i.e. with the beginning of the main holidays, i.e. 28 June and 11 July.

According to section 4 of the KJBG and section 110, paragraph 1, of the LAG, it is prohibited as a fundamental principle to enlist children for any forms of work whatever, but there are several exceptions to this principle. Only occasional light tasks are admissible which are of short duration and are *not dangerous*, and these tasks are furthermore only allowed under strict conditions.

There are a number of activities which, due to the danger they involve, are either absolutely prohibited for young persons or are only allowed under certain conditions (generally a higher minimum age). There is no general definition of dangerous work, but several particularly dangerous tasks are mentioned in the KJBG itself; provision is made, for example, under sections 21 and 21a, for the prohibition of piecework or similar forms

of work for young persons under 16 years of age or the prohibition of the handling/transport of larger sums of money or material assets (sections 21 and 21a). A comprehensive list of dangerous forms of work is issued by ordinance.

According to section 23, paragraph 2, of the KJBG, the employment of young persons in certain plants, in certain jobs or under the influence of certain factors entailing special dangers for their safety, health or morality can be prohibited or made subject to certain conditions. These jobs are generally only allowed under supervision and, depending on the extent of the danger involved, only as of a higher minimum age.

This ordinance relating to instances where the employment of young persons is prohibited and/or restricted pursuant to section 23, paragraph 2, of the KJBG was re-issued in Official Gazette II No. 436/1998 and contains a detailed list of dangerous forms of work and the conditions under which young persons may perform them. A copy of this ordinance is attached as Annex 13) (not reproduced).

In the case of young persons to whom the Federal Act concerning basic labour law principles in the agricultural and silvicultural sectors (LAG) applies, the implementing legislation must stipulate which forms of work are either prohibited for young persons due to the specific dangers they entail or are only allowed under certain conditions (section 109a, paragraph 2, of the LAG):

According to section 1, paragraph 1, of the KJBG, the scope of the Act is comprehensive as a fundamental principle, so that there are no exceptions. The KJBG applies to the *employment of children in any form of work*.

However, according to section 1, paragraph 2, the KJBG does not apply to *occasional minor instances of assistance involving light work performed by children as a favour*, provided that they are of *short duration*. By virtue of their nature, these activities must not be equivalent to a service by employees, apprentices or homeworkers, nor must the children be exposed to any risks of accident or jeopardized in their physical and mental health and development or morality.

According to section 1, paragraph 3Z1, only children and young persons to whom the 1984 Federal Act concerning basic labour law principles in the agricultural and silvicultural sectors (LAG) applies are exempted from the field of application of the KJBG. However, the LAG contains regulations which are generally similar to those of the KJBG, thus guaranteeing an equivalent level of protection. However, *the employment of children for the sole purpose of instruction or education and the employment of one's own children in light work in the household, even if this work is performed regularly* is not considered to be child labour within the meaning of the LAG (section 110, paragraph 3 of the LAG).

The two exceptions mentioned above do not, however, prevent the fulfilment of the principles and rights relating to the effective abolition of child labour, because the activities listed there cannot be qualified as the "labour" in the strict sense of the term which the Convention is aiming to abolish. In order to be covered by the meaning and purpose of the prohibition of work, the activities concerned must exceed a certain level of insignificance, which is not the case here, and furthermore the aspects of "voluntary nature" ("favour") or of the purpose of instruction and education are emphasized. The exceptions for the employment of young persons in private households and/or in firms manufacturing bread, cakes and pastries (section 1, paragraph 3Z2 and paragraph 4 of the KJBG) are not relevant for the minimum age Convention.

According to section 5a of the KJBG, children *who have reached the age of 12* may be employed in the following forms of *light and occasional* work outside the hours scheduled for school attendance:

- (1) work in business in which only members of the family of the proprietor of the business are employed, provided that the children are related to the proprietor of the business up to the third degree or are his/her stepchildren or adopted children and live with him/her in the same household;
- (2) work in a private household;
- (3) errands, help at sports grounds and playgrounds, flower, herb, mushroom and fruit picking and other activities equivalent to these forms of work, which are not allowed to be performed in a commercial enterprise or in the context of an employment relationship.

According to section 6 of the KJBG, children may be employed in public shows — i.e. musical performances, theatrical productions and other performances and in photography, filming and television and sound recordings, although there are a number of exceptions.

The employment of children is subject to approval, and approval can only be granted when there is particular artistic, scientific or educational interest or where commercials are involved and the nature of the job involved justifies that employment.

In the two cases mentioned above children may only be used inasmuch as their employment does not jeopardize their physical and mental health or their morality, does not impede their attendance at school or the possibility to participate profitably in school tuition, and does not interfere with the fulfilment of their religious obligations. The approval in writing of the legal representative is generally required, and there is total prohibition of night work between 11.00 p.m. and 8.00 a.m. and of work on Sundays in both cases.

According to section 110, paragraph 3, of the LAG, one is allowed to employ one's own children in occasional light work, but only on farms or in businesses employing members of the proprietor of the farm/business exclusively. Children who live in the same household as the person employing them and are related to that person up to the third degree or by marriage or are the stepchildren or adopted children of that person are considered to be the person's own children within the meaning of this Federal Act.

Here again, the latter three exceptions do not prevent the fulfilment of the principles and rights relating to the effective abolition of child labour, because Article 7 of the Convention allows persons between 13 and 15 years of age to be employed in light work and Article 8 allows exceptions to the prohibition of child labour, e.g. for artistic performances. Although the present legal situation makes provision for an age limit of 12 years of age for light work, given the strict prerequisites for the approval of such work the law nevertheless complies with the spirit of the Convention.

Assessment of the factual situation

The Central Labour Inspectorate is responsible for monitoring observance of the protective provisions in Austria.

The actual situation can be deduced from the Labour Inspectorate statistics on complaints concerning child labour, which are attached to the present document (Annex not reproduced due to lack of space).

As can be seen from the statistics on complaints concerning child labour in Austria, child labour does not present a problem for Austria. It thus has not been necessary for Austria, which has had a compulsory education system and an extensive system of social security and family protection for many years, to take any measures in addition to the protective provisions mentioned above.

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

Comparison of the provisions of the Minimum Age Convention, 1973 (No. 138) with the Austrian legal system has shown that the Convention is being implemented in essence in Austria. As can be seen from the "Comments" intended for the Austrian Council of Ministers and the Austrian Parliament attached to our reply, minor adjustments are needed only with regard to Article 7, paragraphs 1 and 3, and Article 9, of the Convention. The Austrian Federal Government decided to institute the ratification procedure in the first six months of 1999, and the Council of Ministers decided:

- (1) to approve the Minimum Age Convention, 1973 (No. 138) and the German translation of that Convention and the comments;
- (2) to forward the Convention plus its German translation and the comments to the National Assembly for approval pursuant to article 50, paragraph 1, of the Federal Constitution;
- (3) to propose that on the occasion of the approval of the Convention the National Assembly decided that the Convention is to be implemented by the enactment of laws pursuant to article 50, paragraph 2, of the Federal Constitution; and
- (4) once approval has been granted, to propose that the Federal President ratify the Convention.

It was unfortunately no longer possible for the Parliament to deal with the subject before the 1999 summer recess, and no action could be taken until after the elections scheduled for 3 October 1999. As soon as the new Federal Government has been established, Convention No. 138 will be submitted again to the Council of Ministers and the Austrian Parliament.

Annexes (not reproduced)

- Act concerning the employment of children and young persons (1987) (KJBG);
- Official Gazette No. 599 in the Federal Act version;
- Official Gazette No. 126/1997 (KJBG Annex 1);
- Federal Act concerning basic labour law principles in the agricultural and silvicultural sectors (1984) (LAG).
- Official Gazette No. 287 — in the version published in Official Gazette No. 101/1998 (LAG), and more specifically in sections 101 to 110 (Annex 2).
- Federal Act concerning labour inspection (1993) (ArbIG), Official Gazette No. 27 (Annex 3);
- Federal Act concerning labour inspection in the transport sector (1994) (VAIG), Official Gazette No. 650 (Annex 4);
- Labour Constitution Act (ArbVG), Official Gazette No. 22/1974 (Annex 5);

- Federal Act on the Postal Service Works Constitution (P-BVG), Official Gazette No. 326/1996 (Annex 6);
- Federal Act promulgating the Railway Works Constitution (B-BVG), Official Gazette No. 66/1997 (Annex 7);
- Federal Act concerning the Chamber of Labour (1992) (AKG) Official Gazette No. 626/1991 (Annex 8);
- Federal Act on vocational training of apprentices (BAG), Official Gazette No. 142/1969, plus the training rules issued on the basis of that Act (Annex 9); and
- Federal Act on vocational training of agricultural and forestry workers (LFBAG), Official Gazette No. 298/1990 (Annex 10) (annexes not reproduced).

Bahamas

Means of assessing the situation

Assessment of the institutional context

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

It is recognized by law (Education Act Amended 1995; Industrial Relations Act 1970; Fair Labour Standards Act 1969).

Compulsory school age was increased from 14 years to 16 years. Exception for work is in the context of exchange-work programmes for senior high school students.

Child labour is defined. A young person may commence work at the age of 16, which is the end of compulsory schooling. However, they are not considered an adult until the age of 18 years.

The age limit for engaging in dangerous work is 18. Dangerous work is inclusive of mining, quarrying, dangerous chemicals, deckhand on boat or ship.

There are no categories of work which are excluded from the implementation of the principle and fight relating to the effective abolition of child labour.

Light work may be done by students on work-experience programmes and in a family business which does not interfere with school and school work.

Truant officers, police and labour inspectors ensure the implementation of the principle administratively. They are assisted by a special unit — Juvenile Unit under the Social Services Department.

Assessment of the factual situation

Only the continued increase in the school population confirms that children are at school and *not* working.

The trend is that generally the average school leaving age is 17 years *or* 18 years depending on type of schooling, i.e. public or private.

The workforce stands at 148,000 with age ranging from 16 years to 65 years. The age group 16-19 represents 6.75 per cent of the total workforce.

The greatest concentration of our population is on New Providence (185,000); 45 per cent are less than 25 years old and there are approximately 50,000 school children from primary to tertiary level schooling. The Family Islands are comparable, but with much smaller numbers.

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

There is a compulsory educational system, initially from 5 to 14 years; this was increased to 16 years in 1995.

The means deployed to promote the effective abolition of child labour:

- recourse to truant officers, labour inspectors and police to assist in the adherence of schooling and the abolition of child labour;
- the Juvenile Unit — Department of Social Services;
- the Christian Council and Trade Unions.

The Government of the Commonwealth of the Bahamas promotes and observes these principles and rights.

The conditions deemed necessary to meet these objectives are in place.

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

The representative employers' and workers' organizations to whom a copy of this report was sent are:

- Bahamas Employers' Confederation;
- National Congress of Trade Unions;
- Commonwealth, Bahamas Trade Union Congress.

Observations received from employers' and workers' organizations

The Government received informal comments from the workers' representatives in regard to the effective abolition of child labour.

Bahrain

Means of assessing the situation

Assessment of the institutional context

The Labour Code in the public sector issued by Legislative Decree No. 23 of 1976, in article 50, prohibits the employment of any person, male or female, under the age of 14.

This is further reinforced by Bahrain's accession to the Convention on the Rights of the Child by Legislative Decree No. 16 of 1991, and the Arab Convention on the Employment of Minors by Legislative Decree No. (8) of 1998, and the provisions of article 5 of the Constitution, that states that the family is the cornerstone of society and that as such it provides protection for mother and child and protects youth from exploitation.

Article 5 of the Constitution, and articles 49-58 of the Labour Code, Legislative Decree No. 16 of 1991, providing for the accession to the Convention on the Rights of the Child, Legislative Decree No. (8) of 1998, providing for the accession to the Convention on the Employment of Minors, and Legislative Decree No. (3) of 1996, providing for the accession to the Arab Convention No. 17 of 1993, regarding the employment of the handicapped, and Legislative Decree No. 17 providing for the accession to the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

The minimum age for the employment of children (minors) stipulated in article 50 of the Labour Code exceeds compulsory schooling age; this was established to enable the child to receive a minimum of schooling.

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

There are no exceptions to the implementation of the principle and right.

The constitutional provisions as well as those set out in legislation and accession to conventions (both Arab and international) all help improve child protection.

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

The measures taken to abolish child labour endorse the social protection of children by guaranteeing the right to an allowance for children under articles 75, 80 and 135 of Social Insurance Law No. 24 of 1976, and by providing for social assistance for children under Ministerial Decree No. 2 of 1995.

Many efforts are being undertaken in favour of child protection, such as the Council of Minister's approval for the setting up of a committee for the child on 11 January 1998, and other government efforts for the training and education of youth and according them the necessary attention, such as the programme to train school drop-outs. As for non-governmental organizations, they are operating on several levels through the organization of seminars, conferences and awareness campaigns. Special efforts are also made for caring for the handicapped and their rehabilitation as reaffirmed by Bahrain's accession to the Arab Convention on the Handicapped No. 17/1993 and the international Convention No. 159/1983 as indicated above.

There is no child labour, but we have undertaken certain efforts, as previously indicated, to promote the protection of the child on the government and public level.

Non-governmental organizations and enterprises are working to promote awareness of the dangers of child labour and to reinforce child protection.

The Government's objective is to reinforce the prescribed protection for youth as they are the future of our nation and the object of our hopes. This is reflected in the provisions of

the Constitution and the various laws enacted in Bahrain as well as our accession to many international and Arab conventions.

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

The General Committee of Bahrain Workers and the Chamber of Commerce and Industry of Bahrain.

Observations received from employers' and workers' organizations

There are coordination activities with these organizations on the matter.

Bangladesh

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Bangladesh. Convention No. 138 has not yet been ratified by Bangladesh, but effective abolition of child labour is recognized in our national laws. The labour laws determine the minimum age for employment and occupation. The labour laws are: the Factories Act, 1965; the Employment of Children Act, 1938; the Shops and Establishment Act, 1965; the Road Transport Workers Ordinance, 1961; and the Tea Plantation Labour Ordinance, 1962. Therefore, children below the age stipulated in our national laws are not employed in factories, establishments or industries. As a matter of policy, Bangladesh will eliminate child labour progressively in due course, in line with Convention No. 138.

The Minimum age for admission to employment or to work is defined in different labour laws, considering the forms and nature of jobs. The age for the end of compulsory education is 12 years.

Where there is a risk or the work is dangerous, the age limit is higher. For example, driving of a vehicle is dangerous or hazardous. Therefore, the limit for driving is determined at a higher level, i.e. 21 years. Under the Factories Act, 1965, a person over 16 years but under 18 years of age, is called an adolescent or young person. Under this Act, there is a provision that no young person shall work at any machine unless fully instructed about the dangers arising in connection with the machine, and informed of the precautions to be observed. The individual must have received sufficient training in working with the machine or must be adequately supervised by a person who has thorough knowledge and experience in the use of the machine. There are provisions in this Act relating to dangerous occurrences, occupational diseases, etc.

No sector or job is excluded from the implementation of the principle relating to the effective abolition of child labour. Work in shops and establishments is light, and as such the relevant law allows children above 12 years to work in shops and establishments.

Assessment of the factual situation

In the formal sector child labour is negligible. There was child labour in the garment factories, but it has been reduced to a negligible percentage (less than 4 per cent at present). The majority of children work in the informal sector. Due to government efforts, workshops, public awareness, newspaper articles, better awareness among employers, etc., the number of child labourers is being reduced in the informal sector as well. At the moment, exact figures are not available, but overall the number of child labourers in the country is slowly being reduced. Formal and non-formal education is provided. Technical training is also given through “earn and learn” programmes. More action programmes are required for achieving the progress that is expected.

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

For the elimination of child labour, steps are being taken by the Government, employers and also the international agencies and NGOs. The children are being sent to schools under a compulsory education programme. Under the programme free education is provided. Scholarships stipends and books are also given to students free of charge.

The laws are binding on employers. Violation of any provision is a punishable offence. There are government labour inspections, e.g. general, medical and engineering inspectors, that visit and inspect work premises as their routine work. The inspectors instruct employers about the provisions of the law and sometimes legal action is taken, if and when a violation is found. There are also inspection teams comprising BGMEA, ILO and government labour inspectors.

The Government has a number of programmes and projects for abolishing child labour and providing education. Regular labour inspection also contributes to the effective abolition of child labour. The Government signed a Memorandum of Understanding (MOU) with the ILO in 1994 to implement the International Programme for the elimination of Child Labour (IPEC). In Bangladesh IPEC activities started in 1995. So far 48 action programmes have been implemented and 28 are now being carried out by the Government, NGOs, trade unions, employers, etc. The MOU was signed by organizations, e.g. BGMEA, ILO and UNICEF for the elimination of child labour from the garment industry. Inspection teams were formed and the teams were very vigilant with regard to the inspection of garment factories. As a result, the incidence of child labour has been reduced to a negligible percentage and it is expected that there will be no child labour in garment factories in the near future.

The Education Department, the Social Welfare Service, etc. are also taking action in this regard. In order to promote and realize these principles and rights the Government's objectives are: to engage in schooling programmes, followed by rehabilitation. Poverty alleviation programmes/projects under implementation are also contributing to the effective abolition of child labour. Technical cooperation, financial assistance, etc. will help in achieving these objectives.

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

The report was sent to the Bangladesh Employers' Federation (BEF) and to 23 national workers' federations:

1. Jatiya Sramik League.
2. Bangladesh Trade Union Centre.
3. Bangladesh Jatiyatabadi Sramik Dal.
4. Jatiya Sramik Federation.
5. Jatiya Sramik Federation Bangladesh.
6. Jatiya Sramik Party.
7. Bangladesh Songjukta Sramik Federation.
8. Bangladesh Trade Union Songha.
9. Bangladesh Sramik Jote.
10. Bangladesh Jatiya Sramik League.
11. Bangladesh Trade Union Federation.
12. Bangladesh Trade Union Congress.
13. Samajtantrik Sramik Front.
14. Bangladesh Workers' Federation.
15. Jatiya Sramik Jote Bangladesh.
16. National Workers' Federation.
17. Jatiya Sramik Karmachary Jote Bangladesh.
18. Bangladesh Jatiya Sramik Forum.
19. Bangladesh Free Trade Union Congress.
20. Bangladesh Sramik Federation.
21. Bangladesh Sramik Kalyan Federation.
22. National Trade Union Federation.
23. Bangladesh Sramik Federation.

Observations received from employers' and workers' organizations

The Government received comments from the BEF but none from the workers' organizations.

Brazil

Means of assessing the situation

Assessment of the institutional context

Brazil recognizes the principle of the effective abolition of child labour not only in terms of legal protection but also of effective courses of action promoted by federal, state and municipal governments, and by non-governmental bodies. Society, which is increasingly aware and informed of the harmful effects of the excessively early entry of children on to the labour market, has been mobilized by a concern to protect children and to guarantee their school access and attendance.

The principle of the effective abolition of child labour is fully recognized in the country's legal system, with standards protecting children against early entry on to the labour market having constitutional status. Article 7, paragraph XXXIII of the Federal Constitution clearly states that persons under the age of 16 may not work, except as apprentices and, even then, only from the age of 14 years onwards. Attention should also be drawn to the fact that persons under the age of 18 may not engage in any type of night work or work of an unhealthy or arduous nature. The relevant constitutional provision states:

Article 7. Urban and rural workers enjoy the following rights, in addition to others intended to improve their social condition:

(...)

XXXIII — prohibition of night work, or work of a dangerous or unhealthy nature for persons under the age of 18 years and of any type of work by persons under the age of 16 years, except as apprentices, from the age of 14 years.

In addition to constitutional provisions, Act 8.069/90 — Statute of Children and Adolescents — article 67, strengthens and expands constitutional provisions, regulating the conditions of work of apprentices:

The adolescent employed as an apprentice, under the family work regime, as technical school pupil or assisted by a government or non-governmental body, may not engage in the following work:

I — night work, carried out between 20.00 and 05.00;

II — dangerous, unhealthy or arduous work;

III — work carried out in premises that are detrimental to their upbringing or to their physical, psychological, moral and social development;

IV — work carried out during hours or in premises that prevent school attendance.

Lawmakers have also sought clearly to establish mechanisms intended to prevent the worst forms of child and adolescent labour, including notably situations in which labour rights are disregarded and in circumstances which may be considered comparable to slavery. In this connection, attention should be drawn to amended article 207 of the Criminal Code introduced under Act 9.777/98 (copy in Annex I), combating the activities of persons seeking to entice labour:

I. Enticement of workers from one place in the national territory to another

Article 207. To entice workers with a view to taking them from one place in the national territory to another:

Sentence — imprisonment for between one and three years, and fine (...)

s.2. The sentence is increased by between one-sixth and one-third if the victim is under the age of 18 years, an elderly person, a pregnant woman, a member of the indigenous community or a person with a physical or mental disability.

The bill was enacted and dealt specifically with non-observance of rights, carrying a heavier sentence where victims were under the age of 18 years:

Non-observance of a right provided for in labour legislation

Article 203. Non-observance, through fraud or violation of a right provided for under labour legislation:

Sentence — imprisonment of between one and two years, and fine, in addition to the sentence corresponding to the violation involved.

s.2. The sentence is increased by between one-sixth and one-third if the victim is under the age of 18 years, an old person, a pregnant women, a member of the indigenous community or a person with a physical or mental disability.

The Constitution in force prior to that of 1988 had established a minimum working age of 14 years, with the exception of those engaged as apprentices, for whom the minimum age was 12 years. Basic education was normally completed at 14 years of age. However, under the Amendment to the Constitution No. 20, the National Congress raised the minimum age from 14 years to 16 years for entry into the labour market, while the minimum age for entry into apprenticeship was raised from 12 years to 14 years.

The Constitution provides a special 18-year minimum age for dangerous work. The Ministry of Labour and Employment's Safety and Health Secretariat¹ defines which activities are considered to be dangerous (table of activities in Annex II).

The Consolidation of Labour Laws (CLT) contains the legal provision granting competence to the Secretariat; article 405 contains an express provision regarding minors:

Article 405. Minors are not permitted to work:

I — in dangerous or unhealthy premises and services, as contained in the table approved for this purpose by the Workers' Safety and Health Secretariat;

II — in premises or services that are detrimental to their morality.

In Brazil, the legislation totally prohibits child labour. It may be stated that the government and competent institutions give priority to abolishing the worst forms of child labour, that is, those which jeopardise the health and safety of children, although without losing sight of the central aim which is to abolish all forms of child labour without distinction.

No specific mention is made of light work in Brazil; the concept relates to projects of a social nature which integrate school, leisure activities and education for work, but without

¹ With the restructuring of the Ministry of Labour and Employment, under Decree 3.219 of 09.08.99, the former Labour Safety and Health Secretariat was replaced by the Department of Labour Safety and Health within the Labour Inspection Secretariat.

ever involving children in a work routine. Article 7, XXXIII, of the Federal Constitution clearly excludes children from “any work”.

In Brazil, children are protected through the activities of state and private bodies, either directly by removing minors from working environments, or indirectly, by establishing chronogrammes of educational activities and programmes offering alternatives to work.

On the administrative front, the Government, through policies of its own or in conjunction with other social sectors that are aware of the matter of child labour, is assiduously engaged in drawing up and implementing programmes and activities.

The State, in the exercise of its monitoring responsibilities, has, among its labour inspectors and in the Public Prosecutors Office, individuals with legitimate and legal responsibilities for monitoring and acting in the defence of the interest of children and adolescents who are illegally engaged in work.

In this context, attention should also be drawn to the participation of a number of bodies who are active in the area of child labour. Mention may be made of CONANDA, the National Forum for the Prevention and Elimination of Child Labour and the Guardianship Councils and Councils of Children’s and Adolescents’ Rights, provided for in the Statute of Children and Adolescents.

The National Council of Children’s and Adolescents’ Rights — CONANDA — was established under Act No. 8.242/91 and has concentrated on implementing the Policy of Integral Attention for Children and Adolescents, with a view to guaranteeing the right to life and integral development. In its assembly of October 1995, CONANDA adopted the National Directives for the Policy of Attention to Children and Adolescents in the areas of health, education, social assistance and guarantee of rights, which should be complied with in adopting and implementing programmes targeting children at the three levels of government. In regard to child labour, the directives may be summarized as:

- elimination of work by children under the age of 14 years;
- ratification of ILO Convention No. 138;
- protection of adolescent workers;
- promotion of monitoring activities;
- promotion of income generation programmes.

The National Forum for the Prevention and Elimination of Child Labour arose from a need to promote closer links between the different government and social bodies that could take action with a view to eliminating child labour, in response to the significant number of reports of children working in degrading situations. The Forum contains representatives of Federal Government, workers, entrepreneurs, the Church, parliament, together with NGOs and with the support of UNICEF and ILO. The objectives of the Forum are to discuss proposed activities for preventing and eliminating child labour and to propose actions, of an articulated nature, in the areas of highest risk. The basic aim of these discussions is to find ways to remove children from working environments and to ensure their safe and ongoing attendance at school. One of the methods that has proved most effective has been to combine efforts to ensure that the adults in the families to which these children belong have a job and consequently an income, so that they need no longer depend on their under-age children to keep the household going (to follow: Activities and Prospects Document - National Forum for the Prevention and Elimination of Child Labour in Annex III) (not attached).

The Statute concerning Children and Adolescents, Act 8.069/90, established two institutions to defend children: the Councils of Children's and Adolescents' Rights and the Trusteeship Councils.

The Councils of Children's and Adolescents' Rights, at the Municipal or State levels, are autonomous (they are not subordinate to public authorities or to another Council), and are of a joint nature with a dual function: I) to discuss and draw up a integral child and youth protection policy; II) to coordinate public bodies and private initiative, with a view to instituting an integral child and adolescent protection system.

Meanwhile, the Trusteeship Council acts only at the municipal level as an independent and autonomous, non-jurisdictional body responsible for monitoring compliance with children's and adolescents' rights. It consists of five members, all from civil society, with a three year term of office, selected from among citizens of the municipality in a process organized by the Council of Rights, pursuant to municipal law and under the supervision of the Public Prosecutor's Office.

Last but not least are the Units to Combat Child Labour and Protect the Adolescent Worker, operating within the regional units of the Ministry of Labour and Employment. In addition to the monitoring and coordination functions whereby the Federal Government exercises its competences and plays its part as social actor in regionalized discussion on child labour, the units have also engaged in gathering data on the existing pockets of child labour in the country, identifying the spheres of activity and their impact on the health and safety of minors, thereby complementing activities undertaken by government and non-government bodies with a view to eliminating child labour.

A number of regional branches of the Ministry of Labour and Employment (Rio Grande do Norte, Alagoas and Sergipe) have gathered information, through these units, on the impact of certain activities on the health of children, particularly in the production sectors relating to weaving, flour production and cultivation of citrus fruits. The study has successfully identified the main risk factors, the signs and symptoms demonstrated by the children involved and also the main health hazards.

In addition to these Units, the entire body of inspection agents is on permanent alert in readiness to take immediate action in investigating and reporting those who insist on using child labour, with children invariably being immediately removed from the working environment.

Assessment of the factual situation

No accurate figures currently exist regarding child labour in Brazil. According to data provided by the National Survey by Sample of Households (PNAD), carried out by the Brazilian Geography and Statistics Institute (IBGE) in 1995, the situation was as follows:

Level of participation of children by age

Age	Working children	Total children	Level of involvement In percentsge
5–9 years	581 307	16 348 827	3.56
10–14 years	3 289 262	17 571 091	18.72
5–14 years	3 870 569	33 919 918	11.41

In addition to PNAD data, use may also be made of information contained in the child labour figures produced by the former Ministry of Labour² (Annex IV (not reproduced)) and, simultaneously, the data provided by the Ministry of Education, revealing a decline in the number of children outside school.

The main problem encountered by those who require a more precise assessment of the numbers involved in child labour in Brazil is the fact that there is no rigorous survey intended to obtain such figures. Consequently, the Federal Government is engaged in discussions with the ILO regarding the possibility of carrying out a survey, with IPEC resources, based on a module specifically to obtain figures regarding child labour in the PNAD 2001.

Present trends would appear to indicate that child labour is declining. Therefore, national executive bodies have concentrated on projects which promote the incorporation of children into society, although always via school.

The federal Government has shown an unquestionable political determination to eliminate child labour in Brazil. This is not only a political commitment but, more importantly, an aim of government, of a two-pronged nature: totally to eradicate all forms of child labour and to place all children in school.

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

Over the last four years, the Ministry of Welfare and Social Assistance has sought to remove children from the working environment and to encourage them to attend school, particularly in the case of activities in which children's health and safety is most at risk and, to that end, has operated a system of grants — Child-citizen grant programme — given to the families of children who give up work to attend school.

The programme has been successful in the states of Mato Grosso do Sul (in activities relating to coal mining, cultivation of *erva mate*, pottery, saw mills, cotton harvesting, collecting cans and rubbish); Pernambuco (cane fields, flour mills and fruit and vegetable cultivation); Bahia (quarries and sisal processing); Sergipe (citrus cultivation and quarries); Paraíba (cane fields and sisal processing); Rondônia (gold and diamond prospecting); Rio de Janeiro (cane cultivation, citrus cultivation); São Paulo (footwear manufacture) and Pará (pottery).

Over the last four years, the programme has involved 125,263 children in different regions of the country (Annex V (not reproduced)). It should be stated that the programme was not implemented in a uniform manner since the peculiarities of individual regions were taken into account. In addition, the sum of the grant given to each family varied from region to region.

Recent changes in Brazilian legislation have introduced very stringent requirements regarding child labour. New social programmes are being studied and formulated in order to bring the real situation into line with that envisaged by lawmakers.

² This data is being brought up to date to the month of July 1999, to be published at the end of this quarter.

An increasingly broad integration has been sought with a view to ensuring that the different sectors of society who are concerned with the matter of child labour may work more closely together.

In this context, monitoring bodies play an important role and seek, whenever situations of child and adolescent labour are identified, to open channels of negotiation with the participation of all the social agents involved with a view to achieving the principle goals of eliminating child labour and regularizing situations involving adolescent workers. With this end in view, the Regional Departments of Labour and Employment - which represent the Ministry in the states of the Union - have been successful in concluding covenants and agreements meeting these basic aims.

In the interests of mobilizing and sensitizing other sectors, as well as society as a whole, the Ministry of Labour and Employment has made every effort to promote, develop and participate in campaigns and events focussing on the elimination of child labour by demonstrating the inherent risks in regard to the health and safety of children and the importance of regular school attendance.

Brazil's efforts to combat child labour have been acknowledged in other countries. This is borne out by the fact that Nicaragua (June 1999) and Dominican Republic (planned for September 1999) organized visits to the country in order to gain a greater insight into the Brazilian experience. Likewise, Brazil has always made an effort to take part in international events and conferences on this subject. These are doubtless promising signs that Brazil will gradually achieve its greatest objective of totally eliminating all and every form of child labour.

Lastly, it should be emphasized that after removing obstacles of a constitutional nature through Amendment No. 20, of 15 December 1998, Brazil is setting up a Tripartite Commission, consisting of representatives of Government, of the Ministries of Labour and Employment, Education, Welfare and Social Assistance, Health, Justice and the Foreign Office, and representatives of employers and workers, in order to engage in an analysis of minimum age Convention No. 138 and Recommendation No. 146. The Commission's work will be concluded in the last week of September and an opinion in favour of ratification has been sent to the competent entities for submission, together with the texts of Convention No. 138 and Recommendation No 146, to the National Congress.

Simultaneously, a Tripartite Commission composed of representatives of the same bodies represented in the above-mentioned Commission was set up for the purpose of analysing Convention No. 182 and Recommendation No. 190 on the worst forms of child labour and immediate action to eliminate it. An opinion in favour of ratification was also concluded in the last week of September and forwarded for the adoption of necessary measures prior to submission to the National Congress.

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

Pursuant to the principles embodied in Convention No. 144 on Tripartite Consultation (International Labour Standards) 1976, a copy of this draft report was forwarded to the following organizations of employers and workers:

- National Confederation of Agriculture — CAN.
- National Confederation of Trade — CNC.

- National Confederation of Industries — CNI.
- National Confederation of Financial Institutions — CNF.
- National Transport Confederation — CNT.
- Single Confederation of Workers — CUT.
- General Confederation of Workers — CGT.
- *Força Sindical* — FS.
- Social Democracia Sindical — SDS.

A copy of the final report will be forwarded to the same bodies representing employers and workers.

Observations received from employers' and workers' organizations

No comments have been received from the abovementioned bodies.

Annexes (not reproduced)

Act No. 9,777, of 29.12.1998

Articles 132, 203 and 207 of Decree Law No. 2.848 of 7.12.1940

Extracts of the Criminal Code

Despatch No. 50 - of 12.09.1944

Programme for the Abolition of Child Labour, 1996-1999 (Ministry of Welfare and Social Assistance)

Canada

Means of assessing the situation

Assessment of the institutional context

Canada supports and recognizes the principle of the effective abolition of child labour. In a December 1998 Report to the World Trade Organization Council Review on the trade policies of Canada, the International Confederation of Free Trade Unions stated that “there are no indications of child labour in Canada”.

Minimum age for employment

All Canadian jurisdictions require children to attend school until age 16. Free basic education (primary and secondary schooling) is universally available.

As detailed below, Canadian jurisdictions have protective legislation specifying conditions under which children under the school-leaving age can be employed; prohibit employment under the school-leaving age during school hours; and prohibit work for young people

under specified ages, in specific occupations and situations which are likely to be injurious to their life, health, education or welfare.

The following general description, together with the table in Annex I, and detailed information provided by the Province of Quebec in its report attached as Annex II, indicate the approach of Canadian jurisdictions on the minimum age for admission to employment (annexes not reproduced).

There are a variety of statutes which provide restrictions on the employment of children and young persons. The most common sources are employment (or labour) standards legislation, health and safety legislation, and education acts. Restrictions are also found in an assortment of provisions regulating professions, in minimum wage provisions, in child welfare legislation, and other statutes.

Canadian legislative approaches, federal, provincial, and territorial, can be grouped under four categories described below. There is overlap between categories to the extent that some provisions could be included in more than one category.

Primacy of education

The employment of children and young persons under 16 is severely limited during school hours. This ensures their presence in school during the crucial years between the ages of 5 or 6, to age 16, when they acquire basic skills for future careers.

There are limited exceptions. For example, Alberta allows absences from school for young adolescents, ages 12 to 14, to participate in vocational training through employment or to acquire work experience; and Quebec law provides that a child may be excused from school, by the school board, to attend to urgent work.

Work outside school hours is generally allowed. In some jurisdictions, persons required to attend school may be employed, but only for up to three hours outside school hours on school days, and for up to eight hours on other days. In addition, on school days, some jurisdictions have set a limit on the periods of employment in that the total number of hours of school and work may not exceed eight hours. Most jurisdictions prohibit work at night, with limits that vary depending on the jurisdiction, but are within the range of between 9 p.m. and 7 a.m.

An example of a pertinent provision would be Nova Scotia's specific prohibition of employment that is prejudicial to school attendance or the capacity to benefit from instructions given at school.

Physical safety of the child, the young person, and other workers

Such provisions are normally found in occupational health and safety laws. They can also be found in other statutes, such as employment standards legislation. These provisions, particularly those under the occupational health and safety laws, accomplish two results: (a) the protection of the young person from hazardous environments, substances, or occupations; and (b) the protection of other workers in the workplace.

A notable example are the provisions prohibiting the employment of persons under 18 years of age underground or at the working face of open-pit mines. In some jurisdictions, younger persons, those under 16, face even more severe restrictions which prohibit their employment in or about a mine.

Other provisions specify a minimum age for handling hazardous substances such as asbestos, silica, explosives, or for working in an environment where there may be exposure to radiation. Age restrictions on drivers' licenses for various types of vehicles, which may have an impact on the employment of children and young persons, are a means of reducing the risk to their own safety and that of other persons.

Protection of the moral development of the child or the young person

Several provisions prevent the exposure of children and young persons to occupations or situations which may be harmful to their growth or character. For instance, the Manitoba statutes stipulate that persons under 16 cannot be employed in such a manner that their "moral well-being may be hurtfully affected". Likewise, New Brunswick legislation forbids employers to employ a person under the age of 16 in employment that is "unwholesome or harmful to the person's health, welfare or *moral* or physical *development*". Also, regulations under the labour standards legislation in the Northwest Territories stipulate that employers be able to show that the employment of a person under 17 "is not liable to be detrimental to the ... moral character of the young person".

Other provisions directly prohibit employment of persons under 16, or other age, in occupations which may have undesired influences on the character and development of young persons. Thus, in most provinces, young workers must have reached the age of majority to be able to sell or serve liquor. Another example is in Nova Scotia where it is prohibited to employ "a child under sixteen years of age in work of any kind in ... theatres, dance halls, shooting galleries, bowling-alleys and pool rooms". These provisions are usually concerned with occupations or situations involving the public.

Youth protection legislation in Quebec stipulates that the security and development of a child may be considered to be compromised where she or he is forced or induced to do work disproportionate to her or his capacity or to perform for the public in a manner that is unacceptable for her or his age.

Limitations on types of occupation and industry

There are provisions barring children and young persons from employment in specific occupations or specific industries. The mining industry was mentioned earlier. Also, most jurisdictions prohibit the employment of young persons under 16 years of age in the construction industry (age may vary). Moreover, persons under 16 years of age cannot become apprentices in designated trades.

Other examples of occupations and industries where there are restrictions include forestry and logging operations, meat processing, smelter foundries, explosive factories, the sale of gasoline, propane or any other petroleum product, unless in the presence of an individual of at least 18 years of age; and employment on drilling or servicing rigs.

Enforcement

Every jurisdiction provides for enforcement of these statutes, generally through the inspection services of their labour department.

For example, in Ontario where it is unlawful, under the *Ontario Health and Safety Act*, to employ workers who are under the minimum age, as prescribed, the legislation is enforced by professional inspectors administered by the Ministry of Labour. Violation of the law may result in compliance orders issued by the Inspector and/or prosecution. If convicted on prosecution, the maximum fines are \$25,000 and/or one year imprisonment for a person, and \$500,000 for a corporation.

Quebec

All these laws concern children, i.e. persons less than 18 years old. Article 153 of the Civil Code of Quebec establishes 18 years as the age of adulthood. This provision is complemented, as regards employment, by Articles 156 and 220 of the Civil Code of Quebec which reads thus:

Article 156A. Minor aged 14 years or older is considered an adult regarding all acts related to his employment or the exercise of his art or of his profession.

[...]

Article 220. The minor manages the product of his work and allowances paid to him to meet ordinary and usual needs.

When the income of the minor is substantial or the circumstances so justify, the Court may, after having obtained the advice of the Guardian and, if need be, of the Guardianship Council, fix the sums of money which the minor may personally manage. The Court shall take into account the age and judgmental capacity of the minor, the general conditions of his upkeep and education, as well as his maintenance obligations and those of his parents.

Generally, a comparative analysis of legislation allows one to distinguish two main approaches.

A first approach, universal, tends to fix a general minimum age for admission to employment or work. The principle is that below a certain age, it is forbidden to work. Then, in a second stage, legislation is reinforced by banning work during hours of school. Finally, if legislative wishes to be more restrictive, it limits the daily or weekly duration of work during the school year. In the same way, legislation fixes a higher minimum age for reasons which are more frequently linked to health and safety or to the physical and psychological development of youth.

On the other hand, legislation authorizes certain types of “light work” below the minimum age fixed by law. Finally, certain categories of employment are excluded when it is difficult to apply the law (family businesses, care-taking, home work). This is the approach advocated by Convention No. 138.

A second approach, more selective, is not to fix a general age of admission to employment. In this case, the principle is that child labour is permitted, except if it is prohibited for different reasons, often the same as in the first approach (academic success, occupational safety and health, development of the child). Legislation in North America is generally in this direction. Quebec legislation on child labour corresponds more to this approach.

Despite the fundamental difference between the two approaches, examination of the very large variety of mechanisms put in place in several countries indicates that the combination of rights granted to children and restrictions which are placed on them does not necessarily produce very different results.

It nevertheless remains a question of principle which approach to favour.

In Quebec, Article 156 of the new Civil Code of Quebec in force since 1 January 1994 establishes the capacity of a minor 14 years and older as regards the exercise of his civil rights.

Despite maintaining or re-enforcing certain protection, the provisions of the Code dealing with employment or work of the minor reveal the degree of autonomy that the legislator permits the child in the exercise of his rights and the related responsibilities.

This consideration has been very important in the elaboration of Bill No. 50 concerning parental consent only for children less than 14 years old. However, the principle of autonomy thus granted to the minor for the purpose of work and his employment is not absolute. As we have mentioned earlier, several sectoral laws limit access to employment for three principle reasons: the need for basic education, the risks likely to endanger health or safety and, finally, when there is a reasonable ground to believe that the safety or development of a child is compromised.

Thus, Quebec legislation authorizes child labour while respecting the child's dignity and apprenticeship of autonomy and confirms the importance of the parents' role in the development of children. On the other hand, Quebec legislation establishes mechanisms for specific interventions for the protection of the interests of children when circumstances so require.

We attach to Annex 1 an exhaustive listing of Quebec legislation with regard to the age of admission to employment (not reproduced). This annex comprises legislation in force as at 30 June 1999, and includes Bill No. 50. The Regulation is that in force as at 1 March 1999.

Assessment of the factual situation

See the following information and reference documents providing indicators and statistical information on school attendance, youth employment and other related issues.

Canada-wide

- *Youth (15-19 years) at Work in Canada*, Research Report, Canadian Council on Social Development Ottawa, 1998. This report which provides many useful statistics, indicates inter alia that in growing numbers Canada's youth are staying in school for a longer period of time and that even at 18 years of age 75 per cent were in school in 1995. The report also indicates that the majority of Canadian students who have a part-time job work less than 15 hours per week.
- The Statistics Canada publication, *Education in Canada*, 1998, indicates similarly high overall school attendance e.g. about 99 per cent to 14 years, 96 per cent at 15, 92 per cent at 16.

Provinces and territories

Alberta

Complaints about the use of child labour are rare. About 12 years ago complaints were received that resulted in the prosecution of an individual who recruited persons under 15 to sell chocolate bars door to door. A conviction was obtained and a fine levied. The Government has just recently commenced a prosecution against another company on a similar charge of hiring individuals under 15 to sell packaged candy door to door. Maximum fine for a conviction is \$100,000.

Potential locations for offences in this area are major fairs and carnivals. It is the Government's practice to assign an officer to the two biggest events in Alberta — Klondike Days in Edmonton and the Calgary Stampede — to ensure adherence to the legislation. The officer checks details such as the age of employees. Event organizers have

been very cooperative and any violations have been dealt with expeditiously without the need for any further action. This activity has never required the taking of any legal action.

Newfoundland

The province's Labour Standards Division tracks complaints by type including employment of under-aged workers. During the last ten years, only two such cases have been reported.

Nova Scotia

The province has provided the following statistical information:

- The population of Nova Scotia in 1998: 934,237.
- Labour force in 1998: 452,100; Employment 1998: 403,700.
- Age of compulsory schooling: ages 5-16.
- School enrolment rate: (1994-95 data): age 16: 93 per cent ; age 17: 89 per cent; age 18: 38 per cent.
- Number of cases of child labour that have been the subject of a complaint and legal action, and sanctions imposed: 0.

For information on education participation rates for the provinces of New Brunswick, Newfoundland, Nova Scotia, and Prince Edward Island, see the attached *Education Indicators for Atlantic Canada*, Atlantic Provinces Education Fund, Halifax, Nova Scotia 1996 (not reproduced).

Quebec

General statistics

To date, few studies have been done concerning child labour. However, we attach to this report a survey by the Ministry of Education in 1991³ of secondary school children regarding the life-style of young people. Although the survey was done some years ago, nothing would suggest that the current situation is very different. In view of the object of Convention No. 138, the most pertinent data concern time devoted to work per age group (table 2), per school class (table 1), the kind of work performed (table 11), as well as dividing school children according to the different indicators of safety at work and the type of employment (table 20) (tables not reproduced).

Specific statistics

The data have been disaggregated according to different age groups best corresponding to the provisions of the Convention: children less than 13 years of age; children between the ages of 14 and 15; children aged 16 and 17 years.

As regards working conditions, see Annex 2 (not reproduced).

Concerning occupational safety and health, see Annex 3 (not reproduced).

³ Dumas, Suzanne and Beauchesne, Claude, *Etudier et travailler (Study and work)*, survey conducted of young persons in secondary school on paid work during the school year, Ministry of Education, Research Department, February 1993.

Finally, the number of complaints to the Director of the protection of youth in cases where a child is forced or incited to do work disproportionate to the child's capacities or to perform in an unacceptable manner in a show, considering the child's age, is relatively few in the context of the total number of interventions of the youth centres of Quebec (see Annex 4) (not reproduced).

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

The Government of Canada has made children's rights a priority both in its domestic programmes and its foreign policy. Canada has also been a strong supporter of multilateral action on the issue of child labour and has contributed to the ILO's Programme for the Elimination of Child Labour (IPEC). In the October 1999 Speech from the Throne, the Canadian Government committed to "work to reach key international agreements to protect the rights of children" and "champion efforts to eliminate the exploitation of children, including the use of child soldiers in armed conflict ...". The Government also indicated in the Throne Speech that:

Federal, provincial and territorial governments are developing together the National Children's Agenda. As part of this work, it is the Government's objective to reach an agreement among governments by December 2000 on a national plan to further support parents and families. This plan will be consistent with the Social Union Framework Agreement. It will set out common principles, objectives and fiscal parameters for all governments to increase resources and further strengthen supports for early childhood development.

Labour inspection is ensured on the basis of various enactments.

Inspection of the conditions of work is governed by the Law on labour standards. This law establishes minimum working conditions for all sectors of economic activity. The Commission on labour standards supervises the implementation and application of labour standards. It must, in particular, inform the public about labour standards, receive workers' complaints and indemnify them in the manner foreseen by law and the regulations and attempt to bring employers and workers to a common understanding.(Article 5). Upon receipt of a complaint, the Commission makes a careful enquiry (Article 105). The Commission can also make an enquiry on its own initiative (Article 106).

In the case of violation of the law, the offence is subject to a fine of \$600 to \$1,200 and, for any repetition, a fine of \$1,200 to \$6,000 (Article 140).

Quebec

As regards the protection of female and male workers in the exercise of their profession, the relevant provisions are to be found in the Law on occupational safety and health. Its objective is the elimination, at the very source, of hazards to health, safety and physical integrity of all workers, without distinction as to age (Article 2). The law also provides that an employer cannot have work carried out by a worker who has not reached the statutory age for executing such work (Article 53). As a corollary, the law empowers the Commission for occupational safety and health to make regulations for setting the minimum age for workers to execute a particular job (Article 153). The regulations fixing a minimum age for executing certain types of work are to be found mainly in the Code of safety for construction works, in the Regulation on industrial and commercial establishments, and in the Regulation on occupational safety and health in mines.

In case of violation of the law, the offence is punishable by a fine of at least \$200 and at most \$500 if it is an individual, and a fine of at least \$500 and at most \$1,000 in the case of a corporation. In the event of a repetition of the offence, fines are a minimum \$500 and a maximum of \$1,000 in the case of an individual and a maximum of \$2,000 in the case of a corporation (Article 236).

Whoever, by act of commission or omission, acts in a manner as to directly and seriously jeopardize the health, safety or physical integrity of a worker is liable to a fine of at least \$500 and at most \$1,000, in the case of an individual, or a fine of at least \$5,000 and at most \$20,000 in the case of a corporation. In the event of repetition of the offence, fines are a minimum of \$1,000 and a maximum of \$2,000 in the case of an individual, and a minimum of \$10,000 and a maximum of \$50,000 in the case of a corporation (Article 237).

Moreover, for the purposes of the Law on the protection of youth, safety or development of the child is considered to be compromised if the child is forced or incited to beg, to do work disproportionate to the child's capacity or to be part of a show in a manner unacceptable having regard to the age of the child (Article 38(f)). The safety or development of a child can be considered compromised if the child is of school age and does not go to school or is frequently absent from school without reason (Article 38.1(b)). Any person having a reasonable ground to believe that the safety or development of a child is susceptible of being compromised, who is expected by law to point out the situation to the director of youth protection and who fails to do so is liable to a fine of between \$250 and \$2,500 (Article 134).

Article 84.2 of the previously mentioned Bill No. 50 would ensure protection complementary to that granted by the law (on youth protection). Indeed, that law permits the director of youth protection to intervene at the level of the child's family environment but does not give him competence to intervene vis-à-vis the child's employer. The adoption of Article 84.2 would therefore permit the Commission of labour standards to have a role complementary to that of the director of youth protection for intervening at the level of the child's employer.

Finally, with the objective of ensuring children a basic education, the Law on public education forbids the employment of a school child during school hours when the child is subject to the obligation to attend school (Article 6). Whoever contravenes Article 16 is liable to a fine of \$100 to \$200 (Article 486).

In this regard, we should mention also that the Bill No. 50 would transfer this prohibition to the Law on labour standards. Employers are better acquainted with legislation and would be better placed to adhere to it or have their representatives do so. The Bill goes further as regards this prohibition addressed to employers, who would be obliged to so design their working hours so that children can be at school during school hours. It is not a question solely of children under 14 years of age, but of all children having to attend school in terms of the Law on public education.

In 1992, the Family Council and the Family Secretariat as well as the Federation of Parent Committees of the province of Quebec, published a companion Guide intended for parents concerning part-time work of secondary school students.

It was suggested that, during days of school attendance, parents should:

- ban the child from doing night work;
- limit paid work by the child to 10 hours weekly, the period of work varying with the age of the child;

- restrict child labour to 2 to 3 days per week;
- limit work to 2 to 3 hours per day;
- avoid having the child do night work, especially after 9 p.m.;

A copy of this Guide is attached as Annex 5 (not reproduced).

Policy concerning youth working elaborated jointly by the Central for Education of Quebec and the Employer Council of Quebec

Elaborated in September 1996, this policy concerns persons less than 16 years of age working for one or several employers, with the exception of occasional work (baby-sitting, lawn mowing, etc.) or limited to the family context.

Adherence to this policy is of course voluntary. The policy proposes commitments which can be regrouped under the following themes:

- age of employment;
- duration, working time and conditions of work.

In order to better make known to young people the employment conditions governing them, the Commission on labour standards has paid special attention, in recent years, to young persons of school age. Since spring 1994, in collaboration with the Minister of Education and the school environment, the Commission has launched campaigns to raise awareness of the Law on labour standards. Moreover, in 1997, the Commission put at the disposal of secondary-school teachers a pedagogical tool which informs young people about labour standards.

In view of its mandate to inform the public of labour standards, the Commission has the experience necessary to inform employers, through announcements in the press and by radio. The Commission is moreover already committed to organizing an information campaign to inform the groups targeted, particularly children in schools, of the changes proposed in the Bill No. 50 to the Law on labour standards.

The Commission on occupational safety and health works closely with the Ministry of Education (MEQ) to ensure the integration of occupational safety and health into the curriculum.

Since school is an ideal location to reach out to future workers and employers, the programme of Personal and social training (FPS) makes awareness-raising possible among young people.

Here are some examples of actions addressed to young secondary school children:

- *What every student-worker should know*, supplement to the magazine *Prevention at work*, is a dossier informing young people about their rights and obligations. It has been distributed at schools since 1990.
- *First employment, prevention that exists!* is a video presentation targeted to 15-year-olds. Produced in 1993, in collaboration with the MEQ, it uses teaching material to achieve the objectives of the Personal and social training programme (FPS) by giving young people the opportunity to question what to do to ensure safety and integrate prevention into their daily activities.
- *Young people, employment and prevention*, a special notebook by the Youth Magazine, prepared with the MEQ in 1995. This magazine, which has a circulation of

more than 60,000, is used in class by Personal and social training programme teachers and reaches out to more than 400,000 youths in secondary school.

- *Game Mission Possible*, created in 1996, is a role-game designed for young persons in the 5th grade in secondary school. It facilitates discovering the basic principles of prevention, within the Personal and social training programme.

For the school year 1997-98, 26 scholarships valued at \$1,000 are available through the class game. These scholarships allow pupils to do a summer training programme in the regional offices of the Commission.

As regards technical and vocational training, an awareness campaign targeting teaching staff and managers was organized jointly with the MEQ in the recent past. The Federation of School Commissions and the Quebec Central Office of Education have been associated with the production of material designed for this purpose.

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

Copies of this report were sent to the following organizations:

- Canadian Employers' Council;
- Canadian Labour Congress;
- Confédération des syndicats nationaux.

Observations received from employers' and workers' organizations

Federal Government

No observations were received.

Quebec

In the month of November 1998, the Workers' Federation of Quebec adopted a resolution to exert pressure on the Government of Quebec to comply with the ILO's Convention No.138 by amending the Law on labour standards.

Annexes (not reproduced)

- Minimum age for employment
- *Rapport du Québec* (in French only)
- Youth at work in Canada : A research report
- Education in Canada, 1998
- Education indicators for Atlantic Canada
- *Projet de loi n° 50 — Loi modifiant la Loi sur les normes du travail et d'autres dispositions législatives concernant le travail des enfants* (in French only)
- *Loi sur les Normes du Travail* (in French only)

- *Droit Québécois relatif au travail des enfants et à l'obligation de fréquentation scolaire* (in French only)
- *Etudier et travailler? Enquête auprès des élèves du secondaire sur le travail rémunéré durant l'année scolaire* (in French only)
- Statistical sheet on population, size of labour force, etc.

Cape Verde

Means of assessing the situation

Assessment of the institutional context

Title VII of Cape Verdean labour legislation addresses the subject of child labour (see annex — not reproduced).

Article 87 of the Constitution prohibits child labour during the age of compulsory schooling.

The Code of Minors states “Except where provided otherwise in special legislation no minor may be admitted to any form of employment or occupation until he has reached the age of 14 years”.

Article 5.2 of the general legal scheme governing labour relations establishes that all work performed by anyone under the age of 14 years is invalid.

Article 160 of the general legal scheme governing labour relations provides that the Government will determine the activities that must be prohibited for child workers, in order to protect their physical, mental and psychological development.

There are no specific categories of work in economic or employment sectors that are excluded from the implementation of the principle relating to child labour. Legislation protects the rights and interests of children by not allowing them to perform any type of labour activity under the age of 14 years.

No legislation differentiates these forms of work (light or heavy).

Assessment of the factual situation

Please find attached the information relating to the assessment of the factual situation (not reproduced).

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

The Government has taken measures to protect and safeguard the interests and rights of families and children. These measures are contained in the Constitution, the Family Code, the Code of Minors and the Cape Verdean Statute of Minors.

The Government has promoted coordination among various sectors and entities in order to discover the best possible ways of solving the problems affecting family development, with special attention to the problem of child labour.

The Government has developed awareness campaigns in conjunction with workers' and employers' organizations and with civil society in relation to the employment of child manpower, in its worst forms.

Colombia

Means of assessing the situation

Assessment of the institutional context

Act 515 of 4 August 1999, ratified Minimum Age Convention No. 138. Colombia has undertaken progressively to abolish child labour and to protect working minors; the various sectors of society have common objectives and goals, and specific programmes are currently being developed to counter child labour and to rescue and protect working children (under 14 years of age) and young people working in harmful and dangerous activities (between 14 and 18 years of age).

In this task, Colombia is receiving the cooperation of a number of United Nations agencies, notably UNICEF and the ILO. This takes the form, in the latter case, of the IPEC programme which, since May 1996, has been providing technical and financial assistance for the development of national policy in this regard.

Existing initiatives on the part of different sectors of society are currently being strengthened and mechanisms are being established to guarantee that they can be sustained over time.

The Declaration on the Rights of Child, which was adopted and proclaimed by the United Nations General Assembly in 1948, embodied the right of children to be protected from all forms of exploitation. The Political Constitution of Colombia, in turn, embodies the principles and fundamental rights of children to be protected from any form of employment or financial exploitation and from high risk jobs, preventing them from attending a centre of formal education or affecting their physical or moral development; it further provides that they should be protected against any form of abandonment, physical or moral violence, kidnapping, sale and sexual abuse.

The Political Constitution of Colombia adopts a new approach to remedy the previous irregular situation, establishing new practical approaches in regard to children on the legal, political, social and institutional fronts; it is apparent that it goes beyond the confines of institutional and subsidiary protection by the State and those of the standards laid down in legislation.

Core legislation relating to children is contained in Decree 2737 of 1989, Minors' Code, which consists of a harmonious compilation of children's fundamental rights and determines the principles underpinning their protection, together with institutional, social and family responsibilities, with Chapter IX devoted to child labour, in conditions authorized by law and laying down provisions relating to work authorization, working hours, pay, types of work, independent worker status, associated work, social security, oversight and penalties.

The international law relating to children that is applicable in Colombia is contained primarily in:

- The Universal Declaration on Human Rights, adopted and proclaimed by the United Nations General Assembly on 10 December 1948.
- The Declaration on Children's Rights, proclaimed by the United Nations General Assembly on 20 November 1959.
- Convention No. 5 which establishes the minimum age of 14 years for the admission of children to industrial jobs, adopted by the International Labour Conference, Washington 1919 — Act 129, 1931.
- Convention No. 7 establishing the minimum age of admission of children to work connected with the sea, adopted by the International Labour Conference in Genoa in 1920 — Act 129, 1931.
- Convention No. 10 relating to minimum age of admission of children to agricultural work, adopted by the International Labour Conference in Geneva 1921 — Act 129, 1931.
- Convention No. 15 establishing the minimum age of admission to employment as trimmers and stokers, adopted by the International Labour Conference, Geneva 1921 — Act 129, 1931.¹
- The National Development Plan, pursuant to Act 188, 1995, extends the protection of children and minors in irregular situations.
- ILO Convention No. 138, regarding the minimum age of admission to employment, 26 June 1973, adopted by the Congress of the Republic under Act 515 of 1999 and which is currently undergoing ratification, will ultimately replace the Minors' Code with the proposed introduction of 15 years as the minimum age of admission to employment, to coincide with the age of completion of the basic education structure laid down in the Constitution.

The above overview of legislation reveals that, in the last ten years, advances have been made in providing greater protection under legislation to working children and adolescents, thereby improving their circumstances. This demonstrates the concern that exists with protecting the rights of working minors.

In May 1997, the I Ministerial Level Tripartite Iberoamerican Meeting on the Abolition of Child Labour was held in the city of Cartagena de Indias, and was attended by the Ministers of Labour of over 20 countries, for the purpose of concluding agreements regarding the formulation of economic and social policies to achieve the effective abolition of child labour.

These agreements focused on:

- Reducing poverty and equitably distributing access to quality universal education.
- Developing national plans and programmes of action to abolish child labour, particularly in its most intolerable forms.
- Developing concrete programmes by organizations of employers and workers.
- Establishing a regional information system on child labour.
- Strengthening entities of coordination and exchange of experiences at the regional level.

Colombia also participated, in November 1998, in the Fourth Ministerial Meeting of the Americas on Children and Social Policy, in Lima (Peru), in which commitments to combat

the existing situation were renewed and extended, as were those relating to social investment to achieve the integral improvement of the life and well-being of children.

The Plan of Action has concentrated on removing children and young people from harmful and dangerous jobs. Decree 2737 of 1989, Minors' Code, devotes Chapter IX to working minors, and lays down the guiding principles underpinning integral protection and areas of responsibility and procedures for guaranteeing the rights and integral development of children.

Decree 2737 of 1989 provides the definition of a working minor (article 237) as "all individuals under the age of 12 years in any situation of working activity". It establishes that a minor who wishes to work requires written authorization issued by the Labour Inspector or, alternatively, the most senior local authority.

It goes on to prohibit those of under 14 years of age from working and parents must ensure that they attend school. However, exceptionally, minors of 12 years may be authorized by the competent authorities to work, subject to restrictions laid down in the Code.

National legislation specifies 14 years as the minimum age of entry into employment, with restrictions in terms of hours of work and type of activity to be carried out (article 242).

Minors between 12 and 14 years of age may work a maximum of four hours per day, executing light tasks. Minors between 14 and 16 years of age may work a maximum of six hours per day. Minors between 16 and 18 years of age may not work more than eight hours per day. Night work is prohibited for all working minors. However, minors between the ages of 16 and 18 may be authorized to work until 8 p.m., provided that this does not interfere with regular school attendance and is not harmful to their physical or moral health.

Jobs that are prohibited or permitted subject to restrictions

Minors may not be engaged in jobs that involve any possibility of harm to their physical, mental or moral well-being (articles 245 and 246).

A series of jobs exist which, while they are permitted, are subject to restrictions which must be stringently observed both by the minors and by the employers.

Oversight and penalties

The Ministry of Labour carries out these functions through its inspection and oversight officials who impose the respective penalties on those who infringe the regulations in force regarding working minors. In the case of companies which endanger the life of a minor or which proceed in a manner counter to morality or accepted standards of behaviour, are subject to a penalty of temporary or permanent closure of the establishment, depending on the seriousness of the offence.

Special standards apply in criminal law, such as Act 360 of 1997, which criminalizes child pornography and increases the sentences applicable for sexual offences.

Decree 1128 of 1999, relating to the restructuring of the Ministry of Labour and Social Security, established the Special Employment Inspection, Oversight and Monitoring Unit within the Ministry of Labour and Social Security, with administrative, technical and financial autonomy.

The functions of this Special Unit include those of guiding, coordinating, developing and assessing activities in the area of prevention, inspection, oversight and monitoring throughout the country with a view to guaranteeing compliance with legal, regulatory and treaty standards in connection with work, employment and social security in both the public and private sectors.

Assessment of the factual situation

Statistical information regarding working minors in connection with permits, authorizations and violations of standards, as reported by the different regions

Studies have been carried out in Colombia which provide some insight into the nature of the existing problem, but it was not until 1992 that a module was included in the National Households Survey to gather urban information on working minors under 12 years of age. The study ascertained the number of children in work and the number participating in domestic tasks and in secondary rural activities.

The National Planning Department, the Ministry of Health, the Colombian Institute of Family Well-being and the National Statistics Department, with the collaboration of the Ministry of Labour and Social Security and of the Presidential Social Policy Advisory Office, developed a survey on children and adolescents which was carried out in 13,000 households with minors under the age of 18 years through the National Household Survey of 1996.

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

Through the Ministry of Labour and Social Security, the Government and other competent national bodies participate in a comprehensive manner in the sectors and communities affected by this scourge, with a view to abolishing the most extreme and/or harmful forms of child labour and protecting working minors.

ILO's activities:

- Participation in the Technical Committee for assessing research projects funded by the IPEC.
- Participation in formulating programmes to sensitize educators, headed by the Ministry of Education and the ILO.
- Participation in the formulation and compilation of material for the Caja Viajera as a means of disseminating written and audio-visual material on child labour policies and projects in the sector.
- Participation in two seminars, in Santafé de Bogotá and Cartagena, on amendments proposed by the ILO for all countries, in connection with gathering information on child and adolescent labour through the National Households Survey.
- Organization of three sessions of talks between working minors and local authorities in the cities of Bucaramanga, Armenia and Caicedonia.
- Organization of awareness-raising and training workshops for parents and the educational community with a view to involving citizens in supporting the abolition of child labour and protecting working minors.

The National Development Plans 1998-2002 include specific goals and strategies to provide integral protection for children and to guarantee the full exercise of their rights, in conjunction with the strengthening of legal child protection frameworks.

One of Colombia's specific aims has been progressively to abolish child labour (under 14 years) and protect working minors (14 to 17 years).

Decree No. 859 of 1995 was issued with a view to integrating and boosting the activities of different sectors of society. It provided for the establishment of the Inter-Institutional Committee responsible for formulating and developing policies and programmes leading to the abolition of child labour and the protection of working minors, with the support of the ILO. The National Plan of Action in this sphere was drawn up on the basis of an analysis of trends, the extent of child labour in the country and inter-institutional endeavours to prevent child labour and to rescue working children and to safeguard and improve the working conditions of young people.

The main objectives laid down in this Plan are:

- To strengthen the educational system in such a way as to ensure attendance of children at least until they have completed their basic education and to develop training programmes for jobs intended for 14 year old workers.
- To guarantee the right to health for all children within their families and to guarantee access to full social security (health, pensions and occupational hazards insurance, for workers over 14 years).
- Support for the poorest families, in the areas of economic productivity and of offering affection to children.
- Actively to seek to identify children engaged in harmful or dangerous jobs in order to ensure that they are fully protected.
- To strengthen national legislation and mechanisms guaranteeing its implementation.
- Up-to-date knowledge of the child labour situation at the national and local levels.
- Establishment and/or strengthening of bodies responsible for developing policy to abolish child labour.

Strategies:

- Institutional capacity building and definition and promotion of public policies.
- Analysis of the existing situation.
- Social mobilization.
- Legislative development.
- Support to the world movement to abolish child labour.
- Direct action.

ILO Convention No. 138, which was adopted under Law 515 of 4 August 1999, has proved a valuable instrument throughout this process, serving as a general standard and contributing to the endeavour to abolish child labour and progressively to raise the minimum age of entry into employment or work to a level which ensures the full physical, mental and moral development of children.

In its commitment progressively to abolish child labour and to protect working minors, Colombia has received the assistance of UNICEF and the ILO, to combat a situation which

is not peculiar to our country and must be viewed within the socio-economic context of a developing country. Colombia therefore hopes to continue to receive technical cooperation in order to ensure that the mechanisms that are being set up to achieve this objective can be strengthened over time.

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

Employers' organizations:

- National Association of Manufacturers — ANDI
- National Federation of Merchants — FENALC
- Colombian Farmers' Society — SAC
- People's Colombian Association of Manufacturers — ACOPI

Workers' organizations:

- Single Confederation of Workers of Colombia — CUT
- General Confederation of Democratic Workers — CGT
- Confederation of Workers of Colombia — CTC

Observations received from employers' and workers' organizations

No comments have been received.

Czech Republic

Means of assessing the situation

Assessment of the institutional context

The principle and concept of “abolition of child labour” is not explicitly mentioned in the Czech legislation. According to section 11 of the Labour Code (Act No. 65/1965) a person can be employed only when he/she reaches 15 years.

The Czech Republic also ratified the Convention of the Rights of the Child, which in its Article 32 deals with child labour, as well as Article 7 of the European Social Charter.

The minimum age for admission to employment is generally 15 years, after completing compulsory school attendance. According to section 34 of the School Act No. 29/1984 compulsory school attendance lasts nine years and it usually starts at the beginning of the school year when the child reaches 6 years.

Appropriate types of work which can be performed by individuals who are 15 years old but have not completed compulsory school attendance are, in addition to “socially beneficial work” performed by students under the School Act, other work which does not harm pupils' health and development and does not prevent them from preparing (studying) for their future occupation (section 1 of the Government Decree No. 108/1994).

The age limit for engaging in dangerous work is set at 18 years. According to section 163 of the Labour Code employers are required to create favourable conditions for the general development of the physical and intellectual abilities of adolescents by making special adjustment to their working conditions. The employer must cooperate closely with an adolescent's family in resolving important issues relating to adolescents. Employers may employ adolescents only in jobs which are suitable to their physical or intellectual development, and should extend a heightened level of care to adolescents at work; the same applies to schools or social organizations if, in their participation in the upbringing of youth, they organize work for adolescents.

In 1997 the Ministry of Health of the Czech Republic issued Notification No. 261/1997, as amended by Decree No. 185/1998, which indicates works (jobs) and working places forbidden to all women, pregnant women, mothers till the end of the ninth month after childbirth and adolescents and conditions under which adolescents can exceptionally do this work for professional training reasons.

The Labour Code, which lays down the age limit of 15 years for admission to employment, applies to all labour relationships between employer and employee, generally speaking. According to section 137 of the Labour Code, the provisions of Part Two, Chapter V (Occupational Safety and Health Protection), shall apply as appropriate to:

- (a) employers who are individuals and who work themselves as well;
- (b) individuals who run a business according to other statutory provisions and do not employ others;
- (c) spouses or children of one of the persons mentioned in (a) or (b) who work with that person.

Conditions of light work are laid down only in general terms in section 1 of the Government Decree No. 108/1994 which implemented the Labour Code and in section 23 of School Act No. 29/1984.

Inspection under Employment Act No. 1/1991 is carried out by the state employment authorities (labour offices) as determined by law. The inspection authorities particularly supervise observance of the labour law provisions (that is provisions on employment relationship and working conditions according to the Labour Code, Employment Act, Wages Act, Salary Act, etc.) by employers, with the exception of working conditions relating to occupational safety and protection of health at work.

The competent trade union organizations are also entitled to check compliance with statutory employment provisions, within the scope stipulated in the Labour Code.

In accordance with Act No. 174/1968 on the State Professional Inspection of Occupational Safety and Safety of Technical Equipment, the implementation of statutory conditions of work is carried out by the state inspection of occupational safety bodies, and specifically by the Czech Occupational Safety Office and by its regional occupational safety inspectorates. These inspectorates are engaged, besides in occupational safety and health issues, in supervising the implementation of legislation relating to working conditions of women and adolescents, working time, etc. The jurisdiction of state inspection bodies covers all employers (legal and natural persons) engaged in business activities — with several exemptions (workplaces) placed under inspection activities carried out by the State Administration of Mines and workplaces in the sectors of national defence, transport and communications.

Generally speaking, childcare is the domain supervised by District Social Policy Officers.

Recently, the Government approved the draft Act concerning social and legal protection of children and the corresponding Bill is now under discussion in Parliament. In connection with the said Bill, there are also plans to amend Act No. 200/1990 concerning minor offences to the effect that employment of a child in physical work not commensurate with his/her physical and mental development will also be treated as offence. Such offences will be punishable with a penalty of up to CZK10,000.

Section 216a of the Penal Code, concerning trafficking in children, states that a person *who confides his or her child to the custody of someone else for financial gain for adoption, exploitation of child labour, or a similar purpose, shall be punished by imprisonment up to three years of duration, or by a fine.* Imprisonment of between two to eight years will be applicable to the person who commits this offence as a member of an organized group, or to the person who draws a considerable benefit from his/her action. Finally, imprisonment between three and ten years will be applicable to persons found to cause a serious harm, death or other very serious effect by the action referred to above.

Czech labour and social legislation places great emphasis on the protection of young people, i.e. persons who have completed their compulsory education and entered an employment relationship. Protection of this group is essentially in conformity with the requirements contained in the Convention on the Right of the Child, the European Social Charter, in the ILO Convention No. 138 and EC Directive No. 94/33/EC.

However, the present legislation does not regulate, to a sufficient extent, two issues concerning child labour.

Firstly, there is no legislation in respect of work performed by children in other than regular employment relationship (e.g. working in family undertakings) in respect of persons of less than 15 years of age. During the period prior to the adoption of the Labour Code, i.e. until 1965, Act No. 420/1919 on child labour, adopted on 17 July 1919 by the Czechoslovak Republic National Assembly, contained detailed provisions on child labour. The present legislation continues to be based on assumptions which were valid under the previous social order, where private businesses did not exist and child labour in any practical form was virtually non-existent. However, the fact is that the rapid development of small and medium-sized enterprises led to a situation, which is probably similar to that experienced in most EU Member countries, that children under 15 years of age (as a rule those of 13 and 14 years of age) are engaged in various types of work, or regularly perform certain tasks in small private enterprises, in particular family enterprises, in such sectors as agriculture, crafts or services. In the Czech Republic, the consideration as to whether a child may or may not carry out these activities is so far, in the hands of his/her parents.

Secondly, there is no legislation concerning the performance of work-related activities by children in the area of culture, artistic performance, sports and/or advertising. In this case, too, it is up the parents to decide whether consent will be given to the conclusion of a contract on the basis of which a child will perform the planned activities. (The contract in question may be concluded under the Civil Code or under the Intellectual Property Act.)

In both of the cases referred to above there are no explicit regulations concerning the protection of the child (and adolescents without formal employment relationships) and where serious adverse effects in connection with child labour occur (for example child injuries), no adequate means of protection are available.

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

The Ministry of Labour and Social Affairs is fully aware of the importance and urgency of adopting legislation on child labour (concerning persons under 15 years of age) and a decision has been made to include in the legislative plan of the Ministry and of the Government the adoption of entirely new legislation and amendment of certain existing regulations. For this purpose the MLSA prepared a document defining requirements and conditions which have to be created to comply with the relevant international instruments on child labour (Convention No. 138, Directive 94/33/EC, Article 7 of the European Social Charter). An Inter-ministerial Commission is being established to consider the necessary and most appropriate form of legislative regulation of the issues concerned.

A special advisory body, the Council on Human Rights, was established by the Government in December 1998. Within that Council, there is a specialized section on the rights of the child where representatives of both Government and numerous non-government organizations dealing with protection of the child and independent experts are represented. Among them, for example, the foundation "Our child" is running a "safety" hot line, a fund for the care of vulnerable children, etc.).

The Czech Republic is seriously considering ratification of a new adopted Convention on Elimination of the Worst Forms of Child Labour. In April next year the proposal for ratification of this Convention will be submitted to the Government.

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

Copies of the present report have been communicated to the Czecho-Moravian Confederation of Trade Unions, the Confederation of Arts and Culture, the Confederation of Industry and Transport, and the Confederation of Unions of Employers and Entrepreneurs, i.e. the most representative organizations of employers and workers.

Observations received from employers' and workers' organizations

The Government has not received any observation on the follow-up measures from employers' and workers' organizations.

Democratic Republic of the Congo

Means of assessing the situation

Assessment of the institutional context

The principle is recognized in the Democratic Republic of the Congo. Legislative Ordinance No. 67/310 of 9 August 1967 providing the Labour Code provides the following in article 3, subsections (a) and (b): "It shall be prohibited to engage or maintain in service a person under 14 years of age, whereas it shall be prohibited to engage or maintain in service a person of 14 to 18 years of age if the person who exercises paternal authority or the authority of guardian over that person is against it."

Article 115 lays down the following general principle: “Children cannot be employed in a business, even as apprentices, before the age of 14.”

Children of 14 to 16 years of age may be employed in light salubrious work. This is provided in article 24 of Ministerial Order No. 68/13 of 17 May 1968 pertaining to the working conditions of women and children, whereas article 116 of the Labour Code provides the following:

Children must not perform work which could be beyond their strength; they must be assigned suitable jobs. The age of the end of compulsory schooling is not clearly defined in our legislation, but the State is under the obligation to provide primary school education for children and to ensure that every Congolese citizen can read, write and count (article 9 of Enabling Act No. 86/005 of 22 September 1986 concerning the national education system).

Article 115 of the enabling act provides the following: “education shall be compulsory for every Congolese child, male or female from 6 to 15 years of age”.

It is prohibited to assign children dangerous work. Articles 29 to 35 of Ministerial Order No. 68/13 of 17 May 1968 lay down the relevant conditions. However, admission to such employment is allowed as of the age of 18. The list of works considered dangerous or insalubrious is attached to the present report.

No category of jobs or work is excluded.

The exception to this prohibition — light works:

- which do not exceed four hours per day either on schooldays or holidays;
- which do not infringe the provisions in force concerning school education.

The labour inspectorate is the only body which carries out monitoring for the moment.

The trade unions have devoted attention to the issue and their conclusions will be conveyed in the next report.

Assessment of the factual situation

No statistics or information are available.

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

(a) Measures taken or planned to promote the principle are as follows:

(1) by the Government:

- the Government of the Democratic Republic of Congo needs the technical assistance of the ILO in order to broach this issue;
- it also needs the assistance of the IPEC (International Programme for the Elimination of Child Labour);
- action to raise awareness of the general public and institutions regarding the prohibition of child labour;

(2) by the Organization:

- although efforts have been made with UNDP/ILO collaboration to draw up a national project in the context of action to fight poverty, it is absolutely essential to set up a national IPEC network with the assistance of the ILO bringing together the NGOs, the workers' and employers' organizations, UNICEF and the Government (Ministry of the Civil Service, Labour and Social Security);
- (b) The Government's objectives:
 - to develop synergism between the Ministry of Social Affairs and the Family, the Ministry of Education, the Ministry of Youth Affairs, and the Ministry of the Civil Service, Labour and Social Security;
 - to promote respect of human dignity and the protection of vulnerable persons;
- (c) The conditions for achieving these objectives:
 - training for labour inspectors;
 - training for the officers who collect the statistical data;
 - in the context of technical cooperation, the Government hopes that the ILO will make the necessary financial and practical means available for drawing up an inventory of the situation;
 - action to raise the awareness of the employers' and workers' organizations regarding the negative and non-productive aspect of child labour;
 - action to promote the financing of the education system in order to make it accessible to all.

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

Employers

- (1) Federation of Enterprises of Congo (FEC)
2. National Association of Investment Enterprises (ANEP)
3. Confederation of Congolese small and medium-sized enterprises (COPEMECO)

Workers:

1. National Union of Workers of Congo (UNTC)
2. Trade Union Confederation of Congo (CSC)
3. Democratic Confederation of Labour of Congo (CDT)
4. Central InterProfessional Union of Workers and Professionals of Congo (SOLIDARITE)
5. Organisation of Unified Workers of Congo (OTUC)
6. Cooperation of Unions in Public and Private Enterprises in Congo (COOSEPP)

Observations received from employers' and workers' organizations

The present report has been drawn up with the collaboration of the FEC and the UNTC.

Annex (not reproduced)

Articles 26 to 38 of the Labour Code.

Eritrea

Eritrea ratified the Minimum Age Convention, 1973 (No. 138) on 15 October 1999. The relevant instrument of ratification has been sent to the ILO for official registration.

Meanwhile, this report has been prepared in consultation with social partners in order to assess the national situation of Eritrea and the Government's objectives to ensure respect, promotion and realization of the principle of the effective abolition of child labour.

[Note by the Office: Up to 31 January 2000, the original instruments of ratification of the abovementioned Conventions had not been registered with the Director-General of the ILO.]

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Eritrea. Eritrea ratified the UN Convention on the Rights of the Child, 1989 in 1995.

In terms of education, the National Constitution of Eritrea of 23 May 1997 (article 21.1) provides that every citizen shall have the right of equal access to publicly funded social services and that the State shall endeavour, within the limit of its resources, to make available to all citizens health, education, cultural and other social services.

Labour Proclamation No. 8/1991 forbids the employment of minors under 14 years of age (article 32.2, copy attached (not reproduced)) and the work of minors (under 18 years of age) after 10.00 p.m. or to engage them in dangerous work (article 32.4, copy attached (not reproduced)).

However, some provisions of this law are being revised by the Government, in consultation with social partners, in order to take into consideration the suggestions made by the ILO concerning the principle of the effective abolition of child labour. Further information in this respect will be provided once this revision process is completed.

The means of implementing the principle of the effective abolition of child labour are both administrative and legal, especially through judiciary and labour inspection, as well as Labour Proclamation No. 8/1991, under revision. Further information in this respect will be provided once this revision process is completed.

Assessment of the factual situation

Some limited surveys on various child issues were carried out in 1992, before independence, illustrating some cases of economic exploitation of children, including:

- (i) child labour and working children;
- (ii) children performing domestic work or working in rural areas;
- (iii) working children in the informal sector, such as petty traders and vendors;

- (iv) children working in factories; and
- (v) street children.

However, due to social mobility resulting from the independence of Eritrea in 1993 and subsequent social movements of people between Ethiopia and Eritrea, together with more than 65,000 displaced persons because of border disputes, the above surveys have become obsolete.

Therefore, a thorough and updated survey needs to be undertaken nationwide to assess the extent of child labour in the country.

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

In general terms, one objective of the Government, in accordance with its Macro-Policy document of November 1994, is to make basic education available to all; in this respect, universal primary education up to seven years will be gradually made available to all (cf. sections 13.1.1.c and 13.1.2.a of the Macro-Policy, copy attached (text not reproduced)).

Various measures are being undertaken by the Government and municipalities on child issues, including:

- (i) street Children Rehabilitation Programme, with various measures promoted, inter alia, by street educators";
- (ii) poverty alleviation programmes, with income-generating activities for poor parents in urban areas and a cash-for-work programme in rural areas;
- (iii) special support for women's literacy, income-generating schemes and increased participation and legal rights, taking into account the important flow-on effect between the social and economic situation of women and the welfare of children;
- (iv) special programmes in favour, inter alia, of child returnees carried out by the Eritrea Relief and Refugees Commission; and
- (v) a regular sensitization campaign on child issues, including special activities for the International Children's Day.

In August 1999 the ILO organized in Asmara a National Workshop on International Labour Standards and the 1998 ILO Declaration on Fundamental Principles and Rights at Work. Many officers from the MOLHW, other ministries, prisons as well as social partners, stakeholders and NGO members participated in this workshop which proved very useful in terms of awareness creation and training on international labour standards content and procedures.

In October 1999, a national tripartite delegation participated in the First African Regional Workshop on Promoting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up organized in Dakar, Senegal.

During the same period, the ILO EAMAT, Addis Ababa and ILO Cairo, has assisted the Government in defining its country objective programme under the Support for Policy and Programme Development (SPPD) Project in which the issue of child labour has been taken into consideration.

In November 1999, the Specialist on International Labour Standards briefed the DOL and social partners on the 1998 ILO Declaration and assisted the Government in preparing reports under the 1998 ILO Declaration in consultation with social partners.

UNICEF is providing training on child issues to government officials and is also supporting NGOs working in the field of children and youth, such as the National Youth and Students' Association and the National Eritrean Women's Association.

The National Youth and Students Association and the National Eritrean Women's Association are undertaking many actions in favour of child returnees, street children and child education in general.

As concerns child labour, the Government's main objective is to reduce and progressively eliminate this phenomenon, including in its worst forms.

Given that no updated and reliable survey has been done in this field, specific actions need to be undertaken in this respect, such as:

- (1) to sensitize policy-makers to understand the concept of child labour;
- (2) to collect information, statistics and data on the forms and extent of the child labour phenomenon;
- (3) to gather, assess and analyse data on child labour;
- (4) to enhance the application of the provisions of the Minimum Age Convention, 1973 (No. 138), and to consider the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182).

These considerations should be taken into account in the framework of a national survey, which will come up with recommendations for action in promoting the effective abolition of child labour in all its forms.

The national survey on child labour, together with its recommendations, should therefore be discussed in a national tripartite forum extended to stakeholders, NGOs and other relevant bodies, in order to define a national strategy to combat and progressively eliminate child labour, including in its worst forms.

This national strategy should involve:

- plan of action;
- targets;
- objectives;
- time frame;
- results;
- evaluation;
- follow-up actions, etc.

In order to successfully develop this strategy, the DOL needs to be trained and strengthened in its action to tackle child labour issues.

In addition, the Government would welcome any assistance from the ILO, including the development of a national project in the framework of the International Programme on the Elimination of Child Labour, IPEC.

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

A copy of this report has been sent to:

- the Eritrea Federation of Employers (EFE); and
- the National Confederation of Eritrean Workers (NCEW).

Observations received from employers' and workers' organizations

Any possible comments made by these organizations will be forwarded to the ILO upon receipt by the Government.

Annexes (not reproduced)

The National Constitution of Eritrea of 23 May 1997.

Labour Proclamation No. 8/1991 (available in Tigrinyan only).

Macro-Policy document, November 1994.

Estonia

Means of assessing the situation

Assessment of the institutional context

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

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

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

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

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

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

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

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

In sum, problems relating to child labour do not exist in Estonia. Practice, custom and the behaviour of employers, are in conformity with the principle of the abolition of child labour.

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

The problem of child labour does not exist. However, in cooperation with the UNDP Office in Tallinn, we plan to carry out research on child labour. If the research yields statistical evidence on the worst forms of child labour or bad working conditions, we shall draw up a programme on measures to overcome the problem.

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

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

Observations received from employers' and workers' organizations

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

Gambia

Means of assessing the situation

Assessment of the institutional context

The Gambia participated in the Tripartite Workshop on the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up mechanisms held in Dakar from 6 to 8 October 1999. The Dakar meeting agreed that participating countries fulfil the reporting obligations and complete the work initiated in Dakar. In that regard, the Department of State for Trade, Industry and Employment, which is responsible for labour matters and is the parent body of the Department of Labour, initiated tripartite consultation to solicit views from workers' and employers' representatives. The objective of the consultation is to seek input on the strategies that need to be adopted in implementing the Declaration and its attendant obligations.

Gambia has advanced in the ratification of the seven fundamental Conventions. As we write this report, the National Assembly of Gambia has included the ratification of the seven fundamental Conventions in the agenda of the next sitting of the National Assembly in two weeks. The Conventions have been approved for ratification by the Gambian Cabinet, the Ministry of Justice and the procedure leading to ratification involved extensive consultation with workers and employers as recommended in the relevant ILO Conventions and Recommendations.

Elimination of child labour is indeed recognised and practiced in Gambia.

It is recognized in Gambia through ratification of international instruments such as the UN Convention on the Rights of the Child and the African Charter on Children's Rights and relevant national laws.

Extent or limits: child labour is not defined in Gambia. Exceptions to the implementation of the principle include the *Almudu* phenomenon. *Almudu* are teenagers who adopt a person with knowledge of Islam and the Qur'an as their master teacher. In return, the youngsters will do light work for the master for their own feeding and for the upkeep of the informal school and the master teacher. This phenomenon has strong cultural underpinnings and debates on its elimination have evoked religious and cultural sensitivities.

Implementing agencies include Inspectorate Unit of the Department of Labour; legal instruments used are those specified in the laws of the Gambia and other national policies and legislation enacted by the National Assembly.

Assessment of the factual situation

There is a lack of accurate, timely and relevant statistics in this area.

Trends cannot be determined as statistics are lacking.

Information that could give a better assessment of the situation include the Gambia Poverty Study, the Background Information to the National Employment Policy and the Macroeconomic Framework 1998-2000 and the National Population Census 1993 Report.

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

Measures taken to promote the principle are: legislative enactment, ratification of the relevant international conventions. Planned activities form the strategies to be adopted and implemented.

Means deployed: as for the Government, there will be sensitisation of National Assembly members, members of the judiciary and policy-makers in the Government. Also, national workshops, symposia and mass sensitisation campaigns are planned if funding can be secured.

The objective of the Government will be to promote understanding of the principles, co-opt political leaders and policy-makers into the debate and seek their support for the formulation and implementation of national policies, programmes and projects.

Conditions needed to meet these objectives include technical cooperation (expert service for review of relevant laws), technical cooperation (financial support for strengthening the various implementing agencies in the Labour Administrative System), technical cooperation in the design and implementation of surveys, research and workshops/seminars.

Because of the progress made in the ratification process, it has been determined that Gambia should focus more on follow-up and implementation of the Declaration on Fundamental Principles and Rights at Work. Thus, the three parties (government, employers and workers) have consulted to develop plans for follow-up and implementation of such plans.

The plans envisaged will be undertaken in various organs such as legislature, civil society, executive (public administration and policy-making environment in government), the judiciary and law enforcement, employers and trade unions. It will also include institutional support and strengthening of the Department of Labour and the Employment Division of the Department of State for Trade, Industry and Employment. It will involve legislative reform (especially of Gambia Labour Laws) and enactment, mass awareness campaigns using among other things print and electronic media, research and publication, IEC strategies. The strategies, objectives, inputs and costs are annexed to this report.

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

The employers' organisation which has been sent a copy of this report is the Gambia Chamber of Commerce and Industry (GCCCI). The workers' organisations which have been sent this report include the Gambia Workers Union and the Gambia National Trade Union Congress.

Observations received from employers' and workers' organizations

Input has been received from workers' and employers' representatives.

Guinea-Bissau

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Guinea Bissau, in Act No. 2/86 of 5 April 1986, Chapter VIII, articles 146 ss (publication 2, Official Journal supplement No. 14/86).

Current legislation places the minimum age of admission to employment at approximately 14 years, upon completion of obligatory schooling, except in connection with vocational training.

The age limit for admission to work classified as dangerous is 18 years, i.e., any work which jeopardizes the physical or mental development of the child, particularly when undertaken in the absence of minimum health and safety conditions. No list exists of work considered to be dangerous.

Categories of jobs or work may be carried out within the family, where the child does not carry out a paid activity.

Light work may be carried out between the age of 13 and 15 years, such as car washing, sale of foodstuffs, etc.

Any violation of these provisions carries criminal sanctions through visits by the Labour Inspectorate to places of work. However, it is very difficult for inspectors to carry out inspections in the informal sector where cheap child labour is used. There is no court specifically for children, but the Family Court deals with any cases involving children.

Assessment of the factual situation

No specific statistics exist regarding child labour in different branches of activity. Child labour is concentrated for the most part in the informal sector. During the armed conflict, schools and the economy practically came to a standstill. This led to an increase in the number of street children, prostitution, drug trafficking, and even the use of children in armed conflicts. There is no vocational training school at the regional level.

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

The new General Labour Law, which has not yet been passed, focuses more closely on the matter of child labour. ILO Convention No. 138 has been submitted to the relevant authorities with a view to subsequent ratification.

In education, the support of religious institutions has been of fundamental importance, particularly catholic churches which have been very actively involved in teaching, providing basic education.

National NGOs have supported efforts to solve the question of children, including those who are the victims of armed conflict — ADPP, CIFAP, AMIC, S.O.S. (infantil), Cininbira, etc. receive support from foreign NGOs, such as Radda Barnem.

A working committee has been established to combat practices that are harmful to children, with the involvement of the different ministries dealing with social matters: Ministry of Health, Education, Labour, etc. A joint approach is adopted in endeavouring to eliminate threats to the health, safety, and morality of children.

Lastly, ILO assistance is received in the following spheres:

- increased technical assistance in drafting legislation;
- support to social institutions working with children;
- material and financial support to schools in setting up libraries;
- establishment of alternative leisure activities for children.

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

- National Union of Workers of Guinea (UNTG) — Trade Union Confederation;
- Independent trade unions;
- Chamber of Commerce, Industry and Agriculture.

Observations received from employers' and workers' organizations

A tripartite meeting is to be held to discuss ways of abolishing child labour in keeping with the principles of the new General Labour Law.

India

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in India. Eradication of child labour is one of the important objectives in our social policy. Accordingly, India has all along followed a proactive policy in the matter of tackling the problem of child labour. India has always stood for the constitutional, statutory and developmental measures that are required to eliminate child labour. The Constitution of India has recognized child labour as a form of exploitation. Article 24 of the Constitution prohibits employment of children below the age of 14 years in factories, mines and other hazardous employments.

Article 39 (Directive Principles) stipulates that the State should in particular direct its policy towards securing the health and strength of workers, men and women and the tender

age of children are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age and strength. The same article further directs that the children be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth be protected against exploitation and against moral and material abandonment. These articles have been complemented by article 45 (Directive Principles) which stipulates that the State should endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they reach the age of 14 years. Despite these constitutional provisions, India could not achieve much progress towards the eradication of child labour and compulsory education for all children.

India's judiciary, right up to the highest level has demonstrated its commitment against the practice of child labour. India's policy on child labour has evolved over the years in this backdrop. The International Labour Conference adopted a resolution in 1979 on child labour. The resolution called for a combination of efforts for the prohibition of child labour and measures for humanizing child labour wherever the same cannot be eliminated outright. In defence of the laudable constitutional provisions and in accordance with the letter and spirit of the resolution of 1979 adopted by the International Labour Conference, a National Policy on Child Labour was announced in 1987.

The Government of India has also enacted the Child Labour (Prohibition and Regulation) Act, 1986, which prohibits employment of children below the age of 14 years in certain occupations and processes which are hazardous. The Act also regulates conditions of work for children in employment, where they are not prohibited from working. The Supreme Court of India has expressed its concern about this age-old evil. In its judgement dated 10 December 1996 (Writ Petition (Civil) No. 465/1986), the Honourable Court gave certain directions regarding the manner in which children working in hazardous occupations are to be withdrawn from work and rehabilitated, as also the manner in which the working conditions of children working in non-hazardous occupations are to be regulated and improved.

The Government of India has passed many enactments such as the Factories Act 1948, Mines Act, Motor Transport Workers Act, etc. which prohibit employment of children below the age of 14 years in factories, mines and motor transport undertakings, etc. Similarly, the employment of children in hazardous occupations is prohibited under CL (P&R) Act.

Child labour has been defined in the Child Labour (Prohibition and Regulation) Act 1986. "Child" means a person who has not completed his or her fourteenth year of age. The India National Policy on Education, 1986 provides for free and compulsory education for all children up to the age of 14 years.

Dangerous work has not been defined under labour enactments. However, the Child Labour (P&R) Act prohibits employment of children in 13 occupations and 51 processes contained in Parts A&B of the Schedule to the Act. Under section 5 of the Child Labour (P&R) Act 1986, the central Government is empowered to constitute a Child Labour Technical Advisory Committee for the purpose of making recommendations to the Government for addition of occupations and processes in the Schedule to the Act.

The Child Labour (P&R) Act, 1986, prohibits employment of children below the age of 14 years in any of the occupations set forth in Part A of the Schedule or in any workshop, where any of the processes set forth in Part B of the Schedule is carried out. But this provision is not applicable to any workshop wherein any process is carried out by the occupier with the aid of his or her family or to any school established by, or receiving

assistance or recognition from the Government. There are no other exceptions to the implementation of the principle and right relating to the effective abolition of child labour.

The Child Labour (P&R) Act provides for the appointment of inspectors by the appropriate governments. The Act also provides that an inspector or any other person or police officer may file complaint of the commission of an offence under this Act in any court of competent jurisdiction. The Act provides for penalties including imprisonment for terms ranging from three months up to one year and a fine for an offence committed under this Act.

Assessment of the factual situation

Reliable estimates have been made based on the census data. According to the 1991 census, the estimated figure of working children was 11.28 million and according to the 1981 census the number of working children was 13.5 million.

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

At the national level in India, under the action plan of the policy, National Child Labour Projects (NCLPs) have been set up in different areas to rehabilitate child labourers. A major activity undertaken under the NCLP is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition, etc. to children withdrawn from employment. Under the project-based action plan of the policy, 12 NCLPs were started in Andhra Pradesh (Jaggampet and Merkapur), Bihar (Garwah), Madhya Pradesh (Mandsaur), Maharashtra (Thane), Orissa (Sambalpur), Rajasthan (Jaipur), Tamil Nadu (Sivakasi) and Uttar Pradesh (Varanashi, Mirzapur, Bhadohi, Moradabad, Aligarh and Ferozabad). So far 83 child labour projects under the National Child Labour Project Scheme have been sanctioned and 1.5 lakh children are already enrolled in the special schools.

The framers of the Constitution of India have consciously incorporated in the Constitution certain mandates for the national and state governments in the area of compulsory universal elementary education as well as protection of children. Relevant provisions from articles 24, 39 and 45 of the Constitution of India are provided in an annex to this report (not reproduced).

The International Programme on the Elimination of Child Labour (IPEC) is a global programme launched by the ILO in December 1991. India was the first country to join it in 1992 when it signed a Memorandum of Understanding (MOU) with the ILO. The long-term objective of IPEC is to contribute to the effective abolition of child labour.

The Government of India is actively considering enacting central legislation for: (1) fixing a minimum age of 14 years for admission to employment or work in all occupations but excluding agriculture in family and smallholdings producing for their own consumption and not regularly employing hired workers; and (2) fixing a minimum age of 18 years for admission to any type of employment or work, which by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of young persons.

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

Copies of this report are being forwarded to the following All India Organizations of Employers' and Workers:

Employers' organizations: Council of Indian Employers; Employers' Federation of India; All India Organisation of Employers; Standing Conference of Public Enterprises; and All India Manufacturers' Organisation.

Workers' organizations: *Bharatiya Mazdoor Sangh*; Indian National Trade Union Congress; Centre of Indian Trade Unions; *Hind Mazdoor Sabha*; All India Trade Union Congress; United Trade Union Congress (IS); United Trade Union Congress; and National Front of Indian Trade Unions.

Observations received from employers' and workers' organizations

No observations have been received from them.

Annexes (not reproduced)

Schedule to the Child Labour Prohibition and Regulation Act, 1986.

Coverage under National Child Labour Project.

Iran, Islamic Republic of

Means of assessing the situation

Assessment of the institutional context

Article 79 of the Labour Code provides that: "Employment of persons under the age of 15 years is prohibited".

According to article 176 of the same Code any employer who recruits a worker under the age of 15 shall be subject to payment of a fine and in case of repetition of this offence he/she shall be subject to imprisonment.

In other laws and regulations on recruitment such as article 14 of the "Public Recruitment Code", the article 10 of the "Fixed Term Recruitment Regulations", Article 6 of the "Public Companies' Recruitment Regulations" the minimum age for recruitment is 18 years.

As explained above the abolition of child labour is recognized in the national legislation.

The legislation on employment is based on the definition of minimum age for employment, i.e. prohibition of employment under the age of 15 years in the Labour Code and prohibition of employment under the age of 18 years in other legislation on employment and recruitment. The legislation is not explicit on the link between minimum age for employment and the compulsory education, however, this linkage is evident as article 30

of the Constitution of the country states that the Government has to secure the educational needs of all Iranian citizens free of charge until the completion of high school.

According to article 83 of the Labour Code the minimum age for difficult or dangerous work is 18 years. The same is true for the work involving carriage of weight by hand and without the use of mechanical instruments. The youth worker is defined in article 80 as under the age of full 18 years. Difficult or dangerous work is defined and listed in the Directive on Difficult and Dangerous Works. The law has envisaged the penalty of fine and imprisonment for employers in infringement of these provisions.

Family workshops are not covered by the Labour Code and articles 189 and 191 envisaged that work and activity in the agriculture sector and in workshops with less than ten workers could be exempt from some of the provisions. However, any such exemption has not been adopted yet and therefore the Labour Code at present equally applies to all such workshops.

There are no exceptions to the implementation of the principle and the legal provisions relating to the effective abolition of child labour.

Apart from penal sanctions for the enforcement of minimum age for employment as mentioned above, the Labour Code also elaborates on the duty of labour inspectors in monitoring the compliance of employers and workshops with the Labour Code including the provisions on minimum age of 15 for employment and the minimum age of 18 for difficult and dangerous work. According to article 96 of the same Code the labour inspectors have the mandate of monitoring the compliance of the workshops with the provisions of the Code and should notify the shortcomings and infringements and initiate appropriate legal action through competent authorities.

In summary, the principle of the effective abolition of child labour is recognized in the Islamic Republic of Iran by virtue of various laws and regulations including the Labour Code.

Child labour is defined in articles 79, 80 and 82 of the Labour Code. Minimum age for employment is defined as 15 years.

The minimum age for difficult and dangerous work is 18 years. Definitions are provided in article 52 of the Labour Code and its subparagraph as well as the Directive on Difficult and Dangerous Work.

There are no exclusions from the implementation of effective abolition of child labour.

There are no exceptions to the implementation of effective abolition of child labour.

There are administrative and legal means to ensure implementation of the abolition of child labour.

Assessment of the factual situation

To pursue eradication of child labour it has been important to remove the grounds for employment of children. A study on child labour indicates that the issue should be addressed on both directions of the supply of child labour and the demand for such labour. Factors behind the supply of child labour are the poverty of their family and problems related to educational system and perceived incompatibility of educational contents with the needs of the labour market.

As regards demand for child labour, the main factor is the lower cost of such labour for the employer.

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

Copies of the report were forwarded to:

- Workers' House of the Islamic Republic of Iran
- Employers' Confederation of the Islamic Republic of Iran

Observations received from employers' and workers' organizations

No comments were received.

Japan

Means of assessing the situation

Assessment of the institutional context

The principle of effective abolition of child labour is recognized in Japan.

Minimum age for admission to employment

The School Education Law stipulates that compulsory education in Japan shall be the last grade during which a person reaches 15 years of age (one grade is from April 1 to March 31).

School Education Law

Article 39. The guardians shall be obliged to send their children to the secondary school or the secondary school section of the school for the blind or the school for the deaf or the school for the handicapped from the beginning of that school year which is the first to begin on or after the following day of their finishing the course of the primary school or the primary school section of the school for the school for the handicapped, to the end of that school year in which they attain full fifteen years of age.

(Paragraphs 2 and 3 are omitted.)

The Labour Standards Law (Law No. 49 of April 7, 1947) stipulates that the minimum age for admission to employment shall be 15 years of age (after the completion of the first March 31 following to a day that a child reaches to full 15 years of age after April 1, 2000); consequently, any person who violates this shall be punished with a penal servitude not exceeding one year or with a fine not exceeding 500,000 yen.

Labour Standards Law

Article 56. Children under 15 full years of age shall not be employed as workers.

(Paragraph 2 is omitted.)

The provisions of paragraph 1 of the said article are to be revised as follows and will be in force from 1 April 2000:

An employer shall not employ a child until the first March 31 after the said child's 15th birthday.

Article 118. Any person who violates the provisions of Articles 6, 56, Article 63 or Article 64-2 shall be sentenced to a penal servitude or not more than one year or with a fine not more 500,000 yen.

(Paragraph 2 is omitted.)

Although mariners and national public employees are excluded in application of the abovementioned provisions of article 56 of the Labour Standards Law, the Mariners Law (Law No. 100 of 1 September 1947) stipulates that the minimum age for employment shall be 15 years of age and any person who violates this shall be punished with a penal servitude not exceeding one year or with a fine not exceeding 300,000 yen.

Mariners Law

Article 85. The ship owner shall not employ a young person under 15 years of age as a mariner except in the case of a vessel on which only members of one and the same family are employed.

(Paragraphs 2 to 4 are omitted.)

Article 129. If a ship owner violates the provisions of Paragraph 1 or 2 of Article 85, Article 88 or 88-6, he/she shall be punished with a penal servitude not exceeding one year or with a fine not exceeding 300,000 yen.

Furthermore, with respect to national public employees, there is no case of recruiting persons under 15 years of age.

Dangerous and harmful jobs

Since it is prohibited for a person under 18 years of age to engage in a dangerous and harmful job, any person who violates this shall be punished.

Labour Standards Law

Article 62. An employer shall not allow persons under 18 full years of age to clean, oil, inspect, repair the dangerous parts of any machinery or power-transmission apparatus while in operation, to put on or take off the driving belts or ropes of any machinery or power-transmission apparatus while in operation, to operate a crane driven by poker, to engage in any other dangerous work as specified by ordinance, or to handle heavy materials as specified by ordinance.

2. An employer shall not employ persons under 18 full years of age in work involving the handling of poisons, powerful drugs or other injurious substances, or explosive, combustible or inflammable substances, in places where dust, power, harmful gas, or radiation is generated or places of high temperatures and pressures or other places which are dangerous or injurious to safety, health, or welfare.

3. The scope of the wait described in the preceding paragraph shall be provided for by ordinance.

Article 63. An employer shall not have persons under 18 full years at age work underground.

Article 118. A person who has violated the provisions of Article 6. Article 56, Article 63 or Article 64-2 shall be sentenced to penal servitude of not more than one year or to a fine of not more than 500,000 yen.

(Paragraph 2 is omitted.)

Article 119. A person who comes under any of the following items shall be sentenced to penal servitude of not more than six months or to a fine of not more than 300,000 yen:

- (1) A person who has violated the provisions of Article 3 (omission of interior parts), Article 62 (omission of interior pans) (hereinafter is omitted).

Mariners Law

Article 85.

(Paragraphs 1, 3 and 4 are omitted.)

2. A ship owner shall not allow a mariner under 18 years of age to engage in dangerous operations on board stipulated by the order of paragraph 2 of Article 81 or harmful operations to safety and health of the said mariner.

Article 219. If a ship owner violates the provisions of Paragraph 1 or 2 of Article 85, Article 88 or 88-6, he/she shall be punished with a penal servitude of not more than one year or with a fine not more than 300,000 yen.

The National Personnel Authority Rule 10-7

Article 11. The head of each governmental agency shall not allow minors to engage in the dangerous and hazardous jobs listed in Appendix No. 2.

Article 15. The head of each governmental agency shall not allow minors who are mariners to engage in the dangerous and hazardous jobs listed in Appendix No. 4.

Exclusion from application

Each provision of minimum age for admission to employment is not applicable to the case of enterprises or offices employing only family members living with the employer nor of domestic employees.

Labour Standards Law

Article 116.

(Paragraph 1 is omitted.)

2. This Law shall not apply to any enterprise or place of business employing only relatives living with the employer as family member nor to domestic employees.

Mariners Law

Article 85. A ship owner shall not in general employ a person under 15 years of age. However, this does not apply to vessels employing only the employer's family members.

(Paragraph 2 is omitted.)

Exceptions

With respect to light work which is not injurious to the health and welfare of children, children of at least 12 full years of age (children of at least 13 full years of age as of 1 April 2000) may be employed outside of school hours with the permission of the administrative office.

With respect to the production of motion pictures or theatrical performances, children of under 12 full years of age (children who have not reached 13 full years of age as of 1 April 2000) may be employed outside of school hours with the permission of the administrative office.

Labour Standards Law

Article 56.

(Paragraph 1 is omitted.)

2. Regardless of the provisions of the preceding paragraph, outside school hours, children of at least 12 full years of age may be employed in occupation in enterprises, Item 1 through 5 of the Appendix No. 1, in light labour which is not injurious to the health and welfare of the children; however, this shall apply with respect to children under 12 full years of age employed in motion picture production and theatrical performance enterprises.

Incidentally, the provisions of the said article are to be revised as follows and will be in force from 1 April 2000.

2. Regardless of the provisions of the preceding paragraph, outside school hours, children of at least 13 years of age may be employed in occupations, Items 1 through 5 of Appendix No. 1, light labour which is not injurious to the child's health or welfare; however, this shall apply to children under 13 full years of age employed in motion picture production or theatrical performances.

Furthermore, in accordance with the Human Resources Development Promotion Law, when it is deemed to be necessary with respect to workers who take vocational training under the approval of a prefectural governor, trainees under 18 years old may be permitted to engage in the prescribed dangerous and hazardous jobs or underground labour.

Labour Standards Law

Article 70. In case of necessity regarding workers receiving vocational training who have received recognition as provided for by Article 24, paragraph 1 of the Human Resources Development Promotion Law (Law No. 64 of 1969) (including cases where the same provisions are applied correspondingly under paragraph 2 of Article 27 of that Law), the provisions of Article 14 concerning contract period, the provisions of Articles 62 and 64-3 concerning restrictions on dangerous and injurious jobs for minors and expectant and nursing mothers and others, and the provisions of Articles 63 and 64-2 concerning the ban on underground labour by minors and women may be otherwise provided for by ordinance, within the limits of the necessity; however, this shall not apply with

respect to the ban on underground labour by minors under Article 63, as regards persons under 16 full years of age.

The enforcement, etc. of the Labour Standards Law, is ensured by the Labour Standards Bureau at the Ministry of Labour, Prefectural Labour Standards Offices and Labour Standards Inspection Offices as the local branches, with the proper number of necessary personnel allocated to these agencies (articles 97, 99 and 100 of the said Law). The Seafarers Department of the Maritime Technology and Safety Bureau at the Ministry of Transport and District Transport Bureau as local branches are established in order to implement the Mariners Law, etc. Therefore, the appropriate number of necessary personnel are allocated to these agencies.

Assessment of the factual situation

The number of violations and cases sent to the prosecutor's office pertaining to the provisions of article 56 (minimum age) and article 62 (restrictions on dangerous and harmful jobs) includes the following.

	Number of violations during periodical inspection		Number of cases sent to the prosecutor's office	
	Article 56 of the Labour Standards Law	Article 62 of the the Standards Law	Article 56 of the Labour Standards Law	Article 62 of the Labour Standards Law
1994	16	32	0	2
1995	10	33	0	1
1996	21	19	1	2
1997	10	23	0	2
1998	19	20	0	0

There have been no violations or cases sent to the prosecutor's office since 1993 pertaining to the provisions of article 85 of the Mariners Law (restrictions on employment of minors).

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

In order to ensure the implementation of the Labour Standards Law, etc. Guidance is being provided to establishments deemed to have problems as a matter of the Labour Standards Law. When a violation against the related laws and regulations is recognized, its correction is being promoted.

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

Copies of the report have been sent to the Japan Federation of Employers' Association and the Japanese Trade Union Confederation.

Observations received from employers' and workers' organizations

The Japanese Trade Union Confederation requests the “early ratification of ILO key labour standards and promotes the reaching of an agreement on its global necessity (request for a 1999 to 2000 policy framework).

Japan

Observations submitted to the Office by the Japanese Trade Union Confederation (JTUC–Rengo)

Abolition of child labour

The application of two Conventions on the abolition of child labour has no problem from the legal as well as actual point of view. The ratification depends on the will of the Government as well as the schedule of deliberation of the Parliaments. Rengo requests the immediate ratification of these two Conventions.

Latvia

Means of assessing the situation

Assessment of the institutional context

In the Republic of Latvia issues related to the minimum age for admission to employment are regulated by the following legislation:

- Labour Code of Latvia;
- Decision No. 291 of the Cabinet of Ministers “On Types of Employment in which it is Prohibited to Employ School Children Under Fifteen Years of Age” of 24 July 1992;
- Decision No. 292 of the Cabinet of Ministers “Arduous Work and Work to Be Performed under Hazardous Conditions in which it is Prohibited to Employ Women and Persons under Eighteen Years of Age” of 24 July 1992.

The principle of the prohibition of child labour is recognized both in the national legislation and international documents binding on the Republic of Latvia. Article 180 of the Labour Code states that:

It is not allowed to admit to permanent employment persons under the age of 15.

From the age of 13 schoolchildren may be admitted to easy employment that is harmless to health and morality during their leisure time following the agreement of parents or persons substituting them. The list of types of employment to which it is prohibited to admit schoolchildren under the age of 15 is approved by the Cabinet of Ministers of the Republic of Latvia.

In order to implement Part 2 of the abovementioned article, the Cabinet of Ministers (Council of Ministers) approved the list of types of employment in which it is prohibited to employ schoolchildren under the age of 15 in 1992.

In article 182 of the Labour Code it is stated that:

It is prohibited to admit persons under the age of 18 to arduous types of employment and types of employment that involve working conditions that are dangerous and hazardous to the health and morality of young people.

The list of arduous types of employment and types of employment that involve working conditions that are dangerous and hazardous to the health and morality of young people in which it is prohibited to employ persons under the age of 18 is approved by the Cabinet of Ministers of the Republic of Latvia following the co-ordination with the national trade organisation institutions.

Persons under age are prohibited to carry and move heavy items exceeding the maximum limits stipulated by legislation for such persons.

In order to implement Part 2 of the abovementioned article, the Cabinet of Ministers (Council of Ministers) approved the list of types of employment in which it is prohibited to employ women and persons under the age of 18 in 1992.

The Law "On the Protection of Children's Rights" has been in effect in the Republic of Latvia since 19 June 1998. Part 1 of article 15 of this law stipulates that:

The child is entitled to protection against economic exploitation, against admission to employment that involves dangerous conditions or conditions that are harmful to his/her health, physical, psychological or moral development, night work or working time that interferes with his/her education.

The UN Convention on the Rights of the Child of 20 November 1989 has been in effect in the Republic of Latvia since 14 April 1992. Article 32 stipulates that:

1. Member States recognise children's rights and protection against economic exploitation and fulfilment of any work that can endanger his/her health or interfere with his/her education or be harmful to his/her health and physical, intellectual, mental, moral and social development.

2. Member States take legislative, administrative and social measures as well as educational measures in order to ensure the implementation of the provisions of this Article. For this purpose, based on the respective provisions of other international documents the Member States specify:

- (a) the minimum age or minimum ages for the admission to employment;
- (b) necessary requirements in respect of the length of the working day and working conditions;
- (c) respective penalties or other sanctions to ensure effective implementation of this Article.

According to Part 1 of article 215 of the Labour Code, workers' rights (including those of a person being under age) are protected by court following the general procedure:

Workers who have concluded a labour contract with the employer are entitled to court protection according to the procedure stipulated by the Code of Civil Procedure of Latvia.

Courts of the first instance deal with labour disputes when workers dismissed at the initiative of the employer apply for readmission to employment and also for amendments

to the reasons for their dismissal. In such cases workers do not have to pay court expenses (the state duty and expenses related to the trial).

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

Copies of this report have been sent to the Latvian Employers' Confederation and the Latvian Free Trade Unions' Association.

Lebanon

Means of assessing the situation

Assessment of the institutional context

The principle of the total abolition of child labour is recognized in Lebanon.

This principle is recognized by the Labour Code, in articles 21, 22 and 23, which have been amended.

Lebanon has ratified several international Labour Conventions concerning children; these are: Conventions Nos. 15, 59, 77, 58, 90, 29, 105 and 127.

Lebanon also ratified the Convention on the Rights of the Child, which was adopted by the General Assembly of the United Nations in 1991.

The Lebanese Labour Code uses the term "*hadath*" (young person, adolescent) to designate persons between 14 and 18 years of age. Its provisions are limited to that age group, since the Code states that it is illegal to employ persons under 14 years of age.

Article 22 of the Labour Code provides the following:

It shall be strictly prohibited to employ persons under 14 years of age. Adolescents who have reached the age of 14 must undergo a medical examination certifying that they are fit to perform the tasks for which they are being employed. The medical certificates must be renewed when the adolescent reaches the age of 18. They can be cancelled at any moment if it transpires that the adolescent is unable to perform the work for which he has been employed.

As regards the relation between the minimum age for admission to employment and the end of compulsory schooling, Act No. 686 of 16 March 1998 makes provision for free compulsory education at the first level of primary education, and the new system organizing education sets the end of compulsory schooling at the age of 13.

The year between the end of compulsory education (at the age of 13) and the age for admission to employment (14) can be devoted to vocational training.

Article 22 of the Lebanese Labour Code lays down a higher minimum age for employment in dangerous jobs.

In fact, article 23 prohibits the employment of young persons under 16 years of age in industrial projects and in works which are exhausting or harmful to health as set out in tables 1 and 2 appended to the Labour Code.

The Labour Code also prohibits the employment of adolescents under 17 years of age in types of work which, by their nature or the conditions in which they are performed, entail a danger for the life, safety or morality of adolescents.

The types of work in question are to be determined by decree issued by the Council of Ministers at the proposal of the Minister of Labour.

In fact, Decree No. 700 of 25 May 1999 lists the types of work which, by their nature or the conditions in which they are performed, entail a danger for the life, safety or morality of adolescents. The preamble to the draft Decree contains a definition of what is understood by a work or job which is dangerous for life, health and morality.

As regards the application of the minimum age for admission to employment, article 22 of the Lebanese Labour Code does not grant any exception to any category of workers or occupations. It expressly and strictly prohibits the employment of young persons under 14 years of age, even in light work.

It must be noted in this respect that it is possible for schools of arts and crafts to create an exception to articles 22 and 23 mentioned above, provided that the curricula of those schools clearly indicate the type of crafts and occupations taught as well as the duration of work and working conditions and that the curricula are approved by the Ministry of Labour and the Ministry of Health (article 25 of the Labour Code).

As regards the means employed with a view to implementing the principle of the effective abolition of child labour, at the administrative level the Inspection, Prevention and Safety Department of the Ministry of Labour ensures that the legislation on child labour is properly applied. That department is responsible for reporting offenders and bringing infringements before the courts, which impose the necessary penalties.

Other structures, both official and unofficial, also devote attention to child labour and put forward proposals and comments contributing to the improvement of the situation of children and to the prohibition of their employment below the age laid down by law.

It must be mentioned in this context that a committee was set up following a tripartite seminar organized by the Ministry of Labour with the collaboration of IPEC in 1997 and attended by representatives of the ministries concerned by child labour, NGOs, employers and workers. A strategic plan of action aiming to eliminate child labour has been drawn up, and the committee is endeavouring to implement it progressively within the limits of the available resources. The activities of the Legislative Committee on the Rights of the Child focus on drawing up the relevant legislation concerning child labour in consultation with and with the collaboration of the Ministry of Labour.

The establishment of the High Council on the Child, which is composed of the representatives of several ministries and associations which deal with children, must also be mentioned. It is responsible for conducting studies on the situation of children in Lebanon and proposing plans and programmes concerning children. Furthermore, the National Employment Institute organizes intensive vocational training programmes for adolescent workers.

Assessment of the factual situation

The national report on the employment of children in Lebanon, which was drawn up by the Ministry of Labour in 1997 with ILO and IPEC collaboration, contains information on the extent and characteristics of this phenomenon in the country. It gives a breakdown of working children, who are from 10 to 14 years of age, according to type of work, the main activity, economic sector, and sex. The report also examines the causes of child labour and children's working conditions.

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

The national strategy for eliminating child labour makes provision for a large number of projects for rehabilitating children who are performing work which is prohibited by law. Furthermore, the implementation of the law on free compulsory education will have the effect of eliminating work performed by children who are below the minimum age laid down by law.

The Lebanese Government is working to develop and strengthen the social services provided for citizens, and in particular the most needy, with a view to increasing their income and compensating for the income lost because the children have stopped working.

An action plan has also been drawn up to protect homeless children and children who beg and to rehabilitate them so that they can be reintegrated into Lebanese society.

At government level, as has already been stated, the Minister of Labour has changed the minimum age for admission to employment, which is now 14. He has also laid down a higher age for the employment of adolescents in jobs which are dangerous for their health and their morality.

The Inspection Department of the Ministry of Labour ensures that the law is applied. The Lebanese courts, for their part, examine the complaints which are lodged with regard to the application of the legislative provisions and impose the necessary penalties in this context.

The Minister of Labour hopes to bring the projects concerning child labour that are planned in the national strategy and action plan mentioned above to a successful conclusion with IPEC collaboration. These projects address the causes of child labour and help significantly to reduce it. The Ministry of Labour collaborates with the other ministries concerned as well as with the ILO and UNICEF with a view to organizing a training course for labour inspectors and social workers on the rights of the child in general and of the (adolescent) child employed in the labour world in particular.

As has already been stated, several official administrations and departments and several civil associations are endeavouring to limit child labour with a view to eliminating it completely. They draw up projects and make appropriate proposals in this respect.

The objectives with a view to the observance, promotion and application of the principles and rights contained in Convention No. 138 are as follows:

- to enable adolescents to develop naturally at the physical, psychological and mental level, far from the stress of work;
- to strengthen schooling for children and adolescents: this objective will be achieved through the implementation of the law on free compulsory education, which will lead

automatically to radical solution of the problem of work performed by children (adolescent) who are below the minimum age laid down by law;

- to prohibit the employment of adolescents in works which entail a danger for their health or their morality, whilst monitoring working conditions in the other types of work in which the law allows them to be employed;
- to take account of the international trends regarding the elimination or restriction of child labour, which take concrete form in the international conventions which Lebanon has ratified, and to affirm Lebanon's respect of the right of the child.

If we are to achieve our objectives regarding the effective abolition of child labour, IPEC technical and financial assistance is essential for finalizing the programmes contained in the national action plan for limiting child labour. In this context, we stress the importance of conducting a study on the employment of adolescents in dangerous works so as to clearly establish the extent of the problem and the means available for saving and rehabilitating these adolescents and enabling them to perform other types of jobs.

It is also important that the ILO provide the Labour Inspection, Prevention and Safety Department of the Ministry of Labour with the necessary information and advice through its programme on the inspection of child labour so that the role and work of the Inspection Department can be strengthened and inspectors can be trained in the procedures for applying the legal instruments concerning child labour.

Other issues will also be examined with IPEC, i.e. measures to update the statistics on child and adolescent labour contained in the national report, preparation of an exhaustive study on adolescent labour covering the various regions of the country — as far as possible — in order to have a very clear picture of the nature and extent of this problem in Lebanon.

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

A copy of the present report has been forwarded to the following organizations:

- Association of Lebanese Industrial Employers.
- Lebanese Federation of Chambers of Commerce, Industry and Agriculture.
- General Confederation of Labour.

Observations received from employers' and workers' organizations

We have received no comments from the abovementioned organizations as to the follow-up measures taken or to be taken with regard to the effective abolition of child labour as provided by the Declaration.

Annex (not reproduced)

Order No. 700 of 25 May 1999 issued by the Minister of Labour on the prohibition of the employment of adolescents under 17 or 18 years of age in works which are dangerous by nature and/or which represent a danger to life, health or morality.

Mali

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Mali. This is clearly illustrated by the drawing up of a coherent national policy for the eradication of child labour in Mali, which has taken practical form in Mali's participation in the IPEC programme since 1998. A further illustration lies in the fact that there has been a ministry responsible for child issues since September 1997.

The principle of the effective abolition of child labour is enshrined in Law No. 92/020 of 23 September 1992 concerning the labour code and the implementing regulations thereto.

The same principle is upheld by Mali's ratification of ILO Conventions Nos. 5 and 39 and of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

Article D.189-14 of the decree implementing the labour code prohibits the employment of children of either sex aged under 18 in work which overtaxes their strength, is hazardous or which, because of its nature and the conditions under which it is carried out, might undermine their moral integrity. It may be deduced from this that economic activity undertaken by a person aged under 18 is regarded as child labour.

However, by way of derogation from this principle and under certain conditions, a child aged 13 or above who is attending compulsory middle school may be employed as an apprentice or for light domestic work of a seasonal nature.

Dangerous work may not be undertaken before the age of 18. National law does not contain any definition of what constitutes "dangerous work".

In two attached tables (not reproduced), the decree implementing the labour code lists the types of work which are prohibited for children under 18 and the establishments in which employment of the latter is permitted under certain conditions.

The informal sector, which has not yet been the subject of specific regulations, is excluded from the effective implementation of the legislation.

Under legislation in force, the labour inspector monitors the proper application of regulations concerning the abolition of child labour.

Assessment of the factual situation

The study on the labour situation of children in Mali, which has been the basis for launching the activities of the Programme National de Lutte contre le Travail des Enfants au Mali (PNLTE) (national programme against child labour in Mali), gives statistics for Bamako which it would be desirable to extend to the whole country.

The Government therefore plans to ask the Organization for technical assistance via SIMPOC in order to perform a national survey.

There are no reliable statistics on child labour.

However, there has been a positive evolution in the school enrolment rate, which shows a mean annual increase of 3 per cent, namely 42.3 per cent in 1995-96 and 46.7 per cent in 1996-97.

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

The Government of Mali has adopted measures aimed at eradicating the phenomenon of child labour in several sectors of activity.

In collaboration with the ILO and with the technical support of IPEC, the Government has set up a national programme against child labour, the objectives of which are fully in line with the concerns of the various international instruments.

The main aim of the PNLTE is to increase the capacity of government bodies, employers' and workers' organizations and non-governmental organizations (NGOs) to design and implement policies, programmes and projects in order to:

- prevent children from being sent to work prematurely;
- abolish the most dangerous forms of child labour and the most serious forms of child exploitation and propose viable alternatives for children and their families.

This programme is aimed at the following categories of child workers:

- children in rural areas;
- children in the informal sector;
- young girls;
- children working in mines.

Since 1996 Mali has been moving towards ratification of ILO Convention No. 138. The consultations necessary for ratification are under way.

In the context of technical cooperation, the Government of Mali would welcome support from the Organization in order to conduct a general study to find out the true scope of the problem.

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

A copy of the present report has been sent to:

- Union nationale des travailleurs du Mali (UNTM) (National Union of Workers);
- Confédération syndicale des travailleurs du Mali (CSTM) (Confederation of Workers' Unions);
- Fédération nationale des employeurs du Mali (FNEM) (National Federation of Employers).

Observations received from employers' and workers' organizations

No comments have been received from the abovementioned organizations.

Annexes (not reproduced)

Tables on work prohibited for children .

Mauritania

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized by the Mauritanian Constitution and is applied through the Labour Code. Article 1 of Book II of that Code provides the following: "Children must not be employed in any undertaking, even as apprentices, before they have reached the age of 14 unless an exception is granted by order of the Ministry of Labour on the basis of the opinion of the National Labour Council."

The age for admission to employment is 18. According to the provisions laid down in the legislation and regulations in force, there is no age at which children are authorized to perform dangerous work, nor is there any list of works considered to be dangerous. However, the implementation orders of the current provisions list a number of fields of activities which are considered dangerous.

There are legislative provisions penalizing infringements of this nature (article 64 of Book 5 of the Labour Code). The Labour Inspectorate, which is responsible for applying the penalty, generally does so once the employer has refused to respond favourably to the order given.

Furthermore, article 279 of the Merchant Navy Code prohibits children who have not yet reached the age of 15 to board ships in an occupational capacity. Persons aged 15 to 17, however, are allowed to board as novices for vocational training purposes.

In addition, only persons who fulfil the conditions laid down in article 268, which include the age condition, are allowed to be registered as Mauritanian seamen and issued a Maritime Vocational File. (A copy of Book IX is appended to the present report.)

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

The measures envisaged by the Mauritanian Government consist of strengthening the arsenal of laws suppressing practices of this nature, which, it must be stated, are not common in our country. However, the Labour Inspectorate, which is responsible for the application of the relevant legal provisions, does not have adequate human or financial resources at its disposal to carry out its mission successfully. In order to do so ILO assistance in the efforts to strengthen the capacities of the Labour Inspectorate is absolutely essential.

The ILO drew up a programme in this context in 1993 with a view to redynamizing and strengthening the capacities of the Inspectorate, but no development has been registered to date as regards obtaining the necessary funds for running that programme, which it is now essential to update. Moreover, a request to participate in the IPEC programme has been submitted to the ILO.

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

A copy of the present report has been forwarded to the most representative workers' and employers' organizations (UTM, CGEM).

Observations received from employers' and workers' organizations

No comments have been received to date.

Mexico

Means of assessing the situation

Assessment of the institutional context

The Mexican Government considers that children belong to one of the most important sectors of Mexican society. National legislation and institutional practices offer them full protection.

The Political Constitution of the United States of Mexico, article 123, paragraph A, section II, forbids unhealthy or dangerous jobs, industrial night work and any other type of work after ten o'clock at night for minors under 16 years. Section III of article 123 forbids the use of labour by minors under 14 years. Between the ages of 14 and 16 years, minors may work a maximum of six hours per day.

The Federal Labour Law (LFT), article 5, states that the provision relating to work by children under 14 years has no legal effect. Article 23 states that those over the age of 16 years may freely provide their services, subject to the restrictions laid down by the LFT, and that those over 14 years and under 16 years require the authorization of their parents or guardians or, failing that, the trade union to which they belong, the Board of Conciliation and Arbitration, the labour inspector or the political authority.

The Federal Labour Law includes specific regulation of work by minors, pursuant to Title Five Bis (articles 173 to 180).

As stated previously, the Political Constitution of United States of Mexico, article 123, paragraph "A", section III, states that the use of labour by minors under 14 years is prohibited.

Article 22 of the Federal Labour Law prohibits the use of labour by minors of 14 years and by those over 14 years and under 16 years who have not completed their obligatory education, barring the exceptional cases approved by the corresponding authority when it considers that study and work is compatible.

The importance of education is reflected in article 3 of the Constitution which provides that primary and secondary education are obligatory and that all education provided by the State must be free.

No norm exists referring specifically to the age at which obligatory schooling should be completed, although it might be stated that, under normal circumstances, such schooling is completed at 15 years of age. Article 180, section III, of the Federal Labour Law provides that employers using the services of those under 16 years must distribute work in such a way as to ensure that they have the necessary time to fulfil their school programmes.

The protection of the health, security and morality of children is guaranteed in a number of constitutional provisions, such as article 123 which, in different sections, lays down the minimum conditions of security, hygiene, health and morality at work. Article 123, paragraph 1, of the Constitution provides that everybody has a right to dignified and socially useful work. Section XII, paragraph 5, explicitly prohibits the establishment of alcoholic beverage outlets and gambling facilities in places of work. Section XV provides that the employer must comply with legal requirements regarding hygiene and safety in his business premises and adopt appropriate measures to prevent accidents, as well as to ensure that the health and life of workers are protected as far as possible. Section XXVII, (H) provides that any condition that implies the relinquishment of any workers' rights embodied in the laws regarding protection and assistance, even if contained in the labour contract, are null and void.

A number of articles of the Federal Labour Law expand upon the protection provisions, including article 51, sections II, VII, VIII and IX of which state that the employment relationship may be cancelled, without responsibility for the worker, if the employer, members of his family or his management or administrative staff, in the work context, commit acts of dishonesty, violence, threats, insults, ill-treatment or similar, against the worker; if a serious threat exists to the safety or health of the worker or of his family, either through the absence of conditions of hygiene in the premises or because preventive and safety measures established by law are not complied with; if the employer, through inexcusable negligence endangers the safety of the premises or of the persons in it and in other similar cases.

Article 56 of the LFT provides that in no event may the conditions of work be inferior to those established in that instrument, while no differences may be established by reason of age. Article 132, sections VI and XVII of the LFT provide that it is the employer's responsibility to show due respect to workers, refraining from ill-treatment by word or deed; to comply with health and safety provisions laid down in law and regulations to prevent accidents and illnesses at places of work and, in general, in premises in which work is to be carried out and to have always available essential medication and equipment as indicated in the instructions issued for the timely and effective provision of first aid, with notification to the competent authority of any accident that occurs. Article 133, sections VII and XI, prohibit the employer from carrying out any act which restricts the rights of workers granted under law and from appearing on the work premises in a state of drunkenness or under the influence of narcotics or drugs.

Article 176 of the LFT states that dangerous or unhealthy jobs are those which, by the nature of the work, on account of physical, chemical or biological conditions of the environment in which it is carried out, or by reasons of the composition of the raw material used, may affect the life, development, physical and mental health of minors. Regulations introduced determine the jobs that are covered by the above definition. Article 2, section I, of the Federal Regulation on Safety, Hygiene and Environment at Work defines as dangerous activities the series of tasks relating to work processes which generate unsafe

conditions and overexposure to physical, chemical or biological agents that might damage the health of workers or the place of work.

After ascertaining the broad-ranging regime of legal protection of the health, safety and morality of any worker, mention should be made of the particular protection that exists for minors. Article 175 of the Federal Labour Law prohibits the use of children under the age of 16 years in jobs that might affect their morality or their good conduct, dangerous or unhealthy tasks, jobs that might hinder or retard their normal physical development. Minors under the age of 18 years may not be hired for industrial night work. Article 202 of the Federal Criminal Code prohibits the employment of persons under the age of 18 years in bars, saloons or dens of iniquity. Any infringement of this provision is punishable by imprisonment of between three days and one year, a fine of 25 to 500 pesos and the permanent closure of the establishment if the offence is repeated. The same penalty will be imposed on parents or guardians who accept that their children or the minors in their care are employed in such establishments.

Articles 159 and 154 of the Federal Regulation on Safety, Hygiene and Environment at Work stipulate that persons between 14 and 16 years may not be used for dangerous and unhealthy work in places where:

- I. Teratogenic or mutagenic substances are handled, transported or stored.
- II. Exposure occurs to sources of ionizing rays, which might produce pollution of the working environment, in accordance with the applicable legal provisions, regulations or standards.
- III. Abnormal environmental pressure or changed environmental thermic conditions exist.
- IV. Muscular effort exerted may affect the product of conception, work is carried out in perforation towers or on maritime platforms.
- V. Work is carried out under water, underground or in open cast mines.
- VI. Work is carried out in confined spaces.
- VII. Soldering work is executed.
- VIII. Other activities are carried out that are specified as being dangerous or unhealthy under applicable laws, regulations and standards.

Article 29 of the Federal Labour Law prohibits the use of persons under the age of 18 years for the provision of services outside the Republic, except in the case of technicians, professionals, artists, athletes and, in general, specialist workers. Likewise, article 352 provides that the provisions of this Law will not apply to family workshops, with the exception of standards relating to health and safety. In this connection, article 351 provides that family workshops are those in which only spouses, ascendants, descendants and wards work.

A number of provisions of the Federal Labour Law, the General Regulations for Inspection and Application of Penalties for Violations of Labour Legislation and Health, Safety and the Environment at Work lay down the powers and duties of the Labour Inspectorate which is the labour authority empowered to oversee compliance with the standards that specifically regulate work by minors, preventive health and safety and measures relating to work hazards, together with the fines payable by employers who breach such standards.

Article 132, section XXIV, of the Federal Labour Law requires employers to permit inspection and oversight by the labour authorities in their premises in order to ascertain their compliance with labour standards and to submit to them the reports that are required

for that purpose when so requested. This requirement applies to any place of work, including of course those in which minors carry out their working activities. Article 1 of the General Regulation on Inspection and Application of Penalties for Violations of Labour Legislation states that its sphere of application covers the entire national territory and is intended to lay down rules underpinning the Federal Labour Law in connection with procedure and ways of carrying out inspection visits and imposing penalties for violations of labour legislation in the places of work covered by this Regulation.

Articles 173 and 174 of the LFT provide, respectively, that work by minors over 14 years and under 16 years is subject to special oversight and protection by the Labour Inspectorate, and that those over 14 years and under 16 years must have a medical certificate showing that they are fit to carry out that work and submit to the medical examinations that are ordered periodically by the Labour Inspectorate. No employer may use their services without the necessary certificate.

Likewise, article 177 provides that the working day for minors under 16 years may not exceed six hours and should be divided into periods not exceeding three hours. They will have at least one hour's rest between the different periods of the working day.

Article 178 prohibits the use of work by minors under 16 years for overtime and on Sundays and public holidays. Any infringement of this prohibition will require payment of overtime at 200 per cent over the wage corresponding to the hours of the working day, and the wage for Sundays and public holidays, in accordance with the provisions of articles 73 and 75 of the Federal Labour Law.

Article 179 states that minors under 16 years will be entitled to an annual paid holiday of 18 working days, at least.

Article 180 provides that employers using minors under 16 years of age have the following obligations: (I) to insist on seeing the medical certificates that state that the minor is fit for the work; (II) keep a special inspection record, indicating date of birth, type of work, working hours, pay and other general conditions of employment; (III) to distribute work in such a way as to ensure that they have the necessary time to carry out their school programme; (IV) to provide them with training and skills as required under this law; and (V) to provide the labour authorities with any information they request.

The penalties applicable in labour-related matters are laid down in the Federal Labour Law; article 995 provides for a fine of the equivalent of between three and 155 times the general minimum wage payable by the employer who breaches the standards governing work by minors.

Article 167 of the Regulation on Safety and Hygiene and Environment at Work provides that a fine of between 15 and 315 times the general minimum daily wage applicable in the economic zone in which the place of work is located will be payable by the employer who breaches, among others, the provisions contained in articles 154 and 159 regarding work by minors.

Assessment of the factual situation

At the national level, statistical data is gathered by various public federal entities, such as the Department of Labour and Social Security (STPS), the National System for the Integral Development of the Family (DIF), Department of Public Education (SEP), National Statistical, Geographic and Informatics Institute (INEGI), Office of the Public Prosecutor for the Defence of Minors (PDM), Department of Agriculture (SAGAR), in addition to the relevant local authorities.

The Department of Labour and Social Security, with the collaboration of the National Statistics, Geographical and Informatics Institute carries out the National Employment Survey which provides statistical data on the occupational characteristics of the population at the national level, as well as on the composition of the population as a whole by age and sex, and distribution of the economically active population (EAP) and the economically inactive population (EIP) by age and sex, working population by work position, principal occupation, branch of activity, hours devoted weekly to work, reasons for working less than 35 hours per week and earnings, together with the form of payment and benefits. In addition, it allows a study to be made of the occupational structure of the population by branches of economic activity, position at work, main occupation groups, and provides data for studying underemployment and the informal sector by identifying the characteristics of establishments or businesses in which the occupied population works.

The National Employment Survey also provides statistical information on the occupational structure of the agricultural sector, which is gathered through a special module of questions addressed to the population engaged in agricultural tasks.

Statistics are appended (not reproduced) on the occupational characteristics of the population at the national level, together with composition by age and sex as a total population, distribution of the economically active population (EAP) and the economically inactive population (EIP) by age and sex.

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

Through the National Action Programme for Children 1995-2000, implemented by the National System for the Integral Development of the Family (DIF), the Government has been promoting an integral policy incorporating activities in the areas of health, education, combating poverty, consolidating the family, protecting and defending children's rights and seeking justice, to ensure that children have access to well-being and harmonious development of all their faculties, and to promote all activities whereby the participation of minors may be discouraged in activities which are carried out in unhealthy, unsafe environments and in the informal sector of the economy, and which enhance the effectiveness of oversight and labour inspection of work by minors, particularly in branches and activities of local jurisdiction.

Widespread publicity is being given, among the general population, to the desirability of preventing child labour which hampers the appropriate development of children.

The rehabilitation and social integration of children is carried out primarily through the System for the Integral Development of the Family, Department of Health and Minors Trusteeship Council.

The Planning Law, articles 2, section III, and 3, provides that planning should address the objective, among others, of meeting the basic needs of the population, establishing a timetable for implementation. In this connection, article 21 of the Law requires that the National Development Plan should be drawn up, approved and published within a period of six months from the date that the President of the Republic comes into office and, under article 27, the execution of this Plan and of sectoral, institutional, regional and special programmes, requires the formulation of annual programmes by government offices and entities.

As stated previously, article 3 of the Constitution provides for a system of obligatory education up to secondary level.

The different government offices involved are now working more closely with organizations of employers and workers and with public and private institutions with a view to achieving the objectives of the abovementioned measures.

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

As required by article 3, paragraph 2, of the ILO Constitution, copies of this report are being sent to the Mexican Confederation of Chambers of Industry (CONCAMIN) and to the Confederation of Mexican Workers (CTM).

Observations received from employers' and workers' organizations

The Mexican Confederation of Chambers of Industry (CONCAMIN) has stated that

the Mexican legal system provides the ideal solution in the context of the country's economic and social conditions, by prohibiting child labour and, in keeping with the conditions evoked, lays down regulations relating to a real situation, to the effect that individuals over the age of 14 years and under the age of 16 years may work, in particular conditions that permit the minor to continue his schooling; work a short day of six hours with a break; with more days of holiday and with the prior authorization of his parents or the authorities and provided he has a medical certificate stating that he is fit for the work.

The Confederation of Mexican Workers (CTM) has mentioned that "Convention No. 138 is covered by article 123, 'A', paragraph 3, of the Constitution and in articles 173, 174, 175 and 177 of the Federal Labour Law".

Annexes (not reproduced)

- Total population by sex and age groups (tables 1A, 1B and 1C).
- Population of 12 years and over by sex and age groups (tables 2A, 2B and 2C).
- Population of 12 years and over by sex and age groups, in accordance with activity condition (tables 3A, 3B and 3C).
- Economically active population by sex and age groups, in accordance with occupation (tables 4A, 4B and 4C).
- Economically inactive population by sex and inactivity situation (tables 5A, 5B and 5C).
- Economically inactive population by sex and age groups, in accordance with availability situation (tables 6A, 6B and 6C).
- Population of 12 years and over by sex and level of education (tables 7A, 7B and 7C).
- Female population of 12 years and over by activity situation and marital status (tables 8A, 8B and 8C).
- Individuals involved in agriculture by category and age groups (table 27).

- Rates of open unemployment by sex and age groups (men).
- Open unemployment rates by sex and age groups (women).
- Specific participation rate by sex and age groups (total).
- Estimated percentage distribution of age groups and sex by federative entity.
- Percentage distribution by age groups and sex in accordance with federative entity.
- Counting by observation of working children and adolescents, percentage distribution by age groups and sex in accordance with federative entity.

Mozambique

Means of assessing the situation

Assessment of the institutional context

Mozambique has ratified five of the seven fundamental ILO Conventions: the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Abolition of Forced Labour Convention, 1957 (No. 105) and the Equal Remuneration Convention, 1951 (No. 100). Government is proceeding with preparatory work on the following Conventions with a view to submitting them to the Assembly of the Republic of Mozambique: the Forced Labour Convention, 1930 (No. 29); the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

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

As part of the activities being undertaken in relation to the ratification of Convention No. 182, the Ministry of Labour held a tripartite seminar last November which dealt with the Social Charter of Fundamental Rights of the Southern Africa Development Community (SADC) and the Worst Forms of Child Labour Convention.

Myanmar

Means of assessing the situation

Assessment of the institutional context

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

The Child Law, 1993, has been promulgated.

The aims of this Law are as follows:

- to implement the rights of the child recognized in the United Nations Convention on the Rights of the Child;

- to protect the rights of the child;
- to protect in order that children may enjoy fully their rights in accordance with Law;
- to carry out measures for the best interests of the child depending upon the financial resources of the State;
- to enable custody and care of children in need of protection and care by the State, voluntary social workers or non-governmental organizations;
- to enable a separate trial of a juvenile offence and to carry out measures with the objective of reforming the character of the child who has committed an offence.

Child labour is not defined, but the following Acts limit the minimum age concerning employment in various occupations:

- (a) Shops and Establishment Act, 1951 — Age 13.
- (b) Factories Act, 1951 — Age 13.
- (c) Payment of Wages Act, 1936 — Age 15.
- (d) Payment of Wages Rule, 1937 — Age 15.

Under the Factory Act no child under the age of 13 is allowed to be engaged in dangerous and hazardous work, without any exception.

In addition to punishments contained in labour laws mentioned above, section (66) of the Child Law says that whoever commits the offence is punishable by up to two years of imprisonment or fine which may amount to Ks.10,000 or both.

Assessment of the factual situation

Indications or statistics and data and trends are still under preparation.

Other information is in the early stage of development.

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

The National Child Rights Committee and other similar committees at various levels are being formed with the specific aim of abolishing child labour working together with various NGOs such as UNICEF, Save the Child, Myanmar Maternal and Child Welfare Association.

Legislation, inspection and other social works are enforced and initiated by the Government Departments.

The abovementioned NGOs are actively working at the grass-roots level aided by administrative bodies.

The objectives of the Government are as outlined above.

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

Copies of this report were sent to the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), Myanmar Maternal and Child Welfare Association (MMCWA) and Workers' Welfare Association (WWA).

Observations received from employers' and workers' organizations

Observations were received.

Namibia

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in the Constitution, laws and regulations of Namibia.

Namibian Constitution

Article 15 of the Namibian Constitution deals with children's rights. In this article, a child is defined as "persons under the age of sixteen years". Paragraph 2 of that article states that "children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development".

Paragraph 3 of the same article states as follows: "No children under the age fourteen (14) years shall be employed to work in any factory or mine, serve under conditions and circumstances regulated by an Act of Parliament."

Laws and regulations

The Namibian Labour Act (Part V, subsection 42) prohibits:

- the employment of children under the age of 14 years for any purpose whatsoever;
- the employment of any child between the ages of 14 and 15 years in any mine or other work performed with a view to mining or winning, or prospecting for any minerals;
- the employment of any child between the age of 15 and 16 years underground in any mine.

Child labour is defined (minimum age for admission to employment or to work; relationship between this minimum age and end of compulsory schooling).

The reference is to any employment of a child under the age of 14. Regarding the relationship between minimum age and end of compulsory schooling, the Namibian Constitution (article 20, paragraph 3) provides that children shall not be allowed to leave

school until they have completed their primary education or have attained the age of 16, whichever comes first.

Note should be taken that children who turn 16 before completing their primary schooling are not obliged to leave school. The 1998 educational statistics reveal that 20,487 learners are 17 years or older but still enrolled at primary grades (Educational Statistics, 1998 EMIS, Ministry of Basic Education and Culture, Windhoek, page 62 (not reproduced).

The age limit for engaging in dangerous work is higher than that indicated above under "Laws and regulations" above.

As regards any categories of jobs or work, economic sectors or types of enterprise excluded from the implementation of the principle and right relating to the effective abolition of child labour, please refer to the information provided above, under "Constitution".

The means of implementing the principle are:

Administrative

- Monitoring of educational programmes and practices by the Ministry of Basic Education.
- Labour inspection.

Legal

- Criminal Procedure Act (Act 52 of 1997), section 290 provides for the treatment of convicted juveniles.
- Children's Act (Act 33 of 1960).

Bodies

- Through the Ministry of Labour.
- Labour Advisory Council.
- Employers' and workers' organizations.

Assessment of the factual situation

There are no indicators or statistics available that might be envisaged as a means of assessing the situation. These could be established once the analysis of Child Activity Survey is completed. Penalties and sanctions will not be part of the outcome of the survey.

The Ministry envisages working on data analysis and report writing of the survey on child labour, which was conducted during the first two quarters of 1999. The analysis and report writing of the said survey is expected to be completed by the end of December 1999 or early January 2000. The Ministry's position regarding the magnitude of child activities in Namibia will only be communicated through the next report.

Other information that might allow a better assessment of the situation in the country: As regards education, about 90 per cent of the Namibian children of school-going age are in school.

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

Measures taken to abolish child labour effectively can only be determined on the basis of the outcome of the survey.

Means have been deployed to promote the effective abolition of child labour by:

- (i) the Government: Commissioning of the Child Activity Survey during the first two quarters of this year;
- (ii) the ILO: The ILO sponsors the consultant responsible for data analysis and writing the report of the Child Activity Survey;
- (iii) other bodies:
 - UNICEF Namibia sponsored the data entry component;
 - the Labour Advisory Council will be discussing the possibilities of ratifying Conventions Nos. 138 and 190 during its November 1999 meeting.

The objective of the Government is the elimination of child labour in Namibia.

Legally, the elimination of child labour in Namibia is already viable.

The report of the survey must, however, inform the Government on the magnitude and spread and causes of child labour in the country before any action is taken. Such information is also required in the development of programmes and strategies, aimed at eradicating child labour. On the basis of such programmes, the degree of ILO assistance would be determined.

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

The report has been sent to the following representative employers' and workers' organizations:

- Namibia Employers' Federation;
- National Union of Namibian Workers.

Observations received from employers' and workers' organizations

No observations have been received. The social partners have been advised to send their observations directly to the ILO and copy to the Government if they so wish.

Annexes (not reproduced)

Constitution of Namibia

Children's Act (Act No. 33 of 1960).

New Zealand

Means of assessing the situation

Assessment of the institutional context

The New Zealand Government 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, including the development of the Convention regarding the worst forms of child labour.

The New Zealand 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. We consider 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.

The principle is recognized in the following ways:

Education

Education is the prime focus for children aged 16 and under in New Zealand. This will allow children to be well placed to benefit from future opportunities.

The Education Act 1989 prohibits any person from employing any child under the age of 16 years within school hours. Employment that prevents or interferes with a child's attendance at school is also unlawful. There are similar provisions for children enrolled at correspondence school or being home-schooled. Parents and/or employers can be prosecuted and fined for breaching these provisions.

In 1991 the Education Act was amended to require every person to be enrolled at a registered school from the age of 6 to 16. This provision came into effect on 1 January 1993. The legislation previously required enrolment from the age of 6 to 15.

Employment

Certain statutory minimum conditions apply to all employees, including children. These include annual and statutory holidays (Holidays Act 1981), special leave for sickness, domestic purposes and bereavement, protection against unlawful deductions from wages, (Wages Protection Act 1983), equal pay for women and men where their only difference is their sex (Equal Pay Act 1972), and parental leave. (See attached booklet entitled "Employment: Your Contract, Your Rights, Your Obligations" (not reproduced)).

A statutory youth minimum wage was introduced for the first time in 1994, for employees aged 16-19. The youth minimum wage rate is currently NZ\$4.20 per hour, \$168 for a 40-hour week. The adult minimum wage rate for employees aged 20 years and over is currently \$7.00 per hour or \$280 for a 40-hour week. The Commissioner for Children has noted concerns that there is no minimum wage rate for young people aged 15 years and under; and also concerns by some young people that the youth minimum wage is lower than the adult rate. These issues have been carefully considered by the Government at the time the youth minimum wage rate was introduced in 1994 and at each of the subsequent annual reviews of the levels of the youth and adult minimum wages.

The level of the youth minimum wage reflects the Government's concern to balance protection against exploitation and preventing an adverse effect on the employment of young people, who tend to have fewer skills and less experience than older employees. The youth minimum wage applies from the age of 16 as the Government considers that the primary focus of children below this age should be formal education rather than employment.

The right to enforce an employment contract through the Employment Tribunal and Employment Court is available to all employees, including children. If an employee believes that their employment contract contains harsh and oppressive conditions or was obtained in a harsh and oppressive manner, they are able to take a claim directly to the Employment Court to have either part or all of their employment contract set aside.

The Commissioner for Children has noted that the legal processes are largely developed with an adult population in mind and that children may require special assistance in accessing the system and information. While recognizing the needs of children, the Government considers that there is considerable flexibility available that allows these needs to be met. In the Employment Tribunal, employees have the right to decide whether to represent themselves or to choose their representative. Representatives are not required to be legally qualified and young people are free to ask family members, unions, employment or youth advocates as well as lawyers, to represent them. The filing fee at the Tribunal is set at a moderate level (currently \$70) and staff are available to assist applicants to understand procedural requirements. Labour inspectors are able to enforce some statutory entitlements such as holidays and the minimum wage on behalf of employees at no cost to the employees.

Current information and education strategies by the Department of Labour include widely available publications; a nationwide free phone information service; and visits by the Labour Inspectorate to schools and other educational institutions. The Human Rights Commission and other agencies also undertake a range of educational activities. The Industrial Relations Service of the Department of Labour is also planning to review its information services to particularly consider the needs of young people entering the labour market for the first time.

Health and safety

The Health and Safety in Employment Act 1992 applies to all employees, regardless of age. The Act is industry-focused, rather than age-focused. There are sections of the Act, however, which relate specifically to children in employment:

The Act provides, in section 6, that every employer shall take all practicable steps to ensure the safety of employees at work. In particular, employers must provide a safe working environment, provide and maintain facilities for employees' safety and health while they are at work, ensure that plant used by any employee at work is safe for the employee to use, ensure any employee is not exposed to a hazard either in their place of work or near their place of work and under their employer's control, and develop procedures for dealing with emergencies that may arise while employees are at work.

Under sections 7 to 10 of the Act employers are required to identify hazards in the workplace and, where practicable, eliminate them. If it is impracticable to eliminate the hazard the employer must take all reasonable steps to isolate the hazard. Where both elimination and isolation of the risk is impracticable, significant hazards must be minimized and employees protected. Section 13 of the Act requires employers to ensure that employees receive adequate training and supervision so as not to harm themselves or other people.

Under section 14 of the Act employers are required to involve employees in the development of health and safety procedures.

The Health and Safety in Employment Regulations 1995 place restrictions on the employment of young people under 15 years of age in certain industries such as manufacturing, construction and forestry. Employers are required to take all practical steps to ensure that employees under the age of 15 are not required to lift any weight or perform any task that would be likely to be injurious to the employee's health.

The Regulations also restrict the use of machinery by persons under 15 years, and provide restrictions on employees under the age of 15 years driving or riding on tractors or self-propelled mobile mechanical plant.

The regulations prohibit the employment of people under 16 between the hours of 10 p.m. and 6 a.m. unless the employee's employment is in all respects in accordance with an approved code of practice. To date, no such codes of practice have been approved. In addition, the Explosives Act 1957 prohibits a person under 18 working in a place where explosives are made or stored.

Any person who breaches the Health and Safety in Employment Regulations 1995 by taking an action, or failing to take an action, knowing it is reasonably likely to cause serious harm is liable to imprisonment for a term of no more than one year, or a fine of not more than \$100,000, or both. Any other breach of the Act will result in liability to a fine of up to \$50,000, where it causes any person serious harm, and \$25,000 in any other case.

Care and protection

The Guardianship Act 1968 defines a guardian, including parents, as having the custody (right to possession and care of the child) to a child, and the right of control over the upbringing of a child. Section 23 of the Act states that in relation to the custody, guardianship and access to a child, the welfare of the child is to be the first and paramount consideration.

The Children, Young Persons and their Families Act 1989 provides various protection mechanisms for children under 17 that are in need of care and protection. Section 14 defines situations when a child is in need of care and protection and includes the likelihood of harm and neglect. The Children, Young Persons and their Families Agency (CYPFA) and the police have the power to intervene where necessary.

There are ranges of government benefits to help children and low-income families with children. The Inland Revenue Department provides family support, a guaranteed minimum family income and an independent family tax. Work and Income New Zealand (WINZ) childcare subsidies, community services cards for health care, accommodation support, disability allowances, a community wage jobseeker allowance and a community wage sickness benefit. WINZ also provides benefits targeted at helping the families of children. WINZ provides a domestic purposes benefit, benefits for invalids, widows and those who care for the sick and infirm. An old-age pension, a veterans' allowance and national superannuation is also available.

The Summary Offences Act 1981 prohibits parents and guardians from leaving children under the age of 14 years for a period of time that is unreasonable without making reasonable provision for the supervision and care of the child.

The Crimes Act 1961 also prevents parents or guardians of children under the age of 18 years delivering them to another person intending that the child or his/her labour shall be

exploited. For additional information please refer to the 1998 New Zealand report on Convention No. 29 concerning forced labour.

Human rights

The Human Rights Act 1993 protects children against discrimination on the grounds, except for age,⁴ set out in the Act.⁵ There is provision, however, for employees aged under 20 to be paid at a lower rate based on age than another person in a similar job. For additional information please refer to the 1999 New Zealand report on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

New Zealand also has an Office for the Commissioner for Children. The Office was established under the Children, Young Persons and their Families Act 1989 and provides advocacy for children. This enhances the ability of children to be heard by decision-makers.

New Zealand is also a signatory to the United Nations Convention on the Rights of the Child. As detailed above, and in accordance with Article 32 of that Convention, New Zealand has legislation in place which does 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 ratifying the Convention, the New Zealand Government reserved its position as it considered that "... the rights of the child provided for in article 32(1) are adequately protected by its existing law. It therefore reserves the right not to legislate further or to take additional measures as may be envisaged in article 32(2)." As noted above there is a range of measures in place to protect children from exploitative labour practices. More information is provided in New Zealand's first report on UNCROC.

Section 30 of the Education Act, which requires that school-age children cannot be employed during school hours, is enforced by schools. A situation involving a child's absence from school is reported to a school, CYPFA, the Non-Enrolment Truancy Service (NETS), a District Truancy Service (DTS) or the Ministry of Education. Other agencies then refer the matter to NETS as a possible non-enrolment and NETS works to ensure the student returns to a position that complies with the law.

New Zealand law does not specifically provide a minimum age for admission to employment, but the employment of children is limited in the ways described above.

New Zealand legislation does not distinguish between degrees of danger as such and certainly does not categorize work as "dangerous". Instead it recognizes that all work has inherent hazards and places responsibility on employers in particular to identify and manage those hazards, whether they are minor, normal, dangerous or highly dangerous. Therefore, there is no age limit for employees engaged in "dangerous" work per se. There are clear provisions, however, restricting the form of work employees under 15 can be employed in. Employers are required to maintain a safe working environment for all employees.

⁴ For the purposes of any provision of the Act "age" means any age of 16 years or more.

⁵ The Act protects against discrimination based upon sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status or sexual orientation.

There are no other specific sectoral arrangements.

The legislation referred to in this report is enforced by a number of government agencies and departments. The Commissioner for Children believes that additional child-focused resources are needed to protect and enforce children and their rights in the workplace. While the New Zealand Government considers that effective protections are in place, it acknowledges that there continues to be scope to further reflect the particular needs of children in a number of areas.

The Education Act is administered and enforced by the Ministry of Education. A fine of up to \$1,000 may be imposed in relation to a breach of any of the Education Act provisions.

CYPFA is responsible for responding to notifications of child abuse and neglect and providing services to protect children and young people (up to the age of 17) from harm and ill treatment.

CYPFA received 26,973 notifications alleging abuse and neglect of any kind for the last financial year (1 July 1998 to 30 June 1999). CYPFA advises that very few notifications involve employment, however, specific figures are not available. If a care and protection issue exists after a notification has been investigated, then it is referred for a family group conference (FGC). This process enables the family — whanau, hapu and iwi⁶ — to participate in decision-making about what needs to happen to pursue the best interests of the child. All participants in the FGC, including agency professionals, police, and often the young persons themselves, need to agree on the decisions made. In excess of 9,000 family group conferences are held annually of which more than 90 per cent reach agreement about what should happen to ensure the ongoing care of the child or young person. CYPFA wishes to reiterate the importance of the FGC, as a process for ensuring that families are involved, and that the voice of the child is heard.

The Family Court also provides a formal resolution process and may make a range of orders to protect the child and support care and protection arrangements. Informal resolutions include negotiation to provide the child with assistance, liaison with and referral to other agencies or services and advocacy on the child's behalf. The objective of all these procedures is to promote the best interests of the child.

A system of labour inspection is maintained by the New Zealand Government in respect of all workplaces. The Labour Inspectorate consists of two separate parts:

- A Health and Safety Inspectorate located in the Occupational Safety and Health Service of the Department of Labour; and
- A Labour Inspectorate located in the Industrial Relations Service of the Department of Labour.

The Health and Safety Inspectorate comprises inspectors in the Occupational Safety and Health Service of the Department of Labour. These inspectors are responsible for the enforcement of the Health and Safety in Employment Act, which applies to all workplaces except on board ships and aircraft. This Act has been discussed above. (Safety on board ships is covered by the Maritime Transport Act 1994 — administered by the Maritime Transport Authority, and safety on board aircraft is covered by the Civil Aviation Act 1990 — administered by the Civil Aviation Authority.)

⁶ A whanau is a family, a hapu is a sub-tribe and an iwi is a tribe.

The Act is enforced through the District Court and the High Court. Penalties of up to \$100,000 and one year's imprisonment can be imposed under the Health and Safety in Employment Act. Please refer to New Zealand's 1999 report on Convention No. 81 for further details.

The Labour Inspectorate is a unit of specialist Labour Inspectors and Information Officers within the Industrial Relations Service of the Department of Labour. The Inspectorate provides information about a range of employment legislation (see attached booklet) and has specific enforcement powers under certain Acts including the Minimum Wage Act and the Holidays Act. Employees and their representatives have the power to enforce their statutory and contractual entitlements through the Employment Tribunal and the Employment Court.

Remedies include compliance orders, penalties and reimbursement. For further information, see above and New Zealand's 1999 report on Convention No. 81 Labour Inspection 1947.

Assessment of the factual situation

No statistics are collated in New Zealand for under-15 year olds in employment. Figures taken from the New Zealand census are collated for the 15-19 year-old age group. (Tables 1-6 (not reproduced). Figures taken from the Household Labour Force Survey are given for the 15-18 year-old age group (tables 7-11 (not reproduced)).

Almost half the employed 15-19 year olds in New Zealand are employed in the distribution sector. This sector includes food retailing.

The Department of Labour runs a free Industrial Relations Info-Line. In the June 1999 quarter, 12,982 inquiries were made to this number. Three per cent of inquiries to the Info-Line (414) were about minimum wage rates for youth.

Information received during the Industrial Relations Service's sixth survey of callers to the Industrial Relations Information Centre (Info-Line) in June 1999 has been tabulated by ethnicity and age (tables not reproduced).

The Industrial Relations Information Centre Survey Results, June 1999, show that 4.4 per cent of the callers were aged 10-19.

The Occupational Safety and Health Service (OSH) database records workplace injuries and deaths that have been investigated by OSH. Those injuries and deaths may be either to young persons employed, or to young persons in the workplace for other reasons. Unfortunately, a breakdown of the figures between those two categories is unable to be given, but as an example, in 1998-99, of the five children killed, only two were actually in employment.

Investigations undertaken by OSH of incidents that have led to persons aged 18 and under being injured or killed in employment/in the workplace showed 280 injured in 1998-99 (Occupational Safety and Health Service Database).

In New Zealand, of the total number of persons aged 19 and under (1,095,060), 850,720 were in all forms of education.

Of persons involved in tertiary training, 44,615 were between the ages of 16 and 19 years (Ministry of Education, 1997). The Government refers to its observations in the first part of the report.

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

New Zealand supports initiatives to eliminate exploitative child labour in international forums, including adoption of the new ILO Convention concerning the worst forms of child labour.

The New Zealand Government welcomes the development of any initiatives that will abolish both the exploitation of child labour and extreme and hazardous forms of child labour. The New Zealand Government does not believe, however, that all child employment is harmful. Indeed, part-time work can be viewed as socially desirable as it promotes responsibility and independence. The exploitation of child labour, however, should not be condoned or supported in any form.

The New Zealand Government believes that existing legislation and policies, as described in this report, provide a wide range of protection against the exploitation of children in employment within New Zealand.

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

New Zealand Council of Trade Unions.

New Zealand Employers' Federation.

Observations received from employers' and workers' organizations

Comments were received from both organizations.

Annexes (not reproduced)

Tables showing:

- 15–19 year olds in employment.
- Percentage of 15–19 year olds in the New Zealand workforce.
- Percentage of 15–19 year olds in employment by industry.
- 15–19 year-old males in employment by industry.
- 15–19 year-old females in employment by industry.
- 15–19 year olds in employment by industry.
- Unemployment rates from 15–18 year olds, 1990–99.
- Males aged 15–18 in employment, 1990–99.
- Females aged 15–18 in employment, 1990–99.
- Ethnicity of females aged 15–18 in employment (June quarter 1999).
- Ethnicity of males aged 15–18 in employment (June quarter 1999).

Investigations undertaken by OSH of incidents that have led to persons aged 18 and under being injured or killed in employment/in the workplace.

New Zealand

Observations of the New Zealand Employers' Federation

The Federation concurs with the Government's response and here, too, would draw attention to its own efforts, through published advice, seminars (conducted by its regional associations) and the like to see that its employer members have a good understanding of the rights of all employees, including those who have not reached the school-leaving age. The Federation agrees that real efforts must be made to eliminate the worst forms of child labour. It does, however, stress, as does the Government, that a limited amount of employment — out of school hours — is a good way to encourage independence and a growing sense of responsibility in young people before, that is, they move on to full-time employment. Protective legislation ensures that abuses do not occur.

New Zealand

Observations of the New Zealand Confederation of Trade Unions (NZCTU)

The NZCTU shares the New Zealand Government's concerns about exploitative child labour. We have consistently supported the development of the Convention on the abolition of the worst forms of child labour.

The New Zealand Government has not ratified Convention No. 138 concerning the minimum age for admission to employment. The CTU considers that the failure of the New Zealand Government to ratify Convention No. 138 shows a failure to recognize the principle of the effective abolition of child labour in this country.

We know that children in New Zealand do deliver newspapers and pick fruit. This has provided a rationale for the New Zealand Government's failure to ratify Convention No. 138 as they say that this work would be prohibited by the Convention.

The main source of information about employment in New Zealand is the New Zealand Household Labour Force Survey. However, this survey does not cover those under 15 and the Government does not know that the types of employment it approves of are the sole forms of employment which occur in those under 15.

The NZCTU and the Post Primary Teachers' Association have very recently carried out a survey through high schools to look at young people in employment. We found that 57.2 per cent of the respondents aged 13-14 years had had one or more jobs (copy of survey, not reproduced).

While the numbers are small, children under 15 were employed in a large variety of areas outside the delivery and fruit picking referred to in the Government's report (table showing types of jobs held by 13-14 year-olds (not reproduced)).

We note particularly that some school children reported working on farms, in manufacturing, in transport and construction. We are concerned about the working conditions and safety of children in these types of employment.⁷ This is preliminary evidence of unsuitable work being done by under 15 year olds in the absence of specific protections for them.

We believe that Convention No. 138 should be ratified by New Zealand and legislation should be introduced establishing minimum ages. In our view Article 7 of Convention No. 138 has the flexibility to allow some of the work that is currently undertaken by children between 13-15 years particularly the newspaper delivery work referred to by the Government.

Minimum wage rate

The CTU supports the concern expressed by the New Zealand Commissioner for Children at the lack of a minimum wage rate for those aged 15 years and under. The CTU has proposed a higher level for the current youth minimum wage for those aged between 16-18 and believes that the adult minimum wage should apply to those aged 18 and over. Secondary schooling is only until the age of 18 in New Zealand and there is no rationale for a lower rate for those over 18 years old many of whom have to support themselves or their tertiary education through their earnings.⁸

United Nations Convention on the Rights of the Child

The CTU is disappointed that the Government has placed a reservation on article 32(2) of the United Nations Convention on the Rights of the Child. We urge the Government to reconsider this reservation.

Health and safety

In relation to the use of vehicles the Government's report states merely that there are restrictions on employees under the age of 15 driving tractors or mobile plant in the Health and Safety in Employment Regulations 1995. However, there are significant exceptions for the use of tractors in regulation 61, which states:

Regulation 60(2) of these regulations does not apply where –

- (a) the youth is over the age of 12 years; and
- (b) a tractor is being used in connection with agricultural work; and
- (c) the youth —

⁷ Prior to the Employment Contracts Act, the CTU was instrumental in the development of codes of practice for the employment of young workers particularly in the newspaper and pamphlet delivery field which often employs those under 15. Since the introduction of the Employment Contracts Act it has been extremely difficult to organize and bargain for these very young workers and the codes of practice have fallen into abeyance.

⁸ In our survey of young workers 89 per cent of 15-16 year olds were paid over the current youth minimum wage rate of \$4.20 per hour and only 2 per cent of those aged 17-18 were paid under \$5.00. We consider that as only a marginal amount of employment occurs at the level of the current youth minimum wage it can be raised and will only have an effect on a small number of exploitative employers.

- (i) has been fully trained in the safe operation of the tractor and the safe use of any implement that is being drawn by or is attached to the tractor; or
- (ii) is being trained in the safe operation of the tractor or the safe use of any implement that is being drawn by or is attached to the tractor.

The CTU is concerned that this regulation creates a loophole that allows many children over the age of 12 to frequently use tractors especially on family farms. This is not safe.

Enforcement

Labour inspection

The CTU has ongoing concerns about the adequacy of the labour inspection system in New Zealand. The Labour Inspectorate is now operated primarily as an information service with a very low number of inspectors. Our general areas of concern are laid out in our 1999 article 22 report on the Labour Inspection Convention, 1947 (No. 81). We believe that the inadequacies of the Labour Inspectorate could be adversely affecting young workers who may not be receiving their statutory rights. We note that in our survey of young workers some were receiving less than the youth minimum wage rate. The Government has provided no evidence of prosecutions by the Labour Inspectorate to enforce this rate.

Employment data

There is no data on the employment of those under 15. There are problems with the employment data in the Household Labour Force Survey for the 15-18 year-old age group as it only covers figures over 1,000. We note that the Government has only provided census data on the types of employment undertaken by young workers.

The CTU would be interested in working with the New Zealand Government to explore means of improving centralized information about the employment of young people.

Enforcement and inspection data

No data is available in the report on any inspections carried out either by the OSH or the Labour Inspectorate relating to young workers or any enforcement actions undertaken on behalf of young workers. This leaves open the inference that no enforcement actions were undertaken, particularly by the Labour Inspectorate which carries out relatively few prosecutions for breaches of its legislation owing to its information provision philosophy.

Health and safety data

We note that figures on injuries to those 18 and under show a rise in the rates of injury when compared to the employment figures for the relevant years (table on this subject, not reproduced).

We welcome and fully support the New Zealand Government's expressed intention of adopting the new ILO Convention concerning the worst forms of child labour. We await the completion of this process.

Nigeria

Means of assessing the situation

Assessment of the institutional context

Nigeria recognizes the effective abolition of Child Labour in:

- Labour Act, CAP 198, Laws of the Federation of Nigeria (LFN), 1990 (sections 59-65);
- Factories Act, CAP 126, LFN, 1990 (sections 49 and 88);
- Workmen's Compensation Act, CAP 470, LFN, 1990 (section 1);
- Trade Unions Act, CAP 437, LFN, 1990 (section 19).

Child Labour is defined in relation to age limit and admission to employment in section 59(2) of the Labour Act, CAP 198, 1990.

Section 59(5) of Labour Act, CAP 198, 1990, specifies that no young person under the age of 16 years old shall be employed to work underground, or in machine work or on a public holiday. In addition, section 60 of the same text provides that night work is only applicable to young persons over the age of 16 years.

Section 49(5) of Labour Act, CAP 198, 1990, provides for exceptions in the field of apprenticeship where children aged from 12 to under 16 years old can be involved (copy attached (not reproduced)). In addition, section 61 of the Labour Act, CAP 198, 1990, provides that no young person under the age of 15 years old shall be employed in any vessel, except where the vessel is a school, approved by the Minister or owned by the young person's family.

The Federal Ministry of Employment, Labour and Productivity has the official mandate to monitor, control and prevent child labour through labour and factory inspections which are the main divisions involved in these activities. Moreover, the Universal Basic Education (UBE) Programme and the compulsory ages for education is from 6 to 15 years old. The Federal Ministry of Education is in charge of basic education in Nigeria. Lastly, the Labour Act, CAP 198, 1990 (section 64), and the Factories Act, CAP 198, 1990 (sections 49 and 88), provide for sanctions in case of contraventions of the legal provisions on child labour.

Assessment of the factual situation

No adequate indicators or statistics are available on child labour. However, the Federal Office of Statistics is collaborating with the ILO in integrating a child labour survey into the country labour force survey. The Federal Ministry of Employment, Labour and Productivity expects to be involved in these activities (copy of the letter on child labour survey in Nigeria, not attached).

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

The local governments, NGOs, and private initiatives are carrying out special programmes for street children. The Universal Basic Education (UBE) Programme would assist in

making school attendance effective (compulsory school age from 6 to 15 years old). Lastly, state edicts prohibit street begging and/or child prostitution.

A National Policy and Sensitization Workshop on Child Labour in Nigeria was organized in 1998 by the Government, in collaboration with the ILO and the UNICEF. In addition, Skills Acquisition Centres have been established to assist children. Lastly, the Government has ratified some ILO Conventions on child labour (Conventions Nos. 15, 58, 59 and 123) as well as the UN Convention on the Rights of the Child.

An ILO/IPEC Programme for Nigeria is being prepared and the ILO has assisted the Government in organizing the National Policy and Sensitization Workshop on Child Labour in Nigeria mentioned above.

Moreover, the ILO specialist on international labour standards has briefed labour officers on child labour issues in July and October 1999. In addition, the ILO Area Office, Lagos, and the ILO EAMAT Addis Ababa have assisted the Government in defining the country objectives regarding the abolition of child labour. Lastly, the African Regional Labour Administration Centre (ARLAC) has organized in Accra (Ghana) a subregional workshop (including child labour issues) and a national workshop on international labour standards and the 1998 ILO Declaration is being planned for year 2000.

At the national level, many NGOs such as the National Centre for Women Societies (NCWS), Child Life-Line, Family Craft and the Islamic Centre are assisting street children and carrying out actions against child prostitution or abuse.

National objectives have been revised in the framework of the 1998 National Policy and Sensitization Workshop on Child Labour in Nigeria as follows:

- to sensitize policy-makers to understand the concept of child labour situation in Nigeria;
- to collect information on the forms and extent of child labour phenomenon in Nigeria;
- to assess and analyse the existing data on child labour in Nigeria;
- to assess and appraise the existing pieces of legislation and enforcement strategies on child labour in the country;
- to develop, in collaboration with social partners, stakeholders, NGOs and other relevant bodies, a national action plan for eliminating child labour.

The Programme of Action on Child Labour involves, inter alia:

- sensitization of the Government, the social partners, NGOs, stakeholders, rural/urban parents, children, schools, religious organizations, community, opinion leaders and other actions on child labour issues by using formal and non-formal means of communication;
- empowerment of the above actors in being partners in the fight against child labour by funding, training and provision of necessary facilities;
- creation and sustainment of poverty alleviation schemes to be available to people at grass-root levels;
- better collaboration between the Government, social partners, NGOs, donor agencies other actors and the media to ensure public awareness and social change on child labour issues. In addition, street children, child workers in informal sector in urban/rural areas, as well as children's involvement in illegal activities (drugs

trafficking, prostitution, crimes, etc.) should be targeted. In this respect, there is a need for special training and strengthening of the labour inspection system.

For further information on the national programmes and objectives on child labour, a copy of the report of the National Policy and Sensitization Workshop on Child Labour organized in November 1998 is provided (not reproduced).

The Government welcomes ILO/IPEC assistance to carry out the abovementioned activities, including a national workshop to follow up the national objectives, strategies and plans of action on child issues, and actions towards poverty alleviation and progressive elimination of child labour in the country.

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

A copy of this report has been sent to:

- the Nigeria Employers' Consultative Association (NECA); and
- the Nigeria Labour Congress (NLC).

Panama

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Panama; pursuant to Act No. 15 of 1 November 1990, Panama has ratified the Convention on the Rights of the Child, including its provisions relating specifically to child labour, which recognizes the right of children to protection against economic exploitation and work that is harmful to their development and which commits the State to establish minimum ages, working hours and working conditions and sanctions for non-compliance. Consequently, over recent years a number of measures have been taken and administrative and legal measures adopted with a view to preventing any situation which might jeopardize children's physical, intellectual, emotional and moral development and to render effective the rights of the child embodied in the Convention.

In this regard, in article 66 of the Constitution, which deals with maximum working hours, reference is made to child labour, providing that maximum working hours must be limited to six hours per day for children over 14 years and under 18 years. Likewise, children under the age of 14 are not permitted to work and children under the age of 16 may not engage in night work, other than in the exceptional situations laid down in law.

In addition to the provisions of the Constitution, a number of other instruments contain provisions regarding the prohibition of child labour. The Family Code, passed under Act 3 of 17 May 1994 and which came into force on 3 January 1995 adopts a new approach as regards the responsibility of the State in Panama in organizing, promoting, developing, following up and coordinating programmes and policies, by both the public and private sectors, for preventing, protecting and ensuring overall well-being, for families and their members. Volume II of the Family Code lays down a series of basic standards regarding

the regulation of the rights and guarantees for minors, that is, any human being from the time of conception to the age of 18 years.

Chapter V of Volume II is devoted to “Working Minors”; it states that it is unlawful for any minor of 14 years of age to engage in any type of work and that minors between the age of 14 and 18 years may not engage in the activities explicitly prohibited by law, as contained in the Family Code (articles 509 to 513).

Meanwhile, the Labour Code contains a series of legal provisions regarding employment, as it refers to the integral development of children. In this regard, articles 117, 119, 120 and 122 contain provisions regarding the protection of minors on the labour market, as follows:

Article 117: work is prohibited for:

1. Minors who have not reached the age of 14 years; and
2. Minors up to the age of 15 years who have not completed primary education.

Article 119: In agricultural exports, minors between the ages of 12 and 15 years may be employed only in light work and outside the hours reserved for school attendance.

Article 120: Work is likewise prohibited for persons under the age of 18 years:

1. During night hours, between 6 o'clock in the evening and 8 o'clock in the morning;
2. Overtime hours on Sundays, official holidays or national days of mourning.

Article 122: In establishing hours of work, account will be taken of the minor's schooling needs, and the working day may not exceed:

1. Six hours per day and 36 hours per week, for those under the age of 16 years; and
2. Seven hours per day and 42 hours per week, for those under the age of 18 years.

It should be noted that Panama has not ratified Convention No. 138 in view of the sensitive situation resulting from the fact that the National Constitution, article 66, lays down 14 years as the minimum age for employment, while the provisions of the Labour Code (articles 119 and 123) and of the Family Code (article 716) provide that minors may work at the age stipulated in the Constitution.

If Panama were to ratify Convention No. 138, the Labour and Family Codes would have to be brought into line with the provisions of the Constitution, which would not be a major problem; however, since the Convention stipulates 15 years to be the minimum age of admission to employment, it would clash directly with our Constitution and, given that the Convention is an international instrument, under article 4 of our Constitution, we would be bound by it. The article in question provides that: “The Republic of Panama adheres to the standards of international law”.

Convention No. 138, moreover, imposes an obligation gradually to adjust the minimum working age to 15 years, whereas the National Constitution lays down a limit of 14 years. An amendment introducing the higher minimum age would have to be introduced, with the

well-known attendant problems. Moreover, the existence of the Constitutional precept would immediately lead to violation of the Convention, not to mention the above-described clash that would arise between this instrument and labour and family legislation.

Hence it is on account of the contradictions between domestic legislation (labour and family) and the National Constitution that Convention No. 138 has not been ratified and no intention exists at present to do so, particularly as a new Minors' Code is to be drawn up, which legal instrument will bring together in a broad-ranging and detailed manner all questions relating to this delicate subject and which are embodied in different conventions (see article 568 of the Family Code). Our Government must review the match with the Constitution and legislation before ratifying this Convention.

In regard to the extent to which or within what limits child labour is defined:

- The minimum age of admission to employment is laid down in Volume II, Chapter V, article 509 of the Family Code which states: "Minors of 14 years of age may not work, except as provided by article 716 of this Code".

It should be noted that the decision of 13 November 1995, regarding authorization for minors between 12 and 14 years of age to carry out domestic tasks, has been declared unconstitutional.

Moreover, in regard to education, under the new curriculum of the Ministry of Education (Basic Education), girls and boys generally complete their ninth grade studies at the age of 14 years, which coincides with the minimum age laid down in the Family Code as the minimum age for admission to employment.

- The Family Code, article 510, states: "Persons under the age of 18 years may not carry out work of a nature or in conditions which endanger the life, health or morality of minors, or which affect their regular attendance of a centre of learning". This article lists the following jobs as being dangerous:
 1. Work in night clubs, bars, discotheques and other places in which the retail sale of alcoholic beverages takes place.
 2. Jobs connected with gambling, such as race tracks, casinos and others.
 3. Transportation of passengers and goods by road, rail, air, inland waterways and the high sea and work on wharfs, vessels and warehouses.
 4. Work connected with electricity generation and distribution.
 5. Handling of explosive or inflammable substances.
 6. Underground work in mines, quarries, tunnels or sewers.
 7. Handling of poisonous or dangerous substances, devices or apparatus involving exposure to the effects of radioactivity.
 8. The use of minors in public performances, films, theatre, advertisements in cinemas, radio, television and in publications of any type that undermine the dignity or morality of the minor, in keeping with regulations to be drawn up to that end by the National Council of the Family and Minors.

The provisions of paragraphs 3, 4, 5 and 6 of article 510 of the Family Code do not apply to work by minors in vocational training schools, provided that such work is approved and supervised by the competent authorities.

It should be noted that the Family Code, article 717, provides that "The State through the relevant institutions, will oversee the hiring of minors for seasonal work or during school

holidays, in order to ensure that standards regarding working hours, type of work and pay are not breached”.

Hence, responsibility for overseeing the hiring of minors in employment is the responsibility of the Ministry of Labour and Employment Development which, through its National Labour Inspection Directorate, assumes the task of ensuring compliance with the legal provisions governing conditions of work and protection of workers in the exercise of their occupation, such as provisions regarding working hours, pay, safety, health and well-being, employment of minors and other related provisions, insofar as labour inspectors are responsible for ensuring compliance with the ILO Conventions that Panama has ratified.

It should be noted that the Directorate has a department with responsibility for advising and assisting working minors and working pregnant women whose task is to advise, guide and assist minors who are already on the labour market or who wish to enter the labour market, parents and guardians of minors, companies and the community in general, to inform them on the subject of child labour relevant rights and duties and offering support in defending them. Particular mention may be made of the following activities carried out by the department:

- interviews with and guidance to minors, parents and guardians applying for authorization to work;
- supervision and inspection of working hours, pay, type of work, contracts, shifts, social security, school performance, working environment, physical conditions for rest and meals;
- identification of minors working without authorization, through routine inspections, random inspections, re-inspection, contracts, notice and employment history;
- to assess and approve authorizations for minors, in conjunction with the Director;
- work and coordination tours with regional labour directorates, to implement and follow up on the Working Minor Programme and to establish the National Programme Network;
- to carry out operations to identify minors working, without authorization, in jobs that are prohibited, contrary to morality or which, by their nature, endanger the life and physical and mental health of the children involved.

Assessment of the factual situation

As regards the characteristics of child labour in Panama, data regarding the child population by sex, distribution by area and educational characteristics of the economically active child population are contained in a brief report on the subject contained in Annex 4 (not reproduced).

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

With regard to the efforts made or envisaged to ensure respect for promotion and realization of the effective abolition of child labour, the Government has adopted a number of measures, including:

- initiatives of a legal nature such as: the Family Code which lays down the parameters of relationships within the family and the surrounding environment, with Volume II devoted to child-related duties and rights;

- establishment of the Ministry of Youth, Women, Children and the Family, pursuant to Act 42 of 19 November 1997, with a view to encouraging human development through the participation and promotion of equity, identifying priority attention groups, such as children, to carry out activities contributing to their overall development, particularly for children in a situation of poverty and extreme poverty;
- on 13 June 1996, the Government concluded a Memorandum of Understanding with the ILO to pursue activities under the IPEC programme;
- establishment of the Committee for the Effective Abolition of Child Labour and Protection of the Working Minor, under Decree No. 25 of 15 April 1997, a copy of which is appended in Annex 2, with the general purpose of progressively abolishing child labour and ensuring that working minors receive legal and social protection. The Government would thereby consolidate its activities and implement strategies to enhance the effective participation of all sectors of society in claiming the right of children to education and progressively abolishing child labour from Panamanian society.

The Committee is a high-level body with the task of formulating and promoting a National Plan of Action for the progressive abolition of child labour and protection of the working minor. Article 3 of the relevant Decree states that the Committee has the following functions:

- to advise on, coordinate and draw up policies and programmes intended to improve the social and employment conditions of working minors and to discourage the use of child labour;
- to contribute to the formulation, supervision and assessment of the National Plan of Action for the progressive abolition of child labour and protection of the working minor;
- to enhance coordination and consultation between public and private, national and international institutions involved in child labour, with a view to developing alternatives and strategies to reduce or abolish the root causes of child labour and which promote the effective implementation of legislation relating to child labour;
- to submit for adoption by the relevant bodies procedures guaranteeing the assessment and follow-up of the National Plan of Action for the elimination of child labour and protection of the working minor;
- to convene and advise national entities in connection with the adoption and implementation within their respective jurisdictions and competences of the National Plan of Action for the progressive abolition of child labour and protection of the working minor;
- others emerging from research, literature and dissemination of information on the abolition of child labour.

Under Executive Decree No. 9 of 21 April, the Government provided for the establishment of the Committee for the Abolition of Child Labour and Protection of the Working Minor, under the auspices of the Ministry of Youth, Women, Children and the Family. Subsequently, for strategic reasons, through Executive Decree No. 18 of 19 July 1999 it amended above Decree No. 9 to state that the Committee would function under the auspices of the Ministry of Labour and Employment Development. A copy of the latter Decree is appended in Annex 3 (not reproduced).

The draft Plan of Action for the Abolition of Child Labour and Protection of the Working Minor, which was formulated by the above Committee, aims to achieve the progressive

overall abolition of child labour and ensure that working minors receive legal and social protection. The Plan of Action contains six specific objectives with their respective outcomes, as follows:

- to identify the population of working children and adolescents at the national level with the obvious outcome of achieving a social characterization of working children and adolescents that covers and is disseminated at the national level;
- to incorporate working children and adolescents who do not attend school into the educational system. The obvious outcome is an educational support project which strengthens existing programmes in the Ministry of Education and Health and in NGOs for the rehabilitation of working children;
- to guarantee dissemination of and compliance with child protection on the legal, employment and family fronts. The outcome sought is that the legal framework protecting children and regulating work by minors will be disseminated;
- to carry out training activities intended to develop skills within the family group for the purpose of generating alternative sources of income. The outcome sought is that 2,000 families will have been trained to generate income on a self-management basis, in coordination with and complementing existing activities in the area in which child labour is most prevalent; development of alternative projects, family groups trained in income-generating activities;
- to conduct activities which progressively promote the abolition of cultural concepts which condone child labour. The outcome sought is gradually to change the behaviour of parents of adolescents in peasant and indigenous areas;
- to protect working children and adolescents between the ages of 14 and 18 years. The outcome sought is that children will cease to work in dangerous and high-risk conditions.

We are confident that this Plan of Action, which responds to a manifest social demand, will receive support in the achieving of its objectives from a combination of efforts at the government level, NGOs, civil society organizations and international institutions.

Educational attention for street children

It is our view that, in our country, an obvious desire exists to protect children where work is concerned and, consequently, to participate in and accept as instruments of social policy those measures that are raised in international meetings, including the following: World Summit for Social Development in Copenhagen; the First World Congress Against the Sexual Exploitation of Children for Commercial Purposes in Stockholm; the Third American Ministerial Meeting on Children and Social Policy in Chile; the First Ministerial Level Tripartite Iberoamerican Meeting on the Abolition of Child Labour in Colombia. Mention may also be made at the national level of a number of preventive programmes conducted by government institutions and NGOs, including:

- foster homes, as a temporary means to care for children who have been abandoned, who are in danger or whose rights have been violated and whose parents or relatives cannot guarantee to care for them. The foster parents care for the health, education, physical and moral safety of the protected child;
- granting of subsidies to NGOs carrying out programmes of a preventive nature and of attention to working children. The subsidies are allocated to child protection institutions devoted to guaranteeing integral attention to children between the ages of 13 and 17 years, whose highly vulnerable situation requires that they be temporarily

placed in institutions, although maintaining regular contact with their families and communities of origin.

In the latter connection, mention must be made of the publicity that has been given to the rights contained in the Convention, through the mini summits for children that are held nationally.

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

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

- organizations of employer representatives:
 - National Council of Private Enterprise (CONEP);
- worker representative organizations:
 - Panamanian Council of Organized Workers (CONATO).

Observations received from employers' and workers' organizations

The Government has not received from either of these organizations, observations on the follow-up measures that have been taken or are to be taken on the Declaration with regard to the effective abolition of child labour.

Annexes (not reproduced)

Executive Decree No. 25 of 15 April 1997 establishing the Committee for the Abolition of Child Labour and Protection of Working Minors.

Executive Decree No. 26 of 15 April 1997 establishing the Commission for Studying and Formulating the Special Law on Children and Adolescents.

Executive Decree No. 18 of 19 July 1999 amending Decree No. 25 of 15 April 1997.

Summarized report on child labour in Panama.

Peru

Means of assessing the situation

Assessment of the institutional context

Peru has laws protecting minors who work. According to article 23, paragraph, 1 of its Political Constitution: "Work in its various forms is the object of priority attention on the part of the State, which provides particular protection for mothers, *persons below the age of majority* and disabled persons who work ..."

The Constitution is consonant with the international instruments ratified by Peru, including the Convention on the Rights of the Child. According to Article 32, paragraph 1, of that Convention: “States Parties recognize the right of the child to be protected from economic exploitation and *from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.*”

On 8 April 1999, the Code concerning Children and Adolescents was published in the official daily bulletin *El Peruano*, in accordance with the Third Supplementary and Final Provision of Legislative Decree No. 899 (*Ley contra el Pandillaje Pernicioso*). According to article 22 of the Code: “The State recognizes the right of adolescents to work, subject to the restrictions imposed by this Code, provided that their work poses no risk or hazard to their physical, mental and emotional development and does not prevent them from attending school regularly.”

Under article 40 of the Code, children obliged to work because of economic circumstances and street children have the right to participate in programmes to assist them in their education and physical and mental development.

The Code concerning Children and Adolescents covers adolescents employed by someone (this includes homeworkers) and adolescents who are self-employed. The instrument covers domestic service and unpaid family workers, but not trainees and apprentices, who are covered by separate laws.

Protection of young (adolescent) workers is the responsibility of the Ministry for the Advancement of Women and Human Development, working in coordination with the labour, health and education sectors and with regional and municipal authorities. The Ministry is also responsible for formulating policies concerning working adolescents (article 52 of the Code).

The minimum ages at which anyone may be employed by someone else in different sectors are as follows:

- (1) fourteen (14) years, in the case of non-industrial agricultural work;
- (2) fifteen (15) years, in the case of work in industry, commerce or mining;
- (3) sixteen (16) years, in the case of industrial fishing;
- (4) twelve (12) years, in the case of other types of work.

Young people between the ages of 12 and 14 years may not work for more than four hours a day or for more than 24 hours a week. Young people between the ages of 15 and 17 years may not work for more than six hours a day or more than 36 hours a week. Employment of adolescents to do night work (defined as work between the hours of 19.00 and 07.00) is prohibited. A magistrate may exceptionally authorize the employment of young people between the ages of 15 and 17 years to do night work provided that the working shift does not exceed four hours.

A domestic worker or an unpaid family worker is entitled to 12 continuous hours of rest each day. Measures must also be taken to ensure that the young worker attends school regularly.

Authorization for adolescents working on a self-employed basis or in some other independent manner is granted by the competent municipal or provincial authorities. In such cases the authority issues a booklet bearing the young worker’s full name and that of his parents or legal guardians (if any), the worker’s date of birth, address, place of

residence, nature of the work done, school attended, timetable of lessons and work timetable.

The following conditions must be met for an authorization to be issued:

- (a) the work must not prevent the worker from attending school regularly; and
- (b) a medical certificate must be produced to show that the young worker is physically, mentally and emotionally fit for the work in question.

Medical certificates are provided free of charge by the medical services of the health or social security sectors. Adolescent workers are covered by compulsory social security, at least with regard to health care benefits.

Adolescents are able to exercise collective labour rights, join or establish trade unions in accordance with the needs of the production unit, branch, trade or area, and those unions can affiliate to higher-level trade union organizations.

Establishments employing adolescents are required to maintain a register containing the young worker's particulars, including:

- (a) the worker's full name;
- (b) the name of the worker's parents or guardians;
- (c) the worker's date of birth;
- (d) address and place of residence;
- (e) the work done;
- (f) pay;
- (g) work timetable;
- (h) school attended and timetable of lessons.

The legal capacity of adolescents to enter into agreements and contracts in connection with their economic activity and with the exercise of freedom of association is recognized. They are able to form civil associations or social organizations for the purpose of improving their living and working conditions. Adolescents have the legal capacity to defend their employment rights before a competent court or tribunal or before the competent administrative authority and do not require a proxy to represent them.

The Ministry of Labour and Social Promotion provides free training and paid work experience for disadvantaged young people between the ages of 16 and 25 years in specified areas, as part of the Youth Training Programme, *Projoven*.

The Civil Code is the other instrument that deals with this subject. According to article 457:

A minor who is capable of reasoning may be authorized by his or her parents to take up a job, occupation, industry or trade.

In such cases, the young person in question may engage in the actions required for the regular exercise of such activities and make use any property entrusted to him or her for that purpose or acquired as a result thereof (usufruct). That authorization may be revoked if valid reasons for doing so exist.

The working conditions of adolescents are monitored through inspections carried out by the Ministry. Such inspection visits must include meetings with young workers to verify that they have the requisite authorization, are doing the work specified in the authorization, and that various detailed aspects are in order (timetable, pay, social security contributions, etc.). In addition, checks are carried out on working and environmental conditions and exposure to hazards (noise, temperature, humidity, harmful substances, dust, smoke, fumes, etc.) which might be present at a given place of work.

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

A number of state institutions including the Ministry of Labour are constantly involved in the development of programmes to give effect to the principles and rights embodied in our Constitution and in the international instruments ratified by Peru. Peru benefits from the assistance of the International Programme on the Elimination of Child Labour (IPEC), which focuses mainly on children working in degrading conditions, in hazardous occupations, or in conditions of slavery, abuse or servitude, and especially on very young children, i.e. those below the age of 12.

The programmes include the following:

- the Programme on the Progressive Elimination of Child Labour in the Huachipa Brickworks;
- the Programme on the Progressive Elimination of Child Labour in the Mollehuaca Small-Scale Mining Community;
- the Programme on the Progressive Elimination of Child Labour in Santa Filomena Village.

These programmes have been financed by the ILO and are just one expression of the concern of Peru and the ILO to eliminate child labour in the country. While the priority objective of such programmes is the progressive elimination of child labour, Peru believes it is very important to back this up with educational, health and nutrition programmes, aimed at improving the quality of life of adolescent workers and their families.

Peru has also developed other programmes aimed at raising public awareness of the effects of child labour. This is done through information campaigns using different media concerning children's and adolescents' rights. Such campaigns have already reached a large proportion of the population.

The Government supports the commitment of the international community with regard to the prohibition and progressive elimination of the worst forms of child labour.

In report No. 66-98-TR/OAJ-OAI of 17 December 1998, our sector expressed support for ratification of the Minimum Age Convention, 1973 (No. 138), given that its provisions are largely in conformity with our own legislation.

Convention No. 138 was referred to Congress through Resolution No. 090-99-RE, which was published in the official bulletin *El Peruano* on 7 March 1999. A copy of this resolution is attached (not reproduced due to lack of space).

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

This report has been sent to the most representative organizations of employers and workers, which are: National Confederation of Traders (CONACO); National Confederation of Private Entrepreneurial Institutions (CONFIEP); Single Confederation of Workers of Peru (CUT); General Confederation of Workers of Peru (CGTP).

Annex (not reproduced)

Supreme Resolution No. 090-99-RE, submission to Congress of the Republic of ILO Minimum Age Convention, (No. 138) 1973.

Qatar

Means of assessing the situation

Assessment of the institutional context

The principle of the elimination of child labour is recognized in the State of Qatar by virtue of Labour Law No. 3 of 1962 and its amendments. Article 5 of this Law prohibits the employment of children under 15 regardless of the nature of work, it also prohibits their entry to worksites. Article 2(4) defines a minor as a person who is over 15 but not yet 18 years of age, which is the age for employment in the private sector. In the government sector, however, all workers and employees must be 18 and above (articles 5 and 94 of the Public Civil Service Law No. 9 of 1967). Articles 41 to 45bis of the Labour Law which are devoted to the employment of minors prohibit the employment of workers without approval from their parents or guardians and permission from the Director of Labour upon approval from the Minister of Civil Service Affairs and Housing. Should the minor be a student, permission must also be obtained from the Minister of Education. Under the Law, no minor may be employed without undergoing a medical examination by a medical board which decides on his fitness for the work proposed. They should subsequently undergo this examination once a year at least. The Law prohibits making minors work between sunset and sunrise or on official rest days and holidays. They are not allowed to work for more than six hours a day. Article 45 of this Law requires that the employer submit a list of all minors working for him, their occupations and their date of employment. The Minister of Civil Service Affairs and Housing shall specify in which jobs minors may not be engaged if the nature or demands of these jobs may hurt the health, safety or morals of minors.

Assessment of the factual situation

In practice, no minors are employed in any of the types of work listed in Article 5 of the Convention. Furthermore, article 75 of the Labour Code imposes a two thousand ryal fine on anyone who violates its provisions without prejudice to any other penalties provided for under any other laws.

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

As indicated above, Labour Code and Public Civil Service Law provisions are in conformity with the minimum age Convention provisions. The new draft Labour Law provides for penalties for failure to implement Convention provisions. Specific penalties are stipulated for violations of provisions on the employment of minors as well as for the determination of those responsible for the implementation of provisions giving effect to the Convention. These include the children themselves, their parents and guardians in accordance with Article 9 of the Convention. Measures will be taken towards the enforcement of Article 45bis by issuing the necessary ministerial decision specifying the types of work considered, by themselves or by the circumstances in which they are carried out, harmful to the health, safety or morals of children.

It should be noted in this respect that Qatar is a high income per capita country where families have no reasons to send their children out to work at an early age. The right to education is guaranteed by article 8 of the Basic Law which states that every citizen is entitled to education. The State is working towards ensuring the universal enforcement of compulsory and free education at all levels.

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

Copies of this report have been sent to:

- the Qatar Chamber of Commerce and Industry;
- the Workers Committee at the Qatar General Establishment for Oil (Employers).

Observations received from employers' and workers' organizations

No comments have been received from either.

Annexes (not reproduced)

- The Basic Law.
- The Labour Law.
- The Public Civil Service Law.

Saudi Arabia

Means of assessing the situation

Assessment of the institutional context

While it appreciates the suggestion made by the International Labour Office to consider the Minimum Age Convention, 1973 (No. 138), as an integral part of the follow-up element related to the annual follow-up concerning the Declaration on Fundamental Principles and

Rights at Work, the Kingdom of Saudi Arabia affirms that child labour is a phenomenon that does not exist in the Kingdom. Nevertheless, as a precautionary measure, it included in its Labour Law some provisions regulating these issues.

Article 160 of the Labour Law states that it is not allowed to employ teenagers and youths in dangerous work and harmful industries, etc. It is not allowed to employ teenagers and youths at any period of the night, from sunset to sunrise. Article 162 states that it is not allowed to employ youths and teenagers for a period exceeding six hours a day. Article 163 prohibits the employment of a youth who has not reached 13 years of age. It does not allow him to enter a workplace.

As the phenomenon of child labour does not exist in the Kingdom of Saudi Arabia, there is no link between it and the end of the compulsory schooling. The need to define work and dangerous work or to establish a list of these categories, is not felt. This also applies to the questions following this one in the questionnaire on the Follow-up.

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

A copy of this report has been provided to the Council of Chambers of Commerce and Industry, in order to convey it to Mr. Abd Allah Sadek Dahlan, the Employers' representative. Another copy has been provided to Mr. Mohammad Al-Hajiry in Aramco Company, as the Workers' representative.

Observations received from employers' and workers' organizations

The Ministry did not receive any commentary on their part.

Senegal

Means of assessing the situation

Assessment of the institutional context

The principle of the abolition of child labour is effectively recognized, the main action being that the Labour Code (Act No. 97-17 of 1 December 1997) prohibits the employment of children under 15 years of age.

The main instruments are the following:

- United Nations Convention on the Rights of the Child, which was ratified by Senegal on 31 July 1991;
- ILO Convention No. 138, which was ratified by Act No. 99-59 of 20 January 1999;
- ILO Convention No. 182 concerning the prohibition of the worst forms of child labour, which is in the process of being ratified. The explanatory memorandum has been presented to the Council of Ministers, and the legislative bill for ratification of the Convention is due to be presented to Parliament;

- insertion of new articles (319, 319(b), 320, 321) to take account of the protection of children against violence, sexual harassment, corruption of minors, and paedophilia, as well as the aggravation of penalties if the offence is committed on a child under 13 years of age;
- Labour Code No. 97-17 of 1 December 1997;
- local order No. 3723/IT of 23 June 1954 providing an exception to the age for admission to employment;
- local order No. 3724/IT of 22 June 1954 on child labour (texts not reproduced).

The minimum age for admission to employment is 15 according to the Labour Code (Article L145).

Dangerous work: It is prohibited to employ children under 18 years of age in works which are beyond their strength, involve sources of danger or, by virtue of their nature and the conditions in which they are performed, are liable to harm the children's morality (see local order No. 3724/IT of 22 June 1954 concerning child labour, in which works which are prohibited for children under 18 years of age are listed). That order also mentions establishments in which the employment of children under 18 years of age is allowed under certain conditions (see local order No. 3724/IT).

Article b 145, paragraph 2, of the Labour Code also provides that the type of work and the categories of undertakings prohibited for young persons under 18 years of age as well as the age limit to which the prohibition applies are to be laid down by order of the Minister of Labour.

Categories of jobs or economic sectors which are excluded: According to the declaration appended to Act No. 99-59 of 29.11.99 providing the ratification of Convention No. 138, this minimum age does not apply to traditional or rural works which are not remunerated and are carried out in the family context by children under 15 years of age and which are intended to facilitate their integration into their social and general environment. Local order No. 3723/IT of 23 June 1954 providing an exception to the age for admission to employment made provision for the admission of children of 12 years of age and over to employment in domestic jobs and light seasonal works such as the picking and sorting work carried out on plantations.

In its mission of general monitoring of the application of social legislation, the Labour Inspectorate is responsible for ensuring that the provisions relating to child labour are observed.

Since 1983, labour inspectors have enjoyed support in the context of the Project for Supporting Labour Administration which is being financed by Austria with the technical assistance of the ILO. That support enables them to intervene in an appropriate manner with regard to the problem of broaching the informal sector, with special emphasis on child labour.

- elaboration of new provisions (paedophilia, the sexual exploitation of children) in the Criminal Code in order to bring the provisions of that Code into line with the international conventions which have been ratified;
- steps to develop awareness in employers' organizations and trade unions concerning child labour;

- establishment of a standing multidisciplinary committee, which has been operating since 1990 and has the mission of reflecting on and drawing up a programme on the situation of children;
- establishment of a committee at the “Primature” level in 1999 with the mission of seeking synergisms amongst the programmes for combating the vulnerability of children at risk;
- action plan of the Ministry of Labour (1994) to improve the conditions of working children;
- action plan of the Ministry of Child Welfare to promote children (see Appendix 1: Child labour in Senegal; Appendix 2: National process (not reproduced)).

Assessment of the factual situation

As regards statistics, a methodological survey was conducted by the Directorate for Forecasts and Statistics of the Ministry of Economic Affairs, Finance and the Plan with ILO and UNICEF support with a view to defining the magnitude and scope of child labour more precisely. That survey has revealed that in 1993 there were:

- 293,783 children working in the 6-18 age group, i.e. 15 per cent of that age group;
- 154,566 children working in the 6-14 age group, i.e. 10 per cent of that age group.

There is a marked rise in this rate of working children (40 per cent) during the farming season.

According to the survey, there are no working children in the formal sector. The categories of working children are developing in the following sectors:

- rural areas: three-quarters of working children, employed mainly as family helpers;
- urban areas: one-quarter of working children, consisting mainly of maids, apprentices, and self-employed workers.

Surveys and documents relating to all of this information are available in the ILO, the Ministry of Labour and Employment, UNICEF and the Ministry of Child Welfare. The methodological survey is due to be updated this year in the context of the general census of the population and housing and in the context of the first agricultural census.

See reports on child labour (not reproduced) for the available indicators and statistics.

The contribution from other sources must also be stressed. These are: the press, employers' organizations, trade unions, the NGO coalition, the University of Dakar and certain training schools.

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

Measures taken with a view to achieving the effective abolition of child labour include:

- extension of social protection to the informal sector, in particular for the coverage of the occupational risks of apprentices;

- measures to raise awareness of risks at work in the informal sector, with a partnership between the Ministry of Labour, the Social Security Fund, the Friedrich Ebert Foundation, the Chambers of Trade, the University of Dakar and certain occupational groups;
- first-aid training by the Red Cross, NGOs and health centres;
- action by NGOs to take care of the rehabilitation of the children;
- development of the local committees for promoting basic education, and in particular schooling for girls;
- declaration of the Senegalese trade union confederations on child labour.

Means deployed with a view to achieving effective abolition:

- by the Government:
 - effective ratification of Convention No. 138;
 - ratification of Convention No. 182 in progress;
 - raising of the minimum age for admission to employment;
 - establishment of new provisions in criminal law and of the regulations for implementing the Labour Code with a view to efficiently combating the sexual harassment of children and the employment of children in dangerous work;
 - intensive campaign and development of the supply of education with a view to achieving the objective of an overall percentage of children in full-time education of 70 per cent in the year 2000;
 - large-scale recruitment of teaching volunteers and part-time teachers;
 - development of measures for rehabilitating the children who have been victims of the conflict in Casamance, and in particular the establishment of an SOS village in Ziguinchor; a study of the children who have been the victims of the conflict; measures to train health staff in Ziguinchor in the care of children who have been traumatized by the fighting;
- by the Organization:
 - the ILO has backed the action plans and supported the research activities relating to child labour;
 - IPEC has drawn up 11 action programmes and two mini-programmes for protecting and rehabilitating working children;
 - development of the strategic training of key partners (labour inspectors, employers, trade unions, NGOs, the media, craftsmen, etc.);
- by other bodies:
 - action by the national coalition of NGOs to provide training for other categories of officers (welfare assistants, teachers of children with learning difficulties, judges, prison officers, police officers, etc.) with a view to raising their awareness concerning child labour;
 - activities of community groups, religious associations and women's groups to take care of street children;
 - action by local communities concerning children who beg and girls in difficult circumstances;

- action by employers' organizations and trade unions to put the principle of the abolition of child labour into effect (documents not reproduced).

The objectives:

- project for extending the duration of compulsory schooling to ten years beginning at the normal school entry age in the context of the ten-year Education and Training Programme;
- establishment of a coordination unit at "Primature" level with the mission of stepping up action to combat poverty;
- elaboration of a national policy for improving working conditions and the working environment by the Ministry of Labour and Employment;
- establishment of special structures for accommodating and educating children morally at risk;
- development of specific information programmes by the Ministry of Child Welfare with a view to raising awareness with regard to child labour (document not reproduced).

The conditions considered necessary to meet these objectives:

- development of a real data bank on child labour. The project is currently being carried out by IPEC/Senegal (see document on child labour);
- action to enhance the training of labour inspectors, employers and workers with a view to the effective application of Convention No. 138;
- development of the intervention capacities of the various parties concerned by the promotion of Convention No. 138.

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

- Conseil National du Patronat (CNP) (National Council of Employers)
- National Confederation of Employers of Senegal (CNES)
- National Confederation of Workers of Senegal (CNTS)
- National Union of Autonomous Trade Unions of Senegal (UNSAS)

Annexes (not reproduced)

- Order No. 3723 (Official Journal of 1 July 1954)
- Order No. 3724 concerning child labour (Official Journal of 8 July 1954)
- CNP/ILO: Study on the contribution of the Conseil National du Patronat towards the elimination of child labour (August 1999)
- ILO: national seminar on "The trade unions and child labour in Senegal" (Dakar, 14–16 April 1999). Summary report
- Declaration of the Senegalese trade union confederations on child labour
- Report on the implementation of the IPEC programme in Senegal in the 1998–99 period

- ILO: Child Labour and the IPEC programme in Senegal. National process for analysis of the situation regarding child labour (1990–98)
- MTE/ILO: National programme for eliminating the exploitation of working children in Senegal. Progress report (July 1999)

Seychelles

Means of assessing the situation

Assessment of the institutional context

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

This principle is recognized by national laws, regulations and practices as well as by the ratification of the Convention concerning the Elimination of the Worst Forms of Child Labour, 1999 (No. 182).

The minimum age for admission to employment is 15 years. The government education system provides for ten years of compulsory education from the age of 5-6 years. So when the child leaves school she/he is already 17, and ready to enter the world of work.

The age limit for engaging in work which may be hazardous to the health, safety and morality of the persons concerned is set at 18 years.

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

There is no other exception to the implementation of the principle and right relating to the effective abolition of child labour.

The Inspectorate Unit in the Ministry of Social Affairs and Manpower Development has the overall responsibility to enforce the provisions of the Employment Act and its statutory regulations to ensure compliance of the provisions.

Assessment of the factual situation

Please note Statistics on Working Population, 1995-98 (not reproduced).

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

No form of child labour exists in the Seychelles. The legislative provisions ensure that no person under the age of 15 years may take up employment.

The enactment of the Conditions of Employment Regulations, 1991, is the means deployed by the Government to promote the effective abolition of child labour.

The Government's objective is to ratify the Minimum Age Convention, 1973 (No. 138).

The conditions deemed necessary to attain these ends are already in place.

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

This report has been formulated in the presence of and in consultation with the following workers' and employers' organizations both before and during the ILO Workshop on Promoting the Declaration and its Follow-up in Africa (Dakar, 6-8 October 1999):

- Seychelles Federation of Workers' Unions and Association of Seychelles Employers.

Singapore

Means of assessing the situation

Assessment of the institutional context

Of the ILO Conventions on child labour, Singapore had ratified the following: Minimum Age (Industry) Convention, 1919 (No. 5); Minimum Age (Sea) Convention, 1920 (No. 7); and Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15).

Legislation on child labour in Singapore

Presently, the employment of children and young persons in Singapore is governed by Part VIII of the Employment Act and the Employment of Children and Young Persons Regulations, 1976.

Under the Employment Act, a child under the age of 14 may not be employed in an industrial or non-industrial undertaking except in the following circumstances:

- (a) a child may be employed in an industrial undertaking in which only members of the same family are employed;
- (b) a child who is 12 years of age or above may be employed in light work suited to his capacity in a non-industrial undertaking.

Furthermore, young persons aged 16 to 18 are permitted to work only provided their safety, health and morals are protected. Proper training and instruction must also be given to them in the relevant branch of activity.

There are special protective provisions that govern the hours of work, type of occupation, place of work and working conditions under which a child or young person may be employed.

Assessment of the factual situation

Child labour in Singapore

There is no child labour in Singapore. The majority of Singaporean children and young persons are either in schools or in approved training institutions. This, coupled with the dramatic rise in the per capita income of most Singaporeans, has led to the rapid decline in the number of children working to help earn a living so as to support themselves or their families.

The number of young people aged between 15 to 19 constitutes only 1.9 per cent of Singapore's labour force in 1998 as compared to 12.7 per cent in 1979. The labour force participation rate of youths in this age group has also dropped significantly from 41 per cent in 1979 to 15 per cent in 1998. This decline is attributed to the dramatic improvement in Singapore's educational facilities. The restructuring of the primary and secondary school systems, together with the introduction of vocational training, has enabled a child to remain in school up to the age of 16. The mean years of schooling in Singapore amount to 11.2 years (1998 Yearbook of Statistics, Department of Statistics, Ministry of Trade and Industry, Singapore (not reproduced)). When children do work, it is usually during their school holidays in regulated premises such as fast food restaurants and departmental stores where they face little or no safety or occupational hazards.

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

The rationale for setting the current minimum age restriction on the employment of children and young persons in Singapore was linked to the duration of primary and secondary education in Singapore. Students who finish their secondary education and do not wish to pursue further studies may join the labour force from the age of 16. Under Singapore's labour legislation, special protection is accorded to persons below the age of 16. Children below the age of 12 are prohibited from being employed while those between the ages of 12 and 16 may be employed subject to employers' compliance with the safeguards in the labour legislation. These safeguards pertain to the type of work allowed and the hours of work. For example section 68 of the Employment Act stipulates that a child between 12 and 14 years old can only be allowed to work in light work suited to his capacity in a non-industrial undertaking or in an industrial undertaking in which only members of the same family are employed. In the case of children between the ages of 14 and 16, they may be employed in industrial undertakings. However, their employers are required to notify the Commissioner for Labour within 30 days from the date of employment. These provisions are in place to safeguard the rights of young workers for employment. Additionally, there are conditions governing the hours of work of children and young persons. These conditions are as follows:

- they are not allowed to work during the night, between 11.00 p.m. and 6.00 a.m. the next day;
- their hours of work cannot exceed:
 - (i) three hours without a break of 30 minutes or six hours in any one day in the case of a child;
 - (ii) four hours without a break of 30 minutes or seven hours in any one day, inclusive of the period of school attendance (if he is attending school) in the case of a young person;
- they are not allowed to work on their rest days without the permission of the Commissioner for Labour.

The Safety and Health Regulations also apply to them.

In practice, most youths between the ages of 16 and 18 are either pursuing a higher education or vocational training in a technical institute. The employment and safety and health legislation are strictly enforced. Appropriate penalties are imposed on employers who violate these laws.

The Ministry of Manpower has not received any report of children, who are being forced to work in industrial undertakings, including factories, in contravention of the Employment Act.

Conclusion

Child labour is not an issue in Singapore. The vast majority of children and young persons in Singapore are either in school or vocational institutions. The rising affluence of Singaporeans has meant that our children do not need to work to give financial support to their parents. For those who do choose to work, their employment is usually confined to non-industrial undertakings and in work which suits their capacities such as fast food outlets. They usually participate in such work during school vacations and hence their attendance at school is not affected.

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

Copies of this report were sent to the Singapore Employers' Federation and the National Trades Union Congress.

South Africa

Means of assessing the situation

Assessment of the institutional context

The principle of effective abolition is recognized in South Africa. The rights of children are firstly protected by the Constitution of South Africa. The Constitution says that:

28(1) Every child has the right

...

- (e) to be protected from exploitative labour practices;
- (f) not to be required or permitted to perform work or provide services that:
 - I. are inappropriate for a person of that child's age; or
 - II. places at risk the child's well-being, education, physical or mental health or spiritual, moral or social development.

Secondly, the Basic Conditions of Employment Act prohibits the employment of children under the age of 15.

Thirdly, the South African Schools Act makes schooling compulsory until the age of 15.

The Child Protection Act further protects the rights of children. This Act is currently being revised.

The Constitution defines a child as a person under 18 years of age.

The Basic Conditions of Employment Act prohibits the employment of children:

- who are under the age of 15;
- who are under the minimum school leaving age if this is 15 or older;
- who are between 15 and 18 and are engaged in employment that is “inappropriate for a person of that age” or that places at risk the child’s well-being, education, physical or mental health or spiritual, moral or social development”.

The South African Schools Act makes schooling compulsory until the age of 15.

As indicated above the Basic Conditions of Employment Act prohibits work between 15 and 18 that could be inappropriate or harm a child (section 43). It further makes provision for regulations to be set for children between the ages of 15 and 18, who are at work. (section 44).

The Department of Labour will be undertaking research in order to define “dangerous work”. Regulations, which prohibit or limit specific work for children 15-18 years old will also be developed within the next year.

The Basic Conditions of Employment Act makes provision for the minister to allow the employment of children in the performance of advertising, sport, artistic or cultural activities (section 50(2)(b)).

No provision is made for exceptions such as light work. South Africa is presently in the process of analysing the results of a survey to establish the extent and occurrence of child labour. Specific approaches may be developed after this process has been completed.

The Basic Conditions of Employment Act makes it an offence to:

- employ children under the age of 15;
- employ children over the age of 15, in contravention of the Act or regulations issued;
- assist an employer to employ a child;
- discriminate against a person who refuses to permit a child to be employed.

Inspectors of the Department of Labour have the right to enter a workplace or any other place of business, without a warrant or notice to monitor and enforce compliance with the BCEA. A warrant from the Labour Court has to be obtained to enter a private residence.

Inspectors are required to issue a compliance order, setting out steps required by the employer, to comply with the law. In the case of failure to comply with the compliance order, the inspector can apply to the Labour Court to have the compliance order made an order of the Labour Court. The Labour Court has the authority to impose a fine.

A magistrate’s court also has the jurisdiction to hear cases of child labour under the criminal justice system. An employer convicted of an offence is liable to imprisonment to a maximum period of three years.

Assessment of the factual situation

Statistics SA in cooperation with IPEC has concluded the survey on child labour. The analysis of the survey results is presently in process. The survey results will provide valuable insights into the development of policies.

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

- The Department of Labour in implementing the BCEA has focused on a preventative approach. Inspectors, welfare officials, police officials and members of NGO's have been trained in how to enforce the prohibition on child labour as well as how to raise awareness of the dangers of child labour.
- The rehabilitation and removal of children requires a joint partnership between various stakeholders including the Department of Labour and Welfare, the police service and the justice system. The Department of Welfare has recently developed Child Protection Protocols in provinces to address this issue.
- The Department of Welfare has at present a R100 per month grant for supporting children up to the age of 7.
- The South African Schools Act stipulates compulsory education to the age of 15. The majority of South African children do have access to compulsory education.
- There is ongoing awareness raising on the rights of the child, including by the Department of Labour, the President's Office and the structures set up by the National Programme of Action for the Rights of the Child, established in terms of the United Nations Convention on the Rights of the Child.
- Policies and protocols will be further developed after the analysis of the national comprehensive survey on the extent of child labour.

The Department of Labour subscribes to the view that "prevention is better than cure". In this respect 600,000 leaflets relating to child labour have been developed and distributed through NGOs, other government departments, business organizations, labour organizations, provincial offices and labour centres.

Media campaigns, particularly through radio are being conducted in the provinces.

The CLIG (Child Labour Intersectoral Group which is made up of government departments (labour, welfare, education, President's Office, Business SA, labour federations and NGOs) has developed a programme of action primarily to raise awareness regarding child labour. The CLIG is actively involved in developing strategies to eliminate child labour.

The Department of Labour has a close working relationship with the Department of Welfare and Department of Justice to remove children from the working environment.

IPEC has funded the national comprehensive survey on the activities of young people through Statistics SA. This survey will provide information on the extent and the areas of child labour. Further policies and a revised programme of action for the eradication of child labour will be then be developed.

Sri Lanka

Means of assessing the situation

Assessment of the institutional context

Sri Lanka has recognized the principle of effective abolition of child labour.

The principle is recognized by laws and regulations and by virtue of ratification of international instruments.

The relevant laws are:

- The Constitution of the Democratic Socialist Republic of Sri Lanka — Chapter 3 on fundamental rights;
- Employment of Women, Young Persons and Children Act No. 47 of 1956;
- Shop and Office Employees (Regulation of Employment and Remuneration) Act No. 19 of 1954;
- Factories Ordinance No. 45 of 1942;
- Minimum Wages (Indian Labour) Ordinance;
- National Child Protection Authority Act No. 50 of 1998.

The minimum age for admission to employment of work is 14 years and the age for end of compulsory education is also 14 years. The term “child” has been defined in the Employment of Women, Young Persons and Children Act as “a person who is under the age of 14 years”.

In accordance with the Employment of Women, Young Persons and Children Act, no higher age limit has been specified in respect of dangerous work. However there is a prohibition in employing children in the following occupations. This list of occupations is a schedule contained in the Regulations of the said Act.

- (1) Conservancy and Scavenging work or any work connected therewith.
- (2) Work carried out, above, or below the level of the ground.
- (3) Washing or laundering of clothes or work connected therewith.
- (4) Work connected with the production or exhibition of cinematographic films other than acting.
- (5) Clearing of forests.
- (6) Work carried on at an airport.
- (7) Maintenance, serving and fuelling of any vehicles of aircraft or any work connected therewith.
- (8) Driving any mechanically propelled vehicle.
- (9) Fishing including sponge and chank fishing.
- (10) Driving.
- (11) Blasting operations or any work involving the use of explosives.
- (12) Work in a night club, cinema, theatre or any other places of entertainment.
- (13) Any operation (agricultural or otherwise) involving the use of tractor, bulldozer, earth moving equipment, or other machinery.
- (14) Work connected with a kiln.
- (15) Work involving the use of chemicals.
- (16) Work in any hospital, nursing home, dispensary, surgery, or other institution maintained for the purpose of looking after the sick, destitute, aged or infirm.
- (17) Work in any slaughter house.

- (18) Work on any saltern or work connected with harvest, transport or storing of salt.
- (19) Work in any laboratory.
- (20) Work in any veterinary hospital or institution for the care of sick or wounded animals.
- (21) Work connected with the hunting, trapping or training of wild animals.
- (22) Work connected with the business of an undertaker.
- (23) Work involving the use of lead.
- (24) Work involved with the use of compressed air.
- (25) Work connected with the raising and maintenance of a tea plantation, rubber plantation, coconut plantation, cocoa plantation, cardamom and pepper plantations.
- (26) Operation or maintenance of any engine, motor or other appliance providing mechanical energy derived from steam, electricity, water, wind or combustion of fuels or other sources.

The following categories are excluded from the implementation of the principle, (Employment of Women, Young Persons and Children Act):

- An industrial undertaking in which only members of the same family are employed;
- Work done by children in technical schools if such has been approved and supervised by public authority.

There are exceptions to the implementation of the principle and right relating to effective abolition of child labour. The exceptions are:

- Employment of children between the age of 12 to 14 in domestic work on the following conditions at present:
 - (1) four hours of leisure between 6.00 a.m. and 8.00 p.m. on any day;
 - (2) additional three hours of leisure following consecutively on the period referred to in paragraph (a) above;
 - (3) in addition to above, ten consecutive hours' rest from 8.00 p.m. to 6.00 a.m. on any one day of the week;
 - (4) seven consecutive days' rest in every period of three months.

In addition, under the terms of section 17(a) of the Employment of Women, Young Persons and Children Act, and the Compulsory Education Act, preventing of children attending school is an offence.

The Commissioner General of Labour of the Department of Labour is the implementing authority for laws pertaining to child labour. The Women and Children's Affairs division, has been set up in the Department of Labour to assist the Commissioner General in the implementation of laws and various programmes concerned with child labour. The regional labour offices located throughout the country are responsible for implementation at the regional level. These offices are manned by Assistant Commissioners of Labour or Senior Labour Officers, and they are assisted by a number of Labour Officers depending on the workload in the area.

Since 1995 the Probation Officers of the Department of Probation and Child Care Services have been empowered to enforce the Employment of Women, Young Persons and Children Act, together with Labour Officers. The Department of Police also assists the Department of Labour by referring cases of child labour. In the instances where the

officers of the Department of Labour or the Officers of Probation and Child Care Services encounter obstruction from the employers, protection of the Department of Police is enlisted.

Assessment of the factual situation

Numerous inspections have been carried out by the officers of the Department of Labour in the formal sector (not reproduced). At these inspections, among other things, the officers look into the aspect of child labour.

The complaints received by the Department of Labour with regard to child labour are in respect of domestic workers. No complaints are received, nor are violations detected during inspections in formal sector establishments. Throughout 1998 and 1999 there has been an increase in inspections.

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

In terms of Compulsory Education Act No. 1 of 1998 the age of compulsory education is 14 years.

Measures taken by the Government:

- Enactment of National Child Protection Authority Act No. 50 of 1998 and establishment of Child Protection Authority. The primary objectives of this Authority are to:
 - (1) formulate a national policy on the prevention of child abuse and protection and treatment of children who are victims of such abuse;
 - (2) coordinate and monitor action against all forms of child abuse; and matters connected with or incidental thereto.
- Appointment of a Presidential Task Force.
- Currently action is being taken by the Ministry of Labour with the approval of the Cabinet of Ministers to amend legislation. The amendments are as follows:
 - (1) increasing fines in the Employment of Women, Young Persons and Children Act, from Rs.1,000 to Rs.10,000, and increasing the maximum period of imprisonment from six months to one year;
 - (2) repeal the provision in the Employment of Women, Young Persons and Children Act, permitting the employment of children between the age of 12 to 14 years in domestic service under certain conditions, and to make 14 years the minimum age of employment even in domestic work; and
 - (3) Minimum Wage (Indian Labour) Ordinance increasing the minimum age of employment from 10 years to 14 years.
- The Department of Probation and Child Care Services and the Department of Police also implement a wide range of activities concerning different forms of child abuse, in which child labour is dealt with.

The Organization

Sri Lanka has signed a Memorandum of Understanding with ILO-IPEC for receiving assistance in the implementation of programmes on elimination of child labour.

Accordingly assistance has been extended and the following programmes have been implemented:

- (1) For the purpose of strengthening the enforcement capabilities of the officers of Department of Labour, Department of Probation and Child Care Services and the Department of Police were trained. Already around 300 officers (ten batches) were trained.
- (2) An information centre has been established with the Department of Labour to collect, compile and disseminate information pertaining to child labour. A Quarterly News Bulletin is also to be published with effect from the last quarter of 1999.
- (3) Assistance has been extended to the Women and Children's Affairs Division of the Department of Labour which is the focal point for activities pertaining to child labour, in strengthening its activities. Under this project, the Women and Children's Affairs Division envisages implementing a wide variety of activities with a view to creating public awareness and enhancing administrative skills of the division.
- (4) A project is being implemented by the Ministry of Education and Higher Education on Implementation of Compulsory Education with the assistance of the IPEC. The activities are mainly focused on urban slums and fishing communities in the coastal belt, remote villages in the dry zone and the plantation areas.
- (5) One of the impediments in effective planning and implementing of programmes was the lacuna of reliable information pertaining to child labour. Hence with the assistance of the IPEC, the Department of Census and Statistics carried out a sample survey. The field activities and compilation of data have been completed and the preliminary report has been circulated among the concerned persons and institutions for their observations. The final document will be ready before the end of this year.
- (6) Assistance was also extended to the Ministry of Justice to conduct a one-day seminar for judges/magistrates who are responsible for hearing child labour cases.
- (7) The Department of Probation and Child Care Services — Project on rehabilitation of victims of child labour in Sri Lanka.
- (8) Repeal/amend legislation concerning child labour.
- (9) Implementation of public awareness campaigns.

Measures taken by non-governmental organizations/trade unions

The non-governmental organizations/trade unions carry out programmes on their own. The following are some of the projects either currently being implemented or envisaged by the NGOO/TUU with the assistance of the IPEC:

- PEACE (NGO) — programme for creating awareness among teachers and school children.
- National Workers Congress/Trade Union — a programme to:
 - (a) prevent disadvantaged children from dropping out from schools;
 - (b) provide educational assistance to disadvantaged children;
 - (c) develop and encourage special skills of children;
 - (d) provide recreational facilities to children.
- Lawyers for Human Rights Development (NGO) — legal assistance for child abuse victims.

- Worldview, Sri Lanka (NGO) — project to reduce child employment and promote child education.
- Sarvodaya (NGO) — project on elimination of child labour in conflict-affected areas in Sri Lanka.

The NGOO and TUU also implement programmes on their own which in fact are not reported. Thus no information is available with the Ministry of Labour

The objectives of the Government are the elimination of all forms of child abuse including child labour, and to ensure children's right to childhood and education.

The Cabinet of Ministers has already approved ratification of Convention No. 138, and is currently in the process of transmitting the instrument of ratification to the Director-General of the International Labour Organization. The country's legal framework is being updated and a survey has been carried out with the assistance of IPEC. The role of the NGOO and TUU in these endeavours is also to be appreciated.

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

The employers' and workers' organizations consulted were the Employers' Federation of Ceylon, Ceylon Workers Congress, Sri Lanka Nidahas Sevaka Sangamaya, Ceylon Federation of Labour, Jathika Sevaka Sangamaya and Lanka Jathika Estate Workers' Union.

Observations received from employers' and workers' organizations

So far no observation has been received.

Suriname

Means of assessing the situation

Assessment of the institutional context

The principle of the effective abolition of child labour is recognized in Suriname:

- in Labour Act (GB.1963, No. 163) articles 17-21;
- Suriname has also ratified the UN Convention on the Rights of the Child.

All forms of child labour are prohibited, paid or unpaid, with the exception of labour done by children whose age has exceeded the age of completion of compulsory schooling (age of completion of compulsory schooling is 12 years). Article 18 states that children who have exceeded this age can perform certain forms of labour; for example, if it is necessary to learn a vocation and if it is not too demanding physically or mentally, and if it is not hazardous.

There is a minimum age for admission to employment. The Labour Act defines children as persons who have not yet reached the age of 14 years.

There is an age limit for engaging in dangerous work. Article 20 of the Labour Act states that it is prohibited to let youthful persons perform dangerous work. Youthful persons are those who have reached the age of 14 years but have not yet reached the age of 18 years. Dangerous work can be defined by state decree.

Certain forms of night work (in bakeries, for example) can be performed by children with the permission of the head of the Labour Inspection, and for work necessary for learning a skill or an occupation.

Work that does not put too much of a psychological strain and work that does not involve a hazardous element are exceptions to the implementation of the principle.

The principle of abolition is implemented through Enforcement of Labour Act by the Labour Inspection; penal sanctions are mentioned in articles 29-34.

Assessment of the factual situation

At the moment no statistics are available.

The Labour Market Underdirectorato has conducted a study of the local situation. According to this report there are no cases of child labour in the renowned enterprises. Since 1993 there has been a little increase in the informal sector due to the fall of the economy and inflation, and we see a rise of child labour especially in the mining sector.

The Government is aware of the growing number of working children especially street vendors. It will carefully study the report of the Labour Market Underdirectorato and, on the basis of that report, will decide what measures to take.

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

Means deployed by the Government are:

- attendance of the Child Labour Conference in 1996;
- installing a National Youth Council;
- provision for a compulsory educational system;
- Convention No. 138 has already been discussed in the Labour Advisory Board on a tripartite basis and the parties had no objections; the proposal to the Government is to ratify Convention No. 138;
- Enforcement of the law by the Labour Inspection Unit/Department.

Objectives of the Government of Suriname:

- After careful study of the report of the Labour Market Underdirectorato and the Labour Act, the Government will take the necessary steps.
- Ratification of Convention No. 138.
- The following are considered necessary:
 - recognition of the principle of the abolition of child labour in the national legal system;
 - the development of relevant and up-to-date statistics;

- a thorough study of the phenomenon of child labour and the occurrence of child labour in Suriname;
- labour inspection should deal immediately with offenders; and
- careful study of the current Labour Act.

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

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

- Associate van Surinaamse Fabrikanten (ASFA);
- Vereniging Surinaams Bedrijfsleven (VSB);

and the following workers' organizations:

- Centrale van landsdienaren Organisaties (CLO);
- Federatie van Agrariers en Landaarbeiders (FAL);
- het AVVS (de Moederbond);
- de Progressieve Werknemers Organisatie (PWO);
- de Organisatie van Samenwerkende Vakbonden (OSAV); and
- de Vakcentrale C-47.

Observations received from employers' and workers' organizations

No comments have been received on the follow-up measures.

Syrian Arab Republic

Means of assessing the situation

Assessment of the institutional context

The Syrian Arab Republic attaches a great importance to international labour Conventions elaborated by the International Labour Organization, in particular to the fundamental labour Conventions, subject of the Declaration and its follow-up, elaborated by the International Labour Organization in 1998, in view of the Syrian Arab Republic's compliance with the Constitution and the Declaration of the International Labour Organization.

It is worth noting that the Syrian Arab Republic has ratified six of the fundamental labour Conventions:

- (1) Forced Labour Convention, 1930 (No. 29);

- (2) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- (3) Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- (4) Equal Remuneration Convention, 1951 (No. 100);
- (5) Abolition of Forced Labour Convention, 1957 (No. 105);
- (6) Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The international labour Convention that Syria has not yet ratified is the Minimum Age Convention, 1973 (No. 138), due to the contradiction between the text of Article 1 of the Convention and our national legislation in force.

It is currently difficult to raise the minimum age for employment, defined in article 124 of Labour Law No. 91, 1959, from 12 years to 14 or 15 years of age, as provided for in Articles 1 and 2 of the Convention.

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

The Government's policy is now oriented towards raising the minimum age for employment. The Government attaches a high importance to the fact that child labour is now a topical subject of great concern worldwide. For this purpose, the Ministry is currently preparing, through the Consultation and Dialogue Committee, a draft legal instrument aimed at raising the minimum age for employment from 12 years to 15 years of age, as provided for in the Convention. It is hoped that all difficulties related to the ratification of this Convention will be overcome soon.

Information on positive measures taken in this regard will be forwarded to the Office.

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

This reply has been prepared in consultation with employers' organizations, the Chamber of Industry in Damascus, representing the employers in the private sector, the Ministry of Industry, representing employees in the industrial public sector, as well as the General Federation of Trade Unions representing the workers. A copy of this report has been sent to the employers' and workers' organizations mentioned in Part III of this report.

Observations received from employers' and workers' organizations

Our Ministry did not receive from these organizations any observation or commentary concerning the Convention under consideration. Our Ministry welcomes any view or suggestion expressed by the abovementioned organizations in this regard.

Thailand

Means of assessing the situation

Assessment of the institutional context

As a member State of the ILO and the United Nations, Thailand fully respects the principle of human rights. It adheres to the Universal Declaration on Human Rights and many relevant United Nations instruments. Thailand has so far expressed its commitment to the international community as shown in its ratification of the ILO Forced Labour Convention, 1930 (No. 29) and the Minimum Age (Underground Work) Convention, 1965 (No. 123) and its ratification of the UN Convention on the Rights of the Child.

Thailand is committed to do its utmost to pursue the spirit of the Conventions. This is reflected at both the policy decision-making level and at the policy implementation level.

Concerning political will, Thailand regards the effective recognition of the abolition of child labour, universally accepted as a basic human right, as one essential element in the pursuit of national goals. Successive Thai Governments have supported the elimination of child labour exploitation. On 20 November 1997, Prime Minister Chuan Leekpai announced the present Government's policy to the Parliament, stating: "The law and regulation will be improved for increasing the effectiveness of labour protection. Particularly women and young workers will receive fair wages and work in safe environment".

The Government has made concerted efforts over the years to promote the well-being of children. This is reflected in the principles laid down in the Constitution and national laws. Substantial progress has been made in the following ways:

The Constitution of the Kingdom of Thailand B.E. 2540 (1997) newly adopted since October 1997 provides greater rights to the people. It guarantees the rights of the child in the following provisions:

Section 53. Children, youth and family members shall have the right to be protected by the State against violence and unfair treatment.

Children and youth with no guardian shall have the right to receive care and education from the State, as provided by law.

Section 80. The State shall protect and develop children and the youth, promote equality between women and men, and create, reinforce and develop family integrity and the strength of communities.

The State shall provide aids to the elderly, the indigent, the disabled or handicapped and the underprivileged for their good quality of life and ability to depend on themselves.

Section 86. The State shall promote people of working age to obtain employment, protect labour, especially child and women's labour, and provide for the system of labour relations, social security and fair wages.

Significantly it provides greater guarantees of human rights, in closer conformity with international norms. It sets up the National Human Rights Commission acting as a human rights watchdog to supervise, monitor and assure the implementation of the human rights

principles, in Chapter 8, sections 199 and 200 (see annex 1 for a copy of the full text (not reproduced)).

Compulsory education is regarded as a prerequisite to the effective abolition of child labour. The National Education Act B.E. 2542 (1999), adopted as of August this year, prescribes a nine-year duration for compulsory education; as a result, children are at school until the age of 15 years. This Act aims to strengthen knowledge of and instil correct attitudes towards constitutional monarchy; encourage local organizations and youth to organize and promote learning activities; support interdisciplinary research; promote science and technology studies for national development; support vocational training; and promote local wisdom and culture as well.

Child prostitution is an unacceptable practice, and the worst form of child labour. The Prevention and Suppression of Prostitution Act of 1996 enacted in December 1996, prohibits sexual exploitation of children aged below 18 years, regardless of "consent" in sexual intercourse by seeking to decrease penalties to prostitutes by softening the punishment on them and to assist them through occupational development, psychological rehabilitation, and medical treatment. In contrast, the Act increases harsher punishment for customers, procurers, and owners by increasing the jail term to them. Parents and guardians are also subject to harsh penalties or the revocation of their custody right, as the case may be. In addition, men who solicit sexual service from prostitutes will be also subject to penalties.

Legal reform and enforcement has also been demonstrated in the enactment of the new Labour Protection Act B.E. 2541 (1998) since August 1998. It provides for more protection of the rights of young workers and the prevention of child labour exploitation in the same direction as the ILO standards.

Section 44. An employer shall not employ a child under fifteen years of age as employee.

Section 52. For the purpose of the development and promotion of the quality of life and the employment of children, a child employee under eighteen years of age shall be entitled to take leave for attending the meeting, seminar, obtaining education, training, or leave for other matters, which is arranged by an academic institute, or a government or private agency, approved by the Director-General. Providing that the child employee shall notify the employer in advance stating clearly the reason of leave and presenting relevant evidence, if any; and the employer shall pay wages to the child employee equivalent to the wages of working day throughout the period of leave, but not exceeding thirty days per year.

In respect of the minimum ages for admission to employment, the present labour protection law prohibits the employment of a child under under 15 years of age in every undertaking. In the case of employment of a child under 18 years of age, the employer must notify a labour inspector.

The labour protection law also prohibits a young employee under 18 years of age to engage in any specified hazardous works such as metal smelting, blowing, casting or rolling, metal pressing, work involving heat, coldness, vibration, noise and light of abnormal level and so on (section 49).

Furthermore working in certain places is prohibited to a young employee under 18 years of age. Such places are: a slaughterhouse; a gambling place; a place of dancing; a place of selling and serving food; liquor, tea or other drinks, with a person for serving customers, or with a place for relaxing, or with massage service for customers; and so on (section 50).

In this Act a labour inspector is empowered to enter the place of business or the office of an employer and the workplace of the employee during working hours, in order to examine working conditions as well as employment conditions; make inquiries; take photographs; copy documents related to working conditions; sample materials or products to analyse occupational safety; and perform other duties in order to acquire the facts for the purpose of the execution under this Act.

Any employer who violates or fails to comply with the provisions governing employment of children under this Act must be penalized with imprisonment of not more than one year or fine not exceeding 200,000 baht or both. In the case of an employer who detains, confines and tortures any young worker, such employer must be penalized under the criminal law.

Assessment of the factual situation

To assess the situation statistics on child labour inspection in the whole Kingdom are available as a basis. In the statistics of child labour inspection in the whole Kingdom in the year of 1998, child labour is tending to decline. Moreover, the incidence of illegal use of child labour in the same year has fallen by more than a half from the previous year.

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

Different efforts have been made to ensure respect, promotion and realization of the effective abolition of child labour.

Under the National Education Act 1999 compulsory education is nine years. Government policy is also moving towards extending basic education in the schooling system to 12 years.

Four comprehensive measures have been taken to eliminate child labour exploitation: prevention, protection, support and development, and child labour networking.

Firstly, the prevention measure aims to prevent the premature entrance of children under the age of 15 into the labour market and lower the incidence of illegal and exploitative employment of child labour. Various projects have been implemented to expand opportunities for alternative normal and vocational education, raise community awareness, and police illegal and exploitative child labour, and raise media awareness to disseminate information.

Secondly, the protection measure aims to ensure protection of all working children and enhance their quality of life. It also aims to promote participation of employers in child rights protection and child labour elimination.

Thirdly, the support and development measure aims to provide more opportunity and alternatives in education, and skill development to bring about a better quality of life. Medical examination, knowledge of occupational health and safety, recreation, vacation camp, and study tours are arranged to promote the development of working children.

Lastly, the child labour networking aims to develop effective networking among government organizations, among NGOs, and between government and NGOs, including employers' and workers' organizations, academic institutions, and international organizations (ILO/IPEC, UNICEF, etc.) to combat child labour.

Thailand was one of the first countries to operate the ILO/IPEC action programme. The programme started in 1992 and has led to various improvements. In 1995 the Ministry of Labour and Social Welfare established provincial operational centres all over Thailand to assist women and child labourers. In implementing the IPEC action programme the National Steering Committee (NSC) was established by the Ministry of Labour and Social Welfare to ensure effective planning and implementation of IPEC activities in Thailand.

During 1994-97 Thailand received funding of 35.66 million baht for governmental and non-governmental organizations, and the National Employee Organization Council projects. Projects which have already been implemented include projects for child labour survey; Child Labour Information Centre; capacity building of child labour in small industries; and occupational training of children working in petrol stations.

For 1998-99, several projects have been implemented including the monitoring and tracing of child labour in small industries; project for combating child labour (phase two); capacity building of child labour in the informal sector; child labour society; situation analysis of disadvantaged children; promotion of part-time jobs for children in school; enhancing public knowledge about child labour in Bangkok.

At present Thailand is receiving funding of US\$167,215 (or approximately 6,077,450 Thai baht) for the action programme entitled "Strengthening the Ministry of Labour and Social Welfare's national and provincial child labour programme implementation, coordinating and monitoring capacities" to be executed from 15 October 1999 to 14 November 2000.

Significantly on 29 July 1997 the Cabinet decided to approve the Plans and Guidelines proposed by the Ministry of Labour and Social Welfare, entitled "National Child Labour Prevention and Solution Plan 1997-2001". It also decided that the Ministry of Labour and Social Welfare implement the recommendations of the Ministry of Interior and that government agencies take action on the principles and guidelines under the Plans. This Plan is conceived as a framework for all parties concerned with putting an end to child labour in Thailand. Under this Plan, 27 measures were approved by the Cabinet Resolution of 14 June 1998. The 27 measures decreed in 1998 to a large extent still guide the actions of all the authorities concerned with child labour prevention and solution. The package includes 24 short-term measures and three long-term. The actions taken under the Plan and the measures have brought about concrete, fruitful outcome. Details are mentioned in attachment 7 (not reproduced).

As regards the implementation, various actions have been taken to give effect to the policies and laws concerned. Labour inspection has improved in quality. This is as a result of training in targeted inspection, where we have had ILO technical assistance.

Efforts have been made to materialize the expansion of the period of compulsory education from six to nine years. For instance, free education, free lunch and free textbooks are provided for poor children, especially in remote areas. The effectiveness of these measures is attested to by the fact that the number of children attending school has increased in close proportion to the reduction in the number of those in employment and in the sex trade.

We also have pursued several approaches to maximize the application of a new anti-prostitution law enacted since 1996. A campaign has been launched to publicize the substance of the new law and to make clear among the agencies concerned about how to apply the provisions. In this effort, seminars have been organized, leaflets have been published. Books have been appointed both from the public and the private sectors to inspect entertainment places and help those forced into prostitution nationwide. A task force has been set up to deal with the problem of sex trade. A complaints centre has been set up to receive complaints about child labour and child prostitution.

The Government has distinct objectives with a view to the observance, promotion or realization of the principles and rights; therefore, the targets for development of children in difficult circumstances are set forth in the 8th National Economic and Social Development Plan as follows:

- (1) accelerate the promotion of the minimum age for admission to employment from 13 years of age to 15 years of age, including the formulation of appropriate measures on agricultural young workers, and young workers in informal sector protection and welfare;
- (2) encourage understanding of young labour to community leaders and labour union leaders for help defending, protecting and reporting cases of child labour and child abuse;
- (3) encourage employers to provide or improve the welfare of child employees continuously, particularly as regards education, skills development, recreation and quality of life development;
- (4) consider amending regulations and laws relating to protection of children and comprehensive measures; and
- (5) increase aid and support to educational and skill development to provide opportunities appropriate to various groups of children in difficult circumstances and upgrade local resources.

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

There is a possibility that Thailand may ratify the Minimum Age Convention, 1973 (No. 138) since most provisions in its national legislation and practices are in full compliance with the Convention. Thailand/ILO plan to hold a national seminar on Convention No. 138 in December 1999. This seminar is to provide a forum for the consultation among the concerned government agencies, employers, employees, academics and social partners. The views of all concerned with respect to the impact of application of the Convention will be gathered during the seminar. Only then can ratification proceed.

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

A copy of this report has been sent to the most representative employers' and workers' organizations as follows:

- (1) Employers' Confederation of Thailand;
- (2) Employers' Confederation of Thai Trade and Industry;
- (3) Labour Congress of Thailand; and
- (4) the National Congress of Thai Labour.

Observations received from employers' and workers' organizations

No comment has been so far received from any of these organizations.

Annexes (not reproduced)

Text of the Labour Protection Act 1998.

Statistics on child labour.

Trinidad and Tobago**Means of assessing the situation*****Assessment of the institutional context***

While this country is making every effort to complete the relevant report in order to fulfil its reporting requirement to the ILO, it should also be noted that efforts are currently under way to effect ratification of Convention No. 138, the only remaining fundamental Convention left for ratification by this country.

The 144 Tripartite Committee has thoroughly studied this Convention and has recommended its ratification to the Minister of Labour and Co-operatives.

The Minister has in turn presented this recommendation to this country's competent authority, Parliament. Upon acceptance by Parliament, a proposal for ratification was submitted to the International Labour Organization. However, due to the fact that the proposal did not contain a categorical declaration of the minimum age of admission to employment, this country's ratification was not accepted by the ILO.

Trinidad and Tobago, through the Ministry of Labour and Co-operatives, is at present carrying out the administrative procedures necessary for this country to declare a minimum age of 16 years, and thereby comply with the ILO's requirements for effecting ratification.

This country is committed to the objectives of the Declaration on Fundamental Principles and Rights at Work, and as such is focusing its attention in this area.

Uganda**Means of assessing the situation*****Assessment of the institutional context***

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

Uganda has already ratified the African Charter on the Rights and Welfare of the Child (1990).

The ILO Minimum Age Convention, 1973 (No. 138) has not yet been ratified. However, the provisions of this Convention are incorporated in the national legislation.

The National Constitution of the Republic of Uganda (1995) provides for the rights of children including the right of basic education and medical treatment, protection from social and economic exploitation and from employment in or performance of work that is likely to be hazardous or interfere with children's education or to be harmful to their health or physical, mental, spiritual or social development.

The Children's Statute No. 6 (1996) provides among others for the protection and maintenance of children. The Statute provides that no child shall be employed or engaged in any activity that may be harmful to his or her health, education, mental, physical or moral development.

The Draft Employment Decree provides for the protection of children from child labour. It provides that no child under the age of 14 years may be employed or perform work in any capacity whatsoever. It further provides for the protection of persons under the age of 16 years from underground work, as well as for legal action to be taken against persons who violate the provisions of the law.

The Draft Employment Policy has included a component on the control and elimination of child labour.

The legal status of child labour in Uganda is contained in the document "Uganda's report and position on child labour" (not reproduced).

Recognition has been given at national level to this principle of the effective abolition of child labour.

Uganda concurs with the ILO definition of child labour as in the Minimum Age Convention, 1973 (No. 138).

The age limit for engaging in dangerous work is not higher than that mentioned in Convention No. 138.

There are no categories of jobs or work, economic sectors or types of enterprise excluded.

There are exceptions as regards light work. Under section 50 of the Employment Decree, 1975, the employment of children under the age of 12 years is prohibited, except on such light work as the Minister of Labour may from time to time prescribe by statutory order. However, the concept of light work is not defined.

On the means of implementing the principle, please refer to the document on the National Programme on the Elimination of Child Labour (not reproduced).

Assessment of the factual situation

Please see Uganda's report and position on child labour (not reproduced).

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

Please refer to the document on the International Programme on the Elimination of Child Labour (not reproduced).

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

A copy of this report has been sent to the Federation of Uganda Employers (FUE) and the National Organisation of Trade Unions (NOTU).

Observations received from employers' and workers' organizations

Any possible comments made by these organizations will be forwarded to the ILO upon reception by the Government.

Annex (not reproduced)

Uganda's report and position on child labour prepared for the OAU/ILO African Regional Tripartite Conference on Child Labour, Kampala, January 1998.

United Kingdom

On 15 September 1999 the United Kingdom Government announced its intention to ratify Convention No. 138. Ratification will be registered in due course.

United States

Means of assessing the situation

Assessment of the institutional context

The United States recognizes the principle of the effective abolition of child labor. The elimination of illegal and exploitative child labor is both a domestic and international priority of the United States Government.

The federal Fair Labor Standards Act of 1938 (29 U.S.C. § 201, et seq.) (FLSA or Act), is the major federal child labor statute. The FLSA contains provisions designed to control, or regulate the employment of children as well as to abolish or to prevent, outright, the employment of oppressive child labor. 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 labor has been employed (29 U.S.C. § 212(a)). The FLSA further provides that "no employer shall employ oppressive child labor in commerce, the production of goods for commerce or in any enterprise engaged in commerce" (29 U.S.C. § 212(c)). Oppressive child labor is defined as the 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 deemed hazardous by the Secretary of Labor (the Secretary).

In the United States child labor is regulated by both federal and state legislation and regulations.

Federal Legislation

FLSA

Federal regulation of child labor pursuant to the FLSA is predicated on the Commerce Clause of the United States Constitution and the impact of such labor on interstate commerce. As mentioned above, the FLSA prohibits the employment of "oppressive child labor" 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); 29 C.F.R. §§ 570.110 and 570.112). Under the FLSA, child labor standards differ with respect to non-agricultural and agricultural employment.

Non-agricultural employment

With regard to non-agricultural employment, the term “oppressive child labor” is defined as employment of a child under 16 years of age in any occupation (29 U.S.C. 203(l); see 29 C.F.R. § 570.117(b)). 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. To date, the Secretary has issued 17 “hazardous orders” addressing non-agricultural occupations. They deal with: manufacturing or storing explosives; motor-vehicle driving; coalmining; logging, sawmilling, and other milling; operating power-driven woodworking machines; exposure to radioactive substances and ionizing radiations; operating power-driven hoisting apparatus; operating power-driven metal forming, punching and shearing machines; mining, other than coalmining; operating power-driven meat-processing machines; operating paper-products machines; manufacturing brick, tile, and kindred products; operating circular saws, band saws, and guillotine shears; wrecking, demolition, and ship-breaking; roofing; and excavation (29 U.S.C. 203(l)); see 29 C.F.R. §§ 570.50-570.68). Some hazardous orders permit work by 16- and 17-year-old apprentices and student-learners under specified conditions.

With respect to occupations other than mining, manufacturing and occupations the Secretary deems hazardous, 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 CFR § 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 Department of Labor regulations (see 29 CFR §§ 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 occupations in the retail and service industries.

Agricultural employment

Separate child labor 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)). The Secretary has identified 11 hazardous occupations in agriculture. These include activities involving the operation of large farm machinery, e.g., tractors over 20 PTO horsepower,

cotton and corn pickers, harvesters, and balers, or the handling of toxic or explosive substances (see 29 CFR §§ 570.71 and 570.123).

Except for these restrictions those 14 years old and over may engage in any agricultural work. Those 12 and 13 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); see 29 CFR § 570.122). 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)).

Under the FLSA, the Secretary has authority to grant waivers for the employment of 10 and 11 year olds as hand harvest laborers for a period up to eight weeks between 1 June and 15 October each year (29 U.S.C. 213(c)(4)) (see 29 CFR §§ 575.1-575.9). However, the Department is effectively enjoined from issuing waivers under this section and has not issued any for several years (see *National Association of Farm Workers Organizations, et al. v. Marshall*, 628 F2d 604 (D.C. Cir. 1980)).

Other federal law

The Federal Walsh-Healy Public Contracts Act (41 U.S.C. § 35 et seq.), which sets basic labor standards for work done on federal government contracts (exceeding \$10,000 in value), prohibits the employment of persons under 16 years of age, by the contractors in the manufacture, production or furnishing of any of the material, supplies, articles or equipment included in a contract with the federal government.

State legislation

Under United States law, child labor 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 labor law provisions rather than by the provisions of the FLSA.

All 50 states have child labor laws, many with extensive overlap in coverage with the FLSA. In some instances, state child labor laws are more protective than the FLSA. If both state and federal law apply to the same employment situation the more stringent standard of the two must be observed.

The structure of most state laws is similar to that of the FLSA. Each has a basic minimum age and each prohibits employment in certain hazardous occupations, imposes requirements for work permits, daily and weekly hour limitations, limitations on night work, and school attendance requirements.

Federal legislation

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 with 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 labor 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.

The FLSA establishes a minimum standard for employment subject to the Act. As noted, it provides that employers must comply with any “higher standard” in federal law, state law or municipal ordinance related to child labor (29 U.S.C. § 218(A)).

State legislation

In a number of states child labor laws apply on an industry basis; in another group of states, child labor laws cover any gainful occupation, business or service. “Exemptions from the law frequently include such activities as domestic employment, farm labor 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. (See synopsis of state child labor laws. Annex not reproduced.)

Federal law and regulation prohibit “oppressive child labor” and define that term as the employment of workers under the age of 16 in any occupation and the employment of those 16 to 18 years old in particularly hazardous occupations. As detailed above, the law does provide certain exclusions and exceptions from these age limitations.

The FLSA does not correlate the minimum age for employment with the age for compulsory school attendance. State law determines the age for compulsory school attendance.

All states prescribe minimum ages for admission to employment and for compulsory school attendance, but a variety of practices exist. A large number of States have a general minimum age of 16. A smaller number have a generally applicable minimum age of 14 while an even smaller number have a minimum age of 17 or 18. Not all states link minimum age for employment to minimum age for compulsory schooling. However, no state has a compulsory education age limit below the age of 16. (Table not reproduced.)

Non-agricultural employment

The age limit for hazardous work is greater than the generally applicable minimum age of employment. Under the FLSA, 18 is the minimum age for employment in non-agricultural occupations that the Secretary of Labor finds and declares to be “particularly hazardous ... or detrimental to [the] health or well-being” of young persons (29 U.S.C. § 203(l)). As previously stated, the Secretary has issued 17 “hazardous orders” addressing non-agricultural occupations. They deal with: manufacturing or storing explosives; motor-vehicle driving; coalmining; logging, sawmilling, and other milling; operating power-driven woodworking machines; exposure to radioactive substances and ionizing radiations; operating power-driven hoisting apparatus; operating power-driven metal forming, punching and shearing machines; mining, other than coalmining; operating power-driven meat-processing machines and slaughtering, meat packing or processing, and rendering; operating bakery machines; operating paper-products machines; manufacturing brick, tile, and kindred products; operating circular saws, band saws, and guillotine shears; wrecking, demolition, and ship-breaking; roofing; and excavation.

The orders appear in Department of Labor regulations at 29 C.F.R. §§ 570.50-570.68. Some of the hazardous orders entirely prohibit children under 18 from working in the specified occupations. Others permit work by 16- and 17-year-old apprentices and student-learners under specified conditions.

Agricultural employment

In agriculture, 16 is the minimum age under the FLSA for employment in occupations (outside of family farms) that the Secretary of Labor finds and declares to be “particularly hazardous for the employment of children” (29 U.S.C. § 213(c)(2)). As previously stated, the Secretary has issued a wide range of hazardous occupation orders addressing agricultural occupations: operating certain tractors; operating or assisting to operate certain machines (e.g., grain combines, hay mowers, feed grinders, power post-hole diggers); operating or assisting to operate trencher or earthmoving equipment, fork lifts, potato combines, and certain saws; working on farms in yards occupied by certain animals (e.g., bulls and sows with suckling pigs); working with certain sizes of timber; working from a ladder or scaffold at a height over 20 feet; driving vehicles when transporting passengers or riding on a tractor; working inside certain areas (e.g., grain storages, silos, manure pits); handling or applying toxic agricultural chemicals; handling or using blasting agents; and transporting, transferring, or applying anhydrous ammonia.

These hazardous orders appear in Department of Labor regulations (29 C.F.R. § 570.71). Some of the hazardous orders entirely prohibit children under 16 from working in the specified occupations. Others permit work by 14- and 15-year-old student-learners under specified conditions and by 14 and 15 year olds who hold certificates from specified training programs. Sixteen and 17 year olds are permitted to work in occupations that the Secretary of Labor has determined to be hazardous for children under 16.

Under the FLSA, the provision addressing hazardous work by children does not apply where a child is “employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person” (29 U.S.C. § 213(c)(2)).

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)).

Additionally, under the FLSA’s child labor provisions, certain employment of those under 16 years is not considered oppressive child labor within the meaning of the Act and certain employment is exempt from the requirements of the Act.

The employment of minors between the ages of 14 and 16 pursuant to a school-supervised and administered work program that meets Department of Labor requirements is not considered oppressive child labor (see 29 CFR § 570.33-35). However, the Department of Labor requires that such school work programs meet standards established and approved by the relevant State Educational Agency in the respective state; not involve hazardous occupations; and not exceed 23 hours per week and three hours per day while school is in session.

Specifically exempt from the child labor provisions of the FLSA is the employment of children in agriculture outside of school hours for the school district where they live while so employed; the employment of minors, including those under 14, when the minors are employed by their parents (a parent or a person standing in place of a parent may employ his own children or a child in his custody under the age of 16 in any occupation other than mining, manufacturing and those found by the Secretary to be hazardous or detrimental to health or well-being) (29 U.S.C. 213(c)(1); 29 CFR § 570.126). Also exempt from the Act’s provisions are those minors engaged in the delivery of newspapers (29 U.S.C. 213(d); 29 C.F.R. § 570.124); homeworkers engaged in making wreaths (29 CFR § 213(d)); child actors/performers (29 U.S.C. § 213(c)(3); 29 C.F.R. 570.125); and those

employed in certain foreign countries or territories under the jurisdiction of the United States (29 U.S.C. 213(f)).

The FLSA authorizes the Secretary of Labor to provide by regulation or order that the employment of those between the ages of 14 and 16 is not “oppressive child labor” 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, regulations promulgated by the Department of Labor permit youths aged 14 and 15 to work outside of school hours if such work is:

- Not during school hours.
- Not more than three hours a day on a school day.
- Not more than 18 hours a week during a school week.
- Not more than eight hours a day on days when there is no school.
- Not more than 40 hours a week during weeks when there is no school.
- Not before 7.00 in the morning or after 7.00 in the evening (during summer months from 1 June through Labor Day, however, these youth may work until 9.00 at night).

The regulations specify permissible industries and occupations in which 14 and 15 year olds may be employed. These include the following:

- Office and clerical work (including operation of office machines).
- Cashiering, selling, modeling, art work, work in advertising departments, window trimming and comparative shopping.
- Price marking and tagging by hand or by machine. Assembling orders, packing and shelving.
- Bagging and carrying out customers’ orders.
- Errand and delivery work by foot, bicycle, and public transportation.
- Clean-up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters.
- Kitchen work or other work involved in preparing and serving food and beverage, including the operation of machines and devices used in the performance of such work, such as, but not limited to dishwashers, toasters, dumbwaiters, popcorn poppers, milk-shake blenders, and coffee grinders.
- Work in connection with cars and trucks if confined to dispensing gasoline and oil, courtesy service on premises of gasoline service station, car cleaning, washing and polishing; but not work involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.
- Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers.

Generally, these regulations permit the employment of 14 and 15 year olds in a variety of occupations in the retail and service industries; however, work in areas such as mining, manufacturing and in those areas considered hazardous is prohibited.

The work permitted by these regulations is consistent with the concept of “light work”. “Light work” is that work which 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 Conventions and Recommendations: Minimum Age, para. 159, International Labour Conference, 67th Session, 1981). Under these regulations, hazardous work is not permitted. Additionally, the work permitted must meet narrow time restrictions so as not to interfere with school hours.

The child labor provisions of the FLSA are administered and enforced by the United States Department of Labor acting through the Administrator of its Wage and Hour Division (29 U.S.C. § 204(a)). The Wage and Hour Division has promulgated detailed regulations, orders, and statements of interpretation indicating the construction of the law which guides the Department in administering the FLSA (29 C.F.R. §§ 570.1-570.129). The laws and regulations are generated through processes which provide for public participation and an opportunity to be heard.

Wage and Hour employs a number of enforcement tools to ensure effective implementation of federal child labor laws. Wage and Hour compliance officers investigate child labor violations as part of their investigations for compliance with other FLSA provisions. In addition, Wage and Hour conducts investigations of suspected child labor violations in response to complaints or referrals. In its enforcement, Wage and Hour often uses the “hot goods” provision of the FLSA to remedy and deter violations. Under this provision, the Department can stop the shipment in interstate commerce of goods produced in violation of the law. In an administrative action before departmental administrative law judges, Wage and Hour may seek injunctive relief or civil money penalties for the violation of the child labor provisions. Additionally, Wage and Hour can seek criminal prosecution where warranted.

Civil money penalties — assessed in proportion to the severity of violations — are employed to affect the future compliance behavior of employers. The penalty system provides for a fine of \$10,000 for each violation leading to a serious injury or death. Child labor criminal penalties are limited to a maximum six-month imprisonment, but only after a second conviction, and there is a \$10,000 maximum monetary penalty for each conviction. Civil money penalties, on the other hand may be assessed in an amount not to exceed \$10,000 for each employee who was the subject of a child labor violation.

Wage and Hour also undertakes “compliance education” which serves to promote voluntary compliance with child labor laws by informing employers, educators, young workers, and their parents about the child labor laws so that they may make informed decisions about when and where young people should work. Wage and Hour also partnerships with consumers and corporations to raise public awareness of child labor issues and promote child labor compliance practices. Through materials prepared by the Department and its key partners, parents, educators, employers, and working youths are provided with important information about the child labor provisions and safety in agricultural employment.

Assessment of the factual situation

Relevant indicators and statistics include the following:

- Workforce demographics (Department of Commerce Census Bureau and Department of Labor Bureau of Labor Statistics): information about youth employment by occupation and industry, by hours worked, etc.
- Enforcement data and compliance surveys (Department of Labor Wage and Hour Division).

- Statistics on deaths and injuries (Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health): data used in determining what kinds of labor are unsuitable for minors.
- School enrollment and attendance data (by the individual state authorities).

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

The elimination of illegal and/or hazardous child labor is a primary objective of the United States Government. The Department of Labor in particular has developed a broad array of programs to abolish illegal child labor and to ensure the safety and well-being of young people at work. These programs 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 are the Department's Low-Wage Initiative, which contained a child labor component, and the Safe Work/Safe Kids Initiative. Information on these initiatives can be found on the Department of Labor's Internet website (www.dol.gov). The Safe Work/Safe Kids Initiative employs a comprehensive strategy of enhanced, targeted enforcement where young workers are most commonly employed and at greatest risk in the workplace; increased compliance education aimed at employer, parents, and teenage children; stronger partnerships with governmental, non-governmental, and business organizations; and heightened public awareness. All of the elements of this strategy are aimed at increasing compliance with child labor laws and reducing the number of children who are on the job each year.

The United States Government has in place strictly enforced standards on child labor, as described in some detail above. The Government is aware, however, of the importance of re-examination of the adequacy of federal child labor laws and their enforcement, and has participated in funding studies and reports on the domestic child labor 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 labor in America, with a focus on working children's health and safety on the job. It makes several recommendations for improvement, among which are:

- more informative, better categorized data and data sharing by relevant federal and state agencies, and coordinated monitoring of data related to minors' on-the-job injuries and illnesses;
- cross-training in child labor of investigators from the Wage and Hour Division and those from the Occupational Safety and Health Administration;
- coordination among government agencies dedicated to youth training to assure that children performing legal work receive adequate training in health and safety issues;
- development of methods to spotlight employers who create workplaces which maintain appropriate healthy working environments for young employees; and conversely, publicizing willful violators, and promulgating standards for increased civil money penalties for such violators;

- amendments to the Fair Labor Standards Act and to its implementing regulations to limit weekly work hours during the school year of 16 and 17 year olds, to raise the current minimum age for hazardous work in agricultural sectors from 16 to 18, and to equalize maximum hours standards among younger children in the agricultural sector with those in the younger age group in the non-agricultural sectors.

Along these same lines, the Government engages information-gathering experts of its own to assist in oversight of the child labor program and problems related to children working. The Wage and Hour Division has recently contracted with the National Institute for Occupational Safety and Health to study industries where children are most often injured, and to make recommendations regarding enforcement in light of the Institute's findings. Results of that study will be published in the near future. Also, the Bureau of Labor Statistics has recently categorized, at the request of the Wage and Hour Division, work fatality profiles of employees aged 17 and younger. Congress, too, maintains interest in child labor enforcement, as evidenced by a 1998 study by its research arm, the United States General Accounting Office ("GAO"), *Child labor in agriculture: Changes needed to better protect health and educational opportunities*.

The Wage and Hour Division, with the help of studies such as those described, constantly reassesses its enforcement practices, and continuously initiates outreach efforts, such as the Safe Work/Safe Kids program described above. Within the confines of resource limitations, and as an adjunct to the Safe Work/Safe Kids program, Wage and Hour investigators initiate strike forces in industries where child labor is prevalent. For example, its ongoing "salad bowl" initiative during the planting and harvesting seasons has resulted in several sizeable penalties against growers for child labor violations; in addition, investigators have, in the recent past, targeted the restaurant, health care, and garment industries where significant child labor violations have been found.

Studies related to working children are thus an obvious valuable resource in the Department's efforts at rooting out illegal child labor, and continue to serve as a guide to suggest areas where stepped-up enforcement may be necessary and where educational outreach programs should be targeted.

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

Copies of this report have been mailed to the US Council for International Business (USCIB) as well as to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). In addition, the draft report was reviewed by members of the Tripartite Advisory Panel on International Labor Standards, a subgroup of the President's Committee on the ILO, which includes representatives from the USCIB and the AFL-CIO.

Observations received from employers' and workers' organizations

No observations have been received.

Annexes (not reproduced)

1. Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq.
2. Walsh-Healy Public Contracts Act, 41 U.S.C. § 35 et seq.

3. Title 29, Part 570 of the Code of Federal Regulations.
4. Table 152: Ages for compulsory school attendance, special education services for students, policies for kindergarten programs, and year-round schools by state: 1997 and 1995, *Digest of Education Statistics 1997*.
5. Synopsis of state laws concerning child labor.

Viet Nam

Means of assessing the situation

Assessment of the institutional context

The principle of effective abolition of child labour is recognized in the laws and legislation of Viet Nam.

The manner in which it is recognized is seen in:

- the Constitution of Viet Nam, 1992;
- the United Nations Convention on the Rights of the Child, which has been ratified by Viet Nam;
- article 6 of the Labour Code of Viet Nam, which provides that “An employees shall be a person of at least fifteen (15) years of age who is able to work and has entered into a labour contract”;
- article 120 of the Labour Code also provides that “Persons under 15 are prohibited from working except in a number of trades permitted by the Ministry of Labour, Invalids and Social Affairs (MOLISA)”.

The minimum age for children to work is 15 years old, which is the termination age for compulsory basic education for children in Viet Nam. Students will be 15 years old when they finish compulsory schooling. Some of them continue their higher education, while others pursue occupational training work in enterprises.

The minimum age for engaging in dangerous work is 18 years old. A list consisting of 81 jobs considered dangerous exists (MOLISA Circular No. 09/LDTBXH-TT of 13 April 1995) (not reproduced).

Although Viet Nam has recognized the principle of effective abolition of child labour, employment of children under 15 years old may be allowed in some specialized jobs and occupations, for example: some traditional jobs and sports (12 years old) and artistic work (8 years old). This possibility is also relevant to ILO Convention No. 138. Provisions governing recruitment of children are stated in detail in MOLISA Circular No. 21/1999/TT-LDTBXH of 11 September 1999.

There are no other exceptions to the implementation of the principle and rights relating to the effective abolition of child labour.

Means of implementing the principle

Legislation:

- Chapter XI, Part 1 of the Labour Code and MOLISA Circular No. 09/LDTBXH-TT of 13 April 1995 define the working conditions considered dangerous and the jobs and occupations that are prohibited for child labour;
- Government Decree No. 38/CP of 25 June 1996 defines the administrative penalties for offences to labour laws.

Public administration:

- there must be labour records containing detailed information on working children in the enterprise, such as name, age, and requirements for periodic health checks to be declared to the labour inspectorate upon inspection visits;
- the labour inspectorate has the right to impose penalty amounts of 1,000,000 VND (about \$US65) for employers abusing children for work in hard, dangerous jobs in conditions that expose them to toxic substances listed by MOLISA and the Ministry of Health, as defined in article 121 of the Labour Code;
- for jobs permitting the recruitment of children under 15 years old to work, employers must make a declaration to the local provincial labour office;
- the local provincial labour offices have the obligation to contract, verify, and inspect undertakings employing workers under 15 years old in localities;
- the Provincial Labour Office must fulfil its reporting obligations to MOLISA annually, quarterly and monthly.

Assessment of the factual situation

At this time, the number of young workers is not considerable. However, workplaces using many young workers are mostly in traditional handicraft villages, seasonal operational undertakings, and food catering operations. The working conditions for them in those undertakings are inadequate. The workers frequently work overtime and perform rather hard jobs.

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

Measures taken to promote the principle are: information dissemination on legal education, inspection and expansion of vocational training programmes.

The means deployed to promote The Government:

- supervises periodically the implementation, formation, issuance and timely updating of laws in order to protect rights of children in the actual context of Viet Nam's socio-economic growth;
- disseminates information on laws and legislation by publishing documentation on children's working rights, organizing conferences and symposia on children's working rights;
- carries out inspections and examinations of implementing legal instruments on working children.

International Labour Organization:

- ILO Conventions concerning child labour and the organization of seminars on the effective abolition of child labour;
- communicating ILO Conventions concerning minimum age.

Other bodies:

- the Committee on the Care and Protection of Children is the specialized agency to disseminate and supervise implementation of relevant laws;
- the objectives of the Government are to encourage observance, promotion or realization of these principles and rights to ensure the effective abolition of child labour as well as to establish firmly the minimum working age.
- the conditions deemed necessary to meet these objectives are:
 - issuance of relevant legal instruments and laws by the Government;
 - financing for activities involving the dissemination and communication of those legal documents;
 - inspection, examination, supervision and penal sanctions imposed on undertakings employing workers under 15 years old.

The ratification of Convention No. 138 will be considered when it is appropriate.

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

This report has been sent to the Viet Nam General Confederation of Labour, the Viet Nam Chamber of Industry and Commerce, and the Viet Nam Central Council of Small and Medium Enterprises.

Observations received from employers' and workers' organizations

So far, no comments have been received from those organizations.

Zimbabwe

Means of assessing the situation

Assessment of the institutional context

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

It is recognized in the Labour Regulations Act, Chapter 28:01 (1996), General Conditions of Employment (section 11), Statutory Instrument 72 of 1997, Labour Relations (Employment of Children and Young Persons) Regulations (1997), Statutory Instrument 155 of 1999, Labour Relations (Employment of Children and Young Persons (Amendment)) Regulations, 1999 (No. 1) and by virtue of Zimbabwe's ratification of the United Nations Convention on the Rights of the Child (1990) and by practice.

Child labour in Zimbabwe is defined as paid and unpaid work performed by a child or children under the age of 16 years.

- A child under the Legal Age of Majority Act (1980) and the Children's Protection and Adoption Act is defined as a person under the age of 18 years.
- This definition falls in line with those of the United Nations Convention on the Rights of the Child and the Minimum Age of Admission to Employment Convention, No. 138 (1973).
- The aim of the labour regulations in Zimbabwe on the employment of young persons has been to improve the welfare of the majority of children whose protection rights were neglected during the settler colonial era.
- These regulations are meant to protect children so that they can go on the labour market when they have fully developed physically, morally, mentally and when they have acquired skills from formal schools they would have attended.
- The minimum age of admission to employment is set to meet the age of completing compulsory education, usually secondary education or vocational training. In Zimbabwe most children complete their compulsory schooling as from the ages of 16 to 28 years.
- The concept of education for all and tuition-free primary education has helped children to remain in formal education until the age of 16 years, a period they can undertake work-related training such as apprenticeships.

Only young persons of 18 years and above are engaged in dangerous work for hazardous occupation or sectors. The sectors considered hazardous are those in the mining sector involving underground digging and carrying heavy loads, brick-making involving extraction, crushing, grinding, screening and mixing using heavy and dangerous machines and the work involving shovelling sand and carrying metalwork loads among others. The sectors considered dangerous are listed to caution the employers and the potential young employees of the dangers that they might be exposed to in terms of injuries and illnesses.

In Zimbabwe there are no categories of jobs or work economic sectors or any type of enterprises excluded from the implementation of the principle and the right relating to the effective abolition of child labour.

However, it is important to note that, with the introduction of the Economic Structural Adjustment Programme, in Zimbabwe, we have witnessed a surge in the emergence of informal sectors, both in the rural and urban areas.

Individual studies allege the presence of the violation of these principles and rights in the rural and urban informal sectors. Research work is to be carried out to determine this issue.

However, the dilemma of the informal sector is not only confined to Zimbabwe. Research in this area might be needed to find the true picture of the situation as this sector falls outside the scope of our current labour laws which relate to the formal sector and can be monitored adequately.

Children of school age below the age of 16 years can be engaged to do light work in instances where they are at vocational training centres and situations where the light work performed is relevant to the child's school work.

- The education of the child takes the centre stage. Only those who are 15 years and above can be engaged in light work, which is necessary to complete their school training needs/apprenticeships.
- The list of work that is light work is outlined to government officials, trade unions and employers' organizations.
- The implementation of the principle of effective abolition of child labour is done through conducting labour inspections in industrial undertakings by labour inspectors from both the Ministry of Public Service, Labour and Social Welfare and from the National Social Security Authority (NSSA), registered trade unions, employers' organizations and designated agents of the National Employment Council representing specific industries and sectors.
- The Ministry of Public Service, Labour and Social Welfare being the central authority in the labour inspections/administration system.
- Implementation can be enforced in some instances by the courts of law and consist of penalties in the form of fines or imprisonment or both as some violation of such principles as abolition of child labour may attract criminal sanctions or penalties.
- In Zimbabwe, the Department of Social Welfare of the Ministry of Public Service Labour and Social Welfare has established provincial child welfare forums with the assistance of NGOs whose programmes are concerned with the welfare of children.
- The Ministry of Health and Child Welfare has programmes targeting the protection of children's welfare through health care centres.
- The child welfare forums are more concerned with the issues of child abuse and "street" children.
- Officers from the Ministry of Labour are members of these provincial child welfare forums.
- Officers from the Ministry of Justice especially from the Attorney General's Office's victim-friendly courts are members of the forums in question.
- They have campaigned and exposed child abuse cases.
- The Department of Labour Relations has a unit known as the ILO Desk Section which deals specifically with child labour issues.
- Currently, the ILO Desk Section as from 1997 has initiated the promulgation of Statutory Instrument 72 of 1997, Labour Relations (Employment of Children and Young Persons) Regulations, 1997 as a stop-gap measure.
- The tripartite meeting on the issue of employing children and young persons recommended and the Honourable Minister came up with the Statutory Instrument 155 of 1999, Labour Relations Employment of Children and Young Persons (Amendment) Regulations, 1999 (No. 1) so that our legislation could be in line with the ILO Convention No. 138 (1973), minimum age of admission to employment or work before the ratification of the Convention in question.
- Currently, the unit is collaborating with the Central Statistical Office officials in conducting the national child labour survey under the IPEC programme.
- There is also the Inter-ministerial Committee on Human Rights which monitors the implementation of human rights including the rights of the child under the United Nations Convention on the Rights of the Child.

Assessment of the factual situation

Currently, we are carrying out a child labour survey with the social partners to establish a baseline data bank.

This means that statistical data will only be available around the year 2000 when the final report of the survey is published.

The current statistical data available is that of the pilot survey that has already been sent to ILO-IPEC programme, which cover a different field.

Macroeconomic situation may have an impact on the education system as the Social Dimension Fund (SDF) which assists children of vulnerable groups is running on a deficit.

This being the first research of its kind, it means that there has been no official statistical data on child activities of worth upon which we can deduce data and trends as we are still in the stage of developing such indicators with the help of the ILO.

A better assessment of the situation, beyond saying that we have not handled complaints of child labour emanating from the formal sectors, will be possible after the results of the labour survey which is currently in progress in Zimbabwe.

This survey is critical because it will provide us with the baseline data bank which will then be updated from time to time as specified.

It is from the analysis of such raw data that policies and projects and programmes can be developed for the progressive elimination of child labour in Zimbabwe.

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

The Government of Zimbabwe has committed itself to carry out a nationwide child labour survey in the formal sectors of the economy to establish in which sectors child labour exists, if any, and the magnitude of the problem and its causes.

Concrete measures to effectively abolish child labour would come after the analysis and synthesis of the data obtained from the survey.

Policies and programmes can then be developed once the root causes of the problem have been identified. However, the child welfare forums of the Department of Social Welfare have attempted to remove "street children" from the streets into designated home centres with a view to rehabilitating them.

The "street kids" in question are not necessarily legally employed but are found roaming the street. These children are protected by sending them to designated home centres where (upon rehabilitation) they will eventually be united with their original families.

Due to the adverse macroeconomic situation prevailing in the developing countries including Zimbabwe, children from vulnerable families might in some cases be affected in attaining their educational ambitions.

In order to alleviate the impact of economic structural adjustment programmes, especially in the 1990s, the Government came up with some safety net measures through the SDF,

whereby assistance is provided to children from poor vulnerable groups to pay secondary school tuition fees. Many children have benefited from this facility. This facility, which was extended to cover the health expenses of the children in need as the SDF paid for the medical costs for children whose parents cannot afford them.

Through this facility, the education and health welfare of the children were protected. The main stumbling block has been the lack or shortage of financial resources for the SDF to be sustained and to cover a “wider net” than at present.

To allow access for all children to formal education the Government of Zimbabwe introduced free primary tuition for all children. Though education is not compulsory at secondary-school level, at least for primary education, in practice it is compulsory.

Government efforts are now currently specifically giving more attention to the rights of girls in both education and child labour. Awareness campaigns on this have been in vogue of late in public debates.

The Government of Zimbabwe has created a special unit/section in the Labour Relations Department to deal with the issues of child labour and the issue of the welfare of children through the establishment of child welfare forums where trade unions (ZCTU), employers’ organization such as (EMCOZ), governmental and non-governmental organizations such as Redd Bamar (UK), Save the children (UK) and Orphan Farm Trust are represented and meaningfully participate in creating awareness of the need to effectively eliminate child labour wherever it exists.

The child welfare forums have been carrying out sensitization workshops, on the issue of child labour and child abuse in the urban and communal rural areas where children may be afraid to contribute labour to the family income.

The Government of Zimbabwe, through the child welfare forums, forged an alliance with non-governmental organizations, workers’ organizations, child rights groups and human rights groups to take part in the Global March Against Child Labour in April 1998.

The Honourable Minister of Public Service, Labour and Social Welfare, Mrs. F.L. Chitauro, addressed massive groups of adults and children who gathered in Harare, the capital city, including children from other countries like Pakistan, Bangladesh, who were on the African Leap of the Global March. This showed the seriousness of how the Government of Zimbabwe is prepared to effectively abolish child labour.

The Government of Zimbabwe has in addition put in place an Inter-ministerial Committee on Human Rights and Child Rights to advise them on the policy options to uphold the rights of children in Zimbabwe.

The Inter-ministerial Committee on Human Rights meets once every month and is in constant touch with the organization dealing with human and child rights issues such as Human Rights Research and Documentation Trust of Southern Africa.

The Government, by carrying out a child labour survey as a means of establishing its existence, causes, and how it can be progressively eliminated, is showing its concern about the issue.

The Government delegation attended the ILO Governing Body meetings and contributed to the debates on the issues of child labour and its effective abolition.

The Government also contributes its efforts to the elimination of child labour by footing the bill of the tripartite delegation to ILO Governing Body meetings, and intends to ratify the relevant Conventions such as Convention No. 138, 1973, which is now before Parliament, for Zimbabwe to register her ratification.

The ILO contributes by formulating international standards to be observed by member States to effectively abolish child labour. For example, the Minimum Age Convention, 1973 (No. 138), by the adoption of new Conventions such as the Convention concerning the prohibition and immediate elimination of the worst forms of child labour Convention (No. 182), 1999, and through sponsoring child labour surveys through the International Programme on the Elimination of Child Labour (IPEC), currently assisting Zimbabwe in the child labour survey.

The other bodies involved in the effective campaigns for the abolition of child labour are child rights and human rights organizations such as the Human Rights, Research and Documentation Trust, NGOs such as the Orphan Forum Trust, Redd Bamar (UK), Save the Children (UK), and UNICEF.

These make their contributions by arranging and sponsoring training workshops, awareness campaign seminars and other relevant meetings with various stakeholders in the country which include the Government, trade unions, employers, churches and civic society in general.

The objectives of the Government in observing, promoting or realizing these principles and rights is to safeguard the welfare of children since they are the future.

The aim is to uphold the rights of the child as outlined in the UN Charter on the Rights of the Child of which Zimbabwe is a signatory and a Member of the ILO bound by the fundamental rights and principles at work as spelled out in the Convention in question.

Overall and above all, the idea is to have a democratic system, which is accountable and create an environment conducive to the cherished ideas of good governance and the respect of the “rule of law” where citizens can fully enjoy their rights.

The Government and the social partners of Zimbabwe would need technical cooperation resources to help them conduct meaningful surveys like the current child labour survey going on in Zimbabwe.

More training workshops like the one in Dakar involving the tripartite delegates involved in the drafting and preparation of ILO reports on these non-ratified and ratified Conventions.

Training workshops on human rights and child rights will go a long way to give officers the much-needed exposure for them to gain skills for initiating, implementing and monitoring these principles and rights.

The ILO should consider study tours of countries that have better developed systems in place so that others can learn from such practical experiences.

The ILO should provide technical assistance and financial resources to equip the offices of those responsible for writing reports with computers and Internet to access and store much needed statistical data.

The data kept in manual files is cumbersome to compile. This assistance should be accompanied by training packages to equip the officers with the skills for using such

modern technology. This explains why it is difficult to get statistical data from developing countries.

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

Copies of this report have been sent to the Zimbabwe Congress of Trade Unions (ZCTU) and EMCOZ.

Observations received from employers' and workers' organizations

At the time of faxing this report no observations or comments have been received from these social partners. However, they had an input into the draft of this report at the 6 to 8 October 1999 ILO workshop in Dakar.

Annex (not reproduced)

Labour Relations (Employment of Children and Young Persons) Regulation, 1997.