

The effective abolition of child labour

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The effective abolition of child labour

Armenia

Government

Recognition of the principle of the effective abolition of child labour

The Government wishes to inform the International Labour Office that it has initiated preparatory work with a view to ratifying the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

Priority needs for technical cooperation

Armenia needs assistance for the translation of relevant documents into Armenian. The ILO Eastern European and Central Asia Multidisciplinary Advisory Team in Moscow, which covers Armenia, has expressed its willingness to provide some financial assistance in this regard.

Australia

Government

This report updates and supplements Australia's 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2) and should be read in conjunction with them.

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

The following report incorporates information concerning the effective abolition of child labour relating to the following jurisdictions: Commonwealth; New South Wales; Queensland; Western Australia; Northern Territory; Australian Capital Territory; Tasmania; and South Australia.

Contribution to the report has not yet been received from the remaining jurisdiction (Victoria). A copy of Victoria's contribution will be forwarded to the ILO on receipt.

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

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

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is not recognized in the Constitution, in judicial decisions or in collective agreements, but it is recognized in legislation.

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. Further information can be found in Australia's 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories

Queensland

The following Acts are relevant and details about them can be found at <http://www.legislation.qld.gov.au>:

- *Education (General Provisions) Act 1989*
- *Child Protection Act 1999*
- *Coal Mining Safety and Health Act 1999 (S272)*
- *Industrial Relations Act 1999*
- *Workplace Health and Safety Act*

Western Australia

- *Occupational Safety and Health Act 1984*
- *Mines Safety and Inspection Act 1994*
- *Child Welfare Act 1947*
- *Criminal Code 1913*
- *Censorship Act 1996*
- *School Education Act 1999*, relevant provisions at Attachment A [not reproduced]
- *Prostitution Act 2000*, relevant provisions at Attachment B [not reproduced]

Tasmania

- *Child Protection Act 1976*
- *Children, Young Persons and their Families Act 1997*

- *Classification, (Publications, Films and Computer Games) Enforcement Act 1995*
- *Collections for Charities Act 2001*
- *Dangerous Goods (General) Regulations 1998*
- *Education Act 1994*
- *Industrial Relations Act 1984*
- *Workplace Health and Safety Act 1994 and Regulations*
- *Youth Justice Act 1997*

Full text copies of all Tasmanian legislation can be obtained via the Australasian Legal Information Institute's Internet site: <http://www.austlii.edu.au>

South Australia

Liquor Licensing Act 1997

Section 107 of this Act provides a general prohibition against minors (under the age of 18) from being employed to sell, supply or serve liquor on licensed premises. In September 2000 subsection (2), which provides an exception to this general prohibition, was amended.

Previously subsection (2) read as follows:

(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.

Now it reads as follows:

(2) However, this section does not prevent the employment of a minor to sell, supply or serve liquor on licensed premises if –

- (a) the minor is of or above the age of 16 years, a child of the licensee or a responsible person for the licensed premises and resident on the premises; or
- (b) (i) the minor is of or above the age of 16 years and a child of the licensee or a responsible person for the licensed premises; and
 - (ii) the licensing authority, on application, approves the employment of the minor for that purpose.

As you can see the amendment has added further restrictions on the employment of children in licensed premises.

There is a national policy or plan aimed at ensuring the effective abolition of child labour, as qualified by the comment below.

Federal

The effective abolition of unacceptable forms of child labour is implemented through commonwealth, state and territory legislation. These legislative provisions give effect to the policy of all Australian governments that exploitative child labour should be eliminated. Detailed information concerning such legislation is provided in Australia's

2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories

Queensland

This is largely a federal matter. However, in August 1998 the Queensland Government initiated a major review of the state's industrial relations system. The Industrial Relations Taskforce, comprising industrial relations experts and employer and union representatives, discussed the issue of child labour and the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Taskforce directed the then Department of Employment, Training and Industrial Relations to conduct research into the issue of child labour. Government departments and agencies deemed to have a particular interest in the welfare of children were consulted when examining the relevant law and practice in Queensland. The reports submitted by these agencies provided the basis for previous reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

Legislation in Australia does not establish a general minimum age for admission to employment. However, please refer to comments below on particular jurisdictions.

Federal

The Government refers to the following comment made elsewhere in this report: 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. Further information can be found in Australia's 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories

Queensland

There is no general minimum legislated age for employment. There are, however, a number of legislative provisions that aim to maximize successful transitions and provide social safety nets for young people. There is also industry-specific legislation that specifies minimum age requirements. It is felt that current industrial legislation, including industrial instruments, provides adequate protection in respect of industrial entitlements and working conditions for children in employment relationships.

The Government of Queensland refers to the following comments made elsewhere in this report: The *Education (General Provisions) Act 1989* states the age of compulsory attendance at school to be no less than 6 nor more than 15 years, and includes a section on the employment of children of school age (S119). When children are employed, consideration must be given to the impact this can have on the child's education. While it is acknowledged that experiences gained through work can be educative, it is important to ensure that such experiences are not gained at the expense of the child's formal education either through the child being employed during school hours or spending so much time at work that their school work suffers.

Western Australia

There is a national policy or plan aimed at ensuring the effective abolition of child labour. The general minimum age is 15 years for both girls and boys.

Northern Territory

Please refer to information provided in the 2000 report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2).

Australian Capital Territory

See the *Education Act 1937, (Section 9A)* – on the employment of children under school leaving age.

Tasmania

There is no legislation imposing minimum ages for employment.

Federal

Regarding the general minimum age for admission to employment in the following types of work: (work performed in a family-owned or -operated enterprise; work performed in enterprises below a certain size; home work; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; work performed in export processing zones; and other types of work), please refer to the comments below on state and territory legislation. More detailed information concerning such legislation is provided in Australia's 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories*Queensland*

The general minimum age for admission to employment does not cover any of the following types of work:

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

The *Coal Mining Safety and Health Act 1999* – Section 272, states that “persons under 16 years of age are not to be employed as under ground mine workers”. The *Mining and Quarrying Safety and Health Act 1999* provides an equivalent restriction on employing persons under 16 years of age underground in the non-coal sector.

The *Industrial Relations Act 1999* regulates the employment relationship to varying degrees and therefore applies to children as employees. Examples of protection include general conditions of employment and award coverage.

Currently there are no provisions dealing specifically with child labour in the workplace health and safety legislation. The workplace health and safety legislation that applies to all workplaces in Queensland is the *Workplace Health and Safety Act 1995*, the *Workplace Health and Safety Regulations 1997* and the *Miscellaneous Regulations 1995*. The *Workplace Health and Safety Act 1995* imposes obligations on employers to ensure the workplace health and safety of their workers in the workplace. Also, an employer has an obligation to ensure that the workplace health and safety of him/herself or others is not affected by the way the employer conducts the employer’s undertaking.

The obligations of the Act are broad and therefore do not distinguish different standards on the basis of age. The Act essentially relies on persons being trained and competent to perform the work without age restrictions. Certain prescriptive standards are regulated in subordinate legislation made under the Act. However, once again the standards are set to ensure the health and safety of all persons affected by the employer’s undertaking.

Western Australia

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

- work performed in a family-owned or -operated enterprise;
- work performed in enterprises below a certain size (there is no minimum size);
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work;
- work performed in export processing zones – no work of this type exists.

Australian Capital Territory

The *ACT Children’s and Young Peoples Act 1999* provides general exceptions to the prohibition that a child under 15 should not work. *Section 371 (1)* permits a child to be engaged in a number of forms of light work, including baby sitting, delivering errands, golf caddying, clerical work, gardening, delivering newspapers or modelling. *Section 372 (2)* states that such work is not to be performed for more than 10 hours each week unless

certain approvals are sought from the relevant Chief Executive of an ACT authority. *Section 373* provides that work is not to interfere with schooling.

Tasmania

Whilst there is no minimum age for employment, some industrial awards and/or legislation may impose employment restrictions.

For example, the Dangerous Goods (General) Regulations 1998 provides at Reg.65, that a person may prepare and fire explosives at an underground mine site if that person is at least 18 years old.

Furthermore, the ability of young persons to undertake driving tasks in employment would be linked to the legislative entitlement to hold a drivers' licence based on capacity and age.

Some Awards provide that an employee under the age of 18 shall not be required to perform overtime work "unless they so desire". (e.g *Retail Trades Award*) (www.pat.tas.gov.au/awards).

Some Awards provide that no employee under the age of 18 shall be required to work more than ten hours in a shift. (*Restaurant Keepers Award*) (www.pat.tas.gov.au/awards).

Industrial Relations Act 1984

All persons, including children and young persons and adults who are engaged in employment under the terms and conditions of enforceable awards and registered agreements of the Tasmanian Industrial Commission are equally entitled to the protection and remedies available under the Industrial Relations Act 1984.

The Workplace, Health and Safety Act 1995 and Workplace Health and Safety Regulations 1995

The Act and Regulations make no distinction between adult employees or young or child employees. The legislation imposes on all employers the obligation to extend "a duty of care" with regard to employees, through:

- the promotion of occupational health and safety in the workplace;
- the provision for systems of work that are safe and without risk to health;
- the implementation of measures for the prevention of industrial injuries and diseases and for the protection of the health and safety of the public in relation to the work activities.

Collections for Charities Act 2001

Section 8 provides that an organization must not permit a person under the age of 16 to solicit for a charitable purpose unless that person is under the supervision of an adult person and a person under 12 years must be in the immediate control of an adult person.

Legislation in Australia defines hazardous work.

Federal**(a) Commonwealth Employment Occupational Health and Safety Legislative Framework***Legislation*

The principal Act governing occupational health and safety in the Commonwealth jurisdiction is the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the OHS(CE) Act). This Act imposes a general duty of care on employers to “take reasonably practicable steps to protect the health and safety at work of the employer’s employees”. The Act also imposes a duty of care on employers in relation to contractors and third parties. The Act also imposes duties of care on other parties at the workplace including employees, manufacturers and suppliers in respect of plants and substances and persons erecting or installing plants.

The Safety, Rehabilitation and Compensation Commission (SRCC) administers the regulatory functions under the OHS(CE) Act and Comcare supports the SRCC in administering the Act.

Regulations

Detailed and prescriptive provisions specifying particular requirements, responsibilities, obligations, rights and duties are generally contained in regulations. Regulations support a principal Act by outlining how the general obligations of an Act will be applied in a workplace. Not complying with a regulation may be considered an offence and can result in a fine, issuing of an improvement or prohibition notice, imprisonment or other penalties which may be available.

Regulations can be made under section 23 of the OHS (CE) Act. There are two sets of Regulations which have been made under the OHS(CE) Act, namely, the *Occupational Health and Safety (Commonwealth Employment) Regulations* and the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations*. The regulations cover such hazards as occupational noise, plant, manual handling, hazardous substances and confined spaces.

Codes of practice

Codes of practice can be approved under section 70 of the OHS(CE) Act. Approved codes of practice support the OHS(CE) Act and Regulations and provide practical advice and guidance, on certain issues, to employers and others on how to:

- specifically, meet the requirements described in regulations; and
- generally, fulfil the duty of care obligations specified in the OHS(CE) Act.

Failing to observe a provision in an approved code of practice is not of itself an offence. However, in relation to any matter which the prosecution is required to prove in order to establish an alleged breach of the Act or Regulations, if the Court is satisfied that any provision of an approved code of practice is relevant and that the code has not been observed, then the matter will be taken to be proved unless an employer can convince the Court that it complied with the Act or Regulations otherwise than by way of observance of the method set out in the code of practice (subsection 71(b) of the OHS(CE) Act).

There have been a number of codes of practice on various workplace hazards/issues which have been approved by the Minister under section 70, including for example:

- code of practice for manual handling;
- code of practice for the prevention of occupational overuse syndrome;
- code of practice for vinyl chloride;
- code of practice on asbestos;
- code of practice for noise;
- code of practice on confined spaces;
- code of practice on the control and safe use of inorganic lead in commonwealth employment;
- code of practice on the control of scheduled carcinogenic substances in commonwealth employment;
- code of practice for the safe handling of timber preservatives and treated timber;
- code of practice for synthetic mineral fibres;
- code of practice on indoor air quality;
- code of practice on vibration;
- code of practice on non-ionizing radiation;
- code of practice on safety in laboratories;
- code of practice on welding;
- code of practice on transport of dangerous goods;
- code of practice for the protection of workers from the ultraviolet radiation in sunlight;
- code of practice for the safe use of ethylene oxide in sterilization/fumigation processes.

Development of regulations and approved codes of practice in specific areas/issues, which are identified as particularly hazardous, may be influenced by international research, trends and scientific developments.

Other interested bodies

The National Occupational Health and Safety Commission (NOHSC), established by the *National Occupational Health and Safety Commission Act 1985*, provides a forum for the commonwealth, state and territory governments and other interested stakeholders to develop national approaches to occupational health and safety matters. The Commission is charged with responsibility for making recommendations and providing guidance on safe work practices and has the power to develop and declare National OHS Standards and

Codes of Practice. These are developed as the basis for nationally consistent OHS Regulations and Codes.

Section 70 of the OHS(CE) Act provides that the SRCC must, as soon as practicable, after any standard or code of practice is declared by NOHSC which is capable of relating to Commonwealth employment and that has not already been applied, adopted or incorporated in Regulations, incorporate the standard or code of practice into an approved code of practice.

Another agency also involved in occupational health and safety in the Commonwealth is the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) which operates under the *Industrial Chemicals (Notification and Assessment) Act 1989*. NICNAS forms part of NOHSC. NICNAS scientifically assesses industrial chemicals introduced into Australia for risks to human health and the environment. This scientific assessment of chemicals covers the areas of toxicity, exposure and use to assess the environmental, public health and occupational health and safety risk.

(b) *Hazardous work*

Under the *Occupational Health and Safety (Commonwealth Employment)(National Standards) Regulations 1994* specific requirements and obligations are imposed on different parties (including employers, employees, manufacturers etc) regarding workplace hazards.

Regulation 1.05 imposes a specific duty on an employer in respect of all hazards at a workplace by providing that an employer must ensure that in the implementation of the Regulations all appropriate steps are taken to identify all reasonably foreseeable hazards arising from work which may affect the health or safety of employees or other persons at work. A “hazard” is defined as *the potential to cause injury or illness*.

Other requirements and obligations are imposed under the Regulations with respect to specific work hazards including:

- use of industrial equipment (including competency requirements and certification standards for operators of industrial equipment);
- occupational noise;
- plant;
- manual handling;
- hazardous substances;
- confined spaces.

The age of an employee is generally a factor that may be relevant when assessing workplace risks. Regulation 5.03 of the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations* also specifically provides that an employer must take the age of an employee into account when assessing the risks associated with manual handling.

The Commonwealth has identified the areas of storage and handling of dangerous goods, major hazard facilities, explosives, falls from heights and electrical safety as

occupational health and safety priorities and intends implementing Regulations and/or Approved Codes of Practice in the near future to cover these particularly hazardous areas.

(c) *Future activities and proposed legislative change*

Amendments to the OHS(CE) Act are proposed in the *Occupational Health And Safety (Commonwealth Employment) Amendment Bill 2000* (OHS(CE)A Bill), which is presently before the Parliament. The amendments provide for a more direct relationship between employers and workers by making changes to the employers' duty of care provisions and for managing health and safety at work. The amendments will remove some of the more overly prescriptive elements of the Act and will also modernize penalty provisions to provide for civil sanctions in addition to criminal penalties. It is anticipated that the Bill will be debated in the Senate in the Spring Parliamentary sittings.

(d) *Seafarers*

Occupational health and safety for the maritime industry is regulated by the *Occupational Health and Safety (Maritime Industry) Act 1993* (the OHS(MI) Act). This Act, however, has a limited application to seafarers in relation to a prescribed ship or prescribed unit that is engaged in trade or commerce:

- (a) between Australia and places outside Australia; or (aa) between two places outside Australia; or
- (b) between the States; or
- (c) within a territory, between a state and a territory or between two territories.

"Prescribed ship" is defined in the *Navigation Act 1912* as a ship to which Part II of the *Navigation Act 1912* applies but does not include a Government ship. Part II of the *Navigation Act* applies to:

- (a) a ship registered in Australia;
- (b) a ship (other than a ship registered in Australia) engaged in the coasting trade; or
- (c) a ship (other than a ship registered in Australia or engaged in the coasting trade) of which the majority of the crew are residents of Australia and which is operated by any of the following (whether or not in association with any other person, firm or company, being a person, firm or company of any description), namely:
 - (i) a person who is a resident of, or has his or her principal place of business in, Australia;
 - (ii) a firm that has its principal place of business in Australia; or
 - (iii) a company that is incorporated, or has its principal place of business, in Australia; and to the owner, master and crew of such a ship.

The regulation of seafarers not employed by ships within the application of the OHS(MI) Act is within state and territory jurisdiction.

The *Maritime Legislation Amendment Bill 2000*, which is presently before the Parliament, will amend the *Navigation Act 1912*, the *Seafarers Safety, Rehabilitation and*

Compensation Act 1992, and the *Occupational Health and Safety (Maritime Industry) Act 1993*. The proposed amendments to these Acts will provide for:

- revised jurisdiction between the Commonwealth and the States and Northern Territory for trading ship safety regulation under the *Navigation Act 1912*; and
- application provisions for the *Occupational Health and Safety (Maritime Industry) Act 1993* and the *Seafarers Rehabilitation and Compensation Act 1992*, that are consistent with the *Navigation Act 1912*.

The *Maritime Legislation Amendment Bill* was passed by the House of Representatives and was introduced into the Senate on 2 April 2001 for debate.

The OHS(MI) Act imposes duties of care on various parties including employers, manufacturers, suppliers of plant and substances, persons erecting or installing plant, persons repairing or maintaining, erecting and installing plant, persons constructing, modifying or repairing a structure on a prescribed ship, persons loading or unloading a prescribed ship and employees. Section 11 of the OHS(MI) Act imposes a general duty of care on operators of prescribed ships to protect the health and safety at work of employees which includes ensuring that the workplace and work environment are safe and without risk to employees' health. Specific risks to health and safety which are identified by the legislation and against which workers must be protected, include the use, handling, storage and transport of plant or substances.

The Act also provides for the notification and reporting of incidents including dangerous occurrences, in order to assist in protecting employees from hazards at work.

Codes of practice

Section 109 of the *Occupational Health and Safety (Maritime Industry) Act 1993* (the OHS(MI) Act) allows the Minister to approve Codes of Practice prepared by the Authority or any other body for the purpose of providing practical guidance to operators to which the Act applies.

Only one code of practice has been approved pursuant to section 109. The Seacare Authority Code of Practice 1/2000 adopts *The Australian Offshore Support Vessel Code of Safe Working Practice* and *The Code of Safe Working Practice For Australian Seafarers* issued by the Australian Marine Safety Authority (AMSA).

The code of practice does not impose any new requirements on employers, operators or other parties over and above those contained in existing AMSA Codes. However section 110 of the OHS(MI) Act provides that in any proceedings for an offence against the Act or Regulations, any matter which the prosecution must prove may be treated as proved if the code of practice is relevant to the matter and the person has failed to comply with the Code unless the Court thinks that the person otherwise complied with the Act or Regulations.

States and territories

Queensland

In Schedule 9 of the Workplace Health and Safety Regulation 1997, "hazardous service" is defined as:

Anything normally connected to or used in a confined space that if introduced, activated or energized while someone is in the space would cause a health and safety risk to the person.

For example:

1. Water connected to a water tank.
2. Steam connected to a boiler.

Western Australia

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

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

Australian Capital Territory

Hazardous work is defined as work which is prejudicial to the health, safety or personal or social development of the child or young person or the ability of the child or young person to benefit from his or her education or training. (Children and Young People Act, 1999).

Tasmania

The annotated Workplace Health and Safety Regulations define “hazard” as “a source with the potential to cause loss or harm to persons, property or process and is measurable in terms of degrees of danger”.

Schedule 5 to the regulations identifies “specified work or tasks” pursuant to Regulation 39 which can only be undertaken by persons holding a “certificate of competency” including: scaffolding, dogging and rigging; crane and hoist operations; pressure equipment operations; fork lift operations and mine winder operations.

Federal

There are no minimum age requirements stipulated in occupational health and safety legislation for engaging in any hazardous or dangerous work. As indicated in previous reports to the ILO, the employment age is regulated primarily by state and territory legislation, however Commonwealth legislation and policies in respect of minimum ages in employment at sea and in the Defence Force should be noted (see Australia’s 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2)).

States and territories

Western Australia

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

Northern Territory

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

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

- (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 be likely to render the child:
 - (1) unfit or unable to attend school during the hours at which he is required to attend school; or
 - (2) unfit or unable to receive and understand instruction provided for him.
- Penalty: \$500 or imprisonment for 3 months.

Section 30(2) the Act states:

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

Australian Capital Territory

Children and Young Peoples Act 1999, Dangerous Employment Section 374(1) to (5).

Tasmania

There is no legislated minimum age.

Laws or regulations exist in Australia with the aim of eliminating the worst forms of child labour.

Federal

A range of Commonwealth, state and territory legislation aims to eliminate the worst forms of child labour. state and territory governments are currently reviewing their legislation to determine the extent to which it complies with ILO Convention No. 182. Detailed information concerning such legislation is provided in this Report and in Australia's 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories

Queensland

The *Industrial Relations Act 1999* provides a framework for industrial relations that supports economic prosperity and social justice for workers of all ages, and specifically for young people. It states under S192(4) that the employer may not make a Queensland workplace agreement, or an individual agreement, with an employee who is under 18 years of age.

The *Workplace Health and Safety Act 1995* is relevant to young workers and provides that employers have an obligation to provide a safe and healthy work environment. This Act protects all workers from the worst forms of labour and not just children, the emphasis being on eliminating such forms of labour rather than protecting one particular group of workers from it.

The *Child Protection Act 1999* aims to provide for the protection of children. Two of the numerous principles for the administration of the Act are that every child has a right to protection from harm, and the welfare and best interests of a child are paramount.

The Queensland Criminal Code contains a number of provisions that operate to prohibit, to a certain extent, the worst forms of child labour as defined by the Convention.

Chapters 22A (Prostitution) would appear to give effect to the Convention in relation to procuring a child for prostitution. The following sections have particular relevance:

- section 217 – procuring persons under 18 years to have sexual intercourse;
- section 229G – procuring prostitution;
- section 229H – knowingly participating in the provision of prostitution;
- section 229I – offence to have a person who is not an adult in a brothel;
- section 210 – indecent treatment of children under 16 years of age;
- section 228 – obscene publications and exhibitions.

The Criminal Code would also help to give effect to the Convention in the prohibition as regards the involvement of children in activities that fall within article 3(d). The party provisions of the Criminal Code make it an offence to procure, aid or counsel a person (whether an adult or child) to commit an offence. This would apply to all drug-related offences.

Western Australia

There are no specific laws or regulations for eliminating any of the worst forms of child labour; the worst forms of child labour do not exist in Western Australia.

Australian Capital Territory

- *The ACT Children and Young Peoples Act 1999*, Chapter 10
- *Employment of children and young people* (sections 367-378)
- *The ACT Crimes Act 1900*
- *The ACT Prostitution Act 1992*
- *Classification (Publication, Films and Computer Games) Act 1995*
- *Children, Young Persons and their Families Act 1997*

Section 7 identifies the object of the Act as providing for the care and protection of children in a manner that maximizes a child's opportunity to grow up in a safe and stable environment and to reach his or her full potential.

Section 93 provides that the Minister may declare any form of public entertainment to be classified as "restricted public entertainment" in respect of which it becomes an offence to permit a child under the age of 14 to participate.

Section 94 provides that it is an offence to induce or procure a child who has: (a) not attained the age of 11 to offer anything for sale in a public place; or (b) who has not attained the age of 14 to be in a public place between the hours of 9 pm to 5 am for the purpose of offering anything for sale.

- *Classification (Publications, Films and Computer Games Enforcement Act) 1995:*

Section 73 provides that it is an offence to procure or invite a child to be in any way concerned in the making of a “child abuse product”.

Section 71 defines a “child abuse product” to mean “a publication, film or computer game that describes or depicts a person (whether engaged in sexual activity or otherwise) who is, or looks like, a child in a manner that is likely to cause offence to a reasonable adult”.

- *Criminal Code Act 1924:*

Section 124 provides that a person who has unlawful sexual intercourse with another person who is under the age of 17 is guilty of a crime.

Section 125 provides that a person who is the occupier, owner or manager of premises and who induces or knowingly permits any person under the age of 17 to be in the premises for the purposes of having unlawful sexual intercourse with another person, is guilty of a crime.

Section 125A provides that a person who maintains a sexual relationship with a person under the age of 17 years is guilty of a crime.

Section 128 provides that it is a crime for a person to procure another person to become a prostitute or to procure another person to become an inmate or frequent a brothel either locally or inter-state.

Section 178 provides that a person having custody, care or control of a child under the age of 14 is guilty of the crime of ill-treating a child if that person wilfully neglects, abandons or exposes that child in a manner likely to cause the child unnecessary suffering or injury to health.

Section 189 provides that a person who unlawfully takes away an unmarried person under the age of 17 years from the possession of, and against the will of, the parent or other person having lawful charge of that person, is guilty of the crime of abduction.

- *Poisons Act 1971:*

Section 47 provides that it is an offence indictable under the *Criminal Code Act 1924* for a person to sell, supply or traffic in a raw narcotic, narcotic substance, prohibited plant or substance.

- *Child Protection Act 1974:*

A child shall be taken, for the purposes of this Act, to suffer maltreatment if –

- (a) whether by act or omission or intentionally or by default, any person (including a parent, guardian, or other person having the custody, care, or control of the child) –
 - (i) inflicts on the child a physical injury causing temporary or permanent disfigurement or serious pain;
 - (ii) by any means (including, in particular, the administration of alcohol or any other drug) subjects the child to an impairment, either temporary or permanent, of a bodily function or of the normal reserve or flexibility of a bodily function; or

- (iii) neglects, or interferes with, the physical, nutritional, mental, or emotional well-being of the child to such an extent that –
 - the child suffers, or is likely to suffer, psychological damage or impairment;
 - the emotional or intellectual development of the child is, or is likely to be, endangered; or
 - the child fails to grow at a rate that would otherwise be regarded as normal for that child;
- (b) any person (including a parent, guardian, or other person having the custody, care, or control of the child) causes the child to engage in, or be subjected to, sexual activity; or
- (c) the child is, with or without the consent of the child or of a parent, guardian, or other person having the custody, care, or control of the child, engaged in, or subjected to, sexual activity that –
 - (i) is solely or principally for the purpose of the sexual gratification of any other person;
 - (ii) is in whole or in part the subject of, or included among the matters portrayed in, any printed matter, photograph, recording, film, video tape, exhibition, or entertainment; or
 - (iii) in any other manner exploits the child.

For the purposes of this Act, a “child” is defined as a person who has not attained the age of 17 years (Section 3).

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

Federal

The Government refers to the following information, which appears elsewhere in the report:

A range of Commonwealth, state and territory legislation aims to eliminate the worst forms of child labour. state and territory governments are currently reviewing their legislation to determine the extent to which it complies with ILO Convention No. 182. Detailed information concerning such legislation is provided in this Report and in Australia’s 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories

Queensland

The worst forms of child labour are sufficiently proscribed in Queensland’s criminal law.

The Queensland Law Reform Commission (QLRC) has recently released its Report No. 55 Part 2-*The Receipt of Evidence by Queensland Courts: The Evidence of Children*.

This report places a strong emphasis on the proper protection of children who have to appear in court as witnesses. It contains 87 recommendations for change. As part of its reference, the Commission was asked to review the capacity of the judicial system, both in its criminal and civil aspects, to properly receive the evidence of children.

The Queensland Government has already implemented many of the recommendations contained in Part 1 of the report through the *Criminal Law Amendment Act 2000*. This included powers to restrict inappropriate cross-examination and to prevent an unrepresented accused from cross-examining a child witness in person.

In its consolidated report, the QLRC notes that its recommendations have three objectives: to preserve, to the greatest extent possible, the integrity of the evidence of a child witness; to limit, to the greatest extent possible, the distress or trauma experienced by a child witness as a result of giving evidence; and to ensure, in a criminal matter, that an accused person against whom evidence is given by a child complainant or other child witness receives a fair trial.

The Queensland Government is now giving careful consideration to the Commission's general scheme for reforming the way children give evidence in Queensland.

Implementation of these recommendations will assist the prosecution of offences involving the worst forms of child labour. Minimizing the distress of child witnesses giving evidence is fundamental to the effective administration of our system of justice.

Northern Territory

Steps are not being taken at this stage. However it has been identified that legislative amendments may be required with respect to:

- regulation of the use of children for pornographic performances (Article 3(b) of the Convention; and
- regulation of the employment of children so that their health, safety and morals are protected (Article 3(d) of the Convention).

There is compulsory schooling for children in Australia.

Federal

Regarding the compulsory schooling of children in Australia, please refer to the comments of state and territory governments below, and to Australia's 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories

Queensland

The *Education (General Provisions) Act 1989* states the age of compulsory attendance at school to be no less than 6 years of age and no more than 15 years of age. It includes a section on the employment of children of school age (S119).

Western Australia

There is compulsory schooling for children. The age of the child at the end of compulsory schooling is 15 years for girls and boys. It is obligatory for boys and girls to complete 10 years of instruction to complete compulsory education.

Australian Capital Territory

The ACT Education Act 1937, Part 11 Compulsory attendance at school Section 8(1).

Tasmania

There is compulsory schooling for children.

Education Act 1994

Section 82 provides that a person must not employ, or permit to be employed, a child of school age during the hours when a child is required to attend school. The Secretary of the Department has the discretionary power to exempt a child from school attendance, subject to whatever conditions the Secretary may impose.

A “school child” is deemed to be a person aged six years and who has not attained the age of 16 years.

Federal

The current practice with respect to child labour, including in the informal sector is outlined in detail in Australia’s 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories*Queensland*

When children are employed, consideration must be given to the impact this can have on the child’s education. While it is acknowledged that experiences gained through work can be educative, it is important to ensure that such experiences are not gained at the expense of the child’s formal education either through the child being employed during school hours or spending so much time at work that their school work suffers.

Western Australia

Forms of child labour do not exist in this State, and current legislative arrangements appropriately restrict the working arrangements of children.

Tasmania

There is evidence of children being employed, more particularly in part-time, casual or seasonal employment, outside of school hours, on weekends and during term vacations in a variety of small businesses (including family businesses); agriculture pursuits (family farm); supermarkets; fast food outlets; chain stores; markets etc.

There is also exposure to employment through the development and implementation of school-based apprenticeships/traineeships in Tasmanian schools, under the auspices of the Tasmanian State Training Authority. Guidelines for the operation of school-based

traineeship arrangements are that the trainee is: a party to a registered training agreement; and undertaking a negotiated training programme; and undertaking paid work with structured training; and school student under the *Education Act 1994*; and undertaking a total of 600 annual hours of education and training.

There is recognition of employment of young persons in awards of the Tasmanian Industrial Commission. For example, the *Restaurant Keepers Award* (www.pat.tas.gov.au/awards), in Clause 8.3, prescribes a wage rate for the employment of juniors “under 16 years of age”.

There is further recognition of the employment of young persons in the *Children, Young Persons and their Families Act 1997* where, at Section 3 a child is defined as under 18 years of age and a “young person” as “a child who is 16 or 17 years of age”. Section 8(2) of the Act provides that:

“In any exercise of powers under this Act in relation to a child (a) the best interests of the child must be the paramount consideration; and (b) serious consideration must be given to the desirability of ... (iv) not interrupting unnecessarily the child’s education or employment; and ...”

Again, at Section 5 of the Youth Justice Act 1997 (being an Act concerned with the treatment and punishment of young persons who have committed offences and for related purposes) the Act provides at Section 5(2):

“Effect is to be given to the following principles so far as the circumstances of the individual case allow ...”

(d) there should be no unnecessary interruption of a youth’s education or employment; and ...

For the purpose of that Act “youth” means a person who is ten or more years old but less than 18 years old.

Federal

Regarding whether any of the worst forms of child labour are generally believed or expected to exist in Australia, please refer to the state and territory Governments’ comments, and to Australia’s 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2) generally.

States and territories

Queensland

The following worst forms of child labour do not exist in Queensland: Sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; and forced recruitment for armed combat.

It is not known whether the following worst forms of child labour exist in Queensland: illicit activities, in particular production and trafficking of drugs; and other worst forms of child labour.

The following worst forms of child labour are believed or suspected to exist amongst both boys and girls in Queensland: prostitution; and pornography.

The Prostitution Licensing Authority suspects that opportunistic child prostitution occurs in Queensland, mostly in areas where there are large groups of homeless children. This form of prostitution, which involves both young men and young women, largely occurs in an informal way, rather than in an organized fashion.

The Commission for Children and Young People is aware of particular incidents of child prostitution and pornography from media reports and through its complaint handling mechanism in respect of children under the care of the State.

The Textiles Clothing and Footwear Union (TCFU) of Australia undertook a campaign targeting outworker and child labour issues in the industry in 1998. The TCFU Queensland Branch found no evidence of the exploitation of child labour and although the campaign was conducted throughout the school holidays, there were only several instances where young people were working. In these instances young people, aged around sixteen to seventeen years, were working to assist outworkers. There was no conclusive evidence to suggest that children were forced to work at the expense of their education.

In the course of Industrial Relations Services operations, no specific evidence of child exploitation has been found.

Family businesses are an area where abuse of child labour could occur. These businesses are generally small with low profit margins and dependant on the owners working long hours for the business to be viable. Family businesses, therefore, often require work contributions of the child. Like family businesses, children are often required to work on farms. Of particular concern for this industry is the issue of health and safety.

The Office of Fair Trading administers legislation that deals with occupational licensing, providing protection for children undertaking door-to-door and street collections. A matter came to the attention of the Office that a person was advertising to employ children from the ages of 12-14 years to sell sweets door to door. In this particular case three children (aged 8, 12 and 12) were located at 7.30 p.m. selling door-to-door unsupervised. The organizer was later prosecuted for breaches of the Act.

The entertainment industry has been identified as one where there is a potential for abuse of child labour. It appears that concerns over this industry have been raised based on anecdotal information.

Western Australia

The Western Australian Government reports that none of the worst forms of child labour listed below exist in its jurisdiction:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

Northern Territory

The Northern Territory Government reports that none of the worst forms of child labour listed below exist in its jurisdiction:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

Australian Capital Territory

The ACT Government reports that none of the worst forms of child labour listed below are believed to exist in its jurisdiction:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

Tasmania

The Tasmania Government reports that none of the worst forms of child labour listed below exist in its jurisdiction:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

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

Specific measures or programmes of action have been implemented or are envisaged in Australia to bring about the effective abolition of child labour.

Federal

Please refer to the state and territory governments' comments.

States and territories

Queensland

The Queensland Government aims to eliminate child prostitution through the provisions of the *Criminal Code Act 1899* which prevent a person aged 18 years or above, from engaging in prostitution, either in a licensed brothel or elsewhere, and being at a place used for prostitution.

Section 210(1) of the Criminal Code of Queensland makes it an offence for a person to deal indecently with a child. The range of indecent dealings outlined in that section include:

- taking, without legitimate reason, any indecent photographs or records or any indecent visual image of a child under the age of 16 years (s.210 (1)(f)); and
- unlawfully procuring a child under the age of 16 years to commit an indecent act (s.210 (1)(b)).

Police have special powers to require a person to state their name, address or age for the purposes of enforcing the provision of the Criminal Code Act 1899 relating to prostitution.

The general intention of the Prostitution Act 1999 is to regulate the sex industry. The legislation strengthens penalties relating to illegal prostitution, and introduces the offence of "duress", which prohibits a person causing or threatening wilful injury, damaging property, intimidating, harassing or making false representation in order to compel a person to engage in prostitution. It allows for the licensing of brothels. This attempt to regulate the sex industry will create a climate intolerant of illegal prostitution. The benefits of regulation will enhance the ability of the State to detect the illegal employment of children in the legal sex industry.

Specific measures or programmes of action that have been implemented to bring about the effective abolition of child labour within the scope of the Commission for Children and Young People's role include:

- the establishment of the Commission for Children and Young People in February 2001 under the *Commission for Children and Young People Act 2000*. The new Act provides for the establishment of the Commission as an independent statutory body to protect and promote the rights, interests and well-being of all children in Queensland under 18 years of age;
- the *Commission for Children and Young People Act 2000* provides the Commission with the function of monitoring and reviewing laws, policies or practices which impact on the rights, interests and well-being of children in Queensland. The

Commission also has a role in advocating for children in relation to matters which affect them;

- in addition, any Queensland child may express a concern to the Commission about an issue affecting them. Accordingly, if a child or someone acting on their behalf, had concerns or a complaint about any aspect of child labour, the Commission may advocate on their behalf at an individual as well as a systemic level. Queensland is one of the few jurisdictions in the world which has established an advocate and ombudsman specifically for children.

The Office of Youth Affairs in the Division of Training is currently developing a *Youth Participation Charter*. The Charter will guide the way government involves young people in policy, programme and service development. The development of the Charter is being led by the State Youth Advisory Council in partnership with the Office of Youth Affairs. (The State Youth Advisory Council's role is to advise the Minister for Employment, Training and Youth on issues of importance to young people in Queensland.) A draft charter is to be presented to the Minister after the next State Youth Advisory Council meeting in October 2001.

The following measures to eliminate the worst forms of child labour have been implemented:

- inspection/monitoring mechanisms;
- penal sanctions;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- vocational and skills training for young workers;
- awareness raising/advocacy.

Northern Territory

The Northern Territory has implemented measures to enforce minimum age(s) for employment and measures to eliminate the worst forms of child labour through the following:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- free compulsory education;
- vocational and skills training for young workers;
- awareness raising/advocacy;
- international cooperation programmes or projects.

Australian Capital Territory

The ACT has implemented measures to enforce minimum age(s) for employment and measures to eliminate the worst forms of child labour through the following:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- free compulsory education;
- employment creation/income generation;
- social assistance;
- vocational and skills training for young workers;
- awareness raising/advocacy;
- international cooperation programmes or projects.

Tasmania

The Government has implemented measures to eliminate the worst forms of child labour through the following:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- free compulsory education;
- vocational and skills training for young workers;
- awareness raising/advocacy;
- international cooperation programmes or projects.

These measures or programmes give special attention to the needs of particular groups of children including, if appropriate, those working in the informal sector.

*South Australia**Occupational Health Safety & Welfare Act 1986*

Penalties are prescribed in many sections of the Act and Regulations, which are enforced by inspectors of the Department for Administrative and Information Services. A number of the fines that can be imposed have been increased in the past year.

For example, a fine for a second or subsequent breach of section 19 (the main duty of care obligation) has been increased from \$100,000 to \$200,000. In addition, the fine, under section 38(8), for obstructing or hindering an occupational health and safety inspector has been increased from \$15,000 to \$20,000.

Federal

With regard to whether measures or programmes give special attention to the needs of particular groups of children, please refer to the state and territory governments' comments.

States and territories

Queensland

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

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

Under the Prostitution Act 1999, the Prostitution Advisory Council (PAC) is required to promote and coordinate programmes that divert minors and other vulnerable persons from prostitution, especially opportunistic prostitution. The PAC has not yet implemented this statutory requirement, but will work closely with the Department of Families, and with Self Health for Queensland Workers in the Sex Industry (SQWISI) to identify and promote such programmes.

The Department of Families has allocated funds for youth outreach services in Logan City, Brisbane, Cairns, Mount Isa and on the Gold and Sunshine Coasts specifically designed to identify and reach out to children at special risk, particularly young women at risk of entering into prostitution. These agencies provide services such as support and practical assistance, health information, needle exchanges, skills development, peer support, information and referral and counselling. Some services also undertake preventative strategies with young people in schools with a view to improving self-esteem and encouraging positive life choices.

The Division of Training is also expanding transition pathways for young people from school to work to enhance young people's learning and employment outcomes. In 2000, the Queensland Government launched the *Joint Ministerial Policy Statement on Vocational Education and Training in Schools: Future Directions*. The Statement seeks the integration of industry-endorsed vocational education and training in schools, to equip all students for work by providing flexible combinations of study, training and employment, and enhancing their potential for learning through life.

Another Queensland initiative is the Youth Access Program. The Program targets secondary school students at risk of leaving school early. These students may have difficulty securing an apprenticeship or traineeship because of inadequate learning skills

and lack of employment opportunities for early school leavers. It provides pre-vocational training or work readiness skills and leads into a school-based apprenticeship or traineeship for successful students. School-based apprenticeships and traineeships appear to have a positive influence on retention within schools.

Australian Capital Territory

The Services to Indigenous People 2001-2004 program provides indigenous children with the same opportunities for education, social and skills development as other children by ensuring that services and programmes for Indigenous families in the ACT are culturally appropriate.

Federal

Regarding the involvement of employers' and workers' organizations in the development and implementation of these measures or programmes of action, please refer to Australia's 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2).

States and territories

Queensland

The Textile Clothing and Footwear Union of Australia was active in targeting outworkers and child labour issues in the industry during late 1998. During November and December 1998, the then Department of Education, Training and Industrial Relations undertook a compliance and education program targeting outworkers in the clothing industry. The Department undertook research and consulted several organizations, seeking comments on this industry. Amongst those consulted were the Brisbane City Council, the Australian Taxation Office and the Vietnamese Women's Association.

The governments work with multilateral agencies other than the ILO, bilateral donors and/or NGOs to combat child labour.

Federal

In the 2000-2001 financial year Australia's overseas aid program funded projects worth approximately A\$5,232,000 million which included a direct or indirect focus on child labour issues in developing countries. Although not all projects explicitly address child labour activities, many address related issues which lead to an increased vulnerability to child-exploitation such as people-trafficking, street children and child abuse. Some examples are as follows:

Street and Urban Working Children's Project (SUWCP): The goal of the SUWCP is to support national and local initiatives to address the problems of street and urban working children. The project is targeting 40,000 SUWC and 17,000 parents in 25 cities across the Philippines. The project started in January 2000 and will end in 31 December 2002 and has an overall budget of A\$9.6 million. The majority of the funding goes for the purchase of rice, which is used as a food aid incentive for participation in SUWCP programmes.

Friends Street Children Project, Cambodia: This project provides basic services to street children, endeavouring to reintegrate them with their families and into the wider Cambodian society. The major components are vocational training, providing a transitional

home and child rights advocacy. The project will run from April 1999 to December 2001. AusAID's contribution will be approximately \$800,000.

UNDP: Trafficking in Women and Children: This is a UNDP-coordinated project which seeks to reduce the incidence of trafficking of women and children in the Mekong Subregion. The project will run from May 1999 to April 2002. Total AusAID funding for the project will be A\$781,000.

States and territories

Queensland

The Commission for Children and Young People has liaised with the Queensland Crime Commission, Department of the Premier and Cabinet, Department of Families and Queensland Police Service, as appropriate, in relation to alleged incidences of child prostitution or pornography and appropriate response strategies on both an individual and systemic level.

Federal

Regarding the recording of information in relation to the abolition of child labour, please refer to the state and territory governments' comments.

States and territories

Australian Capital Territory

The Government does not record the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers attending formal or non-formal education;
- sanctions applied to users of child labour.

Source: 1996 Working life – ACT Young People

The Government undertakes, or has undertaken, surveys that provide statistical information on the extent and/or nature of child work as outlined in the following comments.

Federal

The federal Government has not undertaken such surveys.

States and territories

Western Australia

Western Australia does not have formal detailed information and statistical data on the extent and/or nature of child labour. Some young people may be engaged in employment outside of school hours as part of a small business owned and operated by family members and, as such, no formal data would be available.

Australian Capital Territory

The results of surveys are presented separately:

- by sex;
- by age (15-17 years);
- by occupation;
- by type of activity (industry);
- by number of hours worked.

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

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

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

Federal

Please see Australia's 2001 report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.280/3/2).

States and territories

Queensland

As the *Prostitution Act 1999* has only recently been implemented, the success of programmes introduced under the auspices of the Act have not been assessed by the Prostitution Advisory Council (PAC) at the present time. The PAC intends to make such an assessment in due course, and the next annual report on efforts to achieve the effective abolition of child labour should provide more information about the success of these efforts.

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

Federal

Changes since Australia's 2001 report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.280/3/2) are indicated throughout this report as appropriate.

States and territories

Western Australia

The Western Australian Government submitted a report in September 1999 and July 2000. There have been no changes to this State's law and practice during that period nor in the thirteen months to August 2001.

Australian Capital Territory

In 2000 the ACT introduced amendments to the Crimes Act 1900 prohibiting sexual servitude.

Obstacles with respect to the effective abolition of child labour

Federal

Please see Australia's 2000 and 2001 reports, generally, for descriptions of the main obstacles encountered in Australia with respect to realizing the principle of the effective abolition of child labour.

Priority needs for technical cooperation

The Government does not see a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour.

Report preparation

Regarding the preparation of this report, there was consultation with other government agencies; employers' organizations; and workers organizations.

Federal

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

States and territories

Queensland

A copy of this survey was circulated to a number of government agencies active in the areas covered in the survey. Employers' and workers' organizations were not consulted in the preparation of the report.

Western Australia

Input was obtained from all relevant Western Australian Government agencies with jurisdictional responsibility for the well-being of children and young persons, with respect to employment arrangements.

Northern Territory

Those agencies responsible for enacting the relevant legislation were asked to provide comment for the report.

Australian Capital Territory

A government agency was consulted, i.e. the ACT Bureau of Statistics for information regarding research into young people and employment in the ACT.

Tasmania

There were consultations with other governmental agencies regarding the preparation of this report.

Federal

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

States and territories

Queensland

Neither employers' nor workers' organizations made any comments on the report.

Austria¹

Government

Recognition of the principle of the effective abolition of child labour

[The Government informed the Office that the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) is currently under consideration by Parliament, and it is expected to take place by the end of 2001, or the beginning of 2002. The Government appended to its reply the full submission to Parliament regarding ratification of Convention No. 182.]

Azerbaijan

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in legislation but not in the Constitution, judicial decisions or collective agreements in Azerbaijan.

¹ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, Austria ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Therefore, Austria will not be requested to report for this category of principle under the Declaration follow-up, as from the next annual review.

Relevant documents:

- Labour Code (Chapter 38, Article 42, paragraph 3);
- Law on the Rights of the Child.

Article 24 of the Law on the Rights of the Child states that children's rights to work and the realization of these rights are defined by the Labour Law of the Republic of Azerbaijan.

There is a national policy aimed at ensuring the effective abolition of child labour. The national policy identifies jobs with difficult and hazardous work conditions (including mines) where the labour of children under 18 years of age is prohibited. This Decree of the Cabinet of Ministers is aimed at the abolition of the worst forms of labour.

Legislation in Azerbaijan establishes a general minimum age for admission to employment – 15 years for boys and girls.

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

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

Legislation in Azerbaijan defines hazardous work. The minimum age for engaging in hazardous work is 18 years for boys and girls.

Laws or regulations exist in Azerbaijan with the aim of eliminating the worst forms of child labour – Labour Code (Article 250). Steps are not currently being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour.

There is compulsory schooling for children in Azerbaijan. The age of the child at the end of compulsory schooling is 17-18 years for boys and girls. Eleven years or grades of instruction for boys and girls are required to complete compulsory education.

The following worst forms of child labour do not exist in Azerbaijan:

- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;

- pornography;
- illicit activities, in particular production and trafficking of drugs.

It is not known if the following worst forms of child labour exist in Azerbaijan:

- sale and/or trafficking;
- prostitution.

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

The following measures or programmes of action to enforce minimum age(s) for employment have been implemented in Azerbaijan to bring about the effective abolition of child labour:

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

The following measures or programmes of action to eliminate the worst forms of child labour have been implemented in Azerbaijan to bring about the effective abolition of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;

- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy;
- international cooperation programmes or projects.

The following departments are involved in the measures implemented to bring about the effective abolition of child labour:

- Ministry of Youth, Sport and Tourism;
- Ministry of Labour and Social Protection (State Labour Inspection);
- State Commission on minors.

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

The Government works with multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour – the United Nations Children’s Fund (UNICEF).

The Government does not record the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education;
- sanctions applied to users of child labour.

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

In the last population census, held in 1999, the lowest age of persons for whom questions were asked about economic activity was 20 years.

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

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

Obstacles with respect to the effective abolition of child labour

The main obstacles encountered in Azerbaijan with respect to realizing the principle of the effective abolition of child labour are low living standards and the fact that the economy is in transition.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour.

The types of technical cooperation are ranked by priority (1 = most important; 2 = second most important) as follows:

1. Policy advice; capacity building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); data collection and analysis; employment creation, skills training and income generation; social protection systems; sharing of experience across countries/regions; special programme for the elimination of the worst forms of child labour.
2. Legal reform; strengthening capacity of employers' and workers' organizations; awareness raising, legal literacy and advocacy; cross-border cooperation mechanisms; inter-institutional coordination.

Report preparation

Regarding the preparation of this report, consultation was not held with other governmental agencies, employers' organizations or workers' organizations.

Neither employers' nor workers' organizations made any comments on this report.

Annexes (not reproduced)

- *Law on the Rights of the Child* (available in national language only)

Bahamas²

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of Child Labour is recognized in the Bahamas. It is recognized in the Constitution, the Employment Protection Act 2001 (Part X, the First Schedule (Section 50) and Second Schedule (section 57)) and by the virtue of the ratification of the Worst Forms of Child Labour Convention, 1999 (No.182).

Legislation establishes a general minimum age for admission to employment. A child (under the age of 14 years) shall not be employed in any industrial undertaking except as expressly provided for in the Employment Protection Act 2001 (Part X, the First Schedule (Section 50)). A child or young person (over 14 and under 18 years of age) shall not be

² Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, the Bahamas ratified the Minimum Age Convention, 1973 (No. 138). Therefore, the Bahamas will not be requested to report for this category of principle under the Declaration follow-up, as from the next annual review.

employed in any work to be performed in the hours during which any school, at which such person is a pupil, is ordinarily in session, or during other times which may prejudice school attendance or render the child/young person unfit to benefit fully from the education provided (Section 51). Exceptions are provided for, under the First and Second Schedule, Employment Protection Act, 2001 Part X).

With regard to the means of implementing the principle, the Department of Labour Inspectorate Unit will monitor its implementation and carry out inspections. The fines for offenders are contained in Part X of Employment Protection Act, 2001.

With regard to the indicators or statistics available or envisaged as a means of assessing the situation, the only indicators are the legislation and the Government's resolve to ensure that children below the age of 18 years are where they should be – in school.

There is statistical information on the school population and registration for entrance to primary school and kindergarten.

The statistical reports from the Department of Statistics might allow for a better assessment of the situation in the Bahamas.

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

In the Bahamas, children are never engaged in employment to the detriment of their education.

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

- the Government uses legislation and supervisory machinery;
- there has been no direct involvement of the ILO's International Programme on the Elimination of Child Labour (IPEC) in the Bahamas, primarily because child labour is not pronounced;
- the social partners, namely NGOs and workers' representatives, are constantly monitoring the situation.

The Government's objective is to promote the application of the Legislation (Employment Protection Act 2001 Part X, First and Second Schedules). The conditions for attaining this objective are in place in the Bahamas.

Report preparation

The representative employers' and workers' organizations to which copies of the report have been sent are:

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

No response or observations were received from the social partners.

Bahrain

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is not recognized in the Constitution but it is recognized in legislation, judicial decisions and collective agreements in Bahrain.

There is no national policy or plan aimed at ensuring the effective abolition of child labour.

According to Ministerial Decree No. 6 of 1996 concerning hazardous and harmful industries and occupations for young persons it is prohibited to employ juveniles under 16 years of age, except under conditions provided for in Section 51 of the Labour law for the private sector enacted by Decree No. 23 of 1976.

Legislation in Bahrain establishes a general minimum age for admission to employment, covering the following types of work:

- work performed in a family-owned or -operated enterprise;
- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work;
- work performed in export processing zones;
- other: *
 - work in quarries, and all kinds of work related to the extraction of minerals and stones;
 - work requiring exposure to any radioactive substances or X-rays;
 - work requiring exposure to asbestos or cotton dusts;
 - oil extraction and refining;
 - work in establishments using furnaces such as bakeries, foundries for metal fusion or refining;
 - aluminium industry;

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- occupations related to the production and storage of explosives;
 - glass industry;
 - bricks and ceramic industries, marble and other stones of carving and engraving;
 - blacksmith, filing, lathing and auto mechanics;
 - working with substances and chemical compounds mentioned in the annex to the Social Insurance Law;
 - oxygen and acetylene welding;
 - spray coating;
 - mixing and kneading processes in the production and repair of electrical batteries;
 - operating and control of machinery, their repair and cleaning during operation;
 - work on lifting gears;
 - casting minerals;
 - automatic wood working;
 - skinning and cutting animals;
 - building, renovation, repair, alteration or demolition of any structure, harbours, docks, canals, waterways and roads, tunnels, bridges, viaducts, drainage systems, wells, telecommunication systems, electrical installations, gas production units, water desalting or distribution;
 - power generation and transmission, or any type of power-driven gears;
 - ice making;
 - filling cylinders with compressed gases;
 - lifting weights over 20 kilograms.

(* Subject to the provisions of the Section 51 of the Labour Law for the private sector enacted by Decree No. 23 of 1976, it is prohibited to employ juveniles under 16 years of age.)

Legislation defines hazardous work and there is a minimum age for boys and girls for engaging in hazardous work.

Laws/regulations do not exist with the aim of eliminating any of the worst forms of child labour.

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

There is compulsory schooling for boys and girls until age 12.

None of the following worst forms of child labour exists in the country:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

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

No specific measures or programmes of action have been implemented nor envisaged to bring about the effective abolition of child labour.

The Government does not work with any multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour.

The Government does not record information in relation to the number of children withdrawn from child labour; number of ex-child labourers pursuing formal or non-formal education; or sanctions applied to users of child labour.

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

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

Bahrain ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) on 23 March 2001.

Priority needs for technical cooperation

The Government does not see a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour.

Report preparation

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

Annexes (not reproduced)

- The Minister of Health, Ministerial Decree No. 6 of 1976 concerning hazardous and harmful industries and occupations for young persons.

Bangladesh

Note from the Office

No report was received by the Office from the Government for the annual review of 2002. Reports were received for the annual reviews of 2000 and 2001.

Observations submitted to the Office by the Bangladesh Sanjukta Sramic Federation (BSSF) through the World Confederation of Labour (WCL)

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in legislation. It is not recognized in the Constitution, judicial decisions or collective agreements.

There is no national policy or plan aimed at ensuring the effective abolition of child labour nor does the Government intend to adopt one.

Legislation establishes a general minimum age for admission to employment [age not specified].

The general minimum age covers the following types of work:

- work performed in enterprises below a certain size [size not specified];
- light work;
- work performed in export processing zones;
- other types of work [not specified].

It does not cover the following types of work:

- work performed in a family-owned or -operated enterprise;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture.

The legislation does not define hazardous work.

The minimum age for engaging in hazardous work is 15 years for girls and boys.

[Reference is made to matters covered by a ratified Convention.]

There is compulsory schooling for children. The age of the child at the end of compulsory schooling is 11 years for girls and boys. To complete compulsory education five years are required for girls and boys.

Concerning the situation in practice with respect to child labour, including in the informal sector, child labour prevails on a large scale in Bangladesh.

[Reference is made to matters covered by a ratified Convention.]

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

In order to bring about the effective abolition of child labour specific measures or programmes of action have been implemented or are envisaged. The following measures to enforce minimum age(s) for employment have been implemented:

- legal reform;
- free compulsory education;
- employment creation/income generation;
- child rehabilitation following removal from work;
- awareness raising/advocacy;
- international cooperation programmes or projects.

No special attention is given to the needs of particular groups of children in these measures.

The following employers' and workers' organizations are involved in the development and implementation of these measures: the Bangladesh Garment Manufacturers' and Exporters' Association (BGMEA), an employers' organization as well as different federations of workers' organizations, especially the BSSF.

[To the knowledge of the BSSF:] The Government does not work with any multilateral agency other than the ILO or any bilateral donors or other organizations to combat child labour.

The Government records the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education.

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

The Government does not undertake surveys that provide statistical information on the extent and/or nature of child work. Surveys are undertaken occasionally. The last survey was undertaken in 1998. The results have not yet been published.

The last population census, conducted in 2000, the lowest age of persons for whom questions were asked about economic activity was five years.

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

Special measures have been undertaken in Bangladesh that can be regarded as successful examples in the abolition of child labour. In the garment industry where children were found to be employed, the BGMEA and the ILO signed agreements for removing child labourers and giving them subsidy allowances.

The major change since the last report submitted on the principle of the effective abolition of child labour, under the Declaration follow-up, is a visible decrease in the number of working children, but it is difficult to state the exact numbers.

Obstacles with respect to the effective abolition of child labour

The main obstacle encountered in Bangladesh with respect to realizing the principle of the effective abolition of child labour is the extreme poverty of the parents of child labourers.

Priority needs for technical cooperation

There is need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation, in order of priority, are:

1. Awareness raising, legal literacy and advocacy.
2. Strengthening capacity of employers' and workers' organizations.

Belgium**Government****Recognition of the principle of the effective abolition of child labour***Foreword*

Belgium has the honour to present to the ILO its first report on the effective abolition of child labour, in accordance with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which establishes an annual follow-up mechanism regarding non-ratified Conventions.

Belgium reiterates its entire support for the functioning and monitoring of this fundamental instrument and to the core Conventions of the ILO.

Belgium has drawn up, with great interest, this report on the Worst Forms of Child Labour Convention, 1999 (No. 182), the only core Convention that it has not yet ratified. Belgium sincerely regrets the slowness in the process of ratification due to the complexity of its institutional structure, especially as regards shared competence between the federal level and the federate entities as is the case for the ratification of Convention No. 182.

Belgium has the firm intention, however, to ratify that Convention before the end of 2001 or, at the latest, before the next International Labour Conference. Indeed, the procedure for ratification of the Convention is in its final stage in the different entities with competence in the matter. This broad involvement of all the levels of authority will guarantee their commitment to the implementation of the Convention.

Currently occupying the presidency of the European Union, Belgium is delighted with the latter's interest in the 1998 Declaration and the fundamental standards of the ILO. Belgium will support the efforts of the European Union to strengthen its involvement in the promotion of fundamental labour standards.

Legal texts

The principle of the effective abolition of child labour is not recognized in our country in the Constitution and in collective agreements. It is recognized, however, in the legislation and judicial decisions.

Belgian legislation explicitly recognizes the prohibition of child labour. In order to attain this objective, the following provisions are in force:

At the national level:

Legislation on child labour (under 15 years of age):

- Act of 16 March 1971 amended by Act of 5 August 1992 [text annexed, not reproduced];
- Royal Order of 11 March 1993 on child labour, amended by Royal Order of 31 May 1999 [text annexed, not reproduced].

Legislation on young workers (from 15 to 18 or 20 years of age):

- Royal Order of 3 May 1999 on the protection of young persons at work, amended by Royal Order of 5 November 1999; this Royal Order of 3 May 1999 constitutes Chapter II of Title VIII (particular categories of workers and particular situations at work) of the Labour Welfare Code [text annexed, not reproduced];
- Royal Order of 4 April 1972 prohibiting young workers under 16 years of age from carrying out underground work [text annexed, not reproduced];
- Royal Order of 4 April 1972 on night work of young persons [text annexed, not reproduced];
- Royal Order of 23 May 1972 on the employment of young persons on Sundays and holidays [text annexed, not reproduced];
- Royal Order of 9 June 1981 prohibiting workers between 18 and 21 years of age from certain underground work in mines and quarries [text annexed, not reproduced].

Legislation on compulsory education:

- Act of 29 June 1983 on compulsory education [text annexed, not reproduced].

Legislation on welfare at work:

- Act of 4 August 1996 on workers' welfare at work [text annexed, not reproduced].

Legislation on the protection of children employed in ambulatory occupations:

- Act of 28 May 1888 on the protection of children in ambulatory occupations [text annexed, not reproduced].

At the international level, Belgium has ratified:

- the Minimum Age Convention, 1973 (No. 138);
- the UN Convention on the Rights of the Child, 1989;
- the European Social Charter.

In Belgium, there is a national policy aimed at ensuring the effective abolition of child labour. The starting point of the legislation is the principle of a general prohibition on making children work or allowing them to work. This means that any physical or intellectual activity, which is an integral part of the production process, is prohibited.

There are exceptions to this principle of a general prohibition. These exceptions concern:

- activities which are in the framework of education or training of children;
- activities in respect of which a derogation is granted.

The law protects children, that is to say minors under 15 years old or who are still subject to full-time compulsory education. Full-time compulsory education is up to the age of 15 years and includes up to seven (7) years of primary education and at least the first two years of full-time secondary education.

The Inspectorate of Social Legislation closely monitors the implementation of legislation [annual report annexed, not reproduced].

General minimum age for admission to employment

The legislation of Belgium establishes a minimum age of 15 years, for girls and boys, for admission to employment.

In 1983, Belgium amended its legislation relating to compulsory education, in order to have it conform to the Minimum Age Convention, 1973 (No. 138).

In accordance with sections 6 and 7 of the Labour Act of 16 March 1971 [text annexed, not reproduced] and section 1, paragraph 1 of the Act of 29 June 1983 on compulsory education [text annexed, not reproduced], the employment of children who have not completed their full-time compulsory education is prohibited. Full-time compulsory education ends at age 15 if the young person has completed a maximum of seven (7) years of primary education and a minimum of two (2) years of secondary education. Full-time compulsory education is not extended beyond the age of 16.

In practice, the majority of pupils pursue their studies full-time up till the age of 18 (end of upper secondary education).

The general minimum age for admission to employment covers the following types of work: work performed in a family-owned or -operated enterprise, work in an enterprise below a certain size, home work, domestic service, self-employed work, commercial agriculture, family and small-scale agriculture, light work and other types of work. It does not cover work performed in export processing zones (EPZs).

Belgian legislation (section 7.1 of the Act of 16 March 1971 on labour amended by the Act of 5 August 1992) prohibits either employing children or allowing them to work, as well as, in general terms, making children engage in or allowing them to engage in any activity which falls outside the framework of their education or training.

The preliminary documents for the adoption of the Act of 5 August 1992 clearly indicate that the law-maker wished to distinguish “labour” *stricto sensu* (defined as a series of repetitive actions performed on the basis of a contract establishing the rights and obligations of the parties) from other types of activities (identified by their nature as being performed once or occasionally).

The legal text excludes any possibility of making children work and, as far as other types of activities are concerned, it envisages only two exceptions:

- activities in the context of education or training, and
- certain activities enumerated in a limited manner, mainly regarding children who are performing artists or models, so long as they have individual, written authorization, from the Inspector-General of the Inspectorate of Social Legislation.

Hazardous work

Our legislation defines hazardous work, particularly in the Royal Order of 3 May 1999 amended by Royal Order of 5 November 1999 on the protection of young persons at work [text annexed, not reproduced], on the basis of sections 8 to 10bis of the Act of 16 March 1971 [text annexed, not reproduced].

This Order concerns young workers, that is to say, workers between 15 and 18 years of age who are no longer subject to full-time compulsory schooling, as defined in section 2 of the Royal Order.

Section 8 and the Annex to the Royal Order (attached to the Royal Order) define the types of work considered hazardous. The Annex to the Royal Order of 3 May 1999 regarding the protection of young persons at work provides a list, which is non-exhaustive but rich in concrete examples, of work considered hazardous. All the social partners participated in the elaboration of this list. Moreover, every employer has to make, renew and adapt, at least once a year, a risk analysis in order to identify any activity susceptible to specific risk and which could be included in the list of types of hazardous work.

The minimum age for engaging in hazardous work is 18 years, in accordance with sections 2, 8, 9 and 10 of the Labour Act of 16 March 1971 [text annexed, not reproduced], as well as sections 2 and 8 of the Royal Order of 3 May 1999 on the protection of young persons at work [text annexed, not reproduced].

This prohibition is attenuated by a derogation contained in section 10 of the Royal Order, which permits young persons to carry out types of work that are prohibited under section 8 of the Royal Order. This derogation is allowed only if the work is within the framework of the young person’s training and carried out in the presence of an experienced worker.

Moreover, the Royal Order of 4 April 1972 prohibiting young workers under 16 years of age from performing underground work [text annexed, not reproduced] as well as the Royal Order of 9 June 1981 prohibiting workers between 18 and 21 years of age from certain underground work in mines and quarries [text annexed, not reproduced] further limit the possibility of engaging young persons in hazardous work.

Worst forms of child labour

In Belgium there are laws and regulations with the aim of eliminating the worst forms of child labour. Steps are not currently being taken to modify existing legislation or to introduce new legislation to address any of the worst forms of child labour.

(1) The framework of Belgian legislation prohibits forced or compulsory labour, including that performed by children. This is to be found in article 23 of the Constitution [text annexed, not reproduced]. On this subject, see also Belgium's reports on ratified ILO Convention No. 29 (report 1998-2000) and Convention No. 105 (report 1999-2001).

As regards the forced or compulsory recruitment of children for use in armed conflict, Belgium prohibits the participation of persons under 18 years of age in hostilities or peace-keeping operations.

The prohibition of the recruitment of persons under 18 years of age for participation in armed operations derives from section 152 of the Act of 22 March 2001 amending certain provisions relating to the status of military personnel, and which introduces section 3bis to the Act of 21 December 1990 on the status of candidates for active military service [text annexed, not reproduced].

This prohibition of persons under 18 years of age from participating in peace-keeping operations flows from the combination of the following sources:

- sections 9 and 10 of the Act of 20 May 1994 on the deployment and conditioning of the armed forces, as well as on the status of military staff [text annexed, not reproduced];
- section 1 of the Royal Order of 6 July 1994 [text annexed, not reproduced] on the determination of the forms of operational engagement and preparatory activities for the deployment of armed forces.

Belgium has also signed the Additional Protocol to the New York Convention on Child-Soldiers in September 2000. The procedure for ratifying this Protocol is under way.

Belgium's ratification of the Statute of the International Criminal Court has brought about the revision of the Act of 16 June 1993 on the suppression of grave violations of international humanitarian law to include in the list of war crimes the act of recruiting children under 15 years of age into the armed forces. The Draft of the revised Act is under elaboration.

(2) As regards the procuring or offering of a child for prostitution or pornography, the provisions of the Penal Code [text annexed, not reproduced], which focus specifically on problems of child prostitution and child pornography, are contained in section 300bis, paragraph 4, first and second indents (child prostitution) and section 383bis, paragraph 1 (pornography involving children who are minors). Sections 379 and 380(5ter) are more general but are equally applicable in this regard. These sections guarantee adequate protection against these forms of sexual exploitation of minors under 16 years of age.

Moreover, Belgium has adopted the new Act on the penal protection of minors, of 28 November 2000 [text annexed, not reproduced]. This Act complements the provisions relating to sexual exploitation inserted in the Penal Code in 1995 and strengthens the protection of minors under 18 years of age, in particular against prostitution and commercial pornography.

On 23 March 2000 the Belgian Parliament adopted a new constitutional provision in article 22bis of the Constitution [text annexed, not reproduced]. This clause relates to the rights of the child and aims to guarantee respect for the moral, physical and sexual integrity of the child, in accordance with the recommendation of the national commission against the sexual exploitation of children. The objective of this clause is, therefore, to give concrete expression to the aim of envisaging the child as a subject of law in our Constitution.

At the community level, the French Community has adopted the Decree of 16 March 1998 on providing assistance to children who are victims of mistreatment [text annexed, not reproduced], and which aims, inter alia, to prevent the sexual abuse of children and to render assistance to the victims. By an Order of 8 June 1998 [text annexed, not reproduced], the Government of the French Community created the childhood, youth, and assistance to youth Observatory. The Flemish Community, for its part, has created a Commissariat for the rights of the child by a Decree of 15 July 1997 [text annexed, not reproduced].

Moreover, Belgium intends to ratify other international instruments, such as:

- the Optional Protocol to the UN Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography. This Protocol was signed in April 2000 and the procedure for ratification is under way;
- the Additional Protocol to the UN Convention against transnational organized crime, aiming to prevent, suppress and punish human trafficking, especially of women and children. This Protocol was signed in November 2000 and the procedure for ratification is under way;
- the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) will also be ratified soon, as it is under consideration in the different competent Belgian entities.

(3) As regards the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs, the relevant provisions are those of the Act of 24 February 1921 (updated on 28 February 2001) [text annexed, not reproduced] on the traffic of poisonous, soporific, narcotic, disinfecting or anti-septic substances (and especially section 2bis which determines aggravating circumstances).

Belgian legislation provides for an increased sentence when the victim is a minor (imprisonment if the victim is a minor above 16 years of age; 10 to 15 years imprisonment with hard labour if the victim is a minor between 12 and 16 years of age; 15 to 20 years imprisonment with hard labour if the victim is a minor under 12 years of age).

(4) Types of work which are “harmful” are, for their part, governed by the following provisions: Chapters 2 and 3 of the Act on labour of 16 March 1971 amended by the Act of 5 August 1992 on child labour; the Act of 21 March 1995 regarding working students and young workers [text annexed, not reproduced]; and by the Royal Order of 3 May 1999 on the protection of young persons at work [text annexed, not reproduced].

The national legislation of Belgium is in compliance with the objectives of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). This will be soon ratified, as the ratification procedure is under way in the different competent Belgian authorities.

Compulsory education

Education is compulsory for Belgian children. The age at the end of full-time compulsory schooling is 15 years, for girls and boys. As regards the number of years required to complete compulsory education, according to section 1, paragraph 1, of the Act on compulsory education of 29 June 1983 [text annexed, not reproduced], compulsory schooling in Belgium lasts 12 years. Nevertheless, full-time compulsory schooling ends at 15 years of age, so long as the young person has completed a maximum of seven years of primary education as well as at least the first two years of secondary education (full-time compulsory schooling is not extended beyond 16 years of age). In practice, the majority of pupils pursue their studies full time up to the age of 18 years (end of upper secondary education).

In Belgium, child labour is a marginal phenomenon, as witnessed by the number of *pro-justicia* (police reports) in this regard. For the year 1998, the report of the Inspectorate of Social Legislation [text annexed, not reproduced] designated 24 cases where *pro-justicia* were drawn up.

Thus, we could reasonably estimate that child labour has disappeared from the legal economic network. It is only in the “shadow” economy, which operates clandestinely and outside the scope of the law, that there is the risk of child labour.

There is evidence that the sectors most subject to use illegal and clandestine child labour are the food industry, hotels, restaurants and cafés, sewing (clandestine workshops), activities linked to the sectors of prostitution and, to a lesser extent, agriculture and horticulture.

In fact, throughout Europe, in the large cities, there is a persistent informal sector involving adults and children (sellers of flowers, sellers of contraband cigarettes, wind-screen washers). In this sector, begging which is organized (and/or forced) uses children (often of gypsy origin or from families with an irregular legal status).

As regards the worst forms of child labour such as prostitution, pornography and the production or trafficking of drugs, isolated cases could subsist in our country, despite our legislative arsenal. This could be explained by the illicit nature of these activities. Sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; and forced recruitment for armed combat do not exist in Belgium.

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

Measures implemented

Specific measures have been implemented in our country to combat child labour. The measures implemented to enforce the minimum age(s) for employment are: legal reform, inspection/monitoring mechanisms, penal sanctions, civil or administrative sanctions, special institutional machinery, free compulsory education, employment creation/income generation, social assistance (e.g. stipends, subsidies, vouchers, etc.), child rehabilitation following removal from work, vocational and skills training for young workers, awareness raising/advocacy, international cooperation programmes or projects. The same measures were implemented to eliminate the worst forms of child labour.

- Legal reform: See the aforementioned legislative texts [text annexed, not reproduced].
- Inspection/monitoring mechanisms: See the aforementioned legislative texts [text annexed, not reproduced].
- Penal sanctions: See the aforementioned legislative texts [text annexed, not reproduced].
- Civil or administrative sanctions: See the aforementioned legislative texts [text annexed, not reproduced].
- Special institutional machinery: See the aforementioned legislative texts [text annexed, not reproduced].
- Free compulsory education: Compulsory education is free in Belgium, according to section 12 of the Act amending the legislation concerning kindergarten, primary, secondary, normal, technical and artistic education of 29 May 1959 [text annexed, not reproduced].
- Employment creation/income generation: Belgium has an extensive employment policy, in conformity with the requirements of the European Union in the framework of the Luxembourg process, and its effectiveness is evaluated on an annual basis. A part of this policy focuses on youth. A description of this policy is provided in Evaluation Report 2000 of the federal employment policy [text annexed, not reproduced].
- Social assistance: Belgium has a wide system of social security, the details of which are to be found on the web-site of the Ministry of Social Affairs (<http://www.socialsecurity.fgov.be>). In addition to this efficient social security system, Belgium has a system of study grants which aims to guarantee access to secondary education to children from disadvantaged backgrounds in the three Communities (French Community, German-speaking Community, Flemish Community).
- Child rehabilitation following removal from work: In Belgium, compulsory schooling as well as the marginal and clandestine character of child labour do not lead the Belgian authorities to develop a specific policy in the matter. However, at the level of the Flemish Community, there is an Order of the Flemish Government, establishing several elementary schools that receive pupils who are from nomad or itinerant families [text annexed, not reproduced].
- Vocation and skills training for young workers: Belgium has a vast and diversified professional training network aimed to improve the professional skills of young workers. For a description of this, see Belgium's 1998 report on the implementation of the European Social Charter [text annexed, not reproduced]. Belgium regularly draws up a report in the framework of Article 10 of that Charter relating to the right to training. The Ministry of Employment and Labour is currently drafting a new report that will also touch upon provisions of this Article.
- Awareness raising/advocacy: The General Labour Federation of Belgium carried out an awareness-raising campaign in 2000 for the ratification of ILO Convention No. 182. The ratification of Convention No. 182 is a priority for the Ministry of Foreign Affairs, as it was included in its policy note of 1999. The World Confederation of Labour is engaged in an ongoing ratification campaign. The Ministry of Employment

and Labour regularly receives parliamentary questions on the stage of ratification of Convention No. 182.

- International cooperation programmes and projects: See the section devoted to government's cooperation with multilateral agencies.

Ratification of Convention No. 182

The procedure for ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) is under way. It is very important to recall that in Belgium the procedure for ratification of an international convention can be lengthy, given the complexity of the country's institutional framework, especially with reference to shared competence. In fact, in all matters in which they are competent, the federate entities must give their approval, in addition to approval at the federal level.

At the federal level, the procedure requires a first and second reading of the draft legislation by the House of Representatives. At the present time, the draft legislation to approve ILO Convention No. 182 concerning the prohibition and elimination of the worst forms of child labour has been approved in the Senate as well as in the Committee of the House of Representatives. It therefore remains to be approved in the plenary session of the House of Representatives.

Besides the federal institutions' approval, four federate entities must intervene in the process of ratification of Convention No. 182: the Joint Community Commission of Brussels-Capital, the French, the German-speaking and the Flemish Communities.

For the Joint Community Commission of Brussels-Capital, a draft Ordinance of approval of the Convention was signed by the competent community ministers and forwarded to the United Assembly of the Joint Community Commission.

The draft Decree for ratification of ILO Convention No. 182 will be submitted to the Ministers of the French Community on Friday 30 August 2001. Then it will be sent to the Parliament of the French Community for further adoption.

With regard to the German-speaking Community, a draft Decree for the ratification of ILO Convention No. 182 was forwarded to the Council of the German-speaking Community, which will examine it in autumn of this year [2001].

At the level of the Flemish Community, the draft Decree for approving Convention No. 182 has been introduced in the Flemish Parliament.

Social partners

All proposals for labour law reforms were submitted to the social partners in the framework of the National Labour Council.

Moreover, with regard to ILO Convention No 182, the National Labour Council gave a favourable opinion on the ratification of the Convention at its session of 4 April 2001.

Cooperation with multilateral agencies

The Government, as a donor, cooperates with multilateral agencies to combat child labour.

Contribution to the IPEC

Belgium was, after Germany, one of the first donors to the ILO's International Programme on the Elimination of Child Labour (IPEC). Between 1993 and 1998, the Federal Ministry of Employment and Labour made annual contributions of BEF 1 million (one million Belgian francs). Since 1999, this annual contribution has been increased to BEF 5 million. Belgium's contributions for 1999 and 2000, i.e. BEF 10 million, have been allocated to an IPEC programme in Morocco. The objective of this programme is the organization of an awareness-raising campaign regarding hazardous work to which children are exposed and the distribution of micro-credits to parents who send their children to school instead of sending them prematurely to work.

The implementation of the project will be assured by the National Administrator of the IPEC programme, under the supervision of the Ministry of Employment, Training, Social Development and Solidarity of Morocco.

Informal meeting of donors (Donor Meeting on Child Labour)

Belgium organized on 7 and 8 December 2000, in Brussels, an informal meeting of donors for programmes to combat child labour. Through this initiative, Belgium wished to bring together the representatives of international organizations (such as ILO, UNICEF, World Bank), social partners, some large NGOs and a certain number of donor countries, in order to exchange information on their policies in this area. The meeting was a follow-up to similar meetings held in previous years, in particular in Norway and the Netherlands, as well as to several "inter-agency programmes" that had been developed on those occasions.

The main theme of the meeting was "the prerogatives of education as an intervention tool against child labour".

Given the theme of the meeting, UNESCO as well as the NGOs "Education International" and the World Confederation of Teachers (WCT) participated in the deliberations.

The following points of discussion could be mentioned:

(1) The prerogative:

- education is a basic responsibility of the State;
- education should be accessible to all;
- education should aim to be a quality service, hence the importance of teaching materials and the status of teachers (Are they paid adequately and on time? Do the communities support them?);
- strategic orientation and links with the labour market are important;
- the implementation of initiatives related to non-formal education play an important supportive and complementary role: they encourage access to education because there is an interplay of activities; they welcome children before and after school, etc.;
- education and these important non-formal initiatives (upon which UNESCO insisted) play an essential role in preventing child labour. The objective should be to get hold of the children as soon as possible.

(2) By virtue of the institutional/legislative/political aspects, several appeals were addressed to governments:

- envisage strengthening the role and resources of the Ministry of Education;
- assure coordination with other departments;
- orient budgets;
- put legislation and programmes in place; and
- draw up a national strategy (national action plans).

(3) It is important to improve the professional position of teachers:

- they also should benefit from “decent work”, as understood by the ILO, that is to say, benefit from the protection of international labour Conventions: freedom of association, the right to collective bargaining, non-discrimination, etc.
- they should be paid regularly – too many teachers are still not paid for months or have a very low salary;
- they should be supported by the communities from where the children come, by granting them authority, credibility and recognition.

(4) Cooperation with employers, enterprises and NGOs is necessary:

- companies could establish codes of conduct;
- NGOs could play a role in the provision or management of curricular and extra-curricular infrastructure; they can provide services complementary to those of the schools;
- schools should be established in a suitable environment.

(5) Other related concerns were raised:

- the dimension of sexual equality and its implications with respect to the specific situation of young girls and young women with children, the impact of this on their behaviour and on their education (a UN campaign is devoted to this subject). The more projects and actions are conceived at a high level, the less this dimension is taken into account;
- AIDS problems, which dramatically affect teachers and the generation that should ensure the future;
- the importance of systemic evaluation of child labour in development policies.

(6) Several ideas were articulated on the methods of work:

- support in principle for programmes and projects with a time-frame;
- importance of maintaining financial flows and the continuity of actions;
- intervention programmes should be well-conceived;

- encouragement of cooperation between development agencies and contributors, by associating also the social partners;
- essential role of assistance to families: financial assistance, infrastructure, housing, sanitary equipment, quality nourishment, etc.

(7) The following points have been suggested for action by international organizations:

- It is surprising that the Dakar and Beijing Plans of Action (Women's Decade) have no provisions on combating child labour.
- In the cooperation between agencies, NGOs and trade unions, all of them will benefit from teamwork.
- The role of the UN Rapporteur was recalled. One could also recall the role of the UN Committee on Economic, Social and Cultural Rights, which is entrusted with monitoring the UN Pact on these rights.
- As regards inter-agency cooperation, the following were emphasized:
 - that the meeting had provided few practical indications but that there were signs that cooperation functioned well;
 - that the role of the IPEC Programme Committee was not clear;
 - that constructive cooperation among the ILO departments should be established;
 - that there were other frameworks of informal consultation among donors;
 - that IPEC, with a lot of resources, should manage the constraints sometimes imposed by donors;
 - that it is important to pursue joint research on this subject.

From the exchange of information, the following elements were highlighted:

- (1) maintaining advocacy for the cause;
- (2) announcement of several initiatives and international conferences in 2001, with an impressive agenda which will inevitably increase expectations;
- (3) success of the international campaign against child labour, because it can draw on international conventions: ILO Conventions Nos. 138 and 182, the UN Convention and its two Protocols; and some participants mentioned the contribution of other important ILO Conventions;
- (4) evident confidence in inter-agency partnership;
- (5) particular themes:
 - confirmation of the importance of domestic work by children;
 - problem of street children;

- good understanding of the theme of education: education contributes to prevention, and there is a need to analyse this theme in conjunction with ILO Convention No. 138, from a “gender” perspective, by taking into account the ravages of AIDS and integrating the role of the communities where the children live;
 - IPEC was invited to undertake “mainstreaming” actions in the overall ILO plan of activities;
- (6) Informal group of donors:
- it was suggested to focus on a thematic project for the future;
 - Belgium underlined its interest in the exchange of information, with the objective of understanding and illustrating the varied experiences of donors;
- (7) the Netherlands called attention to the importance of national action plans, so as not to limit Convention No. 182 to a framework of international cooperation for donors;
- (8) IPEC was encouraged to pursue its “time-bound approach”.

Statistics

We have no statistics on the number of children withdrawn from child labour, including those benefiting from formal or non-formal education, because child labour in Belgium is marginal. However, we have statistics on sanctions applied to users of child labour, in the 1998 Report of the Inspectorate of Social Legislation [text annexed, not reproduced].

The Government regularly undertakes surveys that provide statistical information on the extent and/or nature of child labour, through the individual derogation system imposed by the Act of 5 August 1992 and the annual report of the Inspectorate of Social Legislation [text annexed, not reproduced].

The results are not presented separately by sex. They are broken down by age (0-6 years, 7-11 years, 12-15 years). They are presented by categories (types) of activities, but not by occupation or by branch of activity. The results are presented by number of days worked and not by hours, because the number of hours worked is limited by legislation.

At the last population census (1 March 1991), the lowest age of persons for whom questions were asked about economic activity was 16 years.

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

Our country has taken measures that can be regarded as successful examples in the abolition of child labour.

The Belgian Act of 5 August 1992 on child labour has two objectives:

1. The adaptation of legislation to the provisions of the UN Convention on the Rights of the Child of 20 November 1989.
2. The need to put an end to abuses made possible by gaps in the previous legislation. It refers essentially to the abusive use of children in the advertising sector and in “show-

business”, a phenomenon which developed in the late 1980s and which had a negative impact on the balanced development of children (such as the syndrome of the “child star”, or the lure of material gain, as much for the child as for parents, due to the sometimes high remuneration in the advertising sector).

It must be mentioned that this Act of 5 August 1992 has made the penal and administrative sanctions heavier for employers and other persons illegally employing children. Penal sanction can, in the most serious cases, be up to BEF 400,000 (9,915.75 Euros) per illegally employed child, as compared to BEF 45,000 previously. Moreover, the Act permits sanctions against intermediaries contributing to the promotion or the realisation of activities involving the illegal employment of children. This new legal instrument was aimed to enable personnel of the Inspectorate of Social Legislation, as well as other relevant bodies, to be better equipped to fight against illicit child labour. Practice, and especially the low number of complaints received by the services of the Inspectorate of Social Legislation or others concerned, indicates that the weight of possible sanctions, as well as the dissuasive effect of “social monitoring” in an area where public opinion is very sensitive, have a positive effect on the decrease in the number of illegally employed children. This leads the Inspectorate of Social Legislative to play more of a role in the field of prevention than suppression.

Apart from the cases envisaged by the Act of 5 August 1992, there could be marginal and clandestine cases of child labour. Given its nature, the tracking down of such employment of children is only possible within the framework of systematic monitoring of the application of social legislation concerning specific sectors or enterprises. The effectiveness of these actions, as well as the risks linked to the hostility of employers in certain sensitive sectors, require that these actions of monitoring be undertaken with sufficient means and the collaboration of other services concerned (social security inspection services, federal and local police).

This type of action is within the framework of a Federal Government programme to fight against human trafficking and represents one of the priorities assigned by the Federal Minister of Employment and Labour, Mrs. Laurette Onkelinx, to the Inspectorate of Social Legislation. The Inspectorate has translated this priority into the establishment of a plan of precise annual objectives as regards the number of systematic actions to be undertaken (up to 12 actions per year in each community), in cooperation with the special unit created within the inspection office of the Ministry of Social Affairs.

The number of staff in the Inspectorate of Social Legislation was increased in 1995 and 1996. Thus, the number of personnel in the external services (persons entrusted with monitoring missions in the field) of the Ministry of Employment and Labour grew from 224 to 250. The social inspectors and directors entrusted, particularly with the coordination of other monitoring services, increased from 31 to 44.

This significant increase was considered by the Inspectorate of Social Legislation as indispensable, in order to respond to the new monitoring missions given to this service, among others, the monitoring of the implementation of the Act of 5 August 1992 which deals with child labour.

Moreover, with regard to procurement contracts, the addition of an ethical clause in the specifications aims to guarantee that enterprises with contractual links to the Government do not have in any way, direct or indirect, commercial interests in countries where the basic principles of international public order are violated. By this clause, the public authorities wish to address a clear message to the private sector to assume its responsibilities when confronted with States that commit or maintain practices, such as the violations and practices mentioned in the clause.

This clause should figure in all procurement contracts of the federal authorities of a value equal to or exceeding BEF 400 million.

The ethical clause takes the form of a condition of contract execution that the successful bidder/contracting party shall respect for the duration of the contract. The condition of execution concerns the prohibition to carry out commercial activities in States guilty of violations of certain principles recognized by *jus cogens* or by the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). In order to prevent any circumvention, the clause is also applicable to sub-contractors and suppliers of the contracting party.

Moreover, a draft Belgian law on social labelling is currently under discussion and aims to establish socially responsible production. This draft legislation would create a label for goods and services produced in a socially responsible way. According to the draft, enterprises would be able to affix this label to their products if the latter met the criteria and standards recognized, in particular by the ILO.

According to the draft legislation, this label would be given to any Belgian or foreign enterprise that voluntarily decides to respect the requisite criteria, that is to say, at least the four basic principles of the ILO.

The label is attributed to goods and services produced by an enterprise that conforms to the prescribed criteria. These criteria permit verification of compliance with the fundamental (core) Conventions of the ILO. They vary from country to country, and from sector to sector. It is therefore not possible to make an exhaustive inventory of them here.

The attribution of the label means that all stages of the production process respect, at a minimum, the principles defined in the core Conventions of the ILO, as follows:

- (1) the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105);
- (2) the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- (3) the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- (4) the Equal Remuneration Conventions, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- (5) the Minimum Age Convention, 1973 (No. 138).

The label will take the form of a logo making it possible to identify the good or service to which it has been attributed.

In order to avoid any circumvention, the term “enterprise” is also defined in the legislation. It designates any enterprise, establishment, branch or trade centre of a Belgian citizen or foreign person. The terms also applies to any production or distribution enterprise that is subject to Belgian or foreign law.

Obstacles with respect to the effective abolition of child labour

The main obstacle to the implementation of the principle of the effective abolition of child labour is the fact that this type of activity can subsist in the “shadow” economy, and

therefore remain clandestine, despite the law. This phenomenon therefore makes the monitoring of these activities more difficult.

Priority needs for technical cooperation

Belgium does not request any technical assistance. It participates actively in such activities as a donor.

Report preparation

Other governmental agencies were consulted in order to draft this report. A copy of this report will be sent to the social partners for comments. The Government undertakes to communicate to the ILO, the observations that it receives.

Consultations were undertaken with the following bodies:

- Ministry of Employment and Labour;
- Ministry of Justice;
- Ministry of the Flemish Community;
- Ministry of the French Community;
- Ministry of the German-speaking Community;
- Joint Community Commission of Brussels-Capital;
- National Institute of Statistics;
- SERV (Flemish Economic and Social Council), at its request.

Copies of the present report have been sent to the following organizations:

- Confederation of Christian Trade Unions;
- General Labour Federation of Belgium;
- General Confederation of Free Trade Unions of Belgium;
- Federation of Enterprises of Belgium.

This report has also been forwarded to the National Labour Council.

Annexes (not reproduced)

- Labour Act of 16 March 1971, amended by the Act of 5 August 1992
- Royal Order of 11 March 1993 on child labour, amended by Royal Order of 31 May 1999
- Royal Order of 3 May 1999 on the protection of young persons at work, amended by Royal Order of 5 November 1999

- Royal Order of 4 April 1972 prohibiting young workers under 16 years of age from carrying out underground work
- Royal Order of 3 April 1972 on night work by young persons
- Royal Order of 23 May 1972 on the employment of young persons on Sundays and holidays
- Royal Order of 9 June 1981 prohibiting workers between 18 and 21 years of age from certain underground work in mines and quarries
- Act of 29 June 1983 on compulsory education
- Act of 4 August 1996 on workers' welfare at work
- Act of 28 May 1888 on the protection of children in ambulatory occupations
- Report (1998) of the Inspectorate of Social Legislation
- Brochure "Key points for the regulation of child labour"
- Article 23 of the Constitution
- Act of 22 March 2001 amending certain provisions relating to the status of military personnel
- Act of 20 May 1994 on the deployment and conditioning of the armed forces, as well as on the status of military staff
- Royal Order of 11 August 1994 on the recruitment and training of candidates for active military service
- Royal Order of 6 July 1994 on the determination of the forms of operational engagement and preparatory activities for the deployment of the armed forces
- Sections of the Penal Code: Section 380bis, paragraph 4, first and fourth indents; section 383bis, paragraph 1; section 379; section 380 5ter
- Act of 28 November 2000 on the penal protection of minors
- Article 22bis of the Constitution
- Decree of the French Community of 16 March 1998 on assistance to child victims of mistreatment
- Order of the French Community of 8 June 1998 on the Observatory concerning childhood, youth and assistance to youth
- Decree of the Flemish Community of 15 July 1997 concerning the creation of a Commissariat for the rights of the child and establishing the post of Commissioner for the rights of the child
- Act of 24 February 1921 on the trafficking of poisonous, soporific, narcotic, disinfecting and antiseptic substances

- Act of 29 May 1959 amending the legislation concerning kindergarten, primary, middle, normal, technical and artistic education
- Evaluation Report 2000 on federal employment policy of the Ministry of Employment and Labour
- Order of the Flemish Government of 10 May 1995 amending the Order of the Flemish Government of 22 December 1993 on measures for implementing the project “basic schools for children from nomad or itinerant families”
- Report (1998) on the European Social Charter.

Cambodia

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution and legislation.

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

Legislation establishes a general minimum age for admission to employment – 15 years of age for girls and boys.

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

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

Legislation does not define hazardous work. The minimum age for engaging in hazardous work is 18 years for girls and boys.

Laws exist in Cambodia with the aim of eliminating the worst forms of child labour. There is the Law covering the trafficking of children for labour and sexual exploitation.

Steps are currently being taken to modify existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour. Work on the Draft Ministerial Orders on light and hazardous work is in progress.

There is compulsory schooling for girls and boys up to the 15 years of age. The number of years or grades of instruction required to complete compulsory education is nine years for girls and boys.

There are a few cases of child labour in Cambodia such as:

- formal sector: work on brick-kilns, rubber plantations, salt-pans, fisheries, etc.;
- informal sector: scavenging, housework.

The following worst form of child labour does not exist in Cambodia:

- forced recruitment for armed conflict.

The following worst forms of child labour are believed or suspected to exist in Cambodia:

- sale and/or trafficking (girls and boys);
- debt bondage, serfdom, forced or compulsory labour (girls and boys);
- prostitution (girls and boys);
- pornography (girls);
- illicit activities, in particular production and trafficking of drugs (girls and boys).

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

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

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

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

The following measures are envisaged to enforce minimum age(s) for employment:

- legal reform;
- penal sanctions;
- civil or administrative sanctions.

The following measures have been implemented to eliminate the worst forms of child labour:

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

The following measures are envisaged to eliminate the worst forms of child labour:

- legal reform;
- civil or administrative sanctions.

Measures taken to bring about the effective abolition of child labour are as follows:

- legal reform: the Royal Government, Licado and Human Rights in Cambodia organized two workshops relating to this subject;
- inspection/monitoring mechanisms: the Child Labour Unit, the Department of Labour Inspection and the Cambodian Union Federation are actively inspecting and monitoring various factories;
- penal sanctions: from 10 to 15 years imprisonment for traffickers and deceivers;
- civil or administrative sanctions: No civil and administrative sanctions have been applied so far;

- special institutional machinery: the Ministry of Labour (created in 1992); the Cambodian National Council for Children (CNCC) (created in 1995); and the Child Labour Unit (created in 1997);
- free compulsory education: this is guaranteed under the Constitution of the Kingdom of Cambodia adopted in 1993;
- employment creation/income generation: International organizations (IOs) and non-governmental organizations (NGOs);
- social assistance: Government, NGOs and IOs;
- child rehabilitation: Government and NGOs;
- vocational training: Government and NGOs;
- awareness raising: Government and NGOs;
- international cooperation programmes: ILO, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).

In these measures or programmes, special attention is given to the needs of particular groups of children – i.e. scavengers and brick-kiln workers.

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

The Government works with multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour – IOM, UNICEF and UNDP.

The Government records the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour; 200 children removed from brick-kilns to formal education;
- number of ex-child labourers pursuing formal or non-formal education; more than 400 children in the Poipet area (bordering Thailand) pursuing non-formal education classes.

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

The Government occasionally undertakes surveys that provide statistical information on the extent and/or nature of child work. The last survey was undertaken in 2001. The survey results are published in the Child Labour Survey 2001. The results are presented separately:

- by sex;
- by age; from 5-17 years: 5-9 years/10-14 years/15-17 years;
- by occupation;

- by type of activity;
- by number of hours worked.

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

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

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

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

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

The Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation has issued Circular No. 012 (Mosalvy) dated 02 June 2000, on the implementation of Safety and Health in Brick-Kilns and Ministerial Order No. 124 (Mosalvy) dated 15 June 2001, on the Manual Lifting of Weights. These Circulars and Ministerial Orders are contributing significantly to the effective elimination of child labour.

Obstacles with respect to the effective abolition of child labour

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

- difficulty in implementing regulations, especially Ministerial Orders on hazardous works and light works;
- shortage of competent labour inspectors;
- lack of means of transport;
- lack of understanding of the child labour problem, the Labour Law, related laws and regulations and international labour Conventions.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation needed, ranked in order of priority (1 = most important; 2 = second most important, etc.; 0 = not important), are:

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

Further details for the first three priority technical cooperation needs identified are as follows:

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

Report preparation

There were no consultations held with other governmental agencies or employers' organizations in the preparation of this report.

Consultations were held with the Child Labour Unit of Mosalvy and the Cambodian Union Federation.

Neither employers' nor workers' organizations made any comments on the report.

A copy of the report was sent to:

- the Cambodian Federation of Employers and Business Associations (CAMFEBA); and
- the Cambodian Union Federation (CUF).

Canada

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is embodied in legislation in all Canadian jurisdictions. The commitment of all Canadian governments to the welfare and well-being of children, and their protection from any form of exploitation, have long been reflected in Canadian laws and programmes.

As reported in Canada's first annual report under the follow-up to the Declaration (GB.277/3/2), there is not a minimum age for admission to employment in all jurisdictions, but there are numerous laws and regulations prohibiting or restricting the employment of children in work likely to be injurious to their life, health, education or welfare; there are government inspectors and appropriate enforcement mechanisms in all jurisdictions.

School attendance is compulsory in all jurisdictions for persons up to the age of 16 years. Free primary and secondary education is provided to all children. Children under 16 may not be employed during school hours or at night. In some jurisdictions, the number of hours they can work, while school is in session, is specifically limited.

Primacy of education

The employment of children and young persons subject to compulsory school attendance is strictly limited during school hours. This ensures their presence in school during the crucial years when they acquire basic skills. In Newfoundland, the Northwest Territories and Nunavut, a student who reaches the age of 16 after September 1 (December 31 in the two territories) must complete the academic year. Similarly, in Quebec, a young person must attend school until the end of the school year in which he/she reaches the age of 16 or until the end of the year in which he/she obtains a diploma awarded by the Minister of Education. In New Brunswick, a young person must attend school until graduation from high school or until he/she reaches the age of 18.

There are limited exceptions. For example, Alberta allows absences from school for children under 16 to participate in an approved work experience programme; and Quebec law stipulates that a child may be excused from school, by the School Board, at the request of the parents, for a limited period of time 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, some jurisdictions have set a limit on the periods of employment on school days so that the total number of hours of school and work does not exceed eight. Most jurisdictions prohibit work between the hours of 9 p.m. and 7 a.m., with limits, which vary by jurisdiction.

Protection of the development of the child or young person

Several provisions are set out to prevent children and young persons from occupations or situations which may be harmful to their growth or character. For instance, under the Quebec labour standards legislation, no employer can require a person, under the age of 18, to perform activities which are disproportionate to his/her capacity or detrimental to his/her education, health or physical or moral development. The Quebec

youth protection legislation stipulates that “the security or development of a child is considered to be in danger where he[she] is forced or induced to ... perform for the public in a manner that is unacceptable for his[her] age”. Likewise, New Brunswick legislation prohibits employers from employing a person under the age of 16 in employment that is or is likely to be “unwholesome or harmful to the person’s health, welfare or moral or physical development”. Regulations under the labour standards legislation in the Northwest Territories and Nunavut stipulate that employers must 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 the employment of persons under 16, or another age, in occupations which may have undesired influences on the character and development of young persons. Thus, in all provinces and territories, young workers must have reached the age of majority to be able to sell or serve alcoholic beverages in licensed establishments. Another example of this type of provision exists in Nova Scotia where it is prohibited to employ “a child under sixteen years of age in work of any kind in ... dance halls, shooting galleries, ... and pool rooms”.

Physical safety of children, adolescents and other workers

Provisions regarding the physical safety of children, adolescents and other workers are normally found in occupational health and safety laws. Provisions can also be found in other statutes, such as the employment (or labour) standards legislation. These provisions, particularly those under the occupational health and safety laws, produce two results: the protection of young workers from hazardous environments, substances or occupations; and the protection of other workers in the workplace.

Young workers are protected by federal, provincial and territorial occupational health and safety laws in the same way as other workers. These laws provide rights for workers, such as: the right to be informed of known or foreseeable safety or health hazards in the workplace; the right to participate in the prevention of occupational accidents and diseases as members of joint health and safety committees (or, in most jurisdictions, as health and safety representatives); and the right to refuse dangerous work and be protected against dismissal or disciplinary action following a legitimate refusal. In addition, occupational health and safety regulations, adopted under these laws, specify technical requirements that must be complied with, set standards that must be met, and prescribe procedures that must be followed to reduce the risk of occupational accidents and diseases.

Legislators in Canada have also recognized the fact that, due to various factors, such as the lack of experience and training, young workers are more at risk than others in the workplace. Therefore, they have set a minimum age for working in certain more hazardous occupations or environments. Notable examples are provisions prohibiting the employment of persons under 18 years of age underground in a mine. In some jurisdictions, younger persons, those under 16, face further restrictions which prohibit their employment in a mining plant or surface mine. Other provisions, in one or more jurisdictions, specify a minimum age for working with dangerous materials, such as explosives, or for working in an environment where there may be exposure to radiation (training is generally allowed even if the child has not reached the minimum age for working in that field). Many jurisdictions also prohibit the employment of young persons in the construction industry. The minimum age varies; for example a child under 16 years of age cannot be employed in a construction project in Ontario. Moreover, in a majority of provinces and territories, persons under 16 years of age cannot become apprentices in designated trades.

Other types of employment that are prohibited or restricted to young persons include forestry and logging operations, work on drilling rigs, meat processing and work in the

production process at a sawmill. Moreover, the *Canada Shipping Act* forbids the employment of young persons under 15 years on any vessel (federal jurisdiction).

Age restrictions on drivers' licences 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 personal safety as well as that of others.

There are also many laws and/or regulations in Canada prohibiting the employment of children, under the age of 18, in certain activities or professions such as underground mining, working with explosives or radiation, employment in gambling establishments and the serving or sale of liquor. (Annex A [not reproduced] provides some examples of Canadian laws and regulations limiting work by children.)

Legislative developments

In June 2000, Royal Assent was given to a Bill which entrenches, in the *National Defence Act*, the policy of the Canadian Forces which prohibits the deployment of persons under the age of 18 to operations of hostilities.

In March 2001, proposed legislation was introduced in Parliament, which includes provisions to better protect children from sexual exploitation. The proposed legislation will prohibit the use of the Internet to lure and exploit children for sexual purposes by making it a criminal offence. Transmitting, making available or exporting child pornography on the Internet, will become criminal offences. The proposed legislation will also give judges additional remedial powers and simplify the process for prosecuting Canadians who sexually assault children in other countries.

Under provisions of the *Youth Offenders Act*, Provincial and Territorial Governments run programmes intended to divert and rehabilitate children involved in crime. The Government of Alberta recently enacted the *Protection of Children Involved in Prostitution Act*, which is aimed at providing assistance to child prostitutes. The Government of Ontario has introduced similar legislation, the *Rescuing Children from Sexual Exploitation Act*, which would permit police and child protection workers to remove a child, under the age of 18, from any situation where the child may be sexually exploited, including street prostitution, adult entertainment facilities, massage parlours, bawdy houses, escort services, and locations where telephone or Internet sex lines are being operated, or pornography is being produced. The legislation would allow the child to be placed in a safe house for up to 30 days where the child would receive a wide range of services such as medical treatment, drug and alcohol counselling, mental health services and specialized legal assistance. Other provisions would allow the government to take action against individuals who sexually exploit children.

The Government of Ontario has also introduced two legislative initiatives that may assist in eliminating some of the worst forms of child labour. Bill 30, the *Remedies for Organized Crime and Other Unlawful Activities Act*, was introduced on May 2, 2001. The Bill, if passed, would create civil sanctions designed to remove the proceeds of unlawful activities. These activities could include the worst forms of child labour such as prostitution, pornography and illicit activities, in particular, the production and trafficking of drugs.

In Quebec, *La Loi modifiant la Loi sur les normes du travail concernant le travail des enfants* [the Law amending the labour standards Act on the employment of children] came into force on July 20, 2000. This Act consolidates provisions on the employment of children. According to the amended legislation, an employer is prohibited from having children perform work that is disproportionate to their capacity or that is likely to be

detrimental to the child's education, health or physical or moral development. The legislation also prohibits an employer from employing a child under 14 years of age without first obtaining the written consent of the holder of parental authority or of the tutor. The employer must keep this consent in a register. In addition, the legislation prohibits employers from employing a child who is subject to compulsory school attendance, during school hours. According to changes in force on July 20, 2000, employers are prohibited from employing a child between 11 p.m. on any given day and 6 a.m. on the following day, except in the case of a child no longer subject to compulsory school attendance, or in the case of newspaper deliveries, or in any other case determined by regulation. Moreover, an employer who employs a child must schedule the work so that the child may be at his/her family residence between 11 p.m. on any given day and 6 a.m. on the following day, except in the case of a child no longer subject to compulsory school attendance or in cases determined by regulation. In addition, a Regulation amending the *Regulation respecting a registration system or the keeping of a register* includes a new general provision requiring employers to record, in a register, the date of birth of any employee under 18 years of age.

In British Columbia, pursuant to subsection 9(3) of the *Employment Standards Act*, the government introduced conditions of employment for child actors. Subsection 9(3) provides that the Director of Employment Standards may, on permitting the employment of a child under age 15, set conditions of employment for the child. The standards, which apply to all children under 15 years employed in film and television, address such areas as safety and welfare, hours of work and overtime, and special provisions for infants. The standards also address parental involvement and consent, education and tutoring, and public trustee protection of child actors' earnings. In addition, the conditions of employment include a new procedure for issuing employment permits on a renewable annual basis.

The following worst forms of child labour do not exist in Canada:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict.

Worst forms of child labour such as the sale and/or trafficking of children, debt bondage, serfdom, and forced or compulsory labour are subject to prosecution under the *Criminal Code of Canada (CCC)*. There is no forced recruitment of children for military service or armed conflict.

The following worst forms of child labour are believed or suspected to exist in Canada:

- prostitution (girls and boys);
- pornography (girls and boys);
- illicit activities, in particular production and trafficking of drugs (girls and boys).

The CCC states that child prostitution, in its various forms, and the selling, importing, making and owning of child pornography, are criminal offences. In addition, the CCC contains provisions directed specifically at the use, offering or procuring of children, under the age of 18, for the purposes of prostitution or pornography. Canadian citizens or permanent residents who engage in the sexual exploitation of children, while outside

Canada, may be prosecuted in Canada. The use of children in illicit activities is also criminalized in Canada.

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

Examples of International and Domestic Initiatives and Programmes:

Federal

In June 2001, Canada's Minister for International Cooperation launched the Canadian International Development Agency's (CIDA) Social Development Priorities: A Framework for Action. The framework refocuses CIDA on its poverty-reduction mandate by increasing investments over five years in the areas of: health and nutrition; basic education; HIV/AIDS; and child protection. Gender equality is an integral part of all these priorities. CIDA's Action Plan on Child Protection focuses exclusively on children – specifically, the most marginalized girls and boys who often experience exploitation, abuse, and discrimination and who require special measures to support their development. CIDA has committed to quadrupling its resources aimed at child protection by 2005.

In addition to the Government of Canada's contributions to the ILO's International Programme on the Elimination of Child Labour (IPEC), CIDA provides core financial support to the United Nations Children's Fund (UNICEF). Much of the international humanitarian assistance that CIDA provides to agencies, including the United Nations High Commissioner for Refugees and the World Food Programme, benefits children affected by armed conflict. CIDA also provides financial support to Canada's non-governmental and academic communities, which are engaged in innovative programming and policy development for children in need of special protection. Small projects have been supported through the Canada Fund for Local Initiatives and other locally-administered funds. More recently, CIDA has been focusing investments in child protection through its bilateral programmes. (See CIDA's Action Plan on Child Protection)

In 1998, Canada supported *Out From the Shadows: International Summit of Sexually Exploited Youth*, a programme which brought together 54 experiential youth from Canada, the U.S., Latin America and the Caribbean, to tell their stories as abused children in the sex trade. During 1999-2000, Canada supported five recovery and social reintegration projects for 12 of the young Latin American delegates on the programme, other sex trade workers and their mentoring agencies, in the Dominican Republic, Honduras, Bolivia, Peru and Chile. The report, *Good Practices in Working with Sexually Exploited Youth in the Americas*, based on case studies, was published in April 2001.

The Declaration and Agenda for Action that emerged from the Youth Summit has formed the foundation for a Save the Children – Canada project, *Out From the Shadows and Into the Light*, to combat the sexual exploitation of children and youth (with an emphasis on Aboriginal youth) across Canada. In March 2000, *Leaving the Streets: Youth Forum to Address the Commercial Sexual Exploitation of Children and Youth* brought together 20 experiential youth from the Vancouver area for follow-up activities to the Youth Summit. In December 2000, *Sacred Lives: Canadian Aboriginal Children and Youth Speak Out About Sexual Exploitation*, a report based on 22 consultations led by Save the Children, was launched from Parliament Hill in Ottawa.

The attached report (not reproduced), *Canadian Strategy Against Commercial Sexual Exploitation, 1999-2000 Activities*, provides an extensive list of Canadian initiatives aimed at protecting children from all forms of sexual exploitation and sexual abuse.

In June 2000, Canada ratified the Optional Protocol to the United Nations Convention on the Rights of the Child, which deals with the involvement of children in armed conflict. In September 2000, the Government of Canada hosted the International Conference on War-Affected Children, which produced a series of recommendations for immediate action by governments, donors and members of civil society. Other international efforts to protect children include the signing (in December 2000) of the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons and Children under the new United Nations Convention Against Transnational Organized Crime.

Youth Health and Safety in the Workplace – Protecting Young Workers in the New Millennium, a national conference held in October 2000, brought together 200 youth delegates from across Canada, representing over 19 areas of industrial activity. Senior officials from government, business, labour and the non-profit sector, who attended the Conference, assisted in formulating strategies to reduce the number of injuries to young workers.

Provinces and Territories

Alberta

Safety Checklist for Underage Workers: This has been created by Employment Standards, Workplace Health and Safety and Alberta Human Resources and Employment, to provide the employer, worker, and parent or guardian, the opportunity to review important workplace safety information, including the worker's rights and responsibilities, prior to commencing employment.

Farm Safety Programme: Alberta Agriculture, Food and Rural Development provides a guide on farm safety and other safety materials to Alberta's rural schools.

Workplace Safety Programme: The Job Safety Skills Society, with Alberta Human Resources and Employment, businesses, unions, and the education sector, provide this high-school-based programme for the benefit of students who are currently employed as well as those who will work in the future. Three credited courses are offered: Personal Safety, Workplace Safety, and Safety Management.

British Columbia

At Risk Minor Services: This service is designed to provide training to youths, ages 15-19, so that they can continue their education, gain employment and achieve independence.

Safe Housing Services: This programme provides safe housing to street youth or sexually exploited youth (children under 18 who have been manipulated or forced into prostitution) who want to leave the street. The British Columbia (BC) government provides a range of safe housing arrangements, including group homes, specialized homes and staffed resource centres.

Reconnect – A Programme for Street Youth: A provincial programme for youth, under the age of 19 years, living on the street, to assist them to reconnect with family, get housing, health care, mental health services, drug or alcohol detoxification and counselling, schooling, life skills, job preparation and pre-employment counselling.

Public Health and Family Support: Provides public health programmes and services, delivered by regional health authorities on behalf of the Ministry for Children and

Families, to children, youth and families, to maintain and enhance their health and well-being.

Youth Options BC: This is the BC government's comprehensive initiative, providing youth employment opportunities, access to post-secondary education, and a voice for BC's youth.

Taking a Stand to Prevent Sexual Exploitation of Youth: BC's provincial prostitution unit assists communities in discouraging youth from entering the sex trade and drug culture. Unit members (three police officers, a Crown counsel and a community coordinator) work with communities to develop and coordinate strategies that address the issues of enforcement, prevention and education.

Worksafe BC: BC's Workers' Compensation Board has produced three radio advertisements as part of a health and safety campaign aimed at young workers. A web page, with links to fact sheets, pamphlets, booklets and reports on young worker health and safety, is also available.

Manitoba

Workers of Tomorrow Health and Safety Campaign: This programme, run by the Winnipeg Labour Council and the Winnipeg Boys and Girls Club, with funding from the Workers Compensation Board of Manitoba, promotes understanding of potential health and safety risks among young people entering the workforce. It makes presentations at high-schools in rural and northern Manitoba, as well as adult education programmes, post-secondary education and trade schools.

Safe Action from Education and Training for Youth (SAFETY): The Workplace Safety and Health Division, with the Workers Compensation Board of Manitoba, the Manitoba Federation of Labour, the Manitoba Teachers Society, the Department of Education and the Canadian Society for Safety Engineering, has developed a teacher/student activity manual and videotape series on respecting safety in the workplace. These are available for use in Manitoba classrooms.

Skills for Independent Living: Students in Grade 10 in Manitoba have, as part of this course, information on both labour standards and workplace safety and health built into the curriculum.

Newfoundland

Tutoring for Tuition Programme: This programme provides children at academic risk with tutoring. It allows students in their last two years of high school, to earn tuition vouchers for post secondary education in exchange for providing tutoring to children at risk.

Northwest Territories

The Ministry of Labour (Labour Services) visits high schools each year to advise students of their rights in the workplace.

Nunavut

Nunavut Labour Services is in the early stages of development. Initiatives in the coming year include the completion of promotional and educational material to educate

young persons in the workforce and at school. Materials will also be developed to educate specific employers. Educational seminars and workshops will also be provided.

Ontario

High School Curriculum: Health and safety has been added to the high school curriculum for grades nine and 10 and will be incorporated into senior grades by 2002.

Young Workers Awareness Programme: Information is delivered to 60,000 high school students each year by the Industrial Accident Prevention Association and Workers' Health and Safety Centre (funded by the Workplace Safety and Insurance Board).

Project Minerva: The Ontario Labour Ministry is working with the Canadian Society of Safety Engineers to incorporate the teaching of safety management into college/university curricula (focusing on engineering and business schools).

Summer Media Campaign: The Workplace Safety and Insurance Board runs this campaign to make students and young workers aware of the risks they may face on their jobs.

Apprenticeship Programmes: The health and safety components of apprenticeship programmes are being improved.

Saskatchewan

Ready for Work: An orientation package, consisting of verbal presentations and print materials is delivered to high-school students. The programme's focus is on occupational health and safety awareness including the right to refuse unusually dangerous work, as well as information on basic labour standards.

Farm Safety Programme: This programme is delivered to students throughout the rural school districts. It uses interactive sessions on farm safety awareness.

Yukon

Level II – Management Safety Training: This is a training course for middle managers to prevent accidents and manage safety in the workplace.

Young Worker Safety Course For Schools: This is a one to three session course providing information about the prevention of accidents and injuries in the workplace and the workers' compensations system. This information is provided before the student begins work in temporary employment, training for job placement, or a permanent job. This will assist students in understanding the safeguards from injury on the job.

Woodworking Workshop: Created for youth at risk and young offenders, this programme offers a positive and structured environment for hands-on skill development.

The Life Skills – Work Placement Programme: The Youth Achievement Centre offers this programme to youth-at-risk who are approaching 18 years of age. Youth who have been unable to find employment on their own, participate in this "supported work" programme.

Statistical information

The Labour Force component of Canada's Population Census, conducted by Statistics Canada, gathers information on the economic activity of persons 15 years of age and older. The most current statistical information available is based on the 1996 census. Results of the most recent census, held in 2001, will be available later this year. In 1998, the Canadian Council on Social Development (CCSD) published a research report entitled, *Youth at Work in Canada*, which examines young people's experiences with work in Canada, looking specifically at the 15 to 19 year-old age group. (See CCSD report for more details.)

Report preparation

The Canadian Employers' Council, the Canadian Labour Congress, and *the Confédération des syndicats nationaux* (Confederation of National Trade Unions) were invited to provide inputs to this report. No observations were received.

A copy of this report has been provided to the Canadian Employers' Council, the Canadian Labour Congress, and the *Confédération des syndicats nationaux*.

Annexes (not reproduced)

- CIDA's Action Plan on Child Protection
- Canadian Strategy Against Commercial Sexual Exploitation, 1999-2000 Activities
- *Out From the Shadows: The International Summit of Sexually Exploited Youth*
- *Out from the Shadows – Good Practices in Working with Sexually Exploited Youth in the Americas*
- Youth at Work in Canada – A Research Report
- Annex A: *Minimum Age for Employment in Canada* (provides some examples of Canadian laws and regulations limiting work by children)

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

Canada has not ratified the Minimum Age Convention, 1973 (No. 138). However, it ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), in June 2000.

Education is compulsory until the age of 15. Child labour legislation varies from province to province: most provinces prohibit children under the age of 15 or 16 from working without parental consent, at night, or in any hazardous employment. These prohibitions are effectively enforced by labour ministry inspections and there are no indications of significant employment of children. However, child labour is to be found in the migrant farm labour force in the vegetable and fruit fields of Manitoba, Ontario and British Columbia. In May 1997, a new law came into force to strengthen measures for dealing with and preventing child prostitution.

There are no indications of a significant degree of child labour in Canada.

Government observations on ICFTU's comments

We thank the ICFTU for their observations and would like to offer the following clarifications:

- school attendance is compulsory until at least the age of 16, not 15, in all Canadian jurisdictions;
- under the *Caribbean and Mexican Seasonal Agricultural Worker Program*, which allows for the recruitment of seasonal agricultural workers, prearranged employment is required and there are no provisions for workers' dependants to accompany them to Canada.

China

Government

Recognition of the principle of the effective abolition of child labour

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

The principle of the elimination of all forms of forced or compulsory labour is recognized in the Constitution of the People's Republic of China, the Labour Law and other relevant laws and regulations, as well as the circulars promulgated by various government agencies.

The Constitution of the People's Republic of China (revision, 1999, Chapter 2) prescribes the fundamental rights and duties of citizens, in which the protection of children and young persons is explicitly stipulated. Article 49 states: "... children are protected by the State, ... Maltreatment of old people, women and children is prohibited." Article 46 prescribes the rights of young persons and children to education: "Citizens of the People's Republic of China have the duty as well as the right to receive education. The State promotes the all-round moral, intellectual and physical development of children and young people." These provisions demonstrate that the policy of the State, to protect children and prohibit child abuse, is truly embodied in the Constitution. The Constitution is the fundamental law. All laws, regulations and administrative rules at national and local levels should be in line with the Constitution.

The *Labour Law* (January 1, 1995), which relates specifically to the field of labour, contains explicit provisions on the protection of young persons and children and the prohibition of child labour. Article 15 stipulates: "No employing units shall be allowed to recruit juveniles under the age of 16."

The *Criminal Law of the People's Republic of China* (revision, October 1, 1997) lays down the sentences for crimes that infringe upon the rights of children in article 237, articles 240 to 242, Chapter IV of Part II, "Crimes of Infringing Upon the Rights of the Person and the Democratic Rights of Citizens". Article 240 prescribes the punishment for the crimes of abducting and trafficking children, which prevents children from being abducted, trafficked and becoming victims of child labour.

Article 28 of the *Law of the People's Republic of China for the Protection of Minors* (January 1, 1992) states: "No organization or individual may hire any minor under the age of sixteen, except as otherwise provided by the State."

The *Education Law of the People's Republic of China* (September 1, 1995) provides for the right to education for all citizens, including children. Article 18 states: "People's governments at all levels shall adopt every measure to safeguard the school attendance of school-age children and adolescents. The parents of school-age children and adolescents or their guardians, civil organizations, and individuals concerned, are obliged to send school-age children and adolescents to school to receive compulsory education for the prescribed number of years." In order to safeguard the right to education for children in financial difficulty, article 37 states: "the State and community will provide assistance, in various forms, to children, adolescents and youth who qualify for schooling and whose families are in financial difficulty." Chapter VI, "Education and Community," stipulates that the State and communities should create a favourable social environment for the healthy growth of children and young persons. Protection of the right to education for children and young persons, especially the assurance of the right to education for children living in poverty, can effectively protect them from engaging in child labour, as poverty is a fundamental cause of child labour.

The *Compulsory Education Law of the People's Republic of China* (July 1, 1986) stipulates the right to compulsory education of school-age children and adolescents. A system of nine-year compulsory education is prescribed by the State. The State, the community, schools and families, shall, in accordance with the law, safeguard the right to compulsory education of school-age children and adolescents. Article 5 states: "All children who have reached the age of six shall enrol in school and receive compulsory education for the prescribed number of years, regardless of sex, nationality or race. In areas where that is not possible, the commencement of schooling may be postponed until the age of seven." Article 9 provides for special schools for disabled children and adolescents: "Local people's governments shall establish special schools (or classes) for children and adolescents who are blind, deaf-mute or retarded." Article 11 specifically prescribes the obligation of parents and guardians to safeguard the school attendance of children: "When children have reached school-age, their parents or guardians shall send them to school to receive compulsory education for the prescribed number of years." It also emphasizes the prohibition of recruiting child labour: "No organization or individual shall employ school-age children or adolescents who should receive compulsory education." Article 15 further lays down the responsibilities of the State in guaranteeing the right to compulsory education of school-age children, including measures against the parents or guardians of those children who are not sent to school, and the punishment of persons responsible for recruiting child labour: "In cases where organizations or individuals employ school-age children or adolescents, for work, the local people's governments shall admonish and criticize them and shall order them to stop such employment. In serious cases, the offenders may be fined, ordered to suspend their business operations or have their business licenses revoked." The implementation of the *Compulsory Education Law of the People's Republic of China* (July 1, 1986) means the effective protection of children from child labour.

The *Law of the People's Republic of China on the Protection of Rights and Interests of Women* (October 1, 1992) provides for the protection of the rights of female children. Article 17 explicitly states that the right to compulsory education of female children should be guaranteed: "Parents or other guardians must perform their duty of ensuring that female school-age children or adolescents receive compulsory education. Where parents or other guardians fail to send female school-age children or adolescents to school, the local people's governments shall admonish and criticize them and, by adopting effective measures, order them to send their female school-age children or adolescents to school,

with the exception of those who, because of illness or other special circumstances, are allowed by the local people's governments not to attend school. The governments, society and schools shall, in the light of the actual difficulties faced by female children of school-age or adolescents in schooling, take effective measures to ensure that female children of school-age or adolescents receive compulsory education for the number of years locally prescribed."

The *Marriage Law of the People's Republic of China* (revision, April 28, 2001) also prescribes the protection of the legitimate rights of children (article 2).

The *Decision of the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children* (September 4, 1991) supplements and amends the relevant provisions of the *Criminal Law* regarding the protection of the personal safety of children, further guarantees the personal safety of children, and protects them from becoming victims of child labour.

The *Regulation on Prohibition of Child Labour* (April 15, 1991), promulgated by the State Council, gives comprehensive prescriptions on the prohibition of child labour. First of all, the Regulation gives the definition of child labour within the Chinese territory: "child labour means an adolescent or a child under the age of 16 engaging in labour relations with a working unit or an individual for paid work or self-employment". (article 2) The circumstances which are not included in the definition of child labour are also explicitly listed: "child labour does not cover adolescents and children under the age of 16 taking part in family work, work-study programmes organized by the schools, and any supplementary work permitted by the people's government of the province, autonomous region, or municipality directly under the Central Government, which adolescents and children are capable of performing and are not detrimental to their physical and mental health." The Regulations explicitly prohibit the exploitation of child labour: "State agencies, civil organizations, enterprises and establishments (referred to as working unit hereafter) and private businessmen, farming households and urban citizens (referred to as individuals) are not permitted to exploit child labour" (article 4). The Regulation prohibits intermediaries from referring child labour for employment: "All employment offices and other working units and individuals are prohibited from referring adolescents and children under the age of 16 for employment" (article 5). Administrative departments for industry and commerce are not allowed to issue business licenses to minors: "Administrative departments for industry and commerce, at all levels, shall not issue business licenses of a self-employment nature to adolescents and children under the age of 16" (article 6). The responsibilities and obligations of parents and guardians relating to the prevention of child labour are also prescribed. "Parents or guardians shall not allow their children or wards to work as child labour" (article 7). Penal measures are prescribed for any violation of the Regulation.

The *Circular on Prohibition of Child Labour* (October 5, 1988), promulgated jointly by the Ministry of Labour, State Education Commission, Ministry of Agriculture, State Administration for Industry and Commerce, and the All China Federation of Trade Unions, requires labour administrative departments, administrative departments for township and village enterprises, and trade unions across the country to strengthen their administration, supervision and inspection of the recruitment and labour practices of enterprises and establishments, especially urban and rural collectively owned enterprises and private enterprises. The exploitation of child labour is strictly prohibited by any working unit or individual. Persons who violate state regulations on child labour shall be heavily fined. In serious circumstances, where the working unit or individual repeatedly commits malpractice, it shall be ordered to suspend its operation to remedy its mistakes, or have its business license revoked if the remedial measures do not work. The contract foreman who

cajoles or abuses child labour shall be submitted to the judicial department for criminal punishment in accordance with the laws (article 1). The intermediaries, parents or guardians who force adolescents or children under the age of 16 to engage in child labour shall be admonished and ordered to correct their mistakes. "The parents or guardians who force children and adolescents under the age of 16 to do manual work, engage in business activities or become apprentices shall be criticized and educated, and ordered to correct their mistakes. If they persist in their practices, heavy fines shall be levied" (article 7) The standards on fines against the individual or working unit that violates the regulations on child labour are set out in *the Regulation on the Standard Fines for Exploiting Child Labour*, jointly promulgated by the Ministry of Labour and Ministry of Finance.

Given that the State faces few problems implementing state laws and regulations on the prohibition of child labour, and the few cases of child labour identified occurred in foreign-funded enterprises and private companies, the Ministry of Labour, Ministry of Public Security and All China Federation of Trade Unions jointly promulgated *the Circular on Strengthening Labour Administration for Foreign Funded Enterprises and Private Enterprises so as to Genuinely Safeguard the Legitimate Rights and Interests of Workers* on 4 March 1994. It prescribes that foreign-funded enterprises and private enterprises are prohibited from recruiting child labour. (Article 1) In addition, the *Implementation Rules of the Law of the People's Republic of China on Foreign Capital Enterprises* (December 12, 1990), promulgated by the Ministry of Foreign Trade and Economic Cooperation, emphasizes that child labour should be prohibited in foreign-funded enterprises: "Foreign capital enterprises shall not recruit child labour" (article 67). The *Interim Provisions on Private Business of the People's Republic of China* (July 1, 1988), promulgated by the State Council, states: "Private business shall not recruit children under the age of 16" (article 32). Provisions on Rural Collectively-owned Enterprises of the People's Republic of China formulated by the State Council (July 1, 1990) also prescribes that village and township enterprises shall not exploit child labour: "Enterprises are not permitted to recruit child labour under the age of 16" (article 29). The Ministry of Agriculture, in its *Labour Administration Regulation for Village and Township Enterprises* (revision) (December 9, 1992), reiterates that village and township enterprises shall not recruit child labour: "enterprises are prohibited from recruiting child labour under the age of 16." (article 10).

In order to prevent primary and middle-school students from working as child labour, the State Education Commission promulgated certain provisions. The *Implementation Rules of the Compulsory Education Law of the People's Republic of China* (March 14, 1992) reiterates the prescriptions of the state concerning prohibition of child labour and the punishment for persons responsible for exploiting child labour. "The person who recruits school-age children or adolescents, who should attend school for compulsory education, to do manual work, undertake business activities or engage in other types of paid work, shall be punished in accordance with state regulations on the prohibition of child labour." (Article 41) In the late 1980s, a phenomenon of middle and primary school students dropping out of school to work as child labour emerged in some areas. Some collectively-owned enterprises and private enterprises neglected national laws and policies and took on child labour. Some parents were allured by immediate interests and forced their children to perform manual labour, engage in business activities, or work at home. Therefore, the State Education Commission formulated the *Proposals on Strict Control of the Dropping out of Middle School and Primary School Students* (January 30, 1989). The Proposals advocate the serious implementation of the *Compulsory Education Law*, linking legal education with the handling of offences, stopping the recruitment of child labour, mobilizing school dropouts to return to school, so as to effectively prevent school-age children and adolescents from child labour. The Proposals prescribe severe punishment for the enterprises that exploit child labour and the individuals that abuse child labour. "The *Circular on Prohibition of Child Labour*, jointly promulgated by the Ministry of Labour

and five other agencies, should be implemented in a serious manner. Any enterprise, establishment or private businessman who is held responsible for hiring school-age children or adolescents for work, should be handed over to the local labour department, which will order the dismissal of the working children or adolescents, and the administrative department for industry and commerce, which will levy heavy fines on the hiring companies or responsible persons. For those who commit these mistakes repeatedly and if they are of a serious nature, their business operation should be suspended to correct their wrongful practices, or their licenses revoked. The contract foreman who cajoles or abuses child labour shall be submitted to the people's court for criminal punishment in accordance with the laws." (article 3).

The laws, regulations and department circulars listed above reflect the essential policy of the Chinese government regarding the protection of the fundamental rights of children and its resolute opposition to and prohibition of child labour. Governments at all levels, together with the civil society and NGOs extensively disseminate the laws and regulations concerning the protection of the rights of children and prohibition of child labour, via all media, to raise the awareness of people in all walks of life, in particular, enterprises and individuals. Meanwhile, through enforcement and inspection, the offences of hiring or referring of child labour as set out in national laws and regulations are investigated and punished in a serious manner.

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

Legislation in China establishes a general minimum age for admission to employment – 16 years for girls and boys. [See aforementioned section on the *Labour Law* (January 1, 1995)]

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

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

With due consideration of the special circumstances in the poverty-stricken areas in our country, the State Council in its *Regulation on Prohibition of Child Labour* proscribes that in certain areas, adolescents between the ages of 13 to 15 may be allowed to work in limited sectors, and the work that they are permitted to perform should be strictly limited. "In those poor rural areas, where the conditions for instituting secondary compulsory education are not yet met, as set out in the implementation schedule to promote

compulsory education, adolescents between the ages of 13 and 15 who fail to enrol in junior high school and genuinely need to engage in paid work which they are capable of performing, the scope and sector of such work should be strictly restricted. This concrete approach is to be determined by the people's government of each province, autonomous region, or municipality directly under the Central Government." (Article 16) The purpose of such restriction is to ensure that such work will not affect the health and development of these working minors. *The Vocational Education Law of the People's Republic of China* also prescribes their right to vocational education.

The legislation in China defines hazardous work. The minimum age for hazardous work is 18 years for girls and boys. Hazardous work is defined in the *Provisions on Special Protection for Juvenile Workers* (December 9, 1994) promulgated by the Ministry of Labour, as follows:

- work involving contact with dust, at or above Grade I of the State standards of classification of the danger of productive work involving contact with dust;
- work involving exposure to noxious material, at or above the Grade I of the State standards of classification of work with exposure to noxious material;
- work high above the ground, at or above the Grade II of the State standards of classification of work high above the ground;
- work in cold water, at or above Grade II of the State standards of classification of work in cold water;
- work in high temperature, at or above the Grade III of the State standards of classification of work under high temperature;
- work in low temperature, at or above the Grade III of the State standards of classification of work under low temperature;
- work involving intense physical labour, at or above Grade IV of the State standards of classification of the intensity of physical labour;
- work underground or quarrying stone on the ground or in mines;
- work involving lumbering, floating logs and guarding wood in the forest industry;
- work involving exposure to radioactive substances at work sites;
- work involving inflammable and explosive materials, when there is great danger of being chemically or thermally burnt;
- fieldwork involving the prospecting of geological resources;
- work involving diving, operating in culverts or tunnels, or work in highlands with an elevation of more than 3,000 meters (except for those living in highlands);
- work involving the continuous loading of goods – more than six times per hour and each load exceeding 20 kilograms; work involving the loading of goods exceeding 25 kilograms;
- work involving the use of rock drills, tamping machines, air pickaxes, air shovels, riveters and electric hammers;

- work processes in which the operators make repetitive body movements, such as lowering of the head, stooping, raising, squatting for long periods, or where these actions exceed 50 times per minute; and
- work involving the stocking of boilers.

Laws or regulations exist with the aim of eliminating the worst forms of child labour.

Steps are not currently being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour.

There is compulsory schooling for children. Nine years or grades of instruction for girls and boys are required to complete compulsory schooling. [See aforementioned section on *The Compulsory Education Law of the People's Republic of China* (July 1, 1986)]

The following worst forms of child labour do not exist in China:

- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

The sale and/or trafficking of girls and boys is believed or suspected to exist.

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

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

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

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

The following measures have been implemented to eliminate the worst forms of child labour:

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

In order to crack down severely on the illegal exploitation of child labour, the Ministry of Labour and Social Security, the Legislative Office of the State Council, State Economic and Trade Commission, Ministry of Public Security, State Administration for Industry and Commerce, Ministry of Education, All China Federation of Trade Unions, Central Communist Youth League and the All China Federation of Women decided to undertake a comprehensive inspection, across the country, of the application of *Regulation on the Prohibition of Child Labour* conducted from 20 September to 20 October 2001.

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

The All China Federation of Trade Unions and China Enterprise Confederation participated in the formulation and implementation of these measures.

With regard to international cooperation, an ILO sponsored high-level tripartite seminar on Convention No. 182 was held in Beijing on 12-13 April 2001. Tripartite Delegations from China participated in the Asia and Pacific Regional Meetings on child labour held over the last two years in Bangkok, Phuket, Dakar, Katmandu.

The Government does not work with any multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour.

The Government does not record the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;

- number of ex-child labourers pursuing formal or non-formal education;
- sanctions applied to users of child labour.

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

In the last population census, held in 2000, the lowest age of persons for whom questions were asked about economic activity was 15 years.

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

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

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour.

The types of technical cooperation needed, ranked in order of priority (1 = most important; 2 = 2nd most important, etc.; 0 = not important), are as follows:

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

Report preparation

While preparing for the report, the following governmental agencies were consulted: State Economic and Trade Commission, the Ministry of Public Security and the State Bureau of Statistics.

Employers' and Workers' organizations were consulted in its preparation: the China Enterprise Confederation and the All China Federation of Trade Unions. Neither of them made any comments on the report.

The All China Federation of Women and other NGOs have also been consulted.

Copies of the report were sent to the China Enterprise Confederation and the All China Federation of Trade Unions.

Comoros

Government

Recognition of the principle of the effective abolition of child labour

There is a national plan aimed at ensuring the effective abolition of child labour in Comoros. The first meeting of the High Council for Labour and Employment (CSTE) was held on 26 and 27 September 2001, thanks to the technical and material support provided by the International Labour Office, and especially the International Labour Standards specialist in the ILO Multidisciplinary Advisory Team for East Africa (EAMAT).

That meeting enabled the Government to submit its plans and obtain favourable responses from the social partners, with respect to the ratification of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). These Conventions will be submitted in the shortest time possible to Parliament for ratification.

The Government takes this opportunity to thank the International Labour Office for the technical and material assistance it gave through EAMAT (Addis Ababa) and the ILO Office in Antananarivo (Madagascar). This assistance made the success of the first CSTE meeting possible.

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

Specific measures are envisaged in Comoros to bring about the effective abolition of child labour. International cooperation programmes or projects are envisaged to both enforce minimum age(s) for employment and to eliminate the worst forms of child labour.

Priority needs for technical cooperation

In order to combat child labour more effectively, including domestic work, the Government wishes to reiterate its request for technical assistance, within the framework of the ILO International Programme on the Elimination of Child Labour (ILO-IPEC). The Government sees a need for technical cooperation particularly, policy advice and a special programme for the elimination of the worst forms of child labour.

Report preparation

This report was prepared in consultation with the Confederation of Independent Unions of Comoros Workers (USATC). The USATC hopes that Comoros will ratify Conventions Nos. 138 and 182 as quickly as possible.

Cuba

Government

Recognition of the principle of the effective abolition of child labour

This principle is recognized in our country's Constitution and legislation. In the last 40 years, the Cuban Government has carried through a programme of social and economic development based on equality and social justice. Economic, political and social changes in Cuba since 1959 have benefited the vast majority of the population, particularly children – girls and boys – adolescents and women. Illiteracy and poliomyelitis were eliminated in 1961, all health services and education are free of charge and social security has been established for all citizens without exception; these achievements demonstrate the improved standard of living of all segments of society and particularly children.

Despite the difficult economic situation in the country since 1990, because economic relations with the Eastern European countries were suspended and because the United States of America imposed an economic, trading and financial blockade, expenditure on the basic social services has continued to grow to meet the needs of the people.

In this respect, of the 1999 budget allocations for running expenses, education received 1,865,000 pesos and health, 1,600,000 pesos.

The right of all boys, girls and adolescents to life, well-being, development and participation is a matter of priority and, indeed, a prerequisite when designing social and economic development in Cuban society. Child labour has not been a factor in the socialist development strategy. That strategy began in 1960 with a major literacy campaign that culminated in teaching almost 1 million people to read and write. As a part of that strategy, thousands of those who were able to read and write were brought into further education, into the Adult Education subsystem. Schooling rates rose and more attention was paid to the child population so as to avoid the emergence of new illiterates.

Efforts to extend the education services to the population at large began with primary education. This was one of the first measures adopted. In 1959, more than 10,000 classrooms were inaugurated and that year the school attendance rate was 90 per cent among 6 to 12 year-olds. In order to achieve that rate, schools of every kind had to be built in massive quantities, existing buildings and large residences adapted for use as schools.

In 42 years of constant care for children and young people, the education system has been developed to guarantee that even the highest levels of education are available free of charge. Access to teaching centres and continuing studies depends only on the abilities of the person seeking an education and his/her career interests, in consonance with the interests of the country's social and economic development.

A quarter of a million educators with university training ensure that the education system works. Cuba now has one teacher for every 42 inhabitants, which means the country leads the world in teachers per capita.

All children between 6 and 11 years of age are in school and 100 per cent are guaranteed that they can continue on into further education.

The free health care system for the entire population has enabled Cuba to achieve rates that vie with those of developed countries: for example, infant mortality is no more

than 6.4 per 1,000 live births. Preventive medicine, medical education and curative medicine are provided free of charge in day nurseries and infant schools where doctors are in attendance. These services are in addition to the general and specialist preventive and curative medical services provided for the population as a whole free of charge. Moreover, stomatological examinations are available free of charge.

Vaccination drives are held in educational establishments and centres. This has considerably reduced common childhood diseases among youngsters. Every child receives, free of charge, three vaccinations at the proper age.

Social care programmes as a whole, including employment for mothers and fathers, care for single mothers and disabled persons, have banished from our social horizons the bleak picture of children abandoned in the streets.

In 1977, Law No. 13 was promulgated on *Protección e Higiene del Trabajo* (Protection and Health at Work) which set the minimum working age at 17, together with other legal provisions that protect the work of young people up to 18 years of age in various activities. All of these matters are constantly monitored by the Labour Inspectorate.

As may be understood, in Cuban society, there is no national plan drawn up on the basis of the Worst Forms of Child Labour Convention, 1999, (No. 182). Rather, the genuine results achieved over the last 40 years have been brought about by all the substantial changes introduced into our economy. These changes, allied to our conception of social development and the adoption of practical social policies concerning, among other things, education, health, social security and guaranteed employment for mothers and fathers, have proven their worth. All of these initiatives have driven social development without any child labour; nor are children exposed to situations that would be conducive to sexual abuse, prostitution or other reprehensible forms of child exploitation. Nonetheless, the country takes steps to prevent any such evils.

In 1990, there was a *Plan Nacional de Acción en Favaor de la Infancia* (National Plan of Action for Children) and a National Committee was set up to coordinate activities and follow-up. The members of that Committee were the Ministries of Public Health, Education, Labour and Social Security, Foreign Affairs, National Institute of Hydraulic Resources and the Ministry for Foreign Investment and Cooperation. The National Plan of Action for Children is periodically reviewed. State and non-governmental organizations (NGOs) monitor its implementation and are able to detect, in time, any situation which could involve a violation. This is done independently of the educational mechanisms that teach girls and boys their rights and the ways and means of lodging complaints and laying claims.

The National Plan of Action for Children objectives consider all the factors that may affect the well-being of children according to the targets of the World Summit for Children and the international agreements ratified by the Cuban Government, including those of the International Labour Organization.

Recently, there was a change in the Criminal Code so as to introduce harsher penalties for procuring, corruption of children, trafficking in persons, and other acts contrary to the total development of the child. The sale of and trafficking in children was also introduced as a category of crime.

Since the country has no child labour problem, more is done to educate the general public so that there can be a real culture of respect for children's rights. The National

Report on achieving the targets established at the World Summit for Children includes details of some of the plans mentioned.

The minimum working age laid down by law makes no distinction as to the types of work referred to in the report form.

Cuban legislation provides no explicit definition of hazardous work. However, the various legal instruments that restrict the work of youngsters with regard to hazards that may affect children's health or total development, refer to risks inherent in, for instance, stowage or packing work, or jobs where they have to carry excessive weight, as in mining. Other hazards refer to harmful substances, reactive or toxic agents; work at a height; night work; work where they are responsible for their own or others' safety. These definitions are laid down in articles 224 and 225 of the Labour Code. In order to engage in a hazardous form of occupational activity, young people of both sexes have to be at least 18 years of age.

The Criminal Code, in laying down severe penalties for the abovementioned offences, and introducing new crimes such as the sale of or trafficking in children, provides for prevention. The measures established in the Labour Code, arts. 222 to 225, help to eliminate workplace hazards for young people who are, exceptionally, allowed to take up employment at 15 and 16 years of age, as well as extending protection for working youngsters up to 18 years of age.

The worst forms of child labour covered in the Convention simply do not exist in our country, nevertheless, labour legislation is regularly reviewed. At present, scrutiny falls on the Labour Code, where amendments are being proposed on the drafting of the provisions that concern those children of 15 and 16 years of age who are authorized to work, as already mentioned, so as to make national standards comply fully with the provisions of the Minimum Age Convention, 1973 (No. 138). There are protection measures provided for minors up to 18 years of age, as has already been mentioned.

There is compulsory schooling for children in Cuba. For all young people, compulsory education ends at 15 years of age.

As mentioned, young people have to be 17 years of age in order to work. The ban on employing youngsters earlier than that covers self-employed work. Legislative Decree No. 174 of 9 June 1997, on the Individual Labour Contraventions by the Self-employed, establishes in article 3, section 12, that the person who employs or permits the employment of children under 17 years of age in any self-employed activity shall be punished by a fine of between 500 and 1,500 pesos and shall lose their business licence. This prohibition includes activities in which family help is authorized.

In Cuba, there are none of the worst forms of child labour mentioned in the report form.

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

The main measures adopted were as follows:

1959: beginning of economic and social change in the country whereby resources were made available so economic and social development plans were drawn up to serve the interests of the people, including the total development of children.

1961: elimination of illiteracy and poliomyelitis. Free access to education and health services for all.

Social care programmes were started in the 1960s and then systematically refined and adapted according to the population's needs.

As part of the process of honing the initial measures adopted in the 1960s, the following should be noted:

- universal education and the establishment of a system that covers every type and level of education for children, young people and adults, and includes special education for those with physical and mental limitations; the building of schools throughout the country, including rural and mountain areas, and a broad training plan for teachers at every level of education;
- health services were introduced for the entire population in the form of preventive, curative, general and specialist care. Medical services were extended throughout the country – urban, rural, and mountainous areas of the country – completely free of charge. Medical personnel and health technicians were generally trained to meet the needs of the population. At present there is one doctor for every 172 inhabitants;
- economic and social development plans that help generate employment in industry, construction, health, education, and services in general. This leads to a better standard of living for mothers and fathers and is conducive to a social environment that favours the total development of children and young people. There are none of the forms of child labour mentioned in the Convention. However, there are youngsters under 17 years of age who secure access to work or those who are, exceptionally, allowed to work and, because of poor academic results, cannot rejoin the education system and are allowed to undertake apprenticeships in enterprises or trade schools. In those cases, the Labour Code and other complementary provisions establish the requisite prohibitions and protection measures to guarantee that they can do so in conditions of health and safety and still achieve their full personal development potential.

Other legislation in force is as follows:

1977: Law on Protection and Health at Work. This law establishes that the minimum working age is 17, and the protection scheme for those who work continues until they are 18 years of age. It establishes restrictions and special protective measures for youngsters who are, exceptionally, authorized to work while serving apprenticeships in production processes at 15 and 16 years of age.

1984: The Labour Code establishes that the capacity to conclude employment contracts is acquired at 17 years of age and prohibits young people from engaging in certain given activities until they are 18 years of age. Youngsters of 15 and 16 years of age may be authorized, as an exception, to begin working in the conditions laid down by law and in compliance with the requirements and restrictions established in the Code.

1991: Joint Resolution No. 2 MINED-CETSS regulates the admission of adolescents who are exceptionally authorized to serve an apprenticeship in a production plant or to attend trade schools because of their poor educational results and their inability to rejoin the education system.

1977: The *Reglamento del Sistema de Inspección Nacional del Trabajo* (Regulations on the National Labour Inspection System) were introduced and in 1982 the *Reglamento*

General de la Inspección Estatal (General Regulations on the State Inspectorate) were established. These provide for inspections to ensure strict compliance with the provisions mentioned and empower the National Labour Inspectorate to take the necessary steps to that end, including administrative penalties and criminal proceedings.

1997: Legislative Decree No. 174 concerning violations, by individuals, of the regulations concerning self-employment. It prohibits the employment of minors, below the age of 17 years, and provides for fines and the withdrawal of licences of persons who violate the prohibition.

1995: Amendments were introduced to the Criminal Code that had been in force since 1987. The aim was to apply heavier penalties for procuring, corruption of children, trafficking in persons and other acts contrary to the total development of the child. The sale of and trafficking in children was also categorized as a crime.

1991: The National Plan of Action for Children was drawn up with the participation of the Ministries of Public Health, Education, Labour and Social Security, the National Institute of Hydraulic Resources, the Ministry for Foreign Affairs and the Ministry for Foreign Investment and Cooperation. The coordinating body has national structures as well as others in the country's 14 provinces. Representatives of civil society also take part in the Standing Working Party, with the *Federación de Mujeres Cubanas* (Cuban Women's Federation), the *Organización de Pioneros José Martí* (JM Pioneers' Organization) and is approved by union organizations and enterprise management circles throughout the country.

The National Plan is periodically reviewed. The system used was designed to have State bodies and NGOs monitor the situation so that any possible violation could be detected in time, independent of the educational machinery in place to teach girls and boys their rights and how to go about lodging complaints and laying claims.

The free compulsory education system, as already explained, is sufficiently developed throughout the country to guarantee free education at the highest levels available, and provides the individual with continuing study at the subsequent level of education according to his/her learning capability and career interest, and to the needs of society. Young people between 14 and 16 years of age who, because of poor results, have dropped out of school may attend trade schools or serve an apprenticeship in an enterprise, depending on the legal requirements laid down concerning training, so as to be in a position to secure employment at 17 years of age.

Recent research by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Cuba produced impressive results concerning the quality of education. The conclusions to that study acknowledged, inter alia, that the determining factors stem from the systematic care taken with children's initial education during the pre-school years, the attention paid to economic and social conditions, families, and the educational level of the parents, particularly the mother.

All children (100 per cent) up to 11 years of age are in school. Education is compulsory for nine (9) grades. Children may continue their education up to higher education free of charge.

In various parts of the country, work is going on to implement specific employment programmes that have been designed to suit the conditions and needs of each territory so as to respond to the population's requirements.

The various programmes within the Social Assistance Scheme, such as the Single Mothers' Care Programme, that provide allowances in service or in cash, are used to attend to those cases that need society's intervention. Without cost to the individuals concerned, there is a half-boarding arrangement provided for children at school or kindergarten, and employment for the mothers fit to work. In this way, social situations that could otherwise jeopardize the children's normal development can be averted.

Cases detected are resolved promptly through social work, which is an institutional response mechanism that operates within each municipality in the country.

Children who are having difficulties at school are given priority attention in any action taken by the Ministry of Education. The aim is first to keep such children in school and then address their learning difficulties by placing them in special schools. When such action fails to produce the expected result, then, as already mentioned, they have the trade schools option open to them or the 14 to 16-year-olds can serve an apprenticeship in a production facility. In the last report on Convention No. 138, figures were given.

Pursuant to CETSS Resolution 4248 of 1985, that established the guidelines of the methods, the organizational and pay standards that govern the technical training of workers and the newly formed workforce, vocational training and the development of occupational skills are guaranteed among young workers through forms of training appropriate to their future occupational activities. Such training courses are organized by enterprises and last, at most, one year.

Those young people who are just joining the workers' ranks, and have 12 grades of schooling behind them, may attend higher education courses for workers that are suited to the profile of the occupational activity in which they are engaged.

Together, these legislative, economic and social measures have an influence on the general public, making people more aware and mobilizing them to reject child labour which, as has already been said, does not exist in our economic and social system. These measures also helped, decades ago, to eliminate the depressing sight of children abandoned in the streets, begging and exposed to every kind of exploitation. There are no children working in the informal sector (working for themselves).

At present, there is a Cooperation Project being executed with the Government of Finland and the United Nations Children's Fund (UNICEF) nationwide so as to make people aware of children's rights within the theoretical framework of the United Nations Convention on the Rights of the Child. This drive involves reaching mothers, fathers, boys, girls, and teaching staff, among others.

Special attention is paid to people with disabilities. The Special Education sub-system of the Ministry of Education is there for children and young people who have physical or mental disabilities. It ensures that pupils with mental, hearing and visual disabilities or who are suffering from strabismus or amblyopia, language difficulties, behavioural problems or who are physically underdeveloped for their age, are not excluded, but may take an active part in both social life and working life.

At present, 57,305 pupils have graduated in Special Education from 428 schools. There are 280 circuit teachers who travel to children's own homes to teach those whose motor disabilities are such that they cannot attend school. On average, there is one educator for two pupils with such difficulties.

As for other sectors, as already stated, youths under 17 years of age are forbidden to work, including self-employment.

The World Health Organization, the OPS, UNICEF and UNESCO have provided valuable cooperation in their respective spheres. This has helped support government action for children. As already said, there is a cooperation project with the Government of Finland and UNICEF to disseminate information on the rights of the child.

Regarding the specific child labour that is dealt with in Convention No. 182, there has been no cooperation because the forms of labour mentioned do not exist in the country.

The last population census was held in 1981 and the minimum age for whom economic activity information was sought was 15 years of age.

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

Please see the earlier replies.

The union organizations and the management of enterprises, like the State Central Administration bodies, have played a major role in decision-making and in supporting and carrying out various plans.

The union organizations at their different levels and particularly in workers' collectives in each enterprise, department, workshop and so on, are empowered to ensure that protection and health measures in the workplace are complied with.

Management of enterprises are committed to complying with provisions concerning the employment of young people, the improvement of work conditions, and safety measures. As well as observing the prohibitions laid down by law, they facilitate the work of the national labour inspectorate which is responsible for monitoring compliance with labour legislation and social security provisions.

In the government plans and measures dealing with the total development of children and young people, in addition to the State bodies already mentioned, the following also participate: civil society as a whole, the Cuban Women's Federation, the José Martí Pioneers' Organization, the Federation of University Students, associations of disabled persons, such as the National Association for the Blind, the National Association for the Deaf and Hearing-Impaired, the Association of Persons with Motor Disabilities, taking action in the community at various levels. They carry out comprehensive activities with the support of the Prevention and Social Care Committees. Mention should also be made of the work of family doctors and nurses, and social workers attached to the Municipal Labour Directorates and to those of the Ministry of Public Health that act in coordination with the systematic monitoring procedures.

Obstacles with respect to the effective abolition of child labour

Although child labour was effectively abolished in our society decades ago, the main obstacles encountered concerned the availability of resources and the economic and trading blockade imposed by the United States about 40 years ago. These have prevented us from achieving higher standards of living for the whole population, including children, which has meant that more effort had to be made to make the general public more aware of the values inherent in human solidarity.

Priority needs for technical cooperation

The Government does not deem it necessary to continue or arrange for new technical cooperation with the ILO with a view to realizing the principle of the effective abolition of child labour.

Report preparation

Reports have been requested from the State Central Administration bodies that participate in child-related plans.

The questionnaire was sent to the *Central de Trabajadores de Cuba* (Workers' Central Organization of Cuba) and the *Grupo de Empleadores Cubanos* (Group of Cuban Employers) who submitted their views and these were taken into consideration in drawing up the replies. Copies of the completed report were sent to them.

Annexes (not reproduced)

- *El Informe Nacional sobre el cumplimiento de las metas establecidas en la Cumbre Mundial en Favor de la Infancia* (the National Report on achieving the targets laid down at the World Summit for Children) August 2000
- *Ministerio de Educación: Los Niños y sus Derechos. Para la Vida No. 1.* (1997) (Children and their rights)
- *Ministerio de Educación. La Educación en Cuba antes y después de la Revolución – folleto, sin fecha* (Ministry of Education. Education in Cuba before and after the Revolution – brochure, no date)
- *Ministerio de Educación. Estadística educacional – folleto, sin fecha* (Ministry of Education. Statistics on education – brochure, no date)
- *La Educación en Cuba a 40 años de la campaña de alfabetización. Pedagogía 2001. Encuentro por la unidad de los educadores latinoamericanos, del 5 al 9 de febrero del 2001* (Education in Cuba after the 40-year literacy campaign. Pedagogy 2001. Meeting for promoting unity among Latin American educators, 5-9 February 2001)

Czech Republic

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution (Constitutional Act No. 23/1991 – Charter of Fundamental Rights and Freedoms (reissued as No. 2/1993)) and in legislation (Act No. 140/1961 – the Penal Code; Act No. 65/1965 – the Labour Code).

There is a national policy or plan aimed at ensuring the effective abolition of child labour. The national plan to combat commercial sexual abuse of children was adopted by the Government of the Czech Republic on 12 July 2000. It is a set of long-term measures aimed at the elimination of the worst form of child labour and related activities – child

trafficking, child prostitution and the abuse of children for pornography production. Among measures included in the Plan are:

- long-term therapeutic work with victims and their families;
- awareness raising on these topics for the public and, more specifically, children;
- emphasis on related problems in the training of experts in social, educational, health and police bodies;
- support for effective forms of social work with children endangered by sexual abuse and related problems;
- support for activities by non-governmental and charity organisations on prevention and victim care; and
- ensuring that victims and witnesses are not victimized during legal procedures.

A proposal for an Act on Child Labour is being prepared and it shall be communicated to the Government in autumn of this year [2001]. It shall contain a general prohibition of child work with the exception of the performance of light work by children of at least 13 years of age. It will also regulate work in family-owned enterprises and cultural, sport or advertising activities. Work by a child will be subject to notification or permission and to labour and occupational safety inspections. The Draft Act is expected to be prepared in January 2002, submitted to the Parliament in March – April 2002 and to enter into force at the end of 2002. Simultaneously the Ministry of Labour and Social Affairs will prepare and submit a draft proposal for the ratification of the Minimum Age Convention, 1973 (No. 138). The Czech Republic ratified ILO Convention No. 182 recently and therefore it shall prepare a national action programme for the elimination of the worst forms of child labour.

Legislation in the Czech Republic establishes a general minimum age for admission to employment. Act No. 65/1965 (Labour Code, Article 11, section 1) states that the general minimum age for admission to employment is 15 years for girls and boys. Section 2 (Article 11 of the Labour Code) allows for the admission to employment of persons 14 years of age if the person has finished their compulsory schooling before their fifteenth birthday. Amendments to the School Act ((No. 171/1990) introduced a new system of compulsory education: compulsory schooling begins the school year following a student's sixth birthday (which may be postponed for one year in some cases), and continues for nine years. This new system makes it virtually impossible to finish compulsory school education before 15 years of age, and, therefore, impossible to enter employment before fifteen years of age. Unfortunately, the amendment of the School Act was not followed by a corresponding amendment of the Labour Code.

The general minimum age established in legislation is limited to *employment based on a contract with an employer* and, as such, it covers all types of work. However there is no legislation concerning the work performed by children up to this age. Therefore it is possible for children to perform work in family enterprises, homework, cultural or sport activities, for example. In such cases, there is a duty imposed on parents based on Article 31 subsection 2 of the Act No. 94/1963 concerning the family, under which the parent is obliged to safeguard thoroughly the interests of the child. Parents have the right to use adequate educational instruments in such a way, that they will not affect a child's dignity and will not jeopardise his/her health, his/her physical, emotional, mental and moral development in any way.

Legislation in the Czech Republic defines hazardous work. Article 39 of the Act No. 258/2000 on the protection of public health defines "hazardous work" as work with the danger of occupational disease or any other disease related to occupation. These are activities categorised in III and IV of the Decree of Ministry of Health No. 89/2001 concerning the conditions for categorising work, and which deals with tests for biological exposure and the reporting of the presence of asbestos and biological agents at work.

Article 167 of the Labour Code provides for the prohibition of certain work to employees under 18 years of age. The Ministry of Health, in Decree No. 261/1997, stipulated further details of work prohibited by the aforementioned article. Among activities explicitly covered by the prohibition are work which is detrimental to a young workers' physical and mental health, and works with higher risk of accidents.

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

Laws and regulations exist in the Czech Republic with the aim of eliminating the worst forms of child labour. Most of the worst forms of child labour, as defined in ILO Convention No. 182, are considered to be criminal acts in the Czech Republic. (Government refers to the consolidated text of Act No. 140/1961, the Penal Code).

With regard to Convention No. 182, Article 3 (d) "work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children" the Government notes that the Ministry of Health, in Decree No. 261/1997 prohibits work which is detrimental to a young workers' physical and mental health, and work with a higher risk of accidents.

As noted elsewhere in the report, steps are currently being taken to amend existing legislation or to introduce new legislation with a view to eliminating the worst forms of child labour.

There is compulsory schooling for children in the Czech Republic. Nine years or grades of instruction are required to complete compulsory education.

Children up to 15 years of age work mainly as newspaper vendors, perform housework (cleaning, washing up etc.), in cultural activities or family-operated enterprises. Sometimes they work in agriculture and advertising.

The following worst forms of child labour are generally believed or suspected to exist in the Czech Republic:

- sale and/or trafficking (boys and girls);
- forced recruitment for armed conflict (boys and girls);
- prostitution (boys and girls);
- pornography (boys and girls);
- illicit activities, in particular production and trafficking of drugs (boys and girls).

There are two articles in the Penal Code covering child trafficking and the trafficking of women. There was one case of child trafficking (illegal adoption in 1994). There are up to 20 victims per year, involving the trafficking of young women under 18 years of age. There is a legislative intention to amend relevant provisions of the Penal Code and to extend the protection to all persons regardless of their sex.

Prostitution in the Czech Republic is not illegal, however it is illegal to have sexual intercourse with persons younger than 15 years of age.

The protection of children from pornography is guaranteed under Articles 205 and 217 of the Penal Code. It is very hard to document particular cases and to prove such illegal activities. About 15-20 victims, of both sexes, are reported each year; several of them are victims of more than one type of criminal activity.

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

Specific measures or programmes of action have been implemented or are envisaged in the Czech Republic to bring about the effective abolition of child labour.

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

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

The following measures to eliminate the worst forms of child labour have been implemented:

- inspection/monitoring mechanisms (more are envisaged);
- penal sanctions;
- civil or administrative sanctions;
- awareness raising/advocacy (more are envisaged);
- international cooperation programmes or projects.

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

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

The Ministry of the Interior is participating in the UN project on “Preventing, Suppressing and Punishing Trafficking in Persons, especially Women and Children”. One of the aims of the project is the creation of a model approach for protecting children in localities in the Czech Republic where children are at greater risk.

The Government does not record the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education;
- sanctions applied to users of child labour.

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

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

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

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

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. It ranks the types of technical cooperation (by order of priority) as follows:

1. legal reform;
2. policy advice;
3. capacity building of responsible government institutions (e.g. labour inspection and administration);
4. training of other officials (e.g. police, judiciary, social workers, teachers);
5. social protection systems;
6. data collection and analysis;
7. inter-institutional coordination;
8. awareness raising, legal literacy and advocacy;
9. sharing of experience across countries/regions;
10. strengthening capacity of employers' and workers' organizations.

The Czech Republic is preparing an Act on Child Labour. Expert consultations on the interpretation and application of certain Articles of ILO Convention No. 138 in some ILO member States would be greatly appreciated.

Report preparation

For the preparation of this report, consultations were held with other governmental agencies, employers' organizations and workers' organizations.

The report form was translated and sent to the Ministry of Interior, Ministry of Education Youth and Sports and the Czech Statistical Office requesting relevant information. It was also sent to the Czech-Moravian Confederation of Trade Unions and Union of Industry of the Czech Republic, the most representative organisations, requesting comments and remarks to be included in the report.

The employers' organizations did not make any comments on the report.

The Czech-Moravian Confederation of Trade Unions states that it fully supports the eradication of child labour. Therefore, it asks for immediate preparation and adoption of the Act on Child Labour and ratification of the ILO Minimum Age Convention, 1973 (No. 138).

The following employers' organizations were sent copies of the report:

- the Union of Industry of the Czech Republic;
- Confederation of Employers' and Entrepreneurs' Unions.

The following workers' organizations were sent copies of the report:

- the Czech-Moravian Confederation of Trade Unions;
- Union of Railway Workers;
- Union of Workers in Agriculture and Food.

Annexes (not reproduced)

- Constitutional Act No. 23/1991 – Charter of Fundamental Rights and Freedoms (reissued as No. 2/1993)
- Act No. 140/1961 – the Penal Code
- Act No. 65/1965 – the Labour Code

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

The Czech Republic has ratified one of the two ILO core Conventions on child labour – i.e. the Worst Forms of Child Labour Convention, 1999 (No. 182). The Minimum Age Convention, 1973 (No. 138) has not been ratified.

The minimum age for admission to employment is 15 years, and 14 years in the cases of graduates from special schools. Education is free and compulsory up to the ages specified.

Except for forced prostitution involving children, child labour does not appear to occur. There is no indication of child labour in the Czech Republic.

The Government of the Czech Republic must ratify and implement Convention No. 138.

Government observations on ICFTU's comments

With regard to the observations made by the International Confederation of Free Trade Unions on the principle of the effective abolition of child labour, under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, we would like to inform the Office of the current situation in the Czech Republic.

The Czech Republic has already ratified seven out of the eight priority [fundamental] ILO Conventions. It is also willing to ratify the last one, the Minimum Age Convention, 1973 (No. 138), immediately after the adoption of new legislation on the work of children.

Draft legislation relating to the Act on the Protection of Children at Work is being prepared by the Ministry of Labour and Social Affairs. It should regulate the work of children under 15 years, which is not yet addressed in the Czech labour legislation. This intention with regard to the legislation shall be communicated to the Government at the end of this year. The Draft Act is expected to be prepared in Spring 2002, submitted to Parliament in March-April 2002 and enter into force at the end of 2002. The Ministry of Labour and Social Affairs will prepare and submit, simultaneously, the proposal for the ratification of ILO Convention No. 138.

Egypt

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution and in legislation.

As regards the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), the Foreign Ministry (Conventions and Legal Affairs Department) has indicated that the necessary measures have been taken and the Convention will be submitted to the Parliament at its forthcoming session.

There is a national policy which aims at ensuring the effective abolition of child labour. The main features of the policy are:

- the setting up of a national steering committee for combating child labour presided over by the Minister of Manpower and Emigration with members from governmental and non-governmental parties concerned with child labour;
- establishment of a specialized department, under the manpower protection and emigration division of the Ministry of Manpower and Emigration, to be in charge of labour inspections relating to matters concerning children and adolescents;
- establishment of similar units in the departments of manpower and emigration in the different districts;
- inspection campaigns, conducted jointly by inspectors of the Ministry and Departments, to follow-up the application of regulations with respect to child labour;

- examination of work accidents and injuries that affect children in order to prevent their occurrence;
- development of special programmes for disseminating information and raising awareness about combating child labour;
- implementation, jointly with other international parties concerned with combating child labour, of field programmes for child labour and upgrading the capacity of those who deal with this phenomenon.

Legislation in Egypt establishes a general minimum age for admission to employment – 14 years for girls and boys.

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

- work performed in a family-owned or -operated enterprise;
- work performed in enterprises of all sizes;
- self-employed work;
- commercial agriculture;
- work performed in export-processing zones.

The general minimum age for admission to employment does not cover the following types of work:

- home work;
- domestic service;
- family and small-scale agriculture;
- light work.

Legislation in Egypt defines hazardous work as any work which might harm the health and development of children. The legislation has prohibited recruitment of children under 15 years in some jobs such as:

- working in the vicinity of ovens in bakeries;
- petrol-refining installation;
- compression of cotton;
- operations of bleaching, dyeing and imprinting textile.

The legislation prohibits the employment of children under 17 years in the following work:

- mines and quarries;
- firecracker production and related industries;

- painting.

The minimum age for engaging in hazardous work is 15 years for girls and boys.

Laws or regulations exist in Egypt with the aim of eliminating the worst forms of child labour.

Steps are not currently being taken to modify existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour.

There is compulsory schooling for children in Egypt. The age of the child at the end of compulsory schooling is 15 years for boys and girls. The number of years or grades of instruction required to complete compulsory education is nine, for boys and girls.

Labour codes and ministerial decrees apply to workers in both the formal and informal sectors.

The following worst forms of child labour do not exist in Egypt:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

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

The following measures to enforce minimum age(s) for employment have been implemented in Egypt to bring about the effective abolition of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy;

- international cooperation programmes or projects.

The Government does not work with any multilateral agencies other than the ILO, bilateral agencies and/or other organizations to combat child labour.

The Government records information in relation to sanctions applied to users of child labour. As far as sanctions applied on the illegal use of child labour are concerned, article 74 of the Child Act No. 12 of 1996 provides for sanctions to be applied to persons violating the law in relation to child labour with a fine of not less than E£100 and up to E£500. There should be as many fines as the number of persons violating the law. In the event of a second offence, the fine will be doubled and no stay of execution would be granted.

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

In the last population census, held in 1996, the lowest age of persons for whom questions about economic activity were asked, was 18 years.

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

Special measures have been undertaken in Egypt that can be regarded as successful examples in the abolition of child labour. There are successful examples of trade union efforts in this field. The most prominent of these efforts are the programmes targeting working children in the district of Fayoun as well as the children of workers in the chemical and textile sectors. The families of those children have been encouraged to develop income-generating projects in cooperation with the ministries concerned, particularly the Ministry of Agriculture.

Obstacles with respect to the effective abolition of child labour

Among the main obstacles encountered with respect to realizing the principle of the effective abolition of child labour is the decreasing living standard in certain sectors of Egyptian society.

Priority needs for technical cooperation

The Government sees a need for new or continued cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation needed are ranked by priority (1 = most important; 2 = second most important, etc), as follows:

- (1) capacity building of responsible government institutions (e.g. labour inspection and administration);
- (2) data collection and analysis;
- (3) strengthening capacity of employers' and workers' organizations;
- (4) employment creation, skills training and income generation;
- (5) training of other officials (e.g. police, judiciary, social workers, teachers);

- (6) social protection systems;
- (7) inter-institutional coordination;
- (8) awareness raising, legal literacy and advocacy;
- (9) sharing of experience across countries/regions;
- (10) special programme for the elimination of the worst forms of child labour.

1. Building the capacity of government institutions (labour inspection and labour administration) by providing material and technical assistance to develop and update child labour inspection systems through contributions to the following activities:

- specialized training programmes for trainers in the field of child labour inspection;
- training programmes for inspectors at the local level, with the participation of leading social actors;
- developing and putting into effect child labour units in labour ministries with the help of specialized experts;
- provision of material aid for the extension of intervention programmes for the care of working children, thereby providing education, health, training, entertainment and social services to working children and their families;
- training labour inspectors to organize awareness-raising campaigns on the occupational risks faced by working children, through seminars, video films and posters, etc.

2. Providing technical expertise in organizing awareness-raising campaigns, at local as well as national levels, to sensitize the public to the risks of child labour and to make the public aware of the importance of education for children. The aims of such a campaign are:

- to change the public perceptions and opinion of child labour;
- raising the awareness of children and their families, for whom these measures are taken, about safe working environments and the need to ensure the protection of workers;
- raising awareness among employers of the laws regulating child labour;
- raising awareness among other active parties and leaders (i.e. religious leaders, teachers and socially specialized persons).

3. Using training on skills and income-generation to:

- involve Egypt in employment-generating programmes and projects executed by the ILO in countries with child labour, such as “Jobs for Africa”;
- provide technical expertise and material contributions to extend income-generating projects, in order to help families manage their own sources of income without including income from their children, especially in the rural areas. This should assist families in marketing their products and developing skills required in the labour market, in order to overcome the problem of unemployment among parents;

- contribute to the development of centers which provide training programmes for children.
4. Data collection and analysis.
 5. Strengthening the capacities of workers' and employers' organizations.

Report preparation

Consultations were not held with other governmental agencies; but there were consultations with employers' and workers' organizations. Workers' organizations made comments on the report.

Copies of this report were sent to:

- the Federation of Egyptian Industries; and
- the Federation of Egyptian Trade Unions (FETU).

Observations received from employers' and workers' organizations:

The Federation of Egyptian Trade Unions (FETU)

Since 1994, the Federation of Egyptian Trade Unions (FETU) has been eager to establish a branch within the secretariat of working women in the Federation, which would be responsible for child labour. Through this organizational structure, coordination and cooperation between the Federation and its trade unions, as well as cooperation with the official government institutions, would ensure, as appropriate, the reduction of child labour and the improvement of working conditions of those children who work, particularly in agriculture.

The Federation of Egyptian Trade Unions seeks the reduction of child employment through awareness-raising campaigns, mobilizing public opinion and preparing special programmes aimed at children, and by providing young workers with vocational and skills training. The FETU is represented in the high-level national committee for the reduction of child labour presided over by His Excellency, the Minister of Manpower and Emigration. The Committee has tripartite representation and local associations, concerned with this issue, are involved.

Estonia

Government

Recognition of the principle of the effective abolition of child labour

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

The new draft of the Employment Contracts Act was submitted to Parliament for adoption and has passed the first reading. It is expected that this Act will be adopted by Parliament by the end of 2001. Child labour is defined in the Employment Contracts Act, section 2.

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

In exceptional cases, an employee may be:

- a minor who has attained 15 years of age, has obtained the written consent of one parent or guardian, and does work which would not endanger the health, morality or education of the minor. The work must not be prohibited for minors by law or collective agreement;
- a minor of 13 to 15 years of age, who has obtained the written consent of one parent or a guardian and the labour inspector to engage in work set out in a list approved by the Government of the Republic. The work must not endanger the health, morality or education of the minor and must not be 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 Forced Labour Convention, 1930 (No. 29) and Abolition of Forced Labour Convention, 1957 (No. 105) and the UN Convention on the Rights of the Child (in force in Estonia since 20 November 1991). The Worst Forms of Child Labour Convention, 1999 (No. 182) was ratified by Parliament on 13 June 2001 [registered at the ILO on 24 September 2001]. The Government and social partners do not consider child labour to be a problem in Estonia. Generally, the Employment Contracts Act is fully respected, and no cases of violations have been brought to the courts. Children work only during school holidays and in activities approved by the law.

The age limit for engaging in dangerous work is higher than those mentioned earlier.

Government Regulation (No. 214 of 1992) concerning the implementation of the decision on the application of the Estonian Employment Contracts Act establishes a list of difficult activities and work which are considered dangerous to health, and involve dangerous conditions. The employment of underage persons in such occupations or activities is forbidden. By government regulation, work that endangers the morality and ethics of children are also forbidden. The types of work are specified in the Regulations.

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 on family farms, in a family enterprise, in a family farm enterprise and household work involving parents, spouses or children in a common household.

In line with Government Regulation No. 214, a separate list of activities considered to be “light work” has been drawn up 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 or other sanctions are

provided for, in keeping with paragraph 135 of the Criminal Law (upon breach of labour protection regulations) and paragraph 34 of the Administrative Law (upon breach of labour law provisions). A draft act on similar penalties will be submitted to Parliament next year.

Problems related 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 realize the effective abolition of child labour

The problem of child labour does not exist. A rapid assessment of child labour will begin in October 2001, in cooperation with the ILO's International Programme on the Elimination of Child Labour (IPEC).

The Government does not see child labour as a problem. However, if the research reveals evidence of the worst forms of child labour or bad working conditions, we shall develop a programme of measures to overcome the problem.

Research on child labour will be carried out with the assistance of the United Nations Development Programme (UNDP) Office in Tallinn.

Report preparation

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

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

Ethiopia

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution as well as in legislation. Ethiopia has ratified the Minimum Age Convention, 1973 (No. 138). Its provisions are, therefore, reflected in the national law.

There is a national policy aimed at ensuring the effective abolition of child labour in the form of a National Plan of Action for Women and Children. It incorporates child labour because it targets children in difficult circumstances. The objective of the Plan of Action is to tackle the causes of child labour and remove children from this plight.

The legislation has established a general minimum age for admission to employment. It is 14 years for girls and boys.

The general minimum age covers the following types of work:

- work performed in enterprises below a certain size;
- home work;

- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work;
- work performed in export processing zones;
- all types of work based on a formal employment relationship.

Ethiopian legislation defines hazardous work as work, which, by its nature, jeopardizes the health, safety, and future development of children. The minimum age for engaging in hazardous work is 18 years for girls and boys.

There are laws and regulations with the aim of eliminating the worst forms of child labour. There is a Directive which specifies the types of work in which children below the age of 18 cannot engage.

There are steps currently being undertaken to modify existing legislation to address the elimination of the worst forms of child labour. Apart from the labour legislation that appropriately addresses the issue, the civil code and criminal law are also being amended, to address this issue.

Schooling is compulsory for children in Ethiopia. The age of the child at the end of compulsory schooling is 14, for girls and boys, and the number of years required to complete compulsory schooling is eight years for girls and boys.

Concerning the situation in practice with respect to child labour, it can be stated that information is scarce, but a national survey undertaken in March 2000 is going to provide the necessary data.

None of the following worst forms of child labour exists in Ethiopia:

- forced recruitment for armed conflict;
- pornography.

It is not known whether any of the following worst forms of child labour exist in Ethiopia:

- sale and/or trafficking;
- prostitution.

The following worst forms of child labour are suspected to exist in Ethiopia:

- debt bondage, serfdom, forced or compulsory labour (girls and boys);
- illicit activities, in particular production and trafficking of drugs (girls and boys);
- other forms: children in hazardous work and in working conditions described as hazardous in the relevant ministerial directives.

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

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

- legal reform;
- inspection/monitoring mechanisms;
- special institutional machinery;
- employment creation/income generation (in cooperation with non-governmental organizations (NGOs));
- social assistance (e.g. stipends, subsidies, vouchers) (in cooperation with NGOs);
- child rehabilitation following removal from work (in cooperation with NGOs);
- vocational and skills training for young workers (in cooperation with NGOs);
- awareness raising/advocacy.

Penal sanctions to enforce minimum age for employment are envisaged.

The following measures to eliminate the worst forms of child labour have been implemented:

- inspection/monitoring mechanisms;
- special institutional machinery.

Legal reform is envisaged to eliminate the worst forms of child labour.

These measures or programmes target children engaged in the worst forms of child labour, working street children, domestic workers as well as children who lost their kin due to HIV/AIDS.

Concerning the involvement of workers' and employers' organizations in the development and implementation of particular measures and programmes, the following can be stated: the workers' organizations have carried out surveys in selected plantations and designed appropriate intervention mechanisms based on their results. The measures resulting from these activities include awareness-raising programmes for the communities near to the plantations as well as for the families of working children.

The Government works with multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour. The United Nations Children's Fund (UNICEF) has some projects on child labour in Ethiopia.

The Government does not yet record information in relation to the abolition of child labour as the appropriate mechanisms for doing so are not yet established.

A survey that provides statistical information on the extent and/or nature of child work was carried out in March 2000. However, the published results are not yet available.

In the last population census, held in 1994, the lowest age of persons for whom questions were asked about economic activity was ten years.

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

There have been special measures in Ethiopia that can be regarded as successful examples in the abolition of child labour. A national forum aimed at unifying national efforts to combat child labour has been established.

Obstacles with respect to the effective abolition of child labour

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

- widespread poverty;
- cultural beliefs that consider children to be an important input in terms of labour, particularly in the rural areas;
- scarcity or absence of welfare and protection services, schools, health sanitation services;
- lack of awareness of the negative consequences of child labour.

Priority needs for technical cooperation

There is need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation, in order of priority (1 = most important, 2 = second most important, etc.), are:

- (1) capacity building of responsible government institutions (e.g. labour inspection and administration);
- (2) special programme for the elimination of the worst forms of child labour;
- (3) awareness raising, legal literacy and advocacy;
- (4) policy advice;
- (5) legal reform;
- (6) training of other officials (e.g. police, judiciary, social workers, teachers);
- (7) data collection and analysis;
- (8) strengthening capacity of employers' and workers' organizations;
- (9) employment creation, skills training and income generation;
- (10) inter-institutional coordination;
- (11) cross-border cooperation mechanisms;
- (12) sharing of experiences across countries/regions;

(13) social protection systems.

Report preparation

Regarding the preparation of this report, other government agencies as well as employers' and workers' organizations were consulted. The latter two provided comments in the form of their own reports.

The following employers' and workers' organizations have been sent copies of the report:

- the Ethiopian Employers' Federation (EEF); and
- the Confederation of Ethiopian Trade Unions (CETU).

Gabon

Government

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

Since 9 March 2001, when the follow-up report was submitted on the ILO Declaration on Fundamental Principles and Rights at Work (GB.280/3/2), a certain number of measures have been taken by the Government with a view to eliminating the deplorable problem of trafficking in children for child labour.

Hence, in April 2001, pursuant to the provisions of article 51 of the Constitution and section 117 of the Labour Code, the Council of Ministers adopted a draft Decree on "Combating work among minors". This Decree establishes certain practical measures, such as reporting any act that constitutes the employment of a minor, placing 16-year-olds who were found to be exploited for work purposes in hostels or transit centres (half-way houses), repatriating foreign children to their country of origin at the expense of their erstwhile guardian(s) or employer(s).

Yet more recently, the Council of Ministers on 13 August 2001, adopted a draft Ordinance which amends and supplements some provisions of the Criminal Code relating to trade, making or accepting pledges relating to children under 16 years of age, as well as trafficking in and exploiting them.

Under the terms of this Ordinance, "anyone who organizes, recruits or otherwise facilitates in the trafficking in children, among other things, by transporting children, bringing them into the national territory, receiving, harbouring, selling, unlawfully employing them or in any way deriving benefit therefrom, shall be punished with a prison sentence and a fine of between 10 to 20 million CFA francs". In accordance with the provisions of articles 6, 48 and 49 of the Criminal Code, accomplices and instigators shall face the same penalties as the prime offenders and shall not qualify for a suspended or deferred sentence.

Immigration officials and labour inspectors, within their respective spheres of competence, shall be responsible for ensuring that these two instruments are implemented.

Report preparation

Copies of this report were sent to:

- the Confederation of Gabonese Employers (CPG);
- the National Confederation of Gabonese Employers (CNPG);
- the Gabonese Confederation of Free Trade Unions (CGSL);
- the Gabonese Trade Union Confederation (COSYGA);
- the Trade Union Congress of Gabon (CSG); and
- the Union of Gabonese Workers (UGT).

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

Gabon ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) in 2001, but has not ratified the Minimum Age Convention, 1973 (No. 138). The minimum age for employment is 16, and while education until this age is free – not including the cost of incidentals such as books and supplies – there is low secondary school attendance rate. Child labour is widespread, with a reported 19,000 to 20,000 economically active children between the ages of ten and fourteen. The lack of enforcement and inspection capacity in the Ministry of Labour means that many children work as domestic servants and in marketplaces. Complaints of child labour are not investigated, and violations are often not punished. Forced child labour, and the trafficking of children to Gabon from other countries in the region, is a serious problem. Forced labour involving children is a serious problem in Gabon. Many of the children working in agriculture, marketplaces, as domestic servants and in prostitution, are not Gabonese and have been trafficked to Gabon from other west and central African States. These child slaves are often victims of sexual abuse, and there are serious allegations that government officials are complicit in the trafficking of children in Gabon. Child labour is widespread, in both rural and urban areas. There is a serious lack of capacity in the Ministry of Labour to address the problem. Trafficking of children between west and central African countries continues [for the purpose of forced labour].

Government observations on ICFTU's comments

The following comments are aimed at situating child labour in Gabon in context and showing the efforts made by Gabon in its search for solutions designed to put an end to the trafficking of children and child labour in our country.

Child labour is an emerging and complex phenomenon in Gabon, and is a result of the introduction by foreign communities of certain cultural practices from their countries of origin.

The recourse to child labour emerged in the country a few years ago with the rise of the informal sector and it is today very difficult to control. This issue is closely linked to trafficking. The trafficking of children in Gabon is a “cross-border” phenomenon from countries in West Africa into Gabon.

Trafficking and child labour in Gabon, as is the case in the entire subregion, are difficult to measure because of their clandestine nature. Trafficking networks use various strategies and operate underground to attain their immoral objectives.

The conclusions of surveys carried out on this issue show that the children who are victims of trafficking are foreign children originating from the same community as the traffickers, and that the internal trafficking of children within the indigenous population does not exist. Similarly, the UNICEF report entitled "*Le trafic à Libreville*" (Trafficking to Libreville) shows that trafficking involves mainly the West African community and that the majority of persons trafficking in children are women.

[Details concerning the nationalities of adults implicated in the trafficking of children are provided.]

In the light of this information, it would appear that the eradication of this scourge could only be realized if there is increased international collaboration and strengthening of efforts at the national and subregional levels.

The awareness of this phenomenon in Gabon has led the Government of the Republic to make the fight against this form of modern-day slavery one of its key concerns, because this constitutes a heinous practice which is not in keeping with our traditions and legislation. This is an outrageous situation which can, in no way, be justified and it must be stopped as soon as possible.

As with all emerging problems, it is important for Government of Gabon to increase its awareness of it with a view to its eradication.

To this end, the Government, together with UNICEF and the ILO, organized, from 22-24 February 2000, the Subregional Consultation on the Development of Strategies to Fight Child Trafficking for exploitative labour purposes in West and Central Africa", which concluded with the adoption of the "Libreville Appeal" and a Common Platform for action in this area.

The Government, during its Council of Ministers' meeting on 6 July 2000, adopted this Platform and took a number of steps, such as the establishment of an Interministerial Committee with responsibility for implementing the recommendations of the Platform and a follow-up Committee comprising specialists attached to the Interministerial Committee, to give effect to its recommendations and to set up a shelter and a rehabilitation centre for children in need.

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

As regards the Minimum Age Convention, 1973 (No 138) which has not yet been ratified, it must be borne in mind that Gabonese legislation already has a number of provisions relating to the minimum age for admission to employment. For example, section No. 177 of the Labour Code states that "children may not be employed in any enterprise before the age of 16" and section 6 prohibits the employment of children in "work which is not suitable for them because of their age, state, or condition, or which prevents them from receiving compulsory schooling".

Other measures have also been taken with a view to preventing this scourge, as well as protecting and rehabilitating children. These are designed to strengthen the existing

legal provisions: a decree prohibiting work by minors giving effect to the Labour Code which authorizes the security forces and the labour inspectors, under the authority of the Attorney-General, to apprehend all persons employing minors; an ordinance amending the Penal Code to severely punish those who engage in the trafficking of children.

There is also a draft subregional agreement relating to the repatriation of the children concerned, under humane conditions, which has been drawn up with the support of the ILO and submitted to governments of countries in the subregion.

Today, more than ever, it is important to pool the efforts of everyone with a view to eliminating this terrible problem, and encouraging cooperation among the States of the subregion in order to harmonize the regulations and legal procedures, on the one hand, and to consolidate their national strategies, on the other.

This is the only way that this scourge, which is ruining the hopes of African youth and endangering social and economic development in the subregion, can be tackled.

Georgia

Government

Recognition of the principle of the effective abolition of child labour

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

There is no national policy or plan, at present, aimed at ensuring the effective abolition of child labour. However, the Government intends to adopt such a policy and/or plan by 2002.

The Government of Georgia intends to expand on the measures undertaken for the elimination of the worst forms of child labour, by ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182) and with the active support of the ILO.

The general minimum age for admission to employment for both girls and boys, as established by legislation, is 15 years. This general minimum age is recognized with respect to the following types of work: homework; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; work performed in export processing zones and work performed in enterprises with the following characteristics:

- industry: 40 employees and an annual turnover of 500,000 laries;
- construction: 20 employees and an annual turnover of 300,000 laries;
- transport and communication: 20 employees and an annual turnover of 200,000 laries;
- agriculture: 20 employees and an annual turnover of 150,000 laries;
- trade: 10 employees and an annual turnover of 50,000 laries;
- education, culture and health care: 25 employees and an annual turnover of 60,000 laries;

- other economic activities: 15 employees and an annual turnover of 100,000 laries.

The category of work described as “work performed in a family-owned or -operated enterprise” does not exist in Georgia.

Hazardous work is defined in the legislation. Article 169 of the Labour Code of Georgia states that the employment of persons under 18 years to engage in hazardous work is prohibited, particularly in work involving: medical, bacteriological and biological preparations and the use of medical, bacteriological and biological materials; welding, shipbuilding and ship repairs; construction and the erection of structures.

It is also prohibited in the following fields: the automobile industry; the metal-works industry; the electromechanical industry; radio and electrical industries; the aviation industry and repair work undertaken in that industry; the construction materials industry; ceramic, china, porcelain and glass industries; wood-work and paper industries and light and textile industries.

The Inter-Organizational Decree of 27 April 1998 lists and defines the types of work where the employment of persons less than 18 years, is prohibited.

Furthermore, the minimum age is stated as 16 years in the Rules for the Technical Exploitation of Railway Transport in Georgia (1999), the Rules for the Certification of Civil Aviation Specialists and for their Re-qualification on a New Technique (1999) and the Rules for the Technical Exploitation of the Tbilisi Underground Transport. These Rules list and define positions and occupations where persons under 18 years are not to be engaged.

Laws and regulations for the elimination of the worst forms of child labour, exist in Georgia. The Constitution of Georgia protects universal human rights. The rights of children are part of these human rights, thus the Constitution guarantees the protection of the rights of children.

Several Acts, which provide for the elimination of the worst forms of child labour, have been adopted on the basis of the Constitution.

The Criminal Code determines responsibilities for “the involvement of underage persons in prostitution and other forms of sexual exploitation” (Article 171); “the involvement of underage persons in other undesirable social activities” (Article 171 paragraph (e)) and “for the sale of underage persons” (Article 172).

Chapter XXXIII, entitled “Narcotic Substances,” Articles 271 and 272 of the same Code determine responsibilities for giving a flat or any other area, to underage persons who intend to use and encourage the use of drugs in that area.

Chapter LXIII, entitled “For Crimes Committed by Underage Persons,” of the same Code, protects the rights and interests of underage persons as defined by law.

Steps are currently being taken to modify existing legislation and to introduce new legislation to address the elimination of the worst forms of child labour. Work is currently being undertaken, in Georgia, to amend the Labour Code. It will reflect more precisely the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182). For instance, unlike the existing Labour Code, it will prohibit and define the worst forms of child labour. The new draft Code states, “it is not permitted to hire underage persons in: game houses; night clubs; cabarets and in the production of pornographic material; and for the

production of drugs and toxic materials; and prostitution. These types of work may damage the health and morals of underage persons”.

The Parliament is studying the draft Law on the protection of underage persons from possible bad influences, prepared by the State Department for Youth Affairs. The draft Law prohibits the consumption of alcoholic beverages, beer and tobacco by underage persons. It also prohibits underage persons from working in nightclubs, bars, restaurants and other similar locations.

There is no list compiling the types of work and occupations, which may cause injury to human health, especially, children’s health. The creation of such a list and the identification of such jobs will be priorities in the legislative reform process.

There is compulsory schooling for children in Georgia. The age for both girls and boys at the end of compulsory schooling is 14 years. Both boys and girls are required to complete six years of compulsory preliminary education.

The analysis of the existing situation with respect to child labour in Georgia is based on the following: the results of selective research conducted by the Georgia State Department of Statistics; reports of the Georgia State Department for Youth Affairs; and information from non-governmental organizations (NGOs) working on child-related problems.

The 1999-2000 selective research on labour activity of economically active seven to 17 year-olds, was conducted by the Georgia State Department of Statistics. The results were the following:

Table 1. Distribution of seven to 17 year-olds, by age group

Age group	Number of children	Percentage of total
7-8	141 200	17.0
9-11	214 500	25.8
12-14	237 800	28.7
15-17	236 600	28.5
Total	830 100	100.0

Source: Compiled on the basis of data contained in the Government's report.

Table 2. Activities of 7 to 17 year-olds

Activity	Percentage of total	Activity	Percentage
Studying only	47.6	Economic activities (total)	4.5
Working only	51.0	Economic activities in households (percentage of economic activities (total))	50.9
Neither studying nor working	1.4		
Total	100.0		

Source: Compiled on the basis of data contained in the Government's report.

Table 3. Involvement in economic activities by age group

Age group	Percentage		
	Economic activities (total)	Economic activities in households (percentage of economic activities (total))	Not studying (percentage of economic activities (total))
12 – 14	0.4	66.3	1.9
15 – 17	7.6	61.9	10.2

Source: Compiled on the basis of data contained in the Government's report.

Table 4. Involvement in economic activities by gender

Gender	Number	Percentage of total	Economic activities (percentage of total)	Economic activities in households (percentage of economic activities (total))	Not studying (percentage of economic activities (total))
Female	406 900	49.1	3.8	61.1	5.0
Male	422 700	50.9	5.2	41.1	5.2
Total	829 600	100.0			

Source: Compiled on the basis of data contained in the Government's report.

Table 5. Employment by branches of the economy

Branches of the economy	Percentage
Agriculture	70.3
Industry	3.6
Construction	1.4
Technical service	15.2
Transport and communication	1.2
Education	0.5
Other branches	7.8

Source: Compiled on the basis of data contained in the Government's report.

The average number of working hours for employed adolescents is 5.8 hours a day.

Today, the country is marked mainly by children employed in the informal sector, where the compensation is relatively high. In the last years, the social phenomena of begging (which, in an organized form, is categorized under the informal sector) has risen to serious heights.

Unfortunately, Georgia does not systematically monitor the use of the worst forms of child labour, so the information presented in this report is incomplete. There has not been sufficient research undertaken on the identification of the reasons for the use of child labour in Georgia. These reasons could serve as the basis for addressing the issue of the elimination of the worst forms of child labour in Georgia.

The Government does not know if any of the following worst forms of child labour exist: sale and/trafficking; debt bondage, serfdom, forced or compulsory labour; forced

recruitment for armed conflict; prostitution; pornography; illicit activities, in particular production and trafficking of drugs and other worst forms of child labour.

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

Measures implemented to enforce minimum age(s) for employment include legal reform, inspection/monitoring mechanisms, penal sanctions, civil or administrative sanctions, employment creation/income generation and social assistance (e.g. stipends, subsidies, vouchers).

We envisage using child rehabilitation (following the removal of a child or children from work) as a measure to enforce minimum age(s) for employment.

Measures implemented to eliminate the worst forms of child labour include legal reform, inspection/monitoring mechanisms, penal sanctions and civil or administrative sanctions and social assistance (e.g. stipends, subsidies, vouchers).

Measures envisaged to eliminate the worst forms of child labour include legal reform and child rehabilitation (following the removal of a child or children from work).

According to article 167 of the Labour Code of Georgia, the minimum age for employment has been changed from 16 years to 15 years. This change was engendered by reforms in the education system.

The new Criminal Code, adopted in 1999, determines penalties for the following:

- involving underage persons in prostitution or other types of sexual exploitation;
- buying and selling underage persons or treating them in any manner that is considered illegal;
- taking underage persons abroad illegally, involving them in criminal activities or other anti-social activities;
- producing pornographic materials or carrying out other illegal activities.

The Rules for the Technical Exploitation of Railway Transport in Georgia (1999), the Rules for the Certification of Civil Aviation Specialists and for their Re-qualification on a New Technique (1999) and the Rules for the Technical Exploitation of the Tbilisi Underground Transport, which state that the minimum age for employment is 16 years, have been accepted. These Rules define and list positions and occupations where persons under 18 are not to be engaged.

According to the Administrative Code of Georgia, labour inspectors from the Ministry of Labour, Health and Social Affairs of Georgia, are responsible for the effective elimination of child labour and, according to article 42 they are to use administrative and economic sanctions in cases of violations of the labour legislation.

As stated earlier in the report, work is currently being undertaken to amend the Labour Code of Georgia. There will be provisions along the lines of the principles concerning the effective elimination of child labour. The Criminal Code of Georgia and all other normative instruments regarding child labour will also need to be amended.

The child social rehabilitation programme will be expanded to form part of a poverty alleviation programme, which is being run by the World Bank.

Special attention was given (and will be given) to the needs of particular groups of children (including, if appropriate, those working in the informal sector) in the measures and programmes of action, which have been either implemented or are envisaged, for the effective abolition of child labour.

The preliminary consultations with workers' and employers' organizations to gain their consent for legislative initiatives regarding the elimination of the worst forms of child labour, are under way.

The Government works with multilateral agencies other than the ILO, bilateral donors and/or other organization to combat child labour. The Government's collaboration with the Children's Fund [United Nations Children's Fund (UNICEF)] has been of an educational nature. For instance, pupils enrolled in Georgian schools learn the Human Rights Convention [the Universal Declaration of Human Rights] in frames defined by ten main principles. Special programmes on Georgian Radio and Television explain to parents and children their rights and duties as defined in the Declaration of Children Rights [the United Nations Convention on the Rights of the Child].

The Government records the following information in relation to the abolition of child labour: the number of children withdrawn from child labour; the number of ex-child labourers pursuing formal or non-formal education; and the sanctions applied to users of child labour.

Article 42 of the Administrative Code of Georgia provides for administrative sanctions against anyone found breaking the labour legislation and the labour protection regulations and, according to Article 215, labour inspectors from the Ministry of Labour, Health and Social Affairs of Georgia can invoke these sanctions.

During a six-month survey of over 700 enterprises, in 2001, only three cases of child labour were discovered. There had been no violations of the Labour Code, therefore, no economic or administrative sanctions were imposed.

Occasionally, the Government undertakes surveys that provide statistical information on the extent and/or nature of child work. The last survey undertaken was for the 1999-2000 period. The results of these surveys were presented by sex, age, occupation, type of activity and the number of hours worked.

The Government does not have any information on the lowest age of persons for whom questions were asked about economic activity, in the last population census, which was held in 1989.

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

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

Obstacles with respect to the effective abolition of child labour

There is no information on the main obstacles encountered in our country with respect to realizing the principle of the effective abolition of child labour.

Priority needs for technical cooperation

The Government sees a need for new/continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The Government considers all the types of technical cooperation most important.

These are: legal reform; policy advice; capacity building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); data collection and analysis; strengthening capacity of employers' and workers' organizations; employment creation, skills training and income generation; social protection systems; awareness raising; legal literacy and advocacy; sharing of experience across countries/regions; cross-border cooperation mechanisms; inter-institutional coordination; and a special programme for the elimination of the worst forms of child labour.

Report preparation

Other governmental agencies, employers' organizations and workers' organizations were consulted during the preparation of this report.

Copies of this report were sent to the following employers' organizations:

- the Tax Payers' Union of Georgia; and
- the Union of Georgian Businessmen.

Copies of this report were also sent to the following workers' organizations:

- the Georgian Confederation of Free Trade Unions; and
- the Georgian Trade Union Amalgamation.

Comments were made on this report by employers' and workers' organizations.

Germany

Government

Recognition of the principle of the effective abolition of child labour

Germany ratified the Minimum Age Convention, 1973 (No. 138) in 1976. Therefore, the report form sent with the Director-General's communication of 25 May 2001 has been completed only in as much as it concerns the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182). Supplementary information on the observance of this category of principles can be found in the Government's report on the implementation of the Minimum Age Convention, 1973 (No. 138). As regards the situation with respect to child labour, including the informal sector if appropriate, we refer you to the Federal Government's report of 2 June 2000 on child labour in Germany (*Bundestag report 14/3500*). It states: "At its sitting on 5 December 1996, the German Lower Chamber of Parliament (*Bundestag*) called on the Government to present a report on child labour in Germany three years after the entry into force of the Second Act to amend the Young

Persons (Protection of Employment) Act of 24 February 1997 (*Bundesgesetzblatt* I p. 311).”

With the entry into force of the amending Act on 1 March 1997, the Government gave full effect, in national law, to Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (Official Journal L216, 20 August 1994). The Directive requires Member States of the European Community to take the necessary measures for the general prohibition of child labour and to provide adequate protection for young workers. The issues covered by the Act of 1997 include the following:

1. recorded contraventions of the regulations (by *Länder*);
2. exceptional authorization for the employment of children in the cultural and media sectors;
3. experiences of the labour protection authority;
4. attitude of parents, children and employers to the regulations on the employment of children;
5. public education and information activities; and
6. the views of organizations.

[Extracted from the German Bundestag 14th Electoral Period Parliamentary Report 14/3500: Report of the Federal Government on child labour in Germany, annexes, not reproduced.]

On 21 February 2001, following consultations with the organizations concerned, in particular the Confederation of German Employers' Associations and the National Council of the German Confederation of Trade Unions, the Federal Government decided to introduce a Bill concerning the Worst Forms of Child Labour Convention, 1999 (No. 182) before the Upper Chamber (*Bundesrat*) and the Lower Chamber (*Bundestag*) of the German Parliament. The Bill was given a first reading at the *Bundesrat* on 11 May 2001, and the *Bundestag* passed the Bill in its second and third (final) readings on 5 July 2001. The second (final) reading in the *Bundesrat* will take place immediately after the summer recess. It can be assumed that the *Bundesrat* will pass the Bill at its second reading, as it did at the first reading. This should allow for the instrument of ratification to be deposited before the end of 2001.

The *Bundestag*'s Bill regarding the Worst Forms of Child Labour Convention, 1999 (No. 182) is attached to this report (not reproduced). The comments in the introductory remarks on the Worst Forms of Child Labour Convention, 1999 (No. 182), should be taken into consideration when assessing the responses to the questions on the report form.

According to the aforementioned Government report on child labour in Germany, the employment of children and young people of (full-time) school age is subject to the Federal Act to protect young working persons.

As a general principle, the employment of children is prohibited. This principle also applies to all young people who are of an age where full-time school attendance is compulsory, since they are covered by the same provisions as children.

A “child” is defined in the law as a person who has not yet reached the age of 15 years. A “young person” is defined as a person who has reached the age of 15 years but not

reached the age of 18. Compulsory schooling lasts nine or ten years, depending on the individual *Länder*. The prohibition on the employment of children and young people of compulsory school age does not apply to employment undertaken as part of occupational therapy, work carried out while in full-time education, or under the terms of a court ruling. Young people of compulsory school age may be employed during school holidays, but for no more than four weeks per year.

Children who have reached the age of 13 years may take up employment under certain conditions. In order to work, the consent of their parents or legal guardian is required, and the work is subject to restrictions. Children may not work for more than two hours per day (three hours in family-run farming enterprises). They may work between eight o'clock in the morning and six o'clock in the evening only, and not before or during school hours. Children cannot work more than five days a week, and never on Saturdays, Sundays or public holidays. They are allowed to perform only light work suited to their circumstances – in other words, work which does not adversely affect their safety, health, development, school attendance, participation in career guidance activities and vocational training, or their ability to benefit from the training given.

Hazardous work is defined in the legislation. Section 22 of the Federal Act to protect young working persons (*Jugendarbeitsschutzgesetz*) defines hazardous work as any work which has the following characteristics:

- (1) exceeds the physical or mental capacity of young people;
- (2) exposes young people to moral dangers;
- (3) carries the risk of accidents;
- (4) jeopardizes the health of young people through exposure to excessive heat, cold or damp conditions;
- (5) exposes young people to potentially harmful effects of noise, physical shocks or radiation;
- (6) exposes young people to potentially harmful substances covered by the Chemicals Act (*Chemikaliengesetz*);
- (7) exposes young people to biological agents covered by Council Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work.

The minimum age for engaging in hazardous work is 15 years for both girls and boys.

“Since the Federal Act to protect young working persons generally met the Directive’s requirements with regard to the protection of children and young people from risks to their health, safety and development, the implementation of the Directive in national law required only partial amendments to the Act, (for example, as regards the minimum age for admission to employment).” (Extracted from the German Bundestag 14th Electoral Period Parliamentary Report 14/3500: Report of the Federal Government on child labour in Germany, in the annexes, not reproduced).

Young people may not be employed in the hazardous activities enumerated in section 22 of the Federal Act to protect young working persons (*Jugendarbeitsschutzgesetz*). Exceptions are allowed with respect to activities (3) to (7), provided that the young people

in question have passed the age of compulsory full-time schooling and that the following conditions are met:

1. the activity in question is a necessary part of their training;
2. they are provided with adequate protection through the supervision of a specialist; and
3. the concentration of harmful substances in the air does not exceed the maximum allowed.

However, it is prohibited to employ young people to handle group 3 and group 4 biological agents as defined in EC Directive 90/679. Where young people work in an undertaking where there is a company doctor or expert responsible for occupational safety and health, they must be given adequate supervision and instructions on safety and health.

There are laws and regulations in Germany for eliminating the worst forms of child labour. Debt bondage and servitude are clear violations of human rights (not only in the case of persons below the age of 18 years). They are also contrary to Germany's Basic Law which contains the following provisions prohibiting forced and compulsory labour:

Section 12 [freedom of occupation]

- (1) [...]
- (2) No one shall be compelled to perform a given type of work, except for traditional compulsory public service.
- (3) Forced labour is allowed only in connection with a judicial custodial sentence.

Thus, these provisions (as the Constitutional Court has also ruled) do not exclude limited compulsory work ordered by a judge under the Act relating to juvenile courts (*Jugendgerichtsgesetz*), solely as an educational measure in response to an offence committed by a young person.

The worst forms of child labour have been expressly prohibited in Germany for many years for all persons below the age of 18 years. [The Government of Germany makes reference to sections 5, 6, 7, 22, 23 and 24 of the Federal Act to protect young working persons (*Jugendarbeitsschutzgesetz*), which cover the following subjects: section 5 "Prohibition of employment of Children"; section 6 "Official exemptions for performances"; section 7 "Employment of children not enrolled in compulsory full-time schooling"; section 22 "Hazardous work"; section 23 "Piece work; work in which payment increases with the pace of work"; section 24 "Underground work."]

The types of work, which children of 13 years [and above] are permitted to perform, are listed in the Order relating to the protection of children at work (*Kinderarbeitschutzverordnung*) of 23 June 1998 (*Bundesgesetzblatt I* p. 1508). They include certain services in private homes (child care, helping with school work, shopping), work on farms, help with sports activities and with non-commercial activities involving churches, religious groups, associations, societies or political parties. Work in the commercial sector is generally prohibited, with the exception of newspaper delivery or the distribution of advertising newspapers and other publicity material. Even in jobs where children are permitted to work, the work must be light and suitable for children. It must not involve the lifting of heavy loads or pose any particular risk of an accident, and potential damage to the child's posture.

Children who are no longer required to attend school on a full-time basis, may be employed to do work in the context of vocational training, subject to the general provisions applicable to the employment of young people. Outside vocational training, they may be employed to do appropriate light work for up to seven hours a day and for 35 hours a week." (Extracted from the German Bundestag 14th Electoral Period Parliamentary Report 14/3500: Report of the Federal Government on child labour in Germany, in the annexes, not reproduced).

There are no steps currently being taken to modify existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour. There is no need for any gradual amendment to the laws in Germany to address the elimination of any of the worst forms of child labour.

The following worst forms of child labour do not exist in Germany: debt bondage, serfdom, forced or compulsory labour.

It is not possible to give any reliable estimate of the extent of child labour in Germany, either on the basis of prosecution statistics or police data. Police statistics for 1999 indicate that 186 children (163 boys and 23 girls) and 7,796 young persons (7,101 males and 695 females) were investigated by police on suspicion of involvement in illegal trafficking and smuggling of narcotics under section 29 of the Narcotics Act (*Betäubungsmittelgesetz*). However, the statistics do not give any indication as to whether, for example, those children and young people involved were coerced or influenced in any way by adults.

There can be no doubt that child prostitution and the employment of children to produce child pornography exist in Germany. Details are given in the Government's report providing information on child abuse, child exploitation and child pornography, as well as on the measures being undertaken by the State party, and their results as regards the application of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.3).

In its report (annex not reproduced), the Government of Germany stated that the fight against child abuse, commercial sexual exploitation of children and child pornography, is a priority of the Federal Government. All children and young persons have a right to be protected from violent and sexual attacks. The protection of this right may be claimed, not only from the public authorities but also from society as a whole.

In the criminal statistics of the police a total of 19,436 children were registered as victims of sexual abuse in 1999. Of that number 1,493 victims (992 of them female) were children under 6 years of age. There were 17, 958 victims (13,602 of them female) in the 6 to under 14 year-old age group.

As regards the severe sexual abuse of children for the production and dissemination of pornographic publications, in 1998, 98 children (56 of them female) were registered as victims of such practices in Germany (excluding the *Länd* of Bavaria) under section 176a paragraph 2 of the Criminal Code. Of that number, 12 children (seven of them female), were under six years of age and 86 (49 of them female) were in the 6 to under 14 year-old age group.

The sexual abuse of children has serious physical and psychological consequences for the victims and often leads to a lifetime of trauma.

Discussions at the level of the general public, and in expert circles, on the problem of sexual abuse and possibilities for improving the protection of children, have revealed that

there is an urgent need for action. Apart from legislative measures, priority must be given to the improvement of preventative measures, assistance and counselling services for victims, and therapy for offenders.

The Federal Government published a Programme of Work against child abuse, child pornography and sex tourism, as a follow up to the First World Congress against the commercial sexual exploitation of children held in Stockholm in August 1996. The Programme of Work contains a wide range of measures covering education and prevention, the legal sector, international prosecution and the protection of victims.

The Addendum supplements the Federal Government's Programme of Work with further measures, especially in the legal sphere, which were implemented in March 1998.

The following measures and projects to implement the Programme of Work are mentioned (see annex not reproduced):

I. Legislation

1. Increased penalties in the field of child pornography, sexual abuse and sex tourism;
2. Increased social therapy treatment possibilities for sexual offenders during the execution of a sentence and increased measures of protection against second offenders;
3. Fight against (child) pornography and traffic in children in information and communication services;

II. International Prosecution and Protection of Victims

1. Bilateral and other international issues of judicial cooperation;
2. Closer cooperation with the target countries of sex tourism/international cooperation with foreign prosecuting authorities;
3. Protection of child victims and witnesses;

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

"The *Länder* authorities inform the public on the various methods listed in existing regulations for the protection of children and young people. In addition to answering particular questions, the authorities hold consultation sessions during inspections of workplaces. Educational activities regarding this area [protection of children and young people] take place in schools, as well as through discussions and information sessions for associations and employers' groups. The *Länder* authorities also provide information, reports and articles, which are published in newspapers. Relevant information on this issue is either broadcast on radio or on television. There are special initiatives focusing on certain aspects of the child labour regulations, such as holiday jobs that begin before the start of the holidays." (Extracted from the German Bundestag 14th Electoral Period Parliamentary Report 14/3500: Report of the Federal Government on child labour in Germany, in the annexes not reproduced.)

The attitudes of parents, children and employers to the regulations on the employment of children are also of significance. The *Länder* authorities have discovered that many children are interested in taking up some form of paid work, generally because of financial reasons and an interest in the particular type of work. In most cases, parents have no objection to their children working and point out that employment provides the children with an opportunity to make good use of their free time and earn some money. It also allows children to gain their first experience of working life. As a result, some parents and children regard the existing child labour regulations as restrictions, rather than protective

measures, and thus, have little understanding of State inspections. Contraventions of the regulations are not always considered as being wrong. The general prohibition of employment of children in commerce and industry is questioned. Those persons concerned generally assumed that even in the commercial sector, there are jobs (for example in offices) that consist of light duties suitable for children, which should be allowed. Employers are generally more inclined to accept existing child labour regulations, although they too, sometimes, find it hard to understand why children should not be allowed to work in the commercial sector.

[...]

The *Länder* authorities have found that there is not always sufficient awareness of the law relating to the employment of children, and that there is not always adequate comprehension of the law by parents and children. A survey of students in Thuringia showed that the regulations regarding the employment of children are frequently disregarded. Most of the jobs in which children are allowed to work are in the private or domestic spheres, where State monitoring is difficult or impossible to carry out effectively. (Extracted from the German Bundestag 14th Electoral Period Parliamentary Report 14/3500: Report of the Federal Government on child labour in Germany, in the annexes not reproduced).

In the aforementioned report of the Federal Government of Germany on child labour in Germany, seven of the 24 associations and trade unions involved in the child labour survey expressed their views on the situation. According to the Confederation of German Employers' Associations (BDA), the changes in the child labour regulations had not created any major problems, but the Confederation saw no need for any further extension of the existing legal protection for children. That was also the view of the German Association of Rural Workers (*Deutscher Bauernverband*) with regard to agriculture and forestry.

The Federation of German Newspaper Publishers indicated that children and teenagers would not be employed to deliver daily newspapers because those deliveries would need to be made at times when children were not legally allowed to work. Since children were not allowed to work on weekends, they would, thus, not be employed to deliver weekend editions. On the other hand, children and young people over the age of 13 years would be employed to distribute advertising material, which could be done in the afternoon. The Federation considers that it is right and necessary to include this type of work in the list of activities where the employment of children is permitted. It does not suggest any changes to the law as it stands. The Federation of Germany Advertising Newspapers has no objections to existing child labour regulations in its particular sphere of activity. (Extracted from the German Bundestag 14th Electoral Period Parliamentary Report 14/3500: Report of the Federal Government on child labour in Germany, in the annexes, not reproduced).

Report preparation

Copies of this report have been sent to:

- the Confederation of German Employers' Associations, Berlin;
- the National Council of the German Confederation of Trade Unions, Berlin.

Annexes (not reproduced)

- *Gesetzentwurf der Bundesregierung: Entwurf eines Gesetzes zu dem Übereinkommen Nr.182 der Internationalen Arbeitsorganisation vom 17. Juni 1999 über das Verbot und unverzügliche Massnahmen zur Beseitigung der schlimmsten Formen der Kinderarbeit* (Federal Government Bill concerning the ILO's Worst Forms of Child Labour Convention, 1999 (No. 182)).
- *Deutscher Bundestag 14. Wahlperiode: Unterrichtung durch die Bundesregierung Drucksache 14/3500: Bericht der Bundesregierung über Kinderarbeit in Deutschland* (German Bundestag 14th Electoral Period Parliamentary Report 14/3500: Report of the Federal Government on child labour in Germany).
- *Antwort der Regierung der Bundesrepublik Deutschland auf die vom Ausschuss für wirtschaftliche, soziale und kulturelle Rechte im Dokument E/C.12/Q/GER.2 formulierten Fragen zum vierten deutschen Bericht über die Anwendung des Internationalen Paktes über wirtschaftliche, soziale und kulturelle Rechte (Dokument E/C.12/4/Add.3)* (Replies of the Government of the Federal Republic of Germany to the questions raised by the Committee on Economic, Social and Cultural Rights in document E/C.12/Q/GER.2 concerning the fourth German report on the application of the International Covenant on Economic, Social and Cultural Rights (Document E/C.12/4/Add.3)).
- Worst Forms of Child Labour Convention, 1999 (No. 182) (English, French and German versions).
- *Empfehlung betreffend das Verbot und unverzügliche Massnahmen zur Beseitigung der schlimmsten Formen der Kinderarbeit* (Worst Forms of Child Labour Recommendation, 1999 (No. 190)).

Ghana**Government****Recognition of the principle of the effective abolition of child labour**

The principle of the effective abolition of child labour is recognized in the Constitution, legislation and in judicial decisions in Ghana. It is not, however, recognized in collective agreements.

There is a national policy/plan aimed at ensuring the effective abolition of child labour. Ghana's national programme on the effective abolition of child labour focuses on the following: street children; children engaged as domestic workers; as head porters; as small-scale mine workers; and as prostitutes. However, priority will be given to children engaged in extremely hazardous or inhuman working conditions, to children under 12 years of age and to girls.

In respect of the aforementioned laudable objectives, a programme entitled the "National Programme for the Elimination of Child Labour in Ghana" was sent to the ILO/IPEC, Geneva in March 2001.

A general minimum age for admission to employment is established by legislation. The general minimum age for admission to employment covers the following types of work: commercial agriculture; work performed in export processing zones; and work in mines. However, it does not cover the following types of work: work performed in a family-owned or family-operated enterprise; work performed in enterprises below a certain size; and light work.

Indeed, the Labour Decree of 1967 (NLCD 157) paragraph 47 prohibits the employment of children under 15 years except where the type of employment is with the child's own family and involves light work of an agricultural or domestic character only. Females and young persons shall not be employed in any mine or underground work unless permission has been granted, in writing, by the Chief Labour Officer.

Hazardous work is defined in the legislation.

Laws and regulations with the aim of eliminating the worst forms of child labour, exist in Ghana. There are no steps currently being taken either to amend existing legislation or to introduce new legislation, to address the elimination of any of the worst forms of child labour.

There is compulsory schooling for children in Ghana. The age for both boys and girls at the end of compulsory schooling is 16 years. The number of years of instruction required to complete compulsory education is nine years.

It is believed that over 800 children throughout Ghana, in one way or the other, are involved in hazardous work. Child workers are visible on the streets of major cities peddling petty items such as dog-chains, confectionery and other merchandise. Other children work in quarries, illegal mining, the fishing industry and in poorly paid domestic work.

Slavery and bonded labour are the worst forms of child labour. Surveys conducted have shown that Ghanaian children are being trafficked by unscrupulous agents (both male and female), both internally and externally, for slave labour in the fields of fishing, domestic service and prostitution.

Notwithstanding the little attempts made by the authorities to clamp down on these agents, it is still evident that child labour is rising.

The following worst forms of child labour do not exist in Ghana: forced recruitment for armed conflict; and illicit activities, in particular production and trafficking of drugs. We do not know if pornography [one of the worst forms of child labour] exists.

However, we do believe or suspect that the following worst forms of child labour exist amongst girls: sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; stone-quarrying; and head portage, and that the following worst forms of child labour exist amongst boys: sale and/or trafficking; stone-quarrying; and head portage.

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

The following measures have been implemented to enforce minimum age(s) for employment: legal reform; inspection/monitoring mechanisms; penal sanctions; civil or administrative sanctions; and awareness raising/advocacy.

The following measures are envisaged to enforce minimum age(s) for employment: special institutional machinery; free compulsory education; employment creation/income generation; social assistance (e.g. stipends, subsidies, vouchers); child rehabilitation following removal from work; vocational and skills training for young workers; and international cooperation programmes or project.

International cooperation programmes or projects have been implemented to eliminate the worst forms of child labour. The following measures are envisaged to eliminate the worst forms of child labour: legal reforms; inspection/monitoring mechanisms; penal sanctions; civil or administrative sanctions; special institutional machinery; free compulsory education; employment creation/income generation; social assistance (e.g. stipends, subsidies, vouchers); child rehabilitation following removal from work; vocational and skills training for young workers; and awareness raising/advocacy.

In the aforementioned measures and programmes no special attention is given to the needs of particular groups of children.

The Ghana Employers' Association and the Trades Union Congress are involved in an action plan for the elimination of the worst forms of child labour in Ghana. These organisations participate in research, data collection, training and other activities aimed at nipping in the bud, the problem of child labour in Ghana.

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

The Government does not record any of the following information in relation to the abolition of child labour: the number of children withdrawn from child labour; the number of ex-child labourers pursuing formal or non-formal education; and sanctions applied to users of child labour.

The Government undertakes surveys that provide statistical information on the extent and/or nature of child work. The results are presented separately by: sex; age (five to 16 years); occupation; type of activity; and the number of hours worked.

The Government of Ghana has always shown commitment to stopping child labour and promoting the rights of the child. This is evidenced in the Criminal Procedure Code of 1960, which gives rights to the police and the courts to protect children in difficult circumstances, e.g. orphans, the destitute and the maltreated, and to send them to industrial homes to learn a trade. The Labour Decree, NLCD Act 157 of 1967 prohibits the employment of children below the age of 15 years and prescribes sanctions for offenders. The Court's Act No. 459 of 1993 mandates the court to ensure the welfare of children 18 years and below as well as the welfare of children in difficult circumstances.

Ghana was also the first country to ratify the UN Convention on the Rights of the Child in 1990. The Ghana National Commission on Children was established in 1991 and the Constitution of 1992 provides for children's rights and protection.

Even before the adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182), Ghana had promulgated the Children's Act of 1998. This law does not only address the worst forms of child labour, it also focuses on other children's rights and protection issues. In the same year, 1998, the Ghana Criminal Code was amended, and the Women and Juvenile Unit of the Ghana Police Service was established. At present, there is a Bill before Parliament for the ratification of the Minimum Age Convention, 1973 (No. 138).

Activities to promote children's rights had been ad hoc in nature, until recently. A national programme for the promotion of children's rights and the elimination of child labour was not created until after the adoption of the Worst Forms of Child Labour Convention, 1999 (No. 182) at the ILO Conference in 1999. That historic Conference was chaired by Ghana's Minister of Employment and Social Welfare, Alhaji Mohamad Mumuni. Ghana was one of the first 30 countries to ratify Convention No. 182.

In March 2000, a Memorandum of Understanding was signed between the Government of Ghana and the ILO, and a national programme for the elimination of the worst forms of child labour was launched. Since then, a National Programme Manager has been appointed. This Manager started work in July 2000. A National Steering Committee was inaugurated on 15 August 2000 by the Honourable Minister of Employment and Social Welfare. A Child Labour Unit has been created in the Ministry of Employment and Social Welfare and the Head of the Unit has been named.

The framework for the Ghana Country Programme on the Elimination of Child Labour has been prepared and the ILO has already commissioned the Ghana Statistical Service to carry out the Statistical Information Monitoring Programme on Child Labour (SIMPOC).

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

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

Obstacles with respect to the effective abolition of child labour

The high level of poverty facing most Ghanaian families has inhibited efforts to abolish child labour.

Priority needs for technical cooperation

The Government sees a need for new/continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The following types of technical cooperation are ranked as "most important":

- capacity building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); employment creation, skills training and income generation; social protection systems; awareness raising, legal literacy and advocacy; cross-border cooperation mechanisms; and the special programme for the elimination of the worst form of child labour.

The following types of technical cooperation are ranked as "second most important":

- data collection and analysis; strengthening capacity of employers' and workers' organizations; sharing of experience across countries/regions; and inter-institutional coordination.

There is need to equip the Labour Department of Ghana with the logistics needed to carry out effective labour inspection. There is also a need for financial assistance, in the form of grants, to help create employment; thereby stimulating economic growth. This [assistance] will serve as an avenue for the elimination of child labour in Ghana.

Moreover, we should not lose sight of the need to establish international cross-border cooperation mechanisms such as policing and putting a check on child trafficking.

Report preparation

A copy of the report is being sent to the representative organizations of employers and workers in accordance with article 23 of the ILO Constitution.

Other governmental agencies, employers' organizations and workers' organizations were consulted for the preparation of this report. Neither the employers' organizations nor the workers' organizations made any comments on the report.

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

Ghana ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) in 2000, but has not ratified the Minimum Age Convention, 1973 (No. 138).

The law sets the minimum age for employment at 15, but this is often disregarded. Education is free and compulsory until the age of 14, but children, especially girls, frequently drop out of school due to economic pressures. Child labour is widespread in practice, with an estimate that 12 per cent of children aged 10 to 14 are economically active. In urban areas this involves working in markets or collecting fares on buses, as well as working as domestic servants. UNICEF reported that 80 per cent of girls working as domestic servants are between the ages of 10 and 14. Elsewhere, especially in the rural sector, child labour frequently takes place within the family. In 1996, 75 per cent of child labour in Ghana took place in such family situations.

Child prostitution also exists, although prohibited by law. Young Ghanaian girls are lured into prostitution by promises of work as domestic servants. Ghanaian children are among those trafficked between [named] West African countries as domestic labour.

Child labour is widespread, in both rural and urban areas. There is also trafficking of children between West African countries, leading to children being forced to work as domestic servants and as prostitutes.

Greece³

Government

Recognition of the principle of the effective abolition of child labour

The Government wishes to inform the ILO that Greece has ratified all eight ILO fundamental Conventions that relate to fundamental principles and rights at work.

³ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, Greece ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Therefore, Greece will not be requested to report for this category of principle under the Declaration follow-up, as from the next annual review.

Seven of these Conventions were ratified many years ago. As regards the Worst Forms of Child Labour Convention, 1999 (No. 182), we have already informed the Director-General of the ILO that our country ratified this Convention by passing Law No. 2918 of 15 June 2001 (Official Gazette, 119/A/15-6-2001). The Ministry of Foreign Affairs will forward the instrument of ratification to the ILO as soon as it has been signed by the President of the Hellenic Republic.

[Up to 1 September 2001, the date by which reports for the annual review for 2002 were due, the ratification of Convention No. 182 had not yet been registered.]

Grenada

Note from the Office

No report was received by the Office from the Government for the annual reviews of 2000, 2001 or 2002.

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

In Grenada, children are known to work undetected in informal activities where the minimum age requirement is not enforced.

Guatemala⁴

Government

Recognition of the principle of the effective abolition of child labour

In Guatemala, the principle of the effective abolition of child labour is recognized in the Constitution, legislation, judicial decisions; and collective agreements. Moreover, the National Plan provides for specific means in this regard. The Plan is, in fact, a national programme designed to guarantee the effective abolition of child labour.

National legislation establishes a general minimum age for admission to employment of 14 years. This general minimum age covers the following types of work: work performed in a family-owned or -operated enterprise; home work; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; and, work performed in free zones.

In addition, the legislation in Guatemala defines hazardous work, indicating that the minimum age for engaging in this type of work is 18 years for girls and boys. Some legal

⁴ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, Guatemala ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Therefore, Guatemala will not be requested to report for this category of principle under the Declaration follow-up, as from the next annual review.

instruments have already promulgated measures with the aim of eliminating the worst forms of child labour or some of them.

Apart from these laws, measures are being taken to modify existing legislation to address the elimination of the worst forms of child labour or some of them.

There is compulsory schooling in Guatemala for girls and boys up to 14 years of age. The number of years of instruction needed to complete compulsory schooling is nine.

The following worst forms of child labour are believed or suspected to exist amongst girls and boys: sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed combat; prostitution (at least in the case of girls); pornography; and, illicit activities, in particular trafficking and production of narcotics.

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

At present, specific measures or programmes of action are being implemented and envisaged to bring about the effective abolition of child labour. In order to bring the minimum age(s) for employment into practice, the Government, so far, has taken the following measures: legal reform; inspection/monitoring mechanisms; penal sanctions; civil or administrative sanctions; special institutional machinery; free compulsory education; employment creation/income generation programmes; social assistance measures; child rehabilitation following removal from work; vocational and skills training; awareness raising/advocacy; and international cooperation programmes or projects. The same measures are envisaged to eliminate the worst forms of child labour.

Some of these measures or programmes of action give special attention to the needs of particular groups of children, including those working in the informal sector. Moreover, employers' and workers' organizations participate in the elaboration and implementation of these activities.

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

The Government collects the following information in relation to the abolition of child labour: number of children withdrawn from child labour; number of ex-child labourers pursuing formal or non-formal education; sanctions applied to users of child labour. Moreover, surveys are undertaken which provide statistics on the extent and/or nature of child work. These surveys are carried out every five years; the last of which was held in 1999. The results are presented separately by sex; by age; by occupation; by type of activity; by number of hours worked.

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

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

The Government is of the view that special measures have been undertaken that can be regarded as successful examples in the abolition of child labour.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation needed, ranked in order of priority (1 = most important; 2 = 2nd most important, etc.; 0 = not important), are as follows:

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

Report preparation

In preparation of this report consultation was held with other governmental agencies and with workers' organizations, but not with employers' organizations.

Worker's organizations made comments on the report.

Guinea-Bissau

Government

Recognition of the principle of the effective abolition of child labour

In Guinea-Bissau, the principle of the effective abolition of child labour is recognized both in the Constitution and in the ordinary legislation (General Labour Law, henceforth GLL). There is also a policy framework covering specific activities in the field.

The national legislation (GLL art. 146) establishes the general minimum age of admission to employment at 14. This includes work in private or family enterprises, home work, domestic work, self-employed work, commercial agriculture, family and small-scale agriculture and light work, though the law does not define the type of specific activity and covers the subject in a general way.

The legislation does not define hazardous work, but establishes the minimum age for such work at 18. In article 146 and subsequent articles, the GLL provides a general framework for the eradication of the worst forms of child labour or certain of those forms.

Despite the existence of those norms, a study has been under way since July 2001, conducted by the Parliamentary Commission on Children and Women, on ways to adapt the existing legislation in order to resolve the problems connected with the eradication of the worst forms of child labour or certain of those forms.

There is no age of compulsory schooling in Guinea-Bissau, but children are required to complete at least six years of schooling.

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

Measures and targeted programmes of action are being implemented and planned in order to make the effective abolition of child labour a reality. In order to enforce the minimum age of admission to employment, the Government has already taken measures to reform the legislation, including submitting the Worst Forms of Child Labour Convention, 1999 (No. 182) to the competent authorities, establishing special inspection and monitoring mechanisms, special institutional machinery, free access to the education system, social assistance measures, programmes for the reintegration of children who have been working, awareness raising and advocacy and programmes and projects for international cooperation, as well as conducting employment creation and income generation programmes and vocational training and skills development programmes. In connection with the elimination of the worst forms of child labour, measures have been taken to reform the legislation and civil and administrative penalties laid down.

Some of these measures and programmes devote special attention to the needs of specific groups of children, including children working in the informal sector. They are developed and implemented in consultation with interested employers' and workers' organizations.

The Government also cooperates with multilateral agencies other than the ILO, bilateral donors and other organizations in its activities to combat child labour.

Our Government does not record information on the number of children withdrawn from child labour market, the number of former child workers pursuing formal or non-formal education or the sanctions applied to users of child labour; nor does it conduct studies to gather statistical data on the extent or nature of child labour.

The last population census was carried out in 1991.

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

The Government has taken special measures that may be regarded as representing progress with respect to the abolition of child labour, particularly the submission to the competent authorities, of the Worst Forms of Child Labour Convention, 1999 (No. 182) and the accompanying Recommendation (No. 190).

Measures have also been taken that correspond to achievements in the eradication of child labour, particularly the establishment of a Parliamentary Commission on Children and Women and an Institute for Women and Children, the existence of organizations

conducting various activities to combat child labour and the proposed revision of the General Labour Law.

Priority needs for technical cooperation

The Government considers it essential to continue and increase technical cooperation with the ILO in order to implement the principle of the effective abolition of child labour through, most importantly, legislative reform (allowing the country to meet the requirements of international legislation) and capacity building in the relevant public bodies (including labour inspection and administration) in order to address the situations of highest risk, detect fraud and improve training of officials. It also considers it important to establish social protection systems and implement rights awareness and advocacy programmes, as well as to implement special programmes for the elimination of the worst forms of child labour. Finally, it attaches importance to creating employment, developing vocational skills and generating income, as well as strengthening the capacity of employers' and workers' organizations.

Report preparation

The Government wishes to note that, while there were no consultations held with other public bodies in connection with the preparation of this report, there were consultations with workers' and employers' organizations and they were sent a copy. No comments were received from those organizations.

The report was sent to the National Union of Workers of Guinea-Bissau (UNTG), the CGSI/GB and the Chamber of Commerce, Industry and Agriculture (CCIA).

Honduras⁵

Government

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

[The following information is drawn from annexes to the Government's letter, informing the Office that ratification of Convention No. 182 was imminent. In its reply the Government of Honduras informs the Office of the efforts being made to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182), following a favourable opinion in this regard by the Secretariat for Labour and Social Security. This has made it possible for a proposal for ratification to be placed on the agenda for approval by Parliament.

In the same vein, the Government has taken measures on two fronts for the adequate application of the principle concerning the effective abolition of child labour. In the legal sphere, they consist of the ratification of the ILO Minimum Age Convention, 1973 (No.138), the ratification of the United Nations Convention on the Rights of the Child, and

⁵ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, Honduras ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Therefore, Honduras will not be requested to report for this category of principle under the Declaration follow-up, as from the next annual review.

promulgation of the Code on Childhood and Adolescence. In the area of policy initiatives and programmes, the measures include: the signing of the Memorandum of Understanding between the Secretariat for Labour and the ILO; the setting up, by the Secretariat, of a Programme for the Gradual and Progressive Eradication of Child Labour; the establishment of a National Commission for the Gradual and Progressive Eradication of Child Labour; and the drawing up, in 2000, of an National Action Plan for the Gradual and Progressive Eradication of Child Labour.

The Government appended to its reply a detailed summary of the Programme for the Eradication of Child Labour, as well as a synthesis of the diverse programmes which it is implementing with the support of international bodies, namely: ILO-International Programme on the Elimination of Child Labour (IPEC); the United Nations Children's Fund (UNICEF); the Spanish International Cooperation Agency (AECI); and the British non-governmental organization, Save the Children.

It also provided in an annex, information on different networks and Honduran non-governmental organizations that are taking measures to contribute to efforts for the progressive elimination of child labour.

The Government gives a detailed summary with supporting explanations, of the most dangerous types of work, showing the number of hours worked, school enrolment and attendance rates, by type of activity carried out and by enterprise. A range of actions being taken with a view to eliminating said activities is also provided.]

India

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution, the legislation, and in judicial decisions. It is not recognized in collective agreements.

There is a national policy aimed at ensuring the effective abolition of child labour. It is one of the important objectives of the country's social policy. Accordingly, India has always had a proactive policy when it comes to child labour. India has always stood for the constitutional, statutory and developmental measures that are required to eliminate it. India's judiciary, right up to the apex level, has demonstrated its commitment to fight against the practice of child labour. Child labour has evolved over the years against this backdrop. In defence of the laudable constitutional provisions and in accordance with the letter and spirit of the 1979 Resolution on child labour adopted in the International Labour Conference, a National Policy on Child Labour was announced in 1987, which contains the action plan for tackling the problem of child labour.

Legislation in India does not establish a general minimum age for admission to employment.

Concerning the definition of hazardous work, the term has not been specifically defined in the legislation. However, the Child Labour (Prohibition and Regulation) Act, 1986, Part A, prohibits the employment of children in the following 13 occupations or activities:

- transport of passengers, goods or mail by railways;
- cinder picking, clearing of an ash pit or building operation in railway premises;
- work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or in to or out of a moving train;
- work relating to the construction of a railway station, or with any other work, where such work is done in close proximity to or between the railway lines;
- a port authority within the limits of any port;
- work relating to the selling of crackers and fireworks in shops with temporary licences;
- abattoirs/slaughter house;
- automobile workshops and garages;
- foundries;
- handling of toxic or inflammable substances or explosives;
- handloom and power loom industry;
- mines (underground and under water) and collieries;
- plastic units and fibreglass workshops.

The Act also prohibits the employment of children in 57 processes contained in Part B of the Schedule of the Act. Under Section 5 of the Child Labour (Prohibition and Regulation) Act, 1986 the Central Government is empowered to convoke a Child Labour Technical Advisory Committee for the purpose of making recommendations to the Government for the inclusion of additional occupations and processes in the Schedule to the Act.

The minimum age for engaging in hazardous work is 14 years for girls and boys. The Child Labour (Prohibition and Regulation) 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 are carried out. Yet, this does not apply to any workshop where any process is carried out by the occupier with the aid of his family, or to any school established by, or receiving assistance or recognition from, the Government.

There are laws and regulations in India with the aim of eliminating the worst forms of child labour; one of which is the Child Labour (Prohibition and Regulation) Act, 1986. The Government of India has passed several laws that define a “child” according to different age limits. The detailed provisions of each of these are annexed to the report [not reproduced].

The amendment of existing legislation to address the elimination of any of the worst forms of child labour is currently under examination.

There is no compulsory schooling for children. However, in accordance with the Supreme Court of India's directives to make the right to education a fundamental right for the citizens of India, the Constitution (83rd Amendment) Bill, 1997 is awaiting the approval of Parliament. The Bill provides for making education for children in the age group of 6-14 years, a fundamental right.

Considering the role that education plays in human development, the Constitution of India, in article 45, states as follows: "The State shall endeavour to provide, within a period of 10 years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of 14 years".

The National Policy on Education 1968 states as follows: "Strenuous efforts should be made for the early fulfilment of the Directive Principle under Article 45 of the Constitution seeking to provide free and compulsory education for all children up to the age of 14. Suitable programmes should be developed to reduce the prevailing wastage and stagnation in schools and to ensure that every child who is enrolled in schools successfully completes the prescribed course".

The National Policy on Education, 1986, further states the following: "It shall be ensured that free and compulsory education of satisfactory quality is provided to all children up to 14 years of age before we enter the twenty-first century. A national mission will be launched for the achievement of this goal".

The following States/Union Territories have enacted the requisite laws for compulsory education. They are: Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, Andaman and Nicobar Islands and Delhi

The States of Manipur, Meghalaya, Mizoram, Nagaland, Orissa and Sikkim, and Tripura, Union Territory of Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Lakshadweep, so far, have not enacted the law in this regard.

The Child Labour (Prohibition and Regulation) Act, 1986 prohibits employment of children in the occupations and processes listed in the Schedule to the Act and regulates the conditions for employment in others. The Act does not, however, cover the informal sector.

The following categories of the worst forms of child labour are believed or suspected to exist in India:

- sale and/ or trafficking (girls and boys);
- debt bondage, serfdom, forced or compulsory labour (girls and boys);
- prostitution (girls and boys);
- pornography (girls and boys).

There is no forced recruitment of children for armed conflict and illicit activities.

Additionally, there is evidence of child labour in the firework and the match industry as well as in a whole range of other industries such as diamond-cutting and carpet weaving. (Judgement of the Supreme Court of India dated 10th December 1996 in Writ Petition (Civil) No. 465 of 1986, [not reproduced]).

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

India has not yet ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Yet, under the National Child Labour Project (NCLP) Scheme, three main policies are pursued in order to attain the basic objective of suitably rehabilitating children withdrawn from employment and, eventually, to fulfil the ultimate objective of eliminating child labour:

- legal action plan: strict and effective enforcement of legal provisions relating to child labour;
- focus of general development programmes: use of ongoing development projects for the benefit of eliminating child labour;
- project based plan of action: launch projects for the welfare of working children in areas of high concentration of child labour.

Accordingly, the following specific measures and programmes of action to eliminate the worst forms of child labour have been implemented:

- legal reform;
- inspection/ monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- employment creation/ income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- awareness raising/ advocacy;
- international cooperation programmes or projects.

The following specific measures or programmes to eliminate the worst forms of child labour are envisaged:

- free compulsory education;
- vocational and skills training for young workers.

Within these measures and programmes special attention is given to the needs of particular groups of children, including those working in the informal sector. Necessary instructions have been issued to all National Child Labour Projects to earmark at least one centre exclusively for girl child workers.

As regards the minimum age for admission to employment, at the present time, there is no omnibus provision in our labour law that prohibits children below a certain age from working. For the ratification of Convention No. 138, the enactment of suitable, all

encompassing central legislation for a minimum age for entry into employment would be needed in order to have provisions such as:

- minimum age of 14 years for admission to employment or work in all occupations, employment and work, but excluding agriculture in family and small holdings producing for self-consumption and not regularly employing hired workers;
- minimum age of at least 18 years for admission to any type of employment or work, which, by its nature or due to the circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of young persons.

Legislation regarding a minimum age for entry into employment is under consideration. Accordingly, it is not possible to identify measures “implemented” and/or “envisaged” to enforce the minimum age for employment.

A detailed status paper on trafficking of women and children is enclosed [not reproduced]. The CCS (Conduct Rules), applicable to Government employees, prohibits them from employing children below the age of 14 (Excerpts of Rules attached to report [not reproduced]).

The employers’ and workers’ organizations involved in the development and implementation of measures and programmes of action are represented as members of the Central Advisory Board on Child Labour and the National Steering Committee, ILO – IPEC. They participate in the deliberations of the Committee and the Board, and are involved in the implementation of projects at the district level.

There are other multilateral agencies with which the Government is working to combat child labour. In addition to the ILO – IPEC, the Government is working with United Nations Children’s Fund (UNICEF). Furthermore, the Department of Women and Child Development, and the Ministry of Labour are working with UNICEF, and the Ministry of Rural Development is working with the United Nations Development Programme (UNDP).

The Government records the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education; and
- sanctions applied to users of child labour

The records show that 213,000 (2.13 lakh) children who have been withdrawn from work are pursuing education.

The situation regarding inspection, violation, and prosecution over the last three years is as follows:

Year	Inspection	Violation	Prosecution
1996-97	35 886	1 868	458
1997-98	84 2497	2 329	1 749
1998-99 (P)	30 455	789	1 235*

P = provisional
* Including cases carried forward.

Every ten years the Government undertakes a census that provides information on the extent and/or nature of child work. The last census was in 2001. The data are yet to be published. In addition, the National Sample Survey Organisation undertakes sample surveys of working children at stipulated periods. The 1991 census showed that there were 11.28 million working children. The Census of India is conducted by the Office of the Registrar General of India. The census figures on child labour are presented separately by age. The age group for working children is 5-14 years.

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

There are several successful activities under the National Child Labour Projects, Grants-in-aid Projects and under IPEC, that have been undertaken and that can be regarded as successful examples in the abolition of child labour. A number of these have seen the close involvement of employers' and workers' organizations, non-governmental organisations and representatives of civil society.

We have already submitted reports on the principle of the effective abolition of child labour, for the annual reviews of 2000 and 2001 under the Declaration follow-up [see GB.277/3/2 and GB 280/3/2]. The number of National Child Labour Projects in operation has increased from 93 projects covering 200,000 children in 2000, to 100 projects covering 213,000 children in 2001.

Obstacles with respect to the effective abolition of child labour

The main obstacles encountered with respect to realizing the principle of the effective abolition of child labour are poverty, illiteracy, unemployment and underemployment.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation needed in the order of priority (1 = most important; 2 = second most important, etc.) are:

1. employment creation, skills training and income generation;
2. sharing of experience across countries/regions;
3. strengthening capacity of employers' and workers' organizations;
4. capacity building of responsible government institutions (e.g. labour inspection and administration);
5. awareness raising, legal literacy and advocacy.

Further details of new or continued technical cooperation with the ILO would need to be worked out after extensive consultations with all parties concerned. With poverty and unemployment being the main obstacles to the elimination of child labour in India, visits to other countries with successful projects in conditions similar to those of India would be helpful for comparing experiences and adapting successful models for India. The ILO-IPEC programme is currently approved until 31 December 2001 and can be further extended until 31 December 2002 by mutual agreement.

Report preparation

In the preparation of this report there was consultation with other governmental agencies as well as employers' and workers' organizations. The report form was circulated to all concerned Central Ministries/Departments as well as central workers' and employers' organizations for their specific comments. The report has been prepared based on their replies.

No employers' or workers' organization responded to the letter on this subject.

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

- Employers' Federation of India, Mumbai;
- All India Organisation of Employers, Federation House, New Delhi
- All India Manufacturers' Organisation, Mumbai;
- Standing Conference of Public Enterprises, New Delhi;
- Council of India Employers, New Delhi;
- Confederation of Indian Industry, New Delhi;
- Laghu Udyog Bharti, New Delhi;
- Associated Chamber of Commerce and Industry of India, New Delhi;
- Federation of Indian Chamber of Commerce and Industry, New Delhi

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

- Bharatiya Mazdoor Sangh, New Delhi;
- Indian National Trade Union Congress, New Delhi;
- Centre of Indian Trade Unions, New Delhi;
- Hind Mazdoor Sabha, New Delhi;
- All India Trade Union Congress, New Delhi;
- United Trade Union Centre (LS), Calcutta;
- United Trade Union Congress, Calcutta;
- National Front of Indian Trade Union, Calcutta.

Annexes (not reproduced)

- article 24 of the Constitution of India
- the Child Labour (Prohibition and Regulation) Act, 1986 and Rules

- judgement of the Supreme Court of India dated 10th December 1996 in Writ Petition (Civil) No. 465 of 1986
- National Policy on Child Labour, 1987
- definition of and provisions relating to “child” under various acts
- state-wide details of compulsory education legislation
- Scheme of National Child Labour Project (revised 1999)
- status paper on trafficking of women in children in India
- conduct rules for government employees

Iran, Islamic Republic of

Government

Recognition of the principle of the effective abolition of child labour

Paragraph 6 of article 2 of the Constitution of the Islamic Republic of Iran states that human dignity is a basis for the system of the Islamic Republic, and its realization requires the elimination of all forms of injustice and domination. This naturally includes the elimination of injustices towards children and in particular, the worst forms of child labour.

Paragraph 3 of article 3 and article 30 of the Constitution make it an obligation for the Government to provide the means for free education for the whole population. It is apparent that this view given by the Constitution is based on the prohibition of child labour and on the education of children.

The principle of the effective abolition of child labour is recognized in national legislation. According to articles 79, 80 and 83 of the Labour Code, the minimum age for employment for normal work is 15 years and for hard, hazardous and harmful work it is 18 years. The Labour Code has also prescribed penalties for those persons found to be employing children under the age of 15 (article 176) and also, specifically, for those persons found to be employing children for hard and harmful work (article 175).

The principle of the effective abolition of child labour is recognized in judicial decisions. There have been a number of rulings given by arbitration bodies to prevent employment of individuals under the legal age for employment.

Similarly, the court, located in the building of the Ministry of Labour and Social Affairs, has given judicial rulings against employers that have engaged individuals under the legal age for employment.

The Government’s general principle of fully applying existing legislation, which ensures the effective application of articles 175 and 176 of the Labour Code for the elimination of child labour, could also be regarded as the Government’s policy for ensuring the effective abolition of child labour.

The legislation in our country establishes a general minimum age for admission to employment. The minimum age for employment, for all individuals, as stated in the

Labour Code, is 15 years old. The minimum age for employment for workers engaged in hard, hazardous and harmful work, or jobs, which, according to the Ministry of Labour and Social Affairs, are harmful to the physical or moral health of the worker, is 18 years. Similarly, the minimum age for employment is 18 years for those employed under the Civil Service Recruitment Law, the Public Companies Law or the Municipalities Recruitment Law.

According to article 188 of the Labour Code, and other provisions therein, the minimum age does not apply to work in family workshops.

However, child labour in family workshops is subject to strict legal restrictions. According to article 4 of the Law on Securing the Means and Facilities for Education for Iranian Children and Youth, adopted in July 1974, there are legal sanctions for parents or guardians who, in spite of having sufficient finances, do not provide the means and meet the necessities for educating the children and youth.

The legislation in our country defines hazardous work. The minimum age for engagement in jobs that involve hard and harmful work is 18 years.

Laws and regulations exist in our country with the aim of eliminating the worst forms of child labour.

According to the legislation of the Islamic Republic of Iran, all of the worst forms of child labour, which are specified in article 3 of the Worst Forms of Child Labour Convention, 1999 (No.182), are forbidden and are punishable by law, namely:

- forced labour is forbidden, among others, by article 6 of the Labour Code and punishable according to article 172 of that Code;
- prostitution, pornography and other immoral acts are dealt with in the Islamic Penal Code;
- production and smuggling of narcotics and illegal activities are dealt with in the relevant penal legislation;
- work, that because of its nature or the conditions in which it is performed is harmful to the physical or moral health of the child, is forbidden according to article 84 of the Labour Code and punishable as provided for in article 176 of that Code.

Steps are currently being taken either to amend existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour. Among measures adopted in this regard, we can mention recent steps taken for the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) by the Islamic Republic of Iran. They include the adoption of the proposal by the Council of Ministers; the submission of this proposal as a Bill to Parliament and its subsequent follow-up. The relevant committees of Parliament are considering this issue.

Even though “compulsory schooling” does not appear as a title in the regulations of the Islamic Republic of Iran, the sanctions for parents, drafted in the Law on Securing Means and Facilities of the Education for Iranian Children and Youth, adopted in July 1974, and the legal obligation of the Government to provide means for free education up until the end of secondary school (article 30 of the Constitution), indicate that both the Government and parents are bound by legal obligation to adhere to the ideal of compulsory schooling.

According to existing national laws and regulations, the employment of children is prohibited in both the formal and informal sectors in the country and the legally mandated monitoring to detect and eliminate child labour is fully implemented.

Occasionally, there is child labour in some family workshops. Lack of awareness and financial resources to supplement family income, lead to children being involved in some types of family work. These types of family workshops are outside the scope of the Labour Code and therefore, not subject to labour inspection.

Priority needs for technical cooperation

The Islamic Republic of Iran welcomes increased technical cooperation with the ILO. The types of technical cooperation needed, ranked in order of importance (1 = most important; 2 = 2nd most important, etc.; 0 = not important), are as follows:

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

Kazakhstan

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution and legislation in Kazakhstan.

There is a national policy or plan aimed at ensuring the effective abolition of child labour. The "Kazakhstan Youth Programme" was adopted by Government Order No. 249 of 17 February 2001. The Programme aims to create legal, economic and organizational machinery for the implementation of a State youth policy. Its main objectives are the following: the inculcation of patriotism in young people and the promotion of their moral and spiritual development; the safeguarding of their social rights in the areas of work,

education and health; and the creation of favourable conditions to enable them to meet their social and economic needs.

The Government intends to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182).

A general minimum age for admission to employment is established by legislation. An employment contract can be concluded with a person who has reached the age of 16 years (or 15 years where the person has completed secondary level education). Persons aged 14 years can enter into an employment contract with the consent of a parent.

The general minimum age(s) for admission to employment covers the following types of work: work performed in a family-owned or family-operated enterprise; work performed in enterprises below a certain size; homework; domestic service; and work performed in export processing zones. However, it does not cover the following types of work: self-employed work; commercial agriculture; family and small-scale agriculture; and light work.

Hazardous work is defined in the legislation. The Labour Law of the Republic of Kazakhstan of 1999 and the Labour Protection Act contain the following definitions:

- Harmful (and very harmful) working conditions: conditions under which the effects of particular factors lead to a decline in a worker's capacity to work or in the deterioration of the health of the worker or have a detrimental effect on his or her offspring.
- Hazardous (and very hazardous) working conditions: conditions under which the effects of particular factors will result in the sudden and significant deterioration in the health of a worker, or injury or death of a worker, if health and safety regulations are not observed.

The minimum age for engaging in hazardous work is 18 years, for both sexes. The employment of persons below the age of 18 years to work in harmful or hazardous conditions, or engage in work which involves the lifting and moving of heavy loads manually, is subject to the restrictions established by law.

There is a list of industries, work areas, occupations and posts where workers are exposed to harmful (or very harmful), arduous (or very arduous) and hazardous (or very hazardous) working conditions. Workers engaged in such industries, work areas, occupations or posts are entitled to additional paid leave and reduced working hours.

Laws and regulations with the aim of eliminating the worst forms of child labour exist in Kazakhstan. They are the Labour Law of the Republic of Kazakhstan of 1999 and the Act concerning the ratification of the Minimum Age Convention, 1973 (No. 138).

There are steps currently being taken to amend existing legislation and to introduce new legislation to address the elimination of the worst forms of child labour. The Republic of Kazakhstan has taken the following legislative measures to eliminate the worst forms of child labour:

- adoption of the Labour Law of the Republic of Kazakhstan of 1999 (the Law came into force on 1 January 2000);
- adoption of the Act concerning the ratification of the Minimum Age Convention, 1973 (No. 138) (which came into force December 2000);

- adoption (in June 2000) of the 2000-2002 Programme to combat poverty and unemployment;
- adoption of the Employment Act (January 2001);
- adoption of the following Acts in July 2001:
 - the Act concerning the ratification of the Optional Protocol to the Convention on the Elimination of Discrimination against Women;
 - the Act concerning the ratification of the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography;
 - the Act concerning the ratification of the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict;
- amendments to section 128 of the Penal Code of Kazakhstan (“Recruiting people for the purpose of exploitation”) [the recruitment of workers to engage in exploitative forms of labour]; these amendments strengthen the criminal liability for offences against minors;
- the draft legislation on the protection of the rights of the child and on the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182);
- adoption of a national plan of action to improve the situation of women in Kazakhstan, which will include measures aimed at safeguarding labour rights and protecting health and safety standards for girl workers.

There is compulsory schooling for children in Kazakhstan. The age for both female and male students at the end of compulsory schooling is 17 years. The number of classes of instruction required to complete compulsory education is 11 classes for both female and male students.

Forced labour is prohibited under the Constitution. This prohibition applies to all citizens and is complemented by special legislation on child labour.

Under Kazakh law, all children have the right to protection from economic exploitation and from being engaged in jobs which are potentially hazardous, hinder their education, or are detrimental to their health or physical, mental, spiritual, moral or social development.

With the development of the market economy, minors have been increasingly drawn into the labour market. The State is taking measures to counter the exploitation of children and their employment to undertake work which is potentially damaging to their physical or moral well-being, or likely to hinder their education.

The current Labour Law of the Republic of Kazakhstan of 1999 provides for safeguards and measures to protect minors – e.g. an individual contract of employment can be concluded with persons who have reached the age of 16 or 15 years, and with 14 year-olds, with the written consent of a parent or a guardian. The work (of 14 year-old workers) must be performed outside school hours and must not cause any harm to the young worker’s health or disrupt his or her education.

Under Kazakh law, it is prohibited to employ persons below the age of 18 years to engage in strenuous manual labour or work in harmful or hazardous conditions. There are a number of other restrictions.

Workers between the ages of 14 and 16 years may work for up to 24 hours a week. However, workers between the ages of 16 and 18 years, may work for up to 36 hours a week.

It is prohibited to employ minors to work at night or to work overtime or on normal days of rest.

In accordance with Government Order No. 1882 of 22 December 2000 on finding employment and accommodation for orphans and children without guardians, who have left educational institutions, the State guarantees full protection of the rights and interests of young people in this category.

Due to the development of the non-State sector (private sector) the number of adolescents employed in non-standard temporary employment is growing, especially in very small private undertakings in towns and cities. It is not always possible to monitor compliance with labour regulations.

There is an acute problem with regard to vocational training and employment of young persons such as young persons who have completed initial and intermediate vocational training courses; children released from detention centres; 14 to 15 year-olds who have dropped out of school or have run away from home; and children from refugee or migrant families.

State labour inspectors are responsible for monitoring the implementation of labour legislation and health and safety regulations.

The Public Prosecutor's Office of Kazakhstan and legal authorities at other levels are responsible for monitoring compliance with the law regarding the employment of minors.

In order to carry out effective measures for the protection of children from economic exploitation, the laws and regulations in force provide for appropriate disciplinary, administrative and criminal sanctions in cases of non-compliance.

Forced recruitment for armed conflict (one of the worst forms of child labour) does not exist in Kazakhstan. We do not have any reliable information on the following worst forms of child labour: debt bondage, serfdom, forced or compulsory labour; and other worst forms of child labour. Thus, we do not know if these worst forms of child labour exist in Kazakhstan.

We believe or suspect that the sale and/or trafficking of boys and girls (one of the worst forms of child labour) exist(s) in Kazakhstan. Official statistics show that in the first six months of 2001, there was one confirmed sale of a child (one criminal case under section 128 of the Penal Code of Kazakhstan).

Prostitution (one of the worst forms of child labour) exists in Kazakhstan. As of 1 June 2001, 79 minors were registered as prostitutes by the international affairs department. Under criminal law, adults who engage in the following activities face prosecution: recruit minors for prostitution (Penal Code of Kazakhstan, section 132); corrupt minors (Penal Code of Kazakhstan, section 124); engage in sexual relations with a minor below the age of 16 years (Penal Code of Kazakhstan, section 322); or organize dens for the activities of pimps and for prostitution (Penal Code of Kazakhstan, section

271). During the first half of the year (2001), 37 adults were prosecuted under section 122 (of the Penal Code of Kazakhstan), six under section 124 (of the Penal Code of Kazakhstan), five under section 132 (of the Penal Code of Kazakhstan) and 338 under section 271 (of the Penal Code of Kazakhstan).

We believe or suspect that pornography (one of the worst forms of child labour) exists in Kazakhstan. The legislation provides for criminal liability for the illegal distribution of pornographic material or objects (Penal Code of Kazakhstan, section 273), and administrative liability for the employment of minors in the production of items with an erotic content (the Administrative Code, section 115). During the first half of the year (2001), eight adults were prosecuted under section 273 (of the Penal Code of Kazakhstan).

Illicit activities, in particular production and trafficking of drugs (one of the worst forms of child labour) take place in Kazakhstan. During a period of six months in 2001, 212 minors were prosecuted for their involvement in the illegal sale of narcotics. There were seven prosecutions for illegally recruiting minors to engage in these activities.

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

Specific measures or programmes of action have been implemented or are envisaged, to bring about the effective abolition of child labour.

Legal reform has been implemented to enforce the minimum age(s) for employment.

The following measures have been implemented to eliminate the worst forms of child labour: penal sanctions; civil or administrative sanctions; free compulsory education; employment creation/income generation; social assistance (e.g. stipends, subsidies, vouchers); child rehabilitation following removal from work; vocational and skills training for young workers; and awareness raising/advocacy.

The following measures are envisaged to eliminate the worst forms of child labour: legal reform; inspection/monitoring mechanisms; vocational and skills training for young workers; and international cooperation programmes or projects.

In the aforementioned measures and programmes, special attention is given to the needs of particular groups of children, including, if appropriate, those working in the informal sector. There is a Chapter which deals with “the Protection of the rights of the child in unfavourable and extreme situations” in the Act concerning the protection of the rights of the child. It provides for measures to protect abandoned or orphaned children, disabled children including those with mental and physical disabilities, refugee children, child victims of natural disasters, accidents and major catastrophes.

The General Agreement for 2001 between the Government of Kazakhstan and the national trade union and employers’ associations includes, for the first time, a special section on rights and safeguards for women and young persons. It is intended that regional and branch agreements and collective agreements should respect the rights of women and young people. The purpose of this section is to provide for flexible methods of providing social and legal protection for these categories of citizens and to make resources available for pre-school education and childcare.

It is also intended that a national programme should be formulated and implemented to create mechanisms for the implementation of a national youth policy, to ensure that social rights are safeguarded in the spheres of labour, education and health, and to create conditions that will help young people achieve their social and economic aspirations.

The Government works with organizations within the United Nations system, other than the ILO – namely the United Nations Children’s Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Population Fund (UNFPA) as well as with non-governmental organizations (NGOs), the Soros Fund in Kazakhstan, the Counterpart Consortium and others.

The Government records the following information in relation to the abolition of child labour: the number of children withdrawn from child labour; the number of ex-child labourers pursuing formal or non-formal education; and sanctions applied to users of child labour.

The Government undertakes surveys that provide statistical information on the extent and/or nature of child work. Since 2001, there have been quarterly surveys on employment and unemployment, in which household members aged 15 years and above are questioned. The data gathered provide information on employment status, sex, age, education, place of residence and so on, for each individual. The results of these surveys are published quarterly in the statistical journal the “Fundamental labour market indicators in the Republic of Kazakhstan”.

These results are presented separately by sex, age, occupation and type of occupation. However, they do not show the number of hours worked.

The lowest age of persons for whom questions were asked about economic activity, in the last population census, was 15 years. The last population census was held in 1999.

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

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

Obstacles with respect to the effective abolition of child labour

The main obstacles encountered with respect to realizing the principle of the effective abolition of child labour have been, the following:

- the absence of comprehensive and accessible data on the number of children employed in illicit activities, engaged in drug trafficking, not attending school, or living in difficult circumstances; and
- the need for new mechanisms to deal with the problem effectively (as many of the manifestations of the worst forms of child labour have only recently become visible).

Priority needs for technical cooperation

The Government sees a need for new/continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The following types of technical cooperation are ranked as most important: capacity building of responsible government institutions (e.g. labour inspection and administration); social protection systems; and the special programme for the elimination of the worst forms of child labour.

In the same vein, the following are ranked as second most important: legal reform; data collection and analysis; employment creation, skills training and income generation;

sharing of experience across countries/regions; cross-border cooperation mechanisms and inter-institutional coordination.

Lastly, the following are ranked as third most important: policy advice; training of other officials (e.g. police, judiciary, social workers, teachers); strengthening capacity of employers' and workers' organizations; and awareness raising, legal literacy and advocacy.

Report preparation

Other governmental agencies, employers' organizations and workers' organizations were consulted for the preparation of this report.

Consultations were carried out with the following:

State bodies:

- Kazakhstan Statistics Agency;
- Ministry of Education and Science;
- Ministry of Internal Affairs;
- Ministry of Justice; and
- National Commission for Family and Women's Affairs.

Employers' organizations:

- Eurasian Industrial Association; and
- Kazakhstan Confederation of Employers.

Workers' organizations:

- Confederation of Free Trade Unions of Kazakhstan; and
- Kazakhstan Federation of Trade Unions.

Employers' organizations and workers' organizations made comments on the report.

The following employers' organizations were sent copies of this report:

- Eurasian Industrial Association; and
- Kazakhstan Confederation of Employers.

The following workers' organizations were sent copies of this report:

- Confederation of Free Trade Unions of Kazakhstan; and
- Kazakhstan Federation of Trade Unions.

Kiribati

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution, legislation and judicial decisions but not in collective agreements.

There is no national policy or plan to ensure the effective abolition of child labour and the Government does not intend to adopt one.

The general minimum age for admission to employment for both girls and boys, as established by legislation, is 14 years. This general minimum age for admission to employment covers the following types of work: work performed in a family-owned or operated enterprise; work performed in all enterprises; domestic service; self-employed work; commercial agriculture; light work and work performed in export processing zones. This general minimum age does not cover homework and family and small-scale agriculture as members of the family are allowed to participate in family duties.

Hazardous work is not defined in our legislation. We are not sure how to answer the question “what is the minimum age for engaging in hazardous work?” (However, the Government of Kiribati makes reference to PART IX of the Employment Ordinance entitled “Employment of Children and other Young Persons” and which includes the following sections:

- Section 83 “Interpretation”;
- Section 84 “Employment of children under 14 forbidden”;
- Section 85 “Employment of persons under 15”;
- Section 86 “Employment underground of male persons under 16”;
- Section 87 “Employment of persons under 18”;
- Section 88 “Register of young persons”;
- Section 89 “Presumption of age”; and
- Section 90 “Penalty”.

No laws or regulations exist in our country with the aim of eliminating any of the worst forms of child labour and no steps are currently being taken to modify existing or to introduce new legislation to address the worst forms of child labour.

There is compulsory schooling in our country. The age for both girls and boys at the end of compulsory schooling is 16 years. The number of years or grades of instruction required to complete compulsory education for both girls and boys, is nine years.

Child labour is not an issue of concern in Kiribati. None of the worst forms of child labour – sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour;

forced recruitment for armed conflict; prostitution; pornography and illicit activities, in particular production and trafficking of drugs – exist in Kiribati.

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

No specific measures or programmes of action to bring about the effective abolition of child labour have been implemented and none are envisaged. The Government works with other multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour.

Since Kiribati ratified the United Nations Convention on the Rights of the Child in 1995, it has adhered to and is still actively adhering to the articles of the Convention.

Following the ratification of the Convention, the Ministry of Environment and Social Development established the Kiribati Advisory Committee for Children, comprising the following:

- the Ministry of Health and Family Planning;
- the Ministry of Education, Training and Technology;
- the Ministry of Foreign Affairs;
- the Ministry of Finance and Economic Planning;
- the Ministry of Labour Employment and Cooperatives;
- the Director for Prosecution – Attorney General’s Office;
- the National Council of Women’s Federation;
- the Red Cross;
- technical advisers, who are appointed locally to assist the Committee in research work, writing and reporting.

The Government does not record data on the number of children withdrawn from child labour; number of ex-child labourers pursuing formal or non-formal education; or sanctions applied to users of child labour.

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

In the last population census, conducted in 2000, the lowest age of persons for whom questions were asked about economic activity, was 15 years.

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

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

Priority needs for technical cooperation

The Government does not see the need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour.

Report preparation

Other governmental agencies, employers' organizations and workers' organizations were consulted in the preparation of this report.

Copies of this report were sent to the Kiribati Chamber of Commerce and the Kiribati Trade Union Congress.

Observations received from employers' and workers' organizations:

The Kiribati Chamber of Commerce

The Kiribati Chamber of Commerce is generally in agreement with the Government's report. The term "general" with regard to the general minimum age for admission to employment is unclear to us. According to the Employment Ordinance Part V, section 43, for example, a person who is under 18 cannot be RECRUITED, employment of a person who is under 14 is FORBIDDEN (Employment Ordinance Part IX, section 84), and the employment of persons under 15 is possible but with certain restrictions. Therefore, it could also be interpreted that the general minimum age would be 15. Discussions on this subject would be worthwhile.

We are also not sure how to answer the question about the minimum age for engaging in hazardous work.

Unfortunately, we believe that this (child labour) is a growing issue particularly in South Tarawa and Betio. We have been witnessing some child vendors selling garlands, local food, local products etc., on the street, and visiting households, and in some pubs and bars, even at midnight.

As we believe that child labour is of growing concern in South Tarawa and Betio, acting early is better than acting later (i.e. ILO assistance is needed). (1 = most important; 2 = 2nd most important, etc.; 0 = not important).

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

Type of technical cooperation needed	Ranking
Inter-institutional coordination	11
Special programme for the elimination of the worst forms of child labour	12

We do not have any other information relevant to the efforts made in Kiribati to abolish child labour.

Kiribati Trade Union Congress

We have read the Government's draft response carefully and we have no comments to make.

Annexes (not reproduced)

- Laws of Kiribati Revised Edition, 1980. *Constitution of the Republic of Kiribati*
- Laws of Kiribati Revised Edition, 1998. Chapter 30 Employment (Incorporating amendments up to 1 September 1998) (Employment Ordinance, 1998)

Latvia

Government

Recognition of the principle of the effective abolition of child labour

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

There is no national policy or plan aimed at ensuring the effective abolition of child labour. The Government does not intend to adopt a national policy or plan.

Legislation in Latvia establishes a general minimum age for admission to employment – 15 years for boys and girls.

Legislation in Latvia defines hazardous work. It is prohibited to employ persons under the age of 18 to carry out arduous types of employment and types of employment that involve working conditions that are dangerous to the health and morality of young persons.

The list of arduous types of employment involving working conditions that are dangerous and hazardous to the health and morality of young persons, and 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 coordination with the national labour organisations.

Examples:

It is prohibited to employ persons under 18 years of age in work:

- equivalent to rescue works in cases of emergency;
- related to the direct destruction of different objects and buildings; and

■ where the safety and health of the workers are directly endangered by:

- (a) moving, rotating, falling or flying objects (tools);
- (b) harmful or dangerous substances.

There are no laws or regulations in Latvia aimed at eliminating any of the worst forms of child labour.

Steps are not currently being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour.

The principle of the prohibition of child labour is recognized in both the national legislation and the international agreements that are binding on the Republic of Latvia.

Currently, about 8 per cent of persons between the ages of 15 and 18 years are employed. The majority of these persons are employed in the private sector – 76 per cent. Occupations such as salespersons, farmhands, as well as light work, are most frequent.

As shown in this report, the main problem in Latvia continues to be the involvement of children in several of the worst forms of child labour such as prostitution and pornography. According to the State Vice Police, it is difficult to combat child prostitution because of the lack of cooperation with the local governments. Despite the “Prostitution restriction regulations”, adopted by the Cabinet of Ministers in 1998, which oblige local governments to identify places where prostitutes may offer sexual services, local governments do not fulfil this obligation.

At the same time, the State Labour Inspection has never, on any occasion, reported that an employer has violated the legislation regarding child labour, no penalties in this regard have been imposed on an employer. Employers observe the laws and regulations with regard to the employment of young persons.

The following worst forms of child labour do not exist in Latvia:

- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict.

The following worst forms of child labour are believed or suspected to exist in Latvia:

- sale and/or trafficking (boys and girls);
- prostitution (boys and girls);
- pornography (boys and girls);
- illicit activities, in particular production and trafficking of drugs (boys and girls).

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

No specific measures or programmes of action have been implemented nor are they envisaged with a view to bringing about the effective abolition of child labour.

The Government does not work with any multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour.

The Government does not record the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education; and
- sanctions applied to users of child labour.

The Government undertakes surveys that provide statistical information on the extent and/or nature of child work. Surveys are undertaken every five years.

The results are presented separately:

- by sex;
- by age (15-19);
- by occupation;
- by type of activity;
- by number of hours worked.

The last population census was held in 2000.

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

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

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The type of technical cooperation needed is training of other officials (e.g. police, judiciary, social workers, teachers).

Report preparation

For the preparation of this report, consultations were held with other government agencies, as well as employers' and workers' organizations.

A copy of this report was sent to the Latvian Employers' Confederation and the Latvian Free Trade Unions' Confederation

Lebanon

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in Lebanon through legislation and judicial decisions (sections of the Labour Code relating to child labour annexed, not reproduced). The Government of Lebanon does not see any difficulty regarding collective agreements or internal regulations in enterprises.

There is a national policy aimed at realizing the effective abolition of child labour. In this regard, the following should be noted:

1. Lebanon has ratified several International Labour Conventions concerning the work of children (adolescents), such as Conventions Nos. 15, 59, 77, 78, 58, 90, 29 and 105, between 1962 and 1983.⁶ Lebanon has also ratified the UN Convention on the Rights of the Child, 1991.
2. Lebanese legislation regarding the minimum age for admission to employment has been amended with the collaboration of the Parliamentary Committee on the Rights of the Child.
3. A tripartite seminar was organized in 1998 in collaboration with the ILO's International Programme on the Elimination of Child Labour (IPEC). The seminar's recommendations led to the creation of a committee, composed of representatives of a certain number of ministries, civil associations concerned with child labour and representatives of employers' and workers' organizations.
4. In 2000, a Memorandum of Understanding was signed between the Government of Lebanon and the ILO, with a view to establishing cooperation on the basis of the objectives and principles of the ILO, notably those enunciated in the Conventions concerning child labour, and particularly the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). This cooperation has the following objectives: analyse the situation concerning child labour; elaborate and implement policies and programmes aiming to abolish child labour; pay particular attention to the protection of child workers; attempt especially to avoid having children engaged in or participating in hazardous work; protect the youngest and the most vulnerable, such as children under 12 years of age and young girls; sensitize society, at the national and international levels, to the consequences of child labour and the solutions to this problem.
5. In implementing the Memorandum of Understanding, a National Committee has been constituted under the auspices of the Ministry of Labour. This Committee is entrusted

⁶ Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15); Minimum Age (Industry) Convention (Revised), 1937 (No. 59); Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77); Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78); Minimum Age (Sea) Convention (Revised), 1936 (No. 58); Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90); Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105).

with elaborating and supervising the implementation of programmes, action plans and projects which aim to combat child labour in collaboration with the ILO, IPEC, the departments concerned, the competent international organizations, national civil associations and representatives of employers and workers (text of Order No. 1/55 of 4 May 2000 annexed, not reproduced). The Committee defines its programmes of action according to the priorities.

The legislation of Lebanon establishes a general minimum age of 14 years for admission to employment, as stipulated in the Labour Code in its section 22 as amended by Act No. 536 of 24 July 1996. The minimum age is applicable to girls and boys. This minimum age is applicable in the following types of work: work in enterprises subject to the Labour Code, regardless of the size of the enterprise, home work, self-employed work, commercial agriculture and work performed in export processing zones. It is not applicable to work performed in a family enterprise. This minimum age legislation does not cover the following activities: domestic service; family and small-scale agriculture; or work performed in a family-owned or -operated enterprises.

The minimum age for admission to employment covers all categories subject to the provisions of the Labour Code, which in its section 8 stipulates the following:

The provisions of the present law shall apply to all employers and employees, except to those excluded by virtue of a special provision. It shall equally apply to undertakings, commercial and industrial, and the branches and dependencies thereof, whether foreign or national, public or private, secular or religious, including national or foreign educational institutions, charitable organizations, and foreign companies with a business centre, branch or agency in Lebanon.

The categories of workers excluded from the provisions of the Labour Code, and therefore from the application of the minimum age for admission to employment are specified in section 7. They are the following:

- domestic workers in private homes;
- agricultural corporations with no relation to commerce and industry, and which are covered by special legislation;
- enterprises, employing only members of the household under the supervision of the father, mother or guardian;
- employees and temporary workers in government or municipal services, in respect of whom the Civil Servants' Statute is not applicable and who are subject to a specific Statute by virtue of Decree No. 5883 of 3 November 1994, which establishes a minimum age of 18 years for admission to employment.

It is to be noted that the Tripartite Committee entrusted with the modernization of the Labour Code (committee created by the Ministry of Labour) is of the view that it is necessary to establish a minimum age of admission to employment for the following categories:

- domestic service;
- light work;
- arts;

- work aimed at providing training or general, professional and technical education; and
- agricultural work not linked to trade and industry.

Lebanese legislation defines hazardous work. In Decree No. 700 of 25 May 1999 concerning the prohibition of the employment of young persons in work which by its nature is hazardous and dangerous to life, health or morals (text of the Decree and preambular paragraphs relating thereto annexed, not reproduced), the preambular paragraphs give the following definitions:

- “work which is dangerous to life” such as any work which could cause death or direct physical injury due to the nature of the materials used, or the materials themselves or residue therefrom, handling of the materials in an incorrect way or storage of materials that are corrosive, inflammable or likely to explode;
- “work which is dangerous to health” such as work which by its nature is harmful to the health of the worker, or causes injury due to the kind of material used or produced, including toxic products, harmful gases, harmful and dangerous vapours and dust;
- “work which is dangerous to morals” such as work which is harmful to the young person, including the participation in sexual activities prejudicial to public morals.

Decree No. 700 of 25 May 1999 establishes the minimum age for admission to work which by its nature is hazardous or which is dangerous to life, health or morals, because of the conditions under which it is executed, according to the nature of such work specified in Annex 1 of the Decree (text annexed, not reproduced). This minimum age is 16 and 17 years and is applicable to both girls and boys.

The laws and regulations which aim to eliminate the worst forms of child labour are the following:

- (1) Decree No. 700 of 25 May 1999, which establishes the minimum age (17 or 18) for engaging in work which is hazardous by its nature and which is dangerous to life, health and morals. The Decree contains a list of these types of work.

It is to be noted that the ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182) considers as “worst forms of child labour”, work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (Article 3, paragraph d). Consequently, Decree No. 700 is in conformity with the objectives of article 3(d) of ILO Convention No. 182.

It should be also noted that the Government of Lebanon has approved the ratification of Convention No. 182 and has forwarded it by Decree 5485 of 18 May 2001 to the Parliament for authorization to do so.

- (2) Lebanon’s ratification of the Forced Labour Convention, 1930 (No. 29) and of the Abolition of Forced Labour Convention, 1957 (No. 105) through Legislative Decree No. 70 of 25 June 1977, given that this form of work is considered by Convention No. 182 to be one of the worst forms of child labour.
- (3) The Penal Code, which addresses in Chapter VII (Section 503 and subsequent sections) violations of moral standards and public morality as well as sanctions attached thereto. It deals specifically with the following offences: rape; indecent

assault; abduction; seduction; incitement to debauchery; affronts to public decency and morals; and prostitution involving minors.

- (4) The Act relating to drug trafficking and drug addiction, promulgated on 18 June 1946 and the amendments thereto, notably Act No. 673 of 16 March 1998, contain provisions prohibiting drug addiction, the use of drugs, their production, extraction, preparation, possession, transport, trafficking, import, export, distribution and in general all pertaining to drugs (with the exception of their prior authorization for medicinal and scientific use) throughout Lebanon (text of Act No. 1998/673 annexed, not reproduced). These Acts prescribe the relevant sanctions.
- (5) Decree No. 119 of 16 September 1983, which sets out measures of protection and surveillance through a social service or law enforcement department, as the case may be, applies to any minor susceptible to being drawn into delinquency or whose morals and education are threatened.

Steps are currently being taken to modify the existing or adopt new legislation in order to eliminate the worst forms of child labour or some of them.

As previously mentioned, the Government of Lebanon has forwarded ILO Convention No. 182 to Parliament for ratification. Moreover, the Minister of Labour intends to consider the possible revision of Decree No. 700, which defines work which is hazardous by its nature and which is harmful to life, health and morals, with a view, if necessary, to making this Decree conform to the provisions of Convention No 182.

The Tripartite Committee entrusted with the modernization of the Labour Code will take into consideration the provisions of Conventions Nos. 182 and 138, in order to introduce in the new Draft Labour Code the principles enunciated in the provisions of those Conventions and which do not appear in the present Labour Code.

Education is compulsory for Lebanese children.

Act No. 686 of 16 March 1998 stipulates that primary school education is free and compulsory and that every Lebanese of school age is entitled to it. According to section 49 of this Act, the conditions and organization of this free and compulsory education are defined in a Decree issued by the Council of Ministers.

It is to be noted that the Decree has not yet been issued. As regards the number of years or grades of instruction required to complete compulsory education, it is fixed at 6 years of study (primary level education) after two years of kindergarten.

The age of the child at the end of compulsory schooling and the number of years required to complete this education is the same for girls and boys.

Statistics concerning child labour, gathered on the basis of a sample survey, show that child labour is spread throughout the different economic sectors. We intend to carry out, in collaboration with IPEC, a survey of child labour in the different regions of Lebanon.

The Labour Inspection, Protection and Prevention Department in the Ministry of Labour, in the course of its inspections, provides guidelines and advice to enterprises where children work, notwithstanding the law and regulations in force. Often these enterprises are in the informal sector and the Department issues them, if need be, the appropriate warnings.

Thanks to the projects envisaged in collaboration with IPEC, presented in the previous report (GB.280/3/2), we hope to elaborate projects and programmes addressing the problem of child labour and elaborate adequate proposals in this regard.

In Lebanon, the following worst forms of child labour do not exist: sale and trafficking of children; debt bondage; serfdom; forced or compulsory labour; forced recruitment of children for use in armed conflict; pornography; and illicit activities, in particular, for the production and trafficking of drugs. There is, to a small degree, prostitution of girls. Certain worst forms of child labour are visible in the informal sector, notably in activities such as car repairs, painting and carpentry.

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

Specific measures or programmes of action are either being implemented or are envisaged in Lebanon to bring about the effective abolition of child labour.

As regards measures aimed at observing the minimum ages for admission to employment, the following have been implemented: legal reform; inspection or monitoring mechanisms penal sanctions; civil or administrative sanctions; free compulsory education; social assistance (e.g. stipends, subsidies, vouchers); vocational and skills training for young workers; awareness raising and advocacy; and international cooperation programmes or projects. Measures envisaged are the following: inspection or monitoring mechanisms; child rehabilitation following removal from work; vocational and skills training for young workers (in addition to those already implemented); and awareness raising and advocacy (idem).

As regards measures aimed at eliminating the worst forms of child labour, the following have been implemented: legal reform; civil or administrative sanctions; social assistance (e.g. stipends, subsidies, vouchers); vocational and skills training for young workers; and awareness raising and advocacy. Measures envisaged are the following: inspection or monitoring mechanisms; child rehabilitation following removal from work; vocational and skills training for young workers (in addition to those already being implemented); awareness raising and advocacy (idem); and international cooperation programmes or projects.

The Ministry of Labour has already elaborated a strategy and national plan of action to realize the effective abolition of child labour. This is in addition to the amendments it has introduced, with the same objective, to the provisions of the Labour Code as well as the proposal to ratify the on the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Minimum Age Convention, 1973 (No. 138).

The object of the Memorandum of Understanding signed between the Government of Lebanon and the ILO's International Programme on the Elimination of Child labour (IPEC) is to foster cooperation between both parties in the elaboration and implementation of policies and programmes aimed at abolishing child labour and protecting child workers, especially through national programmes. Special attention is to be given to the protection of children engaged in hazardous work and the protection of young boys and girls.

The Memorandum of Understanding also seeks to make the national as well as the international community aware of the consequences of the problem of child labour and the necessary solutions to eliminate it. It is to be noted that the implementation of two projects in the framework of IPEC has already begun in the suburbs of Beirut and in the south of the country. The objectives of those projects are the following: combat child labour, particularly its worst forms; examine the causes of school drop-out; and re-integrate

children in schools or have them do vocational training. IPEC collaborates in this domain with the local civil associations, the centres for development, the municipalities and the representatives of the ministries involved with the action plan of each project.

It is to be noted that a project is soon to be launched in Lebanon in the framework of an action programme involving the participation of representatives of ministries and relevant international agencies. This project aims, inter alia, to award a prize to the municipality which best implements adequate measures to combat child labour, offers incentives to encourage the schooling of children, creates the necessary conditions which permit them to undertake vocational training, and provides recreational areas for children.

These measures or programmes give special attention to the needs of particular groups of children, including, where necessary, those working in the informal sector. In the context of implementing the Memorandum of Understanding between the Government of Lebanon and IPEC, special attention will be given to the needs of these groups, in so far as it is considered necessary.

Employers' and workers' organizations have been involved in the development and implementation of these measures or programmes of action. Representatives of employers and workers are members of the Committee created by the Ministry of Labour in 1997, and they have participated in the development, by the Committee, of a strategy and national plan of action to reduce child labour. The Committee's work has resulted in the introduction of amendments to the final paragraph of section 23 of the Labour Code, so as to grant young workers, between 14 and 18 years of age, the right to a 21-day annual leave with full pay, to reduce the daily hours of work of these juveniles from seven to six hours and prohibit them from working overtime or working during daily or weekly rest periods, as well as on national or official holidays. Section 25 of the Labour Code has been amended to prohibit charitable organizations derogating from the provisions pertaining to the minimum age for admission to employment (text of Act No. 91 of 14 June 1999 annexed, not reproduced).

Moreover, as previously mentioned, representatives of employers and workers are members of the Committee created in the context of the Memorandum of Understanding signed with IPEC, with a view to preparing the follow-up to the programme and action plans aiming to combat child labour (text of Order No. 1/55 of 4 May 2001 annexed, not reproduced).

IPEC also plans to implement specific projects in the framework of the Memorandum of Understanding, in collaboration with employers' and workers' organizations, to realize the abolition of child labour and protect workers who have reached the legal minimum age.

The Government cooperates with multilateral agencies other than the ILO to combat child labour. The aforementioned National Committee to Combat Child Labour, set up by Order No. 1/55 of 4 May 2001, has among its members a UNESCO delegate and a UNICEF delegate. In the framework of the implementation of its programmes and the national plan for the abolition of child labour, the Government cooperates with other parties considered appropriate for carrying out those action plans and projects (donor countries, bilateral cooperation, etc.).

The Government of Lebanon has started recording statistics on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, and the sanctions applied to users of child labour.

These statistics will be available in the context of the programmes to be implemented within the framework of the Memorandum of Understanding and the national action plan for the abolition of child labour.

The Government of Lebanon has undertaken two surveys to provide statistical information on the extent and/or nature of child labour:

- (1) In 2000, the Central Statistical Office, in collaboration with UNESCO, carried out a study of the situation of children in Lebanon. The results of that study were published in March 2001. The study provided full information on the situation of children at the different stages of their development, from birth to 18 years of age. It also shows the proportion of working children between 6 and 14 years of age, that is to say, below the legal minimum age.
- (2) In 1997, the Ministry of Labour prepared, in collaboration with IPEC, the national report on child labour in Lebanon. The report contains statistical information on child workers between the ages of ten and 14, broken down by economic sector, sex, working conditions, principal activity, hours of work, etc. (text of the report annexed, not reproduced).

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

As previously mentioned, activities and programmes have been undertaken with a view to abolishing child labour. Other programmes and activities have been prepared or implemented in this domain. Since the activities are still in the early stages of implementation, their impact cannot yet be assessed. We hope to be able to obtain data shortly.

The Government of Lebanon has already submitted two full reports on the principle of the effective abolition of child labour under the Declaration follow-up (GB.277/3/2 and GB.280/3/2). The following changes have occurred:

- the Government of Lebanon forwarded ILO Convention No. 182 to Parliament (since then it was ratified by Act No. 335 of 2 August 2001);
- the submission of ILO Convention No. 138 by the Ministry of Labour to the Council of Ministers on 12 July 2001; proposed to forward it to Parliament for ratification;
- the launching and implementation of the Memorandum of Understanding signed between the Government of Lebanon and IPEC, as well as the strategy and national action plan for the abolition of child labour, in collaboration with the competent international organizations, certain ministries and national agencies, and employers' and workers' organizations;
- the National Committee to Combat Child Labour, established on the basis of Order No. 1/55 of 4 May 2001, held its first meeting at the end of May 2001. It set up a committee of restricted membership to prepare projects to be submitted to the general Committee. The first meeting of that Committee was held on 25 July 2001. Other meetings are planned.

Obstacles with respect to the effective abolition of child labour

As indicated earlier, the Government of Lebanon has taken and envisages to take a series of measures to realize the abolition of child labour. The obstacles to implementation of these measures are the following:

- (1) non-observance of the law relating to free and compulsory education, for several reasons, notably because of the insufficient number of public schools and lack of educational facilities, caused by the reduction of expenditure and contraction of the public budget following the dramatic events that Lebanon has experienced for more than 20 years;
- (2) the fall in the standard of living of a large number of Lebanese families because of those events, thereby forcing them to send their children to work in order to supplement the family income in the absence of any other alternative;
- (3) the lack of knowledge, on the part of certain parents, of the risks of child labour for the physical, intellectual and mental development of children from an early age; the lack of knowledge about the risks of child labour for the health, safety and “morals” of children, particularly the risks linked to the worst forms of child labour;
- (4) the inadequacy of programmes to ensure that parents find work, notably the orientation towards projects of self-employment, because of the disastrous economic conditions and the non-materialization of assistance promised to Lebanon for reconstruction and development;
- (5) school drop-out especially where certain children are convinced that it is useless to go to school when they see the high proportion of unemployment among those having graduated with a diploma. They therefore prefer, while still very young, to enter the labour market to earn a living or learn a trade or occupation ‘on the job’; and
- (6) lack of training, information and experience of the Labour Inspection, Prevention and Safety Department of the Ministry of Labour regarding the measures for inspection of child labour and the manner of carrying out this type of task.

Priority needs for technical cooperation

The Government of Lebanon believes that there is a need for new or continued cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation needed, ranked in order of priority, are the following:

- (1) policy advice;
- (2) capacity building of responsible government institutions (e.g. labour inspection and administration);
- (3) training of other officials (e.g. police, judiciary, social workers, teachers);
- (4) data collection and analysis; and
- (5) special programme for the elimination of the worst forms of child labour.

In order to prepare and carry out national policies aimed at the effective abolition of child labour, it is necessary to define precisely the following: policy frameworks; the nature of the programmes to be implemented; the time-frame; alternative projects to replace child labour; the responsibilities of the departments concerned; civil associations and of international organizations in this domain, as well as the coordination among these agencies; the best mechanisms to be adopted; the administrative structures to be created; and the data which ought to be available. In this context, it is very useful that the proposed consultation focus on successful experiences of certain countries in the areas mentioned.

In order for projects and programmes to become a reality, it is necessary to strengthen the competence of governmental institutions entrusted with implementation. Therefore, it is important to organize training sessions for labour inspectors, on the basis of the training materials prepared by the ILO in this area. It is also useful that other services involved with implementation be informed of the objectives of the programmes for the effective abolition of child labour as well as the manner in which this kind of work should be approached.

We therefore consider that the first four priorities cited earlier are, to a great extent, interdependent.

Moreover, in the light of the information and statistics which will be available in the course of data collection and analysis regarding child labour, if it is judged impossible to immediately abolish child labour, it would be useful to put in place a special programme for the elimination of the worst forms of child labour, without relegating this objective to the fifth position in the order of priorities. The priorities for technical cooperation depend on the information and statistics which will be available on the nature of child labour, in general, and the worst forms of child labour, in particular.

Report preparation

Copies of the present report have been forwarded to the following organizations:

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

For the preparation of its report, the Government did not consult other governmental agencies, employers' or workers' organizations.

It is to be noted that there will be a focal point within the Ministry of Labour to ensure coordination between the Government and IPEC of the programmes relating to the abolition of child labour. The creation of a specific unit for child labour in the Ministry of Labour will be examined and a national campaign to combat child labour will be launched.

The Ministry of Labour has the pleasure to inform that Parliament ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) by virtue of Act No. 335 of 2 August 2001. The appropriate information on this matter shall be subsequently transmitted.

Annexes (not reproduced)

- Legislative Decree No. 119 of 16 September 1983, concerning the protection of young delinquents and the procedures for legal proceedings
- Act No. 91 of 14 June 1990 amending sections 23 and 25 of the Labour Code

- Act No. 686 of 16 March 1998 amending section 49 of the Legislative Decree No. 134/59 concerning the Ministry of Education and instituting free compulsory education
- Order No. 1/55 of 4 May 1999 on hazardous work and the preamble relating thereto. Sections 1-4 concern the creation of the national Committee to combat child labour
- Decree No. 700 of 25 May 1999 concerning the prohibition of the employment of young persons under 16 or 17 years of age in dangerous work that would by its nature jeopardize their lives, health or morals (Preamble of the Decree)
- Official Gazette No. 26 of 3 June 1999 publishing the aforementioned Order with charts detailing work considered hazardous
- Act No. 6684 repealing the final paragraph of section 68 of Legislative Decree No. 112 of 12 June 1959 on the Civil Servants' Statute
- Act No. 685 extending the application of Act No. 606 of 28 February 1997 concerning handicapped persons
- Statistics on child labour drawn from the study of the Central Statistical Office in 2001 and the National Report on Child Labour in Lebanon, 1997
- Address by Ms. Maral Totlian Guidanian, Director-General of the Central Statistical Office, at the press conference of 2 March 2001 presenting the preliminary results of the study of the situation of children in Lebanon
- Hamdan, Haifa. *National Report on Child Labour in Lebanon*, ILO-IPEC, August 1997, 34 pp.

Lithuania

Government

Recognition of the principle of the effective abolition of child labour

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

- Constitution of the Republic of Lithuania, (25 10 1992), article 48;
- Law on the Employment Contract (28 11 1991 No I-2048);
- Law on Safety and Health at Work (17 10 2000 No VIII-2063);
- Law on Labour Inspectorate (25 10 1994 No I-614);
- Law on Fundamentals of Protection of the Rights of the Child (14 03 1996 No I-1234);
- Law on Protection of the Rights of the Child Ombudsman (25 05 2000 No VIII-1708);

- Law of the Republic of Lithuania “On Ratification UN Convention on the Rights of the Child”(03 07 1995 No I-987);
- Law of the Republic of Lithuania on the ratification of the European Social Charter (revised), May 15, 2001, No. IX-317;
- Resolution of the Supreme Council of the Republic of Lithuania on ratification of the International Covenant on Economic, Social and Cultural Rights, March 12, 1991, No I-1136;
- Government Resolution No. 1055 on Regulations of Working and Employment Conditions for Persons up to the Age of 14, Persons from Age 14 to 16 and Persons from Age 16 to 18, adopted on 11 September, 1996;
- Government Resolution No. 29 of 11 January 2000 on the National Programme Against the Commercial Sexual Exploitation and Sexual Abuse of Children;
- Government Resolution No. 282 of February 28, 1995, on Approval of the Governmental Drug Control Commission and its Regulations;
- Government Resolution No. 970 of September 6, 1999, on Approval of National Drug Control and Drug Addiction Prevention Programme for 1999-2003; and
- Government Resolution No. 73 of January 28, 2001, on the partial revision of Government Resolution No.282 of February 28, 1995, and Government Resolution No. 970 of September 6, 1999.

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

The Government of the Republic of Lithuania, striving to ensure the protection of the rights and legitimate interests of children and to decrease the possibility of children becoming victims of sexual abuse and commercial sexual exploitation, adopted, by Government Resolution No. 29 of January 11, 2000, a National Programme Against Commercial Sexual Exploitation and Sexual Abuse of Children.

This programme provides for legal, educational, social, medical, organizational and informative measures to achieve the strategic and tactical objectives – i.e. to create conditions for combating commercial sexual exploitation and sexual violation, and provide for ways of achieving them.

The main goals of the programme are:

1. strategic objective – to create a system of preventive measures against commercial sexual exploitation and sexual violation of children;
- 2.. tactical objective – ascertain the main reasons for commercial sexual exploitation and sexual violation of children and ways for their abolition, to choose the most suitable measures to achieve the strategic objective and to establish stages for its implementation;
3. other goals:
 - 3.1. to develop a legal base and a system for its implementation, to strengthen penal liability for persons who commit crimes (including sexual) against children, and

to develop further measures for the rehabilitation of children who suffered from violence or sexual exploitation;

- 3.2. to create a balanced system of institutions and individual objectives for the protection of children's rights, and a system for their functioning; to ensure good contacts and cooperation at the municipal, State and international levels;
- 3.3. to create an informative and scientific methodological system which could allow for the accumulation and analysis of data on commercial sexual exploitation and sexual violation of children; this would also help to foresee the tendencies for and spread of such exploitation.

The National Drug Control and Drug Addiction Prevention Programme for 1999-2003 was adopted by the Government in 1999, with the goal of preventing the spread of drug addiction. (There is no translation of the Programmes from Lithuanian into English or French).

Legislation in Lithuania establishes a general minimum age for admission to employment:

- Law on Safety and Health at Work (article 58 (2));
- Law on the Employment Contract (article 4).

Governmental Resolution No. 1055 on Regulations of Working and Employment Conditions for Persons up to the Age of 14, Persons from Age 14 to 16, and Persons from Age 16 to 18, adopted on 11 September, 1996, identifies jobs prohibited to persons of a certain age.

Legislation in Lithuania defines hazardous work.

Law on Safety and Health at Work (17 10 2000 No VIII-2063), Article 67:

Article 67. Classification of the working environment

The working environment shall be classified as follows:

- (1) optimal working environment: working environment which contains no hazardous factors which may have a negative effect on the worker's condition, functional capacity or health;
- (2) normal working environment: working environment which contains hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which do not exceed the limits established in legal acts on safety and health at work;
- (3) hazardous working environment: working environment which contains one or more hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which, at certain points in time during the working day, exceed the limits established in legal acts on safety and health at work. When working in such an environment, conditions to protect workers' health must be created;
- (4) extremely hazardous working environment: working environment which contains one or more hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which, during the working day, continuously exceed the limits established in legal acts on safety and health at work. Workers may work in such environment only in exceptional cases and must be provided with conditions to protect their health;
- (5) dangerous working environment: working environment in which the release of especially dangerous chemical substances or agents, in the form of aerosols or dust, into the

environment may occur in the course of work; also includes the use of dangerous explosive substances. In order to protect the workers from possible exposure, measures specified in article 20(3) must be introduced.

Permitted levels and quantities of factors in the working environment shall be laid down in legal acts on safety and health at work.

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

Laws or regulations exist in Lithuania with the aim of eliminating any of the worst forms of child labour:

- Constitution of the Republic of Lithuania, (25.10.1992), article 48;
- Law on the Employment Contract (28.11.1991 No I-2048);
- Law on Safety and Health at Work (17.10.2000 No VIII-2063);
- Law on Labour Inspectorate (25.10.1994 No I-614);
- Law on Fundamentals of Protection of the Rights of the Child (14.03.1996 No I-1234);
- Law on Protection of the Rights of the Child Ombudsman (25.05.2000 No VIII-1708);
- Law of the Republic of Lithuania “On Ratification UN Convention on the Rights of the Child”(03 07 1995 No I-987);
- Law of the Republic of Lithuania on ratification of the European Social Charter (revised), May 15, 2001, No. IX-317;
- Resolution of the Supreme Council of the Republic of Lithuania on ratification of the International Covenant on Economic, Social and Cultural Rights, March 12, 1991, No I-1136;
- Government Resolution No. 1055 on Regulations of Working and Employment Conditions for Persons up to the Age of 14, Persons from Age 14 to 16 and Persons from Age 16 to 18, adopted on 11 September, 1996;
- Government Resolution No. 29 of 11 January 2000 on the National Programme Against the Commercial Sexual Exploitation and Sexual Abuse of Children;
- Government Resolution No. 282 of February 28, 1995, on Approval of the Governmental Drug Control Commission and its Regulations;
- Government Resolution No. 970 of September 6, 1999, on Approval of National Drug Control and Drug Addiction Prevention Programme for 1999-2003;
- Government Resolution No. 73 of January 28, 2001, on the partial revision of Government Resolution No.282 of February 28, 1995, and Government Resolution No. 970 of September 6, 1999; and
- Criminal Code (articles 131-3, 241, 242 (2)).

Steps are currently being taken to modify existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour. There are plans to adopt amendments to the Law on Safety and Health at Work and amendments to Governmental Resolution No.1055 by the end of 2002.

There is compulsory schooling for children in Lithuania (Constitution of the Republic of Lithuania, article 41). The age of the child at the end of compulsory schooling is 16 years for girls and boys.

Unemployment in Lithuania is relatively high at present (12.1 per cent) and child labour is not widespread:

Activity of the State Labour Inspectorate	2000	2001 (half-year)
Number of inspected enterprises with respect to issues of safety and health	10 422	5 859
Total number of employees in enterprises inspected	705 088	294 882
Employees under the age of 18	245	65

The following worst forms of child labour do not exist in Lithuania:

- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict.

It is not known if other worst forms of child labour exist in Lithuania.

According to the crimes statistics of the Ministry of Internal Affairs of the Republic of Lithuania, some of following crimes are rare:

- sale and/or trafficking (boys and girls);
- prostitution (boys and girls);
- pornography (boys and girls); and
- illicit activities, in particular production and trafficking of drugs (boys and girls).

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

Specific measures or programmes of action have been implemented or are envisaged in Lithuania to bring about the effective abolition of child labour.

The Government of the Republic of Lithuania, striving to guarantee the rights and legitimate interests of children and to decrease the possibility of children becoming victims of sexual harassment and commercial sexual violation, adopted by Government Resolution No.29, January 11, 2000, a National Programme against Commercial Sexual Exploitation and Sexual Violence of Children. The Commission for the Co-ordination of the National Programme against Commercial Sexual Exploitation and Sexual Violence of Children was created by Order No.107, (August 3, 2001) of the Minister of Social Security and Labour.

The Governmental Drug Control Commission was created by Government Resolution No.282 of February 28, 1995.

There is also the National Drug Control and Drug Addiction Prevention Programme for 1999-2003 approved by Government Resolution No. 970 of September 6, 1999. It was revised by Government Resolution No. 73 of January 28, 2001, the partial revision of Government Resolution No.282 of February 28, 1995, and Government Resolution No. 970 of 6 September 1999.

The Programmes provide plans for measures to be taken at different levels (Government, municipalities and educational institutions).

The Poverty Reduction Strategy, which focuses on the situation of children, was created, and the Programme of Action for its implementation has to be adopted by the Government in the first quarter of 2002.

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

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery; and
- free compulsory education.

The following measures to eliminate the worst forms of child labour have been implemented:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- child rehabilitation following removal from work;
- vocational and skills training for young workers; and
- awareness raising/advocacy.

A vocational training and counselling system has been created. It is coordinated by the Lithuanian Vocational Training and Counselling Authority, the Lithuanian Labour Exchange and the Ministry of Education and Science. Many projects have been carried out in cooperation with other countries. For example, the Youth Employment Centre was established at Vilnius Labour Exchange in cooperation with the Labour Ministry of

Denmark. Based on this experience, it is planned to establish such centres in other towns in Lithuania.

The social security system includes social assistance for children.

A vocational orientation centre for soldiers at the Vilnius Training and Counselling Centre tries to help young people to choose a profession after military service.

In these measures or programmes, special attention is given to the needs of particular groups of children, and to the problems of sexual exploitation and drug addiction.

With regard to the involvement of employers' and workers' organizations in the development and implementation of these measures or programmes of action, there is the Tripartite Council of the Republic of Lithuania – a body based on equal-rights of the three partners, and which, by mutual agreement, deals with social, economic and labour-related problems including child labour. The Regulations of the Tripartite Council specify that the Council may decide to establish standing and provisional commissions to consider special, long-standing and extraordinary problems. On 12 January 1999, upon the decision of the Tripartite Council, the Standing Commission of Tripartite Consultations on Implementation of International Labour Standards was set up. During its meeting in December 2000 the Commission discussed, among other things, the possibility of ratifying the Worst Forms of Child Labour Convention, 1999 (No.182) and possible measures to assess and abolish the worst forms of child labour still existing in the country.

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

Many projects at the Lithuanian Labour Exchange, the Lithuanian Training and Counselling Authority, the Ministry of Education and Science and other institutions are carried out in cooperation with institutions in different countries.

The Government does not record the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education; and
- sanctions applied to users of child labour.

The State Labour Inspectorate does not distinguish children as a special category of employees during enterprise inspections and the recording of the results of inspection. It looks only at the number of employees under 18 years of age.

The Government undertakes, on a regular basis, surveys that provide statistical information on the extent of child work.

The State Labour Inspectorate inspects enterprises on a regular basis and gets information on the extent of child labour. The nature of child labour is not registered.

The results are not presented separately:

- by sex;
- by age;

- by occupation;
- by type of activity; and
- by number of hours worked.

In the last population census, held in 2001, all inhabitants who were at home on 05 April 2001 were interviewed. According to the Law on Census, there is no special limit on the age at which the person should have been interviewed personally; the decision is made by the child's parents.

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

The special measures that have been described in the preceding section can be regarded as successful examples in the abolition of child labour.

Obstacles with respect to the effective abolition of child labour

There are no special obstacles with respect to realising the principle of the effective abolition of child labour because child labour is not widespread in Lithuania (see table 1).

The most urgent problems concern the so-called street children who live as tramps and are, therefore, most vulnerable to becoming victims of sexual abuse, drug addiction or being involved in crimes.

Therefore, all Government efforts, with the active participation of non-governmental organisations, are directed towards such children. Besides the measures mentioned before, of social and education counsellor positions were established in 2001. Since September 2001, 150 counsellors began their work at educational institutions. Their duties include work with children and their parents and coordination of activities with other institutions. Children who are victims of drug addiction undergo rehabilitation in psychological-pedagogical rehabilitation camps. Every municipality has services for the protection of children's rights. There are child day centres and child support centres which try to help children and their parents to overcome psychological crises. The aim is to take preventive measures against the violation and exploitation of children, and to try to involve society in solving problems affecting children.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation are ranked in order of priority (1 = most important; 2 = second most important), as follows:

1. policy advice; data collection and analysis.
2. legal reform; capacity building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); sharing of experience across countries/regions; cross-border cooperation mechanisms; special programme for the elimination of the worst forms of child labour.

In the proposals for technical cooperation between the ILO and Lithuania, in accordance with the four Strategic Objectives of the ILO, the following technical assistance concerning ratification of the Convention No. 182 is foreseen:

- expert analysis of national legislation regulating prohibition of the worst forms of child labour and advice on the need for amendments;
- expert advice on scientific methodological research to identify the extent of commercial exploitation of children.

Report preparation

For the preparation of this report, consultation was held with other governmental agencies:

- State Labour Inspectorate;
- the Statistic Department at the Government of the Republic of Lithuania;
- the Ministry of Internal Affairs; and
- the Ministry of Education and Science.

Consultations were not held with employers' organizations and workers' organizations.

The Government has not yet received comments from employers' organizations nor workers' organizations.

The following employers' organizations have been sent copies of the report:

- Lithuanian Business Employers' Confederation;
- Confederation of Lithuanian Industrialists.

The following workers' organizations have been sent copies of the report:

- Lithuanian Trade Unions` Centre;
- Lithuanian Trade Unions` Unification;
- Lithuanian Workers` Union; and
- Lithuanian Labour Federation.

Observations submitted to the Office by the Lithuanian Labour Federation (LDF) through the World Confederation of Labour (WCL)

Recognition of the principle of the effective abolition of child labour

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

There is a national policy aimed at ensuring the effective abolition of child labour. Legislation in Lithuania establishes a general minimum age for admission to employment – 16 years for girls and boys, in some easy jobs, and with parental consent.

[Reference is made to the application of a ratified Convention.]

Government Resolution No. 1055 on Regulations on Working and Employment Conditions for Persons up to the Age of 14, Persons Age 14 to 16 and Persons Age 16 to 18, adopted 11 September 1996, lists jobs prohibited to persons in these age categories.

Legislation in Lithuania defines hazardous work. The minimum age for engaging in hazardous work is 18 years for girls and boys. Laws exist with the aim of eliminating any of the worst forms of child labour – the Criminal Code (articles 131-133, 241 and 242).

Steps are currently being taken to modify existing legislation to address the elimination of the worst forms of child labour. Amendments to the Law on Safety and Health at Work and Government Resolution No. 16.1055 are to be adopted by the end of 2002.

There is compulsory schooling for children in Lithuania. According to the Constitution of the Republic of Lithuania (article 41), the age of girls and boys at the end compulsory schooling is 16 years.

Unemployment is relatively high in Lithuania at present (12.1 per cent), yet child labour is not widespread in the country.

The following worst forms of child labour do not exist in Lithuania:

- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict.

The following worst forms of child labour are believed or suspected to exist in Lithuania:

- sale and/or trafficking (girls and boys);
- prostitution (girls and boys);
- pornography (girls and boys); and
- illicit activities, in particular production and trafficking of drugs (girls and boys).

It is not known whether other worst forms of child labour exist in Lithuania.

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

Specific measures have been implemented to enforce minimum age(s) for employment and to eliminate the worst forms of child labour. They are:

- legal reform;
- inspection/monitoring mechanisms;

- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery; and
- free compulsory education.

There is vocational and skills training for young workers in order to give effect to the minimum age(s) for employment.

The Tripartite Council of the Republic of Lithuania, a body formed under a tripartite equal rights partnership, deals, by mutual agreement, with social, economic and labour-related problems, including child labour.

The Government does not record the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education; and
- sanctions applied to users of child labour.

In the last population census, 2001(April 5), all inhabitants who were at home on that date were interviewed personally. According to the Census Law no age limit is specified; the decision as to whether or not minors are to be interviewed is made by the parents.

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

Special measures have not been undertaken in Lithuania that can be regarded as successful examples in the abolition of child labour.

Obstacles with respect to the effective abolition of child labour

Lithuania has not encountered obstacles with respect to realizing the principle of the effective abolition of child labour, as child labour is not widespread in the country.

Government observations on the Lithuanian Labour Federation's comments

It is a pleasure to inform the Office that we do not have any significant comments to make on the observations submitted to the Office by the Lithuanian Labour Federation, through the World Confederation of Labour, on the principle of the effective abolition of child labour.

In reference to a comment made in these observations – i.e. “special measures have not been undertaken in Lithuania that can be regarded as successful examples in the abolition of child labour”, it should be emphasized that child labour is not widespread in Lithuania. Therefore, there is no need for any particular measures.

Mali

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in Mali in legislation and several international instruments. Indeed, a consistent national policy to eradicate the problem materialized because, as of 1998, Mali joined the ILO-International Programme on the Elimination of Child Labour (IPEC). This clearly illustrates the Government's will to act. Further evidence of this is that since September 1997 there has been a ministry responsible for issues relating to children.

The principle of the effective abolition of child labour is enshrined in Act No. 92-020 of 23 September 1992, whereby the Labour Code and its enabling legislation were established.

Mali has maintained this same principle by ratifying the Minimum Age (Industry) Convention, 1919 (No. 5) and the Survivors Insurance (Industry, etc.) Convention, 1933 (No. 39),⁷ as well as the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

The Labour Code Implementation Decree (Article D. 189-14), prohibits the employment of children under 18 years of age of either sex, in work that is physically strenuous, involves exposure to risk, or work which, by its very nature and the conditions in which it is performed, could harm their morals. Consequently, the economic activity of someone under 18 years of age is regarded as child labour.

Legislation in Mali establishes a minimum age for admission to employment of 18 years for girls and boys. However, this principle can be waived in certain circumstances, when the child is 13 years old and has fulfilled the compulsory schooling requirements pertaining to the first phase of elementary education, he or she may be employed as an apprentice or to do light domestic work on a seasonal basis.

There is a national policy aimed at ensuring the effective abolition of child labour. Since September 1997 there has been a Ministry responsible for matters relating to children. The fight against child labour is a priority for the Ministry of Labour, which plans to set up a department or specific division to deal with child labour. The Ministry for the Advancement of Women, Children and the Family takes part in awareness-raising activities and preventative measures, and so too, do the Ministries of Health, Education and Justice. Under the National Programme to combat child labour, information has been collected on the living and working conditions of 12, 000 child workers. There are now plans for action programmes as well as awareness-raising and information campaigns, and educational activities. A National Plan of Action to Combat Trafficking in Children has been instituted following the subregional programme to combat cross-border trafficking in children in West Africa.

⁷ Up to the time of processing this report, the ratification of convention No. 39 had not yet been registered with the ILO.

Young people must be 18 years of age before they can be engaged in dangerous occupations. In our legislation, there is no definition of “hazardous work” or “hazardous occupations”.

The Labour Code Implementation Decree contains two tables listing occupations prohibited to minors under 18 years of age, as well as the establishments in which they may be employed under certain conditions.

Since the informal sector has not been specifically regulated, it is not possible to ensure that legislation is effectively applied therein.

On 16 June 2000, the National Assembly ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) and the President promulgated Act No. 00-054, of 9 August 2000. The Government, through the National Assembly, ratified the Minimum Age Convention, 1973 (No. 138).

In 2002, a national study will be carried out in Mali, with the support of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC), to determine the number of working children in the country. The data concerning working boys and girls will be disaggregated by sex and age.

In the first phase of the study, the sectoral surveys conducted among four target groups found that 12,285 boys and girls were engaged in gainful employment, 1,547 of them in farming, 3,603 in the informal sector, 3,534 on gold-panning sites, and 3,601 young girls were working in urban areas.

The surveys provided better knowledge of the target groups in epidemiological terms, thereby making it easier to assess the impact and adverse effect of work on children’s health and education. This information was drawn from research and surveys done in six regions of the country.

All the action programmes under way are based on the findings of surveys, two of which are being conducted this year, with five to follow between 2001-03.

As part of the subregional programme to combat cross-border trafficking in children in West Africa, a national study on trafficking in children was carried out. This helped to launch the Mali Programme to Combat Trafficking as part of the implementation of the National Plan of Action to Combat Trafficking in Children.

Despite efforts made with regard to education, Mali still has one of the lowest school attendance rates in the world. In 1995-6, the rate was 36 per cent; in 1999 it rose to 57.8 per cent (Ministry of Education, 2000).

The following worst forms of child labour are believed or suspected to exist in Mali: trafficking (girls and boys); prostitution (girls); and children working in the agricultural and informal sectors, gold-washing and mines. Large numbers of children work in agriculture, the informal sector, gold washing, mines and they are involved in prostitution. In 2002 there is to be a study on child labour, with data broken down by sex and age.

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

Specific measures to eliminate the worst forms of child labour have been implemented in Mali: awareness raising/advocacy and international cooperation programmes or projects. Others are envisaged: inspection/monitoring mechanisms; penal

sanctions; child rehabilitation following removal from work; and vocational and skills training for young workers.

Government policy to eliminate child labour has had some positive repercussions. This is clear from the progress achieved with the National Programme to Combat Child Labour in Mali. In the economic sphere, the period when it was being carried out was strongly marked by the drafting and implementation of the National Anti-Poverty Strategy. This forms a consistent, consensual framework for reducing poverty and setting up sectoral programmes on health, education, justice and employment.

As far as legislation is concerned, enormous progress has been made particularly with regard to the protection of children's rights and more particularly those of working children. It is worth noting that the National Assembly of Mali has ratified the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). The Criminal Code in force has been amended so as to endow it with the means to repress child trafficking, until a specific law on the problem is adopted.

New instruments are being drawn up to address the reorganization of the Employment Directorate services, so as to equip them to deal with the issues of surveillance and control of child labour.

The Republic of Mali has ratified the ILO fundamental Conventions, particularly those relating to child labour. Convention No. 138 was ratified in June 2001,⁸ and Convention No. 182 in June 2000.

The new Penal Code establishes more repressive measures to deal with trafficking in children for work purposes.

The strategic objectives for the National Programme are to:

- conduct surveys and research on the living and working conditions of working children;
- use targeted action programmes which address the priority needs of the children, the families and the communities, for the direct benefit of vulnerable groups;
- withdraw children from the worst forms of labour and consider how to reintegrate them socially and economically;
- organize awareness raising, information and education campaigns to promote and extend the action taken so as to ensure better participation by all the national players;
- strengthen the institutional capacity of the partnership structures and of State channels so that the positive results obtained from the action programmes undertaken can be used to the full;
- provide decision-makers with quantitative indicators and qualitative information on child labour to facilitate the making of decisions to combat child labour.

⁸ Up to the time of processing this report the ratification of the Minimum Age Convention, 1973 (No. 138) had not yet been registered with the ILO.

The actions taken were particularly useful for improving people's knowledge of the groups of working children. Epidemiological surveys were conducted to evaluate the impact and adverse effects of work in farming, the informal sector, and mining on the health and education of boys and girls. As a result, direct support could benefit working children and their families.

The field surveys and applied research produced reliable information for the Programme on the living and working conditions of more than 12,000 children.

The Programme has brought about an integrated approach to combat child labour effectively. The key actions taken by the various IPEC partners are as follows: all labour inspectors in eight of the 15 regions of the country have received training. As a result, more than 25 workplaces where more than 20,000 children work are inspected. The children have been helped either through advice given to the employers on the effect of harsh working conditions on children, or through protection against the risks and constraints they face.

The National Social Security Institute (INPS) has set up a model for children's health services in the informal sector; a model can be replicated elsewhere.

There are country girls working in Bamako as family helpers. The non-governmental organization (NGO) *Enda-Tiers Monde* has set up a reception centre for them where they can talk and receive guidance. More than half of these girls have benefited from literacy services, protection against sexually transmitted diseases (STD/AIDS), and the protection of their rights. In addition, a national network has been set up to cover all the groups and associations of working children in Mali. Awareness-raising and information campaigns are essential for containing the problem, and they have been used in conjunction with the following initiatives:

- support for activities held to commemorate the African Day of the Child on 16 June, with television spots on the worst forms of child labour, and awareness-raising activities to inform the public of the key topics covered by the relevant ILO Conventions;
- organization of lectures/debates on child labour issues;
- television and radio broadcasts concerning the Programme's achievements;
- announcements on private urban and rural radio station programmes, and in the press, as part of the social mobilization drive to combat child labour;
- action to promote and extend people's knowledge of ILO Conventions Nos. 138 and 182;
- awareness raising linked to training activities undertaken with the teachers' unions and employers' associations so as to strengthen their participation in the Programme.

All of the aforementioned measures will be supported and reinforced in the years to come. The Programme has teaching and learning aids (video and audio cassettes). These are always available to underpin awareness-raising initiatives. The sexual exploitation of young girls for the purposes of prostitution has been the subject of another survey and monitoring measures have been introduced among the police force and the persons running the establishments where the girls "work".

The action programmes have all adopted a partnership approach. Of the numerous programmes implemented, 115 of them have made it possible, in practice, to prevent children from working or to release children from the harshest and most dangerous forms of exploitation. This was achieved by offering viable alternatives in education as well as providing other support services such as awareness raising among the children themselves, their parents or guardians, employers, people in positions of responsibility and the unions. All of this has been carried out through groups of working children organized into associations, which were established and operate with the support of IPEC.

All the direct action programmes provide for facilities to help the families withdraw their children from work so they can be sent to school or offered vocational training opportunities.

IPEC action has galvanized the National Steering Committee (CDN) into acting as a catalyst for collaboration and partnership. This was helped along by the emphasis placed on cooperation, creating contacts and networks. There is, for instance, the network of journalists and union members and cooperation with other United Nations agencies such as UNICEF and UNDP so as to guarantee long-term sustainability of the action taken.

In the measures to eliminate the worst forms of child labour, special attention is given to the needs of particular groups of children: child labour in rural areas; the informal sector; gold-panning sites; and young girls working in urban areas.

A strategic alliance was created with IPEC's support to bring together the Government, NGOs and unions. As a result, the ILO fundamental Conventions were ratified earlier than they otherwise would have been, particularly Conventions Nos. 138 and 182. As the first phase drew to a close in the year 2000, the lessons learnt from the various analyses of the situation made it possible to take practical steps to assist groups of children who were working in the informal sector, and to arrange the social and economic integration of young girls who were found working in rural areas. The other target groups, those working in traditional gold panning sites and young workers in rural areas, must receive direct support so that they can be withdrawn from the worst forms of labour. At the same time help must be arranged to increase the family income, not to mention the support needed for the awareness-raising and information campaigns to be carried out by all segments of civil society and the ILO executing agencies.

Two action programmes to address the issue of working children in rural areas have been implemented. They encompass the following: applied research; improving working conditions; raising public awareness; providing school and health support; setting up statistical data banks on the quantity and quality of children's work in farming; improving knowledge of diseases frequently linked to farming and teaching people how to prevent them. A total of 30 awareness-raising activities have been carried out covering all the areas where action has been taken.

Three action programmes and one mini-programme (video report) have been launched to address the issue of children working in the informal sector. The activities cover the following: working conditions survey; awareness raising; vocational training; literacy; legal support; protection against and prevention of abuse and disease; organizational capacity building and participation; informing the public about children's living and working conditions; establishing a network of associations to promote and protect working children's rights; protection against and prevention of work-related risks in the informal sector; providing information and training for teachers, instructors and parents. A total of 50 awareness-raising activities have been carried out covering all the areas where action has been taken.

One action programme was implemented to address the issue of children working on gold-panning sites. It covers the following: research/survey; information/awareness raising; establishing advisory services for children; institutional capacity building for better action by DNGM structures. A total of 15 awareness-raising activities were carried out covering all areas in which action was taken.

Four action programmes were started to address the issue of young girls working in urban centres. They cover the following: working conditions survey; awareness raising; vocational training (sewing, knitting, dyeing, cooking); literacy; legal support; protection against and prevention of abuse and disease; organizational and participatory capacity building; informing the public about children's living and working conditions and establishing community networks to support action by enterprises so as to ensure their sustainability. Income-generating activities and vocational training opportunities were also put in place.

Other activities include: awareness raising among the police force and legal authorities about giving effect to ILO fundamental Conventions concerning child labour; establishing reception centres, advisory services and counselling centres; establishing social action networks so that the synergy created can benefit young girls; and institutional capacity building. A total of 65 awareness-raising activities were carried out covering all areas in which action has been taken.

The Government undertakes surveys that provide statistical information on the extent and/or nature of child work. A national study, to take place in 2002, will provide statistics by sex and age. A total of five sectoral inquiries in six regions, covering the child labour in agriculture, the informal sector, gold-panning sites and young girls working in urban centres, will be conducted beginning in 2001 and continuing through 2003.

Obstacles with respect to the effective abolition of child labour

The worst constraint faced in Mali relates to delays in the approval of action programmes and of the credits to carry them through. A major effort was made however, for 2001, in order to allocate a large sum of seed money to the programmes so that they can be initiated promptly.

Given the institutional difficulty of convening the National Steering Committee as frequently as possible, the Ministry of Labour decided to reduce the membership, and keep only the most active members.

The effective reduction of IPEC (Mali) staff for a volume of work that is more and more important is another obstacle faced with respect to the effective abolition of child labour. There is a lack of general data on child labour at country level as well.

The future challenges are to:

- carry through the ongoing programmes so as to ensure they are better known and ensure they meet the concerns of working children;
- reinforce efforts in awareness raising and information transmission, particularly among families and communities, so that they can play a greater role in the activities undertaken;

- launch other integrated action programmes for other target groups, particularly children working in gold-panning sites, young girls in urban areas, and children working in other informal sectors of the economy;
- reinforce the synergy with other partners in the United Nations system to integrate action taken;
- strengthen the capacity of the Ministry of Labour so as to create a Children and Work Unit within the Ministry.

Child labour is one of the most devastating consequences of persistent poverty. Early admission to work prevents children from developing fully and improving their well-being in adult life. Using child labour is the outcome of market failure and the lack of a mechanism whereby families can manage to survive when they cannot afford to send their children to school and cannot borrow money to do so. Efforts to eliminate child labour therefore emphasize economic development and sound economic management.

Action programmes in rural areas have shown that child labour is caused by general poverty, which can be reduced and eliminated over time through sustained and sustainable economic growth. It has been noted that, where it is harmful to children, child labour may actually be a major cause of poverty. Children are harmed in the course of work, directly and indirectly: directly, when they suffer physical injury or, psychological or social problems; and indirectly, when they have no opportunity for education, which means they are then deprived of a productive future as adults. Many children work in extreme conditions, which exclude any possibility of schooling or development.

The action programme for girls who work in bars, restaurants and hotels in Bamako has taught us a lot about the target groups mentioned in Convention No. 182, particularly article 3 (b) concerning “the use, procuring or offering of a child for prostitution”. The girls targeted under the programme were between 12 and 16 years of age. An inventory has been made of the hidden, isolated, places where the girls work and referred to the police. Training has been given on the best ways to take action in this regard. Opportunities for vocational training (sewing, dyeing) have been considered.

The Government, for its part, is entirely satisfied because its commitment has been demonstrated in practice. The National Labour Directorate (DNT), which heads the CDN, supervises all activities, and to that end, it issues precise instructions. In this way the programme’s activities are enhanced and multiplied throughout the regional labour services nationwide.

The Ministry responsible for labour issues plays an important role in implementing the national policy to combat child labour. This drive has become a priority for the Ministry and an appropriation process has begun. Under this process, the IPEC Coordinator is now able to take part in the various meetings of the Minister’s cabinet, apprise them of the developments and the profile of activities being carried out.

The Ministry for the Advancement of Women, Children and the Family (MPFEF) takes part in awareness-raising activities. Other ministerial departments in the fields of health, education, justice, and the National Assembly, contribute to priority activities for preventing and removing children from the worst forms of work.

As for the unions, the role of education is primordial in preventing and abolishing child labour. Therefore, teachers have been holding talks with the parents of pupils, and the communities, so as to set up strategies to prevent and eliminate child labour. In this framework, the partnership has the following objectives:

- to provide extensive information to teachers and their organizations about child labour; and,
- to encourage brain-storming initiatives to produce ideas and strategies for preventing and eliminating child labour.

Through training and awareness-raising sessions, it has been possible to consolidate the knowledge acquired and take practical decisions.

With regard to employers, as members of the CDN they have always taken part in meetings for adopting action programmes and have seen to it that their representatives monitor the situation to ensure that there are no working children in both the formal and informal sectors.

The executing agencies have demonstrated a high degree of professionalism and great determination in taking action. As is clear from the CDN's evaluation report, the activities were performed well and the reports were submitted according to the conditions agreed upon with IPEC. Institutional capacity building would be a welcome addition to ensure the sustainability of that which has already been done.

The state partners and civil society have, so far, shown themselves resolute and truly committed to participating in activities for strengthening their own capabilities and those of the institutions to eradicate child labour. Any shortcomings may be attributed to higher risks in the local context when attempting to reinforce action.

The lessons learned from the specific IPEC priority groups can be summed up as follows:

- capacity building among the actors and priority target groups in determining, identifying and taking appropriate action has begun;
- support for reinforcing state and community structures in qualitative and quantitative terms, in order to ensure better protection for target groups;
- mobilization and awareness-raising activities undertaken to reduce the vulnerability of girls working in urban areas;
- better targeting of information, education and communication activities based on the problems inherent in the target groups.

The Programme has provided, in particular, the necessary support for the following: evaluating the risks and constraints associated with child labour; identifying priorities and improving children's working conditions; integrating working children socially and economically; and increasing parents' incomes so as to spare children the worst forms of labour, and even to ensure that they are systematically withdrawn. It has also helped to develop the capacity of State structures and NGOs at the local and central levels. Working children have mobilized themselves to take part in awareness-raising and prevention campaigns.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the effective abolition of child labour. Capacity building of responsible government institutions (e.g. labour inspection and administration) is seen as

the most important technical cooperation need followed by awareness raising, legal literacy and advocacy to decrease the vulnerability of young girls working in urban areas.

Report preparation

A copy of this report was sent to the following:

- National Federation of Employers of Mali (FNEM);
- Confederation of Workers' Unions of Mali (CSTM);
- National Union of Workers of Mali (UNTM).

No comments were received.

Mauritania

Observations submitted to the Office by the Free Confederation of Workers of Mauritania (CLTM)

Recognition of the principle of the effective abolition of child labour

[These comments were received too late to be included in the annual review of 2001; they are, therefore, being taken into account for the annual review of 2002.]

The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference on 18 June 1998 at its 86th Session, which, as an instrument for the protection of basic human rights, represents a major priority for the ILO and trade union organizations, is unfortunately far from being respected in Mauritania.

The following problems can be noted:

- the presence of slavery in all forms (domestic labour, bonded labour, unpaid and low-paid labour, absence of legal regulation, etc.);
- the existence of the worst forms of child labour (trafficking in children, domestic labour, begging, animal-herding, etc.).

The principle of the effective abolition of child labour is recognized in Mauritanian law. The Government of Mauritania has ratified the ILO Minimum Age Convention, 1973 (No. 138). Recently, in 2000, it ratified the Worst Forms of Child Labour Convention, 1999 (No. 182).⁹ However, this does not alter the fact that abhorrent practices continue with the collusion of the Mauritanian authorities, including in particular:

- (1) trafficking of children to other countries [of another subregion];

⁹ As of 1 September 2001, Mauritania's ratification of Conventions Nos. 138 and 182 had not been registered by the Director-General of the ILO. Ratifications of these instruments were registered on 3 December 2001.

- (2) domestic labour by children from the haratine class (freed slaves);
- (3) an increase in the number of child beggars; and
- (4) the exposure of children to harsh working conditions in docks and fields, as baggage porters, etc.

Report preparation

[Comment concerning the recognition and representativeness of the CLTM and the Union of Workers of Mauritania (UTM).]

Government observations on CLTM's comments ¹⁰

Mauritanian legislation totally prohibits all domestic, bonded or child labour and, traditionally, Mauritanian society grants a central place to children, who enjoy the protection and care of their parents and their extended family. ¹¹

However, in the large cities, and particularly in Nouakchott (the capital), some families live in precarious situations and are unable to support their children properly.

Such conditions may lead the children, who often abandon their schooling, to spend most of their time in the streets seeking the chance to earn money or to take up begging.

The authorities are aware of this phenomenon and are making every effort to address it, primarily in cooperation with UNICEF and other partners. However, it should be noted that, fortunately, the problem remains limited.

The number of children in difficulty (street children, child beggars and children in trouble with the law) was 243 in 1998 in Nouakchott, which has a population of approximately 600,000.

Consequently, it can be seen that the CLTM is exaggerating the scale of the problem, and its claims that the authorities are complicit are false and most serious.

As regards the other symptoms of the phenomenon claimed by the CLTM, it should be noted that:

- trafficking in children to other countries is almost non-existent and the appropriate measures were put in place following the few cases that came to light. This earned Mauritania the commendation of UNICEF; and
- the Labour Code sets the minimum age of work at 14. Younger children may only be employed or taken on as apprentices where a special exemption is made by the

¹⁰ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, Mauritania ratified the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). Therefore, Mauritania will not be requested to report for this category of principle under the Declaration follow-up, as from the next annual review.

¹¹ The situation with regard to children in Mauritania and the policy of the Government in this regard, were extensively developed in a periodic report presented to the Committee on the Rights of the Child, in September 2001 (CRC/C/8 Add.42).

Minister of Labour, on the advice of the National Labour Council, taking into account local circumstances and the potential demands to be placed on them. However, in Mauritanian society children have always participated in the work of their parents.

In the rural context, this often involves a progressive initiation of children into their parents' work in animal rearing, agriculture and domestic labour.

In the informal urban economy, children are sometimes employed (for example as mobile vendors or apprentices to mechanics or joiners). Sometimes these are rural children who seek work in the city during the low season.

These children are indeed forced to work in order to meet their needs, but it is wrong to claim, as does the CLTM, that these are all "children of the *haratine* class".

The problem affects poor children more generally. Poverty is a socio-economic state, not an ancient social condition, contrary to the union's biased and fallacious arguments.

In order to combat poverty and eliminate factors that can lead to child labour, the Government is implementing national policies such as the Strategic Framework to Combat Poverty and the National Labour Policy adopted in 1997, as well as sectoral policies such as the National Plan of Action for the Survival, Protection and Development of Children.

The adoption last June of a law making primary education compulsory for all children aged between six and 14 is also a most important step that will impact positively on the quality of life of all Mauritanian children.

The phenomenon of child beggars remains limited in Mauritanian society, but the public authorities are sparing no effort to build on social progress and eliminate this scourge.

Government policy in this area includes prevention, education and reintegration.

The "Street Children" programme aims primarily at the successful reintegration of children in difficulty, through the provision of shelter, support and training.

As regards "the exposure of children to harsh working conditions in docks and fields, as baggage porters, etc.", it is essential first of all to draw a distinction between children working in the fields or herding animals and those working in the docks. Children in the former group often work with their parents and are protected from any abuse.

Those in the latter group sometimes experience demands too heavy for their physical capacities, but this is not generally the case, for Mauritanian society, generally, accords a great deal of care to children.

As noted above, it is only in the informal urban economy that children are employed. The Government is addressing this problem at the grass-roots level (combating poverty and making primary education compulsory) and plans to undertake a study in order to examine the problem in greater detail and strengthen the appropriate policies.

Mexico

Government

Recognition of the principle of the effective abolition of child labour

In Mexico the principle of the effective abolition of child labour is recognized both in the Constitution and in ordinary legislation. In addition, the Government has adopted policies and programmes aimed at guaranteeing this principle. The National Development Plan for 2001-06 refers to the need to protect and promote the full development of children and adolescents, and create conditions to enable children to develop in an environment that is emotionally and physically secure, guaranteeing well-being, education, health and equity.

Under the Plan, the National Council on Childhood and Adolescence was established on 25 July 2001 with the aim of promoting support for the development of children and adolescents. The National Council heads the national movement for children and designs and implements, in a coordinated and participatory manner, the agenda guiding action by the Government and society in favour of children. It is also responsible for designing public policy in favour of children, and adapting the legal and administrative framework to the United Nations Convention on the Rights of the Child and the Act concerning the protection of children's and adolescents' rights. The Council will also draw up the agenda that will guide the national movement for children, to open the way for the new generation of Mexican girls and boys to enjoy respect for the full exercise of their rights.

National legislation prescribes the age of 14 years as the general minimum age for admission to employment and the age at which a child may be employed in an enterprise belonging to or operated by the family, for home work, domestic employment and light work.

As regards work performed in enterprises below a certain size, Chapter XV of the Federal Labour Act, entitled "Family industry", provides in section 351, that family workshops are those in which only the spouses, their ascendants, descendants and wards work.

With respect to the types of work not covered by the general minimum age, the Federal Labour Act does not refer specifically to self-employed work, commercial agriculture or family and small-scale agriculture. In Title VI, "Special work", Chapter VIII, "Rural workers", section 279 states that rural workers are those who perform for an employer the tasks that are characteristic of and usual in agriculture, livestock breeding and forestry.

In addition, legislation defines hazardous work and fixes the minimum age for performing hazardous work at 16 years (the Federal Labour Act, in Title V bis, entitled "Work by minors", defines in section 176 hazardous or unhealthy work as that 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 virtue of the composition of the raw material used, may affect the life, development and physical and mental health of minors).

Section 175, paragraph I, of the same Act prohibits the use of the work of persons aged under 16 years of age in:

- (a) shops in which alcoholic beverages are sold for immediate consumption;

- (b) work likely to affect their morality or good conduct;
- (c) itinerant work, except where specially authorized by the Labour Inspectorate;
- (d) work underground or under water;
- (e) hazardous or unhealthy work;
- (f) work that is beyond their strength, or that may hinder or retard their normal physical development;
- (g) non-industrial establishments after 10:00 p.m.;
- (h) other work as prescribed by law.

Similarly, section 175, paragraph II, prohibits the use of the work of minors under 18, in night work in industry.

Section 159 of Chapter II (“Work by minors”) of the Federal Regulations concerning safety, hygiene and environment at work provides that persons between the ages of 14 and 16 years shall not be employed in the hazardous and unhealthy work described in section 154 of the same Regulations, namely:

- (a) handling, transport or storage of teratogenic or mutagenic substances;
- (b) exposure to sources of ionizing radiation that may contaminate the work environment, in accordance with the applicable legal provisions, regulations or standards;
- (c) abnormal environmental pressure or altered environmental thermal conditions;
- (d) work on drilling rigs or offshore platforms;
- (e) work under water, underground or in opencast mines;
- (f) work in confined spaces; and
- (g) welding and other activities specified as hazardous or unhealthy in the applicable legislation, regulations and standards.

The Government is also implementing measures and standards with regard to the effective application of the Worst Forms of Child Labour Convention, 1999 (No. 182), ratified by Mexico on 30 June 2000.

Lastly, it should be pointed out that provision is made in Mexico for compulsory schooling for children up to the age of 15, it being obligatory to attend at least nine years of school.

As regards the situation in practice with respect to child labour in Mexico, in 1997 a comprehensive study was carried out, coordinated by the National System for the Integral Development of the Family (DIF), with support from the United Nations Children’s Fund (UNICEF) and the United Nations International Drug Control Programme (UNDCP), with the participation of 31 state systems and about 200 municipal DIFs. The study found the following.

- In the country's 100 main towns, 114,497 minors (aged 0 to 17) were found to be using the streets and public areas as workplaces or living quarters. Of that number, 100,565 are school-age minors and adolescents ranging from 6 to 17 years of age, this being the most numerous group and those who can be considered as working minors strictly speaking. The remaining 13,932 are small girls and boys aged between 0 and five years accompanying adults or older family members engaged in different types of activities.
- Forty-five (45) per cent of working children are concentrated in 14 towns: Guadalajara (including Tlaquepaque, Tonalá and Zapopan), Tijuana, Monterrey (including Guadalupe, Santa Catarina, San Nicolás and Apodaca), San Luis Potosí, Toluca, Querétaro, Acapulco, Tuxtla Gutiérrez, Aguascalientes (including Jesús María), Saltillo, Juárez, León, Morelia and Torreón. In each of these towns the number of working children exceeds 2,000. The remaining towns had fewer numbers – on average about 750 working boys and girls in each.
- Ninety-two (92) per cent of working children live with their families and maintain emotional ties with both or one of their parents, 86 per cent contribute their earnings to support the family. Of these, 27 per cent hand over all their earnings, while the remaining 59 per cent keep a part of them.
- Less than eight per cent of the children are street children, i.e. live in the street/ public thoroughfare, vacant lots, abandoned buildings, parks and drains.
- The activities performed by working children aged up to 17 years can be broken down into the following categories:
 - (a) personal services and begging (20 per cent of the total);
 - (b) production and sale of small items (24 per cent);
 - (c) activities linked to traditional sectors (18 per cent);
 - (d) subcontracting in the formal sector (24 per cent); and
 - (e) accompanying adults engaged in any of the above (14 per cent).
- According to the study, 82 per cent of the children aged 11 were attending school. The corresponding figures were 77 per cent of ten-year-olds, 78 per cent of nine-year-olds, 72 per cent of eight-year-olds, and 66 per cent of seven- and six-year-olds.

According to the National Action Programme for Children (Evaluation 1990-2000), the Government, in 2000:

- issued 1,620 authorizations and certificates to work (340 in the Federal District and Metropolitan Area and 1,300 in the provinces);
- provided vocational guidance in 1,525 cases (790 in the Federal District and Metropolitan Area and 735 in the provinces);
- carried out 8,740 inspections of minors' working conditions (2,640 in the Federal District and Metropolitan area and 6,100 in the provinces).

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

As regards the implementation of specific measures or programmes of action to bring about the effective abolition of child labour, *the Programme to Prevent, Deter and Eradicate Urban and Marginal Child Labour* is intended to help find a solution and a comprehensive approach to the high-risk situations in which working children may find themselves in the country's main metropolitan areas.

The Programme has adopted various strategies, including the *Non-Formal Education Model for Urban and Marginal Working Children*, aimed at identifying and optimizing community and family strengths as a key element to ensure that working children and adolescents stay in school. Where appropriate, it aims to reintegrate them into these environments as the best means of providing them with the minimum skills they need in order to participate successfully in a social and productive life in the future.

This model was designed to assist 90 per cent of the minors identified in the Study on Working Children and Adolescents in 100 Towns, who are working in streets and public places to support the family. The model was applied in six towns: Tijuana, Oaxaca, Mérida, Morelia, Acapulco and San Luis Potosí, enabling the necessary adjustments to be made for a definitive model. The model is currently operational in 35 towns and 24 states of the Republic. The aim is to achieve national coverage by 2002, promoting the implementation of the model in the remaining cities and states.

As regards the measures or programmes giving special attention to the needs of particular groups of children, including those working in the informal sector, the "Street to Life" Programme to provide preventive measures and assistance to street children and youth is a strategy focusing on 10 per cent of the street children identified by the study of 100 towns. These children will be assisted through a coordinated effort between the Government of Mexico and civil society with a view to:

- preventing more children from becoming street children, by addressing the causes;
- providing comprehensive assistance to those already living in the street, considering:
 - their reintegration in the family unit (as the first option);
 - their rehabilitation and productive reintegration;
 - special attention to children with terminal illnesses;
- developing models of assistance that address the different conditions giving rise to the problem;
- seeking participation of the beneficiaries, respecting their views and rights at all times; and
- holding consultations with the state and municipal DIF systems, as well as with organizations of civil society, on the implementation of the programme.

There is a Programme of Academic and Training Grants. This strategy contributes to the academic development and, where appropriate, vocational training of urban and marginal minors and adolescents working in the informal sector, as well as minors at risk of taking up work. The aim is to enhance their expectations of life and improve their opportunities for personal advancement.

The impact of this strategy is evaluated using the Strategic Indicator of School Completion Rates (*Estratégico de Eficiencia Terminal*), which measures the pass rate of minors who have been awarded grants. In the previous period the rate was 77 per cent.

The Programme to Prevent, Address, Deter and Eradicate Urban and Marginal Child Labour has assisted 12,466 working children and awarded 7,234 grants to date.

The Government does not compile information on the number of children withdrawn from child labour, the number of former child labourers pursuing formal or non-formal education or the sanctions applied to users of child labour, although it has carried out surveys aimed at obtaining statistical data on the extent and/or nature of child labour (see data relating to the 1997 survey mentioned earlier). The latest survey was carried out in 1997 by the DIF, UNICEF and UNDCP, and its results were published in the *Study on Working Children and Adolescents in 100 Towns*, broken down by sex, age, occupation and type of activity. In the latest population census (2000), the minimum age of the persons from whom information on gainful activity was requested was 12 years.

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

Progress essentially relates to the Worst Forms of Child Labour Convention, 1999 (No. 182), ratified by Mexico on 30 June 2000.

As regards changes in the regulatory, policy or institutional frameworks, the initiation of significant new programmes and changes in the number of working children, the Act concerning the protection of children's and adolescents' rights was published in May 2000.

The purpose of the Act is to guarantee children and adolescents protection and respect for the fundamental rights recognized in the Political Constitution of the United Mexican States.

Section 3 states that the protection of children's and adolescents' rights is aimed at ensuring their full and comprehensive development. This implies that they must have the opportunity to develop physically, mentally, emotionally, socially and morally in conditions of equality.

Section 5 provides that the Federation, the Federal District, the States and the municipalities shall endeavour to implement the necessary mechanisms to promote a culture of protection of children's rights based on the content of the UN Convention on the Rights of the Child and treaties on this subject, ratified by the Senate of the Republic.

Moreover, Chapter II, entitled "Obligations of ascendants and guardians", section 11, paragraph B, provides that it is the duty of mothers, fathers and all persons caring for children and adolescents to protect them from all forms of mistreatment, damage, harm, aggression, abuse, trafficking and exploitation.

Obstacles with respect to the effective abolition of child labour

The Government is convinced that children belong to one of the most important segments of Mexican society, which is why Mexico has a legal framework that guarantees them full protection.

Priority needs for technical cooperation

The Government does not consider it necessary to continue or embark on new technical cooperation with the ILO with a view to realizing the principle of the effective abolition of child labour.

Report preparation

Consultations were held with other public bodies and with workers' and employers' organizations with respect to the preparation of this report, in accordance with the provisions of Article 2 and Article 5(1)(d) of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Observations were received from workers' organizations on the report.

The report was transmitted to the Mexican Confederation of Chambers of Industry (CONCAMIN), the Mexican Employers' Confederation (COPARMEX) and the Confederation of Mexican Workers (CTM).

Observations submitted to the Office by the Confederation of Mexican Workers (CTM) through the Government

Recognition of the principle of the effective abolition of child labour

Since the adoption of the Political Constitution of the United Mexican States, the rights of minors have been established and restrictions have even been placed on the performance of services by minors.

Article 123, paragraph A, sections II and III [of the Constitution] prohibits the employment of workers under 16 years of age in industrial night work and, work after 10.00 p.m., in general.

It also prohibits the use of labour provided by persons aged under 14, given that this is the age at which, in practice, compulsory education ends in accordance with the legislation in force.

In the case of workers between the ages of 14 and 16, daily hours of work are limited to six hours.

The Federal Labour Act, which expands on this provision, lays down in Title V bis, the conditions, prohibitions and basic principles to be applied with regard to work by minors.

Article 123, paragraph A, of the Political Constitution of the United Mexican States provides as follows:

- II. The maximum duration of night work shall be seven hours. Unhealthy or hazardous work, industrial night work and any other work after 10:00 p.m. are prohibited for persons aged under 16 years.
- III. It is prohibited to use the labour of persons aged under 14 years. For persons aged between 14 and 16 years, daily hours of work are limited to six hours.

The labour legislation, which protects the working class and minors, also contains a special chapter entitled “Work by minors”, the following provisions of which are mentioned here:

Section 173. Work by persons aged between 14 and 16 years is subject to special monitoring and protection by the Labour Inspectorate.

Section 174. Persons aged between 14 and 16 years shall obtain a medical certificate attesting that they are fit to carry out the work and shall undergo medical examinations periodically ordered by the Labour Inspectorate. No employer may use their services without the required certificate.

Section 175. It is prohibited to use the labour of persons under:

I. 16 years of age, in:

- (a) shops in which alcoholic beverages are sold for immediate consumption;
- (b) work likely to affect their morality or good conduct;
- (c) itinerant work, except where specially authorized by the Labour Inspectorate;
- (d) work underground or under water;
- (e) hazardous or unhealthy work;
- (f) work that is beyond their strength, or that may hinder or retard their normal physical development;
- (g) work in non-industrial establishments after 10.00 p.m.;
- (h) other work as prescribed by law.

II. 18 years of age, in:

- (a) industrial night work.

Section 176. Hazardous or unhealthy work referred to in the previous section is that 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 reason of the composition of the raw material used, may affect the life, development and physical and mental health of minors. The work to be included in this definition shall be determined by regulations.

Section 177. Daily hours of work of persons under 16 years of age shall not exceed six hours and shall be divided into periods not exceeding three hours. They shall have at least one hour's rest between the different periods of the working day.

Section 178. It shall be prohibited for persons under 16 years of age to do overtime work and to work on Sundays and public holidays. In the event of infringement of this prohibition, overtime shall be paid at 200 per cent over the wage corresponding to the hours of the working day, and the wage for work on Sundays and public holidays, in accordance with the provisions of sections 73 and 75.

Section 179. Persons under 16 years of age shall be entitled to paid annual leave equivalent to at least 18 working days.

Section 180. Employers who employ persons under 16 years of age are obliged to:

- I. require the medical certificates attesting that they are fit for work;
- II. keep a special inspection record indicating their date of birth, type of work, working hours, wages and other general conditions of employment;
- III. distribute work in such a way as to ensure that they have the necessary time to carry out their school programmes;
- IV. provide them with training and skills upgrading in accordance with this Act; and
- V. provide the labour authorities with any information they request.

It may be deduced from the above that Mexican legislation establishes the following three age groups:

1. those under 14, for whom gainful activity is definitively prohibited;
2. those aged 14 and 15, for whom work is permitted under favourable conditions ensuring their protection, and with their parents' consent;
3. those aged 16 and 17, whose situation is not clearly defined as they are deemed to be minors but at the same time fit for adult work.

The first two categories were established in the Constitution to guarantee children's full physical and cultural development until they reach puberty. As regards those aged over 15, the intention is to prevent them from being exposed to workloads that are beyond their strength until they reach the age of majority.

The CTM considers that the constitutional framework is to a certain extent obsolete, as the prescribed minimum age does not correspond to the physical development of minors, or to their educational needs. This minimum age does not guarantee basic education, which lasts nine years, and most children do not complete schooling until the age of 14 to 16.

We consider that the federal Government has not really addressed the problem, and has even encouraged supervisory mechanisms and sanctions to become lax in the labour field; even worse, it has neglected the issue, as attested by the fact that there has not even been an attempt to estimate the number of minors at work.

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

The federal Government has carried out a series of surveys and field work and has put in place a system that will enable information on minors to be collected systematically.

As part of this framework, a study was conducted among minors in the street which showed that over 90 per cent of them live with their families, work regularly and contribute their earnings to the household economy, indicating that this is, strictly speaking, a labour problem, and not one of street children.

In addition, minors have been found to be working in the formal sector, often in high-risk conditions and generally without the benefits prescribed by law: in the construction industry, tortilla manufacturing, bakeries, as well as in medium-sized enterprises and the service sectors, which hire 16 and 17 year-olds, whose legal status is not clearly defined; worse still, there are documented cases of children under 5 years of age working in garbage dumps.

In recent years both the federal Government and the Federal District Government have embarked on policies that will be the starting point for a national project beginning with a special programme to defend the rights of minors who are employed or directly involved in the formal economy, to enable them to assume their place in society.

Under the programme, an agreement was signed for the protection of packers employed in supermarkets, who account for the majority of working minors in the Federal District. Through this agreement mechanisms are put in place to bring these young people within the scope of the law.

The agreement defines the job of packaging, eliminating the various unpaid tasks packers currently perform, clearly fixes daily hours of work and introduces the subject of social security. It also provides for machinery to improve the agreement.

The following action is proposed by the CTM to help working minors:

- take a stand against child labour, in accordance with our legislation; commit ourselves to abolishing it in the medium and long term, beginning with identifying the means for providing and monitoring protection;
- further legislative amendments to prevent persons aged under 16 from working, fully guarantee their basic education, and protect 16 and 17 year-olds by providing for daily working hours that are shorter than those for adults, in order to avoid interrupting their physical development and general education;
- monitor and penalize the work of persons aged under 14, discouraging them from working by making them assume their social responsibility;
- carry out surveys and studies, and make more information available systematically to the labour authority in order to get a picture of the extent and particularities of child labour throughout the country in the short term;
- assume responsibility for guaranteeing working minors access to education and health, with the cooperation of their direct and indirect employers; and
- facilitate the development of forms of organization among minors which would enable them to be aware of and defend their rights.

It is important to point out that social protection measures should be carried out parallel to programmes for working minors, in order to ensure that families have adequate means of subsistence.

Accordingly, the following paragraphs describe social programmes carried out by the federal Government based on economic and statistical information on measures which favour minors and adolescents, as well as family and community development. Statistics for the period 1990 to the first half of 2000 are appended.

Programme to assist minors and adolescents at risk. This information shows the number of street children at risk who have been assisted, as well as the percentage of minors in especially difficult circumstances; the number of families assisted; the states and municipalities covered; and the agencies supporting the programmes, i.e. the number of trusts, trusteeships, commissions and agreements supporting these measures.

Office of the Public Prosecutor for the Defense of Minors and Families. Statistics are given for the period 1992 to the preliminary cut-off date for 2000, on measures taken with respect to proceedings filed, court settlements, proceedings concluded and out-of-court settlements.

Human and physical resources in the national system for the comprehensive development of the family. In an effort to support the protection of minors, the federal Government has earmarked human, professional, technical, medical and other resources, as well as physical resources, to assist families. The statistics show the measures taken. The period covered is 1990 to the first half of 2000.

Promotion of family and community development. This indicates the total population served, in terms of families, persons and municipalities, and minors in especially difficult circumstances, as well as assistance to minors and adolescents at risk. Statistical information is also included on the population served by coordinated health services.

Lastly, an agreement has been concluded for the protection of minors employed as packers in supermarkets, laying down the requirements and conditions for performing this service, with special emphasis on the protection of minors as workers.

As regards the preparation of the report, the CTM considers that this information lies within the competence of the Office of the General Coordinator for International Affairs.

Moldova, Republic of

Government

Recognition of the principle of the effective abolition of child labour

The principle is recognized in the national legislation and there is a national policy aimed at ensuring the effective abolition of child labour. Schooling is compulsory for both boys and girls from 7 to 16 years of age. This means that they must go through nine classes.

The general minimum age for admission to employment is between 14 and 16 years, for both boys and girls. This minimum age does not apply to any of the following types of activities: work performed in a family-owned or -operated enterprise; work performed in enterprises below a certain size (not specified); home work; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work or work in export processing zones.

Hazardous work is defined in section 183 of the Labour Code which prohibits persons under 18 years of age from work that is dangerous or harmful, underground work, as well as activities associated with the production, storage and sale of alcoholic beverages. Minors are prohibited from carrying objects that exceed the legally prescribed standards. Under section 185 of the Labour Code, night work, work on rest days, and overtime work, are also prohibited for persons under the age of 18. In exceptional cases, and with the consent of the enterprise union committee, the institution, or organization concerned, persons who have reached the age of 14 may be employed. As part of the training of young persons at the workplace, it is possible, with the parents' consent, to conclude an individual contract of employment with students who have reached the age of 14, and who are in general training, technical schools of specialized secondary schools. In this way, they can do light work in their free time, as long as it is not harmful to their health and does not hinder their schooling.

There are no laws or regulations aimed at eliminating the worst forms of child labour. However, the Republic of Moldova is trying to implement a national policy aimed at ensuring the effective abolition of child labour, by giving effect to Parliamentary Resolution No. 339-XIII of 15 December 1994 concerning the application of the Act on the Rights of Children. Under Section 11 of this Act, which concerns the right to work, a child has the right to work as long as factors such as age, health and training are taken into consideration, and the remuneration is in keeping with the labour legislation. With parental consent, students 14 years of age may be employed, taking into account their capabilities.

The State authorities set aside jobs for them and provide special recruitment services. They have also established adequate networks with enterprises and services to provide job opportunities for youths with physical and mental disabilities.

The State protects children against economic exploitation and from carrying out work that is harmful to their health, hinders their education, or compromises their physical, intellectual, moral and social development. The legal authorities closely monitor training requiring children to work.

Article 6 of the Act deals with the inviolability of persons and protection against physical and mental violence. The State guarantees the protection of children against all forms of exploitation, discrimination, physical and mental abuse. Behaviour that is cruel, vulgar and debasing, as well as insults and brutality towards children, are prohibited. So too is the incitement of children to carry out criminal acts, consume liquor, use narcotics, gamble and beg. The encouragement and forcing of children to participate in all forms of illegal sexual activity are prohibited.

The Government does not know whether any of the following worst forms of child labour exist in the country: sale or trafficking; debt bondage; serfdom; forced or compulsory labour; forced recruitment for armed conflict; pornography; and illicit activities, in particular, the production and trafficking of drugs. However, prostitution amongst girls is believed or suspected to exist.

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

Specific measures and programmes have been implemented in the following areas: job creation; income generating activities; and vocational and skills training for young workers. However, these measures pay no special attention to the needs of particular groups of children. The Government works with the United Nations Children's Fund (UNICEF) and the non-governmental organization 'Save the Children'. However, it has no records of the number of children withdrawn from child labour, the number of former child workers pursuing formal or non-formal education, and the sanctions applied to the users of child labour.

The Government occasionally carries out surveys that generate statistics on the extent and nature of child work. The last survey was carried out in 2000. The survey results are presented by sex, age, type of occupation, type of activity and number of hours worked. The last population census was in 1989.

Government Resolution No. 581 of 5 September 1992 concerning public employment services ensures that there is a coordinated response to employment-related problems and to the provision of social protection for unemployed persons, including minors and young persons. The employment legislation states that persons under 16 years of age cannot be considered "unemployed persons".

In order to provide jobs for young persons, the local public authorities, in keeping with section 9 of the Employment Act, reserve jobs for them. In 2000, there was a quota of 2,686 jobs for young persons and 918 for minors under 16 years of age. Some 2,182 jobs were found for young persons, and 107 jobs for youths under the age of 16. In the first quarter of 2001, jobs were found for 1,306 young persons and 42 for minors (under 16 years of age).

Young persons (16-29 years) benefit from career guidance services. In 2000, 13,878 of them were given counselling at employment offices at the municipal level as well as at

the level of autonomous regions.¹² In the first quarter of 2001 counselling services were provided to 10, 147 persons.

The social protection of young persons is a fundamental aspect of the country's employment policy. The main tasks for the State are to create the necessary conditions for achieving economic independence, and to enable young persons to enjoy the right to work by restructuring the economy and instituting a new career guidance and training system.

The following measures have been taken with a view to increasing the participation of young persons in economic activity:

- special job placement programmes;
- active labour market policies consisting of the following: (a) the provision of information on opportunities for preparing for working life; (b) job placement; (c) vocational guidance; and (d) creating favourable psychological conditions to help young persons to cope with unemployment.

Between January and June 2001, 8,400 young persons benefited from career guidance counselling (82 per cent of them were between the ages of 16 and 29 years).

Training is a means for reducing unemployment among young persons. Training is carried out by the state employment services in collaboration with teaching institutions, the Ministry of Education, other government ministries and departments as well as enterprises and institutions, regardless of their type of ownership.

Agreements have been signed with 60 training institutions. Between 1998 and 2000, some 19,801 persons attended training courses. Of that number 82 per cent were young persons between 16-29 years of age.

The legislation in force provides for the social protection for unemployed young persons, the provision of job placement services, training for employment, unemployment benefits, and other forms of financial assistance for a period of up to nine calendar months.

In order to improve the situation in the labour market a National Employment and Social Protection Programme for unemployed persons in 2001 and 2002, was approved by Government Resolution No. 548 of 28 June 2001.

Under the Programme, government ministries and departments, local authorities, and other economic agents carry out activities aimed at creating more jobs, and providing job placement services, vocational training and guidance.

It is worth noting that the Government has started procedures for the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182).

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

No special measures have been taken that can be regarded as successful examples of efforts to abolish child labour.

¹² Autonomous regions are located within the Republic of Moldova but exercise independence in economic and administrative matters. One such example is the Gagauz-Yeri administrative region.

Priority needs for technical cooperation

New or continued technical cooperation with the ILO is necessary for assisting the Republic of Moldova in realizing the principle and right. The following types of technical cooperation are needed:

- (1) *most important*: a special programme for the elimination of the worst forms of child labour;
- (2) *second most important*: social protection systems; and
- (3) *third most important*: the training of officials such as the police, judiciary, social workers and teachers.

Report preparation

For the preparation of this report, consultations were held with other government agencies as well as organizations representing employers and workers. Copies of the report were sent to the National Confederation of Employers, the Confederation of Trade Unions and the Confederation of Free Trade Unions “Solidarity”.

No comments were received from the employers’ and workers’ organizations.

Mozambique

Government

Recognition of the principle of the effective abolition of child labour

As noted in its past report, the Government, as part of its efforts to promote the Declaration on Fundamental Principles and Rights at Work, has been taking measures with a view to ratifying the eight ILO fundamental Conventions.

The last three of these Conventions were submitted in 2000 to be considered for ratification, and every effort is being made to conclude this process. These Conventions are: 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 realize the effective abolition of child labour

With support from the ILO, the Government organized national tripartite seminars to promote the Declaration. For example, in early August (2001), a seminar on International Labour Standards was held in Maputo. In the province of Sofala, which is in the middle of the country, there was a seminar on the Worst Forms of Child Labour Convention, 1999 (No. 182).

The Government also carried out a national survey on child labour in Mozambique.

Myanmar

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the legislation of Myanmar. Furthermore, the provisions of the 1993 Child Act protect and safeguard the safety of children.

The legislation has established a general minimum age for admission to employment. It is 18 years for girls and boys.

The minimum age for admission to employment is specified in the Factories Act of 1951, the Shops and Establishments Act of 1951, the Employment and Training Act of 1950, and the Overseas Employment Rules of 2000. The Factories Act (Section 75) states: "... no child who has not completed his thirteenth year shall be required or allowed to work in any factory".

This prohibition, however, does not apply if: (a) ... a certificate of fitness granted under section 77 with reference to him, is kept in the custody of the manager of the factory; and (b) such a child or adolescent carries evidence of such a certificate while he is at work," (Section 76 of the Factories Act of 1951).

Similarly, according to Section 8(1) of the Shops and Establishments Act, "no person, who has not reached the age of 13 years shall be required or permitted to work in any shop, commercial establishment or establishment for public entertainment".

The legislation defines hazardous work. The rules relating to hazardous work were drawn up within the framework of the Factories Act of 1934 but may still be enforced under Factories Act of 1951. They are as follows:

- (a) Hazardous Occupation (Lead) Rules, 1937;
- (b) Hazardous Occupation (Miscellaneous) Rules, 1937;
- (c) Hazardous Occupation (Aerated Water) Rules, 1937;
- (d) Hazardous Occupation (Rubber) Rules, 1937;
- (e) Hazardous Occupation (Cellulose Spraying) Rules, 1937;
- (f) Hazardous Occupation (Chromium) Rules, 1937;
- (g) Hazardous Occupation (Sand Blasting) Rules, 1937.

The minimum age for engaging in hazardous work is 18 years for boys. Girls and children shall not be allowed to engage in hazardous work (The Factories Act of 1951, Section 24 (2)). Section 2(a) of the Factories Act of 1951 defines a "child" as "... a person who has not completed his fifteenth year".

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

Specific measures or programmes of action have either been implemented or are envisaged, to bring about the effective abolition of child labour.

In order to enforce the minimum age for employment, inspection/monitoring mechanisms have been implemented.

Priority needs for technical cooperation

There is need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation needed, in order of priority are (1 = most important; 2 = second most important):

1. capacity building of responsible government institutions (e.g. labour inspection and administration); and
2. social protection systems.

Report preparation

For the preparation of this report, other governmental agencies as well as employers' organisations were consulted. Meetings were held with these agencies and organizations. The discussions were open and direct. Employers' and workers' organizations made comments on the report.

Copies of the report were sent to the following:

- Office of the Attorney General;
- Department of Social Welfare (DSW);
- Factories and General Labour Laws Inspection Department;
- Myanmar Maternal Child Welfare Association (MMCWA);
- Workers' Welfare Association (WWA); and the
- Union of Myanmar Federation of Chamber of Commerce and Industry (UMFCCI).

Netherlands

Government

Recognition of the principle of the effective abolition of child labour

[The Government of the Netherlands informed the Office that it would not be submitting a report on this category of principles and rights because "the Netherlands intends to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182) before the end of this year [2001]." The following is an excerpt of the Government's letter to the Office.]

As the aim of annual reviews in the framework of the Follow-up to the Declaration is to help governments to overcome problems, including barriers to the ratification of ILO Convention No. 182 (among others), submitting a report will not be needed. The problems have already been identified by the Dutch Government and a Bill providing for the necessary adaptation of the national legislation, is already pending before Parliament. Parliament has, as a matter of fact, already approved the ratification of Convention No. 182, which means that the Government is permitted to ratify this Convention. The Government will be able to do so, in the short term, after fulfilling the required procedural formalities. Possibly, ratification will not be registered before 1 September 2001, but expectations are that that will happen not long after that date.

[Note: ratification of Convention No. 182 had not been registered by 1 September 2001.]

New Zealand

Government

New Zealand provided a complete report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for 2000 (GB.277/3/2), and another report in 2001 under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.280/3/2) to update the information contained in the 2000 report.

Recognition of the principle of the effective abolition of child labour

The New Zealand Government is deeply concerned about the exploitation of children and is actively engaged in a number of international forums for dealing with this issue. New Zealand therefore strongly supports initiatives to eliminate the worst forms of child labour, and ratified Convention No. 182 concerning the Worst Forms of Child Labour on 14 June 2001.

The Government does not believe, however, that all forms of child employment are harmful. While New Zealand places restrictions on the employment of young persons (mainly in the education and occupational safety and health legislation), there is a long-established practice of employing children in a range of work including newspaper rounds and fruit-picking. The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.

For details on the restrictions on the employment of young persons, care/protection and human rights issues, refer to New Zealand's 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2 and GB.280/3/2). The legislation and policies as described in those reports provide a wide range of protection against the exploitation of children in employment in New Zealand.

There is no national policy and/or plan aimed at the effective abolition of child labour and the Government does not intend to adopt one.

Legislation in New Zealand does not establish a general minimum age for admission to employment. However, currently the Government is assessing, in the context of reviewing its reservation to Article 32(2) of the UN Convention on the Rights of the Child, whether a general minimum age is the most appropriate protection against the exploitation of children in work.

This work, once completed, will assist with determining whether New Zealand is able to ratify ILO Convention No. 138 concerning Minimum Age.

Legislation in New Zealand does not define hazardous work. The Government refers to its 2000 and 2001 reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work for information on health and safety issues (GB.277/3/2 and GB.280/3/2).

Laws or regulations exist in New Zealand with the aim of eliminating the worst forms of child labour.

The Crimes Amendment Act came into effect on 3 April 2001 to bring New Zealand's legislation into full compliance with ILO Convention No. 182 concerning the Worst Forms of Child Labour. The Act:

- (a) prohibits any person being a client in an act of prostitution by a person under 18 years of age;
- (b) prohibits the procuring of a person for the purposes of prostitution with another person;
- (c) provides a general prohibition on debt bondage and serfdom.

Other legislation, while not directly targeted at the worst forms of child labour, is also relevant to those forms:

- (a) the Films, Videos and Publications Classification Act 1993 effectively prohibits child pornography;
- (b) the Crimes Act 1961 prohibits the sale of any person as a slave and also provides for a comprehensive ban on trafficking of slaves.

In describing the situation in practice in New Zealand with respect to child labour, including in the informal sector, if appropriate, the Government refers to the information provided earlier in the report as well as its report for the annual review 2000 (GB.277/3/2).

The following worst forms of child labour do not exist in New Zealand: debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict.

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

While *trafficking* in New Zealand is currently a relatively small problem, organisations such as the Human Rights Commission and the New Zealand Police acknowledge that it has the potential to become a growing problem. Throughout the world the trafficking of people from socio-economically deprived circumstances has increased markedly.

Estimating the true nature and extent of child *prostitution* in New Zealand is very difficult due to the clandestine nature of the activity. Research and anecdotal evidence suggest that child prostitution is a growing problem in New Zealand. End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) New Zealand recently completed the first stage of a three-stage research project to establish the extent of child prostitution in New Zealand. Initial findings revealed that child

prostitution is reported by young workers throughout New Zealand, in rural districts and towns, as well as cities.

It is not known if pornography, one of the worst forms of child labour, exists in New Zealand.

Child *pornography* (mainly of an internet-based nature) appears to be a growing problem in New Zealand, although it appears to be associated with the possession and distribution of pornography that has been imported, as opposed to the production of child pornography within New Zealand.

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

Specific measures or programmes of action have been implemented or are envisaged in New Zealand to bring about the effective abolition of child labour. Legal reform and international cooperation programmes or projects have been implemented to eliminate the worst forms of child labour. Inspection/monitoring mechanisms and awareness raising/advocacy are envisaged to eliminate the worst forms of child labour.

Legal reform: The Government refers to the following comments, made elsewhere in the report: the Crimes Amendment Act came into effect on 3 April 2001 to bring New Zealand legislation into full compliance with ILO Convention No. 182 Concerning the Worst Forms of Child Labour. The Act:

- (a) prohibits any person being a client in an act of prostitution by a person under 18 years of age;
- (b) prohibits the procuring of a person for the purposes of prostitution with another person;
- (c) provides a general prohibition on debt bondage and serfdom.

Other legislation, while not directly targeted at the worst forms of child labour, is also relevant to those forms:

- (a) the Films, Videos and Publications Classification Act 1993 effectively prohibits child pornography;
- (b) the Crimes Act 1961 prohibits the sale of any person as a slave and also provides a comprehensive ban on trafficking of slaves.

Inspection/monitoring mechanisms: On 14 June 2001 New Zealand ratified the Convention on the Worst Forms of Child Labour, 1999 (No. 182). It is envisaged that a coordination/monitoring mechanism will be established to ensure fulfilment of the Government's obligations under Convention No. 182. A consultation process is currently under way with the Government's social partners (the NZCTU and Business New Zealand) and key human rights/children's rights agencies, on the establishment of such a mechanism and other measures to implement the provisions of the Convention.

Such a mechanism is likely to be used to examine a range of measures including rehabilitation and awareness raising.

Awareness raising/advocacy: The NZ Police and the Department of Child, Youth and Family Services are to develop information pamphlets for the public on legislative changes in relation to prostitution.

International cooperation programmes or projects: In June 2001 the Government provided a grant of NZ\$100,000 to the ILO's International Programme on the Elimination of Child Labour (IPEC).

Other measures: A National Plan of Action against the Commercial Sexual Exploitation of Children is currently being developed in response to the Agenda for Action from the 1996 World Congress against the Commercial Sexual Exploitation of Children. Many of the issues addressed by the Plan of Action are relevant to ILO Convention No. 182, and will also be considered within the context of the consultation/implementation processes for that Convention.

New Zealand is in the process of ratifying the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Specific measures or programmes of action have been implemented or are envisaged in New Zealand to enforce minimum age(s) for employment.

As indicated earlier, the Government is currently assessing (in the context of reviewing New Zealand's reservation on Article 32(2) of the UN Convention on the Rights of the Child) whether a minimum age for employment is the most appropriate protection against the exploitation of children in work.

In these measures/ programmes no special attention is given to the needs of particular groups of children.

The Government's social partners, the NZCTU and NZEF, are being consulted on all issues relating to the implementation of Convention No. 182, including those issues relating to legal reform and inspection/monitoring mechanisms outlined earlier.

The social partners will also be consulted with regard to New Zealand's reservation on Article 32(2) of the UN Convention on the Rights of the Child as well as on the specific measures/programmes.

The Government does not work with any multilateral agencies other than the ILO, bilateral donors and/or other organisations to combat child labour.

The Government does not record the following information in relation to the abolition of child labour: number of children withdrawn from labour; nor number of ex-child labourers pursuing formal or non-formal education.

With regard to surveys that provide statistical information on the extent and/or nature of child labour undertaken by the Government, the Government refers to its annual report for 2000 under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (GB.277/3/2). The results of surveys are presented separately by sex and by age (15-19 years).

The Government is currently undertaking research into options for improving information on youth participation in the labour market. The overall objective of the research is to develop better measures of young people's involvement in work, training and education and the transition from one to the other. This information is required to be able to better inform government policy development and evaluation on a range of youth issues

(including the youth minimum wage, youth education and training policies, youth active labour market policies and employment conditions and protection for young people). These objectives are long term.

In the short-term (zero to two years), research will be undertaken into both:

- (a) young people's participation in the labour market and the interface with participation in education and training; and
- (b) the working patterns of individuals under the age of 16 years, with a view to undertaking further work on the protection of individuals under the age of 16 years in the labour market.

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

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

No special measure have been undertaken in New Zealand which can be regarded as successful examples in the abolition of child labour.

New Zealand provided a complete report in 2000, and an update to that annual report in 2001.

In March 2001, the Government extended the adult minimum wage rate to cover all employees aged 18 years and above, while the youth wage rate now covers persons aged 16-17 years. Minimum wage rates were also increased. The adult rate is now \$7.70 per hour (\$308 for a 40-hour week) and the youth rate is \$5.40 per hour (\$216 per week).

The youth rate was increased from 60 per cent to 70 per cent of the adult rate in March 2000, and the Government has signalled its intention to increase this rate to 80 per cent in the 2002 review of minimum wages.

A Bill has been introduced to repeal the existing exemption in the Minimum Wage Act for trainees undertaking significant amounts of training towards a qualification within the National Qualifications Framework and to replace it with a minimum training wage set at the rate for young people aged 16-17 years. The same criteria, whereby the training wage can only be paid to persons undertaking significant amounts of training towards a qualification with the National Qualifications Framework, will apply. This will set a floor to wages for employees undertaking industry training similar to an apprenticeship, and will, in particular, assist young employees undertaking Modern Apprenticeships.

The Employment Relations Act 2000 came into force in October 2000, replacing the previous Employment Contracts Act 1991. A copy of the Act has previously been provided to the International Labour Office.

An overall objective of the Employment Relations Act (ERA) is to build productive employment relationships by promoting mutual trust and confidence in all aspects of the employment environment and of the employment relationship.

As indicated in the information provided on the Employment Relations Bill in New Zealand's 2000 annual report on the effective abolition of child labour, the ERA contains a number of provisions that will particularly assist young persons:

- increased protection of the right to join a union and be covered by the relevant collective agreement, and for new employees to be given time to decide whether or not to join the union;
- the right to be given sufficient information and the opportunity to seek advice before entering into an individual employment agreement;
- protection against unfair bargaining;
- processes for resolving employment problems and enforcing employment rights which ensure access to information and mediation services, and adjudication in the Employment Relations Authority, which is required to resolve employment problems by establishing the facts and making a determination according to the substantial merits of the case, without regard to technicalities;
- the prohibition of discrimination on the basis of age;
- labour inspectors have increased powers to issue demand notices in relation to the recovery of minimum wage and holiday entitlements, thus putting the onus on employers to challenge the notice.

The Department of Labour has upgraded its system for disseminating information about the Employment Relations Act and minimum employment standards, with a particular focus on young people. This makes use of a variety of channels, including printed material, a toll-free information centre, and a website. A special student information pack has been developed, and the Labour Inspectorate gives talks to schools, training institutions and particular industries where young people are employed, such as hairdressing.

Obstacles with respect to the effective abolition of child labour

With regard to the worst forms of child labour, the exact nature and extent of the commercial sexual exploitation of children within New Zealand is extremely difficult to establish. Those who perpetrate these crimes naturally take every measure to ensure their activities are kept hidden. Their victims rarely reveal their secret because they are ashamed of their involvement. They often hide their activities from their family, peers and the wider community, and their feelings of shame and fear of the consequences can prevent them from seeking help.

Priority needs for technical cooperation

The Government does not see a need for new or continued technical cooperation with the ILO to assist in the realisation of the principle of the effective abolition of child labour.

Report preparation

For the preparation of this report, consultations were held with: other government agencies; employers' organizations; and workers' organizations.

Copies of the report have been sent to Business New Zealand and the New Zealand Council of Trade Unions.

Comments were received from Business New Zealand and the New Zealand Council of Trade Unions.

Observations by Business New Zealand:

Business New Zealand is generally in agreement with the Government's report but would emphasise that it could not support a minimum age for employment since this would cause problems for many small shop-keepers whose children are often only too happy to provide their parents with occasional assistance. Other child employees likely to be affected are those who earn pocket money from delivering newspapers, circulars and the like, and who, at the same time, gain an initial acquaintance of the world of work and some idea of the rights and responsibilities involved. The matter is clearly covered by the Education Act which requires that no such activity may interfere with attendance at school (compulsory until age 16). Where any health or safety issues do arise (and this has not been shown to be the case) they would be addressed under the Health and Safety in Employment Act.

Business New Zealand has some concerns with respect to the report form supplied by the ILO. The kind of "yes/no" response required does not allow answers to be qualified and so is likely to give an entirely inaccurate view of conditions applying in respect to child employment. Given that there is then a need to supply supplementary information, the usefulness of the report form itself is open to question.

Observations by the New Zealand Council of Trade Unions (NZCTU)

The New Zealand Council of Trade Unions (NZCTU) has had an opportunity to comment on the draft Government report on the effective abolition of child labour. The NZCTU welcomed New Zealand's recent ratification of Convention No. 182 concerning the Worst Forms of Child Labour and is involved in ongoing consultation relating to the Government's obligations under that Convention.

The following comments relate to the Government's ongoing work, which will determine whether or not it is able to ratify the ILO Minimum Age Convention, 1973 (No. 138).

Surveys on the nature and extent of children's work

The NZCTU notes the inadequacy of current information on youth participation in the labour market. Therefore we support initiatives being undertaken by the Government to measure more effectively young people's involvement in the labour market and to document the interface between paid work, training and education. In addition, research on the working patterns of those under the age of 16 is an essential first step in order to identify further protection these young people may require. The NZCTU is keen to be fully consulted about this work as it develops.

Minimum wage

The NZCTU welcomes the initiatives by the Government in respect of minimum wage rates for young workers. The NZCTU however believes that the minimum wage should be raised at a level approximately equal to 50 per cent of the average wage and that a youth minimum wage should be phased out. In addition, we believe that there should be no exemption for trainees, rather than an exemption on the youth minimum wage. In the alternative, such an exemption should be on a scale negotiated with an appropriate union rather than simply a minimum rate.

Employment Relations Act 2000

The NZCTU welcomes the introduction of the Employment Relations Act 2000 and agrees that it provides a number of provisions that support vulnerable groups of workers, including young people. However, while it creates opportunities for collective bargaining in good faith, for many young people this opportunity has not yet translated into concrete improvements in employment conditions.

Oman**Government****Recognition of the principle of the effective abolition of child labour**

The principle of the effective abolition of child labour is recognized in legislation and in judicial decisions in Oman.

Legislation in Oman establishes a general minimum age for admission to employment. The general minimum age is 13 years in accordance with the Labour Law enacted by Decree No. 34/73 and amendments thereto in article 76, which not only prohibits the employment of children below the age of 13, but also prohibits children from entering workplaces. Article 77 of the same law prohibits the employment of children below the legal age between 6.00 p.m. and 6.00 a.m., or in strenuous work. It is also forbidden to give them overtime work, unless permission is obtained from the Ministry of Social Affairs, Labour and Vocational Training.

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

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

Legislation in Oman does not define hazardous work.

Articles 75, 76, 77 and 78 of the Labour Law enacted by Decree 34/73 provide for minimum age for admission to employment for both boys and girls. By ratifying the Worst forms of Child Labour Convention, 1999 (No. 182), by Decree No. 38/ 2001, it has become law.

Steps are being taken to amend existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour, namely, Labour law and Juvenile law.

There is no compulsory schooling in Oman. Article 17 of the Basic Statute of the State reads as follows: "Education is a fundamental element for the progress of society which the State fosters and endeavours to make available to all. Education is free of charge and not compulsory. It is a right for every citizen, for both young and adults. Most of the children complete their secondary education or leave school at the age of 18.

Primary education is from age 6 until the age of 12; duration of primary education is six years. The duration of intermediate level education is three years; secondary education is three years."

None of the following worst forms of child labour exist in Oman:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

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

The Worst Forms of Child Labour Convention, 1999 (No. 182) was ratified in order to bring about the effective abolition of child labour. Measures have been taken in accordance with the provisions of the Convention.

The Government does not undertake, nor has it undertaken, surveys that provide statistical information on the extent and/or nature of child work.

In the last population census, held in 1993, 15 years was the lowest age of persons for whom questions were asked about economic activity.

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

Special measures have been undertaken in Oman that can be regarded as successful examples of efforts for the abolition of child labour. The phenomenon of employing children at an early age does not exist in Oman; children all over the country have access to education. From time to time, the Government has taken the following measures for the effective elimination of child labour:

- the prohibition of child labour, in accordance with the legal age;
- providing social security to needy families;

- social protection, by transferring pension entitlements to children, in accordance with article 51 of the Social Insurance Law (copy attached);
- training programmes for school leavers from different educational institutions, as well as vocational training programmes in vocational training centres supervised by the Government.

Obstacles with respect to the effective abolition of child labour

There are no obstacles with respect to realizing the principle of the effective abolition of child labour.

Priority needs for technical cooperation

The Government does not see a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of labour.

Report preparation

Copies of the report have been sent to:

- Chamber of Commerce and Industry of Oman
- Workers' representatives

Annexes (not reproduced)

- *OMAI Decree No. 138/2001 concerning the Ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) and Recommendation (No. 190)*
- *Social Insurance Law*
- *Basic Statute of the State (Sultani Decree No. 101 of 1996)*
- *Labour Law: Chapter Six – Employment of Children, Juveniles and Women, articles 75 to 84*

Pakistan

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution and legislation in Pakistan.

The National Policy and Action Plan to Combat Child Labour defines the policies, strategies, activities and responsibilities of different agencies; timeframe; delivery system; and funding resources for the elimination of child labour. The strategies include:

- progressive elimination of child labour from all economic sectors;

- immediate withdrawal of children from the worst forms of child labour;
- preventing entry of under-aged children into the labour market through universal access to primary education and family empowerment;
- rehabilitation of working children through non-formal education, pre-vocational training and skill development.

Legislation in Pakistan establishes a general minimum age for admission to employment – 14 years for boys and girls.

The general minimum age for admission to employment covers light work but not the following types of work:

- work performed in a family-owned or -operated enterprise;
- home work;
- domestic service; and
- self-employed work.

Hazardous work is not defined in the legislation, but certain occupations and processes are listed in the laws as being prohibited to children; they are obviously considered hazardous to their health.

Laws or regulations exist in Pakistan with the aim of eliminating any of the worst forms of child labour.

Certain occupations/processes, which are considered to be hazardous to the health of children, have been identified in the Employment of Children Act, 1991. Moreover, sexual abuse, bonded/forced labour and trafficking of children are prohibited by law.

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

Compulsory primary education law is being introduced in the Punjab and North-West Frontier Provinces (NWFP).

A survey carried out in 1996 determined that, of 40 million children aged 5-14 years, 3.313 million were engaged in economic activities on a full-time basis. Of these children, 73 per cent (2.4 million) were boys and 27 per cent (0.9 million) were girls. Most of those child labourers, about 2.1 million, were in the higher age group, i.e. 10-14 years, which is about seven times more than those in the lower age group of five to nine years. Of the total number of child labourers, 2.9 million were in rural areas and 0.4 million in urban areas. The concentration of child labour in rural areas was, therefore, about eight times higher than it was in urban areas. The participation rate of children in economic activity was estimated at 8.3 per cent – 10.29 per cent in rural areas and 3.25 per cent in urban areas. The majority of children (about 70 per cent) work as unpaid family helpers, followed by employees (23 per cent) and self-employed (7 per cent).

About 71 per cent of the 3,313 million employed children are engaged in occupations relating to agriculture, sales and services, mining, construction, manufacturing and transport sectors, where farm activity dominates. Craft and related trade activities

constitute the next major occupational group, absorbing about 19 per cent of the working children.

None of the following worst forms of child labour exist in Pakistan:

- forced recruitment for armed conflict;
- pornography.

It is not known whether any of the following worst forms of child labour exist in Pakistan:

- sale and/or trafficking;
- prostitution;
- illicit activities, in particular production and trafficking of drugs.

The following worst form of child labour is suspected to exist in Pakistan:

- debt bondage, serfdom, forced or compulsory labour (boys).

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

Specific measures or programmes of action have been implemented in Pakistan to enforce minimum age(s) for employment:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- special institutional machinery;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

Specific measures or programmes of action are envisaged in Pakistan to enforce minimum age(s) for employment:

- free compulsory education;
- employment creation/income generation; and
- vocational and skills training for young workers.

Specific measures or programmes of action are envisaged in Pakistan to eliminate the worst forms of child labour:

- legal reform; and
- free compulsory education.

In these measures or programmes, special attention is given to the needs of children working in the most hazardous occupations. They are being withdrawn from work and rehabilitated through non-formal education.

Workers' and employers' representatives and known NGOs in the field have been consulted in the process of the preparation of the Action Plan. These representatives are also members of the ILO-IPEC National Steering Committee, which sets priorities for different action programmes under IPEC.

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

Recently a Memorandum of Understanding (MOU) was signed with the Asia Development Bank (ADB) for technical assistance for the effective implementation of the National Action Plan to Combat Child Labour.

With regard to the recording of information in relation to the abolition of the worst forms of child labour, the Government records information on sanctions applied to users of child labour. The provincial governments collect data on prosecutions against violators of the relevant laws.

The Government undertakes surveys that provide statistical information on the extent and/or nature of child work; the last survey was taken in 1996.

The results of the surveys are presented separately:

- by sex;
- by age (5-9 years; 10-14 years);
- by occupation;
- by type of activity; and
- by number of hours worked.

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

Special measures have been undertaken in Pakistan that can be regarded as successful examples in the abolition of child labour. The elimination of child labour from the soccer ball industry of Sialkot city is an example. Child labour has been eliminated from that industry through the collective efforts of local employers and the community, with the support of the ILO.

Obstacles with respect to the effective abolition of child labour

Financial constraints and institutional incapacity are major obstacles in the effective abolition of child labour.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of labour. The types of technical cooperation, in order of priority (1 = most important; 2 = 2nd most important, etc; 0 = not important), are:

- (1) capacity building of responsible government institutions (e.g. labour inspection and administration; training of other officials (e.g. police, judiciary, social workers, teachers); data collection and analysis; strengthening capacity of employers' and workers' organizations; employment creation, skills training and income generation; social protection systems; awareness raising, legal literacy and advocacy; inter-institutional coordination; and special programme for the elimination of the worst forms of child labour;
- (2) legal reform; policy advice; sharing of experience across countries/regions; cross-border cooperation mechanisms.

Observations submitted to the Office by the All Pakistan Trade Union Congress (APTUC) through the World Confederation of Labour (WCL)

Recognition of the principle of the effective abolition of child labour

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

There is a national policy aimed at ensuring the effective abolition of child labour. Under the supervision of the Government, with the technical assistance of ILO and financial assistance of employers and other international donors, an educational programme for child workers has been launched under the ILO's International Programme on the Elimination of Child Labour (IPEC).

The legislation has established a general minimum age for admission to employment – 14 years for boys and girls.

The general minimum age covers the following types of work:

- work performed in enterprises below a certain size [not specified]
- light work
- work performed in export processing zones
- commercial agriculture.

The general minimum age for admission to employment does not cover the following types of work:

- work performed in a family-owned or -operated enterprise
- home work
- domestic service

- self-employed work
- family and small-scale agriculture.

There is no definition of hazardous work in the national legislation.

The minimum age for engaging in hazardous work is 14 for boys and girls.

In Pakistan, laws and regulations with the aim of eliminating the worst forms of child labour exist. The Constitution provides that “children below the age of 14 years cannot be hired in any factory or mine or any other hazardous occupation or employment, and no law can be enacted to permit or facilitate the introduction of slavery, forced labour or trafficking of human beings in any form”.

There are steps currently being undertaken to modify existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour (not specified). The process of changing the legislation is under way. However, because at present there is no legislative assembly in Pakistan, the process will remain pending until the elections of the National and Provincial Assemblies.

There is no compulsory schooling in Pakistan.

Concerning the situation in practice with respect to child labour, it can be stated that the general situation is improving. The situation in the informal sector is not very satisfactory due to cultural barriers.

None of the following worst forms of child labour exist in Pakistan:

- forced recruitment for armed conflict
- prostitution
- pornography.

It is not known whether illicit activities, in particular production and trafficking of drugs, a worst form of child labour, exists in Pakistan.

The following worst forms of child labour are suspected to exist in Pakistan:

- sale and/or trafficking (boys);
- debt bondage, serfdom, forced or compulsory labour.

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

Specific measures or programmes of action have been either implemented or are envisaged to bring about the effective abolition of child labour.

The following measures to enforce the minimum age for employment have been implemented:

- inspection/monitoring mechanisms;
- penal sanctions;

- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy;
- international cooperation programmes or projects.

The following measures to eliminate the worst forms of child labour have been implemented:

- special institutional machinery;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- vocational and skills training for young workers;
- awareness raising/advocacy;
- international cooperation programmes or projects.

The following measures to eliminate the worst forms of child labour are envisaged:

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

In these measures or programmes, special attention is given to the needs of particular groups of children, including those working in the informal sector. An illustration of this kind is the work being carried out with the mothers of children working in the informal sector.

Concerning the involvement of workers' and employers' organizations in the development and implementation of these measures and programmes, the following can be stated: Under the supervision of the Government, with the technical assistance of the ILO and financial assistance of the employers, an educational programme for child workers has been launched in Sialkot as well as in other cities of the country (i.e. Karachi, Mirpurkhas, etc.).

The Government works with multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour. The European Union is also assisting the Government in the elimination of child labour.

With regard to the recording of information in relation to the abolition of child labour, the Government records information on the number of children withdrawn from child labour and the number of ex-child labourers pursuing formal or non-formal education. It does not record information on the sanctions applied to users of child labour.

The country's civil and cultural situation does not allow the Government to take any drastic steps towards using sanctions against those who use child labour. The attitude of the parents is often non-cooperative with regard to these sanctions.

The Government undertakes surveys that provide statistical information on the extent and/or nature of child work. The Ministry of Labour published a survey report in 1996 and is publishing one on the current situation of child labour and its elimination. The results are presented by sex, age, occupation, and type of activity.

In the last population census, held in 1998, the lowest age of persons for whom questions were asked about economic activity was 18 years.

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

There have been special measures in Pakistan that can be regarded as successful examples in the abolition of child labour. Under the supervision of the Government, with the technical assistance of the ILO and financial assistance of the employers, an educational programme for child workers has been launched in Sialkot as well as in other cities (i.e. Karachi, Mirpurkhas).

Policy is implemented at the federal and provincial levels in Pakistan. The Federal Government formulates policies whereas the Provincial Labour Department is the implementing authority. Due to significant new programmes that have been initiated, there has been a change in the regulatory framework (policies and the institutional environment), which has led to a decrease in the number of working children.

Obstacles with respect to the effective abolition of child labour

The country's civil and cultural situation does not allow the Government to take any drastic steps towards using sanctions against those who use child labour. In addition, the parents often have a non-cooperative attitude with regard to sanctions.

Priority needs for technical cooperation

There is need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation, in order of priority are (1 = most important; 2 = second most important):

- (1) policy advice; capacity building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); data collection and analysis; employment creation, skills training and income generation; social protection systems; awareness raising, legal literacy and advocacy; inter-institutional coordination; and a special programme for the elimination of the worst forms of child labour;

- (2) legal reform; strengthening capacity of employers' organizations; sharing of experiences across countries/regions, cross-border cooperation mechanisms.

Observations submitted to the Office by the Pakistan National Federation of Trade Unions (PNFTU)

[These comments were received too late to be included in the annual review of 2001; they are, therefore, being taken into account for the annual review of 2002.]

The almost unanimous adoption of the Declaration on Fundamental Principles and the Rights at Work by the International Labour Organization (ILO) in June 1998, was a landmark in the history of the struggle and efforts to safeguard and promote respect for basic workers' rights enshrined in the core labour standards. The Declaration rightly asserts that by freely joining the ILO, all the Members have endorsed the principles and rights set out in its Constitution and the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization. The fundamental principles and rights are enunciated in Conventions that are recognised as fundamental. The Declaration emphasizes that all members have an obligation to respect, promote and realise the following fundamental principles and rights, which are internationally recognized as core labour standards:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour, and
- (d) the elimination of discrimination in respect of employment and occupation.

The Pakistan National Federation of Trade Unions (PNFTU) is in a position to state categorically, that the situation in Pakistan has not improved or changed. It has, rather, deteriorated, and this should be a matter of great concern for all those who are working to promote respect for the fundamental principles and rights at work.

Of the eight fundamental ILO Conventions, Pakistan has ratified the following five: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

[Reference is made to matters pertaining to the application of ratified Conventions covering freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour and discrimination in employment and occupation.]

The Minimum Age Convention, 1973 (No. 138), which aims to abolish child labour by stipulating the minimum age for admission to employment, has not yet been ratified by Pakistan. There is no move to do so in the near future. It will be naive to expect that child labour will be eliminated without strict adherence to, and full implementation of, the principles and rights enshrined in this Convention.

As regards the Worst Forms of Child Labour Convention, 1999 (No. 182), which calls for the elimination of the worst forms of child labour, the Government has not yet started the process for ratification, which involves consultation with the most representative trade union centres, employers' organizations and provincial governments, prior to placing the matter before the competent authority (i.e. the Cabinet) for a decision. There is no justification for the Government to remain a silent spectator to slavery, prostitution, pornography, trafficking of children and child labour in the most hazardous occupations.

It is high time that the ILO and the ICFTU press the Government of Pakistan to ratify all the fundamental ILO Conventions and to ensure respect for the principles and rights that are enshrined in them.

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

Pakistan has not ratified the Minimum Age Convention, 1973 (No. 138), and ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) in 2001.

The minimum age for employment in Pakistan is 14, and this is also the minimum age for employment in dangerous activities (reference to ILO Conventions). There is no federal law making primary education compulsory.

Child labour is very widespread, although accurate statistics are difficult to obtain. An ILO-sponsored government survey estimated that approximately 3.5 million children work, trade union reports suggest approximately five million working children, and other estimates suggest up to 10 million child labourers in Pakistan. A UNICEF report suggested 1.2 million children work in the carpet industry alone. It has been locally reported that there are 100,000 children under the age of 12 working in brick-kilns in the Punjab alone.

The majority of child labourers work in agriculture and forestry; the aforementioned government survey estimated the proportion of child labourers in these sectors at approximately two thirds of the total number of working children. The rest work in informal urban activities and various types of manufacturing, such as stitching, the making of surgical instruments, work in brick kilns and carpet making. The latter are dangerous occupations, and cause numerous injuries to working children.

Widespread child labour in Pakistan goes hand in hand with very low primary school attendance rates. While again estimates vary as to the exact degree of school attendance, Government figures claim more than 70 per cent, while independent surveys in the Karachi area suggest about 25 per cent. Virtually all sources give higher attendance rates for boys than for girls.

Programmes have been undertaken, in cooperation with trade unions, the International Programme for the Elimination of Child Labour (IPEC) of the ILO, the Government, UNICEF and manufacturers and importers, to address child labour in several industries, namely the soccer-ball stitching industry and the carpet industry. The soccer-ball example has involved efforts in monitoring, building of new facilities, and provision of rehabilitation centres and schools. A central element of the programme is the transfer of work from children, who are instead enrolled in school, to unemployed adults from the same family. Some reports suggest that this programme has taken about 6,000 children out of the soccer-ball industry.

Other industries, such as the surgical instruments industry, have done less to address the problem of child labour, although ILO-IPEC has recently started a programme in this industry. Children constitute about 15 per cent of the workforce in this industry, and the average age of these children is 12 years. This is also one of the most dangerous occupations for working children, along with such industries as brick kilns and automotive assembly.

The Government produced, in early 2000, a national policy and action plan aimed at combating child labour, but no funds have yet been allocated for this plan. The Government has recently encouraged provincial authorities to enforce laws concerning child labour, but enforcement remains minimal. There is not a sufficient number of inspectors, and those inspectors often have received little training, and are reported to be liable to corruption. In addition, law prohibits inspectors from visiting facilities employing ten people or less, which are exactly where most child labour occurs. Those found guilty of violating child labour laws are often not punished. In cases where violations are punished, the fines are usually insignificant, which is another reason for the ineffectiveness of the enforcement system.

Child labour is widespread, in both rural and urban areas. School attendance rates are very low. Children work in both urban and rural activities including major export activities. Numerous programmes have been implemented to eliminate child labour in different sectors, and some such programmes are more effective than others. Trafficking of children is a serious problem.

Government observations on ICFTU's comments

With regard to the minimum age for employment and the minimum age for employment in dangerous activities, presently the minimum age for employment is 14 years. However, the law is being amended to raise the minimum age to 18 years as per the requirement of the ILO Convention No. 182 on the worst forms of child labour ratified recently by Pakistan.

In relation to the ICFTU statement that there is no federal law making primary education compulsory, there is an Ordinance for Compulsory Education in Islamabad Capital Territory, promulgated in 2001.

In relation to statistics on child labour, the results of the ILO-sponsored survey carried out by the Federal Bureau of Statistics in 1996 are the most authentic and reliable. This survey was conducted by a specialized agency using internationally recognized scientific methods. The figures given by other authorities may not be reliable.

As regards the National Policy and Action Plan aimed at Combating Child Labour, adopted in early 2000, no funds have yet been allocated for this plan. Although no money has been allocated exclusively for the purpose of this Plan, a Fund with an initial amount of Rs.100 million has been established for the education of working children and the rehabilitation of freed bonded labourers. Moreover, the Provincial Governments are taking measures for implementation of the Plan from their own budgets, and Pakistan Bait-ul-Mal is running about 33 centres from its own resources for the education of children withdrawn from work.

Every effort is being made by the Labour Inspectors for the enforcement of the law. In practice, there are certain administrative, institutional and logistic weaknesses, but violations are detected by Inspectors and the violators are prosecuted. As far as the training of Inspectors is concerned, the Directorate of Workers' Education, under the Ministry of

Labour, has undertaken an extensive programme of training and orientation for Labour Inspectors on the issue of child labour and the relevant laws.

The Inspectors lodge cases against the violators in the courts. The courts do punish the violators if the offence is established according to the procedures laid down for judgment. A statement on the implementation status of the Employment of Children Act, 1991 is enclosed [not reproduced].

In Pakistan trafficking of children is not a serious problem, although there may be some cases. Child abuse and trafficking of children is a crime in Pakistan, and strong legislation exists to control this threat. However, it may exist underground. The exact nature of the problem is not known.

Peru

Government

Recognition of the principle of the effective abolition of child labour

In Peru the principle of the effective abolition of child labour is recognized both in the Constitution and in legislation (texts sent in previous report GB.280/3/2). The recent approval of the Minimum Age Convention, 1973 (No. 138) is a new addition to this body of standards.

The Government of Peru has largely tackled the subject of the effective abolition of child labour via the Ministry for the Advancement of Women and Human Development (PROMUDEH), which runs an inter-institutional Commission on child and adolescent labour with the participation of representatives of the public and private sectors involved in the problems and issues of working children and adolescents.

This Commission is of a technical and advisory nature. During the transition to democratic government, two Labour Committees were set up, the first concerned with devising a plan of action for tackling the problems and the second concerned with revision of the Code on Children and Adolescents focusing on labour.

With regard to the action plan, the Committee opted, after an evaluation, for the broad outline of a policy for the prevention and progressive elimination of child labour and the protection of working adolescents. The purpose is to create a document to foster a consensus on the situation of working adolescents and to define the formulation and implementation of a national action plan.

The document considers aspects of institutional reform, the framework for standards, inspection and supervision, which are chiefly concerned with defining the new role to be played by various segments of civil society and the State in order to achieve the objectives in question.

It also proposes education, social programmes, communication and social mobilization as areas of strategic priority to be promoted constantly, since the Government is concerned with creating a favourable social climate to generate a culture of respect and protection for children and adolescents.

Finally, with regard to the most pressing issues, a major initiative entitled “Specific programmes for high-risk work” has been considered. It aims to consolidate direct-action programmes in high-risk sectors, whereby the State and civil society would focus on measures for sectors and areas where children and adolescents are involved in high-risk work.

It is important to note that the aforementioned initiative will allow the policy objectives for the prevention and eradication of child labour and protection of adolescent workers to be achieved, if they are accompanied by greater social investment by the State, civil society and international cooperation. The main emphasis is to use a human rights approach for understanding the problem and a holistic approach for tackling it.

National law lays down the minimum age for admission to employment as 12 years, thereby covering work for family enterprises, home work, domestic work, self-employment, light work and work in free zones.

The general minimum age of 12 years applies to work undertaken in any type of enterprise, irrespective of its size.

It should be pointed out that in the case of commercial agriculture and family or small-scale agriculture, undertaken for a third party or as dependent employment, the provisions of article 51(1)(a) of the Code on Children and Adolescents apply. The minimum age for admission to employment is 15 years in the case of non-industrial agricultural work.

Under subparagraphs (b) and (c) of the same article, industrial work, commercial activities or mining, require a minimum age of 16 years. Industrial fishing requires a minimum age of 17 years when performed for a third party or as dependent employment.

For cases other than those described, including self-employment, section 2 of article 51 states that the applicable minimum age is 12 years.

The laws define dangerous work, indicating that the minimum age for performing dangerous work is 16 years.

Although there is no explicit definition of “dangerous work”, article 22 of the Code on Children and Adolescents gives an approximation of it, as follows:

Adolescents who work shall receive special protection from the State. The State recognizes the right of adolescents to work, subject to the restrictions imposed by this Code, provided that they are not subjected to economic exploitation, their work does not entail risk or danger, it does not interfere with their education and is not harmful to their health or physical, mental, spiritual, moral or social development.

Article 58 of the Code states as follows:

Prohibited work: Adolescents may not work underground, nor may they be employed in work that entails handling excessive weights or toxic substances and in activities where they are responsible for their own safety or for the safety of others.

PROMUDEH, in coordination with the labour sector and in consultation with labour and company boards, shall periodically draw up a list of jobs and activities that are dangerous or harmful to the physical or psychological health of adolescents and in which they must not be employed.

Notwithstanding the aforementioned provisions that are specific to this subject, it should be noted that Peruvian legislation provides, within the private labour system, for the

following: complementary insurance for high-risk work, as laid down by Act No. 26790 for modernizing social security for health matters, implemented by Supreme Decree No. 009-97-SA, and the technical standards of which, approved by Supreme Decree No. 003-98-SA, specify all activities covered by the complementary insurance for high-risk work. This list is contained in an annex (not reproduced) to this report to provide examples of what Peruvian legislation considers dangerous or high-risk work.

There are no legal instruments in Peru aimed at the eradication of some or all of the worst forms of child labour.

In spite of the absence of such legal instruments, measures to amend current legislation are being taken with a view to solving the problems of the elimination of some or all of the worst forms of child labour. They are being handled by the two Labour Committees, since some initiatives concerning implementation of the law or changes to it could be considered as coming under the action plan.

In Peru the minimum age for completion of compulsory schooling is 12 years.

In practice, it is estimated that there are about 2 million working minors in Peru, with 25 per cent of them under the age of 12, according to the National Institute of Statistics and Computing (INEI).

The 1997 survey of living standards shows that 28 per cent of working children between 6 and 17 years of age are on the poverty line, while 71 per cent are working children from poor households. In four years the working population between 14 and 17 years of age has tripled from 339,000 to 970,000, according to the "Children Today" journal (issue No. 01-2001 – unpublished tables of the 1999 National Household Survey).

The national study on non-industrial mining and child and adolescent labour, recently conducted by the ILO's IPEC programme, states that there are 61,000 children and adolescents working in this sector, which is considered to be high risk.

On the basis of information from various non-governmental organizations, about 15,000 children and adolescents are estimated to be working in other high-risk activities which include stone-breaking, non-industrial brick manufacturing, rubbish gathering and sorting, and working in markets as loaders/porters handling packages and merchandise which exceed their physical capacity.

The work of children and adolescents in rural areas has received little attention. According to the population census, 40 per cent of children and adolescents in Peru work in agriculture and the rural sector, with a very low rate of school attendance of 21 per cent of working children and adolescents aged between six and 17 years. This shows that the work-study ratio in rural areas is in a critical state.

Unpaid work at home is the least known type of activity despite the many studies that exist on the economic situation of the rural family. Nor are there studies on the economic situation of the urban family, this being the sphere with the largest number of working children and adolescents.

As regards domestic work, there are no estimates of its magnitude. According to the 1999 National Household Survey, which collects information on work performed by those aged 14 years and over, and the 1995 survey which gives the distribution of children aged six years or over in various activities, about 100,000 children and adolescents are engaged in domestic work. They work a 57-hour week, receive, at most, half the minimum wage and 62 per cent of them do not attend school.

In spite of this, it is important to recognize that the current legislation has progressed by including adolescent domestic work in the category of activities that require authorization from the local authorities. Nonetheless, we still stress the urgent need to regulate the working day, an issue that has not been addressed. The only stipulation is 12 hours of continuous rest per day, but there are no regulations governing the working day itself.

The Government considers that the employment of children and adolescents at an early age has many causes. The diverse factors include precarious conditions of employment, unemployment, and underlying cultural patterns arising from Peru's Andean culture, with work contributing to the social development of children. In rural areas this is closely linked to the family and communal environments, facilitating the accumulation of new learning experiences. In urban areas the socialization of children in general, and especially of those who work, is hardly linked to the presence of the parents and has no connection with social events.

Various qualitative studies show the harmful effects of child and adolescent labour as evidenced by health problems (physical or psychological) and problems of continuity in the education system. With regard to health, the work itself, the conditions in which it is performed, and the work environment, can militate against the physical and mental development of working children and adolescents. They are subject to occupational risks and accidents in circumstances where they generally have no access to first aid in the workplace or to social security medical benefits.

The well-being of children can be seriously affected, with exhaustion from excessive working hours being the cause of accidents. Beyond a certain number of hours, which varies according to age and type of activity, work has an adverse impact on the learning capacity of children and adolescents.

Finally, the impact on education is illustrated by the percentages of children abandoning or falling behind in their school studies. A total of 49 per cent of children and adolescents who work and attend school are one or two years behind in school; one out of three children and adolescents who work does not attend school. The problem is worse for children or adolescents who do not go to school and devote themselves to work, in that the impact is clearly negative.

As regards the worst forms of child labour, its existence is suspected, for both girls and boys. They take the form of debt-related servitude and conditions of slavery, forced or compulsory labour, prostitution (at least for girls), pornography and other illicit activities, in particular the trafficking and manufacture of drugs.

Other examples of the worst forms of child labour are non-industrial mining and brickwork, in which the involvement of children is suspected. The same suspicions regarding child labour apply to work in stone quarries and work as loaders/porters.

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

At the present time specific measures or programmes of action have been implemented with a view to achieving the effective abolition of child labour. Accordingly, in order to achieve in practice the minimum age for admission to employment, the Government has taken measures. It has developed special institutional mechanisms, a free education system, programmes for vocational training and the development of professional skills, awareness and mobilization campaigns, international cooperation programmes and projects. In the same vein, it has planned measures in order to increase penal sanctions, and

address the issues of income generation, job creation, and the rehabilitation of children after their withdrawal from work.

In relation to the elimination of the worst forms of child labour, measures have been implemented as regards civil and administrative sanctions. Special institutional mechanisms have been established, there is a free education system, vocational training and development of professional skills. Awareness-raising and mobilization campaigns are being undertaken, as well as international cooperation programmes and projects. Measures have also been taken with regard to the minimum age.

In May 2001, Peru approved the Minimum Age Convention, 1973 (No. 138), adopted on 26 June 1973 at the 58th Session of the International Labour Conference in Geneva.

This international instrument states that member States undertake to follow a national policy which ensures the effective eradication of child and adolescent labour and progressively raises the minimum age for admission to employment or work to a level which allows children's maximum physical and mental development. The reference point is the age of completion of basic schooling.

Peru has to adapt its standards and undertake a fuller analysis thereof, in order to be able to respond to the real protection and development needs of children and adolescents.

A proposed amendment to the Code on Children and Adolescents already exists, covering the subject of child labour. In addition, there are proposals from the Congress of the Republic for amending the article of the current Code, which lays down the minimum age for admission to employment.

In some of these measures or programmes, special attention is paid to the needs of specific groups of children, including children who work in the informal sector.

One of these special focus programmes was set up in 1992 with UNICEF playing an advisory role. The National Institute for Family Welfare (INABIF) put forward a proposal entitled "National programme for the full advancement of children and adolescents in work or on the street", better known as the "Street educators programme", since its proposed action is mainly based on work corresponding to that which was developed by young professionals from different branches of the social sciences and humanities. There is a clear reference to the educational task and the main area of work – the streets.

The activities of this programme were launched in November 1992, starting with working children and adolescents. In 1994 it started to focus on street children and adolescents. That same year an agreement was signed between the Inter-American Development Bank (IDB) and INABIF to finance the project from 1994 to October 1997, with UNICEF in an advisory role.

The general objective of the "Street educators programme" is to achieve full integration into society of children and adolescents at high risk of social marginalization, by means of processes that include the strengthening of ties with the family, school and community. The high risk of social marginalization means the likelihood of individuals being excluded from opportunities for development owing to one or more of the following factors. If these factors coincide with regard to the same person, there is a greater probability of individual failure and social breakdown:

- vulnerability vis-à-vis harmful surrounding influences;
- inability to enter the labour market;

- low self-esteem, abandonment of school studies, loss of values and social ineptitude.

The specific objectives of the Programme are as follows:

- (1) to prevent the involvement of children and adolescents in activities that hamper their full development;
- (2) to help children and adolescents to abandon their street life permanently;
- (3) to develop the capacities and skills of children and adolescents involved in the programme;
- (4) to strengthen children's social support networks; and
- (5) to allow the children and adolescents to express their thoughts, feelings and opinions.

In Peru, there are various mechanisms for channelling the participation of workers and employers. The range from informal communication to government departments and various institutionalized procedures for developing dialogue, exchanges of opinions or processing complaints under the right of petition. A prime forum for the participation of workers and employers is the National Council for Work and Social Advancement which brings together representatives of the State, workers, employers and social organizations.

The Government also collaborates with multilateral organizations other than the ILO, and other bilateral donors and/or other bodies in combating child labour.

One example of the collaboration with multilateral entities to combat child labour has already been mentioned in relation to the agreement between the National Institute for Family Welfare (INABIF), the Inter-American Development Bank (IDB) and UNICEF.

As regards surveys undertaken, the Government would point out that an official letter was sent to the National Institute of Statistics and Computing in order to obtain information.

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

The Government is of the view that specific measures have been adopted that may be considered achievements with respect to the abolition of child labour. Legislative Resolution No. 27453 has been promulgated which approves the Minimum Age Convention, 1973 (No. 138). In addition, owing to the awareness-raising work done by the ILO in Peru, the Single Trade Union of Peruvian Education Workers (SUTEP) is very much involved in action to support the eradication of child labour.

Obstacles with respect to the effective abolition of child labour

The Government considers that problems such as the precarious economic situation of Peruvian households, as well as the resulting informal labour relations and the lack of education and awareness raising, on the part of parents, employers and educators in general, are the biggest problems affecting Peru with regard to implementation of the principle of the effective abolition of child labour.

Priority needs for technical cooperation

The Government considers it necessary to continue or begin new technical cooperation with the ILO, with a view to applying the principle of the effective abolition of child labour through the implementation of specific programmes for the elimination of the worst forms of child labour. The aim is to create jobs, develop vocational skills and generate income; establish social protection systems and awareness programmes on rights and mobilization; to strengthen the capacity of employers' and workers' organizations, boost capacity for compiling and analyzing data, and enhance the capacities of responsible public entities (for example, labour inspection and administration); to train officials, develop institutional coordination, exchange experiences between countries and regions, and undertake policy evaluation and legislative reform.

Report preparation

With respect to the preparation of this report, the Government would point out that the process of consultation with public entities and workers' organizations was undertaken by sending official letters requesting information on issues for which each organization has responsibility.

The report was sent to the National Confederation of Private Entrepreneurial Institutions (CONFIEP) and the General Confederation of Workers of Peru (CGTP).

Poland

Government

Recognition of the principle of the effective abolition of child labour

Taking into account the definition of "the worst forms of child labour" in Article 3 of the Worst Forms of Child Labour Convention, 1999 (No. 182), Poland, is bound by the following international Conventions:

- United Nations Convention on the Rights of the Child, 1989;
- United Nations Convention for the Suppression of the Traffic in persons and of the Exploitation of the Prostitution of Others, 1950; and
- Hague Convention on protection of children and cooperation in respect of intercountry adoption, 1993.

Convention No.182 pertains to persons under 18 years of age, whereas, article 190 of the Labour Code forbids employing a person who has not turned 15 years of age. However, there is a phenomenon of youth labour involving persons considered to be "minors", i.e. persons between the ages of 15 and 18 years (article 190, § 1 of the Labour Code).

The provisions of Section Nine of the Labour Code set out a separate system for the employment of minors.

The Directive of the Minister of Labour and Social Policy of 29 May 1996 (*Dziennik Ustaw* No. 62, Text 291) specifies the conditions for employing persons who have not

completed primary school and persons who have not turned 15 years of age but have completed primary school.

The Directive of the Cabinet of 28 May 1996 includes provisions concerning apprenticeships for minors and their remuneration (*Dziennik Ustaw* No. 60, Text 278).

The Polish laws in force regulate the principles of child protection, which are in conformity with the requirements of the aforementioned Convention. The following legal acts should be indicated:

- Article 7 and Article 3(a) of Convention No. 182 (concerning slavery, sale and trafficking of children, socage and obligatory labour): Article 8 of the Act of 20 March 1997, regulations introducing the Penal Code, and provisions of the Act of 21 November 1967 on the common obligation to defend the Republic of Poland;
- Article 7 and Article 3(b) of Convention No. 182 (concerning prostitution, pornography production): article 200, § 2, article 202, § 2 and 3, and article 204, § 3 of the Act of 6 June 1997 – the Penal Code;
- Article 7 and Article 3(c) of Convention No. 182 (concerning manufacturing and sale of drugs) of the Convention – article 46, Item 2 of the Act of 24 April 1997 on the prevention of drug addiction;
- Article 4, items 1 and 2 and Article 3(d) of Convention No. 182 (concerning work that threatens the health, safety and morality of children): Section Nine of the Labour Code prohibits the employment of persons who have not turned 15 years of age; it determines the regulations aimed at ensuring the special protection of minors in work that may jeopardize their health, safety and development (the regulations are set forth in the Directive of the Cabinet of December 1, 1990 that lists types of work forbidden to minors – *Dziennik Ustaw* No. 85, Text 500 with further amendments).

This Directive lists the types of work in which minors shall not be employed because of conditions that are harmful to their health, dangerous, arduous or impeding their physical development:

- work associated with excessive physical effort including the carrying of heavy loads or work which restricts the movement of one's body;
- work in an environment with a harmful microclimate (hot, cold, changing);
- work with inappropriate lighting;
- work in noise or exposure to vibrations;
- work in electromagnetic and electrostatic fields; work exposing one to ionising, laser, ultraviolet and infrared radiation;
- work underground, below ground level or at heights;
- work at increased or decreased pressure;
- work exposing one to harmful dusts (e.g. fibre, irritating or allergic nature);
- work involving contact with harmful biological substances;

- work exposing one to harmful chemicals (carcinogenic, possibly carcinogenic, toxic, contact allergens, chemical herbicides or psychotropic medication);
- work that jeopardizes psychological development (e.g. associated with production, sale and consumption work of alcoholic beverages, the slaughter of animals and post-slaughter processing, etc.); and
- dangerous work likely to cause injuries to minors and other persons.

The Directive allows for the employment of minors older than 16 years of age (and in some cases 17 years) in specific types of prohibited work in order to prepare them for the world of work (if such work is assumed within the framework of practical training set out in the school curriculum). It sets out the terms for protecting the health and safety of minors.

The Directive distinguishes persons by gender with respect to certain types of work. Thus, girls are not permitted to perform some types of work that boys perform. In all the exceptional cases, the work shall not be of a permanent nature. It is limited to teaching minors the basics necessary for performing the job.

The regulations included in the Labour Code provide for preliminary medical examinations for minors prior to employment, as well as periodic examinations and check-ups during employment. If the doctor decides that a given type of work threatens the minor's health, the employer is obliged to transfer such a minor to do work which does not jeopardize his/her health. If there is no such possibility, the employer must terminate the employment contract with the minor immediately and pay an indemnity (for the termination period).

Moreover, in accordance with article 210, § 1 of the Labour Code, if working conditions fail to comply with the regulations for safety and health at work, if conditions directly threaten the health or life of an employee, or if the job performed jeopardizes other persons, the employee (including minors) has the right to abstain from work and inform his/her superior immediately of such conditions.

Article 7(b) and (d) of Convention No. 182 (concerning the provision of necessary and appropriate direct assistance for the removal of children from the worst forms of work and for their rehabilitation and social integration): Not only do the Polish laws ensure particular protection of minors from risks caused by their work, they also include regulations that protect them from risks to their physical and moral development outside the work environment.

Polish legislation determines measures aimed at preventing and combating a loss of morals and crime among minors (Section II of the Act of 26 October 1982 on proceedings with minors, *Dziennik Ustaw* No. 35, Text 228 with further amendments), as well as preventing alcoholism or dealing with its effects (some provisions of the Act of 26 October 1982 on education and prevention from alcoholism, *Dziennik Ustaw* No. 35, Text 230 with further amendments).

The observance of regulations concerning the special protection of minors at work is supervised by the State Labour Inspection, which may apply to a court dealing with minor offences, for a fine of up to 5,000 Zloty to be imposed in cases where the regulations are breached. A labour inspector of the State Labour Inspection may also impose a fine of up to 500 Zloty on the employer.

The State Labour Inspection is also authorized to make the employer transfer a minor to another job if the minor is employed in activities prohibited to minors.

To ensure the observance of the protection of minors in employment in companies, there are occupational safety and health services and voluntary labour inspection.

According to article 72, paragraph 4, of the Constitution, the Children's Ombudsman has been instituted to ensure the effective protection of the rights and welfare of children.

The worst forms of child labour as defined in Article 3 of Convention No. 182 are prohibited by the penal laws of Poland. The labour laws precisely determine the nature of work in which minors may be engaged, so that it does not jeopardize their health, safety or morality. However, in Poland, there are cases of children working in rural areas, on their parents' farm. The scale of this phenomenon cannot be determined with precision. Partial examinations of accidents involving children who work on farms have been carried out by the State Labour Inspection, the Farmers' Social Insurance Agency and independent research institutes. According to the results, it appears that children in rural areas are not involved in work prohibited under Article 3 of Convention No. 182. Moreover, in accordance with article 8, item 1 of the Act of 6 March 1981 on the State Labour Inspection, the scope of activities of the Inspection includes, among other things, initiating action to guarantee the protection of workers on individual farms. In order to do this, the Inspection, in cooperation with voluntary partners such as the National Union of Farmers, Farming Co-operatives and Organizations, Farmers' Social Insurance Agency and the State Agency for Agricultural Treasury, runs several projects. The initiative of the Chief Labour Inspector in 1998 included the drawing up of a list of jobs and activities that should not be entrusted to children younger than 15 years of age working on farms.

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

The Ministry of Justice is working on the Penal Code, which should extend legal and penal protection to minors involved in pornography.

A draft text on the Act of 26 October 1982 concerning proceedings involving minors has been submitted to the *Sejm*. The draft includes, among other things, a proposal to change the minimum age for employing minors residing in correctional institutions and auxiliary farms (from 15 years to 16 years).

To sum up, the information provided demonstrates that the state of Polish legislation allows for the ratification the ILO Convention No. 182. Polish legislation complies with the provisions of the Convention.

After agreements were made with the relevant ministries and institutions, and the social partners, a motion for the ratification of the Convention No. 182 was sent to the Minister of Foreign Affairs. The Parliament is currently working on passing into law the Bill relating to the ratification of this Convention. Once it is passed, the ratification proposal shall be sent to the President of the Republic of Poland.

Observations submitted to the Office by the Independent Self-Governing Trade Union “Solidarność” through the World Confederation of Labour (WCL)

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution and legislation in Poland.

[Reference is made to the application of a ratified Convention.]

The general minimum age for admission to employment covers all the types of work listed in the report form, namely: work performed in a family-owned or family-operated enterprise; work performed in enterprises below a certain size; homework; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; and work performed in export processing zones.

Hazardous work is not defined in the legislation.

Laws and regulations with the aim of eliminating the worst forms of child labour exist in Poland.

There is compulsory schooling for children in Poland. The age for both male and female students at the end of compulsory schooling is 18 years. The number of years or grades of instruction required to complete compulsory education is 11 years or grades for both male and female students.

The following worst forms of child labour do not exist in Poland: debt bondage, serfdom, forced or compulsory labour; and forced recruitment for armed conflict. We do not know if the following worst forms of child labour exist: prostitution; pornography; and illicit activities, in particular production and trafficking of drugs.

We believe or suspect that the sale and or/trafficking of boys and girls (one of the worst forms of child labour) exist(s) in Poland.

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

The following measures have been implemented to enforce the minimum age for employment: inspection/monitoring mechanisms; penal sanctions; civil or administrative sanctions; special institutional machinery; free compulsory education; employment creation/income generation; social assistance (e.g. stipends, subsidies, vouchers); child rehabilitation following removal from work; and vocational and skills training for young workers.

The following measures are envisaged to enforce the minimum age for employment: awareness raising/advocacy; and international cooperation programmes or projects.

Government observations on the comments of the Independent Self-Governing Trade Union “Solidarność”

According to article 190 (paragraph 1) of the Polish Labour Code, a juvenile is any person over 15 and under 18 years of age. Article 190 (paragraph 2) of the Labour Code prohibits the employment of persons under the age of 15.

A juvenile may be employed provided that:

- (1) he/she has graduated from grade school (primary school);
- (2) he/she possesses a doctor's notice certifying that the particular kind of work he/she is to perform is not detrimental to his/her health.

A juvenile who does not have adequate professional qualifications may be employed only as trainee (i.e. for the purpose of acquiring professional qualifications) (article 191 paragraph 2 of the Labour Code).

The employment of persons under the age of 15 years is governed by the Regulation of the Minister of Labour and Social Policy of 29 May 1996. It provides for exceptional circumstances, which allow for the employment of persons who have not graduated from grade school (primary school) or who are under 15 years of age and have graduated from grade school (primary school).

Under paragraph 5(1) of the aforementioned Regulation, a person over 14 but under the age of 15, may enter into an employment contract solely with the consent of that person's legal guardian, and for the purpose of professional training.

According to article 202 of the Labour Code, the working time of juveniles under age 16 must not exceed six hours per day, and for those over 16 years of age – eight hours per day. Furthermore, juveniles must not be employed for overtime work or at night (article 203 of the Labour Code).

Polish legislation has already been harmonized with the relevant EU standards, particularly, the Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, and with several other related directives.

In 2002, Polish legislation will be fully harmonized with the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

The right to education is guaranteed under the Constitution of the Republic of Poland of 1997. According to article 70 of the Constitution, education up to 18 years of age is compulsory.

Qatar

Government

Recognition of the principle of the effective abolition of child labour

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

The Labour Code prohibits employment of children who have not reached the age of 15 years.

The Worst Forms of Child Labour Convention, 1999 (No. 182) has been ratified and became national law.

Concerning national policy and plans aimed at ensuring the effective abolition of child labour, we would first like to point out that child labour does not exist in practice in the country. Education is free. The Labour Code prohibits the employment of children below the age of 15 as well as their access to worksites.

There is a national plan aimed at improving the situation of children and promoting the United Nations Convention of the Rights of the Child in order to raise awareness among all parties concerned with the application of the Convention. In 2000, the Higher Council for Family Affairs, in cooperation with the parties concerned, set up a joint committee to supervise the implementation of a national programme to promote the Worst Forms of Child Labour Convention. Some items of this programme have been implemented, namely those aimed at making the Convention well known through the different mass media and the Ministry of Education. Among the items already implemented are:

1. The adoption of a slogan for the campaign “Yes to the Rights of the Child”.
2. The printing of the text of the Convention (the full text, a simplified text, a copy in colour, books) and parts of it for the next school year (September 2001) for children in the first three years of school.
3. The organization of three training courses for social specialists (both men and women) in the Ministry of Education, to acquaint them with the Convention.
4. The publication of the Convention in the local (Arabic and English) newspapers.

Legislation in Qatar establishes a general minimum age for admission to employment. The general minimum age is 18 years for girls and boys. With regard to the types of work covered, article 5 of the Labour Code provides that it shall not be permitted to hire children below the age of 15, irrespective of the kind of work, and that children below this age shall not be allowed to have access to worksites.

Legislation also defines hazardous work. The following fields of work, among others, are deemed hazardous:

- work in quarries;
- petrol refining and extraction industry;

- petrol-chemicals industry;
- ovens and bakeries;
- work related to chemical resources or compositions;
- mineral extraction and melting;
- civil engineering; and
- other fields.

Concerning the minimum age for engaging in hazardous work, the Labour Code regulates the employment of adolescents who have reached the age of 15 but not the age of 18. Such adolescents shall not be hired for work that might harm their health, safety or morals.

There are laws and regulations with the aim of eliminating the worst forms of child labour. In accordance with Code No. 1 of 1994, an adolescent is defined as any male or female who has reached the age of 7 but not yet the age of 16. An adolescent who commits sexual offences or other acts that compromise morals or ethics (e.g. drunkenness, gambling, begging, drug addiction) or who renders services to persons involved in such acts, runs the risk of being accused of delinquency. The Code provides for the punishment (imprisonment and fines) of any person who exposes an adolescent to delinquency. These punishments are even stricter when intimidation or coercion are involved.

There is no compulsory schooling for children in Qatar.

Concerning the situation in practice with regard to child labour, it has already been stated that child labour does not exist in practice. There is no sale and/or trafficking, debt bondage, serfdom, forced or compulsory labour, forced recruitment for armed conflict, prostitution, pornography, illicit activities, in particular production and trafficking of drugs or any other type. Nevertheless, labour inspectors have been given instructions to include information on child labour in their reports. The report form has been modified to give indications on children possibly working in the enterprise.

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

The Ministry of Civil Service Affairs and Housing would like to indicate the following:

The Ministry has submitted the Declaration on Fundamental Principles and Rights at Work and its Follow-up to the august Cabinet of Ministers which considered it and decided to constitute a Committee of the following ministers: Civil Service Affairs and Housing, Interior, Finance and Economic and Commerce, to study the Declaration and to define the position of the State of Qatar vis-à-vis the principles, rights and obligations contained in the Declaration.

The Ministry has sought the help of an expert of the ILO (the Regional Office for Arab States) who held meetings with the employees concerned to explain to them the principles and rights, which the Declaration might entail.

The Ministry asked for the help of other experts in the administrative and legislative fields, as well as those concerned with the principles and rights laid down in the

Declaration, in order to get information on the ways in which they can be respected, promoted and realized.

The Ministry intends to seek the help of the ILO for the organization of a symposium or meeting for officials and workers in the different public and private sectors, in order to discuss the Declaration and the implications of its principles, rights and obligations for all the parties concerned.

The Ministry expresses its thanks and appreciation to the ILO for the valuable contribution and response. It looks forward to continuing and promoting this cooperation in the different fields that concern the fundamental principles and rights in the Declaration.

The specific measure that has been implemented to bring about the effective abolition of child labour is inspection/monitoring mechanisms.

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

Priority needs for technical cooperation

The Government does not see a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour.

Report preparation

The report form has been sent to:

- The Higher Council for Family Affairs
- The Chamber of Commerce and Industry of Qatar
- The General Committee of Workers

They were requested to reply to the questions they deem appropriate or to comment on the subject of the report in a general manner.

Russian Federation

Government

Recognition of the principle of the effective abolition of child labour

Russian legislation does not contain any direct provisions on the principle of the effective abolition of child labour. However, it does include provisions on the protection of children, in particular a prohibition on the spread of the worst forms of child labour.

Under the terms of the Constitution (Constitution of the Russian Federation, articles 7, 38 and 37), the Russian Federation is a social State, childhood is protected by the State and forced labour is prohibited.

The objectives of the national policy in the interests of children include the following: to realize of the rights of children established by the Constitution of the Russian Federation, to restore these rights in the event of their violation, and to promote children's

physical, intellectual, psychological, spiritual and moral development (Federal Act concerning the fundamental guarantees of the rights of children in the Russian Federation).

No special programme of action has been adopted for the eradication of the worst forms of child labour. However, various programmes, plans and other federal regulatory documents concerning improvement of the situation of children, contain measures enabling the prevention of the spread of the worst forms of child labour.

The Government adopts the following effective measures for preventing the spread of the worst forms of child labour: preventing child abandonment; juvenile delinquency and family hardship; guaranteeing general basic education (which is compulsory) for as many children as possible, organizing children's leisure activities, rest and convalescence; organizing temporary jobs for adolescents during school holidays; organizing vocational training for minors; and job assistance for adolescents in need of special social protection and facing difficulties in their search for a job (orphans, children coming out of orphanages or left without parental care); developing a system of social establishments under the supervision of various departments and responsible for the rehabilitation of children involved in the worst forms of child labour; and, lastly, organizing preventive work with families and children in at-risk groups.

These measures are implemented in the framework of the special federal programmes entitled "Prevention of child abandonment and juvenile delinquency", "Development of a social service for families and children" and "Job assistance for the population". Appropriate measures are envisaged by the following: the Action Plan to improve the situation of children in the Russian Federation; the Programme of measures by the federal executive bodies to eliminate child abandonment in 1999-2000; regulations adopted by the Russian Federation on the organization of rest, convalescence and employment of children and adolescents; and the General Agreement between the Russian trade union confederations, employer's associations and the Government of the Russian Federation for 2000-01.

Preparatory work is under way on proposals concerning the possibility of ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182). At the same time Russian legislation and its application in practice are being checked for conformity with the requirements of Convention No. 182. Based on the results of this analysis, proposals for the amendment of Russian legislation and the improvement of implementation will be formulated, taking account of the provisions of Convention No. 182 and Recommendation No. 190. These and other measures will form the basis of the programme of action for the abolition of the worst forms of child labour.

The legislation in force (section 173 of the Labour Code of the Russian Federation) provides that, in general, admission to employment is only permitted after reaching the age of 15 years. In order to prepare young persons for productive work, admission to employment is allowed from the age of 14 years for pupils attending general educational establishments and primary and secondary vocational education establishments, with the consent of their parents, adoptive parents or guardian, if the work is light and is not detrimental to health, does not interrupt the education process and is done outside school hours.

The legislation in force does not provide for any particular condition for lowering the age of admission to employment for activities such as work performed in a family enterprise, work performed in enterprises below a certain size, home work, domestic service, commercial agriculture, and work on a family farm.

Russian legislation contains a definition of hazardous work. On 23 April 1999 the Russian Ministry of Health approved health criteria for the evaluation and classification of working conditions based on indicators of unhealthiness or hazardousness of the work environment and on the difficulty and intensity of the work process. According to these criteria, hazardous working conditions are characterized by factors in the production process, which have effects that, over a working day (or part thereof), present a threat to life, or a heightened risk of developing acute occupational diseases, including serious forms thereof. A hazardous factor of production is defined as a factor of the work environment or process that can cause acute illness, abrupt deterioration of health or death.

The concept of “arduous work and work performed in unhealthy and hazardous conditions” is applied to working minors. It is prohibited to employ persons aged under 18 years in such work. The “List of arduous jobs and jobs in unhealthy or hazardous working conditions, in which it is prohibited to employ persons aged under 18” (approved by Order of 25 February 2000 of the Government of the Russian Federation) comprises more than 2,000 jobs in the different branches of the economy.

This list includes, for example:

- welding work performed as a gas welder, gas cutter, gas/electric welder, electric welder on automatic and semi-automatic machines, etc.;
- work directly linked to the use and repair of equipment in areas exposed to ionizing radiations;
- in radio equipment manufacturing, work done by assemblers of radio-electronic equipment and instruments when such work involves solder and alloys containing lead;
- in cement production, work done by shaft furnace unloaders, operators of raw material, coal or cement mills, cement packers, etc.
- in the initial stages of cotton and bast treatment, work by raw material loaders and packers, etc.;
- in veterinary establishments, work involving infected material or material suspected of being infected, as well as care of diseased animals and their treatment in veterinary establishments.

Russian legislation prohibits the employment of persons aged under 18 years on work performed in hazardous working conditions, arduous work, work underground and work performed in unhealthy working conditions (section 174 of the Labour Code of the Russian Federation).

The “List of arduous jobs and jobs performed in unhealthy or hazardous working conditions in which it is prohibited to employ persons aged under 18 years”, approved by the Order of 25 February 2000 of the Government of the Russian Federation, replaced the one previously in force, approved by the Order of 10 September 1980 of the State Committee for Labour and the All-Union Central Council of Trade Unions (AUCCTU). The new list is based on new occupational safety standards governing the work of minors – new biological and medical criteria for evaluating working conditions – and has been expanded.

The Order of 25 February 2000 also places certain restrictions on the training of minors in the occupations set out in the list. Such vocational training is authorized for

minors of at least 17 years of age, provided that they will have reached the age of 18 by the end of the training. During their period of practical training, pupils attending general educational establishments and elementary vocational education establishments, as well as those aged between 16 and 18 years attending secondary vocational training establishments, may perform jobs prescribed in the list only up to four hours a day, on condition that the health and safety standards and regulations are strictly observed. Graduates of initial and secondary vocational training establishments who have completed at least three years' vocational training in occupations included in the list, but who have not reached the age of 18, may be admitted to employment in these occupations on condition that health and safety standards and regulations are strictly observed at the workplace and in these tasks.

An employer may decide to employ persons aged under 18 years on jobs prescribed in the list on condition that safe working conditions are provided, and confirmed by workplace certification, upon issuance of a favourable opinion by the State Division for the Assessment of Working Conditions and the local branch of the State Sanitary and Epidemiological Inspectorate (*Gossanepidnadzor*).

Labour legislation also places other restrictions on the work that may be performed by minors, the aim being to meet one of the essential requirements for admission of minors to employment, i.e. that the work not be detrimental to their health or their moral or intellectual development, and that it would not cause them to develop perverted needs or interests, or illegal tendencies.

Other than the jobs mentioned above, it is prohibited to employ persons aged under 18 in the following jobs that may be detrimental to minors' moral development: work in gambling, cabarets and night clubs, and in the production, transport and sale of alcoholic beverages, tobacco and narcotic and toxic substances (section 175 of the Labour Code of the Russian Federation). This provision was introduced in 1995.

Another important measure aimed at limiting the negative effect of arduous physical labour on working minors' health has been to set restrictions on carrying and moving weights (approved by Order of 7 April 1999 of the Minister of Labour). These provisions were formulated in accordance with the "Health Requirements for Conditions and Types of Work that are Authorized for Adolescents" and replace those that had been in force since 1921. The new standards are differentiated by age and provide for each age separately (14, 15, 16 and 17 years) according to the minor's stage of physiological development, which determines their physical fitness for work.

In addition to these restrictions, it is prohibited to employ persons aged under 18 on overtime or night work, i.e. work performed between 10:00 p.m. and 6:00 a.m. (section 177 of the Labour Code of the Russian Federation). The prohibition covers every kind of work, including caretaking.

Laws or regulations exist in the Russian Federation with the aim of eliminating the worst forms of child labour. In addition to prohibiting work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morality of children, Russian legislation has established a prohibition on the following worst forms of child labour as defined in Convention No. 182.

1. Forced labour: Forced labour is prohibited by the Constitution of the Russian Federation (article 37). This prohibition is embodied in section 2 of the Labour Code of the Russian Federation; in addition, under the Federal Act to amend and supplement the Act of the Russian Federation relating to education (paragraph 14 of section 50) it is prohibited to

employ pupils attending educational establishments on work not included in the curriculum without the consent of the pupils and their parents (legal representatives).

2. Trafficking in children: In order to prevent trafficking in children in the Russian Federation, a special section entitled “Trafficking in minors” has been introduced in penal legislation for the first time. It was subsequently included in the new Penal Code of the Russian Federation (1996). Persons buying or selling minors or engaging in other transactions involving a minor consisting of handing over or taking possession of him or her are liable to criminal prosecution. The following constitute aggravating circumstances: the purchase or sale of a child by a person using his or her official position; illegal export of a minor abroad or illegal return from abroad; inciting a minor to commit a criminal offence or other antisocial acts; and removal of organs from a child in order to transplant them (section 152 of the Penal Code of the Russian Federation).

The adoption of a child, including international adoption, carries the potential threat of various kinds of abuse, including a hidden form of trafficking.

In order to protect children’s interests in the event of adoption, including international adoption, a wide-ranging package of legislative measures have been adopted in the Russian Federation to prevent abuses and offences against children during the adoption process and prohibit “fake adoptions”.

Adoption can only be carried out by a court and under special proceedings. All of the circumstances of the case are carefully examined in order to take a decision in the interests of the child (section 125 of the Family Code of the Russian Federation). Criminal and administrative liability have been increased for illegal acts relating to the adoption of children or their placement with foster parents and guardians, including an act that is repeated or committed for personal gain (section 154 of the Penal Code of the Russian Federation; section 193-2 of the Code of Administrative Offences of the RSFSR).

On 7 September 2000 the Russian Federation signed the Hague Convention of 1993 on Protection of Children and Cooperation in respect of Inter-country Adoption. Proposals for ratification of the Convention by the Russian Federation are currently being prepared.

In March 2000 the Government of the Russian Federation adopted the following Orders: the Order to approve Rules governing the transfer of children for adoption and the supervision of the conditions in which they live and are brought up in adoptive families on the territory of the Russian Federation and the Rules for registration with consular establishments of the Russian Federation of children who are citizens of the Russian Federation and have been adopted by foreign citizens or stateless persons; the Order respecting the activities of bodies and organizations of foreign States concerning the adoption of children on the territory of the Russian Federation and the supervision thereof; and the Order respecting the inter-ministerial commission for matters relating to the adoption by foreign citizens of children who are citizens of the Russian Federation. These documents cover a wide range of international adoption issues. In particular, they contain a detailed description of adoption procedures and the rights and obligations of potential adoptive parents; mechanisms for supervising the conditions in which adopted children live and are brought up, including in cases of adoption of Russian children by foreign citizens and stateless persons; the bodies responsible for carrying out such supervision; regulations governing the activities in the Russian Federation, through their branches, of adoption agencies and organizations specially accredited by foreign States.

The measures adopted are aimed at ensuring transparency of the adoption process, which in turn enables children’s rights and interests to be protected and the prevention of offences against children in the adoption process. This means that the system for the

supervision of adoption, including international adoption, is being gradually improved through the action taken.

3. Forced recruitment of minors for armed conflict: Russian legislation prohibits the drafting into military service and participation in hostilities of persons under the age of 18, and this prohibition is enshrined in the Act of the Russian Federation respecting military duty and military service. The penal legislation of the Russian Federation prohibits the recruitment, training, financing or other financial compensation of mercenaries, as well as their use in armed conflict or hostilities (section 359 of the Penal Code of the Russian Federation). Commission of such acts with regard to a minor constitutes an aggravating circumstance and carries a more severe punishment. Russian legislation defines the term “mercenary” as a person acting with the aim of receiving financial compensation who is not a citizen of the State involved in armed conflict or hostilities, who does not permanently reside on its territory and who has not been sent to perform official duties (this cannot be the case of a person aged under 18).

4. Inducing minors into prostitution: Russian legislation provides for criminal liability for inducing a minor into prostitution through violence or the threat thereof, blackmail, destruction of or damage to property or deception. The organization and keeping of houses of ill repute for purposes of prostitution are punishable by law (sections 240 and 241 of the Penal Code of the Russian Federation).

Inducing a minor into prostitution is punishable under the Penal Code even if unaccompanied by threats or other coercion. Criminal liability is increased if this act is committed by a parent, teacher or other person legally vested with the duty of bringing up a minor (section 151 of the Penal Code of the Russian Federation).

5. Inducing minors into illegal activities: Russian legislation provides for criminal prosecution for inducing a minor to commit a crime. The following constitute aggravating circumstances and are more severely punished: if such an act committed by a parent, teacher or other person legally vested with the duty of bringing up a minor or accompanied by violence or the threat thereof, and acts involving inducing a minor into a criminal gang or into committing a serious or particularly serious crime (section 150 of the Penal Code of the Russian Federation).

Steps are currently being taken to modify existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour. In 2001, the Committee for the Improvement of the Situation of Women, chaired by the Deputy Prime Minister of the Russian Federation, examined the question of prevention of sexual exploitation of women, children and adolescents. It was considered necessary to step up efforts to improve the legislation in force with regard to these issues.

In the light of the results of the discussion of this issue in the third quarter of 2001, the Ministry of Internal Affairs and the Ministry of Justice were instructed to draft proposals for the inclusion in legislation of provisions aimed at combating prostitution and procuring, preventing the trafficking and export of women, children and adolescents abroad for purposes of sexual exploitation, and increasing criminal liability for these types of offence. The Ministry of Culture and the Ministry of the Press, Radio and Television and the Media should develop a procedure for registering audiovisual productions intended for broadcasting (in particular viewer age restrictions). The Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Labour, the Ministry of Education, the Ministry of Health and the State Committee of the Russian Federation on Statistics should draft proposals for developing statistical indicators that would enable reliable information to be collected on the extent of offences involving sexual exploitation of women and children.

Preparations are under way for the ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in respect of Inter-country Adoption, as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

The possibility of ratifying ILO Convention No. 182 is being considered.

Under the Constitution of the Russian Federation (article 43), general basic education is compulsory. The number of years or grades of instruction required to complete compulsory education is nine. This provision is also enshrined in the Federal Act to amend and supplement the Act of the Russian Federation respecting education (section 19).

Recent years have seen an increase in the demand for adolescents at work and in registered employment among this age group. In 2000, according to results of sample surveys of the population on employment, carried out by the State Committee on Statistics, the number of persons in the 15 to 17 age group employed totalled 237,000. Most minors are employed in agriculture (33.2 per cent), industry (21.4 per cent), commerce and public catering (14.3 per cent). A substantial number are employed as unskilled workers (39.0 per cent). Some are employed as skilled manual workers in large and small industrial enterprises (18.3 per cent) or in agriculture and forestry (12.4 per cent); the proportion of persons aged 15 to 17 working as specialists [persons holding a diploma from an institute of higher education or specialized secondary education] is small (8.5 per cent). The employment structure of the 15-17 year-old age group has remained stable in recent years.

From 1998 to 2000, the number of minors applying to the state employment services has increased steadily. This indicates a growing demand for jobs among minors, as well as their willingness to seek the assistance of these services in their job search.

In 2000, a total of 1,378,000 minors applied to the employment services in search of a job. The overwhelming majority of them were recruited for temporary jobs (97.4 per cent). The number of unemployed persons in the 16-17 year-old age group was 25,800, i.e. 2 per cent of total unemployment.

In 1999-2000 positive changes were noted in the working conditions of minors. The annual statistical survey of large and medium-sized enterprises in industry, transport, communications and construction registered a reduction in the share of persons under the age of 18 working in conditions that did not meet health and safety standards. In 2000, out of a total of 25,700 minors working in these enterprises, the share of those working in conditions that do not meet health and safety standards was 2.5 per cent (3.3 per cent in 1998 and 2.8 per cent in 1999). In 2000, a total of 644 adolescents were working in such conditions, including 405 who were exposed to high noise, ultrasound and infrasound levels, 120 in workplaces polluted by gases, 147 in workplaces with high dust levels and six (6) with high levels of vibration. A total of 46 adolescents were engaged in arduous physical labour.

According to data from the Federal Labour Inspectorate, 32 adolescents died in 2000 as a result of workplace accidents due to unsafe working conditions (36 in 1997, 40 in 1998 and 23 in 1999).

The problem of respect for minors' rights is a fairly serious one in the world of work. Annual inspections by the Federal Labour Inspectorate bodies register violations of labour legislation involving minors. Adolescents are often recruited without obtaining a pre-employment medical certificate. They are subjected to a probationary period. Actual hours of work exceed those provided for by law (this violation occurs especially frequently in agriculture and services). Adolescents are employed on night work or overtime. They are

assigned arduous work and work in unhealthy conditions. Most of the organizations inspected did not have the "List of arduous jobs and jobs performed in unhealthy or hazardous conditions, in which it is prohibited to employ persons aged under 18 years". Adolescents are often dismissed without the consent of the State labour inspectorate and commissions for minors' affairs.

In 2000 state labour inspectors carried out 2,900 inspections targeting these matters, as a result of which 12,300 violations of minors' labour rights were identified and eliminated. There is a tendency among employers to refuse to employ minors.

The following worst forms of child labour do not exist: debt bondage, serfdom, forced or compulsory labour; and forced recruitment for armed combat. The following are suspected or believed to exist among both girls and boys: sale and/or trafficking; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs.

The use of minors in the worst forms of labour is a new problem for the Russian Federation. At-risk groups include abandoned children, street children, children of asocial families and those of migrants, who are forced to work for various reasons (in order to meet their subsistence needs, to help their families financially, to buy things or drugs, etc.). They perform a wide variety of jobs: loading and unloading goods; guarding goods; cleaning workplaces; commerce; collecting recyclable goods (bottles, non-ferrous metals, etc.); washing cars, theft; prostitution; dealing drugs, or dealing in stolen goods. Abandoned children are often induced into criminal activity.

This type of exploitation of children is a fairly new problem in the Russian Federation and has not been studied much.

The first attempt to research the worst forms of child labour among children was made in 1999 in the Centre for the Temporary Isolation of Juvenile Delinquents (TsVINP) in Moscow. Most of the children questioned were under 15 years. A total of 53.2 per cent of them had begun to work at the age of 14, including 6.3 per cent who started before the age of seven (7), 11.4 per cent between the ages of seven and nine, and 11.4 per cent between the ages of 10 and 12. Nearly 65 per cent of the children questioned had worked constantly, of whom 31.6 per cent worked over seven hours a day. The average age of those working seven or more hours a day was 11.2 years. Among the children questioned, 10 per cent were street vendors, 15.2 per cent worked in gas stations, 12.6 per cent did odd jobs, 7.6 per cent were engaged in agricultural work, 16.5 per cent begged, 8.9 per cent were prostitutes (around 15 per cent of girls), 2.5 per cent stole and 1.3 per cent were vagrants.

These data apply to children identified by the police in a huge megalopolis, in which there are a large number of migrants. It is worth noting in this connection that data were obtained through an analysis of the situation of working street children in St. Petersburg, carried out with ILO support, in the framework of the International Programme on the Elimination of Child Labour (IPEC).

According to the results of the survey, most working street children are boys. Both according to experts and based on the proportions among children questioned, boys account for 75 per cent and girls 25 per cent. The overwhelming majority of children recruited for illegal drug dealing are boys while most of the children engaged in prostitution are girls (88.7 per cent). Most of the working children were born in St Petersburg (78.5 per cent). Only a small percentage comes from other towns (21.5 per cent). The percentage of children from other towns engaged in prostitution is higher (31.3 per cent), most of them from the Leningrad region or other parts of the Russian

Federation. A large percentage of street children lose touch with school. Girls have longer daily hours of work than boys – seven, eight or more. A total of 51 per cent of the boys questioned work up to 5 hours, the reason being that they are physically unable to perform arduous work for longer periods.

The survey showed that 40.6 per cent of the girls working in the street are engaged in prostitution, compared to 1.7 per cent of boys. Nearly a quarter of the girls admitted that they were forced under threat to hand over part of their earnings. This is especially true of those engaged in prostitution. Nearly half of the girls questioned who were engaged in prostitution were afraid to reply to this question, which indicates a high level of criminality in this area of child labour.

There is reason to believe that the worst forms of child labour – prostitution, involvement in illicit activities, production of pornography and drug dealing – are largely characteristic of large cities, port towns, southern holiday resorts and border areas.

Uncontrolled migration aggravates the situation, spreading the worst forms of child labour in areas that attract large flows of migrants. This is confirmed indirectly by the data on minors admitted to temporary isolation centres for juvenile delinquents. Some 2,200 minors brought to such centres are inhabitants of member States of the Commonwealth of Independent States (CIS), while 5,200 are inhabitants of another part of the Russian Federation.

The results of the activities of the internal affairs bodies [militia] in Moscow give an idea of the extent of crimes involving sexual exploitation of minors. In 2000, over 2,800 special measures were taken to prevent and eliminate violations involving prostitution. Among the persons detained, 500 were minors. A total of 59 criminal cases were instituted, 33 of which were under section 151 of the Penal Code of the Russian Federation (inducing minors into antisocial acts), four under section 240 of the Penal Code (inducing into prostitution), and 22 under section 241 of the Penal Code (organizing or keeping houses of ill repute for the purpose of prostitution).

In 1997-99 there was an increase in the number of crimes such as inducing minors to commit a crime (from 20,200 in 1997 to 24,000 in 1999) and antisocial acts (from 551 in 1997 to 853 in 1999). A decrease was registered in 2000, with 20,500 cases of inducement to commit a crime and 482 antisocial acts.

The law enforcement bodies have recently noted an increase in the activity of organized criminal groups engaged in the sexual exploitation of children for commercial purposes, including the production and dissemination of child pornography. In 2000, the production and dissemination of child pornography over the Internet increased considerably.

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

Specific measures or programmes of action have been implemented to enforce minimum age(s) for employment: inspection/monitoring mechanisms; civil or administrative sanctions; free compulsory education; employment creation/income generation; child rehabilitation following removal from work; and vocational and skills training for young workers.

There have been measures implemented and/or envisaged to eliminate the worst forms of child labour: penal sanctions (implemented and envisaged); free compulsory education (implemented); employment creation/income generation (implemented and

envisaged); social assistance (e.g. stipends, subsidies, vouchers) (implemented and envisaged); child rehabilitation following removal from work (implemented and envisaged); vocational and skills training for young workers (implemented and envisaged); awareness raising/advocacy (envisaged); and international cooperation programmes or projects (implemented and envisaged).

In order to prevent the use of minors in the worst forms of child labour, measures are being taken to put a stop to child abandonment and juvenile delinquency, ensure that as many children and adolescents as possible have access to general basic education, arrange for their vocational training and employment, where possible on a part-time basis and organize leisure activities for children and adolescents.

To this end, the special federal programme on the prevention of child abandonment and juvenile delinquency has been implemented since 1997 and the Federal Act concerning the system for the prevention of child abandonment and juvenile delinquency was adopted in 1999. The machinery for their implementation is being improved.

In view of the seriousness of the problem of child abandonment, the Government has put in place a package of emergency measures to put a stop to child abandonment in 1999-2000. As regards prevention, this programme provides – in addition to the drafting of a series of acts and other regulatory documents – for identifying children who are out of school and homeless, opening new establishments for the social rehabilitation of abandoned children, including those addicted to drugs, and a series of measures aimed at organizing leisure activities for them.

The intention is to solve the complex problems involved in preventing child abandonment and hence to prevent children at risk from engaging in the worst forms of child labour. In parallel, these measures include identifying children working in the worst forms of child labour, removing them from their pernicious environment and ensuring their rehabilitation and social reintegration.

In order to carry out the rehabilitation and social reintegration of these children in practice, it is essential to have in place a comprehensive and accessible network of specialized centres to provide the necessary assistance to these children.

The establishment of these centres in the Russian Federation began in 1993. The groundwork has now been laid for a system of specialized social institutions to assist children who for one reason or another are not under the care of their parents, especially abandoned children and those from asocial families, many of whom become involved in the worst forms of child labour. At the beginning of 2001, the social protection system operated 793 specialized establishments for minors in need of social rehabilitation (social rehabilitation centres for minors, shelters for children and adolescents, centres providing assistance to children left without parental care). In 2000, 267,000 minors received assistance in these centres. These establishments provide children with psychological and medical assistance, social rehabilitation and the opportunity to study and attend school. It is fundamentally important that children can seek assistance in these centres themselves, without having to go through an adult. However, there are not enough of these centres and they only cover 20 per cent of demand.

Preventive work with families and children in at-risk groups is carried out by the social services of the social protection system for families and children and the education system. At the beginning of 2001, the social protection system operated 387 family and children's social assistance centres and 542 children's departments in social service centres. In 2000, 1.8 million families and over 2 million minors received various kinds of

assistance in the latter centres. The education system operates over 500 centres providing psycho-pedagogical and medical/social assistance to children.

The State social services providing assistance to children in difficult situations, including those in the worst forms of child labour, are supplemented by similar establishments, which are currently being set up by non-governmental organizations.

In order to assess the extent of the social problem of school dropouts and to collect statistics on the number of such children, in 1999 the entities in charge of administering the education system, social protection and statistics carried out a one-off statistical survey of children aged between 7 and 15 who are not studying in educational establishments, and homeless children.

In an effort to prevent the spread of the worst forms of child labour, the national employment services are considering the organization of employment of minors, mainly in temporary jobs, as an enabling measure. The number of minors for whom temporary jobs were found through the state employment service is increasing every year. Priority is given to the employment of minors who are orphans without any parents, children of unemployed persons, single parents and families with many children, and children registered with the juvenile commissions.

The General Agreement between the Russian trade union confederations, the Russian employers' associations and the Government of the Russian Federation for 2000-01 provides for the drafting of proposals for further improving the legislation on employment, including the organization of temporary and seasonal employment for pupils and students and job placement for graduates of general and vocational educational establishments.

Given the unsatisfactory state of affairs with regard to the observance of the labour rights of minors, under the General Agreement it is planned to adopt additional measures to improve the efficiency of cooperation between the bodies of the federal labour inspectorate and the trade unions and employers' associations in inspecting and supervising compliance with labour and occupational health and safety legislation, and to enlist the most highly qualified representatives of trade unions and work collectives as part-time labour inspectors.

By decision of the authorities of the Russian Federation, mindful of the importance of setting up special departments in the internal affairs bodies to deal with sexual assault cases, since 1996 specialized divisions handling sex offences have been set up in a number of Russian regions. Such divisions are currently operational in Moscow, St. Petersburg, Irkutsk, Saratov, Omsk and Chita, where a certain amount of practical experience has been acquired in the application of the legislation to prevent and eliminate sexual delinquency.

The Russian Federation is making a consistent effort to ratify international instruments aimed at preventing the spread of negative social phenomena such as child trafficking, child prostitution and pornography.

In 2000, the Russian Federation signed the United Nations Convention against Transnational Organized Crime and its supplementary Protocol to prevent, suppress and punish trafficking in persons, especially women and children. The preparatory work for ratification of these instruments will require further improvements of Russian legislation to strengthen and clarify regulations on criminal liability for crimes related to the sexual exploitation of children for commercial purposes.

The Russian Federation is considering adhering to and possibly ratifying international instruments of crucial importance against the worldwide spread of child trafficking, such

as the Hague Convention of 1980 on the Civil Aspects of International Child Abduction and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The Russian Federation sees this process as a further important step in guaranteeing children's rights. The signing and subsequent ratification of these instruments imply the implementation of a whole range of measures to prevent and eliminate child trafficking.

The signature of the Optional Protocol to the Convention on the Rights of the Child by the Russian Federation could constitute a new step in the direction of solving, inter alia, the problem of preventing the use of minors in prostitution, and the production of pornography. A preliminary study on this subject, carried out by the Russian Ministry of Internal Affairs in cooperation with interested ministries and departments, revealed substantial gaps in Russian legislation (in particular, the aforementioned absence of criminal liability for the exploitation of prostitution by third parties and the lack of precise criteria for defining the term "pornography"), which need to be remedied in order to sign the instrument.

See also the information provided in the section "Recognition of the principle of the effective abolition of child labour".

In the measures adopted to prevent the worst forms of child labour, special attention is paid to abandoned children, children left without parental care and children from disadvantaged families.

Effective supervision of compliance with labour legislation with regard to working minors poses a major problem. Under the General Agreement between the Russian trade union confederations, Russian employers' associations and the Government of the Russian Federation for 2000-01, it was decided to adopt additional measures to improve the efficiency of cooperation between the bodies of the federal labour inspectorate and the trade unions and employers' associations in inspecting and supervising compliance with labour and occupational safety and health legislation, and to enlist the most highly qualified representatives of trade unions and work collectives as part-time labour inspectors.

The Global Plan of Action of the Russian Federation and the United Nations Children's Fund (UNICEF) for 2000-01 provides for a programme entitled "Children in need of special protection", which is aimed at protecting abandoned children in order to prevent them from becoming street children. The programme provides for the following: elaboration and implementation of a multifaceted approach to prevent children from being abandoned and becoming social orphans by assisting families in crisis; development and implementation of technologies to provide social, pedagogical and psychological support for families in at-risk groups to prevent families from breaking up and children becoming social orphans; developing educational programmes for long-term dropouts from normal schooling; training social workers in the appropriate methodology and technology for street work; and dissemination of experience of social work carried out in the street with street children.

The State Committee of the Russian Federation on Statistics carries out quarterly sample surveys on employment issues. In order to collect statistics on the extent and nature of child labour, in these surveys the State Committee studies the employment of persons aged 15 to 17 in all branches of the economy broken down by type of activity, age, sex, level of education, place of residence (urban or rural) and weekly hours of work. The employment of minors in agricultural production on family farms is singled out.

In addition, every year a national census of the number of persons working in unhealthy conditions in the four major branches of economic activity (industry, construction, transport and communications) is carried out. The figures are broken down into numbers of workers in conditions that do not meet health standards and the number of persons performing arduous physical work, with separate figures for persons under 18 years of age.

National statistics on employment provide indirect information on the extent of child labour. In particular, every quarter they record the number of minors aged 14 to 17 applying to the national employment service, who find jobs, including temporary jobs, and the number of minors aged 16 and 17 recognized as unemployed.

Special surveys have been carried out to study the spread of the worst forms of child labour (see information provided earlier).

Statistical information on the extent and nature of child labour is published in the national annual report on the situation of children in the Russian Federation. As of 1997 this report contains a special chapter entitled "Employment of children".

The results of the quarterly sample survey on employment are published in the bulletin of the State Committee on Statistics entitled "*The employment survey*".

During the last population census (in 1989), the age group of persons questioned about their gainful activity was not mentioned, and the question was only asked if the persons questioned mentioned that they worked.

Obstacles with respect to the effective abolition of child labour

The main factors leading to the involvement of children in the worst forms of child labour are as follows: precarious situation of the family, child abandonment and homelessness due to the fact that many families have fallen below the poverty line for a number of reasons (the economic crisis, mass unemployment, sharply declining standards of living of large segments of the population); changing attitudes to former values; forced migration. At the same time, the social protection system has been unable to respond immediately with the necessary assistance to families in need.

A number of unsolved problems stand in the way of the effective abolition of the worst forms of child labour.

It is difficult to identify in time the children who find themselves in the worst forms of child labour. Machinery and procedures for identifying these children have not yet been put in place. Today, in most cases, children involved in pornography, those who are sexually exploited, and children who are victims of various forms of violence are usually identified as a result of uncovering other crimes. There are no reliable and complete statistics on children involved in the worst forms of child labour, which prevents an accurate assessment of the scale of the phenomenon and adequate measures to eliminate it.

There is not yet a sufficiently developed comprehensive network of social establishments and services accessible to children in the worst forms of child labour, which would offer them the rehabilitation and other assistance they need.

One major prerequisite for the elimination of the worst forms of child labour is access for all children to education, including guaranteeing the return to school of children, whose schooling has been interrupted for various reasons, including their having been abandoned

by their parents. The legislation in force provides sufficient guarantees of the right of each child to education. However, there are certain categories of children (refugees and forced migrants, children with deviant behaviour, “difficult children”) who become undesirable in the view of educational establishments, which deny them access to education on various pretexts, notwithstanding the fact that the Act of the Russian Federation concerning education (1996 version) guarantees the right to education for all children, regardless of their place of residence and other circumstances.

Russian legislation contains no prohibition on certain of the worst forms of child labour, or else the implementation machinery is inadequate in this regard.

In particular, there is no prohibition on involving minors in certain types of business activities that are detrimental to their moral and physical health. Thus, there is no prohibition on involving children in the production, storage with a view to distributing, and distribution of products of a sexual nature; inducing minors into the provision of sexual services and the production of visual performances of a sexual nature; using depictions of minors, in any form, in products of a sexual nature, the provision of sexual services and the production of visual performances of a sexual nature.

Russian legislation does not provide for criminal liability for procuring and pimping, neither does it define the term “pornography”. The legal age for sex with minors is among the lowest in the world (14 years). Provisions of penal procedural law relating to the protection of witnesses and victims are inadequate, with the result that minors refuse to testify against persons who sexually assault them. There is no regulation of the use of new information and communication technologies or the activities of Internet service providers.

Another problem is the lack of adequate machinery for supervision of compliance with legislation, as well as the absence or inadequacy of measures laid down in legislation for the prosecution of violations, especially in the private sector and small enterprises, where most minors are employed. There is no effective economic and regulatory machinery to encourage employers to comply fully with the law. The employment of minors in family businesses does not come under supervision. Liability under the law for violation of labour legislation, including violation of minors’ rights at work, is not stringent enough.

Much remains to be done with regard to migration controls and the elimination of illegal migration.

Uncontrolled migration exacerbates the situation with regard to the spread of the worst forms of child labour in areas attracting a large inflow of migrants. The Russian law enforcement bodies are combating these crimes, but if their efforts are to succeed, the legislation needs to be improved, the necessary resources allocated and a consistent approach adopted.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The following types of technical cooperation were ranked most important: legal reform; data collection and analysis; strengthening capacity of employers’ and workers’ organization; employment creation, skills training and income generation; and, a special programme for the elimination of the worst forms of child labour. Capacity building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); social protection systems; awareness raising, legal literacy and advocacy; sharing of experience across

countries/regions; and inter-institutional coordination were ranked as the second most important technical cooperation needs.

The Russian Federation would like to participate in international research projects on child labour: the International Programme on the Elimination of Child Labour (IPEC) and the Statistical Information and Monitoring Programme on Child Labour (SIMPOC).

Report preparation

Regarding the preparation of this report consultation was had with other governmental agencies, employers' and workers' organizations.

Copies of the report were sent to the Consultative Council of the Organization of Employers of Russia and the Federation of Independent Trade Unions of Russia.

Saint Lucia

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is not recognized in the Constitution, judicial decisions or collective agreements, but is recognized in legislation.

There is a national plan aimed at ensuring the effective abolition of child labour. There is no direct expressed policy on child labour. However, the Government's Education Sector Development Plan for 2000-05 and the Education Act No. 41 of 1999, indirectly promote the principles of the effective abolition of child labour. Among other things, the Government pursues a policy of compulsory school education for children up to 15 years of age by renovating existing schools and constructing new primary and secondary schools to address the problem of congestion. The Education Act (section 27) mandates compulsory school attendance up to the age of 15. Additionally, section 47 prohibits the employment of a child of compulsory school age. The Labour Code, which is currently in draft form, will re-emphasize the government's policy on child labour. (section B 81).

Legislation in Saint Lucia establishes a general minimum age for admission to employment – 14 years for girls and boys.

The general minimum age for admission to employment covers family and small-scale agriculture; it does not cover the following types of work:

- work performed in a family-owned or -operated enterprise;
- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;

- light work; and
- work performed in export processing zones.

The legislation does not define “hazardous work”. However, the Employees (Occupational Health and Safety, section 23) Act prohibits young persons (i.e. a person who has attained the age of 16 years but who is under the age of 18 years) from engaging in industrial work. The Employment of Women, Young Persons and Children Act (Ch. 100, section 3) prohibits young persons and children (under the age of 14 years) from working in any industrial undertaking, including:

- mines, quarries and other works for the extraction of minerals from the earth;
- industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished; or in which materials are transformed, including ship-building and the generation, transformation and transmission of electricity and motive power of any kind;
- construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gasworks, waterworks, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure;
- transport of passengers or goods by road or rail, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

(Extracted from Employment of Women, Young Persons and Children Act, Ch. 100, Schedule: Part I, article 1; annexed not reproduced).

The draft Labour Code, scheduled for adoption after consultation with workers’ and employers’ organizations, stipulates work which is prohibited to persons under the age of 18: work which places the child or young person’s well-being, education, safety, physical or mental health, spiritual, moral or social development at risk.

There is compulsory schooling for children in Saint Lucia. The age of girls and boys at the end of compulsory schooling is 15 years. There is an anomaly between the minimum age for admission to employment (14) and the compulsory school leaving age (15). The Labour Code will correct this situation by prohibiting the employment of children who are 15 years of age or under.

According to existing information, child labour does not exist, particularly in the formal sector. The Government’s policy of compulsory schooling prevents children below 15 years of age from entering the workforce. The level of unemployment in St. Lucia makes it difficult for children to be gainfully employed, as there are sufficient adults competing for existing jobs. However, in the informal sector, there are occasional reports of children working in family-operated banana plantations and fisheries during school hours.

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

The following measures to enforce minimum age(s) for employment have been implemented in Saint Lucia to bring about the effective abolition of child labour:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- social assistance (e.g. stipends, subsidies, vouchers);
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

Employment creation/income generation measures are envisaged to enforce minimum age(s) for employment.

Legal reform: A tripartite task force on Labour Law Reform drew up a draft Labour Code in 2000-01. The Code includes provisions on child labour consistent with ILO standards. In addition, the current Special Project on the Reform of Family Legislation, coordinated by the Organisation of Eastern Caribbean States (OECS) Office of the Chief Justice, is addressing the legal and policy framework for children's rights.

Inspection/monitoring mechanisms: There are formal inspections by the Labour Department to determine compliance with law on the employment of young persons; the Department of Human Services monitors reported instances of child labour and works closely with the Ministry of Education to ensure violations are properly addressed. As part of the coordination between these two agencies, a national database is being developed to identify children at risk. For example, information on school attendance will be analysed.

Social Assistance: The Department of Human Services provides educational assistance in the form of stipends, uniforms and other subsidies, including a feeding programme for school children.

Awareness raising/advocacy: Activities are carried out by various institutions and organizations; for example, a national committee on the rights of the child and United Nations Children's Fund (UNICEF).

No special attention is given to the needs of particular groups of children in these measures or programmes.

The Government does not work with any multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour.

The Government records information on the sanctions applied to users of child labour; it does not record information on the number of children withdrawn from child labour or the number of ex-child labourers pursuing formal or non-formal education.

The Government does not undertake surveys that provide statistical information on the extent and/or nature of child work. In the last population census, held in 2001, 15 years was the lowest age of persons for whom questions were asked about economic activity.

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

Special measures have not been undertaken in Saint Lucia that can be regarded as successful examples in the abolition of child labour.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation needed are:

- training: There is a need to sensitize officials on issues of child labour to make them aware of situations that could lead to child labour including its worst forms, and recognize appropriate interventions;
- data collection: There is a need to improve the documentation of child labour: its nature, extent and trends. This will assist in policy-making as well as establish a national database of children at risk.

Report preparation

Consultation was held with other governmental agencies, employers' organizations and workers' organizations in the preparation of this report. Neither employers' organizations nor workers' organizations made any comments on the report.

Copies of the report were sent to:

- the St. Lucia Employers' Federation;
- the St. Lucia Seamen Waterfront and General Workers' Trade Union.

Annexes (not reproduced)

- Copies of school attendance reports from the Ministry of Education
- Employment of Women, Young Persons and Children Act, Ch. 100
- Draft Labour Code, Part II
- Employees (Occupational Health and Safety) Act, No. 10, 1985
- Education Act, No. 41, 1999
- Government of St. Lucia, Ministry of Education, Human Resource Development, Youth and Sports, *Education Sector Development Plan: 2000 – 2005 and beyond*, Volume 1, February 2000

Saint Vincent and the Grenadines

Government

Recognition of the principle of the effective abolition of child labour

Legislation in St. Vincent and the Grenadines defines hazardous work: "... in respect of employment which, by its very nature or the circumstances in which it is carried out, is dangerous to the life, health or morals of the persons employed therein, national laws shall either:

- (a) prescribe an age higher than 14 years for the admission of young persons or adolescents; or
- (b) empower an appropriate authority to prescribe an age higher than 14 years for the admission of young persons or adolescents."

The minimum age for engaging in hazardous work is 16 years for girls and boys.

Laws or regulations exist with the aim of eliminating any of the worst forms of child labour; they cover the following types of work:

- mining and Quarrying: mines, quarries and other works for the extraction of minerals from the earth;
- manufacturing: Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or where materials are transformed, including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind;
- construction: construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gasworks, waterworks, or other work of construction as well as the preparation for the laying of the foundation of any such work or structure;
- transport (land and sea): transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves and warehouses; and
- ships.

Steps are not currently being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour.

There is no compulsory schooling for children in Saint Vincent and the Grenadines.

The following worst forms of child labour do not exist in Saint Vincent and the Grenadines:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;

- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs; and
- other worst forms of child labour.

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

The Government does not work with any multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour.

The Government does not record the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education; and
- sanctions applied to users of child labour.

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

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

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

Special measures have not been undertaken in Saint Vincent and the Grenadines that can be regarded as successful examples in the abolition of child labour.

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

Primary school leavers in St. Vincent and the Grenadines often work illegally as apprentices, and there is considerable child labour in family-owned enterprises, including, especially agricultural work.

Government observations on ICFTU's comments

The Government of Saint Vincent and the Grenadines wishes to inform your august body that the allegations of child labour are totally unfounded and we categorically deny them. Saint Vincent and the Grenadines has recently ratified the Minimum Age Convention, 1973 (No. 138).

Discussions with all social partners, such as trade unions and the employers' association revealed a total rejection of these allegations and further communication will be sent to the Office on this matter.

Sao Tome and Principe

Note from the Office

No report was received by the Office from the Government for the annual reviews of 2000, 2001 or 2002.

Observations submitted to the Office by the General Union of Workers of Sao Tome and Principe (UGT-STP) through the World Confederation of Labour (WCL)

Recognition of the principle of the effective abolition of child labour

In Sao Tome and Principe, the principle of the effective abolition of child labour is recognized in the Constitution as well as in the general legislation. Although there is no national programme to ensure the abolition of child labour, the Government envisages adopting one.

The national legislation establishes 16 years as the general minimum age for admission to employment, including in commercial agriculture and export processing zones; but not in family-owned or -operated enterprises, home work, domestic services, self-employed work, family-owned or small-scale farms, and light work.

Hazardous work is not defined in the legislation and there is no legal instrument aimed at eliminating any of the worst forms of child labour. No measures are being taken to change the existing legislation with a view to addressing this issue.

In Sao Tome and Principe education is compulsory for girls and for boys up to 14 years of age and at least six years of schooling are required.

The following worst forms of child labour do not exist in Sao Tome and Principe: debt bondage, serfdom, forced or compulsory labour, forced recruitment for armed conflict; and, illicit activities, in particular production and trafficking of drugs. It is not known whether prostitution or pornography exist in the country.

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

No specific measures or programmes of action have been implemented in Sao Tome and Principe with a view to making the effective abolition of child labour a reality. The Government does not collaborate with multilateral agencies other than the ILO, or with bilateral donors, and/or other organizations, to combat child labour.

The Government does not collect information on the number of children withdrawn from work, the number of former child labourers pursuing formal or non-formal education, or the sanctions imposed on users of child labour. Surveys are not carried out to collect information on the scope and nature of child labour. In the last population census, 16 years was the lowest age of persons about whom questions were asked about economic activity.

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

The UGT-STP is of the view that no specific measures have been adopted in the country which could be considered as successful examples in the abolition of child labour.

Saudi Arabia

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the legislation but not in the Constitution, judicial decisions nor collective agreements.

There is no national policy or plan aimed at ensuring the effective abolition of child labour and the Government does not intend to adopt one.

The general minimum age for admission to employment for both girls and boys is 13 years. This general minimum age is recognised for the following types of employment: work in all enterprises; light work and work performed in export processing zones. It does not cover: work in a family-owned or family-operated enterprise; homework; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; and other types of work.

Hazardous work is defined in the legislation. Ministerial Decree No. 435 of 4.11.1404 (circa 1983) determines the types of work and occupations in which workers are exposed to lead poisoning. The Decree stipulates that workers(male and female) engaged in these types of work, should be over 18 years of age.

There are no laws or regulations for the elimination of any of the worst forms of child labour.

With regard to taking steps for either introducing or modifying existing legislation to address the elimination of any of the worst forms of child labour, the Council of Ministers of the Kingdom of Saudi Arabia has approved the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182).

The ratification procedures are being finalized, between the Government of the Kingdom of Saudi Arabia and the International Labour Office. The Act of Ratification shall be deposited in the near future.

It is evident from earlier responses that the phenomenon of child labour does not exist in the Kingdom of Saudi Arabia. Nonetheless, the Government spares no effort in this regard and it works continuously to eliminate any form of child labour.

None of the worst forms of child labour listed in the report form (sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; illicit activities in particular production and trafficking of drugs and other worst forms of child labour) exist in the country.

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

No specific measures or programmes of action to bring about the effective abolition of child labour have been implemented and none are envisaged, since child labour does not exist in the Kingdom of Saudi Arabia.

The Government does not work with any other multilateral agency apart from the ILO, bilateral donors or organizations, to combat child labour. We do not record any information in relation to the abolition of child labour.

No surveys on the question of child labour have been undertaken.

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

The Council of Ministers of the Kingdom of Saudi Arabia has approved the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Act of Ratification shall be deposited in the near future.

Obstacles with respect to the effective abolition of child labour

We would like to reiterate that the Kingdom of Saudi Arabia is totally free from any form of child labour.

Priority needs for technical cooperation

The Government does not see the need for any new or continued technical cooperation with the ILO, to assist in the realization of the principle of the effective abolition of child labour.

Report preparation

Consultations were conducted in the process of preparing this report. Copies of this report were sent to:

- Mr. Dahlan, Abdullah, Council of Chambers of Commerce and Industry, employers' representative;
- Mr. Al-Hajri, Mohammed, Saudi ARAMCO, workers' representative.

We have not received any comments from either of the representatives.

Singapore**Government****Recognition of the principle of the effective abolition of child labour**

The majority of children and young persons are in schools or approved training institutions. To ensure that children receive a primary school education, the Government has decided to implement compulsory education.

There is no child labour, where children are being exploited and forced to work to help earn a living. The Ministry of Manpower strictly enforces laws prohibiting the employment of children.

Report preparation

Copies of this report have been sent to:

- Singapore National Employers' Federation (SNEF);
- Singapore National Trades Union Congress (NTUC).

Comments from both employers' and workers' organizations have been taken into account in this report.

Sudan

Government

Recognition of the principle of the effective abolition of child labour

The Government wishes to inform the ILO that the President of the Republic has issued a decree by which the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) have been ratified.

The Ministry of Labour is completing the formalities required by the ILO for registering the ratification of these Conventions.

[Note: ratifications of these Conventions had not been registered by 1 September 2001.]

Suriname

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the following:

- Constitution: article 35, sub 3 and article 37;
- legislation: Labour Act articles 17-21;
- judicial decisions: although there are no specific cases in which the judge reached a decision concerning a penalty in relation to the use of child labour; the law does provide protection to children;
- collective agreements: the Bureau of Collective Agreements does not allow collective agreements in which child labour is sustained.

There is no national policy or plan aimed at ensuring the effective abolition of child labour. In 1998 the Ministry of Labour, Technological Development and Environment held a survey concerning child labour. The results will be reported. This report will be used as a starting point in the fight against child labour. After the results are presented to the government, a national policy or plan will be adopted.

Legislation in Suriname establishes a general minimum age for admission to employment; no distinction is made between girls and boys. The Labour Act defines children as persons who have not yet reached the age of 14 years. Article 18 of the Labour Act states that children who have passed the age of compulsory education may perform certain forms of work, appointed by the law.

The general minimum age for admission to employment does not cover:

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

The following articles of the Labour Act state:

Article 17:

1. Children are not allowed to perform certain forms of labour, whether or not they are getting compensation or pay.
2. Children are not permitted to work outside an enterprise except for activities:
 - (a) in the family household where the child is brought up, at schools, in nurseries, in educational institutions and similar institutions, provided that these activities have an educational character and are not, primarily, for financial profits;
 - (b) in agriculture, horticulture and cattle breeding for family needs. These activities must not take place in factories or in working places or with machines that have a capacity of more than two horse-power.

Article 18:

Children above the age of completion of compulsory schooling can perform certain forms of labour, which are determined by State decree; providing these activities:

- are necessary for learning a profession or are normally performed by children;
- are not too physically or mentally demanding; and
- are not hazardous.

Article 19:

In specific cases, an exemption can be made by the Head of Labour Inspection under Article 17 of the Labour Act wherever necessary for the child and on request of the head of the family in which the child is raised. In these cases, specific conditions can be made.

There is no specific definition of hazardous work in our legislation.

The minimum age for engaging in hazardous work is 18 years. There is no distinction between boys and girls.

Laws or regulations do not exist in Suriname with the aim of eliminating any of the worst forms of child labour.

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

United Nations Children's Fund (UNICEF) is working with 12 countries in the Caribbean Subregion as part of a programme which addresses a number of countries. In Suriname, there is a working schedule in which the situation of children in different fields is being discussed. In June 2001, there was a national consultancy held between UNICEF and relevant stakeholders in Suriname.

Furthermore, Suriname takes part in the programme Plan of Action (2001) Concerning the promotion of Children's Rights in which the rights of the child are being promoted and the problems concerning children are being reviewed and taken care of, keeping in mind the relevant conventions concerning children such as:

- the United Nations Convention on the Rights of the Child;
- the Worst Forms of Child Labour Convention, 1999 (No. 182);
- the Minimum Age Convention, 1973 (No. 138).

At the national level, the results of the reports, which will result from the above mentioned consultancies and Plan of Action, could lead to the revision of the legislation, where necessary.

There is compulsory schooling for children in Suriname. The age of the child at the end of compulsory schooling is 12 years. There is no distinction made between boys and girls. The number of years or grades of instruction required to complete compulsory education is set at 6 years. (GB 1933 No. 18 Act of Compulsory Education. Article 39 Sub 2 Constitution).

Child labour occurs mainly in the informal sector. Most of these children are from poor families and are engaged in street work as newspaper or fruit and snack vendors. Many children also work in the market places, supermarkets and other enterprises. Furthermore, an increasing number of street children are offering their services in the streets as commercial sex workers of Paramaribo. According to community groups this kind of work is increasing and needs the special attention of the Government.

The following worst forms of child labour do not exist in Suriname:

- sale and/or trafficking;
- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict.

The Government does not know if the following worst forms of child labour exist in Suriname:

- pornography;

- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

The following worst form of child labour is believed or expected to exist in Suriname:

- prostitution (both boys and girls).

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

No specific measures or programmes of action have been implemented nor are they envisaged in Suriname to bring about the effective abolition of child labour.

The Government works with multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour. The Government refers to the following, which appears elsewhere in the Report: UNICEF is working with 12 countries in the Caribbean Subregion. In Suriname, there is a working schedule in which the situation of children in different fields is being discussed. In June 2001, there was a national consultancy held between UNICEF and relevant stakeholders in Suriname.

The Government does not record information in relation to the abolition of child labour with regard to the number of children withdrawn from child labour; the number of ex-child labourers pursuing formal or non-formal education; or sanctions applied to users of child labour.

The Government has undertaken surveys that provide statistical information on the extent and/or nature of child work. In 1998 the Labour Market Department of the Ministry of Labour, Technological Development and Environment carried out such a survey.

These survey results are not yet completed. The Government refers to the 1998 survey by the Ministry of Labour, Technological Development and Environment described earlier in the report.

The results of the survey will be presented by:

- sex;
- age;
- occupation;
- type of activity;
- number of hours of work.

There is no distinction made in the survey between boys and girls. The age group was generally set between 8 and 14 years.

Information on the lowest age of persons for whom questions were asked about economic activity in the last population census is not available.

The last population census was held in 1980.

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

Special measures have been undertaken in Suriname that can be regarded as successful examples in the abolition of child labour. The signing of the Convention on the Rights of the Child was a start for our Government to begin a campaign against the worst forms of child labour.

Since our last report, the programmes initiated with the help of UNICEF have led to a greater involvement of the government in issues concerning child labour. Furthermore, we are in the process of ratifying the Worst Forms of Child Labour Convention, 1999 (No. 182).

Obstacles with respect to the effective abolition of child labour

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

- the legislation has to be updated, especially the Labour Act;
- the survey results of 1998 concerning child labour need to be presented (published) and a follow-up of this survey is needed as well.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour.

The following types of technical cooperation were given a number 1 (i.e. 1 = most important) priority rating:

- policy advice;
- capacity building of responsible government institutions (e.g. labour inspection and administration);
- data collection and analysis;
- special programme for the elimination of the worst forms of child labour;
- social protection systems.

The following types of technical cooperation were given a number 2 (i.e. 2 = second most important) priority rating:

- legal reform;
- training of other officials (e.g. police judiciary social workers teachers);
- strengthening capacity of employers' and workers' organizations;
- employment creation, skills training and income generation;
- awareness raising, legal literacy and advocacy;

- sharing of experience across countries/regions;
- cross-border cooperation mechanisms;
- inter-institutional coordination.

Report preparation

There was no consultation with other governmental agencies, employers' organizations or workers' organizations for the preparation of this report.

Copies of the report forms have been sent to the workers and employers' representatives. It is likely that these representatives will send their comments direct to the ILO Office. The following employers' organizations have been sent copies of the report:

- Suriname Trade and Industry Association (VSB);
- Suriname Manufacturers' Association (ASFA).

The following workers' organizations have been sent copies of the report:

- Federation of Civil Servants Organization (*Centrale van Landsdienaren Organisaties*) (CLO)
- Federation of Farmers and Agrarians (*Federatie van Agrariërs en Landarbeiders*) (FAL)
- *AVVS "de Moederbond"*
- Progressive Workers Organization (*Progressieve Werknemers Organisatie*) (PWO)
- *Organisatie van Samenwerkende Autonome Vakbonden* (OSAV)
- Progressive Trade Union Federation (*Vakcentrale C-47*)

Syrian Arab Republic

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the following:

- the Constitution (Paragraph 2, article 44);
- legislation: the Labour Code No. 91 of 1959; the Law to Regulate Relations in Agriculture, Act No. 134 of 1958; Act No. 18 of 1947 concerning delinquent adolescents; the Combating Prostitution Act, enacted by virtue of Law No. 10 of 1961; as well as the United Nations Convention on the Rights of the Child ratified by the Syrian Arab Republic by virtue of Law No. 8 of 1993, which is dealt with as a part of national legislation in force, according to the decision of the Syrian Supreme Court, No. 1905 dated 12 December 1980; the Mandatory Education Act, No. 35 of 1981; the Drugs Act, No. 2 of 1993 of the Syrian Penal Law No. 2 of 1993.

- ratified Conventions: Labour Inspection Convention, 1947; Protocol of 1995 to the Labour Inspection Convention, 1945 (No. 81); Minimum Age (Underground Work Convention, 1965 (No. 123); Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124); Minimum Age Convention, 1973 (No. 138); and the United Nations Convention on the Rights of the Child;
- Decision No. Q/3/923 dated 26.5.2001; Decision No. Q/3/182 dated 28.1.2001; Decision No. Q/3/183 dated 28.1.2001; Circular B/1/1758 dated 2.3.2001; and Circular No. A/2/1752 dated 4.3.2001;
- judicial decisions;
- collective agreements;
- Ministerial Decree No. 923 (182-183); and
- Circular No. B/1/1758 dated 2.3.2001 and executive directives of the Decrees.

There is a national policy aimed at ensuring the effective abolition of child labour. The Government protects children against all forms of exploitation, including sexual exploitation. The Syrian Arab Republic has ratified the United Nations Convention on the Rights of the Child, with the aim of providing special care for children and improving their living standards. The legislation in force is considered to be the basic means by which children are supported and protected. The membership of the Higher National Committee, presided over by the Vice-Prime Minister for Services, includes all public parties and organizations concerned with children's affairs. Its objective is to assess and follow-up the situation of children in Syria. The Syrian Arab Republic has ratified the Labour Inspection Convention, 1947; Protocol of 1995 to the Labour Inspection Convention, 1945 (No. 81); the Minimum Age (Underground Work Convention, 1965 (No. 123); the Minimum Age Convention, 1973 (No. 138), as well as Arab Conventions No. 1 of 1966 concerning labour standards, No. 6 of 1976 revising the preceding Convention, and Convention No.7 of 1977 concerning occupational safety and health. All these Conventions are in harmony with international covenants concerning economic, social and cultural rights as well as the rights of the child.

The legislation establishes a general minimum age for admission to employment – 15 years for girls and boys.

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

- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture;
- light work;

- work performed in export processing zones; and
- other types of work: the law states it is, categorically, prohibited to engage an adolescent, under the age of 15 years, in any work, regardless of its type.

The general minimum age for admission to employment does not cover work performed in a family-owned or -operated enterprises.

Syrian legislation does not explicitly define hazardous work. However, laws in force and decisions giving effect to the laws have indirectly defined hazardous work and industries. Decision No. Q/3/183 of 28 January 2001 giving effect to article 124 of the Labour Code defines industries and work, where girls and boys, under the age of 18, should not be employed. Decision No. Q/3/182 dated 28 January 2001 defines some industries and work, where adolescents, under the age of 16, should not be employed without a medical certificate indicating their physical and health status.

Laws exist with the aim of eliminating any of the worst forms of child labour:

- Syrian Penal Law, enacted by virtue of Legislative Decree No. 148 of 22 June 1949, (Articles 489, 491, 492, 493, 495, 496, 501, 502, 504, 505 and 506),
- Combating Prostitution Act, enacted by virtue of law No. 10 of 8 March 1961;
- Mandatory Education Act, No. 35 of 1981;
- Delinquent Adolescents Act No. 58 of 1975;
- Legislative Decree No. 13 of 1982;
- Labour Act No. 91 of 1959;
- Drugs Act No. 2 of 1993;
- Law to Regulate Relations in Agriculture Act No. 134 of 1958; and
- several decisions giving effect to certain articles concerning child labour in the abovementioned laws, as follows:

Sexual exploitation and aggression

Syrian Penal Law protects adolescents from sexual aggression, imposing severe penalties on offenders. Article 489/2 of this law provides that the penalty for such an act shall not be inferior to 21 years imprisonment if the victim is under the age of 15. Article 491 provides for the following:

- (a) He who has sexual intercourse with a person under the age of 15 shall be sentenced to nine years of prison with hard labour.
- (b) A penalty of not less than 15 years imprisonment shall be imposed if the child is under the age of 12.

Syrian Penal Law provides for penalties, the duration of which ranges from 18 years of prison with hard labour to detention for acts incompatible with chastity, such as fondling, gestures or insinuations (articles 493, 495, 505 and 506 of the Syrian Penal Code).

It protects children from prostitution and exploitation by virtue of the Combating Prostitution Act, No. 10 of 8 March 1961. The penalty of imprisonment is imposed on those who incite a boy or a girl to prostitution or fornication or facilitates such acts, including persons who incite a boy or girl to commit adultery. If the victim is under the age of 21 years, the penalty imposed is not less than one year and does not exceed five years (article 1).

Syrian Penal Law protects children against instigation and attempts to entice them abroad to engage in prostitution. Those who commit such acts are subject to the same penalties as for prostitution (article 3 of the Combating Prostitution Act, Code No. 10 of 1961).

It imposes a more severe penalty if the victim of sexual exploitation or trafficking crimes is under the age of six – the penalty ranges from three and seven years (article 4 of the Combating Prostitution Act, Code No. 10 of 1961).

Selling, trafficking and kidnapping

Syrian Penal Law protects children from all forms of kidnapping and trafficking, considering such acts as criminal, entailing a punishment under law (Articles 478, 479, 481 and 484 of the Penal Code).

The Government of the Syrian Arab Republic contributes to the Working Party of the Human Rights Committee dealing with two draft protocols: protection of children from trafficking, prostitution and pornography; the protection of children from recruitment for conflict.

Trafficking of drugs

Syrian Penal Law gives the highest priority to combating child exploitation in the field of drugs, given the dangerous effects that drugs might have on a child's psychological and physical development, as well as his or her safety. Therefore, articles 41 and 40 of the Drug Act, Law No. 2 of 12 April 1993, allows for the sentencing to death for any person who solicits a minor into committing a crime of smuggling, producing, trafficking, handling, selling, delivering or buying drugs.

Paragraph 2 of article 42 of Drugs Act No. 2 of 1993, states that any person who offers drugs to a minor or forces a minor to take them through coercion, deception or temptation, will be sentenced to life imprisonment and a fine.

Syrian Penal Law states that any person who promotes drugs in educational institutions or camps or at any other gathering of youths or minors or in the vicinity of such institutions or camps should be sentenced to life imprisonment and a fine (article 42 of Drugs Act).

Article 611 of the Syrian Penal Code states that any person who offers a minor (under the age of 18 years) alcohol, to the extent that the minor becomes drunk, should be fined. According to article 612 (sanctions) "the owner of a bar or any other place open to the public, and the clients in such places should be held in a detention centre if they offer alcohol to a minor under the age of 18 years". Therefore, the Syrian Penal Law Project protects children from the abuse of drugs, including alcohol. The results of this protection are reflected in the absence of drug use amongst children in all age groups.

All forms of exploitation

Syrian Penal Law protects children against all forms of economic, social or moral exploitation and imposes severe sanctions on offenders. It establishes rules to protect the development and growth of children, with a view to ensuring a safe and stable childhood, as children represent the future of the nation and its aspirations for prosperity and growth on all levels.

Steps are currently being taken to modify existing legislation or to introduce new legislation to address the elimination of the worst forms of child labour. Acts No. 24 and 34 of 2000 have been amended with regard to the minimum age for child labour, bringing it in line with the international labour Conventions. A proposal for ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) has been submitted to the Cabinet of Ministers. The Minimum Age Convention, 1973 (No. 138) has been ratified by virtue of Decree No. 23 of 2001.

There is compulsory schooling for children; the age of girls and boys at the end of compulsory schooling is 12 years. The number of years or grades of instruction required to complete compulsory education is 6 for girls and boys. There is a draft law to make compulsory schooling cover the preparatory stage.

According to article 24 of Labour Code No. 91 of 1959, amended by Act No. 24 of 2000, the Ministry has issued decisions giving effect to the Act and instructed the Departments of Social Affairs and Labour to intensify inspections of industrial and commercial enterprises and market vendors in order to eliminate employment of children under 15 years of age in any work. Violators are subject to fines and can be referred to the courts.

The Government of the Syrian Arab Republic has initiated several programmes aimed at protecting children: continued monitoring of child labour by inspection bodies; the application of the Mandatory Education Act; the implementation of a literacy programme, set up by the higher council for illiteracy; the prohibition of drop-out programmes in elementary schools; programmes to improve basic education; combating begging through social assistance programmes offered by the Ministry of Social Affairs and Labour in cooperation with charity associations; development of social care programmes undertaken by centres for the rehabilitation of delinquent adolescents and displaced persons; care institutes for disabled persons; and societies for orphans and disadvantaged persons. In addition, there are programmes whereby the Government absorbs the costs of basic food subsidies and undertakes the responsibility of channelling them to citizens at nominal prices.

The Ministry of Culture undertakes to write, translate and print books for children. The Assad National Library in Damascus, containing six million books, pays special attention to children by dedicating special rooms for their use. The Information Ministry prepares cultural, scientific and entertainment programmes for children and the Ministry of Local Administration constructs gardens, dedicating sections to children in order for them to have the opportunity to play. Organizations, such as the General Federation of Women, the Organization of Pioneers, the Organization of Revolution Youth Union, the General Sport Federation and the Syrian General Federation for Trade Unions, as well as voluntary associations, have established a number of care and awareness-raising programmes for children.

The following worst forms of child labour do not exist in the Syrian Arab Republic:

- sale and/or trafficking;

- debt bondage, serfdom, forced or compulsory labour;
- forced recruitment for armed conflict;
- prostitution;
- pornography;
- illicit activities, in particular production and trafficking of drugs;
- other worst forms of child labour.

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

The ILO was informed in July 2001 that the proposal to ratify the Worst Form of Child Labour Convention, 1999 (No. 182) has been submitted to the Cabinet of the Ministers for approval.

The following measures or programmes of action to enforce minimum age(s) for employment and to bring about the effective abolition of child labour have been implemented:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- special institutional machinery;
- free compulsory education;
- social assistance (e.g. stipends, subsidies, vouchers);
- child rehabilitation following removal from work;
- vocational and skills training for young workers;
- awareness raising/advocacy; and
- international cooperation programmes or projects.

The measures envisaged to bring about the effective elimination of all forms of child labour are:

- legal reform: amendments of the Delinquent Adolescents Act;
- ratification of the two facilitative protocols of the United Nations Convention on the Rights of the Child: those concerning sexual exploitation and obligatory military service for children in armed conflicts;
- employment creation/income generation.

In these measures or programmes, special attention is given to children with special needs: disabled children, orphans, delinquents and adolescents, in general.

Government bodies consult and cooperate with employers' and workers' organizations as well as other parties concerned with children in the development and implementation of these measures or programmes of action: the Federation of Revolution Youth, the Organization of the Pioneers of Bath, the General Confederation of Trade Unions, the General Federation for Women, and the General Federation for Sport.

The Government cooperates with multilateral agencies other than the ILO in combating child labour: United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM), United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the Italian agency FIMONDO, Citycentre in Cairo, Karim Reda Said Institution and the Japanese Jaica Agency.

The Government records the following information in relation to the abolition of child labour:

- number of children withdrawn from child labour;
- number of ex-child labourers pursuing formal or non-formal education; and
- sanctions applied to users of child labour.

The Government occasionally undertakes surveys that provide statistical information on the extent and/or nature of child work. The last survey was held in 1998. The *1998 National Report on Child Labour in the Syrian Arab Republic* was prepared by the Ministry of Social Affairs and Labour in cooperation with the Central Office for Statistics and the ILO. The results are presented separately:

- by sex;
- by occupation;
- by type of activity.

The last population census was in 1997.

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

Special measures have been undertaken that can be regarded as successful examples in the abolition of child labour: the ratification of the Minimum Age Convention, 1973 (No. 138); the ILO's Workmen's Compensation (Agriculture) Convention, 1921 (No. 12) has been submitted to the cabinet of Ministers for ratification.

Obstacles with respect to the effective abolition of child labour

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

- poverty;

- inadequate number of labour inspectors in relation to the number of enterprises and factories;
- low-income level.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour. The types of technical cooperation needed, ranked in order of priority (1 = most important; 2 = 2nd most important, etc.; 0 = not important), are:

Type of technical cooperation needed	Ranking
Legal reform	0
Capacity building of responsible government institutions (e.g. labour inspection and administration)	3
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	9
Strengthening capacity of employers' and workers' organizations	4
Employment creation, skills training and income generation	1
Social protection systems	6
Awareness raising, legal literacy and advocacy	8
Sharing of experience across countries/regions	5
Cross-border cooperation mechanisms	7
Inter-institutional coordination	10

The three technical cooperation priorities are:

- (1) job creation; training on skills and income generation to address unemployment, which increases poverty, particularly among youth. This is seen as the main reason for child labour at an early age.
- (2) training of other officials (such as police officers, judicial officials, social workers, teachers);
- (3) building responsible public institutional capacity (such as labour inspection and labour administration) given the inadequate number of inspectors and their lack of training.

Report preparation

For the preparation of this report consultations were held with other ministries concerned with this subject, as well as the Damascus Chamber of Industry and the General Federation of Syrian Trade Unions.

Employers' and workers' organizations made comments on the report. The representative of the industrial public sector has stressed the importance of job creation, training on skills and income generation in order to eliminate child labour.

Copies of the report were sent to the following:

- Ministry of Justice;

- Ministry of Industry;
- Damascus Chamber of Industry; and
- General Federation of Trade Unions.

Annexes (not reproduced)

- Legislative decree No. 13 dated 3 April 1982
- Circular B/1/1758 dated 2.3.2001
- Circular No. A/2/1752 dated 4.3.2001
- Decision No. Q/3/183 of 28 January 2001
- Decision No. Q/3/182 dated 28 January 2001
- Decree No. 148 of 22 June 1949

Tanzania, United Republic of¹³

Government

Recognition of the principle of the effective abolition of child labour

On 12 June 2001, Parliament approved the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). Consequently, the United Republic of Tanzania would fulfil its obligation to submit a report under article 22 of the ILO Constitution, at the appropriate time.

[Up to 1 September 2001, the date by which reports were to be submitted under the follow-up to the Declaration, the ratification of the abovementioned Convention by the United Republic of Tanzania, had not yet been registered.]

¹³ Between 1 September 2001, the deadline for submitting reports under the follow-up to the Declaration, and 31 December 2001, the United Republic of Tanzania ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Therefore, the United Republic of Tanzania will not be requested to report for this category of principle under the Declaration follow-up, as from the next annual review.

Thailand

Government

Recognition of the principle of the effective abolition of child labour

The principle of the effective abolition of child labour is recognized in the Constitution, legislation, judicial decisions, the National Economic and Social Development Plan, Government policy, ratification of the Forced Labour Convention, 1930 (No. 29), the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Minimum Age (Underground Work) Convention, 1965 (No.123), as well as through our adherence to the Universal Declaration of Human Rights and the following related international instruments: International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; UN Convention on the Rights of the Child; as well as the World Declaration on the Survival, Protection and Development of Children and the Plan of Action. (Relevant documents have been sent to the ILO in previous reports). The principle is not recognized in collective agreements.

There a national plan aimed at ensuring the effective abolition of child labour. The National Child Labour Prevention and Solution Plan B.E. 2540-2544 was formulated by the Ministry of Labour and Social Welfare (MOLSW). It is a framework aimed at preventive child labour and provides guidelines for an action plan, which seeks the cooperation of all parties concerned. The specific goal of the Plan is to eliminate child labour in Thailand completely.

Legislation in Thailand establishes a general minimum age for admission to employment – 15 years for girls and boys.

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

- light work;
- work performed in export processing zones; and
- other types of work: persons 16 years of age in the fisheries sector and persons 18 years of age in dock-work.

The general minimum age for admission to employment does not cover the following types of work:

- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture; and
- family and small-scale agriculture.

There is no direct definition of “hazardous work” in labour laws, but it is implied in certain provisions of the Labour Protection Act of 1998 which lists types of work which may harm the health and safety of employees:

Section 23: An employer shall notify employees of the normal working time: the times of commencement and ending of each work day for an employee are specified and shall not exceed the working time for the type of work, as prescribed in the Ministerial Regulations. The working time shall not exceed eight hours per day, and the total working time per week shall not exceed 48 hours. Where work may be hazardous to the health and safety of the Employee, as prescribed in the Ministerial Regulations, the normal working time shall not exceed seven hours per day, and the total working time per week shall not exceed 42 hours.

Where an employer is unable to specify the commencing and ending time of work in each day due to the nature of the work, the employer and employees shall agree on the working hours per day (not exceeding eight hours) and the total working time per week (not exceeding 48 hours).

Section 49: An employer shall not require a young worker, under the age of eighteen years, to engage in any of the following activities:

- (1) metal smelting, blowing, casting or rolling;
- (2) metal pressing;
- (3) work involving harmful levels of heat, cold, vibration, noise and light, as prescribed in the Ministerial Regulations;
- (4) work involving hazardous chemical substances, as prescribed in the Ministerial regulations;
- (5) work involving toxic micro-organisms which may be viruses, bacteria, fungi, or other germs, as prescribed in the Ministerial Regulations;
- (6) work involving poisonous substances, explosive or inflammable material, other than work in a fuel service station, as prescribed in the Ministerial Regulations;
- (7) driving or controlling a forklift or a crane, as prescribed in the Ministerial Regulations;
- (8) work using an electric or motor saw;
- (9) work underground, underwater, in a cave, tunnel or mountain shaft;
- (10) work involving radioactivity, as prescribed in the Ministerial Regulations;
- (11) cleaning of machinery or engines while they are in operation;
- (12) work on scaffolding ten metres or more above the ground; or
- (13) other work, as prescribed in the Ministerial Regulations.

Section 50: An Employer shall not require a young worker under eighteen years of age to work in the following places:

- (1) a slaughterhouse;
- (2) a gambling place;
- (3) a dance-hall, Ramwong or Rong Ngeng;
- (4) a place where food, liquor, tea or other drinks are sold and served, or a place where relaxation or massage services are provided for customers; or
- (5) other places, as prescribed in the Ministerial Regulations.

Ministerial Regulations No.2 B.E. 2541: By virtue of Section 6 and paragraph one of section 23 of the Labour Protection Act B.E. 2541, the Minister of Labour and Social Welfare hereby issues the following Ministerial Regulations:

- Clause 1: All types of work shall have normal working hours of not more than 8 hours a day.
- Clause 2: The types of work that may be harmful to the health and safety of employees are as follows:
 - (1) work underground, underwater, in a cave, tunnel or a confined space;
 - (2) work involving radioactivity;
 - (3) metal welding work;
 - (4) transportation of hazardous substances;
 - (5) work involving the production of hazardous chemicals;
 - (6) work with an instrument or machine whereby the worker is exposed to harmful levels of vibration; and
 - (7) work involving dangerous levels of heat or cold, exceeding the safety standards prescribed in Ministerial Regulations issued under section 103, and where it is not possible to improve or rectify the source of the danger.

Ministerial Regulations No.6 B.E. 2541: By virtue of sections 6 and 49(3), (4), (5), (6), (7) and (10) of the Labour Protection Act B.E. 2541, the Minister of Labour and Social Welfare hereby issues the following Ministerial Regulations. The types of work which an employer is prohibited from requiring an employee, under eighteen years of age, to perform are:

1. Work involving harmful levels of heat, cold, vibration and noise:
 - (a) work in a place where the temperature in the working environment exceeds 45 degrees Celsius;
 - (b) work in cold storage areas where food is produced or preserved by freezing;
 - (c) work using a shaking drill; and
 - (d) work where the employee is exposed to noise levels which continuously exceed 85 decibels.

2. Work involving hazardous chemicals, toxic substances, explosives or inflammable materials as follows:
 - (a) production or transportation of any substance that may cause cancer, according to the list provided;
 - (b) work involving cyanide;
 - (c) production or transportation of flares, fireworks or other explosives; and
 - (d) exploration, drilling, refinery, filling or loading of fuel oil or gas, except for work in a fuel station.
3. Work involving toxic micro-organisms which may be viruses, bacteria, fungi or other germs, as follows:
 - (a) work performed in a diagnostic laboratory;
 - (b) caring for patients with contagious diseases, as defined by the law governing contagious diseases;
 - (c) cleaning patients' utensils and/or clothing in a hospital; and
 - (d) collection, transportation, or disposal of rubbish or refuse in a hospital.
4. Driving or controlling hoists or cranes operated by an engine or electricity, regardless of the manner of driving or control.
5. Any kind of work involving radioactivity.

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

Laws or regulations exist in Thailand with the aim of eliminating the worst forms of child labour. (Relevant instruments have already been sent to the ILO in previous reports).

No steps are currently being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour. In Thailand, the Announcement of National Executive Council No. 103 dated 16 March B.E. 2515 was repealed by the Labour Protection Act B.E. 2541. The Act increases the minimum age for employment from 13 years to 15 years and prohibits young workers between 15-17 years age from any work which may be hazardous to his/her health and safety and it also defines the places where young workers are prohibited to work. It increases the penalties – imprisonment and fines – for any person who violates or fails to comply with the law concerning child labour.

There is compulsory schooling for children in Thailand up to 18 years for girls and boys. The number of years or grades of instruction required to complete compulsory education is 12, for girls and boys.

The 2000 Year Book of Labour Statistics, produced by the Department of Labour Protection and Welfare (DLPW) under the Ministry of Labour and Social Welfare (MOLSW), shows that between 1999 and 2000, there was a decline in the number of suspected cases of young workers from 8886 to 4303; from 120 to 67 child labourers (under 15 years of age); and from 40 to 18 illegal young workers found in manufacturing, wholesale and retail businesses and restaurant and hotel services.

The following worst form of child labour does not exist in Thailand:

- forced recruitment for armed conflict

It is not known whether other worst forms of child labour exist in Thailand.

The following worst forms of child labour are believed or suspected to exist in Thailand:

- sale and/or trafficking (girls and boys);
- debt bondage, serfdom, forced or compulsory labour (girls and boys);
- prostitution (girls and boys);
- pornography (girls and boys); and
- illicit activities, in particular production and trafficking of drugs (girls and boys).

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

Specific measures or programmes of action have been implemented in Thailand to bring about the effective abolition of child labour. The following measures to enforce minimum age(s) for employment and eliminate the worst forms of child labour have been implemented:

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

The Labour Protection Act of 1998, which entered into force 19 August 1998, extends the scope of protection of young workers by increasing the minimum age for admission to employment from 13 to 15 years of age. The Act prohibits the sexual harassment of young workers. Under the Act, the penalties imposed are also harsher: any employer who violates the provision concerning minimum age can be imprisoned for a period not exceeding one

year (increased from six months) or can be fined an amount not exceeding 200,000 Baht (increased from 20,000 Baht), or be penalised by both imprisonment and a fine.

Inspection/monitoring mechanisms

According to the Labour Protection Act of 1998, inspectors have the authority to enter places of business, offices of an employer and places of work, during work hours for the following purposes: to examine the working and employment conditions of employees; to acquire information; to take photographs; to make copies of documents concerning employment, payment of wages, overtime pay, holiday pay, holiday overtime pay and employee records; to take samples of materials or products, regarding safety and health at work, for analysis; and to perform other duties provided for, under this Act. The DLPW has launched Hot Line No.1546 and PO Box 47 Dindaeng Bangkok 10407, for receiving complaints about child labour and unfair treatment of female employees or young workers. Additionally, the DLPW has established a special unit to assist woman and children in cases of emergency.

Criminal penalty

Employers who violate the provisions concerning young workers can be penalized with imprisonment not exceeding one year and/or a fine not exceeding 200,000 Baht. An employer who violates the provisions concerning confinement or detention can be penalized according to the Criminal Law.

Child rehabilitation following removal from work

Accommodation with rehabilitation activities and skill development programmes, are provided by the DLPW for children removed from work.

Vocational and skills training for young worker

The DLPW promotes and develops the skills and knowledge of young workers in order to enhance their opportunities for higher formal education and supplementary earnings.

Awareness-raising advocacy

The DLPW cooperates with other agencies in information exchange on child labour or unfair treatment of young workers and assists children to enjoy their rights and benefits according to the laws. Furthermore, the Information Dissemination to Prevent and Resolve Child Labour Project was launched by the Department in order for the government and private agencies to disseminate information on labour laws, child rights, education services, skills development and health promotion to children in communities. The Department also established the *Labour Volunteers in Communities Measure* to encourage communities to participate in preventing and resolving the problems of exploitation or deception of rural children.

In these measures and programmes, special attention is given to the needs of particular groups of children. The Information Dissemination to Prevent and Resolve Child Labour Project and the *Labour Volunteers in Communities Measure* focus on poor children in rural areas who finished compulsory education but pursued no further studies. The Project and the Measure help to protect children from deception, illegal employment and unfair labour practices.

The representatives of employees' and employers' organizations participated in enacting the Labour Protection Act of 1998. Before passing any national labour law, a tripartite seminar is held so that the persons concerned, including the representatives of employees' and employers' organizations, can express their views. In addition, draft labour laws are considered by a tripartite body, the National Advisory Council for Labour Development, before submission to Parliament for enactment.

Employers can help to improve the quality of life and employment of their young workers, between 15 and 17 years of age, by facilitating leave for attending meetings, seminars, education or training. Employers can also contribute by facilitating leave for other matters, arranged by an academic institute, or a government or private agency, approved by the Director-General of the Department of Labour Protection and Welfare. Young workers must notify their employer, in advance, stating clearly the reason for the leave, and presenting relevant evidence, if any. If approved, the employer pays the young worker's equivalent wages throughout the period of leave, not exceeding thirty days per year.

The Government works with multilateral agencies other than the ILO, bilateral donors and/or other organizations to combat child labour. The MOLSW cooperates with various international agencies to address child labour issues, i.e. ILO's International Programme on the Elimination of Child Labour (ILO/IPEC), the United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The Women and Child Labour Division of the DLPW records the number of children withdrawn from child labour as a result of complaints received on Hot Line No. 1546 and P.O. Box 47 Dindaeng, Bangkok, and the sanctions applied to users of child labour.

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

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

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

- the introduction of Hot Line No. 1546 and P.O. Box 47 for receiving complaints about child labour exploitation or unfair treatment of young workers;
- the Information Dissemination to Prevent and Resolve Child Labour Project;
- the establishment of the *Labour Volunteers in Communities Measure*.

Obstacles with respect to the effective abolition of child labour

The lack of the complete and systematic statistical data collection and efficient data analysis, which would assist in the elimination of child labour, are the main obstacles.

Priority needs for technical cooperation

The Government sees a need for new or continued technical cooperation with the ILO to assist in the realization of the principle of the effective abolition of child labour.

The types of technical cooperation needed, ranked in order of priority (1 = most important; 2 = 2nd most important, etc.; 0 = not important) are:

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

1. *Special programme for the elimination of the worst form of child labour*

A major obstacle to the elimination of the worst form of child labour is the difficulty in reaching target groups because they are either hidden or difficult to find. There is need for a special programme, launched by staff with expertise on methods to identify and reach target groups.

2. *Data collection and analysis*

The system of collecting and recording basic, current data for analysis is essential for formulating effective plans and measures on child labour prevention. It would also assist and protect targeted groups, by responding to their needs. Therefore, technical cooperation on data collection and analysis is needed for:

- the establishment of data collection technology on child labour and young workers;
- training in the collection, processing and analysis of data; and
- the provision of experts on data collection, processing and analysis.

3. *Sharing of experience across countries/regions*

Information on the experiences of countries, which successfully implemented methods for eliminating child labour, would be useful.

Report preparation

For the preparation of this report, there was consultation with other governmental agencies, employers' organizations and workers' organizations.

No comments have been received from any of these organisations, so far.

The employers' organizations to which copies of the report have been sent for their comments and suggestions are:

- Employers' Confederation of Thailand; and
- Employers' Confederation of Thai Trade and Industry.

The workers' organizations to which copies of the report have been sent for their comments and suggestions are:

- Labour Congress of Thailand; and
- The National Congress of Thai Labour.

Trinidad and Tobago

Government

Recognition of the principle of the effective abolition of child labour

[This report was received too late to be included in the annual review of 2001; it is, therefore, being taken into account for the annual review of 2002.]

The principle of the effective abolition of child labour is well recognized in Trinidad and Tobago. Trinidad and Tobago has already ratified the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15). The Government of the Republic of Trinidad and Tobago is committed to the abolition of child labour and this is evident through the educational policy of full placement of all students in secondary schools.¹⁴ The Tripartite Committee, the body responsible for considering ILO Conventions and recommending appropriate action (according to the requirements of Convention No. 144), has recommended the ratification of the Minimum Age Convention, 1973 (No. 138). The Government of Trinidad and Tobago has been making fervent efforts to overcome the obstacles currently preventing this country's ratification of the Convention. These are principally the inconsistencies in various laws as to the age of a child.

The principle of the effective abolition of child labour is recognized through the following:

Legislation

The primary pieces of legislation which address the issue of child labour are the Education Act which requires compulsory school attendance up to age 12 and the Children Act, Chapter 46:01 which relates to the protection of children and young persons. The Children Act provides that a child under 12 years cannot be employed and according to

¹⁴ The Minister of Education stated: "Government's priority is to give every child a secondary [school] place." The Prime Minister of Trinidad and Tobago also noted that the government has taken a giant step in the crusade for the democratization of education when it placed every child who wrote the Common Entrance Examination this year in secondary school Trinidad Express, July 26th, 2000.

Section 91: “a person under the age of 14 years shall not be employed at work in any public or private undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed.” Section 91 does not apply to children under the age of 14 who are under order of detention in a certified industrial school or certified orphanage or who are receiving instruction in manual labour in any school supervised by a public authority.

The Ministry of the Attorney General has proposed a Draft Bill to amend the Children Act. One of the amendments proposed was the raising of the upper age limit of a child from 14 to 18 years in order to adhere to the United Nations Convention on the Rights of the Child. The Children (Amendment) Bill, 1999 has re-defined a child as a person under the age of eighteen years. However, it must be noted that Part V of the Children Act, (Chapter 46:01) which deals with ‘Restrictions on the Employment of Young Persons’ was not amended. The Ministry of Labour and Co-operatives has recommended that the minimum age for admission to employment should be raised to sixteen (16) years.

Other legislation in which the issue of the employment of children is addressed, include, the Shipping Act No. 24 of 1987 and the Factories Ordinance. The Shipping Act No.24, 1987 specifies the age of sixteen (16) for admission to employment and in relation to certain functions in employment in shipping, the Act specifies 18 years as the minimum age. The Factories Ordinance specifies that a child is considered to be a person who has not attained the age of 14 years. Part VII of this Act, Employment of Women and Young persons and Prohibition of Employment of Children, Section 43, specifically states that:

“No child shall be employed in any factory, or in the business of a factory outside the factory, or in any business, trade, or process, ancillary to the business of a factory.”

The Factories Ordinance, however, is to be repealed should the Occupational Safety and Health Bill, 1997 become law. This proposed legislation identifies a child as one who has not attained the age of 14 years and a young person as one between the ages of 14 and 18 years. Section 53 of the Occupational Safety and Health Bill states that:

“No young person shall be employed to work in an industrial establishment for a period of three months or more unless a medical practitioner, on the application of such young person or his parent, accompanied by a document signed by the employer to the effect that such young person will be employed in the industrial establishment, has examined such young person and ascertained his fitness for work in that industrial establishment.”

Ratified international instrument

Trinidad and Tobago has ratified the United Nations Convention on the Rights of the Child. In this Convention: “A ‘Child’ means every human below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.”

According to Article 32(2) of this Convention “States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present Article”.

The ratification of this Convention has meant that steps must be taken to deal with the different ages for employment in the various pieces of legislation. The Ministry of Labour and Cooperatives has brought to the attention of the Solicitor General’s Department the urgency of reviewing all pertinent legislation to ensure that there is an age for employment that is synchronized with the Convention.

The main limitations that exist in this regard are the variances/contradictions in the different legal provisions. This issue is currently being addressed through legislative amendment.

Child Labour is defined in the Children Act which states that a child under 12 years cannot be employed. The Education Act requires compulsory schooling up to 12 years. However, given that the age of a child is proposed to be amended to 18 years in the Children Act, concerns have been raised as to the longer period persons would have to wait before entering employment, since at present, compulsory school attendance is up to the age of 12 years. The increased demand for school places and post-primary arrangements is also anticipated once this amendment is passed. Government's recruitment practices indicate a minimum age of 17 for eligibility for employment.

The Factories Ordinance (Chapter 30, No. 2) contains provisions relating to the use and guarding of machines. In this Act, "child" means a person who has not attained the age of 14 years and 'young' person is defined as one who has attained the age of 14 and has not attained the age of 18 years. This Act specifies that no child is to be employed and any young person (14-18) must be proven medically fit to be employed. The Occupational Safety and Health Bill, 1999, which amends certain provisions of the Factories Ordinance, utilizes the same definitions of child and young person. In this Bill, dangerous work is defined as work likely to create risk to safety or health or cause bodily injury. Whilst there is no list as to what is considered dangerous work, Section 15 indicates that an employee may refuse to work if: "Any machine, plant, device or thing he is to use is likely to endanger himself ..."

Section 22 provides that "no young person shall work at a dangerous machine unless he has been fully instructed as to the dangers arising in connection with its operation and the precautions to be observed and has received sufficient training in work at the machine or is under adequate supervision by a person who has special knowledge and experience in the operation of the machine."

The Children Act Chapter 46:01 with the Children (Amendment) Bill, 1999 indicates in section 91(2) that the prohibition of a child to work in any public or private industrial undertaking other than an undertaking in which only members of the same family are employed, does not apply to work done by any child who is under order of detention in a community residence (under the Children's Authority Act) or a children's/foster home, or who is being trained in manual labour in any school supervised by a public authority.

The penalties for non-compliance with the existing legislation are set out in the legislation. The Labour Inspectorate Division of the Ministry of Labour and Cooperatives also monitors business establishments in this regard.

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

At present there is no body or machinery specifically concerned with the problem of child labour. In an attempt to rationalize all the related laws on child labour, a Legislative Review Committee was established to assess all the various provisions. The output of the deliberations of this committee has been several draft pieces of legislation, which have been recently discussed in Parliament. They include the Miscellaneous Provisions (Children) Bill, 1999 and the Children's Authority Bill, 1999.

The Children's Authority Bill, 1999 proposes the establishment of a central authority, under the jurisdiction of which all persons under the age of 18 would be placed. It would be an independent body subject only to the lawful directives of the Minister responsible for

Social and Community Development. The proposed mission of the authority would be to ensure that a coordinated and integrated package of social services, both preventive and curative, is provided for all children and their families.

Statistics generated by the Central Statistical Office may be utilized as an indirect means of assessment given that there is no information database of child labour at present. The Continuous Sample Survey of Population 'Labour Force Report' does not consider individuals under 15 years as part of the labour force and as such this report is of little usefulness in ascertaining the extent of the presence of child labour. The most useful report that can be used to obtain an understanding of the situation with respect to child labour is the 'Report on Education' statistics. These statistics show that there are children in all age groups who are outside the school system. For those in the five to 11 age cohort, the 1995 data for the Ministry of Education gave an enrolment ratio of 89.1 per cent. In addition, in 1997/1998 a total of 1,629 students had dropped out of the primary and secondary school system, 639 representing dropouts from primary schools. This figure represented 0.4 per cent of the total enrolment in public primary schools. The data reveal that more male students (363) were found to be dropping out of school compared with their female counterparts (276). The drop out rate was slightly higher for boys (0.4 per cent) than for girls (0.3 per cent).

A 1993 study entitled 'The situation analysis of children in especially difficult circumstances in Trinidad and Tobago' provided statistical evidence that child labour was on the increase. It was reported that there were approximately 770 child workers under the age of 14 who were employed in activities such as street vending, mechanic and tyre repairs, furniture making and so on. Furthermore, the numbers of street children were said to be visibly increasing for both males and females, with the majority being male. A few of the cases revealed the existence of child prostitution.

The Ministry of Social and Community Development attempted a qualitative survey of the nature and extent of child prostitution, child pornography and the sale of children in Trinidad and Tobago. It must be emphasised that the data presented in this report was essentially qualitative. The general findings of this survey were as follows:

- There is a low level of awareness of the sexual commercial exploitation of children as a human rights issue – both in the public view and among the personnel of state agencies.
- Some children and adolescents in Trinidad and Tobago are involved in prostitution and pornography but there is no evidence of the sale of children in this connection or any other.
- The market for teenage prostitution in Trinidad and Tobago comprises a wide cross-section of the national population (in terms of socio-economic strata, age and ethnicity), and foreigners (both business and tourist visitors).

With respect to the female population of Trinidad and Tobago, the findings revealed that the involvement of those under the age of 18 in sexual activity was a result of economic necessity. The survey also noted that in the male population under 18, male prostitution is not as visible as female prostitution nor is it as organized. Male prostitution mainly consists of homosexual activities.

At present the primary measures taken to abolish child labour effectively include case specific evaluation and action by the Ministry of Social and Community Development and the existence of compulsory schooling up to the age of twelve (12) years.

The Government's demonstrated education policy is currently one of the full placement of all students who have written the 2000 Common Entrance Examination, which was the entry level examination into the secondary school system. This year marks the first time that this has been achieved. It must be noted that secondary education unlike primary education is not yet compulsory. As of 2000, the Common Entrance Examination has been replaced by a system of continuous assessment. The Government's undertaking to build a number of new secondary schools has reinforced this new system and the policy of full placement of all students. In addition, the Government, in an attempt to ensure that the less fortunate in the society have equal access to educational opportunities, has expanded the school feeding programme for primary schools.

In addition to the measures already in place the Government is currently considering additional legislation to regulate the employment of young persons.

The Miscellaneous Provisions (Children's) Bill proposes to raise the age of a child from 14 to 18 years.

The Children's Authority Bill proposes the establishment of a Central Authority to govern all persons under the age of eighteen years.

In its initial States parties Report (1995) to the Committee on the Rights of the Child, the Government of Trinidad and Tobago noted that: "no mechanisms exist for the continuous collection of statistical and other data to inform policy formulation." Accordingly, a project proposal was developed by the Ministry of Labour and Co-operatives in April 1998 to create an information database on child labour called a Child Indicators Monitoring System. Unfortunately, adequate funding was not obtained and the institutional body identified to facilitate the process, the Central Statistical Office, was unable to render the technical expertise required to implement and manage the system. Once the system for monitoring is developed, the Government foresees that the Child Indicators Monitoring System will be able to monitor the status of vulnerable groups, influence policy decisions and support planning and implementation of appropriate action. The system is expected to generate information on the status of children and women that will complement, and in some cases be infused into, the existing social analysis efforts.

Priority needs for technical cooperation

The ILO Caribbean Office has pledged support to assist national information campaigns on child labour issues. The ILO also provides institutional support to the Ministry of Labour and Co-operatives in the promotion of Conventions Nos. 182 and 138, research and general awareness raising.

The Government's objectives with regard to the abolition of child labour centre around the alignment of all relevant legislation in order to establish an enforceable age. This simplification would facilitate the observance, promotion and realization of the principle of effective abolition of child labour.

In order to achieve the aforementioned objective, legislative review as well as the follow-up administrative and practical measures would be required. Technical cooperation resources, which may assist in the achievement of the objective, include guidance through the process of establishing a single age as well as an assessment of the country's current child labour situation.

Report preparation

The Employers' Consultative Association and the National Trade Union Centre have been sent a copy of this report.

These organizations have been advised to submit their comments direct to the ILO and to forward copies to the Ministry of Labour and Cooperatives.

United States

Government

Recognition of the principle of the effective abolition of child labour

Since the purpose of the annual review for 2002 under the follow-up to the Declaration is to report on changes that may have taken place with respect to relevant national law and practice since our last report, the Government wishes to state that there have been no changes.

Report preparation

The American Federation of Labor – Congress of Industrial Organizations (AFL-CIO) and the US Council for International Business were advised of and given the opportunity to comment on the present status report.

Copies of this reply are being communicated to them as required under article 23(2) of the ILO Constitution.

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

The United States (US) has ratified one of the ILO's core Conventions on child labour – the Worst Forms of Child Labour Convention, 1999 (No. 182). It has not ratified the Minimum Age Convention, 1973 (No. 138).

A major area of abuse is the agricultural sector, particularly as regards children of migrant workers.

The US supports respect for labour standards internationally in its Generalised System of Preferences (GSP) for imports from developing countries. Countries engaging in violations of defined workers' rights have been liable to lose their duty-free or reduced-tariff access to the US market.

The school-leaving age is not set at the national level. In most states, education is compulsory until the age of 16.

[Reference is made to the application of a ratified Convention.]

The US should ratify the Minimum Age Convention, 1973 (No. 138). Increased funding is needed for the labour inspectorate and increased penalties for employers who violate the law on the employment of child labour. A particular effort is needed in the

agricultural sector to eliminate illegal child labour, reduce the rate of occupational injuries and improve school attendance, with special attention to the large numbers of non-English-speaking migrant children.

Viet Nam

Government

Recognition of the principle of the effective abolition of child labour

In respect to the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, which was adopted by the ILC at its 86th Session on 18 June 1998, the Government of Viet Nam, in order to respect and realize in good faith the principles in accordance with the Constitution, has undertaken measures to respect its reporting obligations in relation to [non-ratified] Conventions Nos. 29, 105, 87, 98 and to [a ratified Convention] to which the principles concerning fundamental rights are subject.

For the period of 2000 to 2001, the validity of previous reports sent ILO on 10 October 1999 for [various categories] remains the same.

Viet Nam has been a party to the Worst Forms of Child Labour Convention, 1999 (No. 182) since 2000. According to article 22 of the ILO Constitution, its first report will be due in 2002.

Reports prepared by the Ministry of Labour, Invalids and Social Affairs of Vietnam result from tripartite consultation with the Viet Nam Chamber of Commerce and Industry (VCCI), Viet Nam Cooperatives Alliance (VCA) (organizations representing employers), Viet Nam General Confederation of Labour (VGCL) and line governmental bodies, Government Office (National Assembly's office, line ministries) and mass organizations.

[Reference to the Committee of Experts on the Application of Conventions and Recommendations.]