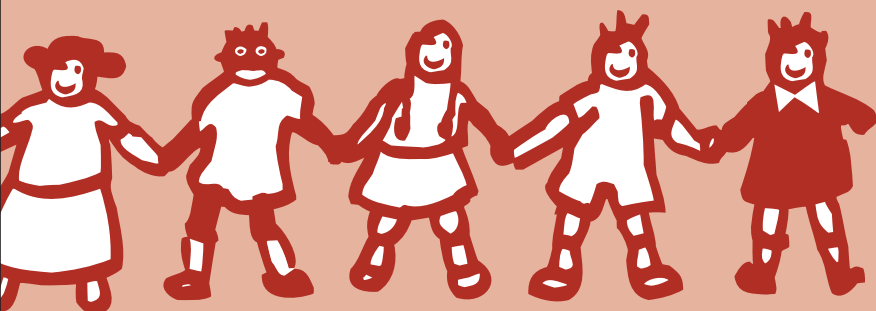
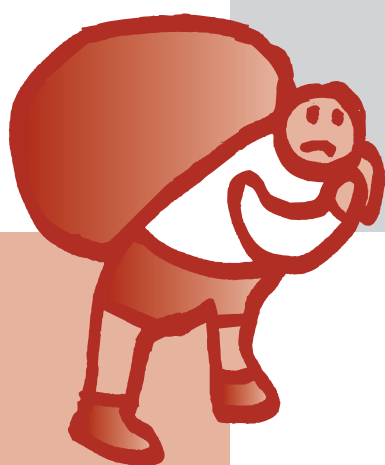




International
Labour
Office
Geneva

International
Training
Centre
Turin

Practical Guide to Child Labour Reporting



Practical Guide to **Child Labour Reporting**

International Labour Office, Geneva
International Training Centre of the ILO, Turin

Copyright © International Training Centre of the International Labour Organization 2006

This publication enjoys copyright under Protocol 2 of the Universal Copyright Convention. Applications for authorization to reproduce, translate or adapt part or all of its contents should be addressed to the International Training Centre of the ILO. The Centre welcomes such applications. Nevertheless, short excerpts may be reproduced without authorization, on condition that the source is indicated.

Practical Guide to Child Labour Reporting

First published 2006

ISBN 92-9049-406-9

The designations employed in publications of the International Training Centre of the ILO, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the Centre concerning i.a. the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers. The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the Centre of the opinions expressed in them.

Publications of the Centre, as well as a catalogue or list of new publications, can be obtained from the following address:

Publications
International Training Centre of the ILO
Viale Maestri del Lavoro, 10
10127 Turin, Italy
Telephone: +39 - 011 - 6936.693
Fax: +39 - 011 - 6936.352
E-mail: publications@itcilo.org

Design and printing: International Training Centre of the ILO, Turin, Italy

Acknowledgement

This material has been realized jointly by the International Programme on the Elimination of Child Labour (IPEC), the International Labour Standards Department (NORMES) and by the International Training Centre of the ILO in Turin (ITCILO). A particular thanks goes to Ms. Yoshie Noguchi, Mr. Joost Kooijmans and Mr. Arnold Keizer (IPEC), Mr. Lee Swepston (FPRW), Ms. Deepa Rishikesh (NORMES), Mr. Alessandro Chiarabini, Ms. Blerina Vila, Ms. Sophie Lefrançois, Mr. Luca Fiore and Ms. Michele McClure (ITCILO), Mr. Tim de Meyer and Ms. Patricia Isimat (Standards specialists), Ms. Arlette Senn Borloz (Consultant), for having contributed personally to the preparation of this publication.

Contents

Introduction.....	1
Reporting on Child Labour Vol. I: Minimum Age Convention 1973 (No. 138)	3
Preliminary remarks	5
Article 1 A policy for the effective abolition of child labour and to raise progressively the minimum age	6
Article 2 Setting a minimum age for employment.....	8
Article 3 The minimum age for hazardous work.....	11
Article 4 Excluding limited categories of employment or work	14
Article 5 Excluding certain economic sectors	16
Article 6 Exception for work done as part of education and training	19
Article 7 Exception for light work.....	21
Article 8 Exception for artistic performances	23
Article 9 Measures for effective enforcement	25
Additional questions in the Report Form	28
Additional Information	31
Reporting on Child Labour Vol. II: Worst Forms of Child Labour 1999 (No. 182)	33
Preliminary remarks	35
Article 1 Immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour.....	36
Article 2 Definition of a child	39
Article 3 Defining the worst forms of child labour.....	40
Article 4 Determining the types of hazardous work	44
Article 5 Establishing monitoring mechanisms.....	47
Article 6 Design and implementation of programmes of action	49
Article 7 Measures for implementation and enforcement.....	51
Article 8 International Cooperation	56
Additional questions in the Report Form	58
Additional Information	61

Introduction

Article 22 of the ILO Constitution requires Member States to make regular reports on the measures which they have taken to give effect to the conventions that they have ratified. A first report should be submitted during the year after the entry into force in a given country. Subsequent reports are requested periodically on one of the following bases: two-yearly reports for the twelve fundamental and priority conventions (among which the Minimum Age Convention C. 138 and the Worst Forms of Child Labour Convention C. 182) and five-yearly reports for all the other ILO Conventions. Reports can also be requested more often if needed.

Each detailed report on a ratified Convention has to be supplied on the basis of a report form which is approved by the Governing Body, and which contains the substantive provisions of the Convention and a number of questions on how it is applied, both in law and in practice. Detailed reports are to be provided where it concerns the first report under a Convention following its ratification, or when ILO supervisory bodies expressly ask for them. If this is your country's second or subsequent periodic report, these guidelines are helpful in checking whether all the necessary information has been included in previous reports.

Under article 23 (2) of the Constitution, copies of all reports on the application of ratified Conventions should be communicated to representative organizations of employers and workers. Workers and employers may send their comments on the report either prior to finalization of the report to the Government for consideration, or directly to the ILO. Where a country has ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), governments should consult workers' and employers' organizations when *preparing* reports.

These guidelines have been prepared to assist government officials in putting together first and subsequent periodic reports under the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). These guidelines are *not* meant to provide an interpretation of the Convention nor to suggest methods of implementation. They are meant as an additional tool, building upon the existing Report Form, to assist government officials to include all the necessary information for a balanced and comprehensive evaluation of the application of the Conventions at the national level. Under each Article, the full text of the provision and the relevant questions of the Report Form are listed. For better understanding, an overview of each Article will be given. A checklist of questions and suggestions is further provided to allow for full and comprehensive reporting under each Article.

Reporting on Child Labour Vol. I:
**Minimum Age Convention,
1973 (No. 138)**



Preliminary remarks

An essential element of good reporting is providing all the necessary information which would reflect the situation both in law and in practice. According to the Report Form, this should include **in general**:

- a list of legislation that applies to the Convention and copies of this legislation when these have not already been sent to the ILO (Part I of the Report Form);
- a detailed indication for *each* Article of the exact provisions of legislation or other measures under which each requirement of an Article is applied (Part II of the Report Form);
- information on the authorities responsible for implementation, particularly the labour inspectorate, and methods by which application is supervised and enforced (Part III of the Report Form);
- relevant decisions of courts of law or other tribunals (Part IV of the Report Form);
- information that would indicate the situation in practice, such as statistical data, extracts or copies from inspection reports and the number and nature of contraventions (Part V of the Report Form);
- an indication of the organizations of employers and workers to which copies of the report have been sent and any observations given by these organizations on the application of Convention No. 138 (Part VI of the Report Form).

Parts I and III to VI will be dealt with further at the end of these guidelines.

The Minimum Age Convention consists of nine substantive Articles, under which the report should indicate the measures taken in law and practice to apply these. The subjects of the substantive Articles are as follows:

1	Policy
2	Minimum age
3	Hazardous child labour
4-6 & 8	Exceptions and exclusions
7	Light work
9	Enforcement

A policy for the effective abolition of child labour and to raise progressively the minimum age

text of
article



Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

report form
questions



Please describe the policy pursued and the methods used to ensure the abolition of child labour and progressively to raise the minimum age for admission to employment or work.

overview

The Government undertakes to pursue a national policy aimed at the effective abolition of child labour, and to raise progressively the minimum age of admission to employment or work. The ultimate aim is to enable young persons to achieve their fullest physical and mental development.

The policy mentioned in this Article may be divided into general and specific measures. Part I of Recommendation No. 146 suggests some policy measures that may be taken in order “to ensure to the success of the national policy”. The more general measures may range from poverty alleviation to full-time attendance at school. Specific measures taken under the national policy might be the formulation of a National Plan against Child Labour or framing new legislation on a minimum age for admission to employment or work.

Many of the objectives are long-term goals and depend on the evolution of the general social and economic conditions of the country. This shows that the Convention is not a static instrument, but that it intends to improve progressively the policies adopted by States.

No upper age limit has been set for the measures to raise progressively the minimum age of admission to employment or work. The indication in this Article is the “level consistent with the fullest physical and mental development of young persons”. However, the objective is to raise the minimum age to 16 years (Recommendation, Para. 7 (1)).



It may be easier to prepare the contents for the other Articles first and deal with Article 1 afterwards.

checklist



National Policy

- ❑ What general policy measures have been taken that may *contribute* to the effective abolition of child labour and to raise progressively the minimum age of admission to employment? For examples, measures could be indicated regarding:
 - Development
 - The promotion of employment for adults
 - Alleviation of poverty
 - Extension of social security
 - The provision of free and compulsory education
 - The provision of vocational training
 - The protection of children, including children of migrant workers

Effective abolition of child labour

- ❑ What specific policy measures have been taken to achieve the effective abolition of child labour? Provide any relevant documentation.
Examples of such measures might be:
 - setting up of a national plan of action on child labour
 - framing of new legislation on a general minimum age
 - strengthening or training of the labour inspectorate

Policy and methods to raise progressively the minimum age

- ❑ Are there any measures taken or planned to be taken to raise the minimum age?



Setting a minimum age for employment

- 1** Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
- 2** Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
- 3** The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
- 4** Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
- 5** Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement—
 - (a)** that its reason for doing so subsists; or
 - (b)** that it renounces its right to avail itself of the provisions in question as from a stated date.



- Please indicate the legislation or regulations which fix the minimum age for admission to employment or work in the national territory and on means of transport registered in the territory.
- If use has been made of paragraph 4 of this Article, please provide information on the consultations which have taken place with the organizations of employers and workers concerned with a view to fixing the minimum age at 14, as well as the information requested in paragraph 5.

report form
questions



overview

Under the Convention, several minimum ages are specified. The **general minimum age** specified for admission to employment or work shall not be less than **15** years. The general minimum age is strongly linked to the age at which compulsory schooling ends. Therefore, the general minimum age may also not be less than the age of completion of compulsory education. A **lower** minimum age (14) may be set when a country's economy and educational facilities are not sufficiently developed (Article 2(4)) or when the work is considered to be light (Article 7). A **higher** minimum age should be set for so-called hazardous types of work (Article 3).

All employment or work of young persons in all economic sectors is covered by the Convention; including for example work without a formal employment contract, self-employment, work in family undertakings and home work (for exclusions, see Articles 4 and 5).

The minimum age(s) must be fixed in legislation or regulations. Copies of any such legislation or regulations should be sent with the report, when these have not been supplied before. The different minimum ages that apply in a certain country may be found in one piece of legislation, such as a Child Labour Act, or contained in different pieces of legislation, regulations or orders, often depending on the sector in which a child is working. Recalling Part II of the Report Form, the report should specify exactly which provisions state the minimum age(s).

Minimum ages according to Convention No. 138

General	light	hazardous
In general not less than age of compulsory schooling and in any case not less than 15	13 years	18 years (16 under certain conditions)
developing countries not less than 14	12 years	18 years (16 under certain conditions)

checklist



Minimum age

- What is the minimum age for admission to employment or work? Indicate the legislation and **exact** provisions (see Part II of the Report Form), and provide copies.
- Do the provisions apply to all economic activity (that is: to all sectors of economy and all types of work)?
- Has the minimum age been raised since the last report?
- What is the age for completing compulsory education, if any? Indicate the legislation and relevant provisions, and provide copies.
- Are there different minimum ages for specific sectors, such as the maritime sector, factories, agriculture etc.? Indicate the legislation and exact provisions, and provide copies.

If your country has specified the lower minimum age of 14 years at the time of ratification, also include information on the following issues:

- Were consultations held with the organizations of employers and workers prior to the fixing of the lower minimum age at 14? Which organizations have been consulted? Indicate when and how (for example, ad hoc, in a labour advisory committee, national steering committee etc.) the consultations were held and other relevant details.
- What are the **reasons** for fixing a lower minimum age? Have steps been taken to raise the minimum age to 15?
- If the report you are preparing is a 2nd or later report, indicate whether the reasons to maintain the lower minimum age still exist or, if possible, the date at which your Government plans to stop using this exception.

The minimum age for hazardous work

- 1** The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.
- 2** The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist.
- 3** Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

- Please supply information on the measures taken to fix a higher minimum age for types of employment or work likely to jeopardize the health, safety or morals of young persons.
- If the minimum age so specified is less than 18 years, please supply information on the measures taken to ensure that the conditions set out in paragraph 3 are met.
- Please also supply information on the consultations which have taken place on this subject with the organizations of employers and workers concerned.

text of
article



report form
questions



The Convention sets the minimum age for hazardous work at 18 years.

These types work must be determined in consultation with the organizations of employers and workers. The determination may be by law or a regulation, but may also be an order issued by the Minister of Labour. In the latter example, the Minister of Labour is the “competent authority”.

The Convention does not specify what types of work should be considered hazardous, but leaves such determination to the countries themselves, while consulting social partners and taking account of international standards. This is also a requirement under the Worst Forms of Child Labour Convention No. 182 (Article 4).

Hazardous types of work in which a young person under the age of 18 years is not allowed to work, may be listed in one piece of legislation, but may also be spread out over different pieces of legislation. Some suggestions on where to look for such provisions are:

- general labour law
- occupational safety and health laws
- minimum age legislation
- child rights and welfare regulations
- laws on dangerous substances (such as on pesticides, radiation, chemicals etc.)
- sectoral laws, such as on maritime employment, agriculture, factories etc.

Hazardous work may be authorised from the age of 16 if:

- Consultation with the organizations of employers and workers has taken place;
- The health, safety or morals are fully protected and;
- Young persons have received adequate specific instruction or training

Information should be provided on how these criteria are satisfied.



Hazardous types of work

- Which provisions prohibit hazardous work for young persons under the age of 18? Indicate legislation, regulations or orders and relevant provisions, and provide copies.
- What are the types of hazardous work? Indicate the legislation and relevant provisions, etc. and provide copies.
- Do the types of hazardous work identified include risks to moral as well as physical hazards?
- Has your country ratified any ILO Conventions relating to hazardous work, such as on chemicals, asbestos, white lead, radiation, heavy weights etc.?

Consultations

- Have consultations been held with the organizations of employers and workers on the determination of hazardous types of work? Which organizations have been consulted? Indicate when and how the consultations were held and other relevant details.

Revision of the types of hazardous work

- Have the types of work prohibited for young persons under 18 been re-examined and revised? Provide details of such reviews, and on any consultations held.

Is there a lower minimum age?

- Are persons under 18 years allowed to engage in hazardous work?
- What is the applicable minimum age in those cases? Indicate legislation and relevant provisions, and provide copies.
- What measures have been taken to protect their health, safety or morals?
- What measures have been taken to ensure that the concerned young persons have received adequate specific instruction or training in the relevant branch of activity?
- Have consultations been held with the organizations of employers and workers prior to the setting of a lower minimum age for hazardous work? Which organizations have been consulted? Indicate when and how the consultations were held and other relevant details.

Excluding limited categories of employment or work

If your country has already sent the first report and not used Article 4, it is too late to use the exclusions of Article 4 now. Skip to next Article.

text of
article



- 1** In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.
- 2** Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.
- 3** Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

report form
questions



- If use has been made of paragraph 1, please list the categories of employment or work excluded from the application of the Convention and indicate the reasons for such exclusion and supply information on the consultations which have taken place with the organizations of employers and workers concerned.
- Please also indicate any changes in law and practice in respect of the categories excluded.

This provision allows the exclusion of limited categories of employment or work “in so far as necessary” from the application of the Convention. The exclusion is aimed at employment or work in respect of which special and substantial problems of application arise. Examples might include work in family undertakings, domestic service in private households, or home work.

Article 4 does **not allow the exclusion of hazardous work** covered by Article 3.

- ★ Excluded categories **must be listed in the first report**, and the reasons for the exclusion explained.

If your country has already sent the first report and not used Article 4, it is too late to use the exclusions of Article 4 now. Skip to next Article.

Preliminary question:

- Has your country excluded any categories of work? If not, no further information needs to be supplied under this Article.

Categories excluded

- What are the excluded categories of work and employment in respect of which special and substantial problems of application arise? (*First Report only*)
- Why is it necessary to exclude these categories?
- Is it necessary to maintain the exclusion? Why? (*Subsequent reports only*)
- Even though these categories are excluded, have efforts been made to apply the Convention to them? (*Subsequent reports only*)

Consultations

- Were consultations held with the organizations of employers and workers prior to the exclusion of certain categories of work from the application of the Convention? Which organizations have been consulted? Indicate when and how the consultations were held and other relevant details.

Applicability of the Convention

- Have there been any changes in law and practice in respect of the excluded categories since the last report? Indicate these changes (*Subsequent reports only*).





Excluding certain economic sectors

If your country did not use Article 5 at the time of ratification, it is too late to use these exclusions now. Skip to next Article.

- 1** A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.
- 2** Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertaking to which it will apply the provisions of the Convention.
- 3** The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity; gas and water; sanitary services; transport; storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.
- 4** Any member which has limited the scope of application of this Convention in pursuance of this Article:
 - (a)** shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
 - (b)** may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.



If use has been made of paragraph 1, please provide information on the consultations which have taken place for this purpose with the organizations of employers and workers concerned. Please also provide the information requested in paragraph 4, referring in particular to any progress made in extending the scope of application of the Convention.

report form
questions



overview

This provision allows for the exclusion of certain economic sectors. Where the economy and administrative facilities are insufficiently developed, the government may initially limit the scope of application of the Convention. The limitation would apply to specified branches of economic activity or types of undertakings.

*** Limitations may only be made at the time of ratification (in a declaration at ratification).**

The organizations of employers and workers concerned must be consulted prior to any such limitation.

The following sectors cannot be excluded (Article 5 (3))

- Mining and quarrying
- Manufacturing
- Construction
- Electricity
- Gas and water
- Sanitary services
- Transport
- Storage and communication
- Plantations and other agricultural undertaking mainly producing for commercial purposes but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers may be excluded.

The scope of application may be extended at any time, through a declaration sent to the Director-General of the ILO.



If your country did not use Article 5 at the time of ratification, it is too late to use these exclusions now. Skip to next Article.

Excluded sectors

- Has any limitation been made pursuant to Article 5 of the Convention at ratification? If not, no further information needs to be supplied under this Article.
- If yes, what sectors have been excluded?
- What are the reasons for the exclusion? Do these reasons persist? Has there been any progress in extending the scope of application of the Convention?

Consultations

- Were consultations held with the organizations of employers and workers prior to the exclusion of certain economic sectors from the application of the Convention? Which organizations have been consulted? Indicate when and how the consultations were held and other relevant details.

General Position

If use has been made of the exclusion, the reports should draw a general picture with regard to the situation of working children in the excluded branches.

- To what extent are children and young persons working in the excluded branches?
- What are the conditions of their work, for example, limitations on hours of work, the minimum age for admission to employment, provisions for attending school? Provide copies of any relevant texts.
- Is any other information available relating to the extent to which protection is extended to children and young persons working in excluded branches or undertakings?

Exception for work done as part of education and training

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of:

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Please indicate the conditions prescribed by the competent authority for any work done by children and young persons which is authorised for the purposes specified in this Article, and provide information on the consultations which have taken place on this subject with the organisations of employers and workers concerned.

text of
article



report form
questions



Work done **in schools** for general, vocational or technical education or in training institutions is exempt from the requirements of the Convention.

Work done **in enterprises** in the course of an **apprenticeship programme for children of 14 years** or older is also exempt.

The exemption however will only apply if such work is an integral part of a course of education or training, a programme of training, or a programme of guidance designed to facilitate the choice of an occupation or line of training. In all cases, the work must be carried out in accordance with conditions prescribed by the competent authority. This competent authority is the person or body that is mandated to put these conditions in a legally binding instrument, such as a law, order, decree or regulation. This differs from country to country, and could be the Minister of Labour or Education, the Inspector-General, a council for occupational safety and health or even Parliament.



Work in educational and training institutions

- How is work in educational institutions (schools and other training institutions) regulated?
- What texts of regulations, etc., are applicable to the work done by children in those institutions? Provide copies with the report.
- What conditions have been prescribed by the competent authority? Provide copies with the report.

Apprenticeship

- What is the minimum age set in legislation for entry into an apprenticeship relationship?
- How are apprenticeships regulated? Provide information on training, guidance or orientation programmes. Is the work carried out as an integral part of the course or programmes listed in paragraphs (a) – (c)? Provide copies of relevant texts.

Consultation

- Have consultations been held with the organizations of employers and workers on the conditions according to which vocational training and apprenticeships are carried out? Which organizations have been consulted? Indicate when and how the consultations were held and other relevant details.

Exception for light work

- 1** National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:
 - (a)** not likely to be harmful to their health or development; and
 - (b)** not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
- 2** National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in subparagraphs (a) and (b) of paragraph 1 of this Article.
- 3** The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
- 4** Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

If use has been made of the exceptions permitted by this Article, please specify the activities to which they apply, and the conditions to which they are subject in accordance with paragraphs 1 and 3.

text of
article



report form
questions



This Article allows for the possibility of allowing **light work at a lower age than the general specified minimum age (see Article 2)**. The **minimum age for light work varies from 13 to 15 years**, but this may be different if:

- 1 The general minimum age has been specified at 14 years (see Article 2 Paragraph 4); the minimum age for light work may be set at 12 to 14 years.
- 2 The child has not yet finished compulsory schooling; only light work should be allowed.

The Article underlines the importance of a child's school attendance and its ability to benefit from education as a vital strategy in eliminating child labour. All employment or work taking place during school hours is prohibited under the Convention, as is work or employment taking place outside of school hours if it is detrimental to a child's education, health or development. Paragraph 2 of Article 7 means that even when a child has attained the legal minimum age – usually 14 or 15 years – if the child has not finished compulsory schooling, only light work is allowed.

As we have seen with hazardous work, the types of light work should be specified in legislation, regulations, orders, etc. The “competent authority” means the person or body that has the power to determine such types of light work in a legal form. Such an authority, depending on the laws of the country, may be Parliament, a government agency, a tri-partite council, or an individual Minister. This legislation should also specify the number of hours and the conditions in which children may do light work. Please note that these types of light work may be regulated in different types and pieces of legislation, such as laws, regulations, orders, decrees etc.

Light Work

- Is light work below the general minimum age permitted?
- Has a minimum age for light work been set in any legislative text?
- Which pieces of legislation permit types of light work and what are the types of light work allowed? Indicate the legislation and **exact** provisions, and provide copies.
- Do the relevant provisions limit the number of hours that a child is allowed to do light work or specify any other conditions?



Exception for artistic performances

- 1 After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.
- 2 Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

If use is made of the exceptions permitted by this Article, please describe the procedure for the grant of permits as well as the conditions subject to which permits are granted. Please also supply information on the consultations which have taken place on this subject with the organisations of employers and workers concerned.

As an exception, work for purposes such as artistic performances may be allowed below the general minimum age of 15 (or 14 as the case may be), through permits granted in individual cases. Examples of artistic performances may be performances in shows, concerts, advertisements, on television etc. General exceptions for such work are not permitted. No minimum age has been specified in the Convention for such permits.

Prior consultations should be held with the organizations of employers and workers concerned on the general conditions governing the individual permit system (not individual permits) and the nature of the work concerned.

The Convention gives guidance on the content of the permits: they should limit the number of hours and prescribe the conditions in which the work is allowed.

text of
article



report form
questions



overview





Artistic performances

- Is an exception provided for in the law with regard to work done for artistic performances ? If not, no further information needs to be supplied under this Article. Skip to next Article. If yes, indicate the legislation and relevant provisions, and provide copies.

Consultations

- Were consultations held with the organizations of employers and workers on the conditions regarding the system of granting individual permits for artistic performances to children younger than the minimum age? Which organizations have been consulted? Indicate when and how the consultations were held and other relevant details.

Individual Permits

- What is the procedure, if any, for the granting of individual permits, and who or what body grants the permits?
- What are the conditions under which permits are granted, such as regarding minimum age, maximum hours of work or conditions more specific to the type of performance?

Measures for effective enforcement

- 1** All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
- 2** National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
- 3** National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

- Please provide information on the measures taken, including the provision of appropriate penalties, to ensure the effective enforcement of the provisions of the Convention.
- Please indicate the persons responsible for compliance with the provisions giving effect to the Convention.
- Please indicate the measures taken to give effect to paragraph 3 of this Article and provide a model of the register in question.

text of
article



report form
questions



The provision lays down three basic requirements to attain the objectives of the Convention and enforce its provisions:

1	taking measures including penalties;
2	identification of the persons responsible for compliance; and
3	keeping registers.

Measures should be taken to provide for penalties. Sanctions should be appropriate and must ensure the effective enforcement of the Convention. Fines should be high enough to serve as an effective deterrence to violations, and they should be effectively applied.

Examples of measures, other than the provision of appropriate penalties, to ensure the effective enforcement of the provisions of the Convention can be found in Paragraph 14 of the Recommendation, which mentions the importance of strengthening the labour inspectorate. Such measures may be laid down in legislation, but may also be embodied in national policies or information campaigns.

The persons responsible for compliance with the provisions giving effect to the Convention shall be defined in legislation. This is the person to whom penalties would apply in case of infringement, for example, an employer of children in relation to violations of prohibitions of employment or work, or parents in relation to the compulsory school requirement. This paragraph does not refer to enforcement bodies, such as labour inspectors.

Measures should also be taken to require employers to keep and make available registers and other documents showing the names and dates of birth of all young persons under 18 employed by them and working for them.



Penalties

- What kinds of penalties or sanctions are prescribed by the legislation?

For example

- What are the penalties to enforce the provisions on general minimum age for employment or work?
- What are the penalties for the enforcement of prohibitions of employment in hazardous work or employment under 18?

Indicate the legislation and relevant provisions, and provide copies.

- What is the nature of contraventions that have been reported? What decisions have been taken on the reported contraventions? The answers may also be evident when the report is accompanied by a copy or extract of inspection reports (see Part V of the Report Form).

Other measures, such as labour inspection

- What is the role of labour inspection services in the application of the provisions giving effect to the Convention? What, for example, is their role in the implementation of the provisions on hazardous work, or enforcing the general minimum age?
- Are there any other measures taken to ensure the effective enforcement of the provisions of the Convention?

Persons responsible

- Which persons are responsible for compliance with the provisions giving effect to the Convention? Indicate the legislation and relevant provisions, and provide copies.

Registers

- Indicate the requirements concerning the keeping of registers; what data should be included in them? Indicate legislation and relevant provisions, and provide copies.

Additional questions in the Report Form

These questions are aimed at giving a better understanding of an aspect of the application of the Convention and giving a fuller overview of its practical application. Complete and precise information is required to that effect. Copies of the relevant texts should be supplied, with detailed reference where necessary.

Part I

- Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.
- Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

Part I asks for a list of all the laws that have been mentioned in the report (see also Part II) or that otherwise relate to the Convention. It is essential that copies of this legislation are sent with the Report, if this has not been done yet before. In addition, the list should point out any amendments that have been made in order to implement the Convention.

Part III

- Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organisation and working of inspection.

Part III deals with the authorities that apply to the relevant pieces of legislation. These can vary from the Labour Inspectorate or the Attorney General's office to a child rights or human rights committee, depending on the type of legislation. In particular, however, information should be supplied on labour inspection.

Part IV

- Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

Judicial decisions are one aspect of the practical application of the provisions giving effect to the Convention, particularly in the enforcement of laws and regulations on child labour. These decisions may not necessarily focus on the Convention itself, but deal with questions of interpretation of relevant legal provisions or with ordering certain practical actions.

Information should include copies of judicial decisions or extracts from official documents including, for instance, the number of judicial decisions taken, the types of violations regarding child labour, etc.

Part V

- Please give a general appreciation of the manner in which the Convention is applied, including, for example, statistical data on the employment of children and young persons, extracts from the reports of inspection services, information on the number and nature of contraventions reported, etc.

Part V asks for a general summary of the manner in which the Convention is implemented. Such a general appreciation should be supported by information that provides a picture of the extent of child labour in the country and the way legal provisions are being enforced. In this regard, the Report Form asks for statistics, and reports that show the number of contraventions of and convictions on legislation that prohibit child labour, such as extracts of reports from the labour inspection. In order to give a complete picture of the situation in practice, it is **important** to supply these types of information. Some information might already have been supplied while reporting under other international treaties, such as the Convention on the Rights of the Child, and may be worth including in the report.

Part VI

- Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation. If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.
- Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of the observations received, together with any comments that you consider useful.

Part VI is a reminder of the obligation of article 23 (2) of the ILO Constitution (see Introduction). It requires governments to send copies of their reports to employers' and workers' organizations. The report should indicate the names of these organizations.

Part VI also refers to where national or international organizations of employers or workers comment on the situation regarding child labour in the country and the application of the Convention. If so, a copy of such observations and the response, if any, to such observations from your Government should be included.

- ILO Convention No. 138 on Minimum Age
See at: <http://www.ilo.org/ilolex/english/convdisp1.htm>
- ILO Recommendation No. 146 on Minimum Age
See at: <http://www.ilo.org/ilolex/english/reccdisp1.htm>
- List of ratifications of ILO Convention No. 138 on Minimum Age
See at: <http://www.ilo.org/ilolex/english/newratframeE.htm>
- Report form for ILO Convention No. 138 on Minimum Age
See at: <http://www.ilo.org/ilolex/english/reportforms/pdf/22e138.pdf>
- International Programme on the Elimination of Child Labour (IPEC)
See at: <http://www.ilo.org/public/english/standards/ipec/index.htm>
- Regular Reporting Schedule
See at: <http://webfusion.ilo.org/public/db/standards/normes/schedule>

Reporting on Child Labour Vol. II:
**Worst Forms of Child Labour
Convention, 1999 (No. 182)**



Preliminary remarks

An essential element of good reporting is providing all the necessary information which would reflect the situation both in law and in practice. According to the Report Form, this should include **in general**:

- A list of legislation that applies the Convention and copies of this legislation, when these have not already been sent to the ILO (Part I of the Report Form).
- A detailed indication for *each* Article of the exact provisions of legislation or other measures under which each requirement of an Article is applied (Part II of the Report Form).
- Relevant decisions of courts of law or other tribunals (Part III of the Report Form).
- Any information that would indicate the situation and progress in practice, such as ILO projects, inspection reports, studies, statistics, information on the nature, extent and trends of the worst forms of child labour, the number of children helped by the measures taken, the number and nature of contraventions reported and penal sanctions applied etc. (Part IV and V of the Report Form).
- An indication of the organizations of employers and workers to which copies of the report have been sent and any observations given by these organizations on the application of Convention No. 182 (Part VI and VII).

Parts III to VII will be dealt with further at the end of these guidelines.

The Worst Forms of Child Labour Convention consists of eight substantive Articles, under which the report should indicate the measures taken in law and practice to apply these. The subjects of the substantive Articles are as follows:

1	Immediate measures
2	Definition of a child
3	Definition of the worst forms of child labour
4	Determination of the hazardous forms of child labour
5	Monitoring mechanisms
6	Programmes of Action
7	Specific measures
8	International cooperation

Article

1

Immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour

text of article



Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

report form questions



Please provide a general overview of the measures taken to apply this Article.

PART V of Report Form

In so far as the information in question has not already been supplied in connection with other questions in this form – please supply copies or extracts from official documents including inspection reports, studies and inquiries, and, where such statistics exist, information on the nature, extent and trends of the worst forms of child labour, the number of children covered by the measures giving effect to the Convention, the number and nature of infringements reported, penal sanctions applied, etc. To the extent possible, all information provided should be disaggregated by sex.



This provision gives the opportunity to present the overall picture of measures taken for the prohibition and elimination of the worst forms of child labour. As such it may be helpful to prepare information under this Article after considering Articles 2 to 8 of the Convention.

Measures should state realistic and precise objectives to be **effective**. Measures to prohibit and eliminate the worst forms of child labour **as a matter of urgency** should for example set a time limit by which the stated objectives should have been attained (Article 7(2)).

Measures may be included as a priority in general policy, such as in overall development policies and objectives. Measures may be taken as specific policies and programmes of action at all levels of government, including local government, to prohibit and eliminate as a matter of urgency the worst forms of child labour. Measures may take the form of research and assessments, studies, enquiries, and data collection. Sensitising public opinion and awareness building would imply measures to make information accessible and understandable to all, including making provision for communication in local languages.

Measures to ensure the **prohibition** of the worst forms of child labour as defined in the Convention (Article 3) would mainly take the form of legislative measures, in laws or regulations. This should include provisions to ban unacceptable practices as defined in the Convention. For example, criminal law may include provisions to prohibit worst forms of child labour such as child slavery, sale and/or trafficking, debt bondage, serfdom, forced or compulsory labour, prostitution and pornography; and provide for sanctions for those practicing, encouraging or conniving in such activities. Military laws would prohibit forced recruitment of boys and girls below the age of 18 for use in armed conflict. Labour legislation would prohibit the employment of children under the age of 18 in work which is likely to harm their health, safety and morals as determined by national legislation. Copies of relevant legislative provisions and/or precise and complete references to such provisions should be communicated with the report. If steps have been taken to amend existing legislation in order to implement the Convention, the report should indicate this.



It may be easier to prepare the contents for the other Articles first and deal with Article 1 afterwards.

Measures

- Have the prohibition and elimination of the worst forms of child labour been included as priority in policies, such as overall development policies and objectives, as well as more specific policies and programmes relating to children, at the general level and the local government level? Provide relevant documentation.
- Have research and assessment been planned or undertaken to collect information on the nature, extent and trends of the worst forms of child labour, and the number of children to be covered by the prohibition and elimination of the worst forms of child labour?
- Have awareness building efforts been undertaken with an aim to prohibit and eliminate the worst forms of child labour?
- Have measures been taken to plan, implement and monitor programmes of action for the prohibition and elimination of the worst forms of child labour as a matter of urgency?

Legislation

- Have the effective prohibition and the elimination of the worst forms of child labour been recognized in the Constitution and legislation?
- Has existing legislation been examined to ensure full compliance and coherence with the provisions of the Convention? (For example: labour laws, criminal laws, military laws, education laws, training and apprenticeship laws, laws on the protection of children, family laws)
- Has existing legislation been amended or new legislation been adopted to bring the laws fully into line with the requirements of the Convention? Provide precise and complete references to the applicable texts.
- Have measures prohibiting the worst forms of child labour been extended to all sectors of the economy including the informal sector, agriculture, domestic service, family undertakings, smallholdings, self-employed child workers.

Definition of a child

For the purpose of this Convention, the term “child” shall apply to all persons under the age of 18.

None

Article 2 defines the term child “for the purposes of this Convention”. It means that the measures implementing this Convention, particularly legislation, should cover all boys and girls under the age of 18 years. It is not important what type of word is used to describe these persons. They may be referred to as children, minors, juveniles, underage or young persons.

- To whom do the provisions of the laws and regulations pertaining to the worst forms of child labour apply? Do these provisions define the term "child" or, as the case may be, minor, young person or otherwise? Do these provisions apply to all boys and girls under the age of 18 years? Indicate relevant provisions and provide copies.
- Do measures taken to combat the worst forms of child labour cover all persons under the age of 18 years?

Article

2

text of
article



report form
questions



overview

checklist



Defining the worst forms of child labour

text of
article



For the purposes of this Convention, the term “the worst forms of child labour” comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (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.

report form
questions



Please indicate, for each of the clauses (a) to (d), the measures taken to secure the prohibition and elimination of the worst forms of child labour with regard to all persons (girls and boys) under the age of 18.



This Article gives a definition of the term “the worst forms of child labour”. Immediate and effective measures shall be taken to secure the prohibition and elimination of the worst forms of child labour (Article 1). Read together with Article 2, it is a requirement that those measures shall be applied to all persons (girls and boys) under the age of 18.

Measures to secure the prohibition of the worst forms of child labour would mainly take the form of legislative measures, in laws or regulations. Sanctions should be provided and applied to ensure effectiveness of the prohibitions (see below, Article 7(1)).

Measures to prohibit the forms of child labour mentioned in Article 3(a)-(c) (also referred to as the “unconditional worst forms of child labour”), are typically laid down in criminal law. However, other laws may also be applicable such as codes on child rights, immigration laws, dealing with cross-border trafficking, or specific (criminal) legislation, dealing for instance with bonded labour or drug trafficking. Forced or compulsory recruitment for use in armed conflict may be prohibited in criminal law as well as in military law or regulations.

Hazardous types of work in which a child under the age of 18 years is not allowed to work, may be listed in one piece of legislation, but may also be spread out over different pieces of legislation. Some suggestions on where to look for such provisions are:

- general labour law
- occupational safety and health laws
- minimum age legislation
- child rights and welfare regulations
- laws on dangerous substances (such as on pesticides, radiation, chemicals, etc.)
- sectoral laws, such as on maritime employment, agriculture, factories, etc.
- laws governing military service



Remember: Part II of the Report Form asks for a detailed indication of the exact provisions of legislation or other measures under which each provision is applied!

International obligations

- Has your country ratified any of the following treaties?
 - The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices similar to Slavery, 1956;
 - The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1949;
 - The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000;
 - The Protocol against the Smuggling of Migrants by Land, Sea and Air, 2000;
 - The Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000;
 - The Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
 - The Convention against Transnational Organized Crime, 2000;
- Has your country ratified any ILO Conventions relating to hazardous work, such as Conventions on minimum age, chemicals, asbestos, white lead, radiation, heavy weights etc.?

Slavery, debt bondage, forced or compulsory labour

- What measures have been taken to prohibit slavery, debt bondage, and forced or compulsory labour of all boys and girls under the age of 18? What sanctions have been provided? Provide copies of relevant legislative texts.

Trafficking

- What measures have been taken to prohibit the sale and trafficking of boys and girls under the age of 18? What sanctions have been provided? Provide copies of relevant legislative texts.

Forced recruitment in armed conflict

- ❑ What measures have been taken to prohibit the forced recruitment of boys and girls under 18 years for use in armed conflict? What sanctions have been provided? Do these measures apply both to official armed forces and other armed groups? Provide copies of relevant legislative texts.

Prostitution and pornography

- ❑ What measures have been taken to prohibit the use, procuring or offering of all boys and girls under the age of 18 for prostitution, for the production of pornography or pornographic performances? What sanctions have been provided? Provide copies of relevant legislative texts.

Illicit activities, production and trafficking of drugs

- ❑ What measures have been taken to prohibit the use, procuring or offering of all boys and girls under the age of 18 for illicit activities, such as drug trafficking, smuggling or begging? What sanctions have been provided? Provide copies of relevant legislative texts.

Hazardous work

- ❑ What measures have been taken to prohibit the employment of all boys and girls under the age of 18 in hazardous work as defined by the legislation? What sanctions have been provided? Has existing legislation been amended or new legislation been adopted? Provide copies of relevant legislative texts.

Determining the types of hazardous work

text of
article

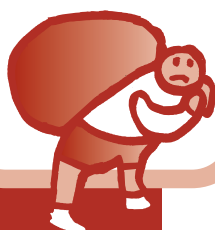


1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

report form
questions



- Please indicate the types of work determined in accordance with paragraph 1. Please communicate the relevant text.
- Please indicate the measures taken to identify where the types of work so determined exist.
- Please indicate how the list of the types of work determined under paragraph 1 of this Article has been periodically examined. Please provide any revised list.
- Please indicate the consultations which have been held with the employers' and workers' organizations in accordance with the provisions of this Article.



This Article is about the determination of what constitutes hazardous child labour. Although hazardous work is described in a **general** way by the Convention (and Paragraph 3 of Recommendation No 190), the **specific** types of work have to be determined by each country itself. This is also a requirement under the Minimum Age Convention No. 138 (Article 3). After deciding which types of work are too hazardous for young persons under the age of 18, the list should be put in a legal form, such as a law, regulation or Decree by the Minister of Labour (who is then called the “competent authority”). Workers' and employers' organizations should be consulted on the determination of the hazardous types of work.

Once the types of hazardous work have been determined, the competent authorities should identify where hazardous work exists. The competent authority is the person or body that is mandated to issue such research and does not necessarily have to be the same authority as under Paragraph 1. Such identification would focus on activities, establishments, regions or branches of activity where hazardous work exists. This is a necessary step to draw a clear picture of the situation, so that focused measures can be taken in order to eliminate these hazardous forms of child labour.

The list of types of hazardous work determined should be periodically examined and revised, in consultation with the employers' and workers' organizations concerned. Technical evolutions, introduction of new production processes, development of new dangerous substances, new international standards, new research, new health studies on the consequences of certain works or occupations on children may lead to the determination of new types of hazardous work which should be prohibited and eliminated.

Recommendation No. 190

Under the Convention, hazardous work should be prohibited for all boys and girls under the age of 18. Paragraph 4 of the accompanying Recommendation No. 190, as well as Convention No. 138, provide that certain potentially hazardous work from the age of 16 may be authorized if very strict conditions are met. It goes further than the Convention in providing that, even if some types of seemingly hazardous work are not in the end included in the list of prohibited jobs under Article 3(d), there should be an assurance that they are authorized only from 16 years on condition that there is full protection and adequate instruction or training.



Determination

- Which provisions prohibit hazardous work for young persons under the age of 18 years? Indicate legislation and relevant provisions, and supply copies.
- What are the types of hazardous work? Indicate legislation and relevant provisions, and supply copies.
- Have consultations been held with the organizations of employers and workers on the determination of hazardous jobs? Which organizations have been consulted? Indicate when and how the consultations were held and other relevant details.

Identification

- Where have types of hazardous work been identified? In which sectors and/or geographic locations? Provide information on any findings, and on consultations held with employers' and workers' organizations.

Periodic examination and revision

- Has the list of types of hazardous work prohibited for children been examined and revised? Is re-examination done periodically? Also provide information on consultations held with employers' and workers' organizations.
- Have any types of hazardous work been added or removed from the list?

Establishing monitoring mechanisms

text of article



report form questions



overview

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Please indicate the mechanisms established or designated, and provide information on their functioning, including any extract of reports or documents. Please also indicate the consultations which have been held with the employers' and workers' organizations in accordance with the provisions of this Article.

Monitoring mechanisms are to oversee the implementation of the provisions giving effect to the Convention. Recommendation No. 190 specifies this by focusing on the implementation of "national provisions for the prohibition and elimination of the worst forms of child labour". Such mechanisms may be specific, established specially to monitor child labour and one or all of its worst forms, or existing mechanisms may be designated for that purpose. Examples of such mechanisms may be the committees set up under the United Nations Convention on the Rights of the Child, a National Steering Committee set up under an ILO-IPEC programme, a Commissioner for Children or a Children's Ombudsman. A monitoring mechanism may also focus on one of the worst forms of child labour, such as a national anti-trafficking committee, a committee to oversee the effective eradication of bonded (child) labour or the labour inspectorate. The body or bodies could consist of Government officials, social partners and/or other representatives from civil society, such as non-governmental organizations or parents' groups.

Consultations should be held with employers' and workers' organizations before creating monitoring mechanisms or charging existing bodies with these monitoring tasks.



checklist



It is important to mention all relevant monitoring mechanisms and supply details.

- ❑ What are the mechanisms to monitor the implementation of the provisions giving effect to the Convention? Have specific mechanisms been established or have existing mechanisms been charged with monitoring?
- ❑ What are the composition, powers and work methods of the mechanisms, including the labour inspectorate? Provide documentation or reports, indicating the functioning of the mechanisms.
- ❑ What aspects of the elimination of the worst forms of child labour are monitored? What are the results of the monitoring?

Design and implementation of programmes of action

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

- Please indicate the programmes of action and provide information on their implementation.
- Please indicate the consultations which have been held with the employers' and workers' organizations in accordance with the provisions of this Article. Please also indicate the extent to which the views of other concerned groups have been taken into consideration.

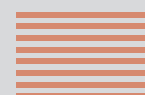
The overall aim of the ILO's child labour Conventions is the progressive elimination of all child labour. However, as a priority, programmes of action should aim to eliminate the worst forms of child labour defined in Article 3.

Immediate and effective measures should be taken under Article 1 to secure the elimination of the worst forms of child labour, "as a matter of urgency". Programmes of action thus should be designed and implemented without delay. To be effective, they should set precise objectives and should be implemented within a certain time-frame. An evaluation of the results should follow their implementation.

Programmes of action should be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations. In addition, the views of other groups should be taken into consideration. Other groups might include non-governmental organizations, community based organizations, groups of parents, children directly affected by the worst forms of child labour, etc.

Programmes of action may intend to take different actions such as sensitizing public opinion, preventive measures, removal of children from the worst forms of child labour, rehabilitation of the children so removed, making education and training accessible to all children, income support schemes for children and their families, etc.

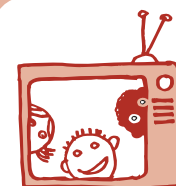
text of
article



report form
questions



overview





Programmes of action

- What programmes of action have been designed to eliminate the worst forms of child labour? Which worst forms of child labour have been targeted in the programmes of action? Provide relevant documentation. Even if it is not a comprehensive programme for the entire range of the worst forms of child labour, any plan of action against a specific worst form such as sexual exploitation of children or hazardous work in a particular setting such as family undertakings, should be reported.
- What action measures have been included in the programme? What objectives have been set, and what is the time-frame? Provide relevant documentation.
- Have the programmes of action been designed in consultation with government institutions and employers' and workers' organizations?
- What other groups have expressed their views on the programme of action? To what extent have their views been taken into consideration in the design and implementation of the programme?

Measures for implementation and enforcement

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
 - (a) prevent the engagement of children in the worst forms of child labour;
 - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
 - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risk; and
 - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

- Please indicate the measures taken in accordance with paragraph 1, including the provision of penal or other sanctions and their actual application.
- Please indicate the measures taken with regard to each of the clauses (a) to (e) of paragraph 2. If any of the measures are time-bound, please specify the time frame.
- Please indicate the authority or authorities designated in accordance with paragraph 3 responsible for the implementation of the provisions giving effect to this Convention, and by what methods such implementation is supervised.

text of
article



report form
questions



The state must ensure **effective implementation and enforcement** of the provisions of the Convention: this implies an active and dynamic stance. Measures could include, for example, an allocation of funds; information and training of labour inspection services, school inspection services, medical and social personnel, personnel in the judiciary, in the police; information campaigns for the public, and involvement of the media, the social partners and various organizations and groups of society.

Measures for the effective implementation and enforcement include the provision and application of **penal sanctions** or other sanctions. Criminal law should provide for sanctions in cases of slavery, forced child labour, sale or trafficking of children for any purpose or use, procuring or offering a child for prohibited or illegal activities such as prostitution, pornography, drug production or drug trafficking. **Other sanctions** may be of an administrative nature, such as fines, closing establishments where cases of prohibited child work occur, etc. See also Paragraphs 12-14 of Recommendation No. 190.

Paragraph 2 of the Article mentions that specific measures should be taken in order to:

- ❑ **Prevent** children from ending up in the worst forms of child labour. Examples of such measures may be to provide decent employment for parents, the development of small credit facilities, awareness raising on the adverse effects of the worst forms of child labour, informing the public on the Convention or national law etc. Measures of prevention could also include access of all children to free compulsory basic education, or measures to keep children in school, to ensure education in remote areas or for particular groups, such as seasonal migrant workers, etc.
- ❑ Provide assistance to **remove** children from the worst forms of child labour, such as through a special Police Task Force. Measures should also aim at **rehabilitating and integrating** the children back into the community after they have been removed from worst forms of child labour. In some cases such rehabilitation will include psychological, medical or other help, for example, where children have been exploited in prostitution. Other measures may consist of a return to the child's family or inclusion in a shelter, or foster home.
- ❑ Give such children access to **free basic education** and vocational training. In certain circumstances this may only be possible if measures are taken to provide subsidies, help for books, meals, clothes, income replacement for their parents or other financial support. Measures to set up special educational programmes or special pedagogic support may be necessary to allow a child removed from worst forms of child labour to participate in a normal school.

- ❑ **Identify children at risk**, because the worst forms of child labour are often hidden from public attention. Measures should be taken to identify the risks and the children exposed to those risks. In order to identify and assist vulnerable children, measures could be taken to monitor the presence of children at school, involving the participation of teachers or school inspection. Measures could be focused on particular categories of children who are particularly vulnerable, such as children from a certain area, background or caste, indigenous children, school drop-outs, or children of migrant workers.
- ❑ Girls are often particularly vulnerable to exploitation in the worst forms of child labour. Their school education is often considered less important, their work may be seen as needed to replace or assist their mothers, and they are preferred in sectors such as child prostitution or domestic labour. **The special situation of girls** should therefore be taken into account.

All these measures should take into account education as an essential element of preventing and abolishing child labour. Also, such measures should be **effective and time-bound**. In other words, the measures should be specific, precise, formulate realistic objectives, and set a relatively short, realistic time-frame.

The **competent responsible authority** shall be designated for the implementation of the provisions giving effect to the Convention. The responsible authority may be a central authority or several authorities for the different aspects involved, or authorities may be designated at the level of the central government and at the local level. The responsibility for the implementation of provisions giving effect to the Convention may be given to existing authorities or to new authorities may have been created to that effect.



Effective implementation and enforcement

- What measures have been taken to ensure the effective implementation and enforcement of the national provisions giving effect to the Convention? Have reports or studies been drawn up on the implementation of the provisions giving effect to the Convention?

Sanctions

- What sanctions (in penal, labour, administrative and/or other legislation) exist? Indicate the sanctions that are in place for contravening the different legal provisions on the worst forms of child labour, as described by Article 3, and provide copies of the texts.
- Which authority is responsible for the application of the sanctions?
- What penal or other sanctions have been applied in practice to enforce the prohibition of each of the categories of worst forms of child labour (see also Part V of the Report Form)?

Education

- What measures have been taken to enhance the importance of basic education for all children? Have measures been taken to ensure that all children have access to free basic education? Have children removed from the worst forms of child labour been given access to free basic education and vocational training? Are those children benefiting from special incentives or programmes? Provide relevant documentation.

Prevention

- What measures have been taken to prevent the engagement of children in the worst forms of child labour?

Removal

- What measures have been taken to provide direct assistance for the removal and rehabilitation of children from the worst forms of child labour?

Identification of children at risk

- What measures have been taken to identify children at risk? Provide information on the children at special risk in your country.
- What measures have been taken to reach out to those children?

Special situation of girls

- What has been done to take into account, generally, the special situation of girls? Have measures been taken to take into account the special situation of girls in the importance of education and for the purpose of prevention, removal, access to free basic education, vocational training and identification of special risks?

Authority or authorities responsible for the implementation

- Which authority or authorities have been designated as responsible for the implementation of the provisions giving effect to the Convention?
- How is this implementation supervised?

International Cooperation

text of
article



Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

report form
questions



Please indicate any steps taken in accordance with the provision of this Article.

overview

This Article calls on ratifying States to work together in order to effectively prohibit and eliminate the worst forms of child labour. Bilateral or multilateral cooperation and assistance may be enhanced in several ways.

There may be cross-border aspects to the worst forms of child labour and effective measures for their effective elimination will depend on the collaboration of and coordination with other governments. Examples would be the elimination and prevention of transnational child trafficking for the purpose exploitation. In this case, governments may decide to set up counter-trafficking programs together, exchange information between police and justice departments or provide each other with mutual assistance in legal matters in order to apply national law against citizens abroad.

International cooperation and assistance may also include occasional or periodical meetings, sharing of experience and expertise, coordinated actions and technical cooperation, among neighboring countries or distant partners. This may also include development programs, such as funding programs on education, poverty eradication or against child labour. These programs may be carried out by national agencies, non-governmental organizations or international agencies, such as ILO-IPEC. See also Paragraphs 11 and 16 of Recommendation No. 190.



- What steps have been taken to enhance international cooperation and assistance, for instance by setting up programmes with other countries, exchanging information, proving mutual legal assistance, or providing financial assistance for programmes in the field of development, such as on poverty eradication, education, child labour, etc.? Indicate methods of cooperation as well as the institutions involved and provide relevant documentation.

checklist



Additional questions in the Report Form

These questions are aimed at providing a better understanding of certain aspects of the application of the Convention and giving a fuller overview of its practical application. Complete and precise information is required to that effect. Copies of the relevant texts should be supplied, with detailed reference where necessary.

Part III

- Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

overview

Judicial decisions are one aspect of the practical application of the provisions giving effect to the provisions of the Convention, particularly in the enforcement of prohibition or elimination of worst forms of child labour. These decisions do not necessarily have to focus on the Convention itself, but may deal with questions of interpretation of relevant legal provisions or with ordering certain practical actions.

Information should include for example, copies of judicial decisions, copies or extracts from official documents including the number of judicial decisions taken, the worst forms of child labour considered by the courts, etc.

Part IV

- Please give a general appreciation of the manner in which the Convention is applied in your country. Please indicate any practical difficulties encountered in the application of the Convention, or any factors which may have prevented or delayed action against the worst forms of child labour. If your country has received any assistance or advice under the ILO technical cooperation projects, such as the International Programme on the Elimination of Child Labour (IPEC), please indicate the measures taken accordingly.



- ❑ Have any practical difficulties been encountered in implementing the Convention?
- ❑ Have any factors prevented or delayed action against the worst forms of child labour?
- ❑ Are there any ILO or ILO-IPEC programmes in the country or has your country otherwise received cooperation in the field of child labour from the ILO?

Part V

- In so far as the information in question has not already been supplied in connection with other questions in this form — please supply copies or extracts from official documents including inspection reports, studies and inquiries, and, where such statistics exist, information on the nature, extent and trends of the worst forms of child labour, the number of children covered by the measures giving effect to the Convention, the number and nature of infringements reported, penal sanctions applied, etc. To the extent possible, all information provided should be disaggregated by sex.

Part V asks governments to provide information on the practical situation in the country, both as to the extent in which the worst forms of child labour occur as to the manner in which the provisions prohibiting these forms are being implemented. Certain types of information might have already been supplied when answering other questions. Other information however, can be added as a complement in answer to this question of the Report Form, particularly if it did not easily belong under one particular Article.

Part VI

- Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization. If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Part VI is a reminder of the obligation of article 23 (2) of the ILO Constitution. It requires governments to send copies of their reports to employers' and workers' organizations. The report should indicate the names of these organizations.

Part VII

- Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

Part VII refers where national or international organizations of employers or workers comment on the situation regarding the worst forms of child labour in the country and the application of the Convention. If so, a copy of such observations and the response, if any, to such observations from your government should be included.

- ILO Convention No. 182 on the Worst Forms of Child Labour
See at: <http://www.ilo.org/ilolex/english/convdisp1.htm>
- ILO Recommendation No. 190 on the Worst Forms of Child Labour
See at: <http://www.ilo.org/ilolex/english/recdisp1.htm>
- List of ILO Convention No. 182 on the Worst Forms of Child Labour Ratifications
See at: <http://www.ilo.org/ilolex/english/newratframeE.htm>
- Report form for ILO Convention No. 182 on the Worst Forms of Child Labour
See at: <http://www.ilo.org/ilolex/english/reportforms/pdf/22e182.pdf>
- International Programme on the Elimination of Child Labour (IPEC)
See at: <http://www.ilo.org/public/english/standards/ipec/index.htm>
- Frequently Asked Questions about Convention No. 182 and Recommendation No. 190 on the Worst Forms of Child Labour
See at: <http://www.ilo.org/public/english/standards/ipec/about/factsheet/faq.htm>
- Eliminating the Worst Forms of Child Labour: A Practical Guide to ILO Convention No. 182
See at: http://www.ilo.org/public/english/standards/ipec/publ/ipu_2002_gb_web.pdf
- Eliminating the Worst Forms of Child Labour under Time-Bound Programmes: Guidelines for Strengthening Legislation, Enforcement and Overall Legal Framework
See at: http://www.ilo.org/public/english/standards/ipec/themes/timebound/downloads/pp4_3en.pdf
- Regular Reporting Schedule
See at: <http://webfusion.ilo.org/public/db/standards/normes/schedule>

