

The effective abolition of child labour

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The effective abolition of child labour

Afghanistan

Note from the Office

The Office has never received a report from the Government since the start of the annual review process in 1999.

Armenia

Government

Recognition of this principle and right

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

There is no national policy, nor a plan aimed at ensuring the effective abolition of child labour. However, the Government intends to adopt one or both instruments by 2004.

National legislation establishes a general minimum age for admission to employment – 16 years for both boys and girls – which covers the following types of work:

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

National legislation defines hazardous work. The minimum age for engaging in this type of work is 23 years for both boys and girls.

Laws/regulations exist in Armenia with the aim of eliminating the worst forms of child labour, which covers work undertaken in casinos, nightclubs and restaurants, and in the production of alcohol, tobacco and chemicals.

Steps are currently being taken to amend existing legislation or introduce a new one to address the elimination of the worst forms of child labour. This includes a law on children's rights and a draft Labour Code.

As regards compulsory schooling, the ages of both boys and girls at the end of this period are 16-17 years, with a general requirement of 11 years or grades of instruction.

With respect to the worst forms of child labour, it is not known whether or not prostitution and other worst forms of child labour [apart from those which form part of this principle] exist in the country.

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

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

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil or administrative sanctions;
- free compulsory education;
- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers);
- vocational and skills training for young workers; and
- international cooperation programmes or projects.

Special institutional machinery, child rehabilitation following removal from work and awareness raising/advocacy are envisaged.

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

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions; and
- civil or administrative sanctions.

Special institutional machinery is envisaged.

Within these measures or programmes, special attention is given to the needs of orphans.

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

In relation to the abolition of child labour, the Government does not record any information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education or sanctions applied to users of child labour, neither does it undertake surveys that provide statistical information on the extent and/or nature of child labour.

Progress and achievements concerning this principle and right

Preparation towards the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), can be regarded as a successful example of special measures undertaken by the country to abolish child labour.

Priority needs for technical cooperation

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

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

Report preparation

In preparing this report, consultations were made with employers' and workers' organizations, as well as other governmental agencies. Comments were made by the social partners during discussions.

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Australia

Government

This report updates and supplements Australia's 2000 (GB.277/3/2), 2001 (GB.280/3/2), 2002 (GB.283/3/2) and 2003 reports to the Annual Review under the follow-up to the Declaration and should be read in conjunction with them.

NOTE: The term "Commonwealth Criminal Code" refers to the Criminal Code of the Australian Government.

Recognition of this principle and right

Federal

Further legislation enacted in 2002 (Division 73 of the Commonwealth Criminal Code) makes it a criminal offence to facilitate the illegal entry of a person from Australia into a foreign country for the purposes of exploitation. That legislation also criminalizes such activities engaged in by Australian citizens and residents outside Australia. section 233 of the Migration Act, 1958 (Australian Government) criminalizes the smuggling of persons into Australia.

As well as criminalizing sexual servitude domestically, Australia is also active internationally and within the region to combat people trafficking. For example, Australia signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (the Trafficking in Persons Protocol) on 11 December 2002. Ratification of the Protocol is currently being considered by the Australian Government.

Child prostitution

Child prostitution is prohibited by state and territory law. The Australian Government is firmly committed to working with the states and territories to effectively deal with child sex offenders. One means of achieving this is by developing child sex offender registers in each state and territory to monitor the movements and activities of persons convicted of sex offences involving children once they are released back into the community. New South Wales already has such a register and Victoria and the other states and territories are in the process of developing registers.

Child pornography

Possession of child pornography is prohibited by state and territory law. The Australian Government is currently developing offences targeting those who make child pornography available, or intentionally access it, on the Internet. Preparatory conduct, such as the possession or production of child pornography with the intention of making it available on the Internet will also be covered by the new offences.

The new offences will complement existing state and territory child pornography offences and customs offences, which criminalize the import and export of child pornography. They will carry a maximum penalty of ten years' imprisonment and will provide a means of prosecuting consistently Australia-wide those who trade in child pornography using the Internet. Material depicting children as victims of torture, cruelty or physical abuse will be covered by similar offences to those for child pornography.

Debt bondage and forced labour

Slavery and sexual servitude are offences in Australia (Division 270 of the Commonwealth Criminal Code).

The Australian Government recently amended the definition of “serious offence” in the Proceeds of Crime Act, 2002 (Australian Government) to include sexual servitude, slavery and deceptive recruiting for sexual services, people smuggling, false identity offences and child sex tourism offences.

The inclusion of these offences in the Proceeds of Crime Act (Australian Government) will enable the restraint and forfeiture of all the assets of a person found to have committed one of those offences. The amendments apply to both the civil forfeiture and conviction-based forfeiture regimes established in the Proceeds of Crime Act, 2002 (Australian Government).

In addition, it should be noted that the Australian Government signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on 21 October 2002.

States and territories

Australian Capital Territory

In the Australian Capital Territory (ACT), the principle of the effective abolition of child labour is recognized in legislation.

The Education Act, 1937, section 9A (Employment of children under school-leaving age), establishes a general minimum age for admission to employment which is 15 for both boys and girls and covers work performed in enterprises below a certain size and light work. However, it does not cover work performed in a family-owned/operated enterprise.

The ACT Children’s and Young Peoples Act, 1999, provides general exceptions to the prohibition that a child under 15 should not work.

section 371(1) permits a child to be engaged in a number of forms of light work, such as babysitting, delivering errands, golf caddying, clerical work, gardening, delivering newspapers or modelling.

section 371(2) provides that such work is not to be performed for more than ten hours each week unless certain approvals are sought from the relevant chief executive of an ACT authority. section 373 provides that work is not to interfere with schooling.

Under section 372, family businesses are exempted from the application of the Act where employment of a young child is in relation to a business, trade, occupation or calling carried on by a parent of the young child or by a company of which a parent of the young child is a director.

Hazardous work is defined by the ACT Children’s and Young Peoples Act, 1999, as work which is prejudicial to the health, safety or personal or social development of the child or young person or the ability of the child or young person to benefit from his or her education or training. Although the Children and Young Peoples Act, 1999 does not specify a minimum age for engaging in hazardous work, section 374(1) to (5) details how an application can be made to allow a child or young person to work in hazardous employment.

The laws/regulations in ACT aiming at eliminating the worst forms of child labour are detailed below:

- the ACT Children and Young Peoples Act, 1999, Chapter 10, Employment of children and young people (sections 367-378);
- the ACT Crimes Act, 1900;
- the ACT Prostitution Act, 1992; and
- the Classification (Publication, Films and Computer Games) Act, 1995.

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

In relation to compulsory schooling for children, under the ACT Education Act, 1937, Part 11, section 8(1), the age of both boys and girls at the end of this period is 15 years, with a general requirement of nine years/grades of instruction.

With regard to the worst forms of child labour in the country, debt bondage, serfdom, forced or compulsory labour, and forced recruitment for armed conflicts do not exist. However, it is not known whether the following exist:

- sale and/or trafficking;
- prostitution;
- pornography; and
- illicit activities, in particular production and trafficking of drugs.

Queensland

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

The Workplace Health and Safety Act, 1995, does not specify minimum age in its general legislative requirements. However the Act does impose general obligations on employers, self-employed persons, persons who conduct a business or undertaking (whether or not as an employer or self-employed person) and persons in control of workplaces, among others. These obligations are to ensure the workplace health and safety of workers, employers and self-employed persons in the conduct of the business. Further, there are obligations to ensure the workplace health and safety of each person who performs a work activity for the purposes of the business, and that other persons are not exposed to risks to their health and safety arising from the conduct of the business.

Section 119 of the Education (General Provisions) Act, 1989, imposes some limitations on work activities for children between the ages of 6 and 15 years. Under this section, a parent shall not employ or cause to be employed during the hours prescribed for attendance at school a child who is of compulsory school age. section 119 applies to all children of compulsory school age unless a dispensation is granted in accordance with section 115. The age of compulsory schooling is defined in section 2(1) of the Act as meaning “*not less than 6 nor more than 15 years*”.

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

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

The Queensland Government is currently developing legislation to increase the age of compulsory schooling so that it applies to a child until they complete year 10 or turn 16. This proposal is yet to be introduced into Parliament, and, if passed, would not commence until 2006. This will mean that the restriction on employment of young people (set out in section 119) will continue until the young person has completed year 10 or turned 16.

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

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

In 2003, the Queensland Commission for Children and Young People (CCYP) initiated a review of child labour in Queensland, with the primary purpose to ensure the rights, interests and well-being of children under 18 years are protected in paid and unpaid employment. The Commission is concerned with protection against potential abuse, exploitation and harm to children’s health and well-being, defined broadly to include their emotional, social and physical health and well-being. The Commission will canvass a range of possible options from criminal, industrial relations, education and child protection perspectives for enhancing the protection of children in employment. The Commission will also consider issues relating to minimum age for admission to employment. The review will also consider maximum hours of employment for young people and the sufficiency of existing child labour protection in Queensland.

Queensland’s legislation does not define hazardous work but section 5 of the Workplace Health and Safety Act, 1995, states that the Act applies to all workplaces, workplace activities and specified high-risk plant and section 6 states that it applies to everyone who may affect the health and safety of others because of workplaces, workplace activities and specified high-risk plant.

In Schedule 9 of the Workplace Health and Safety Regulation, 1997, “hazardous service” is defined as – “Anything normally connected to or used in a confined space that if introduced, activated or energized while someone is in the space would cause a health and safety risk to the person, for example: water connected to a water tank, and steam connected to a boiler”.

In Queensland the law does not specify a minimum age in its general legislative requirements for engaging in hazardous work.

The relevant laws and regulations in Queensland with the aim of eliminating any of the worst forms of child labour are described below.

The Industrial Relations Act, 1999, provides a framework for industrial relations that support economic prosperity and social justice for workers of all ages, and specifically for young people, states under s192(4) that the employer may not make a Queensland workplace agreement or an individual agreement with an employee who is under 18 years of age.

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

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

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

The Criminal Code provides certain age-related protections, for example:

- s210 – indecent treatment of children under 16;
- s215 – carnal knowledge with or of children under 16;
- s217 – procuring young person for carnal knowledge;
- s218A – using Internet, etc. to procure children under 16;
- s219 – taking children for immoral purposes; and
- s228 – obscene publications and exhibitions.

The Liquor Act, 1992, deals with adult entertainment and minors. This legislation makes it clear that minors cannot enter an adult entertainment area. This legislation does not apply to unlicensed venues.

While the Queensland Government has no plans, at this stage, to amend or create legislation on the worst forms of child labour the CCYP child labour review will consider the sufficiency of existing legislation.

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

The age of compulsory attendance at a school is determined by the Education (General Provisions) Act, 1989, (section 2, definition of age of compulsory attendance). Parents of children of compulsory attendance age are obliged to have their child enrolled and attend a state school or non-state school (section 114). Parents in breach of the obligation are liable for a fine (section 118). Further, parents of children of compulsory school age must not employ or cause children to be employed during the hours of

schooling (section 119 and section 20 of the Education (General Provisions) Regulation, 2000). The parental obligation can be displaced if the Minister has granted a dispensation (section 115). A dispensation may be granted if the child is being home-schooled, suffers a medical condition or has a contagious or infectious disease. It may also be granted for reasons of remoteness of the child's home or for a reason, which in the opinion of the Minister, is valid.

The Queensland Government is currently developing legislation to implement the Education and Training Reforms for the Future (ETRF). Under the ETRF proposed legislation to take effect in 2006 will make it compulsory for young people to stay at school until they finish Year 10 or have turned 16, whichever comes first. In addition, the proposed legislation will require young people to participate in education and training for a further two years or until they have gained a Senior Certificate or a Vocational Certificate III or until they have turned 17. This will be known as the compulsory participation phase.

In the compulsory participation phase, young people may choose to enter full-time employment, defined as at least 25 hours per week, and this will be deemed to be complying with the participation requirement. Alternatively, a young person's programme may include a combination of education and training and work. Provisions for exemptions in cases where young people are employed for less than 25 hours per week will be included in the amendments to the Training and Employment Act, 2000 (to be known as the Vocational Education, Training and Employment Act, 2000).

The school a young person is enrolled in will coordinate the young person's programme. This may include: education at the school; employment with an employer; and/or education at TAFE or with other registered training provided.

In Queensland there is no specific practice as such with regard to child labour, rather the Industrial Relations Act, 1999, and the Workplace Health and Safety Act, 1995, provide protection for all employees regardless of age.

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

The Textiles Clothing and Footwear Union of Australia (TCFU) undertook a campaign targeting outworker and child labour issues in the industry in 1998. The TCFU Queensland Branch found no evidence of the exploitation of child labour and although the campaign was conducted throughout the school holidays, there were only several instances where young people were working. In these instances young people, aged around 16 to 17 years, were working to assist outworkers. There was no conclusive evidence to suggest that children were forced to work at the expense of their education.

In the course of industrial relations services operations, no specific evidence has been found of child exploitation.

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

The entertainment industry has been identified as one where there is a potential for abuse of child labour. Complaints have been received about the discrepancies in regulation across jurisdictions.

The worst forms of child labour, for both boys and girls in the following area is suspected to exist in prostitution and pornography. The Prostitution Licensing Authority suspects that opportunistic child prostitution occurs in Queensland, mostly in areas where there are large groups of homeless children. This form of prostitution, which involves both young men and young women, largely occurs in an informal way, rather than in an organized fashion.

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

Tasmania

Reference should no longer be made to the Child Protection Act, 1976. That Act was repealed by the Children, Young Person's and their Families Act, 1997 (which commenced 1 July 2000).

The Children, Young Persons and their Families Act, 1997, defines a child as a person under the age of 18 years. section 7 identifies the object of the Act as providing for the care and protection of children in a manner that maximizes a child's opportunity to grow up in a safe and stable environment and to reach his or her full potential.

Division 1 of Part 9 of the Act deals with the appointment, functions and powers of the Commissioner for Children with relevant regard to the health, welfare, care, protection and development of children. It deletes material relating to the Child Protection Act, 1976.

Victoria

In Victoria, the principle of the effective abolition of child labour is recognized in legislation and in the Liquor Licensing Victoria's Code of Conduct, which governs the providers of live sexually explicit entertainment. The Code of Conduct provides that persons under 18 years of age are not permitted into areas being used for providing sexually explicit entertainment within licensed premises. Furthermore, the Bracks Government strongly supports ILO Convention No. 182 and registered Victoria's agreement to its ratification with the federal Government on 1 December 2000.

Principal legislation

The principal legislation through which the effective abolition of child labour is ensured in Victoria is as follows:

- Adoption Act, 1984;
- Children and Young Person's Act, 1989;
- Classification (Publications, Films and Computer Games) Enforcement Act, 1995;
- Community Services Act, 1970;
- Crimes Act, 1958;

- Dangerous Goods Act, 1985;
- Education Act, 1958;
- Mines Act, 1958;
- Occupational Health and Safety Act, 1985; and
- Prostitution Control Act, 1994.

Electronic copies of Victorian legislation may be found on the Internet at: <http://www.austlii.edu.au/au/legis>

Review of child employment legislation

In 2001-02, the Bracks Government reviewed Victoria's child employment legislation. The review examined the following:

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

In relation to international obligations, the review paid particular attention to the requirements of the ILO's core Conventions on the abolition of child labour, i.e., the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). The review was also informed by the child employment provisions of the United Nations Convention on the Rights of the Child and the UN CROC Committee's concerns about Australia's compliance with these provisions.

Proposed new child employment legislation

On the basis of the review findings, the Government developed the Child Employment Bill, 2002. This Bill was introduced into the Victorian Parliament on 9 October 2002 but lapsed due to the calling of the November 2002 Victorian election.

Subsequently, the Victorian Government re-introduced the Bill (the Child Employment Bill, 2003) into Parliament on 8 April 2003. The Bill has been passed by the Legislative Assembly and will be introduced into the Legislative Council later in this session of Parliament.

The objective of the Child Employment Bill 2003 is to protect the health, safety, morals and welfare of children at work and to ensure that work does not adversely affect their education.

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

An important provision of the Bill is that children can only be engaged in employment that falls within the definition of "light work". This definition accords with ILO Convention No. 138 and covers any work that first, is not likely to be harmful to a child's health, safety, moral or material welfare and secondly, will not prejudice a child's attendance at school or their capacity to benefit from instruction. Work that is inherently dangerous or that is performed in dangerous circumstances cannot qualify as light work. To aid in the interpretation of the definition of light work, the Bill provides some examples of activities that may constitute light work. Amongst other things, working in the entertainment industry, newspaper deliveries, and working as a sales assistant will be considered light work, where they accord with the broader definition.

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

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

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

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

Online copies of the Bill and the explanatory memorandum are available at: <http://www.dms.dpc.vic.gov.au/pdocs>

An online copy of the Minister's second reading speech is available at: <http://tex.parliament.vic.gov.au/bin>

The Bracks Government has a strong commitment to the elimination of child labour exploitation in Victoria. During its first term of office, the Government conducted a comprehensive review of Victoria's outdated child employment legislation and drafted new legislation, the Child Employment Bill, 2002, aimed at being fully effective in stopping exploitative practices and punishing offenders through much more substantial fines and prison sentences. The Bill was introduced into the Victorian Parliament on 9 October 2002 but lapsed due to the calling of the Victorian election in November 2002.

The Government renewed its commitment to eliminating child labour exploitation in its second term, including re-introduction of the Child Employment Bill to protect children under 15 who work. This commitment is incorporated in the Government's current policy statement: *Better Workplaces: Labour's plan for fairness and safety at work*, which is available online at <http://www.vic.alp.org.au/dl>.

While the Government believes that education should remain the priority for children under the age of 15, it recognizes that many children are in paid employment while still at school. The Government aims to protect children who work by ensuring that their education is not compromised by their employment and that they have positive and beneficial work experiences and safe working environments.

The general minimum age for admission to employment is 15 years for both boys and girls, which covers the following:

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

The new child employment legislation, when enacted, will cover most of these types of work. It will permit limited employment of children, essentially between the ages of 13 and 15 years, in light work only. The legislation will allow some exceptions for children as illustrated below:

- aged between 11 and 15 in delivering newspapers, pamphlets and making deliveries for pharmacies;
- any age in the entertainment industry;
- any age in their family's business;
- the minimum age requirements will not apply to light work in a family business;
- home work, other than light work in a family business, will be covered;

- work in small-scale agriculture will be covered, other than light work in family agriculture (e.g. farm chores).

There are, however, some variations in relation to certain industries where children must be older.

Children below the age of 15 years are not permitted to be employed in Victoria except as authorized under the Community Services Act, 1970. A review of this legislation has resulted in the Child Employment Bill, 2003, which seeks to repeal the child employment provisions from the Community Services Act and enact a new statute establishing a system of child employment regulation that accommodates a limited capacity for children under 15 years of age to work.

The Bill retains the current definition of employment, i.e. employment occurs when a child takes part or assists in any business, trade or occupation carried on for profit. This participation can be paid or unpaid and the child may be engaged as an employee or as a contractor.

The Education Act, 1958, complements the child employment legislation by making school attendance compulsory until the age of 15 years in Victoria.

Legislation does not define hazardous work in Victoria. However, the Occupational Health and Safety Act, 1985, which is the primary Victorian legislation sets out duties of care on a number of parties in the workplace, primarily employers. Instead of defining hazardous work or setting out detailed prescription in relation to hazardous work, employers must provide for employees a working environment that is safe and without risks to health. Similar duties apply in relation to manufacturers, designers, importers, suppliers, erectors and installers, in relation to plant and substances. A number of regulations under the Act are hazard-based and set out risk-management processes within a performance framework. These regulations deal with hazards such as lead, asbestos, noise, hazardous substances, manual handling, confined spaces, etc.

The Child Employment Bill 2003 makes it unlawful to employ a child in “prohibited employment”, defined in section 3 as any kind of employment that is prohibited by section 12. Employment categorized as prohibited under section 12, includes the following:

- door-to-door sales;
- deep-sea fishing; and
- employment on a building or construction site prior to lock-up stage.

The Victorian Government considers that these specific forms of employment present such a risk to children that employment should be prohibited in all circumstances. These prohibitions complement existing statutory prohibitions on children working in the mining industry, in prostitution or on licensed premises. So as to ensure that the prohibited forms of employment reflect contemporary circumstances, the Bill also provides the Governor in Council with the power to declare other kinds of employment prohibited.

The Bill permits only “light work”, defined in section 5 as work or any other activity that:

- is not likely to be harmful to a child’s health or safety, morals, material welfare or development; and

- is not such as to prejudice the child's attendance at school or their capacity to benefit from instruction.

The Bill provides examples of light work, which includes but is not limited to:

- going on errands;
- casual work in or around a private home;
- golf-caddying;
- clerical work;
- gardening;
- street trading;
- delivering newspapers, pamphlets or other advertising material and making deliveries for a registered pharmacist;
- entertainment;
- farming related chores; and
- working as a sales assistant in a shop.

In determining whether or not any work or other activity is "light work", the Bill requires consideration to be given to the nature and environment of the workplace or other place where the work or activity is, or is to be, performed.

Because Victoria's occupational health and safety legislation is performance-based rather than prescriptive, there are no minimum age requirements, except in dangerous goods regulations for explosives. These require that persons under 18 years cannot carry out certain activities unless accompanied by a trained person aged 18 years or older. There are no gender-based minimum standards in relation to hazardous work. If young persons are working, employers are required to take their age and related characteristics into account when undertaking risk management. The intention of the legislation is to eliminate the hazard or control the risks arising from the hazard, rather than excluding any worker from employment on the basis of age, gender, etc.

There are statutory prohibitions on children working in the mining industry (16 years and 18 years), in prostitution (18 years), in pornography (18 years), and on licensed premises (18 years).

Victorian law and practice substantially comply with Convention No. 182, prohibiting the worst forms of child labour as defined in that Convention. The few outstanding compliance gaps are being addressed to achieve full compliance as soon as possible.

The Bracks Government strongly supports Convention No. 182 and Victoria's agreement to ratification of this Convention was communicated to the federal Government on 1 December 2000.

Steps are being taken to amend/repeal legislation to address the elimination of the worst forms of child labour. Victorian legislation that may not fully comply with Convention No. 182 relates to the areas of child pornography offences and live sexually

explicit entertainment. Existing offences in relation to these areas substantially comply with Convention No. 182 and the compliance gaps are not extensive.

Child pornography offences fall within the scope of the Victorian Law Reform Commission's current review of existing legislative provisions relating to sexual offences. When the Law Reform Commission has concluded its review, the Government will consider what specific legislative changes or other measures may be required to meet its objective of full compliance with the Convention at the earliest opportunity.

The Government also intends to consider whether to implement the model offences relating to sexual servitude and deceptive recruiting for sexual services, prepared by the Model Criminal Code Officers Committee. However, it should be noted that Victoria already has a range of offences dealing with sexual servitude, including offences under the Prostitution Control Act, 1994, that relate to forcing a person into, or to remain in, prostitution and the offences of false imprisonment and kidnapping under the Crimes Act, 1958.

Victoria's general compliance with Convention No. 182 will be enhanced when the Child Employment Bill, 2003, is passed.

The age of a child at the end of compulsory schooling is 15 for both boys and girls and requiring 10 years/grades of instruction.

The situation in relation to child labour is that with limited exceptions, it is unlawful for a child under the age of 15 years to undertake employment in Victoria except in accordance with a child employment permit issued under the Community Services Act, 1970. Subject to all employment conditions being met to the satisfaction of the child employment officer, a child permit needs to be issued authorizing designated employment of an individual child by a specific employer for a set period of up to 12 months.

Under the Bill, the child's prospective employer and school are required to sign the permit application. The employer is also required to include details with the application form regarding the child's intended duties and hours of work.

Another modification to the current system, designed to ensure that a child's moral welfare is protected, is the introduction of a requirement for a police check of the criminal record of those people employing and directly supervising children in the workplace. This check must be conducted prior to the issuing of a permit or where the child's supervisor changes during the child's employment. The results of a person's police check may remain valid for 12 months subject to the person signing a statutory declaration that they have not been charged with an offence within that 12-month period.

Currently, there is no information about the nature or extent of the worst form of child labour.

Western Australia

The Western Australian Government is presently considering amendments to the Child Welfare Act, 1947, the Censorship Act, 1996 and the Criminal Code, 1913 in relation to the ILO's Worst Forms of Child Labour Convention, 1999 (No. 182) and protections against child pornography in a labour context.

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

Federal

With its focus on reducing poverty and achieving sustainable development, the Australian aid programme addresses the fundamental causes of child labour (poverty, the absence of compulsory and primary education, cultural and other factors) and related forms of exploitation of women and children in developing countries. Support for improved governance, in particular strengthening law and justice, human rights, democratic institutions and developing civil society, also contributes to an environment where child labour and other forms of exploitation are less likely to occur.

In addition to these broad contributions, Australia works with multilateral agencies, regional organizations, partner governments and non-government organizations in a range of ways to combat child labour and related problems more specifically. These activities are described below.

States and territories

Australian Capital Territory

Specific measures/programmes to enforce minimum age(s) for employment and to eliminate the worst forms of child labour have been implemented. These measures are as follows:

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

In the abovementioned measures/programmes special attention to the indigenous young people, including those working in the informal sector has been given through the Services to Indigenous People, 2001-04. Providing indigenous children with the same

opportunities for education, social and skills development as other children by ensuring services and programmes for Indigenous families in the ACT are culturally appropriate.

The government of ACT does not work with any multilateral agencies other than the ILO, bilateral donors and/or NGOs to combat child labour.

In ACT sanctions applied to users of child labour are recorded in relation to the abolition of child labour. Furthermore, in 1996 a survey was carried out, entitled 1996 Working life – ACT Young People to provide statistical information on the extent and/or nature of child work. The survey was presented separately by sex, by age (15-17 years), by occupation, type of activity (industry) and by number of hours worked.

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

Core funding to multilateral agencies

Australia continues to provide annual core funding for multilateral agencies whose mandate includes promoting and protecting the rights of women and children. This includes work in areas related to child exploitation.

Australia has provided A\$47.62 million in core funding to UNICEF since 1993-94 to support children and mothers, particularly in developing countries and those subjected to war or other human or natural disasters. Australia's funding also assists in strengthening the permanent child and welfare services of such countries. Australia is UNICEF's ninth largest government donor.

Australia has provided A\$4.3 million in core funding to the United Nations Development Fund for Women since 1991-92 targeted at international efforts to improve the position of women and to encourage interest in issues affecting women.

Australia has provided \$104 million in core funding to the United Nations High Commissioner for Refugees (UNHCR) since 1996-97 for protection and assistance for refugees.

Other activities to promote and protect children's rights

Australia's contributions to the Office of the High Commissioner for Human Rights (A\$200,000 in 2002-03) and the Asia Pacific Forum of National Human Rights Institutions (A\$500,000 in 2002-03) build developing countries' capacity to promote and protect human rights, including the rights of women and children. Annual meetings of the Asia Pacific Forum bring together human rights institutions, the United Nations, governmental and non-governmental organizations to consider regional approaches to addressing human rights concerns including issues such as people trafficking, child pornography and human rights education. The APF also provides training on key human rights themes for staff from human rights institutions, as well as individuals from governmental and non-governmental organizations engaged in promoting and protecting human rights.

Australia's Human Rights Dialogues with Viet Nam, China and, more recently, the Islamic Republic of Iran, address a range of human rights issues and have included specific discussions on children's rights and child labour. For example, Australia recently briefed China on Australia's handling of the child labour issue. This included describing how Australian law and practice fully meets the ILO's objective of ensuring the effective abolition of child labour, that Australia is unable to ratify Convention No. 138 due to technical reasons (though our law and practice meets the objectives of the Convention),

and that we are in the formal process of ratifying Convention No. 182 in order to demonstrate our commitment to eliminating the worst forms of child labour.

Through the Burma Human Rights Initiative, Australia delivered four workshops (total cost A\$78,000) between 21 October and 1 November 2002 on the UN Convention on the Rights of the Child (CRC) and Burma's Child Law for members of Burma's Child Rights Committees and Department of Social Welfare Staff. The workshops aimed to enhance participants' understanding, knowledge and awareness of child rights, particularly in relation to implementation and monitoring of the CRC. There were 70 participants in all, including some who had attended previous human rights workshops conducted by Australia.

Combating trafficking of women and children

Australia's aid programme works with a range of organizations to address trafficking of women and children:

- A\$900,000 in support of the UNDP-coordinated "*Trafficking of Women and Children in the Mekong Subregion Project*" (May 1999-December 2004), which aims to reduce the incidence of trafficking in women and children in the Mekong region through organizational capacity building and improving subregional and national communication and cooperation.
- A\$4.7 million to the International Organization for Migration (IOM) to support the *Return and Reintegration of Trafficked Victims* in Cambodia, the Lao People's Democratic Republic, Myanmar and Thailand (September 2000-September 2003), which aims to establish cross-border working arrangements for the return and reintegration of trafficked victims, especially vulnerable women and children.
- A\$280,000 to a smaller IOM project to *Establish Capacity in Thailand, Cambodia and Viet Nam to Better Handle and Protect Victims of Trafficking*, in particular women and children, through ratifying Conventions and legislating standards in and between these countries.
- A\$8.5 million to *Regional Cooperation to Prevent People Trafficking in South-East Asia* (March 2003-March 2006) – a regional project that aims to strengthen legal frameworks and regional cooperation between national contact points in ASEAN and China (Yunnan Province) to more effectively prevent trafficking in women and children.
- A\$50,000 for Asian government representatives to attend the February 2002 *Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime* ("Bali I").
- A further A\$280,000 to assist developing country representatives (including Cambodia, East Timor, Fiji, Kiribati, Lao People's Democratic Republic, Mongolia, Nauru, Papua New Guinea, Philippines, Samoa, Solomon Islands, Thailand, Vanuatu and Viet Nam) attend the *Second Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime* ("Bali II") in Bali on 29-30 April 2003, including the preparatory meeting.
- Australia also provided A\$5000 to assist regional representatives to attend the *ASEAN Workshop on Trafficking in Women and Children* held at Pattaya, Thailand, in June 2002.

Combating child sexual exploitation

End Child Prostitution, Pornography and Trafficking (ECPAT)/Childwise (Australia) was formed in 1992 and is affiliated with the international campaign to end child prostitution, which has 30 member countries. AusAID has supported ECPAT/Childwise since its establishment, most recently as described below.

Over two years (April 2002-April 2004), \$350,000 to build the capacity of national tourism administration staff and trainers to protect children from sexual exploitation in ASEAN tourist destinations. This will include the development of regional policy options for international standards and tourism industry guidelines. The project also seeks to contribute to longer term improvements in the protection of children in participating countries and more generally in the region.

Social services to support women and children

The following bilateral country programme activities involve local-level initiatives to protect and support women and children vulnerable to exploitation:

Philippines Vulnerable Groups Facility – Provides targeted funding to support essential Philippine government programmes for vulnerable groups including women, children, the urban poor, marginal or casual workers and indigenous and minority groups. The programme commenced in 1998-99. Funding of almost \$40 million has been provided to date, for programmes including the *Street and Urban Working Children Project* and the *Comprehensive Integrated Delivery of Social Services Programme (CIDSS)*.

UNICEF's Fifth Country Programme for Children (CPC V) in the Philippines – Australia's contribution of \$A12.3 million (2000-03) is supporting the Government of the Philippines to implement the Convention on the Rights of the Child through a national "Child-Friendly Movement" (CFM). The Programme will assist communities in their efforts to provide universal immunization, pre-natal care, child growth monitoring, education and child protection. It will support Local Government Units (LGUs) in establishing legislated frameworks that give priority to children through adequate investment in basic services.

South Asia Australian Community Assistance Scheme (\$2.1 million in 2002-03) – This small activities scheme has a strong focus on assisting the poor, particularly women and their children, in South Asia. Targeted activities include small-scale health, education and rural development activities aimed at very poor women and their children.

Pacific Children's Programme: Protecting Children From Violence – Under this \$2.5 million programme (April 2001-April 2004) Australia is cooperating with local organizations, communities and governments in addressing the physical, sexual and emotional violence and neglect of children in Fiji, Vanuatu and Samoa. The approach is one of prevention and in-country activities include collection of data, training, awareness raising, advocacy and community education.

Cooperation with Australian non-governmental organizations (NGOs) through the AusAID-NGO Cooperation Programme includes activities that focus on local level prevention and support:

Child Protection in Bangladesh, East Timor, PNG and Nepal (Australian contribution: \$316,588 in 2002-03) – This programme, being delivered by UNICEF Australia, is undertaking a range of initiatives to protect and promote the rights of children including:

- birth registration in Bangladesh;
- strengthening protection services in East Timor;
- data collection on child abuse and developing support services for victims of child abuse in PNG; and
- safeguarding working children from violence, exploitation and abuse in Nepal.

Children, Youth and Community Development Programme (Bangladesh, Lao People's Democratic Republic, PNG and Vanuatu) (\$231,041 in 2002-03) – This programme, being delivered by Save The Children Fund Australia, aims to increase awareness of child rights and to strengthen the capacity of local community groups to protect and promote the rights of children and youth. Specific objectives include protecting children against exploitation and abuse, and increasing children's participation in society.

Vocational Training for Working Children in Madurai in Southern India (\$43,705 over three years, 2000/01-2002/03) – The aim of this project, being delivered by OzChild, is to increase the opportunities for employment and self-sufficiency for children in Madurai in southern India. The project includes teaching children about their rights under the United Nations Convention on the Rights of the Child.

Support for women and children in conflict situations

In 2002, Australia launched the Peace, Conflict and Development Policy for the Government's overseas aid programme. This Policy provides a framework for improving the aid programme's ability, as part of the Government's broader efforts, to address conflict and instability. Women and children represent a significant proportion of displaced populations, and children are often recruited or conscripted to take an active role in conflicts. The aid programme will continue to support women and children in conflict situations, including through emergency education facilities, assisting with social rehabilitation and reintegration of war-affected children, and encouragement of women as peace-brokers.

Australia has contributed to the following UNICEF programmes that support women and children affected by conflict:

- *Child Soldier Reintegration Programme* in Sierra Leone (\$950,000 in 2002-03);
- *Basic Education, Psycho-social and Advocacy for the Children affected by Armed Conflict* in Uganda (\$750,000 in 2002-03);
- *Protecting Displaced Children* in East Asia and the Pacific (\$1.5 million January-December 2003);
- *Support for Afghan Refugees* in Pakistan (\$1.7million February 2003-March 2004); and
- *Providing Protection and Nutrition for Children* in Iraq (\$2 million April 2003-March 2004).

In addition, in October 2002 AusAID provided \$0.4 million for the rehabilitation of child soldiers in Sri Lanka project, which will be implemented by the ILO.

Refugee programmes

In addition to core funding to the UNHCR mentioned above, support has been provided to specific UNHCR refugee programmes, principally in the Asia, the Middle East and Pacific region.

For example, in 2002-03, Australia provided \$5 million to UNHCR for its programme to protect and assist refugees and asylum seekers in countries in East Asia and the Pacific, including counselling and protection services for children.

Immigration cooperation

Australia is working to help build the capacity of national immigration departments in the Asia-Pacific region, including through enhanced border control and management and strengthened domestic immigration laws.

For example, AusAID provided \$50,000 in 2002-03 for the Australian Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) to assist the Government of Cambodia draft legislation to enact people smuggling as an offence in domestic Cambodian law.

Northern Territory

As noted in the Northern Territory's 2002 report, it has been identified that legislative amendments are required with respect to the following:

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

In respect to Article 3(b) of Convention No. 182, the Northern Territory Department of Justice was advised that legislative amendments would need to be enacted to ensure compliance with the Convention. At that time, the Department of Justice agreed to review the relevant sections of the Northern Territory's Criminal Code. However this work has yet to be undertaken due to other priorities.

In respect of Article 3(d) of Convention No. 182, the Community Welfare Act may require amendment in order to ensure compliance and the Minister for Health was appraised of this in October 2002. The Northern Territory's Department of Health and Community Services is currently undertaking a review of the Community Welfare Act and negotiations continue with the Department in relation to this issue.

The Community Welfare Act can be viewed at: <http://notes.nt.gov.au/dcm/legisla>

Queensland

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

- The establishment of the Commission for Children and Young People in February 2001 under the Commission for Children and Young People Act, 2000. The new Act provides for the establishment of the Commission as an independent statutory body to

protect and promote the rights, interests and well-being of all children in Queensland under 18 years of age.

- The Commission for Children and Young People Act, 2000, provides the Commission with the function of monitoring and reviewing laws, policies or practices which impact on the rights, interests and well-being of children in Queensland. The Commission also has a role in advocating for children in relation to matters which affect them.
- In addition, any Queensland child may express a concern to the Commission about an issue affecting them. Accordingly, if a child or someone acting on their behalf, had concerns or a complaint about any aspect of child labour, the Commission may advocate on their behalf at an individual as well as a systematic level. Queensland is one of the few jurisdictions in the world which has established an advocate and ombudsman specifically for children.
- The Commission's current review of child labour will involve research, consultation, and recommendations to government on any required strategies to enhance the protection of children in employment.

The Queensland Government has also introduced various programmes, policies and initiatives that address the needs of young people.

Queensland chairs the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) Ministerial Subcommittee on Young People's Transitions, which is developing options to strengthen pathways for young people who are disconnected or at risk of becoming disconnected from society. A most significant outcome of the Subcommittee has been the development of a Ministerial Declaration, STEPPING FORWARD – improving pathways for all young people.

The Declaration demonstrates ministers' commitment to providing leadership and establishing a common direction to make a difference to the lives of all young people, including those who are at risk, disconnected or in vulnerable circumstances, by increasing their social, educational and employment outcomes. This is reflected in the appointment of Youth Support Coordinators, a major component of the support strategy for young people in the ETRF. This is a combined initiative of the Department of Employment and Training, Education Queensland and the Department of Families.

Relevant state and Commonwealth ministers, including the Minister for Employment, Training and Youth Affairs (MCEETYA), the Minister for Education, and the Minister for Families, have signed the Declaration. The Declaration was formally endorsed by MCEETYA at the July 2002 meeting.

In Queensland, steps have already been taken to progress the intent of the Declaration. In April 2002, the Minister launched a Youth Participation Charter for Employment and Training and Youth Affairs. The Charter will guide the way the Government involves young people in policy, programme and service development.

In addition it is proposed to attach a copy of the Declaration to the two pieces of legislation being developed to implement the ETRF. The legislation will reflect the intent of the Declaration and seek to foster a community commitment to work together to achieve better outcomes for young people.

Specific measures/programmes to enforce minimum age(s) for employment have been implemented in the country. These measures are as follows:

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

In the abovementioned measures/programmes special attention has been given to the needs of particular groups of children.

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

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

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

The Department of Families has allocated funds for youth outreach services in Logan City, Brisbane, Cairns, Mount Isa and on the Gold and Sunshine Coasts specifically designed to identify and reach out to children at special risk, particularly young women at risk of entering prostitution. These agencies provide services such as support and practical assistance, health information, needle exchanges, skills development, peer support, information and referral and counselling.

The Queensland Government released the “Education and Training Reforms for the Future: A White Paper” in November 2002.

These proposed reforms, developed in partnership with business, industry, government and community groups, offer local, relevant and flexible education and training options targeted to 15-17 year olds, with trials commencing from July 2003. The proposed reforms with respect to post-compulsory education and training aim to address the needs of young people aged 15-17 years, who are not engaged in school, training or employment. These reforms are intended to address many of the challenges confronting

education and training systems today, while embracing the principles of the National Goals for Schooling in the twenty-first century.

Legislation is currently being drafted to change the school-leaving age from 15 years of age to 16 or when the young person has completed Year 10. There will then be an additional requirement for young people to continue to participate in schooling, vocational education or training or work.

To meet the needs of young people, the Department of Employment and Training will work collaboratively with communities and with Education Queensland to increase pathways from school to work to more appropriately to meet the learning and earning needs of all young Queenslanders.

Strategies include local planning to provide well-organized links between education, training and work, tight-knit assistance for those at risk of leaving school early and access to good information and guidance.

The Youth Access Programme continues to provide pathways to further education, training and employment for “at risk” high school students. For 2003, a further A\$2.5 million has been allocated to the Youth Access Programme. Due to the importance of this intervention programme the department will re-prioritize training funding to allow this initiative to continue into the future.

Queensland is working to increase the number of school-based skill centres, particularly in regional and remote Queensland indigenous communities, to enable young people (or Year 11 and 12 equivalents) access to vocational education and training without having to leave their communities.

The Department of Employment and Training is implementing the Cape York Youth Development Strategy in partnership with the Department of Aboriginal and Torres Strait Islander Policy. From 2003-04, each Cape York community will have the opportunity to identify its own youth development priorities using an “active partnership” model that will focus on the use of established protocols such as negotiation tables and community action plans. This aims to support Cape York communities and their young people to engage in meaningful implementation of youth development opportunities.

The Queensland Government works with multilateral agencies (other than the ILO), bilateral donors and/or NGOs to combat child labour. Furthermore, there is liaison between various government agencies in relation to alleged incidences of child prostitution and pornography.

The Government of Queensland does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or sanctions applied to users of child labour as it is a federal matter. However, the CCYP child labour review will involve research on the current context for children at work in Queensland, and a public consultation process will invite feedback from young people, governmental, non-governmental, and community stakeholders.

The Australian Bureau of Statistics population census currently collects workforce data for children over 15 years.

Victoria

The table below shows the areas where specific measures have been implemented/envisaged to bring about the effective abolition of child labour and the elimination of the worst forms of child labour:

	Measures to enforce minimum age(s) for employment		Measures to eliminate the worst forms of child labour	
	Implemented	Envisaged	Implemented	Envisaged
Legal reform		√		√
Inspection/monitoring mechanism	√		√	
Penal sanctions	√		√	
Civil or administrative sanctions	√		√	
Special institutional machinery	√		√	
Free compulsory education	√		√	
Employment creation/income generation	√		√	
Social assistance (e.g. stipends, subsidies, vouchers)	√		√	
Vocational and skills training for young workers	√		√	
Awareness raising/advocacy	√	√		
Other measures		√		

The Victorian Government operates the web site Youth Rights @ Work (at <http://www.youth.vic.gov.au/youth>) to inform and assist young people (many of whom enter the workforce with little or no basic information about wages, conditions, health and safety issues, or more complex issues about how to resolve conflict at work) as to their rights in the workplace. Youth Rights @ Work assists young people with basic levels of information, and also offers referrals to other governmental and non-governmental organizations that can assist with a range of problems.

Once the Child Employment Bill, 2003, is passed, the Department of Innovation, Industry and Regional Development will recruit additional child employment officers to undertake education activities in relation to the provisions of the new legislation. These activities will be targeted towards employers, schools, parents and children.

In these measures or programmes, special attention is given to the needs of particular groups of children, including those in the informal sector.

In order to more appropriately regulate the employment of children in the entertainment industry, which is a significant employer of children of all ages in Victoria, the Child Employment Bill, 2003, provides for the development of a mandatory code of

practice. This code will be developed in consultation with industry, union and government stakeholders and will come into effect within 12 months of the Bill being enacted.

The Occupational Health and Safety Act is framed around the involvement of employers' and workers' organizations in the development and implementation of health and safety legislation, and in the programmes and projects which are intended to achieve the social objectives of the legislation, namely, prevention of workplace injury and illness.

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

No survey has been undertaken to provide statistical information on the extent and/or nature of child work. However, the Victorian Government is seeking the collection of statistical information on the extent and nature of the employment of children under 15 by the federal Government's statistical agency, the Australian Bureau of Statistics.

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

Progress and achievements concerning this principle and right

Australian Capital Territory

The ACT in 2000, introduced amendments to the Crimes Act, 1900, which prohibits sexual servitude, is a major change from the report on the principle of the effective abolition of child labour, under the Declaration follow-up submitted previously by the Government of ACT.

Queensland

The measures undertaken by the Queensland Government, described below are regarded as successful examples in the abolition of child labour:

- the ongoing role for industrial inspectors who have direct contact with workplaces and are able to assess the situation with regard to child labour; and
- the establishment of the Young Workers Advisory Service which provides a confidential and supportive free service to assist young people on work-related matters.

The CCYP child labour review is a new initiative introduced by the Queensland Government.

Difficulties concerning the realization of this principle and right

Queensland

As described above, the CCYP is undertaking a review into child labour in Queensland. The primary purpose of the review is to ensure the rights, interests and well-being of children under 18 years are protected in paid and unpaid employment. In carrying out its review, the Commission will need to consider if there are any obstacles preventing the effective abolition of child labour. The Commission is concerned with protection against potential abuse, exploitation and harm to children's health and well-being, defined broadly to include their emotional, social and physical health and well-being. The

Commission will canvass a range of possible options from criminal, industrial relations, education and child protection perspectives for enhancing the protection of children in employment.

Victoria

There are no obstacles to realizing the principle of the effective abolition of child labour in Victoria. As indicated above, the Victorian Government actively supports the ratification of Convention No. 182 and is addressing minor compliance gaps to achieve full compliance in law and practice at the earliest opportunity.

Priority needs for technical cooperation

Australian Capital Territory

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

Queensland

The Government of Queensland reports that the issue of need for technical cooperation is a federal matter.

Victoria

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

Report preparation

Australian Capital Territory

In preparing this report, consultation was held with ACT Bureau of Statistics – information regarding research into young people and employment in the ACT. However, neither employers' nor workers' organizations were consulted nor any comments were received from them.

Queensland

In preparing this report, consultations were held with governmental agencies.

Victoria

The Victorian report is the product of consultation with the Department of Innovation, Industry and Regional Development, WorkSafe Victoria and the Department of Justice.

Consultation with employers' and workers' organizations is the responsibility of the federal Government.

Azerbaijan

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Observation submitted to the Office by the Azerbaijan Entrepreneurs Confederation (AEC)

Recognition of this principle and right

In Azerbaijan, the principle of the effective abolition of child labour is recognized in the Constitution and legislation [Azerbaijan ratified in May 1992 the Minimum Age Convention, 1973 (No. 138)].

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

[Reference is made to the application of ratified Convention No. 138.]

The minimum age for working in hazardous work is 15 years for both boys and girls. Legislation defines hazardous work as working conditions with much noise and vibration above identified norms, non-favourable climatic conditions, specific working conditions in industry, e.g. under ground, mining, metallurgy, etc.

The following laws exist with the aim to eliminate the worst forms of child labour:

- Law on Rights of Children, 19/05/98, article 28;
- Labour Code, 01/06/99; and
- Criminal Code.

Steps are currently being taken to repeal/amend existing legislation to address the elimination of the worst forms of child labour. Introduction of compulsory schooling and the ratification of Convention No. 138 are the steps taken to achieve that end.

As regards compulsory schooling, there is a general requirement to complete 11 years/grades of instruction.

Worst forms of child labour – such as debt bondage, serfdom, forced or compulsory labour; prostitution; pornography; illicit activities, in particular production and trafficking of drugs, etc. – do not exist in the country.

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

Specific measures/programmes have been implemented in the country to bring about the effective abolition of child labour.

The following shows the areas where specific measures have been implemented to bring about the effective abolition of child labour:

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

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

In relation to child labour, the Government records the following information:

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

The last population census was held in 1999 and the lowest age of persons for whom questions were asked about economic activity was 15 years.

Difficulties concerning the realization of this principle and right

Poverty and orphanhood are the main obstacles to realizing the principle of effective abolition of child labour.

Priority needs for technical cooperation

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

Type of technical cooperation needed	Ranking
Legal reform	2
Policy advice	2
Capacity building of responsible government institutions (e.g. labour inspection and administration)	2
Training of other officials (e.g. police, judiciary, social workers, teachers)	1
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	1
Employment creation, skills training and income generation	1

Type of technical cooperation needed	Ranking
Social protection systems	2
Awareness raising, legal literacy and advocacy	2
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	2
Inter-institutional coordination	1
Special programme for the elimination of the worst forms of child labour	1

Bahrain

Government

There has been no change since the last report. [Bahrain ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

Bangladesh

Government

Since the Government's last report, there has been no change in Bangladesh in relation to the principle of the effective abolition of child labour. [Bangladesh ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

Cambodia

Government

Recognition of this principle and right

In Cambodia, the principle of the effective abolition of child labour is recognized in the Constitution, legislation, judicial decisions and collective agreements. [Cambodia ratified in 1999 the Minimum Age Convention, 1973 (No. 138).]

In 1992, Cambodia ratified the United Nations Convention on the Rights of the Child.

Article 48 of the Constitution guarantees the right to life, education and protection during wartime and from economic or sexual exploitation. The State also protects children from acts that are detrimental to their educational opportunity, health and care.

There is a national policy/plan aimed at ensuring the effective abolition of child labour in Cambodia. The Government has drafted new legislation to prohibit children from working.

Under paragraph 1 of article 177 of the Labour Code, the general minimum age for admission to employment is 15 for both boys and girls, which covers the following types of work:

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

- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- family and small-scale agriculture; and
- light work.

However, national legislation does not establish a general minimum age for admission to employment for work performed in export processing zones.

National legislation defines hazardous work examples of which include prostitution, mining, working under extremely hot conditions and working in high buildings. Under article 177.2 of the Labour Code, the minimum age is 18 for any employment or work which, by its nature could be hazardous to the health, safety and well-being of an adolescent. These types of employment or work are determined by regulation from the Ministry of Labour, in consultation with the Labour Advisory Committee.

Under article 177.3 of the Labour Code, notwithstanding provisions of paragraph 2 of the same article, adolescents aged 15 can take employment upon authorization of the Labour Advisory Committee, if their health, safety, or well-being is guaranteed and if they receive specific and adequate instruction or professional training in the corresponding area of activity.

Under article 173 of the Labour Code, the Ministry of Labour, through regulations, shall determine the different types of work that are considered dangerous or too strenuous and that shall be prohibited to children aged less than 18 years. Regulations shall also determine the special conditions under which a minor can be employed in unsanitary or dangerous establishments where employees are exposed to procedures or materials hazardous to their health.

Under article 174 of the Labour Code, a person less than 18 years old is prohibited from employment in underground mines and quarries. The Ministry of Labour shall determine the special working and apprenticeship conditions for minors between 15 to 18 years to work in underground sites.

Under article 175 of the Labour Code, children, employees, labourers, or apprentices less than 18 years old are prohibited from performing night work in any enterprise covered in article 1 of the Labour Code. Regulations issued by the Ministry of Labour determine the conditions under which exceptions have to be made for children over 16 years of age to work at night. Regulations have covered the following:

- for work performed in the industries listed below, which because of their nature must operate continuously day and night:
 - iron and steel factories;
 - glass factories;

- paper factories;
 - sugar factories;
 - mineral refineries; and
- when an act of God interferes with the normal operation of an establishment.

Laws/regulations exist in Cambodia with the aim of eliminating the worst forms of child labour and currently further regulations are awaiting the approval of the Council of Work.

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

The worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; pornography; illicit activities, in particular production and trafficking of drugs are believed or suspected to exist amongst both boys and girls. Girls are also believed or suspected to work in salt fields, rubber farms, fishing, constructions and as housemaids.

Cambodia is implementing the activities covered by workshops and seminars concerning the principles of Convention No. 182.

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

Specific measures/programmes have been implemented and others are envisaged in the country to bring about the effective abolition of child labour. [Reference is also made to specific measures taken in application of ratified Convention No. 138.]

The table below shows the areas where specific measures have been implemented and those which are envisaged to bring about the elimination of the worst forms of child labour.

	Measures to eliminate the worst forms of child labour	
	Implemented	Envisaged
Legal reform	√	√
Inspection/monitoring mechanism	√	√
Penal sanctions		√
Civil or administrative sanctions		√
Special institutional machinery	√	√
Free compulsory education	√	√
Vocational and skills training for young workers	√	√
International cooperation programmes or projects	√	√

Within these measures/programmes, special attention has been given to particular groups of children including those working in the informal economy. Emphasis has been put on improving conditions and vocational training. Efforts have been made to solve

problems relating to orphans and prostitutes and to meet that end, the Government works closely with the following organizations:

- UNICEF;
- World Vision;
- Krusar Thnmeay;
- Mitt Sam Lanh Organization;
- Royal Government;
- Cambodia Human Right;
- Central Defence for Children Rights;
- Children's Fund of England;
- Woman Development Association of Cambodia;
- Team of Eliminated Prostitutes;
- Violated and Exploited Children; and
- Human Right Census and Defence.

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

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

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

During the fifth session of its first legislature, the National Assembly, adopted the Law to eliminate kidnapping, trafficking and exploitation of human beings, which states the following:

Any person who lures a human being for trafficking, whether male or female, minor or adult of whatever nationality by way of enticing or other means, by promising to offer money or jewellery with or without consent from the concerned person, by ways of forcing, threatening or using hypnotic drugs, in order to kidnap him/her for trafficking/sale or for prostitution, shall be subject to imprisonment between 10 to 15 years. In the case where the minor is less than 15 years old the imprisonment shall be between 15 to 20 years.

Accomplices, traffickers/sellers and buyers shall be subject to the same punishment as the perpetrators. Accomplices include those who provide money or other means for committing the offence.

The Government carries out surveys every three years that provide statistical information on the extent and/or nature of child work. The results are presented by sex, age (5 to 17 years), occupation, type of activity and by number of hours worked.

The last population census was held in 1998 and the lowest age of persons for whom questions were asked about economic activity was 15.

Progress and achievements concerning this principle and right

The Government reports that the implementation of specific policies can be regarded as successful in the abolition of child labour. Since the Government's last report, the major changes in relation to this principle are the following:

- legal reforms;
- policies;
- institutional framework; and
- different programmes.

Difficulties concerning the realization of this principle and right

Lack of resources is the main obstacle to realizing the principle of the effective abolition of child labour.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Cambodia, particularly in the following areas:

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

Report preparation

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

In response to a copy of the report sent to them, the employer's organization stated that there is no child labour in supervised regions.

In addition comments have been received from the Inter-Trade Union's Committee on Child Labour.

Canada**Government**

There are no changes to the information previously provided.

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

In 2003, the Government continued to support the ILO's International Programme for the Elimination of Child Labour (IPEC), contributing CAN\$3 million to projects in Central and South America and the Caribbean.

As part of its social development priorities, the Canadian International Development Agency (CIDA) has committed to quadrupling its investment in the area of child protection over the five-year period ending in 2005 for a total of CAN\$122 million. Children affected by armed conflict and child labour were selected as areas of strategic focus.

CIDA undertakes a number of projects that support the rights of children to be protected from exploitive and harmful forms of child labour. All programming branches fund projects that address the needs of child labourers in order to protect them from abuse and exploitation. Current projects include an initiative with child labourers in Egypt that is piloting ways of involving children in the development, implementation and monitoring of the project itself. In addition, the Child Protection Research Fund is supporting a research project in the tribal villages of Rajasthan, India, that focuses on child labourers and the extreme discrimination children face because of their tribal identity.

Current CIDA programming that specifically supports child labourers focuses on the prevention of harmful child labour and the removal of children from the worst forms of child labour, as well as helping child labourers in non-harmful work gain the knowledge, tools and opportunities they need to achieve their full potential. These initiatives work to address the immediate needs of child labourers by supporting access to quality formal and non-formal education, working to reach children in hidden work (e.g. girls in domestic service), vocational training and income-generating activities for child labourers and their families.

The Canada Fund for Africa will provide CAN\$6 million to support the work of War Child Canada and Defence for Children International-Canada in promoting the human rights of children and in raising awareness of war-affected children, including work in northern Uganda on reintegration of child soldiers, with an emphasis on girls. CIDA is also supporting research on the role of girls in armed groups in three countries, including Uganda, through the Child Protection Research Fund. The research focuses on the often-

overlooked issue of the involvement of girls in conflict situations and the findings are already being used to strengthen policy and programming in child protection.

In November 2002, the CIDA announced a Canadian contribution of CAN\$2.5 million to provide technical and vocational training for street children in Haiti. This initiative will help 300 young people in Port-au-Prince and 1,500 girls and boys living in rural areas to learn basic skills that will allow them to enter the job market.

CIDA is also contributing CAN\$300,000 over three years to the Inter-American Children's Institute (IACI) for a child labour project to advance children's rights in Latin America and the Caribbean (LAC) in accordance with the UN Convention on the Rights of the Child and the Worst Forms of Child Labour Convention, 1999 (No. 182). The worst forms of child labour in LAC are high-risk work, prostitution, child soldiers (Colombia), drug trafficking and domestic child servitude. The objectives of this project are:

- to increase advocacy and dialogue on children's rights in LAC;
- to influence development and implementation of child labour policy; and
- to increase the IACI's capacity to mobilize external resources.

The CIDA Child Development Fund (Phase II; 2002-03) is providing CAN\$500,000 over three years to contribute to the protection and promotion of child rights by reducing child labour in selected Indian States. The five components of the project are:

- decrease in prevalence of child labour in sub-project areas of selected States;
- increased access of marginalized children to primary education and other development opportunities in sub-project areas;
- increased coordination and collaboration amongst NGOs and other stakeholders in protecting child rights;
- increased capacity of project partners to advocate effective child rights policies and programmes; and
- increased awareness of child rights amongst Indian civil society and other key players (such as police, judiciary, teachers, policy-makers, parents, employers and communities).

Cape Verde

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Chad

Government

Recognition of this principle and right

[Chad ratified in 2000 the Worst Forms of Child Labour Convention, 1999 (No. 182). As regards the Minimum Age Convention, 1973 (No. 138), ratification has not yet been registered, due to the fact that the relevant declaration has not yet been received by the ILO.] The principle of the effective abolition of child labour is contained in national law concerning the minimum age of employment as follows:

- the lowest age is 12 years for family work;
- the average age for some work is 14 years; and
- the normal minimum age is 15 years.

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

The Government has given priority to the training of inspectors in child labour, so that every inspector can check for compliance with social legislation and the ILO Conventions. For this purpose, several subjects are taught, some of them relating to several of the provisions of the Labour Code, 1996:

- working hours (articles 194-203);
- night work (articles 204-207); and
- rest and holidays (articles 208-223).

There is no new statistical information on the application of Convention No. 138.

Progress and achievements concerning this principle and right

There have been no changes concerning the law and practice on the minimum age of employment.

Report preparation

No comments have been made by the Chad National Employers' Council or the Chad Trade Union Federation.

Colombia

Government

Recognition of this principle and right

In Colombia, the principle of the effective abolition of child labour is recognized in Presidential Decree No. 859 of May 1995, Law 789 of 27 December 2002 and the National

Policy for the Progressive Eradication of Child Labour and the Protection of Young Workers. [Colombia ratified in 2001 the Minimum Age Convention, 1973 (No. 138).]

[Reference is made to the application of ratified Convention No. 138.]

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

[Reference is made to the application of ratified Convention No. 138.]

In accordance with the National Development Plan 1998-2002 *Change for peace*, the Ministry of Labour and Social Security strove to draw up a policy for the prevention and abolition of the worst forms of child labour and the protection of young workers, based on the relevant international instruments and the national legislation, taking into account the urgent need to reconstruct the social fabric in Colombia in order to attain sustainable economic development and social cohesion.¹

Historical overview of child labour policy development

[Reference is made to the application of ratified Convention No. 138.]

Thanks to the work carried out so far in this area by the various interlocutors involved, a picture of the extent and seriousness of the problem has emerged. The social consequences unleashed by the breakdown of society, the worsening of the internal armed conflict and the economic crisis sweeping the country make it imperative that the Ministry increase its efforts within a clearly defined framework of institutional unity of action, in order to fully restore the rights of those children who, because of their early entry into the workforce, find themselves working in situations where their health, development and lives are at risk, or where they are being exploited, abused, left without labour protection or are in danger of becoming pregnant at an early age.

The development of the principles of fairness, efficiency, quality and applicability in the realization of rights and not just of the pledge of services and the decentralization of social policy and its implementation at a local level, calls for other ways of understanding and approaching the design of public policies, so that they are not merely a temporary answer to governmental commitments but a guarantee of the realization of the citizens' basic rights as defined in the National Constitution, giving rise to the development of "capacity building".

The Ministry of Social Protection has taken a leading role in complying with the international commitments made by Colombia regarding the prohibition and elimination of the worst forms of child labour and the protection of young workers (minors). Consequently, the Ministry will be responsible for ensuring that all public policies are sustainable in guaranteeing the elimination of the worst forms of child labour and the protection of young workers in the long term.

As mentioned above, at the international level, Colombia participated in the World Summit for Children in 1990 and committed itself to the World Declaration on the Survival, Protection and Development of Children and Plan of Action. Consequently, in 1991, the country developed and implemented the National Plan of Action for Children,

¹ Act No. 508 of 1999, National Development Plan, *Change for peace*.

which set specific objectives in the fields of health, nutrition, drinking water and basic sanitation, education and special protection for children in particularly difficult circumstances. The last of these objectives involves the progressive eradication of child labour and protection of young workers.

In 1994, Colombia organized the Second Ministerial Meeting on Children and Social Policy. This led to the ratification of the Nariño Accord, which reiterated the commitment to progressive eradication of child labour and protection of young workers. In 1997, Colombia hosted the First Ibero-American Tripartite Meeting at the Ministerial Level on the Elimination of Child Labour, which was attended by ministers of labour and representatives of employers' and workers' organizations from over 20 countries. This Meeting led to the signing of the "Cartagena de Indies Declaration on the Elimination of Child Labour", which included commitments regarding economic and social policy development as a means of progress towards eradicating child labour and guaranteeing the conditions for the all-round development of the most vulnerable population groups in each of those countries. It also called for an end to the worst forms of child labour, including those performed in slave-like conditions; forced or compulsory labour, including servitude in general and debt bondage; the involvement of children in prostitution and the production of pornographic materials or shows; the involvement of children in narcotic and psychotropic substance production; the involvement of children in dangerous or hazardous work; the use of children as substitutes for adult labourers; and the involvement of very young children in the labour market.

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

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

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

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

Furthermore, in 1995, Presidential Decree No. 0859 was adopted. This provided for the creation of the Inter-institutional Committee for the Eradication of Child Labour and the Protection of Young Workers, headed by the Ministry of Labour and Social Security and with the participation of the Office of the President; the Presidential Council on Social Policy; the National Planning Department; the Ministries of Health, Communications and Education; the Colombian Institute for Family Well-being (ICBF); the National Apprenticeship Service (SENA); the National Department of Statistics (DANE); the Office of the Parliamentary Commissioner; international organizations and programmes including

the ILO's International Programme on the Elimination of Child Labour (IPEC) and the United Nations Children's Fund (UNICEF); representatives of employers' and workers' organizations; non-governmental organizations (NGOs); and various national bodies.

The aforementioned Committee designed and implemented the Plan of Action for the Elimination of Child Labour and the Protection of Young Workers 1995-98, with the support of the ILO and its IPEC programme which was extended until the year 2000. The aim of the plan was to prevent early entry into the labour market, to rescue children and young people from high-risk jobs and to regulate and improve the working conditions of young workers.

The Technical Secretariat of the Committee for the Elimination of Child Labour was divided into three, the various sections coming under the control of the Colombian Family Welfare Institute (ICBF), the Ministry of Education and the Ministry of Social Protection.

The 1996 Covenant for children, created by the President of the Republic of Colombia as his administration's central strategy in the development of a social policy in favour of children as part of a coordinated, integral approach between the various sectors of society, also constituted a significant advance, together with Law 515 of 4 August 1999 approving ILO Convention No. 138.

In 1996, the IPEC programme was accepted by the Government and the ILO brought together support from the various sectors of society for the implementation of the national policy in this area. It had specific objectives regarding the direction of the study of the situation which are as follows:

- the strengthening of sectoral and multi-sectoral bodies and policies related to the elimination of child labour;
- the definition of models of intervention which encompass elements of prevention of early entry into the labour market;
- the removal and protection of children from the labour market and the improvement of the working conditions of young people;
- the review and alteration of legislation and the mobilization of the different sectors of society to ensure awareness of the problem and commitment to the elimination of child labour; and
- the promotion and support of management at the level of governors and mayors to ensure that the policy of elimination of child labour is included in government plans, both at a regional and a local level.

[Reference is made to the application of ratified Convention No. 138.]

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

Examples:

- work with toxic substances or those that represent a health hazard;
- work in abnormal temperatures, contaminated environments or with insufficient ventilation;

- work underground, underwater, at dangerous heights or in enclosed spaces;
- underground mining work of all types and that which involves hazardous substances such as pollutants, temperature fluctuations or oxygen deficiency as a result of oxidation or gasification;
- quarry work;
- work in an unhealthy environment where the minor is exposed to noise over eighty (80) decibels;
- work with radioactive substances, luminescent paints or X-rays or which involves exposure to ultraviolet or infrared radiation or radio waves;
- work in processing, production, packing, distribution and transport, in water, gas and electricity supply and in all other similar operations and processes that place the minor at serious risk;
- refuse collection and any other type of activity that involves contact with biological and pathogenic agents;
- activities that involve handling explosives, inflammable or caustic substances;
- trimmers and stokers aboard maritime transport vessels;
- industrial painting work involving the use of ceruse, lead sulphate or any product containing those chemicals;
- work with sanding machines, with sharp tools, with high-speed grinding machines and similar tools;
- work with high-temperature furnaces, in foundries, steel factories, laminating workshops, forges and weighted metal presses;
- work involving manual lifting and carrying of loads over 10 kg; the carrying of loads over 20 kg using two-wheeled manual devices; and the carrying of loads over 200 kg using four-wheeled manual devices;
- work connected with the changing of drive belts, oil and lubricants and other work connected with heavy or high-speed transmissions;
- work with sewing machines, cutting machines, laminating machines, lathes, milling machines, punching machines and other particularly dangerous machinery;
- glass and pottery production, grinding and mixing of raw materials; furnace work, polishing and dry sanding of glass; sandblasting; glazed earthenware and etching work; work in the ceramics industry;
- soldering, gas and arc welding, oxygen cutting in tanks or enclosed spaces, in scaffolding and preheated mouldings;
- work in brickworks, pipe factories, etc.; manual moulding of pipes; work in brick presses and furnaces;
- work in operations and processes connected with high temperatures and humidity;

- work in the production of iron and other metals, in processes involving toxic vapours or powders and in cement factories;
- public transport services using vehicles designed for the transportation of passengers, freight or a mixture of both, in and between urban areas, and driving family vehicles;
- work in private security companies and in security-related activities;
- transport of bond by any means;
- live-in domestic service in household other than their own;
- construction and building work involving health risks;
- agricultural and agro-cultural activities involving health risks; and
- work that exposes the minor to physical, psychological or sexual abuse, including in brothels, places where alcohol is consumed and areas of street violence.

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

Law 704 of 27 November 2001 approved the Worst Forms of Child Labour Convention, 1999 (No. 182), and immediate action to be taken to bring about its elimination.

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

Act No. 360 of 1997 on the amendment of certain provisions contained in Part II, section XI, of Decree Law No. 100 of 1980 (Penal Code) on offences against sexual freedom and modesty and the addition of article 417 to Decree No. 2700 of 1991 (Criminal Procedure Code) and other provisions, increases sentences for crimes against minors and provides for the involvement of the National Institute for Family Well-being and a competent Commissioner for Families to take the appropriate protection measures, intervene and promote the necessary action by the courts to represent the minor and the family.

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

It reiterated to the Director-General of the ILO the fact that it is awaiting the answer to an official request made on 17 March 2003 to the ILO regarding the scope of Article 3, which reads: in the particular case related to the exclusion of minors from armed conflict, before ratifying the aforementioned Convention. However, no answer has been received as yet, though a request for clarification was sent by the ILO regarding the same issue. This clarification was postponed (cf. Note No. 10300-515 of 13 June 2003).

In its policy on children, Colombia has committed itself to building a culture that supports children, involving governmental bodies and all levels of society in implementing

the policy through activities to protect children, ensuring that their basic human needs are met and promoting their harmonious and all-round development to attain their fullest potential.

This policy has been progressively developed through programmes and projects on a national, regional and local level; channelling the aid and participation of the Colombian private sector and of international, governmental and non-governmental agencies, within a new framework of coordination and inter-agency relations.

There is an ongoing effort to do the following:

- to generate the necessary conditions for the consolidation of national and intersectoral information on the conditions of minors in the workplace and at risk;
- defining and putting into operation the necessary intra- and inter-agency mechanisms, to guarantee the effective and sustained implementation of this policy, including the strengthening of mechanisms of prevention and inspection of child labour, through the setting up of the Vulnerable Populations Protection Group under the control of the Labour Protection Office which deals with children and young people; and
- the incorporation within the new Labour Inspection, Monitoring and Control Unit of a specialized child labour inspection body made up of an interdisciplinary group of professionals.

The Office of Social Development was also created which contains the Child and Family Group.

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

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

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

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

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

Furthermore, the Ministry of Social Protection is reviewing the labour-related aspects of the Minor's Code, before putting forward proposals for alterations to the Inter-Agency Committee for the Elimination of Child Labour and the Protection of Young Workers (Minors). At the same time, the Human Rights Ombudsperson and the Ministry of Justice and Law are looking at the aspects linked with the criminal procedure.

As regards compulsory schooling, both boys and girls are required to attend school up to the age of 14 thus completing nine grades of instruction. Chapter II of the Political Constitution on guarantees, rights and duties, establishes in article 67 that *"the State, society and the family are responsible for education, which shall be compulsory between the ages of five and fifteen and shall include, as a minimum, one year of pre-school education and nine years of basic education"*.

*The situation in practice with respect to child labour, including the informal economy*²

According to the survey on the characteristics of the population between the ages of 5 and 17 in Colombia – November 2001 – girls, boys and young workers covered by the traditional definition of workers, make up 14.5 per cent out of a total of 10,833,000 people aged between 5 and 17.

Hours worked during the week are an important measure of the workload of boys, girls and young people, with 61.1 per cent working less than 24 hours a week and between 15.7 per cent and 23.2 per cent working between 25 and/or more than 48 hours a week.

Turning to child labour distribution, 4 per cent work in domestic service, 10 per cent are self-employed, 12 per cent are paid assistants, 35 per cent are private sector workers or are employed by the Government and 39 per cent work on an unpaid basis for their family.

Labour force participation for children seems to be concentrated for the most part in four branches of economic activity; 93.3 per cent of all girls, boys and young people work in agriculture, commerce, industry and services.

In municipal administrative centres more than half of the boys, girls and young people affected work in commerce, with 34 per cent working in industry and services, whilst only 6.4 per cent work in agriculture. In areas of municipalities lying outside administrative centres 70.4 per cent of this workforce is employed in agriculture, males being the majority making up 60.2 per cent of the workforce in this sector.

*The majority (52 per cent) of boys, girls and young people who work do not receive any financial remuneration or wage and in the cases where they do receive some kind of wage, pay tends to be a lot lower than the minimum wage, as is demonstrated by the fact that 26 per cent earn less than a quarter of the minimum wage and only 1 per cent earn more than the minimum wage.*³

² The data referred to here was provided by the ILO-IPEC project.

³ Survey on the characteristics of the population between the ages of 5 and 17 in Colombia, November 2001, National Administrative Department for Statistics (DANE).

According to a document produced in 2001 by the Ministry of Labour and Social Security (now the Ministry of Social Protection) and the Ministry of Foreign Relations and Foreign Trade, the 1996 National Household Survey and the Survey into Childhood and Adolescence represent the latest attempts to measure the economic implications of child and adolescent labour. At the time it was established that, of those aged between 7 and 11 who were working in Colombia's eight main cities, 49.3 per cent of boys and 64.9 per cent of girls were working in commerce and sales, whilst in rural areas 87 per cent of boys and 50 per cent of girls aged between 10 and 11 were working in the agricultural/livestock sector.⁴

The number of hours worked per week varies between 12 and 15. There was a significant difference in levels of pay per hour depending on gender, with boys earning 47 per cent of the legal minimum wage per hour which was worked, whilst girls only received the equivalent of 13 per cent. According to the study, in rural areas, the average hours worked per week by boys and girls between the ages of 10 and 11 has gone up to approximately 28 and wages have gone down significantly. These child labourers' earnings were only the equivalent of 12 per cent of the minimum wage per working hour.

Turning to the working day, it was noted that, although a high percentage of boys and girls work during the morning and/or evening, a large number of girls only work at night or combine evening and night shifts, 10.2 per cent and 11.2 per cent respectively, figures which could indicate participation in activities related to sexual exploitation.

Child labourers can be found in many different settings. It was found that 38.3 per cent work at home, 22.4 per cent in an establishment and 23.4 per cent work on the streets. Girls (65.9 per cent) mainly work in private houses which may be their own homes or those belonging to others, which explains why it is principally girls who are found doing household chores, or in domestic positions. However, a significant proportion of them (27.6 per cent) also work on the streets.

Labour force participation figures showed that approximately ten out of every 100 young people between the ages of 12 and 13, and 26 of every 100 between the ages of 14 and 17 undertake activities that fit into the traditional definition of work. However, when housework is included in that definition, labour force participation amongst 12-13-year-olds increases to 15 per cent and rises to 34.2 per cent for 14-17-year-olds.

In reality, sending minors to work as a way of complementing a family's income does not help the family beyond meeting their basic financial needs; in fact in the end it simply serves to keep the family in a state of self-perpetuating poverty and marginalization. Most of the jobs carried out by children and minors are clear examples of exploitation and the "supposed" benefits are transferred to adults who do not reinvest it in their (the children's and minors') own development, taking away from them any opportunities in the immediate future.

Regarding the armed conflict, between 15 and 20 per cent of the members of illegal guerrilla and paramilitary groups are children. An investigation carried out by the Human

⁴ The data referring to Colombia's eight main cities was taken from the Survey on Childhood and Adolescence (ENA) and the data referring to rural areas was provided by the National Household Survey, both carried out in 1996.

Rights Ombudsperson shows that 18 per cent of these children have killed at least once; 60 per cent have seen killings being carried out; 78 per cent have seen mutilated corpses; 25 per cent have seen kidnappings being carried out; 13 per cent have participated in kidnappings; 18 per cent have seen torture being carried out; 40 per cent have fired shots in anger and 28 per cent have been wounded. Today, estimates indicate that the number of minors recruited by irregular armed groups could be as high as seven thousand (7,000) children.

As for child prostitution and the use of children in pornography, in Colombia it is difficult to establish the number of boys and girls who are sexually exploited, generally by their own families, or by adults close to them. A study carried out in 1994 by the Bogotá Chamber of Commerce reported that 1,200 girls aged between 9 and 14 were being sexually exploited and were active in the prostitution trade in the centre of Bogotá (which makes up only 8.4 per cent of the censored population). Data relating to the rest of the country is scarce, but the high proportion of minors who are sexually exploited and who are involved in activities related to prostitution seems to be a national phenomenon. Official estimates show that throughout the country 21,000 minors could be the victims of sexual abuse.

Some time ago the percentage of the job market falling within the informal sector passed the 60 per cent mark “mainly because of poorly paid jobs, one in three workers has a low income; 36 per cent of households have seen a drastic fall in income. Instances of unemployment amongst heads of households rose threefold, from 3.5 per cent in 1994 to 10.5 per cent in 2000, leading to people looking for work in the informal sector in order to survive: 60 per cent of heads of households work in the informal sector; 63 per cent of married couples and 54 per cent⁵ of single people, which represents a rise in the level of unemployment of 7 per cent and in instances of poor pay of 9.2 per cent,⁶ over the same period”.

“The average wage per person necessary to meet basic needs is US\$4,000 (approximately 8,972,000 Colombian pesos). By 2001 the average wage (GDP/population) of the 43 million inhabitants of Colombia was US\$1,875 (4,299,375 Colombian pesos), that is to say, 53 per cent less than the figure required according to the estimated poverty line figure. The current legal minimum wage (SML) of 309,000 Colombian pesos per month only covers 40.5 per cent of the monetary income required to meet a person’s daily needs”,⁷ all of which shows that, because of the economic crisis “the real income of Colombian workers has fallen by 29 per cent over the last five years, with incomes falling to a lower level than that of 1978”.⁸

It is noteworthy that “on average women in Colombia currently earn 25 per cent less than men for the same job and the unemployment rate, especially amongst young women,

⁵ Sarmiento, Anzola Libardo (2002). *Un Pais en deuda. UN Periódico*. 17 March.

⁶ Londoño, Juan Luis (2002). *El espectador. Asegurar su empleo ... y al trabajador*.

⁷ Sarmiento, Anzola Libardo (2002). *Un Pais en deuda. UN Periódico*. 17 March.

⁸ Londoño, Juan Luis (2002). *El Espectador. Se empobrecen los adultos*. Bogotá D.C., 27 Jan.

is higher than that amongst men”⁹ for reasons that are nearly always associated with fertility and reproductive capacity. In the same way, it must be pointed out that, according to the latest survey on the prevalence of adolescent pregnancy, figures have shot up in less well-off sectors of the population, reaching 19 per cent by 2000¹⁰ and early pregnancy is a sign of the early involvement of young female workers in jobs requiring no qualifications which prevent them from properly fulfilling their new responsibilities and, taken with the figures referring to the numbers of single parent households headed by women in these sectors which is around 40 per cent, it is clear why, when it comes to child labour, there is a correlation with women’s jobs, the lower wages they are paid and their increasing role as heads of households.

Therefore, taking into account the fact that three out of four persons in Colombia are currently living below the poverty line, as pointed out by the latest report carried out by the Social Mission of the National Planning Department (DNP) on poverty in Colombia in the year 2000, it should come as no surprise that whilst unemployment amongst adults is a problem (2,990,000 adults were unemployed last year according to the National Administrative Department for Statistics (DANE), paradoxically 2,700,000 children (under 18-year-olds) are working in conditions which affect their physical, intellectual, emotional and psychological development amongst other things.

Looking beyond the figure of 2,700,000 working in poor conditions, it could also be said that “2,800,000 school-age children (the equivalent of 20 per cent of Colombia’s child population) are outside the education system”¹¹ and this means that there is a “deficit of almost 2.5 million school places at the primary education level”¹² with “absenteeism at 22.3 per cent for 5-6-year-olds; 6.6 per cent for 7-11-year-olds 24.6 per cent amongst 12-to 17-year-olds, and 74.8 per cent for 18-25-year-olds according to the National Planning Department (DNP).¹³

The Colombian intellectual, Pablo Molina Valderrama, remarked that, as economic policy-makers did not foresee the “large increase in the numbers of young men aged between 15 and 19, as well as in the numbers of young women”¹⁴ – at the beginning of the present century, there was no way of responding to the “increase in labour force participation amongst young people and as a consequence the greater demand placed on

⁹ Orduz, Rafael (2002). *Temas ausentes. El Espectador*. 31 Mar.

¹⁰ Ministry Of Social Protection, Política Nal. de salud sexual y reproductiva (National policy on sexual health and reproduction), Feb. 2003

¹¹ *ibid.*

¹² Botero, J.H. (2002). *Camino de abrojos. El Espectador*. 31 Mar.

¹³ Sarmiento, A.L. (2002). *Un país en deuda. UN Periódico*. 17 Mar.

¹⁴ Molina, V.P. (2001). *¿Errores de economistas?. El Espectador*. 3 May.

the education system".¹⁵ These young people have had to contend with a job market, which has not generated any new jobs in the industrial sector during the current recession. On the contrary there have been redundancies amongst adults, therefore, the young and children can only find work in informal activities and clearly illegal and marginal activities, which are extremely risky. It is within this wider economic context that the problem of child and adolescent labour needs to be viewed.

With respect to the worst forms of child labour, sale and/or trafficking, forced recruitment for armed conflict; prostitution; pornography; and illicit activities, in particular production and trafficking of drugs are believed or suspected to exist amongst boys and girls. It is not known whether debt bondage, serfdom, forced or compulsory labour exist.

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

Specific measures/programmes have been implemented and others are envisaged in the country to bring about the effective abolition of child labour.

The table below more shows the areas where specific measures have been implemented and those which are envisaged to bring about the effective abolition of child labour and the elimination of the worst forms of child labour:

Category	Does not exist	Do not know if it exists	Believed or suspected to exist amongst	
			Girls	Boys
Sale and/or trafficking			X	X
Debt bondage, serfdom, forced or compulsory labour		X		
Forced recruitment for armed conflict			X	X
Prostitution			X	X
Pornography			X	X
Illicit activities, in particular production and trafficking of drugs			X	X

Within these measures/programmes special attention has been given to particular groups of children including those working in the informal economy.

The Inter-Agency Committee for the Elimination of Child Labour and the Protection of Young Workers approved various projects for several specific groups of children, which have been implemented with the help of various bodies and with the support of the IPEC.

The projects are as follows:

- the elimination of child labour in street trading and/or marketplaces in Cúcuta and Bucaramanga;
- actively tracing and helping boys, girls and young workers who are in dangerous or harmful jobs;

¹⁵ *ibid.*

- the elimination of the sexual exploitation of children in the cities of Cartagena and Barranquilla;
- the prevention of child labour and elimination of any examples of that practice which may be found in Colombia's floricultural sector; and
- the elimination of child labour in the coalmining sector, IPEC-MINERCOL (the Colombian national mining company):
 - plan of action for the prevention and elimination of child labour in small-scale traditional gold mining in the municipality of Condoto;
 - plan of action to contribute to the eradication of child labour in small-scale traditional emerald mining in the area of Muzo;
 - elimination of child labour in small-scale traditional clay and coalmining in Sogamoso, Boyaca; and
 - plan of action for the eradication of child labour in small-scale traditional mining – Nemocón.

The Colombian Family Welfare Institute (ICBF) is also running a readaptation programme for children affected by the internal conflict.

Moreover, the National Technical Committee carried out the process of monitoring, assessment and formulation of the Operational Plan for the Elimination of Child Labour and the Protection of Young Workers for 2001, as well as for 2002.

The strategy adopted at the time when the 2001 plan was being drawn up was based on the structure of annual plans and proved to be appropriate, as did the committee formed by the technical body made up of the working group which brought together the Ministry of Labour and Social Security, the National Planning Department, the Human Rights Ombudsperson, the Attorney-General of Colombia, the General Confederation of Democratic Workers (CGTD) and the IPEC-ILO programme, who developed the chosen procedure, the validation of the instrument and the results which were copied and systematized by IPEC which also gave impetus to and marked out this process in the same efficient manner in which it has undertaken all its work in the past.

The institutions belonging to the Committee welcomed the strategy and presented a report on the progress made during 2001 in the field of the progressive elimination of the worst forms of child labour. The working tables formed to draw up the 2002 Plan then examined the results. These tables established in which areas consolidation was required and agreed on new issues which needed to be dealt with in the coming period.

The consolidated version of the operational plan drawn up for the year 2002 brought together information about the desired outcome, activities being developed to attain the outcomes, the bodies involved, the timescale for implementation, the dedicated components, the verification source and the baseline.

The establishment of the advances made by the institutions, taking into account the activities carried out up until 31 December 2001, evaluating in a discriminatory manner the economic, human and material resources used, the factors which had a positive or negative influence on the development of the outcome, the changes introduced during the period of the development of the initial plan, the institutional requirements for reinforcing the implementation of the commitments, the number of beneficiaries affected: direct (boys,

girls and families) and indirect (institutions), as well as other action taken not foreseen in the plan and any observations and recommendations which might be made.

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

Furthermore, in the case of the course of action for the social mobilization and cultural transformation, a number of broad-ranging strategies have been developed to maintain awareness of the issue nationally, together with more direct activities (forums, workshops and seminars) targeted at sectors that play a key role in the eradication of child labour. The draft report on children made a significant contribution to these strategies.

The Technical Secretariat of the Commission for the Elimination of Child Labour drew up the Third National Plan using a highly participatory and decentralized methodology which it laid out in the National Development Plan and the National Plan for Children, arranging its design within the framework of the components for prevention, protection and assessment and using information, standard development, social mobilization and reinforcement of institutions as the lines of basic management.

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

In relation to the course of development of public health policies, a way of working has been developed which has allowed for the introduction of the issue of child labour to the various actions carried out by the Ministry of Health, clarifying the cover offered by programmes for the group of workers aged under 18, amongst them those working in the informal sector.

The National Policy on Sexual Health and Reproduction has also been launched which, amongst other aims, sets out to reduce pregnancy rates amongst adolescents by 26 per cent taking into account the social, economic and work-related implications this issue has in Colombia.

Progress has also been made in the area of prevention through the development and implementation of pedagogical models in the field of occupational risks, carried out by the Ministry of Labour and Social Security.

At the Preparatory Meeting for South America held in Lima (Peru), organized by the ILO and its Regional Office for Latin America and the Caribbean in association with IPEC, an initiative to construct a hazardous child labour in Latin America network (TIP Network) an alliance-based strategy was set up for the identification and prioritization of preventative forms of action to deal with this type of labour with the Ministry. A commitment was made to promote and observe these forms of action at a national level.

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

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

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

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

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

Since various bodies, including governmental, employers' and workers' organizations consider that it should be adopted, the Ministry of Labour and Social Security, jointly with the Ministry for Foreign Affairs, began the appropriate proceedings in the Congress of the Republic in the 2001 legislative period. It has already been debated and approved by the Congress and is currently awaiting the President's assent.

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

The employers, for their part, have promoted the adoption of a code of conduct to improve the legally established working conditions and promote their adoption by the bodies affiliated to various unions. As part of this drive, ANDI (the National Association of Manufactures) and ASOCOLFLORES (The Association of Flower Exporters of Colombia) have promoted the code of conduct relating to child labour, which was adopted within their respective sectors.

The course of action for direct intervention has provided for the development and implementation of projects to facilitate the eradication of the worst forms of child labour.

Under the 2001 Operation Plan, certain institutions commit themselves to the progressive elimination of child labour (giving priority to its worst forms) and protecting young workers aged between 15 and 17 years from harmful or dangerous work. The following institutions are involved:

- the Presidential Council for Social Policy;
- the National Planning Department;

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- the National Administrative Department of Statistics;
 - the Ministry of Health;
 - the Ministry of Communications;
 - the Ministry of National Education;
 - the Ministry of Agriculture and Rural Development;
 - the Ministry of Labour and Social Security;
 - the Ministry of Economic Development;
 - the Colombian Institute for Family Welfare;
 - the Colombian Institute of Sport;
 - the Single Confederation of Workers of Colombia;
 - the Colombian Confederation of NGOs;
 - the Ombudsperson for the Rights of Children, Young People, Women and the Elderly;
 - Save the Children;
 - Bell South;
 - Fundación Renacer;
 - the El Minuto de Dios Corporation; and
 - ILO Project No. COL/95/003.

The Ministry of Labour is responsible for making this policy into state policy and implementing it with technical assistance and cooperation from ILO/IPEC, the Spanish Agency for International Cooperation (AECI) and the Department of Labor of the United States.

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

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

The Spanish International Cooperation Agency (AECI) finances the IPEC programme for Colombia. Similarly, UNICEF is a member of the Inter-Agency Committee for the Elimination of Child Labour and the Protection of Young Workers. UNICEF contributes through a cooperation programme with the Government, the next cycle of which is

2002-07, and is consulted along with all state and social interlocutors before the programme is presented for approval. In the area of child labour, UNICEF has recently published a report in conjunction with Save the Children related to domestic child labour.

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

On the other hand, the Government undertakes surveys occasionally. The results are presented separately by sex, age, occupation, type of activity and number of hours worked.

In December 2001 the National Administrative Department for Statistics (DANE) carried out a survey on the characteristics of the population aged between 5 and 17 in Colombia with the support of ILO/IPEC.

In the last population census held in 1993 the lowest age for whom questions were asked about economic activities, was 12 years.

Progress and achievements concerning this principle and right

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

The National Development Plans for 1994-98 and 1998-2002 also incorporated specific objectives and strategies to guarantee the comprehensive protection of children and the full exercise of their rights. In parallel, the legal framework for the protection of children was strengthened.

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

As a means of coordinating and enhancing activities by different actors in the field, the Inter-institutional Committee for the Eradication of Child Labour and the Protection of Young Workers drew up the National Plan of Action, in 1995, with ILO support. It was based on detailed analysis of trends in child labour nationally, its scale and characteristics and the institutional capacity currently available to prevent early entry into the labour market, saving children from having to work and improving working conditions for young workers.¹⁶

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

¹⁶ Document of June 1999: Ministry of Labour, Spanish Agency for International Cooperation (AECI), ILO, IPEC, Project COL/95/003.

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

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

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

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

Since the last report the major change is the adoption of Law 704 of 2001 approving ILO Convention No. 182.

Difficulties concerning the realization of this principle and right

Colombia is facing various serious problems in its quest to effectively abolish child labour which are described below:

- levels of poverty and misery which have had a disastrous effect on the number of boys and girls working to support their own families;
- the worsening of the internal conflict, involving boys and girls as participants in the conflict through forced recruitment by guerrilla and paramilitary groups;
- the increasing problem of the displacement of families as a consequence of guerrilla and paramilitary activity;
- the extensive problem of illegal crops, often depending on a workforce made up of minors at harvest time;
- shortcomings in the existing labour inspection mechanisms for the detection and prevention of child labour;
- in some cases, child labour is a hidden activity, difficult to detect and prevent; and
- legal vacuums regarding legal procedures related to the punishment of those guilty of any kind of exploitation – particularly serious in cases of sexual exploitation.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Colombia, in particular in the following areas, in order of priority (1 = most important; 2 = second most important; etc.; 8 = least important):

Type of technical cooperation needed	Ranking
Legal reform	4
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	3
Data collection and analysis	2
Strengthening capacity of employers' and workers' organizations	5
Social protection systems	7
Awareness raising, legal literacy and advocacy	8
Sharing of experience across countries/regions	6
Special programme for the elimination of the worst forms of child labour	1

Report preparation

In preparing this report, employers' and workers' organizations were consulted, together with other governmental agencies. No comments were received from the social partners.

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

- National Association of Industrialists (ANDI);
- National Federation of Traders (FENALCO);
- Colombian Association of Small and Medium-sized Enterprises (ACOPI);
- Farmers' Union of Colombia (SAC);
- Single Confederation of Workers of Colombia (CUT);
- General Confederation of Democratic Workers (CGTD); and
- Confederation of Workers of Colombia (CTC).

Comoros

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Cuba

Government

[The Government reports no change from the previous reports (Cuba ratified in 1975 the Minimum Age Convention, 1973 (No. 138)), but commented on the March 2003 Introduction by the ILO Expert-Advisers to the compilation of the annual reports. The said comments are reproduced below.]

After having checked through the replies to the questionnaires sent in 2001 and 2002, as well as the annexes containing detailed explanations, the Government can state that the information relating to these two years is still valid.

As regards question 19 [e.g.: please describe the main obstacles encountered in your country with respect to realizing the principle of the effective abolition of child labour], the Government replied accordingly in its report, and this reply was summarized very briefly in paragraph 121 of document GB.286/4 (Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work). Table 3 of this paragraph, which refers to the obstacles to realizing this principle and right, places Cuba in the columns corresponding to difficulties concerning resources and political factors, thereby implying that these factors have prevented the Government of Cuba from realizing the principle of the effective abolition of child labour.

The Government would like to request the Expert-Advisers to re-examine the reply given to question 19, along with the reply to question 18, in the previous report, given that it is incomprehensible how the situation in Cuba has been reflected in table 3 in such a manner that it contradicts the information provided in the Government's report.

To promote the principle of the effective abolition of child labour, it should be helpful to use examples such as Cuba, since it has the political will to establish effective protection and measures for the comprehensive development of children and young people, and the pretext of insufficient resources has not been used to try to justify neglect and lack of protection, as is frequently the case in many countries, but not in Cuba.

In view of the above, the Government would like to request that Cuba be deleted from table 3 of paragraph 121 when the Expert-Advisers draw up the new review for 2003, and that the situation in Cuba be described correctly, as shown in the Government's report.

To promote the respect of fundamental principles and rights with regard to child labour, it would be much more useful to describe the measures and policies that have produced positive results, in any country where such results have occurred, without prejudice or discrimination.

Cuba is an example of how a country with limited resources, if it has the political will, can do a great deal to help children and young people when there is a desire to work in this direction. The figures and results acknowledged by UNESCO provide details of this.

The measures consistently adopted by the Government for over 40 years, based on the assessment of levels of education, health and employment for parents, are described in the reports. In Cuba, 11.4 per cent of GDP is devoted to education as part of a comprehensive social protection system that makes it possible to find solutions to the main problems faced by families, without having to resort to child labour.

The Government would like to reaffirm the information provided in previous reports.

Czech Republic

Government

Recognition of this principle and right

[Czech Republic ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

In article 29 of the Charter of Rights and Freedoms, which is part of the Constitutional Order (Act No 2/1993 Coll.), the right of juveniles to enhanced protection of health at work and for special working conditions is declared. Juveniles are entitled to special protection in their employment relations and to assistance in their vocational training. Law/Regulation lay down the details.

Under the Labour Code, an individual cannot enter employment until s/he has reached the age of 15 and until s/he has completed compulsory schooling. However, a child under 15 years of age can enter into employment under other regulations (e.g. Civil Code). In such cases the child will not be protected by labour legislation.

Currently, legislative work on a new employment regulation and the relevant legislation pertaining to it is under way, which includes the Labour Code. The proposed legislation regulates work of children. It is based on the fact that many employers assign individuals with all sorts of work to those who lack the employment capacity, thereby breaching the Labour Code.

However, it is socially desirable that certain types of activities are performed by younger persons, provided that protective conditions are adhered to and performance of other types of “work” are prohibited. Consequently, the performance of particular activities by these individuals is being proposed, which include art, culture, sports and advertising.

In the proposed Employment Regulation a child who has not completed compulsory schooling and has not reached 15 years of age is prohibited to take employment. This regulation is based on Directive No. 94/33/EC, the Employment Regulation contained in the Labour Code and educational regulations.

However, since children perform various activities, especially in the area of art, culture, advertising and sports it is necessary to secure due legal protection for them, in order to avert the threat to their safety and health. These activities are set forth as an example in the proposed Employment Bill, which in accordance with the Directive [No. 94/33/EC], stipulates that the necessary prerequisite for the performance of these activities is the approval of such performance by the Labour Office by issuing a permit for each individual case. It further regulates conditions for children and sets rules relating to the approval procedure for issuing permits. Labour Offices will control compliance with the prohibition of child labour.

This Bill had been discussed at the meeting of Council of Economic and Social Agreement on 17 July 2003 and had been presented at the government meeting on 31 July 2003.

The capacity of an individual to possess rights and duties and the legal capacity to enter into employment (employment capacity) arise simultaneously, namely by reaching the age of 15 years. It is possible to enter into an employment contract with an individual who has already reached 15 years, but the arranged day of the admission to work must not

precede the day, when such individual completes the compulsory school attendance, which is a period of nine years under the Education Act.

The Labour Code makes an exception with regard to employment capacity allowing a person who is 14 years old to enter into a contract of employment if that person has completed compulsory schooling at an assistant school. This age limit is consistent with the Minimum Age Convention, 1973 (No. 138). In these cases, the work must be commensurate with their intellectual and moral maturity, physical abilities corresponding to their age and provided that such work is not detrimental to their health and development. Furthermore a medical officer must certify that such work is appropriate for a person of that age (Section II of the Labour Code, Section I of Government Decree No. 180/1994 Coil., whereby the Labour Code and some other laws are implemented).

The above pattern follows original provision of article 34 of Act No. 29/1984 (the School Act) under which it was possible for compulsory school to end before 15 years of age. However, amendment to the School Act made by Act No. 171/1990 which took effect on 1 June 1990 now requires a child to start school at the age of 6 (this may be postponed for one year in some cases), and compulsory schooling lasts for nine years – thus making it virtually impossible to finish school before 15 years of age. Consequently making employment before the age of 15 impossible. Unfortunately, the Labour Code was not amended accordingly to reflect the changes in the School Act, thus making the application of that part of the Labour Code obsolete.

Under the Education Act, individuals who have reached 15 years of age and not completed compulsory school may perform socially beneficial work (for instance voluntary work organized by school) and other appropriate work which would neither by its nature, nor by its extent, endanger the health and development of students and would not prevent them from their vocational training.

The legislation of the Czech Republic does not define hazardous work, but stipulates that solely employees especially competent in terms of their professional skills and health fitness may operate technical equipment, which exposes employees to an increased level of threat to life and health. The same applies to the performance of activities, which expose employees to increased level of threat to life and health (section 134(b) of the Labour Code).

The same legal regulation gives an exemplary list of risk factors adversely affecting employees' health and obliges an employer to monitor by measuring and controlling their values at the workplace (section 134(c) of the Labour Code).

Provision of section 134(d) of the Labour Code prohibits certain work, except if performed for research and laboratory work, etc.

Regulation sets a list of work prohibited to juveniles which includes the following:

- underground work relating to the extraction of minerals or mining of tunnels and adits;
- work which due to anatomical, physiological and psychological peculiarities is inappropriate at this age; and
- work which is dangerous or harmful to their health.

Executive Regulation stipulates the work and workplaces which are prohibited to juveniles, and conditions under which juveniles may perform such work exceptionally as part of their vocational training.

Employers are prohibited from assigning to a juvenile any work which either threatens the health and safety of the juvenile or which exposes others to similar risks. Executive Regulations may also extend prohibition of certain types of work to employees close to the juvenile age (section 167 of the Labour Code).

Agreements to work outside the scope of employment may be entered into with juveniles provided that their favourable development or vocational training is not at risk (section 232, paragraph 2, of the Labour Code). Certain types of prohibited work for juveniles also apply to work performed based on agreements to work outside the scope of employment (section 233, paragraph 3, of the Labour Code).

The Labour Code stipulates that juvenile employees are employees younger than 18 years (section 274, paragraph 2, of the Labour Code).

Under section 165 of the Labour Code, employers can only assign juveniles with work, which is commensurate with their physical and intellectual development, and provide them with enhanced care during work.

An employer is not allowed to assign juveniles overtime work and night work. Exceptionally, juveniles older than 16 years may perform night work not exceeding one hour, if this is necessary for their vocational training (section 166, paragraph I, of the Labour Code).

Progress and achievement concerning this principle and right

Both the Czech-Moravian Confederation of Trade Unions and the Union of Industry stated that according to them there were no substantial changes since the last report. The Union of Industry of the Czech Republic also stated that the Czech Republic has already taken the first steps to enable to ratification and implementation of Convention No. 138. The Union of Industry is participating on the preparation of a new Labour Code and will campaign for its wording to be in compliance with the requirements of Convention No. 138.

Report preparation

In preparing this report, consultation was held with employers' and workers' organizations.

A translated report form was sent together with the previous report for the year 2002 to the Czech-Moravian Confederation of Trade Unions, Union of Industry of the Czech Republic, Confederation of Employers' and Entrepreneurs' Unions and Association of Independent Trade Unions as most representative organizations, with a request for any comments and remarks they wished to be included into the report.

Copies of the report were sent to the following:

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

- Czech-Moravian Confederation of Trade Unions; and
- Association of Independent Trade Unions.

Djibouti

Government

Recognition of this principle and right

Djibouti ratified the Convention on the Rights of the Child on 6 December 1990.

In addition, article 10 of the Constitution of Djibouti enshrines the inviolable character of the human being and the obligation of the State to respect and protect it. It adds that every person shall have the right to life, liberty, security and integrity of his person.

Parallel to this, the current Labour Code (Overseas France), 1952, sets the minimum age for employment (14 years in principle) and social protection measures applicable to child labour.

However, the Government envisages a comprehensive revision of labour legislation and regulations so as to better reflect the spirit of the Minimum Age Convention, 1973 Convention (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

According to the results of the demographic survey in 1991, the active population (aged over 14 years) was some 306,000 people, with 57,000 new jobseekers aged 15 to 19 years every year, half of them female. The town of Djibouti alone contained some 43,000 of these young jobseekers, with an illiteracy rate of 45 per cent. The employment rate for young people aged from 15 to 19 is only 3.4 per cent, or 1,558,964 of them men and 612 women.

The children living and working in the street are mainly of foreign origin [the nationalities/countries of origin of the children are mentioned]. Against a background of national economic crisis, they are often found in the informal sector: shoeshiners, hawkers and peddlers (peanuts and other sweets), money-changers, beggars, “dealers”, etc. The street for them is thus home, life school, playground and business forum. They are a “floating population” difficult to quantify but estimated at some hundreds in the town and constantly on the increase. These children and young people aged from 7 to 18 years often live in groups, with or without a family. They are illiterate, do not receive any social benefits or preventive health care or treatment. Moreover, their lifestyle exposes them to many risks, including in sexual matters.

The Government hopes to undertake a major national survey of child labour. A survey of poverty in Djibouti households by DINAS is currently in progress.

For further information on the conditions of children in Djibouti, reference should be made to the report of the Government of Djibouti on the application of the Convention on the Rights of the Child.

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

As a corollary to the ratification of the Convention on the Rights of the Child, the Government is in the course of initiating the procedure for the ratification of the Minimum Age Convention, 1973 Convention (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

This action illustrates the Government's will to do everything possible, in law and in practice, to respect and promote the spirit of these instruments.

The report of the Government of Djibouti on the application of the Convention on the Rights of the Child sets out the relevant facts and national policies.

This initiative would, however, benefit greatly if it were backed up by a national survey of child labour, including the worst forms. This would allow a better evaluation of the situation so as to draw up, in consultation with the social partners and other interested parties, a specific national strategy and action programme.

To that end, the support of the International Programme on the Elimination of Child Labour would be highly appreciated.

Report preparation

A copy of the report was sent to:

- the All-Occupations Trade Union Federation (USIE);
- the Union of Djiboutian Workers(UTD); and
- the General Union of Djiboutian Workers (UGTD).

Any observation by the social partners will be sent to the ILO on receipt by the Government. The report was prepared by the Director of Labour, with the social partners.

Annexes (not reproduced)

- the Constitution of Djibouti; and
- the report by the Government on the application of the Convention on the Rights of the Child.

Note from the Office

The Office received no report from the Government for the annual review of 2004.

**Observations submitted to the Office
by the Djiboutian Labour Union (UDT)*****Recognition of this principle and right***

The principle of the effective abolition of child labour is recognized in law in Chapter III, Articles 118 and 119, of the Labour Code of 15 December 1952.

There is no national plan or policy to ensure the effective abolition of child labour. National legislation fixes the general minimum age for employment at 14 years for both girls and boys and all activities.

National legislation does not define dangerous work and there are no laws or regulations in Djibouti aimed at eliminating the worst forms of child labour. No steps have been taken at present to amend the existing legislation or pass a new law to deal with the problem.

The upper age limit for compulsory education is 12 years for girls and boys, and each child must have taken six grades to complete their compulsory education.

Despite the legal prohibition, child labour is still, in rare cases, practised.

As regards the worst forms of child labour, there are doubts as to whether or not child prostitution is present.

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

No particular measures or action programmes for the effective abolition of child labour are being implemented or envisaged in Djibouti.

Apart from the ILO, the Government does not cooperate with any multilateral organization or bilateral donors or other organizations to combat child labour. Furthermore, there are no statistics on the number of children forced to work, nor the sanctions applied for employing child labour. The same applies to surveys to gather statistics on the extent or the nature of child labour.

The last population census was carried out in 2002.

Progress and achievements concerning this principle and right

No particular measure taken in Djibouti can be regarded as a successful example in the abolition of child labour.

Eritrea

Government

Recognition of this principle and right

In Eritrea, the principle of the effective abolition of child labour is recognized in articles 14(2), 16 and 22(3) of the Constitution, in articles 52, 53, 54, 548, 562, 565 and 567 of the Transitional Penal Code and articles 68, 69, 3.17(a) and (1)(2) of the Labour Proclamation of Eritrea No. 118/2003, but not in judicial decisions and collective agreements. [Eritrea ratified in 2000 the Minimum Age Convention, 1973 (No. 138).]

Macro Policy No. 13.1.2(a) which concerns basic schooling for children and No. 13.3.2(h) which concerns legal protection for economic and social forms of exploitation are aimed at ensuring the effective abolition of child labour.

[Reference is made to the application of ratified Convention No. 138.]

Article 69(1) of the Labour Proclamation of Eritrea No. 118/2001 defines hazardous work as:

- (a) work in passengers'/goods' transport by road, railway, air and sea in dock side and warehouse involving heavy weight lifting, pulling or pushing or any other related type of labour;
- (b) work connected with toxic chemicals, dangerous machines, electric power generation plants, transformers or transmission lines;
- (c) underground work, such as mines, quarries and similar work; and
- (d) working in sewers and tunnel digging.

The minimum age for engaging in the abovementioned types of work is 18 for both boys and girls.

Articles 548(1), 565 and 567 of the Transitional Penal Code of Eritrea and Articles 65 and 68 of Labour Proclamation of Eritrea No. 118/2001 are aimed at eliminating the worst forms of child labour.

With regard to compulsory schooling, the age of boys and girls at the end of this period is 14 years, with a general requirement of seven years/grades of instruction.

According to the Public Prosecution Head Office there has not been a single judgement given against child labour in Eritrea.

Child labour, including its worst forms (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; illicit activities, in particular production and trafficking of drugs, etc.) does not exist in the country.

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

The Government works with the UNICEF and the World Bank to combat child labour. Currently a special programme known as Early Child Development (ECD) is being conducted under the World Bank Fund and several other activities are taking place under the umbrella of UNICEF.

Eritrea does not keep any record and has not undertaken any survey that provides statistical information on the extent and/or nature of child work. However, a population census is under way.

Progress and achievements concerning this principle and right

The measure that can be regarded as successful by the Government is the fact that parents were encouraged to send their children to schools and parents whose children worked due to economic constraints have been provided with social assistance, stipends along with free schooling and free kits for school such as books and exercise books, etc.

Since the last government report, no major change has taken place in relation to this principle.

Difficulties concerning the realization of this principle and right

In Eritrea, poverty is the major obstacle with respect to realizing the principle of effective abolition of child labour. Thirty years of devastating war, current boarder conflict and drought have escalated poverty, which forced many children to work and thus making its abolition difficult.

Priority needs for technical cooperation

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

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

Report preparation

In preparing this report, consultation was neither held with employers' and workers' organizations, nor with other governmental agencies.

A copy of this report was sent to:

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

Estonia

Government

[Estonia ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

There has been no change in last year's report with regard to the effective abolition of child labour, except for the following.

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

A draft Employment Act has been submitted to the social partners for their opinion and it is expected that it will be presented to Parliament in 2004.

In addition, the Working and Rest Time Act was amended on 14 July 2002. The effects of the amendment are as follows:

- employees between 13 and 14 years of age or those who are subject to the obligation to attend school shall not be required to work during evening time;
- employees between 13 and 14 years of age or those who are subject to the obligation to attend school may be required to work during evening time until 8 p.m., with the permission of the labour inspector of the employer's locality, to work as persons engaged in creative activities in the areas of culture, sport or advertising provided that the work does not harm the health, safety, development or morality or interferes with the studies of the employee; and
- employees between 15 and 17 years of age or those who are not subject to the obligation to attend school may be required to work during evening time until 11 p.m. or, participate in artistic activities until midnight, with the permission of the labour inspector of the employer's locality, to work as persons engaged in creative activities in the areas of culture, sport or advertising provided that the work does not harm the health, safety, development or morality or interferes with the studies of the employee.

Observation submitted to the Office by the Confederation of Estonian Trade Unions (CETU)

Recognition of this principle and right

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

National legislation establishes a general minimum age for admission to employment – 13 years for both boys and girls, which covers the following:

- work performed in enterprises below a certain size;
- home work;
- domestic work;
- commercial agriculture;

- light work; and
- work performed in export processing zones.

However, national legislation does not cover the following types of work:

- work performed in a family-owned/operated enterprise;
- self-employed work; and
- family and small-scale agriculture.

Furthermore, the following relevant types of work are excluded from the scope of the labour law due to paragraph 7 of the Employment Contract Act:

- household work by parents, spouses or children for one another and care by such persons for one another;
- work by family members in a shared household and care for family members;
- work on the basis of a contract of service (contracts of service are regulated by a specific Act);
- work in a religious organization as a person conducting religious services if the fundamental document of such organization does not require entry into an employment contract with such person;
- performance of a transaction on the basis of an authorization if the person performing such transaction receives income from the transaction and bears proprietary risk for the success of the transaction; and
- relationships of directors of bodies of legal persons or Estonian branches of foreign companies, and members of administrative boards of state enterprises with legal persons, Estonian branches of foreign companies or state enterprise.

The Commercial Code (section 1, paragraph 3) sets no restrictions on age of self-employed persons. Under the civil law, persons under 18 years of age have restricted legal capacity. Contracts concluded by persons under 7 years of age are in principle null and void. For minors between 7-18 years, the following rules concerning persons with restricted active legal capacity apply:

- A multilateral transaction entered into by a person with restricted active legal capacity without the prior consent of his or her legal representative is void unless the legal representative subsequently ratifies the transaction. If the person acquires full active legal capacity after entry into the transaction, he or she may ratify the transaction himself or herself.
- If a legal representative grants consent to entry into a transaction or ratifies a transaction, the consent or ratification is presumed to apply also to all the acts and declarations of intention relating to the transaction and the performance thereof.
- A transaction entered into by a person with restricted active legal capacity without the prior consent or subsequent ratification of his or her legal representative is valid if:
 - no direct civil obligations arise from the transaction for the person;

- the person performed the transaction by means which his or her legal representative or a third person with the consent of the legal representative had granted to him or her for such purpose or for free use.
- If a person with restricted active legal capacity enters into a transaction without the prior consent of his or her legal representative, the other party to the transaction may make a proposal to the legal representative to ratify the transaction. Ratification is valid upon grant thereof to the person making the proposal.
- If a legal representative does not grant ratification within two weeks after receipt of a proposal specified in subsection (4) of this section, the legal representative is deemed not to have ratified the transaction.
- The other party to a transaction may withdraw his or her declaration of intention relating to the entry into the transaction if the person with restricted active legal capacity did not have the prior consent of his or her legal representative for entry into the transaction and the other party did not know nor should have known that the active legal capacity of the person was restricted. In such a case, the declaration of intention is deemed not to have been made. The other party to the transaction shall not withdraw his or her declaration of intention after the legal representative has ratified the transaction.

In practice, it means that children over 7 years of age may in fact work under civil or commercial arrangements as long as their parents or legal guardians agree. As Estonia is not a country of child labour, this threat is limited only to specific sectors as advertising, sports, culture or entertainment, where there is a demand for children performing certain activities. Unfortunately, the system of labour inspection does not independently establish employment relations. As explained by Labour Inspectorate 1 they are not entitled to intervene as long as both parties have a written civil or commercial contract, even if the facts indicate employment relationships.

However, the Penal Code precludes the worst forms of child labour regardless of the legal nature of the contracts, because use of children in these activities is criminalized.

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

[Reference is made to the application of ratified Convention No. 182.]

As regards compulsory schooling, there is a general requirement of nine years/grades of instruction for both boys and girls.

According to the official statistics, less than 0.01% of the economically active population are workers under 18 years of age. This does not include the informal economy and estimations are not available. This also does not include young workers under civil or commercial arrangement.

[Reference is made to the application of ratified Convention No. 182.]

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

No specific measures/programmes have been implemented in the country to bring about the effective abolition of child labour.

The last population census was held in 2000.

Progress and achievements concerning this principle and right

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

Difficulties concerning the realization of this principle and right

As described above the legal system enables civil and commercial arrangements for child workers. Combined with a system of labour inspection that would not intervene even if employment relationship is clear, these arrangement may provoke abuse of young workers.

[Reference is made to the application of ratified Convention No. 182.]

Priority needs for technical cooperation

Although the Confederation of Estonian Trade Unions mentions that they do not have the capacity to speak on behalf of the Government in relation to the need for technical cooperation, they do, however, point out the need for capacity building of responsible government institutions (e.g. labour inspection and administration).

Ethiopia

Government

Recognition of this principle and right

In Ethiopia, the principle of the effective abolition of child labour is recognized in the Constitution and legislation. [Ethiopia ratified in 1999 the Minimum Age Convention, 1973 (No. 138) and in September 2003 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

There is no national policy/plan aimed at ensuring the effective abolition of child labour in Ethiopia. The Government has not thoroughly investigated whether a separate national policy is needed to that effect.

[Reference is made to the application of ratified Convention No. 138.]

National legislation defines hazardous work and the minimum age for engaging in any hazardous work is 18 years for both boys and girls.

Laws/regulations exist in Ethiopia with the aim of eliminating the worst forms of child labour. A list of activities prohibited to young people is provided in a Directive issued in 1997 and under article 89/4 of Labour Law Proclamation No. 42/93.

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

There is no compulsory schooling in Ethiopia, although a free education for primary school is in the process of taking effect.

According to the National Child Labour Survey, the most common forms of child labour in Ethiopia exist in the informal sector, which includes family-owned enterprises (e.g. small subsistence farming), household chores, domestic work, and some cases in small-scale industries and small and large-scale commercial garages aimed at enhancing the family income.

Worst forms of child labour such as sale and/or trafficking are believed or suspected to exist amongst both boys and girls, whereas prostitution, illicit activities, in particular production and trafficking of drugs and other worst forms of child labour are believed or suspected to exist only amongst girls. However, debt bondage, serfdom, forced or compulsory labour and pornography do not exist.

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

Specific measures/programmes have not been implemented yet since Convention No. 182 was only ratified in September 2003.

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

Since the Government has not launched any specific programme aimed at abolishing the worst forms of child labour, it has not recorded any information related to this matter.

Every five years, the Government carries out surveys that provide statistical information on the extent and/or nature of child work. The results are presented by sex, age, occupation, type of activity and by number of hours worked.

Progress and achievements concerning this principle and right

The following can be regarded as successful in the abolition of child labour:

- the completion and disseminating of the results of the National Survey on Child Labour;
- ratification of Conventions Nos. 138 and 182; and
- implementation of the various awareness-creation programmes and activities directed towards withdrawing and preventing the scourge by different local and international NGOs.

Since the last report, the major changes in relation to this principle are the completion of the abovementioned survey and the successful examples described above.

Priority needs for technical cooperation

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

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

In addition, technical assistance is also required for the mainstreaming and integration of child labour issues into the existing economic and social development, as well as social mobilization activities and programmes at all levels.

Report preparation

In preparing this report, consultation was held with employers' and workers' organizations, but not with other governmental agencies. A copy of the questionnaire was also sent to employers' and workers' organizations.

Annexes (not reproduced)

Ministry of Labour and Social Affairs Directive to Determine the list of Activities Prohibited to Young Workers.

Gabon

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Ghana

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Guinea-Bissau

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Haiti

Note from the Office

The Office received no report from the Government for the annual review of 2004.

India

Government

Since the Government's last report, there has been no change in India in relation to the principle of the effective abolition of child labour. [India has neither ratified the Minimum Age Convention, 1973 (No. 138), nor the Worst Forms of Child Labour Convention, 1999 (No. 182).]

Iran, Islamic Republic of

Government

Recognition of this principle and right

In the Islamic Republic of Iran, the principle of the effective abolition of child labour is recognized in the Constitution, legislation and judicial decisions. [The Islamic Republic of Iran ratified in 2002 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

The national policy/plan aimed at ensuring the effective abolition of child labour, has included the ratification of the United Nations Convention on the Rights of the Child, ILO Convention No. 182, and the provision of the labour inspection circular to labour departments.

National legislation establishes a general minimum age for admission to employment – 15 years for both boys and girls – which covers home work, domestic service, commercial agriculture, light work and work performed in export processing zones. However, it does not cover work performed in a family-owned/operated enterprise, self-employed work and family and small-scale agriculture.

Article 1 of the Hard and Hazardous Work Regulation, which was approved to implement the Note under article 52 of the Labour Code, 1990, defines hazardous work. The minimum age in engaging in this type of work is 18 years for both boys and girls.

[Reference is made to the application of ratified Convention No. 182.]

As regards compulsory schooling for children, the age of both boys and girls at the end of this period is 12 years, with a general requirement of five years or grades of instruction.

It is highly regrettable that child labour exists in some family-owned/operated enterprises, as a result of cultural tradition and economic poverty; however, no figures or statistics are available.

[Reference is made to the application of ratified Convention No. 182.]

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

In view of bringing about the effective abolition of child labour the following measures have been implemented to enforce minimum age(s) for employment. [Reference is also made to measures in application of Convention No. 182.]:

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- employment creation/income generation; and
- vocational and skills training for young workers.

The Islamic Republic of Iran cooperates with the United Nations Children's Fund (UNICEF) as a result of its ratification of the United Nations Convention on the Rights of the Child.

In relation to the abolition of child labour, the Government records information on sanctions applied to users of child labour. Penalties for users of child labour is stipulated in article 172 of the Labour Code.

Progress and achievements concerning this principle and right

The provision of the labour inspection circular to labour departments with a view to preventing offences related to child labour can be regarded as a successful example of a measure undertaken in the Islamic Republic of Iran to abolish child labour.

Difficulties concerning the realization of this principle and right

The main obstacle with respect to realizing the principle of the effective abolition of child labour is that the Labour Code does not cover work performed in family-owned/operated enterprises.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in the Islamic Republic of Iran, in particular in the following areas, in order of priority (1 = most important and 5 being the least important):

Type of technical cooperation needed	Ranking
Policy advice	2
Strengthening capacity of employers' and workers' organizations	4
Employment creation, skills training and income generation	5
Social protection systems	1
Sharing of experience across countries/regions	3

Report preparation

In preparing this report, consultations were held with the employers' and workers' organizations, and comments were received from them.

A copy of this report was sent to the Iranian Confederation of Employers' Associations and the Iranian Confederation of Islamic Labour Councils.

Israel

Government

Recognition of this principle and right

In Israel, the principle of the effective abolition of child labour is recognized in legislation. [Israel ratified in 1979 the Minimum Age Convention, 1973 (No. 138).]

As Israel has ratified Convention No. 138, the Government's reply concerns itself, as requested, with the worst forms of child labour as set out in the Worst Forms of Child Labour Convention, 1999 (No. 182), not yet ratified by Israel. Most of the following information [i.e. additional information to the report form] has been drawn from relevant sections of the initial periodic report of the State of Israel to the United Nations concerning the implementation of the United Nations Convention on the Rights of the Child (CRC).

Though Convention No. 182 sets out four definitions of the worst forms of child labour, the Government's report relates for the most part to the commercial sexual exploitation of children, which was recently investigated by an inter-ministerial committee. The Government is not aware of any significant phenomena relating to other "worst forms of child labour" in Israel at this time, as noted in the following.

An inter-ministerial and inter-organizational committee, formed to examine the issue of commercial sexual exploitation of minors, has prepared, at the request of the Ministry of Justice, a three-year operative plan to address commercial sexual exploitation of minors. Initially, the plan will cover activities to locate and identify minors who are being sexually exploited; a hotline; legislative activity; and the acquisition and dissemination of information. Later, the plan will involve the development of methods of treating and rehabilitating minors who have been found to have been sexually exploited.

Israel's police force has made preparations to increase the [fight] against people who sexually exploit minors, and the investigation of such exploitation was declared a priority for all intelligence units working in the field.

National legislation establishes a general minimum age for admission to employment – 15 years for both boys and girls. Broadly speaking, Israeli law prohibits the employment

of a minor who is under the age of 15. In addition, the employment of minors who are obligated to be in school under the Compulsory Education Law, 1949, is prohibited with certain exceptions. During official school vacations, it is permissible to engage minors of the age of 14 to perform light work that is unlikely to harm their health or development.

Another exception to the minimum age rule concerns public or artistic appearances of children and appearances or photographs of children for the purpose of advertising. The law empowers the Minister of Labour and Social Affairs to grant a permit for a limited period allowing employment of children under the age of 15 for the above activities. As per section 2 of the Youth Labour Regulations (Employment of Children in Performances or Advertising), 5759-1999, a permit will not be issued to an employer who was found by a court of law to have committed violent crimes, crimes of a sexual nature, crimes involving injury to minors or crimes involving prostitution and profanity. The Minister of Labour may refuse to issue a permit to an employer who was found guilty of other criminal acts which by their nature, number or circumstances make it likely that his employment of a minor would be harmful to the minor. The Minister is also authorized to deny a permit for the employment of minors, for a person who has been arraigned for offences such as those set out earlier or for a person who has violated the laws regarding the employment of minors.

Additional limitations apply to children under the age of 1. These infants may not appear in advertisements but may appear in public performances only when they are essential for educational purposes and only with the unanimous consent of the Advisory Committee appointed as per the regulations, subject to conditions set out by that Committee.

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

- work performed in a family-owned or operated enterprise: temporary non-industrial work performed by a minor for his parents' business and agricultural work performed by a minor on his parents' farm are not to be deemed as "work" as per the Youth Labour Law, 5713-1953. This information is also applicable to work performed in a family-owned or operated enterprise;
- work performed in enterprises below a certain size;
- domestic service;
- commercial agriculture;
- light work; and
- work performed in export processing zones.

With regard to self-employed work, minimum age requirements apply to work done for others, even when an employer-employee relationship does not exist.

National legislation defines hazardous work. The Youth Work Regulations (Forbidden and Limited Employment), 1995, forbid the employment of a minor in tasks, manufacturing processes, or places set out in the annex to those Regulations, which have been deemed likely to harm a minor's health, safety or physical development, except in the framework of recognized vocational training and according to the curriculum of such a training programme, or by special permit as will be set out later in this report.

Examples of hazardous work set out in the Regulations include:

- underground work in a mine;
- different types of welding and soldering;
- manufacture or assembly of explosives, fireworks or ammunition, including storage of the aforementioned;
- work in a slaughterhouse;
- work involving contact with dangerous chemicals;
- work on dangerous machines such as presses; and
- work on or near machinery that emits harmful radiation.

In addition, certain regulations promulgated under the Work Safety Act (Revised Version), 1970, forbid the employment of a minor in proximity to dangerous materials such as mercury, arsenic and lead.

The minimum age for engaging in hazardous work – 18 years for both boys and girls – as set out in the Youth Work Regulations (Forbidden and Limited Employment), 1995, does not apply to minors employed under the Apprenticeship Law, 1953, or in a centre for vocational training for minors, as per a curriculum of apprenticeship or a vocational training programme. It also does not apply to a specific type of employment, which the Chief Labour Inspector deems indispensable to the vocational training of a minor; nevertheless, in such cases, limitations and conditions, as set out in the permit issued by the Chief Inspector, apply.

The minimum age for engaging in hazardous work set out in the Work Safety Regulations applies to all minors with no exceptions.

The following laws/regulations exist in Israel with the aim of eliminating the worst forms of child labour.

Sale and trafficking of children

Section 364 of the Penal Law, 1977, provides that a person who offers or gives compensation for the permission to take custody of a minor who has not yet reached the age of 14, or a person who requests or receives compensation for the right to take custody of a minor is subject to three years imprisonment. Section 367 provides that a person who takes or detains a minor who has not yet reached the age of 14, by fraud or force or enticement, or who receives or hides such a minor ... with the intent of depriving his parent, guardian, or another person legally responsible for him or his custody, is subject to seven years' imprisonment.

Prostitution and pornography

Please refer to the attached unofficial translation of Chapter 8 of the Penal Law, 1977, [cf. annexes, not reproduced] specifically, the following sections: 203b – Exploitation of minors for prostitution; section 203c – The client of a minor; section 203d – Burden of proof; section 205a – Prohibition of advertising and giving information about prostitution of a minor; section 205b – Prohibition of referring to minority in advertisement of

prostitution services; section 208 – Permitting a minor to reside in a brothel; and section 214 – Obscene publication and display.

In addition, section 345 of the Penal Law prohibits sexual intercourse with a girl under the age of 14, even if the act is engaged in with her consent, and prescribes a particularly serious penalty (20 years' imprisonment) for rape (non-consensual sexual intercourse) of a minor who has not yet reached the age of 16. Section 347 of the Penal Law imposes the same penalty for a person who commits an act of sodomy in similar circumstances. Section 346 of the same law prescribes a penalty of five years imprisonment for sexual intercourse with a minor between the ages of 14 and 16 who is not married to the perpetrator of the act, even if it is committed with her consent.

A maximum penalty of five years is imposed on a person who has sexual intercourse with a minor over the age of 16 even if she consented to the act, if the act involved the exploitation of a relationship based on control, domination, educational authority or supervision, or a false promise of marriage when the offender is already married. The same penalties apply to an act of sodomy as per section 347 of the law. Sections 348 and 349 define an offence as an indecent act against a minor, under circumstances that also apply to rape and to consensual, unlawful sexual relations. Section 351 defines sexual offences committed against a minor by a person who is related to the minor as extraordinary offences. It imposes particularly severe penalties on such offences.

Section 355 of the Penal Law sets out a minimum penalty of one-quarter of the maximum penalty for serious sexual offences, and prohibits the imposition of suspended sentences, except in special circumstances that must be specified in the court's decision.

Sections 368b and c of the Penal Law prohibits physical, mental and sexual violation of a minor and prescribes a maximum sentence of seven years imprisonment for such offences, or nine years' imprisonment if the perpetrator is responsible for the child. Special section F1 of the Penal Law is devoted to the harm caused to minors and helpless persons. The principles underlying the provisions in this section of the law are as follows: firstly, an offence against a minor is more severe than an offence against an adult; secondly, an offence is considered more severe when committed by a person who is responsible for a minor, than by one who is not; and thirdly any person knowing of an offence against a minor committed by a person who is responsible for that minor is obligated to report the offence.

In addition, a recent amendment to section 15 of the Penal Law, aimed at combating the sexual exploitation of minors and broadening the safeguards available to them, applies the principle of extra-territorial jurisdiction to offences of prostitution committed against minors. The amendment applies Israeli criminal law to Israeli citizens or residents who commit such acts outside Israel, and allows them to be tried in Israel, even if the acts were committed in a country in which they are not considered to be offences.

Drugs

Under section 21 of the Dangerous Drugs Ordinance, 1973, a person who gives a dangerous drug to a minor or is responsible for a minor and allows him to possess or use a dangerous drug or entices him to do so, is liable to 25 years' imprisonment and a fine.

Hazardous work or work which is likely to harm the morals of children

Please refer to the information provided earlier on hazardous work. In addition, regulation 3 of the Youth Labour Regulations (Employment of Children in Performances

or Advertising), 5759-1999, forbids, inter alia, the employment of youth in performances involving violence, descriptions of violence, or incitement to violence, or performances that are likely to frighten the child or cause him stress. The regulations also forbid the employment of youth in performances which involve nudity or sexual references, or which encourage the consumption of alcohol, drugs or cigarettes, gambling or dangerous risk taking.

Steps are currently being undertaken to amend existing legislation or to introduce a new one to address the elimination of the worst forms of child labour. Please refer to the information provided below on forced recruitment for armed conflict, concerning the proposed amendment to the Defense Service Law (Consolidated Version), 5746-1986.

As regards compulsory schooling, the age of both boys and girls at the end of this period is 16 years.

The inter-ministerial and inter-organizational committee, which examined the issue of commercial sexual exploitation of minors, drew the following conclusions – based on field studies (conducted by the staff of the non-governmental organization (NGO), ELEM – Children at Risk), discussions and reports received from various sources – which were submitted to the Government in May 1997.

The committee considered that it was unable to determine the exact number of minors who were subject to commercial sexual exploitation. Nevertheless, the data obtained, provided the following views of the phenomenon:

1. Hundreds within the group of over 10,000 girls treated by the Service for Women and Girls in the Ministry of Labour and Social Affairs have been exposed to various types of commercial sexual exploitation, some of them heinous. Scores of young girls in out-of-home treatment (usually at a residence of the Youth Protection Authority) have been victims of sexual or commercial sexual exploitation at some time prior to their admission to placement.
2. ELEM staff on “night patrol” reported that, at any given time, about 50 boys are prey to sexual exploitation in the city of Tel Aviv. On the basis of this figure, the committee estimated that, at any given time, about 100 boys are subject to sexual exploitation throughout the country.

According to the committee’s report, most of the adolescent minor victims had experienced sexual exploitation during their young childhood. Many had run away or were turned out of their homes, and had come to Tel Aviv from the suburbs, poor development towns and Arab villages. They work as prostitutes to survive.

The committee uncovered several types of sexual exploitation, including prostitution of minors, boys and girls, in striptease clubs and massage parlors, street prostitution and the collective exploitation of young girls within groups of teens or street gangs, often to finance drug abuse by other members of the group or gang. Similarly, the committee expressed concern over relatively recent occurrences of “importing” women, including, in a few cases, young girls aged 16-17, from Eastern European countries and the former Soviet Republics, for the purpose of prostitution.

With respect to the worst forms of child labour, the following do not exist:

- sale and/or trafficking: in general, there is no wide-ranging problem of trafficking in minors in Israel, though individual cases have been discovered (cf. information provided in the last few paragraphs);

- debt bondage, serfdom, forced or compulsory labour; and
- forced recruitment for armed conflict: the Defense Service Law (Consolidated Version), 5746-1986, sets the draft age at 18. Nonetheless, for administrative purposes, a presumption in the law states that draftees who are to reach the age of 18 in the first half of a particular year are considered to have reached that age on the first day of that year, while draftees who are to reach the age of 18 in the second half of that year are considered as having turned 18 on the first day of the second half of that year. For this purpose, the year is divided according to the traditional Jewish calendar. Thus, according to the law, a youth may be eligible for the draft from the age of 17½, depending on the relationship between his date of birth and the relevant date set out in the aforementioned presumption.

In practice, and notwithstanding the provisions of the aforementioned law, the Israeli defence forces (IDF) will not draft minors under the age of 18, apart from the following exceptions:

1. Draftees who choose to participate in programmes that combine professional or academic training with army service. Although they formally enlist for one day of army service prior to their participation in the chosen programme, for administrative purposes, they are then released to their chosen programme and do not serve in the armed forces until they are over the age of 18.
2. Draftees who enlist for “unremunerated service” in programmes that combine rabbinical studies, volunteer work or other forms of civilian activity with army service. Though the participants in these programmes are formally drafted, they remain in the civilian framework of their chosen programme and do not receive military training until they have passed the age of 18.
3. Volunteers for regular army service are accepted into the IDF from the age of 17½, but they are not posted to combat duty.

The Ministry of Defense has drafted a legislative proposal aimed at amending the Defence Service Law to reflect the practice as set out earlier. The proposed amendment is a preliminary measure meant to pave the way for the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182) by Israel; and

- illicit activities, in particular production and trafficking of drugs: the police department is not aware of any widespread phenomena involving the use of minors in illicit activities in Israel. In individual cases, where police find that minors have been used in drug trafficking or distribution, they take intensive action to arrest the trafficker or the instigator and indict him while he is in the custody of the authorities.

Minors who have reached the age of criminal responsibility and who have been used for the purposes of drug trafficking are dealt with through the youth probation service. When minors under the age of criminal responsibility are used for this purpose, the information concerning the minor is turned over to the social services.

Prostitution, another worst form of child labour, is believed or suspected to exist amongst both boys and girls.

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

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

- legal reform;
- inspection/monitoring mechanisms;
- penal sanctions;
- civil/administrative sanctions;
- free compulsory education; and
- vocational and skills training for young workers.

Within these measures or programmes, special attention is given to the needs of particular groups of children. An 18-month pilot project to combat commercial sexual exploitation of minors was begun in January 2001 by the NGO, ELEM – Youth in Distress – with funding and professional help from the Ministries of Labour and Social Affairs, Education, and Absorption [Immigrant Absorption] and the NGO Eshelim. The programme, called “Awake at night”, was implemented in cooperation with the Municipality of Tel Aviv, the Ministry of Internal Security and the Ministry of Justice. The aims of the programme were to gather information about young victims of commercial sexual exploitation, and to locate, meet with and extend help and intervention to the victims.

During the 18-month project, the team located over 90 youths (both male and female) working in prostitution in the Tel Aviv area, in 15 permanent locations. Twenty-three of them who were intensively active in this area were treated directly by the project team. Five of them ended their involvement in prostitution due to the efforts of the project team.

The basis of the “Awake at night” project was fieldwork, which included the gradual creation of a supportive and sympathetic community environment by the project team. The team opened an information and advisory centre for youth in one of the central target areas, which provided a meeting place for team members and the target population. The recruitment of volunteers was another important aspect of the project. Twenty-seven adult volunteers were successfully trained and integrated into the fieldwork. The project team and volunteers received intensive instruction and support to help them in their relationships with the youths.

The project staff worked on creating one-on-one, intensive, non-judgemental relationships with each of the youths. The connection was not limited in time, and the youths understood that staff members would be available for them at any time and in any situation.

Once the relationships were created, the staff provided assistance to the youths in many realms, including helping them to find alternatives to prostitution. The staff provided the youths with information and support for integration into regular work frameworks, as well as temporary housing, basic necessities, and direction and aid in receiving help from existing public services.

The findings and activities of the project were documented in monthly reports by the project director. Various academic professionals utilized the programme for research projects connected with the phenomenon of commercial sexual exploitation of youth and its treatment.

Based on its experience in this pilot project, ELEM has developed a detailed plan for the treatment and rehabilitation of youth exploited for commercial sexual purposes, which involves continued work with this target population.

ELEM is also involved in a programme aimed at integrating a different target population – youth at risk – into existing apprenticeship and vocational training programmes funded by the Ministry of Labour and Social Affairs. This programme, which is run by the Department of Vocational Training in the Ministry in cooperation with ELEM, identifies teens in educational or social distress and provides them with support while referring them to apprenticeship programmes in vocational training schools. The students referred to the schools by ELEM are sometimes taught in special classes and in other cases are integrated into existing classes. ELEM provides these students with an aide to support them throughout their studies, which helps them to adjust to their studies.

This programme has been successfully implemented in six apprenticeship schools located in the central region, and the Department plans to expand it countrywide.

In addition, the Ministry of Labour and Social Affairs helps youth in severe crisis situations through the Service for Women and Girls and the Service for Youth and Youngsters, which locate and provide crisis intervention and emergency services to young people who have difficulty adjusting to or functioning in a normative society, and who are susceptible to crime and exploitation. The Ministry of Education operates youth promotion units, which work with young people who neither attend school nor work, or who attend school sporadically. The Youth Protection Authority operates residences for youth who have been referred to them by a court order, as well as for homeless youth.

A Ministerial Committee for the Advancement of Children's Rights was established in the Knesset in July 1999, and the activities of that Committee increase the awareness of the Israeli public and government bodies, on issues involving the exploitation of children and their labour.

The "Working and Studying Youth" organization, affiliated with the New *Histadrut*, reports violations of the Youth Labour Laws to the Ministry of Labour and Social Affairs. There is also productive cooperation between the Ministry and the Council for the Welfare of the Child. As illustrated earlier, there is also a lot of cooperation with the NGO, ELEM.

The Department for the Enforcement of Labour Laws in the Ministry of Labour and Social Affairs publishes monthly and yearly statistics concerning the number of complaints dealing with child labour which were investigated, the number of children and employers involved in each complaint, and the number of complaints found to be justified.

Statistical surveys concerning the extent and nature of work done by minors aged 15-17 is published yearly by the Central Bureau of Statistics together with such information concerning adults, in the Statistical Abstract of Israel, under the heading, *Labour and Wages*.

The Manpower Planning Division in the Ministry of Labour and Social Affairs plans to carry out a comprehensive survey dealing with child labour in the year 2003. The first stage of the survey will be a six-month pilot project in which a limited number of questions, dealing with the number of employed minors, the number of work hours, the

types of work involved and levels of remuneration, will be posed. The results of this survey will provide direction for the larger survey mentioned earlier.

In the last population census, held in 1995, the lowest age of persons for whom questions were asked about economic activity was 15 years.

Difficulties concerning the realization of this principle and right

Apart from the work being done in the field of commercial sexual exploitation of children (as reported earlier), the Government is unaware of any significant phenomena concerning the worst forms of child labour, as defined in Convention No. 182, within Israel.

Priority needs for technical cooperation

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

Report preparation

In preparing this report, the Legal Department of the Ministry of Labour and Social Affairs consulted with its counterparts in the Ministry of Justice, the Defense Ministry and the Israeli police.

Copies of this report will be sent to the Manufacturers' Association of Israel and the New *Histadrut*. Any comments received will be forwarded to the ILO.

Annexes (not reproduced)

An unofficial translation of the Penal Law, 5737-1977 (an excerpt).

Jamaica

Government

Recognition of this principle and right

In Jamaica, the principle of the effective abolition of child labour is recognized in legislation and judicial decisions. [Jamaica ratified in October 2003 both the Minimum Age Convention, 1973 (no.138) and the Worst Forms of Child Labour Convention, 1999 (No.182).]

There is a National Programme on the Prevention and Elimination of Child Labour in Jamaica. The main objectives of this project are the following:

- increase the knowledge-base on child labour;
- strengthen the institutional capacity to address the problem;
- increase awareness of the dangers of child labour and the benefits of education; and

- implement direct action programmes to remove, rehabilitate and prevent children from engaging in the worst forms of child labour.

National legislation does not establish a general minimum age for admission to employment. The existing legislation (the Child Care and Protection Act (CCPA)) is currently under review. The general minimum age for admission to employment covers work performed in a family-owned or operated enterprise.

National legislation defines hazardous work.

The Child Care and Protection Act is being modified to address the elimination of the worst forms of child labour.

There is no compulsory schooling for children in Jamaica.

With respect to the worst forms of child labour, prostitution, pornography, and illicit activities, in particular production and trafficking of drugs are believed or suspected to exist amongst both boys and girls. It is not known whether sale and/or trafficking and other worst forms of child labour exist.

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

In view of bringing about the effective abolition of child labour, the following measures have been implemented to eliminate the worst forms of child labour:

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

In addition, inspection/monitoring mechanisms and penal sanctions are envisaged.

Within these measures or programmes, special attention is given to the needs of particular groups of children. Measures are being taken to provide economic assistance to parents of ex-child labourers, especially female-headed households, that experience difficulty in facilitating the enrolment and attendance of children. Income-generating projects are also being implemented to aid in bridging the income gap in order to mitigate the likelihood of children returning to their former areas of work.

Steps are being taken to educate and sensitize employees and employers on the need to lessen and eventually eliminate the worst forms of child labour.

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

In relation to the abolition of child labour, the Government does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and sanctions applied to users of child labour.

As concerns statistical information on the extent and/or nature of child work, the first national survey and data collection [exercise] has just been completed (May 2002) and consequently, not yet compiled. Reports will be made available in 2003.

Progress and achievements concerning this principle and right

Programmes that have been implemented for the elimination of the worst forms of child labour are not yet at the stage where their impact can be fairly ascribed.

Priority needs for technical cooperation

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

Type of technical cooperation needed	Ranking
Legal reform	2
Policy advice	1
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Training of other officials (e.g. police, judiciary, social workers, teachers)	1
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	1

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Kiribati

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Kyrgyzstan

Note from the Office

The Office has never received a report from the Government since the start of the annual review process in 1999.

Lao People's Democratic Republic

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Latvia

Government

Recognition of this principle and right

In Latvia, the principle of the effective abolition of child labour is recognized in legislation, but not in judicial decisions and collective agreements.

There is no national policy or plan aimed at ensuring the effective abolition of child labour. The Government does not intend to adopt a national policy or plan.

National legislation establishes a general minimum age for admission to employment, 13 years for boys and girls – which covers light work but not the following:

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

Although legislation in Latvia does not define hazardous work it is prohibited for persons under the age of 18 to perform such work.

Laws/regulations exist in Latvia aimed at eliminating any of the worst forms of child labour and the types of work covered are as follows:

- economic exploitation;

- employment in conditions that are dangerous or harmful to his/her health or physical, psychological or moral development;
- night work;
- work during such periods which would hinder his/her education;
- physical and mental exploitation;
- sexual exploitation;
- soliciting; and
- other forms of exploitation, which may in any way harm the child.

With regards to eliminating the worst forms of child labour, Latvia is going to ratify in 2004 the protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime. Currently the relevant institutions are developing awareness programmes on preventing the trafficking of persons (especially children) in destination States. Therefore, it is envisaged that the current legislation will be amended accordingly.

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

Although Latvia has not ratified the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), the Government has implemented the requirements of the European Union Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work. The purpose of this directive is to take the necessary measures to prohibit child labour. The directive determines that the minimum working age is not lower than the minimum age at which compulsory full-time schooling as imposed by national law ends or 15 years in any event. The implementation of the directive requirements ensures that young people are protected against economic exploitation and against any work likely to harm their safety, health or physical, mental, moral or social development or jeopardize their education.

The relevant law are as follows:

- Cabinet Regulation 109 “Regulations regarding work in which employment of children from the age of 13 is permitted” (adopted on 8 January 2002) concerns child labour – this regulations prescribes the work in which employment of children from the age of 13 years is permitted if one of the parents (guardian) has given written consent to that effect; and
- Cabinet Regulation 205 “Procedures for issuing permits for employment of children as performers in cultural, artistic, sporting and advertising activities, and restrictions to be included in permits” (adopted on 28 May 2002) – this regulation prescribes the procedures by which the State Labour Inspectorate shall issue permits for the employment of children as performers in cultural, artistic, sporting and advertising activities, as well as determine the restrictions to be included in permits with respect to working and employment conditions.

If the employer violates the rights of employees, including children, the aggrieved party can complain to the State Labour Inspectorate, which shall investigate the claims and

control the implementation of appropriate rules and regulations in the area of employment and labour protection.

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

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

However, the following worst forms of child labour are believed or suspected to exist in Latvia:

- prostitution (boys and girls); and
- pornography (boys and girls).

Whereas it is not known if the following worst forms of child labour exist in Latvia:

- sale and/or trafficking; and
- illicit activities, in particular production and trafficking of drugs.

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

The table below shows the areas where specific measures have been implemented and those which are envisaged to bring about the effective abolition of child labour and the elimination of the worst forms of child labour.

Types of Measures	Measures to enforce minimum age(s) for employment		Measures to eliminate the worst forms of child labour	
	Implemented	Envisaged	Implemented	Envisaged
Legal reform	X			
Inspection/monitoring mechanism	X			
Penal sanctions			X	
Civil or administrative sanctions	X			
Free compulsory education	X		X	
International cooperation programmes or projects				X

Legal reform (implemented): The Labour Law (adopted on 20 June 2001) comprises the prohibition of children's employment in permanent work. Within the meaning of this law, a child shall mean a person who is under 15 years of age and who until reaching the age of 18 continues to acquire a basic education.

Inspection/monitoring mechanisms (implemented): Aggrieved employees including children can complain to the State Labour Inspectorate which shall investigate the matter and impose the implementation of appropriate rules and regulations in the given sphere of employment and labour protection.

Administrative sanctions (implemented): Under Section 41(1), the Code of Administrative Offences imposes a monetary penalty for any violation of the provisions regarding labour/protection laws or other related regulatory enactments.

Under the Criminal Law the following penal sanctions have been implemented to combat the worst forms of child labour:

- forced prostitution (section 164);
- sending a person for sexual exploitation (section 165.1);
- violation of provisions regarding importation;
- production and distribution of pornographic or erotic materials (section 166);
- involvement of a minor in a criminal offence (section 172); and
- trafficking of people (section 154.1).

With regards to international cooperation programmes/projects the following are envisaged.

Elaboration of the guidelines “Latvia fit for children” is built on the document “ A world fit for children” adopted in the General Assembly of United Nations at its special session in 2002. The action plan that was accepted in the abovementioned session obliges each member State to develop it by the end of 2003. There is also an obligation to put into practice the said action plan by the end of 2015. Concerning the protection of children from exploitation, violence and discrimination, the guidelines “Latvia fit for children” study problems, set targets, envisage results, define liable institutions particularly in sexual exploitation, trafficking and illicit employment of children. The Ministry of Justice, Ministry of Interior, Ministry of Welfare, Ministry of Education and Science and municipalities are all involved in realizing these measures, which are planned to last until 2015.

Employers’ and workers’ organizations play an active role in the preparation of new legislation. Discussions are held with the social partners for all draft projects of programmes as well as laws, regulations of the Cabinet of Ministers and other regulatory enactments.

The Government records the number of children withdrawn from child labour but does not record the following information in relation to the abolition of child labour:

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

The Government undertakes surveys that provide statistical information on the extent and/or nature of child work every year.

The results are presented separately:

- by sex;
- by occupation;
- by type of activity; and
- by number of hours worked.

The survey is recorded in a 54-page document entitled the “Children in Latvia”, 2002, at the Central Statistical Bureau of Latvia.

According to the statistical bulletin “Children in Latvia” there were 159,900 economically inactive persons aged between 15 to 19 years in 2001, while the economically active persons of the same age group was only 20,500. Since 1996 the number of active persons aged between 15 to 19 years has halved.

The last population census was held in 2000.

Progress and achievements concerning this principle and right

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

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Latvia, particularly in the following areas, in order of priority (1 = most important, 2 = second most important etc. and 13 = least important):

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

The most important need is capacity building of responsible government institutions extending to training of officials and inter-institutional coordination via seminars, expert advice, etc.

Report preparation

For the preparation of this report, consultations were held with other governmental agencies namely, the Ministry of Interior, the Secretariat of Minister for Special Assignments for Children and the Family and the Central Statistical Bureau of Latvia. Consultation was also held with the most representative organizations of employers and workers, namely, the Latvian Employers' Confederation and the Latvian Free Trade

Unions' Confederation. Copies were sent to both organizations but only the former made comments.

Liberia

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Lithuania

Government

Recognition of this principle and right

In Lithuania, the principle of the effective abolition of child labour is recognized, among others, in the Constitution, laws and regulations, judicial decisions and collective agreements, as demonstrated by the following [Lithuania ratified in 1998 the Minimum Age Convention, 1973 (No. 138)]:

- Constitution of the Republic of Lithuania, (25/10/1992), article 48;
- Labour Code (04/06/2002, No. IX-926, in force since 1 January 2003);
- Law on Safety and Health at Work (17/10/2000, No. VIII-2063);
- Law on Labour Inspectorate (25/10/1994, No. I-614);
- Law on Fundamentals of Protection of the Rights of the Child (14/03/1996, No. I-1234);
- Law on Protection of the Rights of the Child Ombudsman (25/05/2000, No. VIII-1708);
- Law of the Republic of Lithuania "On Ratification of the UN Convention on the Right of the Child"(03/07/1995, No. I-987);
- Law of the Republic of Lithuania on ratification of the European Social Charter (revised), 15/05/2001, No. IX-317;
- Resolution of the Supreme Council of the Republic of Lithuania on ratification of the International Covenant on Economic, Social and Cultural Rights, 12/03/1991, No. -1136;
- Government Resolution No. 1055 on Regulations of Working and Employment Conditions for Persons up to the Age of 14, Persons of Age 14 to 16 and Persons of Age 16 to 18 adopted on 11 September 1996;
- Government Resolution No. 29 of 11 January 2000 on the National Programme Against the Commercial Sexual Exploitation and Sexual Abuse of Children;

- Government Resolution No. 282 of 28 February 1995, on approval of the Governmental Drug Control Commission and its Regulations;
- Government Resolution No. 970 of 6 September 1999, on Approval of National Drug Control and Drug Addiction Prevention Programme for 1999-2003; and
- Government Resolution No. 73 of 28 January 2001, on Partly Revision of the Government Resolution No. 282 of 28 February 1995, and Government Resolution No. 970 of 6 September 1999.

Copies of documents listed above have been submitted to the ILO with the reports on the application of relevant ratified Conventions and the Report on the Abolition of Child Labour, 2001.

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

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

In striving to ensure protection of the rights and legitimate interests of children and to mitigate opportunity of children to become victims of sexual abuse and commercial sexual exploitation, the Government adopted Resolution No. 29 of 11 January 2000 and the National Programme against Commercial Sexual Exploitation and Sexual Abuse of Children. This programme provides for legal, educational, social, medical, organizational and informative measures to achieve the strategic and tactical objectives – to create conditions for combating commercial sexual exploitation and sexual abuse, also to provide the ways of such strive.

The main goals of the programme are to strive for:

- a strategic objective – to create a system of preventive measures against commercial sexual exploitation and sexual abuse of children; and
- a tactical objective – to ascertain the main reasons of commercial sexual exploitation and sexual abuse of children, the ways of their abolition, to choose the most suitable measures to achieve strategic objective, and to establish the stages for their implementation;
- other goals:
 - to develop a legal base and the system of its implementation, to strengthen penal liability for those committing crimes (including sexual) against children, also to further develop measures for rehabilitation of children, who suffered from violence or sexual exploitation;
 - to create a balanced system of institutions and individual subjects acting in the sphere of children rights protection, and a system for their functioning; to ensure good contacts and cooperation with the municipalities, state and international level; and
 - to create an informative and scientific methodological system which would allow the collection and analysis of data on commercial sexual exploitation and sexual abuse of children, this would also foresee the tendencies and spread of such exploitation.

With the goal of preventing the spread of drug addiction, the Government adopted in 1999 the National Drug Control and Drug Addiction Prevention Programme for 1999-2003.

National legislation establishes a general minimum age for admission to employment, which is 16 years for both boys and girls under the Law on Safety and Health at Work (article 58(2)) and the Labour Code (article 13, paragraph 2).

The abovementioned amended Governmental Resolution defines jobs prohibited to persons of certain age.

Hazardous work is defined by national legislation under article 67 of the Law on Safety and Health at Work (17/10/ 2000 No. VIII-2063), which reads as follows:

Classification of the working environment

1. The working environment shall be classified as follows:
 - (1) optimal working environment: working environment which contains no hazardous factors which may have a negative effect on the worker's condition, functional capacity or health;
 - (2) normal working environment: working environment which contains hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which do not exceed the limits established by law;
 - (3) hazardous working environment: working environment which contains one or more hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which at certain points in time during the working day exceed the limits established by law. When working in such working environment, conditions to protect workers' health must be created;
 - (4) extremely hazardous working environment: working environment which contains one or more hazardous factors or factors having a similar effect, individual or aggregate concentrations (quantities) of which during the working day continuously exceed the limits established by law. Workers may work in such environment only in exceptional cases and must be provided with conditions to protect their health;
 - (5) dangerous working environment: working environment which may occur due to the release into the environment of especially dangerous chemical substances or agents in the form of aerosols or dust in the course of work, also due to the use of dangerous explosive substances. In order to protect the workers from possible exposure, measures specified in article 20(3) must be introduced.
2. Permitted levels and quantities of factors in the working environment is laid down in the Health and Safety at Work Act.

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

Laws/regulations with the aim of eliminating the worst forms of child labour are the Criminal Code (articles 131-133, 241, 242 and 242 (2)) and also the law stated above.

Steps have being taken to modify existing legislation. In this respect, amendments were made to the Law on Safety and Health at Work and Governmental Resolution No. 1055.

Compulsory schooling for children up to the age of 16 for both boys and girls is provided for under article 41 of the Constitution.

Unemployment in Lithuania is rather high (11 per cent in 2002, 9,4 per cent on 1 July 2003). However, child labour is not widespread (as shown below).

Activity of the State Labour Inspectorate	2001	2002	2003 half-year
Number of inspected enterprises with respect to the issues of safety and health	14 502	14 606	7 094
Total number of employees in inspected enterprises	743 735	714 174	353 000
Employees under the age of 18	204	279	196

According to the crimes statistics of the Ministry of Internal Affairs of the Republic of Lithuania, the following worst forms of child labour exist for both boys and girls: sale and/or trafficking, prostitution, pornography, and illicit activities, in particular production and trafficking of drugs. However, debt bondage, serfdom, forced or compulsory labour and forced recruitment for armed conflict do not exist. It is not known whether other forms of child labour exist.

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

Specific measures/programmes have been implemented in the country to bring about the effective abolition of child labour. As indicated above, the Government adopted Resolution No. 29 of 11 January 2000, which sets up the National Programme Against Commercial Sexual Exploitation and Sexual Abuse of Children. In addition, a Commission to coordinate the National Programme Against Commercial Sexual Exploitation and Sexual Abuse of Children was created by Order No. 107 (3 August 2001) of the Minister of Social Security and Labour. Furthermore, Government Resolution No. 282 of 28 February 1995 created the Drug Control Commission. Moreover, the National Drug Control and Drug Addiction Prevention Programme for 1999-2003 was approved by Government Resolution No. 970 of 6 September 1999, and further revised by Government Resolution No. 73 of 28 January 2001.

These programmes provide for plans of action at different levels (government, municipalities and educational institution). Furthermore, the Government adopted in the first quarter of 2002 the Poverty Reduction Strategy Programme, in which special attention is paid to the situation of children.

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

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

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

In addition, a vocational training and counselling system has been created and it is coordinated by the Lithuanian Vocational Training and Counselling Authority, the Lithuanian Labour Exchange and the Ministry of Education and Science. Many projects have been carried out in cooperation with other countries, such as the Youth Employment Centre, which was established at the Vilnius Labour Exchange in cooperation with the Ministry of Labour of Denmark. Based on this experience, Lithuania is planning to set up similar centres in other towns. Besides, the social security system includes social assistance for children, and the Vilnius Training and Counselling Centre aims at helping young people to choose their profession after military service.

Special attention is given to the need of particular groups of child victims of sexual exploitation and under drug addiction (National Programme against Commercial Sexual Exploitation and Sexual Abuse of Children and the National Drug Control and Drug Addiction Prevention Programme for 1999-2003).

Employers' and workers' organizations have been involved in the development and implementation of these measures/programmes of action through the Tripartite Council of the Republic of Lithuania – a body formed under tripartite equal rights partnership, which by mutual agreements deals with social, economic and labour-related problems, including child labour. Indeed the regulations of this Tripartite Council specify that the Council may decide on setting up ad hoc or permanent commissions to consider any special or regular issues. In this respect the Standing Commission on Tripartite Consultations for the Implementation of International Labour Standards was set up on 12 January 1999. During its December 2000 meeting, the Commission discussed, among others, the possibility to ratify the Worst Forms of Child Labour Convention, 1999 (No. 182) and possible measures to assess and to abolish the worst forms of child labour still existing in the country. This standard was ratified by the Seimas (Parliament) of Lithuania on 25 March 2003, and the instrument of ratification was submitted in April 2003 by the Ministry of Foreign Affairs to the Director-General of the ILO [as of 24 September 2003, this ratification was not received at the ILO].

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

Many projects at the Lithuanian Labour Exchange, the Lithuanian Training and Counselling Authority, the Ministry of Education and Science and other institutions are carried out in cooperation with the institutions of different countries.

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

The State Labour Inspectorate neither distinguishes children (either by age, sex, occupation, etc.) as a special category of employees during site visits, nor keeps any relevant records. It looks only at the number of employees under 18 years of age.

The last population census was held in April 2001, and all inhabitants who were directly interviewed, with no special limit on the age,

Progress and achievements concerning this principle and right

The following programmes/measures, described above, can be regarded as successful examples in the abolition of child labour.

- the National Programme Against Commercial Sexual Exploitation and Sexual Abuse of Children;
- the National Drug Control and Drug Addiction Prevention Programme for 1999-2003;
- Poverty Reduction Strategy Programme;
- the Vocational Training and Counselling Authority;
- the Youth Employment Centre;
- the Vilnius Training and Counselling Centre;
- the National Tripartite Council;
- the Standing Commission on Tripartite Consultations for the Implementation of International Labour Standards; and
- the various measures taken to enforce the minimum age(s) for admission to employment or work and to eliminate the worst forms of child labour.

Difficulties concerning the realization of this principle and right

There are no special obstacles with respect to realizing the principle of the effective abolition of child labour because it is not widespread in the country (see table 1), and it is regulated by national legislation.

The most urgent problems concern the so-called street children, who live as tramps and are, therefore, most vulnerable to becoming victims of sexual abuse, drug addiction or being involved in crimes.

Therefore, all government efforts, with the active participation of non-governmental organizations, are directed towards such children. Besides the measures mentioned above, social and education counsellor positions were established in 2001. Since September 2001, 150 counsellors began work at educational institutions. Their duties include work with children and their parents and coordination of activities with other institutions. Children who are victims of drug addiction undergo rehabilitation in psychological pedagogical rehabilitation camps. Every municipality has services for the protection of children's rights. There are child day centres and child support centres which try to help children and their parents to overcome psychological crises. The aim is to take preventive measures against the abuse and exploitation of children, and to try to involve society in solving problems affecting children.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Lithuania, in particular in the

following areas, in order of priority (1 = most important; 2 = second most important; 0 = not important):

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

ILO experts analysed national legislation concerning the prohibition of the worst forms of child labour and found no inconsistencies with the provisions of Convention No. 182. It was therefore concluded that nothing in the national legislation would prevent the ratification of this Convention. However, efforts such as designing and implementing programmes of action in this regard, will continue.

Report preparation

In preparing this report, consultation was held with the following governmental agencies:

- the State Labour Inspectorate;
- the Statistic Department at the Government of the Republic of Lithuania;
- the Ministry of Internal Affairs; and
- the Ministry of Education and Science.

Comments by employers' and workers' organizations have not yet been received.

A copy of this report was sent to:

- the Lithuanian Trade Unions' Confederation;
- the Lithuanian Trade Union "Solidarumas"; and
- the Lithuanian Labour Federation.

Mexico

Government

Recognition of this principle and right

Since the Government's last report, there has been no change in Mexico regarding the recognition of this principle and right. [Mexico ratified in 2000 the Worst Form of Child Labour Convention, 1999 (No. 182).]

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

The changes since the Government's last report with regard to efforts made or envisaged to ensure respect, promotion and realization of this principle and rights are given below.

The Government occasionally undertakes surveys that provide statistical information on the extent and/or nature of child work. The last survey was undertaken in 2002.

The results are presented separately by:

- sex;
- occupation;
- type of activity; and
- number of hours worked.

The Department of Labour and Social Security (STPS) works with the National Statistics, Geography and Information Technology Institute (INEGI) to conduct various surveys to obtain information on the labour market. Furthermore, the STPS works with the Northern Border College (COLEF) and the National Population Council (CONAPO) to prepare the Migration Survey at the Northern Border of Mexico. The different surveys are described below.

Household surveys are undertaken in the following categories:

- the Annual National Employment Survey;
- the Quarterly National Employment Survey; and
- the National Survey on Education, Training and Employment.

Establishment surveys are undertaken in the following categories:

- the National Survey on Employment, Wages, Technology and Training; and
- the National Micro-enterprise Survey.

Surveys at sampling points are undertaken as the Migration Survey at the Northern Border of Mexico.

Using the indicators of the system for monitoring the situation of children and adolescents (SISESIA), the federal Government has tried to measure the impact of certain programmes. This instrument is being used to make pertinent decisions or, as is the case with the SISESIA indicators, to follow up the goals established in the 2002-10 Plan of Action for Children (PAFI).

However, not all of the indicators are linked to goals. There are also indicators that show the current status of childhood in Mexico and some socio-demographic characteristics of this group of the population. Indicators are established in a simple, logical and orderly manner.

To identify the most important indicators to be included in this system, various institutions responsible for achieving the goals established in the PAFI spent months working together. The institutions involved in this work include the following:

- Department of Public Education;
- Department of Health;
- Department of Social Development;
- System for Comprehensive Family Development;
- Department of Labour and Social Security;
- National Statistics, Geography and Information Technology Institute; and
- NGOs.

The following tables show some figures relating to 12 to 19 year olds according to gender and the status of economic activity.

Gender and age groups	1998 ¹		1999 ¹	
	Economically active	Economically inactive	Economically active	Economically inactive
Total	5 837 995	11 028 270	5 665 055	11 353 907
12 to 14 years	1 242 294	5 382 914	1 252 121	5 580 731
15 to 19 years	4 595 701	5 645 356	4 412 934	5 773 176
Men	3 872 824	4 524 884	3 794 997	4 654 982
12 to 14 years	853 100	2 486 397	883 843	2 527 423
15 to 19 years	3 019 724	2 038 487	2 911 154	2 127 559
Women	1 965 171	6 503 386	1 870 058	6 698 925
12 to 14 years	389 194	2 896 517	368 278	3 053 308
15 to 19 years	1 575 977	3 606 869	1 501 780	3 645 617

¹ Preliminary figures.

Source: The Annual National Employment Survey, Department of Labour and Social Security-National Statistics, Geography and Information Technology Institute.

Gender and age groups	2000 ¹		2001 ¹	
	Economically active	Economically inactive	Economically active	Economically inactive
Total	5 554 081	11 665 963	5 202 460	12 294 669
12 to 14 years	1 034 052	5 963 963	910 269	6 074 882
15 to 19 years	4 520 029	5 972 000	4 292 191	6 219 787
Men	3 661 761	4 982 317	3 469 180	5 305 300
12 to 14 years	717 964	2 681 904	648 470	2 904 899
15 to 19 years	2 943 797	2 300 413	2 820 710	2 400 401
Women	1 892 320	6 683 646	1 733 280	6 989 369
12 to 14 years	316 088	3 012 059	261 799	3 169 983
15 to 19 years	1 576 232	3 671 587	1 471 481	3 819 386

¹ Preliminary figures.

Source: The Annual National Employment Survey, Department of Labour and Social Security-National Statistics, Geography and Information Technology Institute.

Gender and age groups	2002 ¹		2003 ¹	
	Economically active	Economically inactive	Economically active	Economically inactive
Total	4 929 569	12 666 598	4 671 422	13 051 828
12 to 14 years	860 259	6 177 148	766 736	6 349 787
15 to 19 years	4 069 310	6 489 450	3 904 686	6 702 041
Men	3 306 604	5 541 039	3 176 913	5 778 131
12 to 14 years	615 953	2 997 580	539 460	3 048 357
15 to 19 years	2 690 651	2 543 459	2 637 453	2 729 774
Women	1 622 965	712 559	1 494 509	7 273 697
12 to 14 years	244 306	3 179 568	227 276	3 301 430
15 to 19 years	1 378 659	3 945 991	1 267 233	3 972 267

¹ Preliminary figures.

Source: The Annual National Employment Survey, Department of Labour and Social Security-National Statistics, Geography and Information Technology Institute.

Progress and achievements with respect to this principle and right

Since the Government's last report, there has been no change in Mexico regarding progress and achievements with respect to this principle and right.

Obstacles with respect to this principle and right

Since the Government's last report, there has been no change in Mexico regarding progress and achievements with respect of this principle and right.

Priority needs for technical cooperation

The intention to participate in the International Programme on the Elimination of Child Labour (IPEC) specific programme was expressed in the Government's 2002 report. This Programme is mainly financed by the United States Department of Labor and was initiated in September 2002, in close collaboration with the following:

- the Department of Labour and Social Security;
- the National System for Comprehensive Family Development (DIF Nacional);
- the Attorney General's Office; and
- ILO/IPEC's technical assistance.

The United States Department of Labor contributed US\$1,800,000 to the programme, which will last for 32 months.

Activities to combat the commercial sexual exploitation of children are being developed, at the national and local level, in the following areas:

- prevention;
- adaptation of the legal framework;
- direct care for child victims in Acapulco, Guadalajara and Tijuana; and
- the strengthening of inter-institutional coordination.

To date, the following activities have been developed:

- support given to the "*Abre los Ojos, pero no Cierres la Boca*" (open your eyes, but don't keep your mouths shut) campaign with the issuing and distribution of 2 million leaflets;
- the promotion and assessment of legislative amendments to the Federal Penal Code in the area of child prostitution and pornography;
- the drawing up (currently under way) of a guide for the victims of this phenomenon and a basic information package, as well as assessment and research documents that will help combat the problem in Mexico.

In addition to the above, other activities are planned such as:

- campaigns;
- training for people responsible for caring for child victims;
- training for the parents of minors at risk; and
- support for children who are at risk or are the victims of commercial sexual exploitation.

Report preparation

In preparing this report, consultation was held with employers' and workers' organizations, but not with other governmental consultation agencies.

Copies of this report were sent to the Mexican Confederation of Chambers of Industry (CONCAMIN) and the Mexican Employers' Confederation (COPARMEX), who submitted their comments.

Copies were also sent to the Confederation of Mexican Workers (CTM), which made no comment.

Mongolia

Government

Recognition of this principle and right

In Mongolia, the principle of the effective abolition of child labour is recognized in legislation, judicial decisions, collective agreements and government policy documents. [Mongolia ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

There is no national policy/plan aimed at ensuring the effective abolition of child labour and this phenomenon is totally prohibited by law. However, the Government intends to adopt one by the end of 2002.

National legislation establishes a general minimum age for admission to employment – 16 for both boys and girls – which covers the following:

- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;
- commercial agriculture;
- light work; and
- work performed in export processing zones.

Although the Labour Code is supposed to be uniformly applicable, the general minimum age requirement is informally relaxed for family-owned/operated enterprise and self-employed work.

The Labour Code does not give an exact definition of hazardous work or hazardous conditions. However, it classifies working conditions into “normal” and “abnormal”. A whole chapter (including articles 86-99) of the Labour Code is devoted to working conditions, standards and requirements.

[Reference is made to the application of ratified Convention No. 182.]

Article 109 of the Labour Code, which concerns employment of minors, states the following:

109.1 A person who reaches 16 years of age has the right to conclude [make] a contract of employment.

109.2 Except as otherwise provided in Article 109.5, a person who reaches 15 years of age may conclude [make] a contract of employment, if permitted by his parents or guardians.

109.3 A person who reaches 14 years of age may enter into a contract of employment for the purpose of acquiring vocational training and work experience, but only with the consent of his parents or guardians and the state administrative organ in charge of labour issues.

109.4 An employer shall not employ a minor in a job, which will adversely affect his intellectual development or health.

109.5 The member of the Government responsible for labour matters shall establish a list of work for which a minor may not be employed.

In 1999, the Minister for Health, Social Welfare and Labour approved, by resolution A/204, a list of work prohibited to adolescents. This list specifies 340 types of work including all types of mining and underground work, construction activities, hot ironing, work with chemicals, etc.

[Reference is made to the application of ratified Convention No. 182.]

Currently the Labour Code is being reviewed for further modifications according to the current conditions on the labour market. The whole of 2003 shall be devoted to working on amendments to the Labour Code. Child labour issues shall be modified as well. Amendments to the Labour Code will be prepared by a joint working group including experts from the Ministry of Social Welfare and Labour, Ministry of Justice and Home Affairs, employers' organizations and trade unions.

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

Since 1998, child labour has become a real concern in Mongolia. Poverty, driven by economic transition, meant that there has been a rise in child labour. During that period a large number of state enterprises have been dissolved and privatized. Employment in the civil service has been decreasing whilst private enterprises are practising nepotism, including the employment of children. The situation is such that children are forced to take employment to make ends meet. Thus child labour has escalated to include the worst forms, causing serious damage to their health and in some cases even causing death. There is a desperate need to amend the law to combat this phenomenon.

To meet that end, a survey was conducted with 800 (50.6 per cent licensed and 19.6 unlicensed) small and medium-sized enterprises that included 1,300 boys and girls aged between 7 and 18. The survey was conducted with the participation of the state and social welfare inspectors and the Labour Inspection Agency.

Table 1. Sectors where children work

No.	Sector	Percentage
1.	Food	42.0
2.	Light industry	14.0
3.	Agriculture	9.0
4.	Health and education	6.0
5.	Trade, services	3.0
6.	Transportation	2.0
7.	Mining	3.0
8.	Construction	2.0
9.	Others	19.0

There are 1,425 children working in the abovementioned sectors of the economy. Of those, 35.7 per cent work at one working place continuously, 21.8 per cent are working on the street, 8.5 per cent have no permanent working place and move frequently from place to place. Only one-third of these children work in safe conditions, remaining two-thirds work in hazardous work conditions. Especially adolescents working at home do not care about safe work. Ratio between working boys and girls is almost equal.

Table 2. Age of working children

	Ages	Percentage to total	Percentage of girls
1.	10 and lower	4.4	33.9
2.	11-13	13.8	39.1
3.	14-15	28.3	36.2
4.	16-18	53.5	57

According to most of the children, the reason for them to work is to support themselves and their families; 27.3 per cent of these children work while still attending school (53.7 per cent of those are girls); 32.9 per cent dropped out of their schools (26.7 per cent of those are girls). The remaining 39.8 per cent have completed eight classes of which 66.8 per cent are girls.

Table 3. Types of work done by children and adolescents

	Types of work	Percentage of children
1.	Short hand help, servicemen	0.8
2.	Sewing, weaving	17.8
3.	Dishwashing	6.2
4.	Newspaper selling	0.8
5.	Work as replace person	18.2
6.	Indoors cleaning	7.4
7.	Carrying heavy weights (by hand or on wheels)	13.4
8.	Selling in kiosks	12.4
9.	Selling on streets	12.3

	Types of work	Percentage of children
10.	Shoe cleaning	0.6
11.	Selling food at markets	2.8
12.	Collecting recyclables	2.5
13.	Work at mines	0.6
14.	Bus ticket collector	2.0
15.	Wood cutting	0.9
16.	Car washing	1.5

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

The table below shows the areas where specific measures have been implemented/envisaged to bring about the effective abolition of child labour [reference is also made to specific measures taken in application of ratified Convention No. 182]:

Type of measure	Measures to enforce minimum age(s) for employment	
	Implemented	Envisaged
Legal reform	+	+
Inspection/monitoring mechanisms		+
Penal sanctions		
Civil or administrative sanctions	+	+
Special institutional machinery	+	+
Free compulsory education	+	+
Employment creation/income generation	+	+
Social assistance (e.g. stipends, subsidies, vouchers)	+	+
Child rehabilitation following removal from work	+	+
Vocational and skills training for young workers	+	+
Awareness raising/advocacy	+	+
International cooperation programmes or projects	+	+

Within these measures special attention has been given to the needs of particular groups of children.

In 2000, the Parliament ratified Convention No. 182, and the Tripartite National Coordinating Committee was formed for its enforcement. This Committee included members from different ministries, Members of Parliament, and representatives of employers' and workers' organizations, and of NGOs.

In 2001 the Parliament adopted a law on employment promotion. Implementation of this law is designed to promote employment for adults. The aim is that by reducing unemployment for adults in Mongolia, child labour will also reduce as it is caused mainly by poverty and unemployment of parents.

The list of hazardous works where under-age people are prohibited from working was approved in order to enforce the Labour Code.

[Reference is made to specific measures taken in application of ratified Convention No. 182.]

Both employers' and workers' organizations participated in the development and implementation of measures to apply the principle of the effective elimination of child labour. [Reference is made to the application of ratified Convention No. 182.]

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

In 1994, Save the Children of the United Kingdom started to work in Mongolia with the total activities fund of around £100,000 aimed at assisting to solve problems that children face. Now its activities cover wide geographical areas and involve many different social groups. The 2000-04 programme of this fund is working in several sectors such as education, labour and social protection schemes related to children. This fund also opened shelters for street children. It concentrates on children and parents of vulnerable social groups, and provides them with various types of services. Furthermore, capacity building of domestic social workers is undertaken, and this fund is carrying out a project on "child and labour". In 2002, this fund was awarded with the "For Mongolia" prize as a token of appreciation for the significance of its activities for the sake of children.

The Ministry of Social Welfare and Labour as well as its Employment Office and Labour Inspection Agency keep records on the following information in relation to the abolition of child labour:

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

However, no information is kept on the sanctions applied to users of child labour.

The National Statistical Office of Mongolia undertook its only survey to provide statistical information on the extent and/or nature of child work in 2001, the results of which were presented separately by sex, age, type of activity and the number of hours worked.

In the last population and housing census held in the year 2000, the lowest age to whom questions were asked about economic activities was 18.

Progress and achievements concerning this principle and right

The following special measures taken in Mongolia can be regarded as successful examples in the effective abolition of child labour:

- ILO-IPEC awareness campaign and strengthening governmental agencies on child labour issues;
- in December 2000, the Mongolian Employers' Federation carried out a training course "child black market" for principal staff of the main markets of Ulaanbaatar;
- the ILO-IPEC programme funded a survey done in three of the largest cities and ten provinces on child labour among small and medium-sized enterprises and informal business units. Data collected became the first database on child labour at the Labour Inspection Agency.

Difficulties concerning the realization of this principle and right

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

- Child labour is often necessitated by poverty and adult unemployment that have dramatically increased due to the social and economic reforms that are ongoing in Mongolia. In most cases children work only in order to get some food.
- Over the last three years Mongolia experienced consequent devastating natural calamities such as severe winters with excessive snow, and droughts in summers. Due to this thousands of herding households lost their domestic animals that were their main source of income. These families have moved to settled areas especially to the capital Ulaanbaatar increasing the number of urban poor. These families often have registration problems and err on providing correct personal identification (ID cards, social security numbers, etc.). They face difficulties in registering children for schools. That is why these children often have to drop out or postpone schooling and engage in labour.
- In Mongolia, the traditional economic activity is herding. Children are expected to help parents and other relatives in such activity. Before the 1990s most of the domestic livestock of Mongolia (around 25-30 million heads) was owned by the State. In 1992-93 herds were privatized and the number of livestock per rural household increased. This became a reason for numerous school drop-outs, especially for boys who are now engaged in herding the domestic animals of their families, relatives or other wealthier families.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Mongolia, in particular in the following areas, in order of priority (1 = most important 2 = second most important etc. and 13 = least important):

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

Report preparation

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

Copies of this report were sent to the Mongolian Employers' Federation and the Confederation of Mongolian Trade Unions. Their comments are fully reflected herein.

Myanmar

Government

Recognition of this principle and right

In Myanmar, the principle of the effective recognition of child labour is recognized in legislation, which establishes a general minimum age of 18 years for both boys and girls for admission to employment. The Factories Act, 1951, provides for the following:

Section 2(a): "Child" means a person who is under 15 years old.

Section 2(b): "Adolescent" means a person who is between 15 and 18 years old.

Section 2(c): "Young person" means a person who is either a child or an adolescent.

Section 75: A child under 13 years old shall not be required or allowed to work in any factory.

Section 76: A child who is over 13 years old or an adolescent shall not be required or allowed to work in any factory unless –

(a) a certificate of fitness granted under section 77, which is kept in the custody of the manager of the factory; and

(b) such a child or adolescent, carries a token as evidence of such a certificate, while he is at work.

Further, the Shops and Establishments Act, 1951, states the following:

Section 8(1): Any person, under the age of 13 years shall not be required or permitted to work in any shop, commercial establishment or establishment for public entertainment.

Hazardous work is defined in national legislation. The following Hazardous Occupation Regulations, which were made under the Factories Act, 1934, may still be enforced under the provisions of the Factories Act, 1951:

- Hazardous Occupation (Lead) Regulations, 1937;
- Hazardous Occupation (Miscellaneous) Regulations;
- Hazardous Occupation (Aerated Water) Regulations, 1937;
- Hazardous Occupation (Rubber) Regulations, 1937;

- Hazardous Occupation (Cellulose Spraying) Regulations, 1937;
- Hazardous Occupation (Chromium) Regulations, 1937; and
- Hazardous Occupation (Sand Blasting) Regulations, 1937.

The minimum age for engaging in hazardous work is 18 years for boys, while the Factories Act provides further protection in sections 75 and 76 (cited earlier).

In addition, women and children shall not be allowed to work in any hazardous work. The Factories Act, 1951, provides:

Section 24(2): No woman or child shall be allowed to clear, lubricate or adjust any part of the machinery while that part is in motion, or work between moving parts, or between fixed and moving parts of any machinery which is in motion.

Section 25(1): No young person shall work or be required to work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection therewith and the precautions to be taken and –

- (a) has received sufficient training in work at the machine, or
- (b) is under supervision of a person who has a thorough knowledge and experience of the machine.

Section 29 – No woman or child shall be employed in any part of a factory in which a cotton opener is at work.

Section 36 – No woman, adolescent or child shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause injury.

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

In view of bringing about the effective abolition of child labour, inspection/monitoring mechanisms have been implemented to eliminate the worst forms of child labour.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Myanmar. In this respect, capacity building of responsible governmental institutions (e.g. labour inspection and administration) is the most important type of technical cooperation needed, followed by social protection systems.

Report preparation

This report has been communicated to the Factories and General Labour Laws Inspection Department under the Ministry of Labour, the Attorney-General's Office, the Union of Myanmar Federation Chamber of Commerce and Industries and the Workers' Welfare Associations concerned.

New Zealand

Government

New Zealand provided a complete report to the annual review under the Follow-up to the Declaration in November 1999 (2000 report GB.277/3/2), and related supplementary reports in September 2000 (2001 report GB.280/3/2) and September 2001 (2002 report GB.283/3/2) to update the information contained in the first report (GB.277/3/2). Major changes that have not been described earlier are outlined below. [New Zealand ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

Recognition of this principle and right

The Government of New Zealand is deeply concerned about the exploitation of children and is actively engaged in a number of international forums dealing with this issue. New Zealand therefore strongly supports initiatives to eliminate the worst forms of child labour, and ratified Convention No. 182 on 14 June 2001. The Government does not believe, however, that all forms of child employment are harmful. While New Zealand places restrictions on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking. The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.

For details on the restrictions on the employment of young persons, care/protection and human rights issues, refer to the Government's 2000 (GB.277/3/2), and 2001 (GB.280/3/2) reports. The legislation and policies as described in those reports provide a wide range of protections against the exploitation of children in employment in New Zealand.

National legislation does not establish a general minimum age for admission to employment. However, the Government is currently assessing, in the context of reviewing its reservation to article 32(2) of the United Nations Convention on the Rights of the Child, whether a general minimum age is the most appropriate protection against the exploitation of children in work.

This work, once completed, will assist with determining whether New Zealand is able to ratify the Minimum Age Convention, 1973 (No. 138).

National legislation does not define hazardous work (refer to the Government's 2000 (GB.277/3/2) and 2001 (GB.280/3/2) reports to the annual review under the follow-up to the Declaration).

As regards compulsory schooling for children, the age of boys and girls at the end of this period is 16 years.

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

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

- inspection/monitoring mechanisms*;

- penal sanctions*;
- special institutional machinery*; and
- free compulsory education.

* In those areas where minimum age apply.

Measures to enforce minimum age(s) for employment

Although Convention No. 138 has not been ratified, New Zealand has a number of provisions that restrict the employment of young persons. For example, the Education Act, 1989, requires children to attend school up until 16 years of age. The Act also prevents the employment of school-age children within school hours or if the employment interferes with the child's attendance at school.

There are also a number of restrictions on employment of children due to occupational health and safety requirements. For example, provisions in the Health and Safety in Employment Regulations, 1995, restrict the employment of people under 15 years of age in a number of industries and situations, and prohibit the employment of people under 16 between the hours of 10 p.m. and 6 a.m., unless the employee's employment complies with an approved code of practice.

New Zealand also has statutory minimum conditions, which apply to all employees, including children. These include entitlements to:

- annual and statutory holidays;
- specific leave for sickness, domestic purposes or bereavement (Holidays Act, 1981);
- protection against unlawful deductions from wages (Wages Protection Act, 1983);
- equal pay for women and men where the only difference is their sex (Equal Pay Act, 1972);
- a right to take advice before entering into an employment relationship (the Employment Relations Act (ERA), 2000);
- protections against unfair bargaining, including taking advantage of the lack of capacity of a person because of their age (ERA, 2000); and
- right to bargain collectively (ERA, 2000).

Measures that have been implemented to enforce minimum ages for employment (in areas where minimum ages apply, in the case of the first three measures) are inspection/monitoring mechanisms, penal sanctions, special institutional machinery, and free compulsory education. In addition, as mentioned earlier, the Government is currently assessing (in the context of reviewing New Zealand's reservation on article 32(2) of the United Nations Convention on the Rights of the Child) whether a minimum age is the most appropriate protection against the exploitation of children in work.

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

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

No information is recorded in relation to the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or the sanctions applied to users of child labour. However, the Government undertakes or has undertaken surveys that provide statistical information on the extent and/or nature of child work (for further information, refer to the Government's report to the 2000 annual review under the follow-up to the Declaration (GB.277/3/2)). The results of these surveys are presented separately by sex and age (15-19 years).

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

Progress and achievements concerning this principle and right

While New Zealand does not subscribe to the view that all forms of child employment are harmful and must be abolished, we do have measures in place which ensure that the focus of young people is on education and that appropriate protections are in place where young people are involved in paid employment [as demonstrated above with regard to the measures to enforce minimum age(s) for employment].

Minimum wage

In March 2002, the Government increased both the adult minimum wage rate for all employees aged 18 and above, and the youth rate, which covers those aged 16-17. The minimum wage for adults is now NZ\$8.00 per hour, NZ\$64.00 for an eight-hour day, and NZ\$320.00 for a 40-hour week. The minimum wage for youths is now NZ\$6.40 per hour, NZ\$51.20 for an eight-hour day and NZ\$256.00 for a 40-hour week.

A bill has been introduced to repeal an existing provision under the Minimum Wage Act, 1983, that exempts trainees from minimum wage. The bill will enable a minimum wage to be set for recognized trainees, based on the current criteria whereby a trainee is required to undertake a minimum amount of training towards a qualification on the National Qualifications Framework. It is intended to replace the existing exemption with a minimum training wage set at the rate for young people aged 16-17 (currently NZ\$6.40 an hour). This will set a floor to wages for employees undertaking industry training similar to an apprenticeship, and will in particular assist young employees undertaking modern apprenticeships.

Employment Relations Act, 2000

As indicated in previous reports, the Employment Relations Act, 2000 (ERA) came into force in October 2000, containing a number of provisions that will particularly assist young people.

New Zealand 2002 report to the annual review under the follow-up to the Declaration (GB.283/3/2) signalled that the Department of Labour had upgraded its system for disseminating information about the Employment Relations Act and minimum employment standards, with a particular focus on young people. Between 2 October 2000 and 30 June 2002, the Department has responded to 337,344 employment-related inquiries, most concerning questions relating to holidays and leave entitlements.

The Department has also taken an active role in promoting awareness. Mediators have undertaken 610 seminars, talks or visits on problem resolution services and other employment-related topics. Information officers and labour inspectors have conducted approximately 400 talks or seminars about employment rights and obligations with high schools, tertiary providers, citizens advice bureaux, industry training providers, workplaces, community representatives and employers.

Labour inspectors have also taken a proactive approach when exercising their various statutory powers of investigation and enforcement under the ERA. Between 2 October and 30 June 2002, labour inspectors conducted 378 workplace visits and targeted inspections, as well as undertaking complaint-based work.

The new process and institutions of the ERA have also produced results that are likely to benefit young people. The Act ensures access to information, mediation services, and adjudication in the Employment Relations Authority which is required to resolve employment problems by establishing the facts and making a determination according to the substantial merits of the case, without regard to technicalities. To date, 93 per cent of mediation applications have been completed within three months of contact, while 64 per cent of all Authority cases have been completed within four months of application (and 76 per cent within five months).

Report preparation

Full reports were sent to appropriate government departments and then to Business New Zealand (BNZ) and the New Zealand Council of Trade Unions (NZCTU), to invite their comments in the report forms. They were all consulted regarding the preparation of the report, and the social partners made comments on the report.

Oman

Government

Recognition of this principle and right

In Oman, the principle of the effective abolition of child labour is recognized in the Constitution, legislation, judicial decisions and collective agreements. [Oman ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

There is a national policy/plan aimed at ensuring the effective abolition of child labour and this phenomenon is totally prohibited by law.

National legislation establishes a general minimum age for admission to employment – 16 for both boys and girls – which covers the following:

- work performed in a family-owned or operated enterprise;
- work performed in enterprises below a certain size;
- home work;
- domestic service;
- self-employed work;

- commercial agriculture;
- family and small-scale agriculture;
- light work; and
- work performed in export processing zones.

In addition, hazardous work is defined by law as any work which causes hazards to the health of the employee, such as mining. The minimum age for engaging in this type of work is 18 for both boys and girls.

Laws/regulations exist in Oman with the aim to eliminate the worst forms of child labour, and a new Labour Law has been issued in 2003.

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

Child labour, including its worst forms (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; illicit activities, in particular production and trafficking of drugs, etc.) does not exist in the country.

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

Specific measures or programmes of action, including measures to enforce minimum age(s) for employment and measures to eliminate the worst forms of child labour, have been implemented in the country to bring about the effective abolition of child labour. These measures are as follows:

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

The Government works with the Arab Labour Organization to combat child labour. However, it does not keep any record and has not undertaken any survey that provides statistical information on the extent and/or nature of child work.

The last population census was held in 1993 and the lowest age of persons for whom questions were asked about economic activity was 18.

Progress and achievements concerning this principle and right

Omani laws can be regarded as a successful example in the abolition of child labour. Since the last government report, the major change in relation to this principle is the issuance of the new Omani Labour Law in 2003.

Difficulties concerning the realization of this principle and right

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

Priority needs for technical cooperation

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

Report preparation

In preparing this report, copies of same were sent to employers' and workers' organizations, but no comments were received from them.

Pakistan**Note from the Office**

The Office received no report from the Government for the annual review of 2004.

Paraguay**Note from the Office**

The Office received no report from the Government for the annual review of 2004.

Qatar**Government*****Recognition of this principle and right***

In Qatar, the principle of the effective abolition of child labour is recognized in the Constitution and national legislation. [Qatar ratified in 2000 the Worst Forms of Labour Convention, 1999 (No. 182).]

The objectives and targets of the national policy/plan are the provision of human and material resources, as well as all other means that ensure childcare and the protection of children in order to properly prepare them for the future, in the context of good family, social and economic conditions. To achieve these aims, precedence is given to health,

education and social services, material and moral guidance and other means, which might promote the well-being of children.

Legislation establishes a general minimum age for admission to employment – 18 years for boys and girls – which covers the following types of work:

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

Although it does not cover work performed in enterprises below a certain size.

Hazardous work is not defined in the legislation. However, the minimum age for engaging in that type of work is 18 years for both boys and girls.

[Reference is made to ratified Convention No. 182.]

The age of a child at the end of compulsory schooling is 18 years for both boys and girls and to complete compulsory education, nine years/grades of instruction are required.

Child labour does not exist in Qatar; the Civil Service Act and the Labour Code provide for a general minimum age for admission to employment, which is 18 years. Furthermore, the Labour Code prohibits the access of children less than 15 years of age to worksites and regulates assignments for adolescents (15-18 years) in the types of work, which do not harm their health, security and morals.

[Reference is made to ratified Convention No. 182.]

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

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

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

- employment creation/income generation;
- social assistance (e.g. stipends, subsidies, vouchers); and
- childcare and protection against delinquency.

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

Apart from the ILO, the Government works with the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the Committee on the Rights of the Child.

Since child labour does not exist in Qatar, no information is recorded by the Government in respect of the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education, or the sanctions applied to users of child labour. The same applies to surveys in view of providing statistical information on the extent or nature of child work. However, labour inspectors' reports and manpower statistical surveys include questions on a worker's age and type of work, in order to ensure that there is no child labour.

In the last population census, held in 1997, the lowest age of persons for whom questions were asked about economic activity was 15 years.

Progress and achievements concerning this principle and right

The ratification of Convention No. 182 and the adoption of Compulsory Education Act No. 25, 2001, can be regarded as successful examples in the abolition of child labour. There are no major changes since the last report.

Difficulties concerning the realization of this principle and right

Since child labour does not exist in Qatar, no obstacles have been encountered in the realization of the principle of the effective abolition of child labour.

Priority needs for technical cooperation

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

Report preparation

In preparing this report, consultation was held with the High Council for Family Affairs, the Ministry of the Interior and the Department of Social Affairs in the Ministry of Civil Service and Housing. Consultation was also held with employers' and workers' organizations, but no comments were received from them.

A copy of the report has been sent to the Chamber of Commerce and Industry of Qatar and the Committee of Workers of Qatar.

Saint Kitts and Nevis

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Saint Lucia

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Saint Vincent and the Grenadines

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Sao Tome and Principe

Government

Recognition of this principle and right

The principle of the effective abolition of child labour is not recognized in the Constitution, legislation or collective agreements in Sao Tome and Principe.

The Government envisages adopting a national plan or policy in 2004 aimed at ensuring the effective abolition of child labour. National law sets a general minimum age for employment under articles 128 and 129 of Law No. 6/92 which sets out the legal regime governing individual conditions of work.

The general minimum age for employment applies to independent activities and light work, but does not apply to the following types of employment:

- work in a family business;
- home work;
- domestic service;
- commercial agriculture;
- family or small-scale agriculture; and
- work in free zones.

A draft General Labour Act is currently being prepared in the Ministry. ILO assistance in this matter would be desirable.

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

The pending ratification of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), is aimed at eliminating the worst forms of child labour.

Under article 6.2 of the Education Act, school attendance is compulsory in Sao Tome and Principe. The age at the end of compulsory education is 16 years for girls and boys (cf. Circular No. 19/GMEC/02, guidelines for the year 2002/2003).

The worst forms of child labour, such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, forced recruitment for use in armed conflict, prostitution, pornography, illicit activities, in particular for the production and trafficking of drugs, do not exist.

The Government does not yet cooperate with multilateral organizations other than the ILO to combat child labour. The same goes for bilateral donors and other organizations.

The Government does not have statistics on the number of children withdrawn from child labour pursuing formal or non-formal education or sanctions applied to users of child labour. However, a study project financed by IPEC will look at child labour in agricultural plantations.

The last population census in 2001 did not include the criterion of age.

Sao Tome and Principe has not up to now taken any measures regarded as examples of success in the abolition of child labour.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in the following areas, in order of priority (1 = most important, 5 = least important):

Types of technical cooperation needed	Ranking
Legal reform	3
Capacity building of responsible government agencies (e.g. inspection and administration of labour)	5
Training of officials of other departments (e.g., police, lawyers, social workers, teachers)	4
Data collection and analysis	2
Job creation and income generation, improving vocational skills	1

Saudi Arabia

Government

Since the Government's last report, there has been no change in the Kingdom of Saudi Arabia in relation to the principle of the effective abolition of child labour. [Saudi Arabia ratified in 2001 the Worst Form of Child Labour Convention, 1999 (No. 182).]

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

One of the main measures taken in Saudi Arabia regarding the elimination of child labour was Order No. 13,000 of 17/4/1423 [17/7/2003] prohibiting children (under the age of 18) from camel riding and participating in camel races.

Report preparation

Copies of this report were sent to:

- the employers' representative of the Council of Chambers of Commerce and Industry; and
- the workers' representative of ARAMCO [a Saudi oil company].

Sierra Leone**Note from the Office**

The Office has never received a report from the Government since the start of the annual review process in 1999.

Singapore**Government**

Since the previous report, there has been no change in Singapore concerning the principle of the effective abolition of child labour. [Singapore ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

The Government further reiterates that child labour does not exist in the country as there are adequate laws to protect children and young persons from exploitation. In addition, Singapore also ratified the following Conventions:

- the Minimum Age (Industry) Convention, 1919 (No. 5);
- the Minimum Age (Sea) Convention, 1920 (No. 7); and
- the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15).

A copy of this report has been forwarded to the Singapore National Employers' Federation and the National Union Congress.

Solomon Islands**Note from the Office**

The Office has never received a report from the Government since the start of the annual review process in 1999.

Somalia

Note from the Office

The Office has never received a report from the Government since the start of the annual review process in 1999.

Suriname

Government

Recognition of this principle and right

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

There is no national policy/plan aimed at ensuring the effective abolition of child labour, but the Government intends to adopt one.

National legislation establishes a general minimum age for admission to employment – 14 years for boys and girls. The minimum age for persons employed on fishing vessels as determined in the Sea-fishing Decree of 1980 is 15 years. Furthermore, the Labour Act (GB1963 No. 63) prohibiting child labour has been amended in 2002 by SB 2002 No. 71 to increase the fine for legislation infringement.

The general minimum age for admission to employment does not cover:

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

Under article 17 of the Labour Act, it is prohibited for children to perform certain types of work, even if they get a compensation or pay. It is also prohibited for children to work outside an enterprise except for the following activities:

- in the family household where the child is brought up, at schools, in working places, in nurseries, in educational institutions and similar institutions, provided that these activities have an educational characteristic and not primarily for financial gain; and
- in agriculture, horticulture and cattle breeding for family needs.

These activities must not take place in factories or in working places or with machines that have a capacity of more than two-horse power.

Under article 18, children who have exceeded the age of completion of compulsory schooling can perform certain forms of labour, which are stipulated in the state Decree, under the following conditions:

- the activity is necessary for learning a profession or is normally performed by children;

- the activity must not be physically or mentally too demanding; and
- the activity must not be hazardous.

Under article 19, in specific cases, wherever necessary for a child and on request of the head of the family, in which the child is raised, the Head of Labour Inspection can make an exception for the application of article 17. In these cases specific conditions may be made.

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

No laws/regulations exist in Suriname with the aim of eliminating the worst forms of child labour.

As regards compulsory schooling for children, the age of boys and girls at the end of this period is 12 years, with a general requirement of six years of instruction.

No cases of child labour have been found in the listed enterprises, but child labour does occur in the informal sector. The results of a survey held in 1998, show that there is about a 2 per cent occurrence of child labour in Suriname.

With respect to the worst forms of child labour, it is not known whether sale and/or trafficking or other worst forms of child labour exist. However, prostitution, pornography, and illicit activities, in particular production and trafficking of drugs, are believed or suspected to exist amongst boys and girls.

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

Specific measure/programmes of action have been implemented or are envisaged to bring about the effective abolition of child labour including the worst of forms of child labour. In particular, measures have been taken to reform the law and the assessment of the nature and extent of the worst forms of child labour.

Articles in the Labour Act concerning the prohibition of child labour are being revised where necessary. Furthermore, the Worst Forms of Child Labour Convention, 1999 (No. 182) has been submitted to the competent authority for ratification. The Minimum Age Convention, 1973 (No. 138) is also being prepared for approval by the Council of Ministers and will also be submitted to the competent authorities.

In 2002, as part of a Child Labour Project commissioned by the ILO Caribbean Office in close association with the IPEC and an NGO (NIKOS), the Government undertook a survey on the worst forms of child labour. The main issue of this research was to make an assessment of the nature and extent of the worst forms of child labour in the country and to take the necessary measures against this phenomenon. The research also focused on the following:

- an overview of situations where the worst forms of child labour are detected;
- a description of the labour and working conditions from the perspective of the child; and
- a description of factors that are part of the solution of the phenomenon of child labour.

In order to answer the main questions of the research, several interviews have been conducted which focused on the situation of child labour in Amerindian and Maroon communities with respect to mining, domestic work and prostitution.

There has been no involvement of workers' and employers' organizations in the development and implementation of the abovementioned measures/programmes of action.

The Government works with multilateral agencies (other than the ILO), bilateral donors and/or other organizations to combat child labour. It has implemented projects on the rights of the child, which are being/have been sponsored by the United Nations Children Fund (UNICEF). However, the projects that have been implemented so far have not been specifically on child labour.

In relation to the abolition of child labour, the Government does not record information on the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and sanctions applied to users of child labour.

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

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

The Government occasionally undertakes surveys with regard to statistical information on the extent and/or nature of child work,. The last one was carried out in 1998 (*Draft Report of the Survey on Child Labour in Suriname 1998*, Labour Market Department, Ministry of Labour, Technological Development and Environment).

Results of surveys are presented separately by:

- sex;
- age (4-14 years);
- occupation;
- type of activity; and
- number of hours worked.

The last population census was held in 2003. However, the result has not been finalized yet. Furthermore, as the result of a fire in the building of the General Bureau for Statistics, the necessary information will not be available in the near future.

Progress and achievements concerning this principle and right

There are no special measures undertaken in Suriname that can be regarded as successful examples in the abolition of child labour.

The major changes that have occurred since the last report as follows:

- Convention No. 182 and Recommendation No. 190 were submitted to the competent authority in June 2003 regarding ratification; and
- in 2002-06 the Government launched a Policy Plan for Children. The main objective of this policy is aimed at enhancing the position of children in general and to give them a better chance in life. In order to achieve the main objective, one of the issues that has to be addressed is the elimination of child labour.

Difficulties concerning the realization of this principle and right

The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour in Suriname are the lengthy procedures for the modification and passage of legislation and a lack of capacity building of officials especially from the Labour Inspection Department.

Priority needs for technical cooperation

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

Type of technical cooperation needed	Ranking
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2
Data collection and analysis	2
Awareness raising, legal literacy and advocacy	3
Special programme for the elimination of the worst forms of child labour	1

Report preparation

In preparing this report, the General Bureau for Statistics provided the relevant information, while employers' and workers' organizations were requested to make comments and bring their inputs.

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

- Employers' organizations:
 - Suriname Trade and Industry Association (*Vereniging Surinaams Bedrijfsleven*) (V.S.B); and
 - Suriname Manufacturers' Association (*Associatie van Surinaamse Fabrikanten*) (ASFA).
- Workers' organizations:
 - Progressive Trade Union Federation (Progressieve Vakcentrale C-47) (C-47);
 - General Association of Trade Unions (Algemeen Verbond Van Vakverenigingen in Suriname (AVVS) "De Moederbond") AVVS;
 - Federation of Civil Servants Organizations (*Centrale van Landsdienaren Organisatie*) (CLO);

- Organization of Collaborating Autonomous Trade Unions (*Organisatie van Samenwerkende Autonome Vakbonden*) (OSAV);
- Progressive Workers' Organizations (*Progressieve Werknemers Organisatie*) (PWO); and
- Federation of Farmers and Agrarians (*Federatie van Agrariërs en Landarbeiders*) (FAL).

Tajikistan

Note from the Office

The Office received no report from the Government for the annual review of 2004.

Thailand

Government

Recognition of this principle and right

In Thailand, the principle of the effective abolition of child labour is recognized in the Constitution, legislation and judicial decisions [Thailand ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

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

National legislation establishes a general minimum age for admission to employment – 15 years for both boys and girls – which covers light work, work performed in export processing zones and work performed in enterprises below a certain size. The minimum age for admission to employment in the fisheries sector (sea) is 16 years, while for dock work, it is 18 years.

However, national legislation does not cover the following:

- work performed in enterprises below a certain size,
- home work;
- domestic service;
- self-employed work;
- commercial agriculture; and
- family and small-scale agriculture.

Hazardous work is not defined in national legislation, but the minimum age for engaging in this type of work is 18 years for both boys and girls.

[Reference is made to the application of ratified Convention No. 182.]

The age for compulsory schooling is 15 for both boys and girls, with a general requirement of nine years of grades or instruction.

In contrast with previous year's figures, as collected by the Department of Labour Protection and Social Welfare and shown in the Labour Statistics of 2002, there was an increase in the number of inspections for workers aged under 18 from 3,899 to 3,989. It was also found that 85 per cent were under the age of 15.

Most of the workers aged between 15 to 18 were employed in the following areas:

- manufacturing;
- wholesale and retail trade;
- repair of personal and household goods; and
- hotels and restaurants.

[Reference is made to the application of ratified Convention No. 182.]

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

In view of bringing about the effective abolition of child labour, the following measures have been implemented to enforce minimum age(s) for employment [Reference is also made to the application of ratified Convention No. 182.]:

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

The Department of Labour Protection and Welfare pays special attention to children who are going to finish their compulsory education with no chance of further education, particularly children in rural areas. Since it is this group of children who will enter the labour market the Department set up the Project on Woman and Child Labour Assistant Centre (Rural Area) in every province to encourage the community to participate in the elimination of unfair labour practices against children and to provide the necessary knowledge concerning labour laws and labour rights. To support the Project, the Department appointed labour volunteers in every village who come from community leaders in order to keep a watch and tackle child labour problems in their own community.

Furthermore, the Department has a policy to extend the legal protection in order to cover the informal sector. The present target group is agricultural workers. The Department is conducting a study and research regarding working conditions and occupational safety and health of agricultural workers.

Apart from the ILO, the Government works with the following agencies, bilateral donors and/or other organization:

- Praweena Hongsakul Foundation for Women and Children;
- Child's Right Protection Centre;
- Foundation for Child Development;
- Foundation for Better Life of Children;
- Foundation for Children;
- UNICEF and UNESCO subsidized budget for protection plans for children;
- UNDP – in the Project on Trafficking in Women and Children in the Mekong Subregion; and
- IOM – to solve women and children trafficking problem.

In relation to the abolition of child labour, the Government records information on the number of children withdrawn from child labour and sanctions applied to users of child labour. However, no information is kept regarding the number of ex-child labourers pursuing formal or non-formal education.

The table below shows the statistics of the foreign victims receiving assistance from the Ministry of Labour and Social Welfare.

Divided by nationality

Nationality	Admission into Ministry of Labour and Social Welfare shelters	Repatriation to country of origin
Cambodian	517	460
Myanmar	201	163
Laotian	175	140
Vietnamese	3	2
Chinese	12	5
Malaysian	1	-
Others – cannot identify	4	-
Total	913	770

Divided by sex

Sex	Admission into Ministry of Labour and Social Welfare shelters	Repatriation to country of origin
Boy	358	313
Girl	294	241
Woman	261	216
Total	913	770

The summary of the Ministry of Labour and Social Welfare (MOLSW) report, concerning cases of grievances reported via the hotline and letters between October 2000 and September 2001, shows that labour inspectors followed up on those cases of grievances and withdrew 98 child and young workers. Ten employers were prosecuted for the exploitation of child labour and exposing young workers to occupational hazards. The total fine paid by the employers was 29,000 baht and 567,820 baht was paid in compensation to the child workers involved. The orders were issued to employers in cases of the violation of the Labour Protection Act of 1998 (such as unpaid wages, non-provision of paid holidays, payment of wages below the minimum wage and work hours beyond what is legally allowed).

According to the records of the Labour Protection Bureau, Department of Labour Protection and Welfare, the labour inspectors removed 119 children labourers and young workers from illegal employment. Ten employers are being prosecuted, charged under the Labour Protection Act of 1998 (sections 44-47, 51 and 56).

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

Progress and achievements concerning this principle and right

The Taxi Driver Volunteer Project can be regarded as a successful example of special measures undertaken in Thailand, in 2001, for the abolition of child labour. The project was launched by MOLSW in December 2001, to encourage taxi drivers to inform or report on traces of child labour or unfair labour practice on young workers to labour officials.

Difficulties concerning the realization of this principle and right

The main obstacles encountered in Thailand with respect to realizing the principle of the effective abolition of child labour are the lack of a complete and systemized process of gathering statistics and inadequate data analysis.

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Thailand, particularly in the following areas, in order of priority (1 = most important; 2 = second most important; and 0 = not important):

Type of technical cooperation needed	Ranking
Legal reform	2
Policy advice	0
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	2
Training of other officials (e.g. police, judiciary, social workers, teachers)	2
Data collection and analysis	1
Strengthening capacity of employers' and workers' organizations	2
Employment creation, skills training and income generation	0
Social protection systems	1
Awareness raising, legal literacy and advocacy	2

Type of technical cooperation needed	Ranking
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	1
Inter-institutional coordination	2
Special programme for the elimination of the worst forms of child labour	1

Report preparation

In preparing this report, other governmental agencies were consulted. However, neither employers' nor workers' organizations were consulted.

A copy of this report was sent to the Employers' Confederation of Thailand, the Labour Congress of Thailand and the National Congress of Thai Labour.

Observations submitted by the Employers' Confederation of Thai Trade and Industry (ECONTHAI) through the Government

ECONTHAI finds that the Government's report reflects fairly the situation of this principle and right and has nothing further to add.

Observations made by the National Congress of Thai Labour (NCTL) through the Government

The NCTL agrees with the Government's report, but notes the following:

- the survey which provides statistical information on child labour as reported is not carried out systematically. Therefore, the Government should systematize it, so as to allow for the formulation of a guideline to resolve the problem;
- ILO technical cooperation is needed to strengthen the capacity of employers' and workers' organizations.

Trinidad and Tobago

Government

Trinidad and Tobago submitted a detailed report on the effective abolition of child labour in 2002. The majority of the information contained in that report is still relevant. The following, updates the information contained in particular responses [Trinidad and Tobago ratified on 23 April 2003 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

Recognition of this principle and right

Since the last report, the national committee to monitor implementation of the National Plan of Action for Children and the Convention on the Rights of the Child has prepared manuals based on the three workshops held. National consultations in Trinidad and Tobago have been held and it is anticipated that the draft National Plan of Action will now be prepared for public comment and eventual adoption.

There is no national policy in place aimed at ensuring the effective abolition of child labour. However, the Ministry of Labour and Small and Micro Enterprise Development is undertaking to prepare a preliminary policy statement for Cabinet approval. It is also pursuing the necessary administrative measures for the establishment of a Cabinet-appointed multipartite child labour committee. This committee would be expected to finalize a national policy and develop a plan of action for its implementation. This structure should be in place in December 2003.

It is anticipated that the first activity to be undertaken by this Committee would be an intervention to follow up on findings of the rapid assessment survey conducted in Trinidad and Tobago by the ILO Subregional Office in Port of Spain and the Ministry of Labour. (Information on this survey was included in the Government's 2002 report).

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

Preliminary activities have been undertaken to implement a Pilot Action Programme for Rehabilitation of Child Labourers Engaged in Scavenging Activities in Landfill Sites.

This project was initiated by the ILO as a result of the findings of the rapid assessment survey conducted in 2001. The goal of the programme is to withdraw and prevent children from working in the Beetham and Forres Park dumpsites. The programme will seek to deliver an integrated package that focuses not only on the provision of education and training for children but also on economic alternatives for the families and adolescents. It also includes preventing children from the very poor communities surrounding the dumpsites from ever working there.

It is expected that the intervention will be carried out through collaboration with the Solid Waste Management Company Limited, (SWMCOL), on strategies to reduce and eliminate the involvement of children in scavenging activities and to offer alternative avenues for development. There will be coordination with governmental and non-governmental agencies that work in this area.

The programme will target the source communities closest to the two dumpsites and will include direct action and services to present an alternative developmental approach and to heighten community awareness of the dangers of hazardous child labour. The programme will also seek to enhance a focus on preventative strategies in the Government's poverty alleviation plan by identifying indicators of households with potential child labourers.

The components of the programme are:

- (i) a baseline survey to document the situation of the children who work in the garbage dumps at Beetham and Forres Park and that of their families;
- (ii) a strategy for the prevention of child labour and the rehabilitation of those who work;
- (iii) promotion of change in attitudes within the communities and families towards child labour in general and toward the garbage sector in particular; and
- (iv) an effective monitoring system that would combine a community monitoring network and a monitoring and tracking system developed by an execution agency.

Relevant ministries and organizations, and the representative workers' and employers' organizations, namely, the Employers' Consultative Association and the

National Trade Union Centre have been participating in the planning of this pilot programme.

Progress and achievement concerning this principle and right

Since the last report, Trinidad and Tobago has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182). Ratification was registered by the ILO on 23 April 2003.

Report preparation

The report was prepared by the Ministry of Labour and Small and Micro Enterprise Development. There was no need for consultation with other government agencies as there is ongoing collaboration among all relevant government agencies involved in child labour and each ministry therefore has the relevant information readily available.

Copies of the report have been submitted to the Employers' Consultative Association and the National Trade Union Centre.

Observation submitted to the Office by the Employers' Consultative Association of Trinidad and Tobago (ECATT)

Recognition of this principle and right

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

In 1992, a national plan of action was developed to address priority areas for action, which included children in especially difficult circumstances. The Ministry of Social Development and an inter-ministerial committee took some initiatives by appointing Cabinet to implement measures in the National Plan of Action and report on the situation of children in especially difficult circumstances.

The general minimum age for admission to employment is not established in a single piece of legislation, rather various legislations set different ages depending on the nature of the industry and the environment. The general minimum age for admission to employment covers work performed in a family-owned/operated enterprise.

Although hazardous work is not defined by legislation, the minimum age to perform such work is 18 for both boys and girls.

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

The age at the end of compulsory schooling is 14 for both boys and girls.

With regard to the worst forms of child labour, debt bondage, serfdom, forced or compulsory labour and forced recruitment for armed conflict do not exist in Trinidad and Tobago. However, it is believed/suspected that sale and/or trafficking, illicit activities, in particular production and trafficking of drugs, working in landfills, begging, prostitution and pornography exist.

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

The table below shows the areas where specific measures have been implemented/envisaged to bring about the effective abolition of child labour and the elimination of the worst forms of child labour.

	Measures to enforce minimum age(s) for employment		Measures to eliminate the worst forms of child labour	
	Implemented	Envisaged	Implemented	Envisaged
Legal reform		√	√	
Inspection/monitoring mechanism		√		√
Penal sanctions		√		√
Civil or administrative sanctions		√		√
Special institutional machinery	√		√	
Free compulsory education	√		√	
Employment creation/income generation	√		√	
Social assistance (e.g. stipends, subsidies, vouchers)	√		√	
Child rehabilitation following removal from work		√		√
Vocational and skills training for young workers	√		√	
Awareness raising/advocacy		√		√

No special attention has been given to the needs of any particular groups of children in the measures/programmes described above.

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

The Government has not undertaken any surveys that provide statistical information on the extent/nature of child labour nor does it record any of the following information in relation to child labour:

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

Progress and achievements concerning this principle and right

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

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Trinidad and Tobago, in particular in

the following areas, in order of priority (1 = most important; 2 = second most important; 0 = not important):

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

Government's observation on the Employers' Consultative Association (ECATT)'s comments

In response to the section concerning "Recognition of this principle and right"

The ECA points out that the general age for admission to employment has not been established in a single piece of legislation and various pieces of legislation set different ages depending on the nature of the industry and the environment.

However, as indicated in the Government's response on the follow-up to the Declaration, the country is in the process of ratifying the Minimum Age Convention, 1978 (No. 138), the Attorney General's Office prepared a document outlining the legal implications of the ratification of this instrument. The necessary legislative amendments have been clearly set out in this document to facilitate the fulfilment of this countries' legislative obligations with regard to ratification of Convention No.138.

It should also be noted that the de facto age for the end of schooling in the country is 16 years.

The proposed occupational safety and health legislation, which was developed by the Ministry of Labour and Small and Micro-Enterprise Development, contains provisions regulating the employment of young persons in industrial establishments. Young person refers to a person who has attained 14 years of age but has not attained the age of 18.

The ECA's observations in the matrix suggest that there have been no inspection/monitoring measures taken to enforce the minimum ages(s) for employment or to eliminate the worst of child labour.

Officers of the Labour Inspectorate Unit of the Ministry of Labour and Small and Micro-Enterprise Development have participated in a Caribbean Subregional Training

Seminar for Senior Labour Inspector's/Officers in Jamaica from 6 to 12 October 2003, which would improve inspection and monitoring of child labour.

The ECA states that: *“Apart from the ILO, Government does not work with any multilateral agencies, bilateral donors and/or other organizations to combat child labour”*.

The Government notes that it works with UNICEF through the Ministry of Social Development in securing the rights of children. This involves the protection of children from exploitation, including, in the form of child labour. Also, through the National Plan of Action for the Survival, Protection and Development of Children, the goals of the world Summit from children (1990), and the provisions of the UN Convention on the Rights of the Child, including the protection of children from economic exploitation are furthered.

Turkmenistan

Note from the Office

The Office received no report from the Government for the annual review of 2004.

United States

Government

In 2002, the United States Government prepared an extensive report regarding this principle, based on the ILO's new report forms. The following information is provided to reflect changes since that report was filed. Except as noted below, the 2002 report remains valid. [The United States ratified in 1999 the Worst Forms of Child Labour Convention, 1999 (No. 182).]

Recognition of this principle and right

The 2002 report describes certain exceptions under the Fair Labor Standards Act (FLSA) relating to children under section 213(c)(2) of Title 29 of the US Code and the corresponding regulation in section 570.122 of Title 29 of the Code of Federal Regulations at the end of the second paragraph. For the sake of accuracy, the citation at the end of the second paragraph should be to section 213(c)(I)(a) of Title 29 rather than section 213(c)(2) of Title 29. For the sake of completeness, the following sentence should be inserted at the end of the second paragraph, before the citation: “Children under 12 years of age may be employed with parental consent outside of school hours in non-hazardous work on those small farms where all employees are exempt from the minimum wage requirements of the FLSA”

The same change described above is also called for at the end of the second paragraph of the section with the heading “Non-agricultural employment”.

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

In relation to question 10 of the report form:

Second paragraph. With respect to the discussion of the study conducted by the National Institute for Occupational Safety and Health (NIOSH), the Wage and Hour Division is in the process of giving effect to some of the recommendations regarding changes to the hazardous orders. Last year, the Government reported that the Wage and Hour Division was in the process of analysing the report to consider whether to recommend possible further regulatory action. To that end, it held stakeholder meetings during which it sought comments from employers, unions, and child advocacy groups regarding the NIOSH recommendations. The evaluation and review process is still ongoing.

Fourth paragraph. With respect to the last sentence, each district office was required in fiscal years 2003 and 2004 to submit plans for at least one directed child labour investigation as part of the Wage and Hour Division's strategy aimed at increasing compliance with child labour laws.

Fifth paragraph. The survey described in the last two sentences will be repeated during the fiscal year 2004.

The following paragraph should be added at the end of the response to question 10:

The President's fiscal year 2004 budget includes a legislative proposal to increase civil penalties for child labour violations that cause the death or serious injury of a young worker. This proposal would increase the civil monetary penalty from the current overall child labour violation cap of US\$11,000 to not exceed US\$50,000 for each violation that causes the death or serious injury of any employee under the age of 18. The assessment of the maximum penalty would not be automatic but would rather be based on statutory and regulatory guidelines and the facts of each individual case. Those violations that do not meet the criteria of a serious injury would be subject to the maximum civil monetary penalty of US\$11,000 for each employee. In addition, the proposal would allow penalties to be doubled when the violation is determined to be a repeat or wilful violation, for a maximum penalty of US\$100,000 for each repeat or wilful violation that causes the death or serious injury of a minor.

In relation to question 14:

The following statistics are supplied for fiscal year 2002 to update those supplied for 2000 and 2001:

CL CMP assessments: US\$5,547,026

CL CMP collections: US\$5,207,024

Number of concluded cases in which child labour violations were found: 1,936

Number of minors illegally employed: 9,690

Additional statistics relating the enforcement work of the Wage and Hour Division with respect to child labour may be found at <http://www.dol.gov/esa/whrl/statistics>

Observations submitted to the Office by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) through the Government

The AFL-CIO strongly disagrees with the draft update to the report on child labour prepared by the Government of the United States for the year 2003.

Uzbekistan

Government

Recognition of this principle and right

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

Under article 77 of the Labour Code, the minimum age for admission to employment is 16 years, although employment can be taken at the age of 15 if the person has written consent from his/her parents or guardian. The law also caters for a preparation period for young persons to join the labour market by allowing the following category of youngsters to be employed:

- students of general educational schools;
- students of specialized schools for skills training; and
- students of secondary educational institutions for easy work implementation.

However, the abovementioned categories can be allowed if it is not:

- damaging to their health and growing up process;
- a bar to their education; and
- performed during school time.

There is a national policy/plan aimed at ensuring the effective abolition of child labour and this phenomenon is totally prohibited by law.

Legislation on general minimum age does not cover home work.

National legislation defines hazardous work. Article 241 of the Labour Code prohibits anyone younger than 18 to work in unfavourable conditions, underground activities and any activity which is a risk to their health, safety or morals. It is also prohibited for persons younger than 18 years to lift or move weights superior to established norms.

The list of these jobs and norms is established by the following:

- the Ministry of Labour and Social Protection;
- the Federation of Trade Unions; and
- the representatives of employers.

Examples of hazardous work are:

- mining;
- oil and gas recovery, and
- chemical production, etc.

The Government is not taking any steps to amend/introduce legislation to address the elimination of any of the worst forms of child labour.

As regards compulsory schooling, the age of boys and girls at the end of this period is 18 to 19 years, with a general requirement of 12 years/grades of instruction.

Under article 73 of the Family Code concerning the rights and responsibilities of parents on educating children, parents are responsible for the education and upbringing of their children. They are also responsible for the health, physical, spiritual and moral upbringing of their children.

Education Law No. 464-1 of 29.08.1997 establishes the following types of education:

- pre-school education;
- secondary education;
- special secondary education, professional education;
- high education;
- education after college;
- educational training; and
- out-of-school education.

With regard to the worst forms of child labour, debt bondage, serfdom, forced or compulsory labour do not exist in Uzbekistan, and it is not known whether sale and/or trafficking and forced recruitment for armed conflict exist. However, prostitution (girls), pornography (boys) and illicit activities, in particular production and trafficking of drugs (boys) are believed or suspected to exist.

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

No specific measures/programmes have been implemented in the country to bring about the effective abolition of child labour.

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

Progress and achievements concerning this principle and right

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

Priority needs for technical cooperation

There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Uzbekistan, particularly in the following priority areas.

Type of technical cooperation needed	Ranking
Data collection and analysis	1
Social protection systems	1
Awareness raising, legal literacy and advocacy	1
Sharing of experience across countries/regions	1
Cross-border cooperation mechanisms	1

Report preparation

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

A copy of this report was sent to the Chamber of Commodity Producers' and Businessmen of Uzbekistan and Council Federation of Trade Unions of Uzbekistan, but none of them made any comments.

Venezuela

Government

Recognition of this principle and right

In Venezuela, the principle of the effective abolition of child labour is recognized in the Constitution and national legislation. [Venezuela ratified in 1987 the Minimum Age Convention, 1973 (No. 138).]

There is a national plan which aims to achieve the following:

- eliminate the worst forms of child labour;
- protect and prevent children from the worst forms of child labour; and
- reinsert into education those who were in the worst forms of child labour.

The National Institute developed the Plan for the Protection of Children and Adolescents, for Occupational Prevention, Health and Safety, which is attached to the Ministry of Labour. Furthermore, the Department for Monitoring the Working Conditions of Adolescents is currently being established in the Directorate of Labour Inspection and Working Conditions of the Ministry of Labour.

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

- work performed in a family-owned/operated enterprise;
- work performed in enterprises below a certain size;

- home work;
- domestic service;
- light work;
- commercial agriculture; and
- export processing zones.

However, legislation does not cover family/small-scale agriculture and self-employed work.

Although section 249 of the Labour Act does not define hazardous work, it specifies hazardous activities. Examples include mines and foundries, and any work which could put the lives and health of workers at risk.

The Constitution and the Law for the Protection of Children and Adolescents aim at eliminating the worst forms of child labour.

The steps that are being taken to modify existing legislation or to introduce new legislation are described below:

- the implementation of the Law for the Protection of Children and Adolescents; and
- the submission of the Worst Forms of Child Labour Convention, 1999 (No. 182) to the Legislative Assembly for ratification consideration.

As regards compulsory schooling, the age of boys and girls at the end of this period is approximately between 17 to 18 years, which covers the period from nursery school up to secondary education.

With respect to the worst forms of child labour, debt bondage, serfdom, forced or compulsory labour, forced recruitment for armed conflict do not exist. However, prostitution, pornography, and sale and/or trafficking exist for both boys and girls although it not known whether illicit activities, in particular production and trafficking of drugs exist.

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

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

- legal reform;
- inspection/monitoring mechanism;
- special institution machinery;
- employment creation/income generation; and
- social assistance (e.g. stipends, subsidies, vouchers).

Within these measures, no special attention is given to the needs of a particular group of children.

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

The Government neither compiles any statistics on the extent or nature of child labour, nor does it have data or information on child workers who attend school or sanctions applied to users of child labour.

Progress and achievements concerning this principle and right

The abovementioned policies and plans, together with the process of ratification of Convention No. 182, can be regarded as successful examples of measures undertaken in the country to abolish child labour.

Since the last report there has been an inter-institutional agreement between the Ministry of Labour and the National Council on the Rights of Children and Adolescents, which is in the preliminary phase. Its objective is to ensure a permanent relationship between the ministerial body and the Council in order to coordinate, design and implement policies, plans and programmes for the protection of child and adolescent workers.

Difficulties concerning the realization of this principle and right

The greatest obstacle in realizing this principle and right is obtaining reliable statistical data that show the real extent of the problem.

Priority needs for technical cooperation

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

Type of technical cooperation needed	Ranking
Capacity-building of responsible government institutions (e.g. labour inspection and administration)	1
Data collection and analysis	2
Strengthening capacity of employers' and workers' organizations	1
Employment creation, skills training and income generation	2
Inter-institutional coordination	1

Report preparation

In preparing this report, consultation was held with other governmental agencies, but not with employers' and workers' organizations. No comments were received from the social partners.

A copy of this report was sent to:

- the Employers for Venezuela (EMPREVEN);

- the Venezuelan Federation of Chambers and Associations of Commerce and Industry (FEDECAMARAS);
- the Venezuelan Workers' Confederation (CTV);
- the Venezuelan Unified Workers' Confederation (CUTV);
- the Autonomous Unions' Confederation (CODESA);
- the General Workers' Confederation (CGT);
- the Venezuelan National Farmers' Confederation (CONFAGAN);
- the Venezuelan Cottage, Small and Medium Industries' Federation (FEDEINDUSTRIA); and
- the National Workers' Union (UNT).