

General observation on the application of the Worst Forms of Child Labour Convention, 1999 (No. 182)

**Adopted by the Committee of Experts on
the Application of Conventions and
Recommendations (CEACR) at its
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Following the Centenary celebrations of 2019, the ILO celebrates another landmark achievement of the historic **universal ratification** of one of its fundamental Conventions, the Worst Forms of Child Labour Convention, 1999 (No 182). Since the ILO's founding in 1919, child labour has been a core concern and several Conventions were adopted in this domain, including the Minimum Age Convention 1973, (No.138), another fundamental Convention aimed at the progressive elimination of child labour. The 1998 Global March against child labour, the movement that demanded renewed action against child labour, paved the way for the ILO constituents to add new urgency to develop an international instrument for tackling child labour and its worst forms. Recognizing a growing international consensus that certain forms of child labour are so dangerous and harmful to the welfare of the children that they could no longer be tolerated, the international community came together with one voice to adopt on 17 June 1999 a new instrument for the **prohibition and elimination of the worst forms of child labour**. Convention No.182 has today not only attained the extraordinary success of being the first ILO Convention to achieve universal ratification; it has also been instrumental in bringing the ratification rate of Convention No 138 to over 90 per cent.

The Committee welcomes this universal ratification of Convention No. 182 which is now an authoritative standard in every ILO Member State. The Committee considers that this universal ratification reflects a global consensus that the worst forms of child labour are unacceptable regardless of the level of a country's development and demonstrates the will of ILO Member States to ensure that every child, everywhere, is free from the worst forms of child labour. Universal ratification also paves the way for the universal alignment of domestic policies and laws on child labour and represents an opportunity to mainstream child labour considerations into relevant national policies and plans.

The Committee notes that the Convention focuses very specifically on the extreme forms of child labour and it encompasses penal law, labour law and programmatic components highlighting the necessity to take **immediate and effective measures to prohibit in law and eliminate in practice the worst forms of child labour** for all persons **under the age of 18 years**. The **definition of the worst forms of child labour** comprises: (a) slavery and forced labour, including child trafficking, debt bondage and forced recruitment of children for armed conflict; (b) child prostitution and pornography; (c) the use of children in illicit activities, in particular for the production and trafficking of drugs; and (d) work likely to harm the health, safety or morals of children. Several countries have either adopted comprehensive legislation to prohibit the worst forms of child labour or amended the existing legislative framework in order to bring it into conformity with the provisions of the Convention. The Committee has noted that given the broad scope of application of the Convention, in most cases, emphasis on explicit legal provisions is needed in order to ensure the full application of the Convention. In this regard, the Committee has underscored the importance of enacting legal provisions prohibiting the worst forms of child

labour covering both boys and girls under the age of 18 years while the prohibition on the **sale and trafficking of children** covers internal and external trafficking for both labour and sexual exploitation.

With regard to the **use, procuring or offering of a child for prostitution**, the Committee has emphasized on various occasions the importance of punishing all those who use children for the purpose of prostitution by clearly distinguishing the age of sexual consent which is less than 18 years in several countries from the age of protection from commercial sexual exploitation which is 18 years. Furthermore, noting that the online sexual exploitation of children has been emerging as a serious threat in many countries, the Committee has stressed the need to address it legally.

The Committee recalls that the Convention defines **hazardous work** as work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. In accordance with the Convention, **the types of hazardous work to be prohibited to young persons under 18 years shall be determined** according to the national circumstances and after consultation with the organizations of employers and workers concerned. The Committee has on numerous occasions noted with satisfaction the adoption, by several governments, of regulations providing a list of types of hazardous work prohibited to young persons under 18 years. The Committee takes this opportunity to strongly encourage those governments who have not yet adopted regulations in this regard to intensify their efforts to ensure the adoption of such regulations, giving full consideration to the guidance provided under Paragraph 3 of the Recommendation No. 190 and in consultation with the social partners.

The Committee recalls that the Convention recognizes the importance of **effective implementation and enforcement** of the provisions giving effect to the Convention, including through the provision and application of appropriate and dissuasive **penalties** and the need to establish or designate appropriate **monitoring mechanisms** to monitor its implementation. The Committee wishes to acknowledge that many countries have adopted a solid legislative framework, which provides for criminal, administrative and other appropriate sanctions for engaging children in the worst forms of child labour. In this respect, the Committee has noted the important role played by the national police forces, the border and immigration officials and the special task forces or units established in several countries in combating trafficking and the commercial sexual exploitation of children. However, on several occasions, it has observed that insufficient staff and resources, corruption among law enforcement officials, or complicity with perpetrators have hindered the effective monitoring of the worst forms of child labour. Accordingly, the Committee has drawn the governments' attention to strengthen the capacities of the law enforcement bodies in identifying, investigating, prosecuting, convicting and imposing appropriate and dissuasive penalties, including complicit officials, for violations of the provisions prohibiting the worst forms of child labour. The Committee has also stressed in many instances that children trapped in the worst forms of child labour such as commercial sexual exploitation

and work in illicit activities should be treated as victims, rather than criminals. With regard to the monitoring of hazardous child labour, the labour inspection systems are particularly relevant in many countries while special child labour monitoring units or child protection units are established in some other countries. Observing that in many countries children are engaged in exploitative and hazardous work in sectors outside the normal reach of the labour inspectors, such as child domestic work, work in agriculture or self-employed children, the Committee has reiterated the need to strengthen the capacity or expand the reach of the labour inspectorate or assign them with special powers in order to ensure that children working in these sectors benefit from the protection afforded by the national legislation.

In several countries, the Committee has expressed concern over serious implementation gaps vis-à-vis the Convention including over the situation of children in conflict zones who were recruited as combatants, used as human shields, sex slaves and suicide bombers. It has urged governments to protect children in situations of fragility and crisis. It has also noted with concern the situation of children falling victims to trafficking and commercial sexual exploitation, sex tourism and child domestic work and at children who are vulnerable to the worst forms of child labour, including children working on the street, children involved in begging, child orphans of HIV/AIDS, as well as an increasing number of refugee children, most of whom are unaccompanied. The Committee has requested that governments take the necessary measures to prevent the engagement of children in such worst forms of child labour, remove, rehabilitate and socially integrate them through the provision of education or vocational training. The Committee observes that many countries have adopted and implemented specific programmes of action and effective and time-bound measures to eliminate the worst forms of child labour, as required by the Convention, which have had a significant impact in preventing and withdrawing children from these worst forms. These include national plans of action to combat and eliminate the worst forms of child labour, in particular trafficking of children, the commercial sexual exploitation of children, child bonded labour, and hazardous child labour. In this regard, the Committee wishes to highlight the role played by the ILO through its International Programme on the Elimination of Child Labour (IPEC) in supporting more than 100 countries in developing and implementing projects and time-bound programmes to combat the worst forms of child labour. Now called IPEC+, this Flagship Programme operates in some 62 countries in every region and works with the ILO's constituents (governments, employers' and workers' organizations), as well as with enterprises and small producers' organizations, NGOs and civil society organizations. It is worthy to note that, while acknowledging the relevance of the role played by NGOs and civil society organizations, the Committee recalls that the ultimate responsibility lies with the Governments, and therefore they should take all measures within their power to address the situation of all children exposed to the worst forms of child labour including street children, allocating all funds available to that end.

The Committee recalls the crucial importance of **access to free basic education**, which is key both in preventing the engagement of children in the worst forms of child labour and in contributing to the rehabilitation and social integration of children removed from such activities. The Committee has observed that Member States have in recent years implemented various programmes to improve access to free basic education, as required by the Convention, such as conditional cash transfer programmes aimed at providing families in situations of poverty with financial allowances on the condition that their children attend school. The Committee has also taken note of scholarships for children to cover the hidden costs of education such as uniforms, books and transports, as well as school feeding programmes to provide meals for children. These measures have improved access to education in both primary and secondary education. According to the UNESCO Institute of Statistics, the number of out-of-school children of primary and secondary school age has dropped from 380 million in 1999, when the Convention was adopted, to 258 million in 2018, even as the world population of children of school age continues to grow.

The Committee recalls that under the Convention, **international cooperation** and **mutual assistance** are particularly important in prohibiting and eliminating the worst forms of child labour. The Committee encourages Member States to strengthen their efforts to enhance collaboration through multilateral, regional and bilateral cooperation agreements to suppress the worst forms of child labour. In this respect, the Committee notes that international cooperation between law enforcement bodies of some countries in the field of information exchange, cross-border monitoring and training has contributed to combating the sale and trafficking and the commercial sexual exploitation of children. The Committee further wishes to emphasize the significant role of poverty reduction programmes in breaking the cycle of poverty, which is essential for the elimination of the worst forms of child labour. Given the close correlation between child labour and poverty, the Committee encourages Member States to enhance mutual assistance and support for social and economic development and poverty eradication programmes, including by integrating child labour concerns into rural development schemes, poverty alleviation plans and social protection systems to achieve an effective reduction in poverty among children.

The Committee underscores the importance of **sufficient and up-to-date data** on the nature, extent and trends of the worst forms of child labour for the effective application of the Convention in practice. The Committee welcomes the initiative by several countries to conduct a national survey on child labour as well as the inclusion of a child labour module in their national work force survey, which has allowed for the monitoring of child labour trends and in determining the magnitude of child labour, and its worst forms. The Committee encourages Member States to pursue their efforts to take the necessary measures to ensure the collection, processing and

analysis of data on the situation of children involved in the worst forms of child labour, to the extent possible disaggregated by age and gender.

The Committee welcomes the political will manifested by governments in addressing the particular concerns and issues raised by the Committee on the implementation and practical application of the provisions giving effect to the Convention. The adoption of effective laws and policies and their implementation have resulted in a reduction of child labour and its worst forms by almost 40 per cent (over 94 million children) since 2000, according to the 2017 Global estimates on modern slavery and child labour. Given that almost 73 million children are still involved in hazardous child labour and the persistence of other worst forms of child labour in many countries, the Committee is concerned that the challenge of completely eliminating the worst forms of child labour is enormous and requires urgent and effective action. The Committee notes with concern the increased vulnerability of children to child labour and its worst forms due to the ongoing COVID-19 pandemic and the ensuing economic crisis. In this regard, the Committee observes that according to the 2020 ILO Issue Paper on COVID-19 and Fundamental Principles and Rights at Work, COVID-19 could reverse a generation of progress against child labour and its worst forms, as an estimated 42–66 million children could fall into extreme poverty in 2020. A growth in the worst forms of child labour is of particular concern with evidence indicating new cases of bonded child labour, such as domestic servitude, as well as commercial sexual exploitation, hazardous work in mining and agriculture and a range of sweatshop activities. The Committee hopes that the international community, keeping in mind all international instruments for the protection of children and in partnership with Alliance 8.7, will stand firm on its commitment in achieving the global target 8.7 of the United Nations Sustainable Development Goals (SDG) by 2025. The Committee is of the view that effective law enforcement coupled with well-designed national child labour policies, child-friendly facilities and effective child participation and programmes, including the building and extension of social protection measures, expanding access to free basic and quality education and the promotion of decent work for adults, especially through addressing informality, will make countries more resilient in eliminating the worst forms of child labour. While celebrating this historic moment, the Committee appeals to the tripartite constituents to build on the momentum of this historic achievement to redouble their efforts to deliver on the aspirations of this fundamental Convention to end the worst forms of child labour in the near future and to leave no child behind.