

Worst Forms of Child Labour Convention, 1999

Canada ratified the Worst Forms of Child Labour Convention, 1999 on 6 June 2000. It came into force for Canada on June 6, 2001.

Adoption: The Worst Forms of Child Labour Convention, 1999 was adopted by the General Conference of the International Labour Organization on 17 June 1999.

Entry into force: 19 November 2000

Number of signatories and ratifications/accessions: 180 countries have ratified the Worst Forms of Child Labour Convention, 1999.

Summary information

The efforts of the International Labour Organization (ILO) to abolish child labour started soon after its inception with the adoption of the *Minimum Age (Industry) Convention, 1919*, which was followed by 9 additional conventions over the next 50 years targeting child employment in various sectors such as agriculture, mining and fishing. By about 1970 the need for a more comprehensive convention on the minimum age of employment was recognized in order to totally abolish child labour. The Minimum Age Convention, 1973 was adopted by the General Conference of the International Labour Organization on 26 June 1973.

The Convention applies to all economic sectors and to all working children. It requires each Member country to specify a minimum age for admission to employment or work and requires that age not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

The Convention on the Rights of the Child adopted by the UN General Assembly in 1989 also contained provisions requiring State parties to provide a minimum age for admission to employment and protecting children from hazardous work and work that could interfere with education or cause harm to a child's health or physical, mental, spiritual, moral or social development.

Despite these measures, the ILO estimated in 1997 that the number of working children in developing countries to be approximately 250 million and that many of these children were being exposed to serious health and safety hazards. In 1999, the ILO complemented the Minimum Age Convention, 1973 with a second convention aimed at abolishing child labour, the Worst Forms of Child Labour Convention, 1999.

History

The abolition of child labour has been one of the major aims of the ILO since its creation in 1919 as part of the Treaty of Versailles which ended World War I. In fact, the first international treaty on child labour, the *Minimum Age (Industry) Convention, 1919* was

adopted at the first session of the International Labour Conference that year. That convention prohibited children under the age of 14 years from working in industrial establishments, although exemptions were allowed for approved and supervised work in technical schools and for work where only members of the same family were employed. Special provisions also allowed the minimum age in India and Japan to be 12 rather than 14.

Over the following 50 years, 9 additional conventions were adopted by the ILO to set or revise standards for minimum age of employment in agriculture and in mining, at sea and in fishing and in other, non-industrial employment. There was a strong focus in these conventions on ensuring that any employment did not prevent children from attending primary school.

While these conventions were believed to have had a beneficial effect in terms of eliminating the mass exploitation of children in mine and factories, nevertheless the ILO estimated in 1970 that worldwide over 45 million children were “economically active”, with more than 90% of them in developing regions. The need was recognized for a more comprehensive convention on the minimum age of employment, to gradually replace the existing conventions that were limited to certain economic sectors – “with a view to achieving the total abolition of child labour”.

The General Conference of the International Labour Organization in 1972 approved “consultations of governments, on proposals for a Convention and Recommendation concerning minimum age for admission to employment.” Subsequently, the Minimum Age Convention, 1973 (No. 138) was adopted by the General Conference of the International Labour Organization on 26 June 1973.

1979 was declared the International Year of the Child by the United Nations and work began on the drafting of a convention on the rights of children. The same year the ILO adopted a resolution on the progressive elimination of child labour with transition measures. The Convention on the Rights of the Child was adopted by the UN General Assembly in 1989 and contained provisions requiring State parties to provide a minimum age for admission to employment and protecting children from hazardous work and work that could interfere with education or cause harm to a child’s health or physical, mental, spiritual, moral or social development.

While the Minimum Age Convention, 1973 and the Convention on the Rights of the Child resulted in legislation in most countries to prohibit or severely restrict child labour, the problem continued to exist on a massive scale in many places in the world. In 1992 the ILO created the International Programme on the Elimination of Child Labour (IPEC) with “the overall goal of the progressive elimination of child labour”, “to be achieved through strengthening the capacity of countries to deal with the problem and promoting a worldwide movement to combat child labour.” Yet, in 1997, the ILO estimated that the number of working children in developing countries to be approximately 250 million. Furthermore, UNESCO had estimated that in 1995 18 per cent of primary school age children, or about 110 million, were not receiving any education. Severely exacerbating

the problem, many of these children were being exposed to serious health and safety hazards.

The international community, while recognizing that the total elimination of child labour would have to be a long term goal for most developing countries, also felt that “certain forms of child labour are so unacceptable and harmful to the welfare of the children concerned that they can no longer be tolerated.” In 1996, the International Labour Conference adopted a resolution that called for the immediate elimination of “the most intolerable forms of child labour.” Then, following international conferences on child labour in Amsterdam and Oslo in 1997, the International Labour Conference in 1998 decided that new standards with respect to the worst forms of child labour were needed and that these standards should take the form of a new convention.

The Worst Forms of Child Labour Convention, 1999 was adopted at International Labour Conference on 17 June 1999.

Key Provisions

The Convention begins by defining the term “child” as applying to all persons under the age of 18 and requires each country that ratifies the convention to immediately take effective measures to prohibit and eliminate the worst forms of child labour, namely:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- 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. Such work is to be determined by “national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards.”

The Convention also requires Member countries to put in place all necessary measures to ensure implementation and enforcement of these provisions, including appropriate penalties for non-compliance.

As with the Minimum Age Convention, 1973, the importance of education in relation to the elimination of child labour is emphasized. Member countries are to:

- provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
- identify and reach out to children at special risk; and

- take account of the special situation of girls.

Member countries are also expected “to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.”

Canada’s Commitments and Responsibilities

Canada ratified the Worst Forms of Child Labour Convention, 1999 on 6 June 2000 and it came into force for Canada on June 6, 2001.

International Monitoring and Implementation

The Worst Forms of Child Labour Convention, 1999, like other international labour standards, is backed by a supervisory system to ensure that countries implement the conventions they ratify and to indicate where the standards could be better applied.

There are two kinds of supervisory mechanism:

- The regular system of supervision: examination of periodic reports submitted by Member States on the measures they have taken to implement the provisions of a ratified Convention; and
- Special procedures: a representations procedure and a complaints procedure.

The ILO set up the Committee of Experts on the Application of Conventions and Recommendations in 1926 to examine the growing number of government reports on ratified conventions. The Committee's role is to provide an impartial and technical evaluation of the state of application of international labour standards.

Today the Committee of Experts is composed of 20 eminent jurists appointed by the Governing Body for three-year terms. The Experts come from different geographic regions, legal systems and cultures. There are no Canadian experts currently serving on the Committee.

“When examining the application of international labour standards the Committee of Experts makes two kinds of comments: observations and direct requests. Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee’s annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned.”

“The annual report of the Committee of Experts, usually adopted in December, is submitted to the International Labour Conference the following June, where it is examined by the Conference Committee on the Application of Standards. A standing

committee of the Conference, the Conference Committee is made up of government, employer, and worker delegates. It examines the report in a tripartite setting and selects from it a number of observations for discussion. The governments referred to in these comments are invited to respond before the Conference Committee and to provide information on the situation in question. In many cases the Conference Committee draws up conclusions recommending that governments take specific steps to remedy a problem or to invite ILO missions or technical assistance. The discussions and conclusions of the situations examined by the Conference Committee are published in its report. Situations of special concern are highlighted in special paragraphs of its General Report.”

Special Procedures

There are two types of special procedures:

The Representations procedure “grants an industrial association of employers or of workers the right to present to the ILO Governing Body a representation against any member state which, in its view, ‘has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party’. A three-member tripartite committee of the Governing Body may be set up to examine the representation and the government's response. The report that the committee submits to the Governing Body states the legal and practical aspects of the case, examines the information submitted, and concludes with recommendations. Where the government's response is not considered satisfactory, the Governing Body is entitled to publish the representation and the response.”

Under the Complaints procedure “a complaint may be filed against a member state for not complying with a ratified convention by another member state which ratified the same convention, a delegate to the International Labour Conference or the Governing Body in its own capacity. Upon receipt of a complaint, the Governing Body may form a Commission of Inquiry, consisting of three independent members, which is responsible for carrying out a full investigation of the complaint, ascertaining all the facts of the case and making recommendations on measures to be taken to address the problems raised by the complaint. A Commission of Inquiry is the ILO's highest-level investigative procedure; it is generally set up when a member state is accused of committing persistent and serious violations and has repeatedly refused to address them. To date, 11 Commissions of Inquiry have been established.” (Update: By the end of 2016 there had been 13 Commissions of Inquiry,)

References

Minimum Age Convention, 1973

Convention on the Rights of the Child

Worst Forms of Child Labour Convention, 1999

Appendix to Stolen Childhoods Teacher Resource Guide

ILO International Programme on the Elimination of Child Labour

International Conference on Child Labour – Oslo (1997)

Eliminating the Worst Forms of Child Labour (Handbook for Parliamentarians No. 3 – 2002)

ILO Conference 1996

Amsterdam Conference on Child Labour 1997

Oslo Conference on Child Labour 1997

International Labour Conference 1998

Applying and promoting International Labour Standards

Committee of Experts on the Application of Conventions and Recommendations

Conference Committee on the Application of Standards

Representations

Complaints