



# Child labour

A 10 year old boy working in the mine.

*Article 32 of the United Nations Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation. This includes any work that is likely to be hazardous or to interfere with the child's education, to be harmful to the child's health or physical, mental, spiritual, moral or social development. According to Article 32, States are required to take legislative, administrative, social and educational measures to protect children from child labour, even in a refugee context.*

*In situations of displacement and conflict, parents and children often face severe economic constraints following the destruction or disintegration of their livelihoods. In addition, parents may not be permitted to work in the host country and access to informal employment could be hard for adults. This can lead to children and families resorting to negative coping mechanisms in order to ensure survival. In times of crisis, some children are particularly at risk of engaging in work that can potentially be harmful to them.*

## Key messages

- ➔ As an overall priority, **work towards the elimination of the Worst Forms of Child Labour, including harmful or hazardous work**, without losing the long term goal of the effective elimination of all child labour.
- ➔ Child labour and its worst forms **deprive children of their childhood**, their potential, their dignity and their right to education and **are harmful to children's physical and mental development**.
- ➔ **Offer alternatives to child labour** by promoting access to secondary education as well as measures such as catch-up education and vocational training opportunities that are relevant to the economic and market context.
- ➔ Livelihood and economic strengthening interventions are needed to **reduce the economic vulnerability of families**.
- ➔ **Community engagement** is essential for the prevention and response to child labour.
- ➔ Working children need to benefit from a **protective rights-based environment and access to services**. Ensuring access for working children or children at risk, to national child protection systems and to basic social services such as education and health, is an effective way to identify, prevent and reduce child labour.



This briefing note has been produced by the Child Protection Unit, Division of International Protection, for field operations as a quick reference note on key thematic child protection issues.

# Legal Framework

The most important legal instruments concerning Child Labour are:

## ➔ UN Convention on the Rights of the Child (CRC)

**Art. 32:** Protection for children from child labour defined as “work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development”.

## ➔ ILO Convention N.138 on Minimum Age for Admission to Employment:

Obligation on ratifying States to fix a minimum age and defines a range of minimum ages below which no child should be required to work. These minima vary according to the level of development of the economy and educational facilities and according to the type of employment and work.

## ➔ ILO Convention N.182 on the Worst Forms of Child Labour:

The Convention defines and bans the “worst forms” of child labour in which no child under 18 year-old should be involved. This includes all practices similar to slavery, trafficking, debt bondage, prostitution or pornography, forced recruitment in armed conflict, illicit activities, and hazardous or harmful work.

## ➔ ILO recommendation 190 on the WFCL:

Highlights some criteria and guidelines to support states to define “hazardous” forms of child labour according to specific sectors and environments that should be taken into account by the member States. However, beyond these criteria, the concept of hazardous and harmful work varies from one ratifying State to another.

## ➔ Optional Protocol to the CRC on the Involvement of Children in Armed Conflict:

- Prohibits all recruitment of children under 18 by armed groups (either voluntary or compulsory)
- Prohibits compulsory recruitment and direct participation in hostilities for under 18 years
- Permits voluntary recruitment for 16 and 17 (with safeguards)

## ➔ Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography:

This protocol draws special attention to the criminalization of these serious violations of children’s rights and emphasizes the importance of fostering increased public awareness and international cooperation in efforts to combat them.

# Key concepts and definitions

**CHILD WORK:** The participation of children or adolescents in productive activities that do not affect their health and personal development or interfere with their schooling, are generally regarded as being positive. This includes activities such as helping parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays.

**CHILD LABOUR:** The term “child labour” is generally defined in national legislation, in accordance with international conventions. Generally speaking, child labour includes all children below 12 years of age directly involved in any economic activity, and children below the minimum age for work (between 14 and 16) engaged in more than light work. It also includes all children engaged in the worst forms of child labour.

The following are characteristics of child labour as defined by the ILO:

- ➔ Work that is mentally, physically, socially or morally dangerous and harmful to children; and
- ➔ Work that interferes with their schooling by:
  - depriving them of the opportunity to attend school
  - obliging them to leave school prematurely; or
  - requiring them to attempt to combine school attendance with excessively long hours and heavy work

**WORST FORMS OF CHILD LABOUR:** The worst forms of child labour are defined by the ILO Convention No. 182 and include:

- ➔ All forms of slavery or practices similar to slavery (sale and trafficking of children, debt bondage, forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict)
- ➔ Using children for prostitution and/or pornography
- ➔ Using children for illicit activities (e.g. drugs)
- ➔ Work that is likely to harm the health, safety or morals of children (hazardous work, which is further defined in the ILO Recommendation 190).

Source: International Labour Organization

Furthermore, national legislation can include additional sector-specific definitions of worst forms of child labour. **It is always a priority to eliminate worst forms of child labour.**



Girls and boys are **protected from the worst forms of child labour**, in particular those related to or made worse by the emergency.”

Inter-Agency Minimum Standards for Child protection in Humanitarian Action (Standard 12: Child Labour)

# Key response strategies: What UNHCR and partners can do

## Legal & Policy Framework

- ➔ Has the government ratified the main **ILO conventions** (138, 182) protecting working children? Explore whether there are national action plans and policies that can be applied to children of concern, e.g. the National Time-Bound Programme on Elimination of WFCL, including harmful labour, supported by IPEC/ILO.
- ➔ If there is no official national definition of what constitutes 'hazardous work' for children, consult with other agencies to define **locally appropriate indicators of hazardous work**.
- ➔ Ensure that programs are in line with **national legal and policy frameworks** related to child labour including minimum age, provisions related to hazardous labour for children etc.

## Knowledge & Data / Coordination

- ➔ Map national and community level actors (ministries, civil society, NGOs, private sector) involved in interventions against child labour. Assess gaps in capacities, prevention and response services as well as advocacy.
- ➔ Ensure that assessments look into all forms of child labour and take into account **prior and new patterns of exploitation** and harm towards children.
- ➔ Analyse **root causes** and contributing factors leading to the exacerbation of some WFCL and other harmful work.
- ➔ Analyse which specific categories of children in which sector are at heightened risk of becoming involved in child labour, including WFCL: e.g. children from minority groups, unaccompanied and separated children, children living independently, child-headed households, and adolescents in urban contexts etc.
- ➔ Take into account **invisible** categories of children and forms of work (e.g. domestic work).

## Coordination

- ➔ Ensure child protection and protection coordination groups are also covering issues related to prevention and response to child labour.
- ➔ When the establishment of a specific task force or working group against child labour is needed, all key stakeholders should participate, including national labour councils, unions, employers and business leaders.
- ➔ In situations where the WFCL would be related to child recruitment or involvement of children in armed forces and groups, coordination with the MRM task force is essential.

## Human & Financial Capacity

- ➔ Ensure that UNHCR and partner staff are aware of, and able to **identify, worst forms of child labour**; including children in hazardous work, forced or bonded labour, child recruitment and use by armed groups/forces, trafficking for sexual or economic purposes and sexual exploitation and illicit work.
- ➔ Ensure that **training** is provided to child protection actors. Include guidance on what makes work hazardous for children and what protective mechanisms need to be in place in order to promote the positive and safe involvement of children in productive activities.
- ➔ **Involve working children** in the design, implementation and evaluation of interventions aimed at supporting them.

## Advocacy & Awareness

- ➔ Sensitize and **involve parents and communities** in determining which forms of work are harmful to their children, the value of education and what productive activities children can engage in.
- ➔ **Use employers as allies in the fight against child labour:** Use trade unions and industry-specific associations to carry out sensitization and prevention messages that use collective standards and codes of conducts on child labour (e.g. Agricultural Code, Mining Code). Target small and informal businesses in cities.

## Prevention

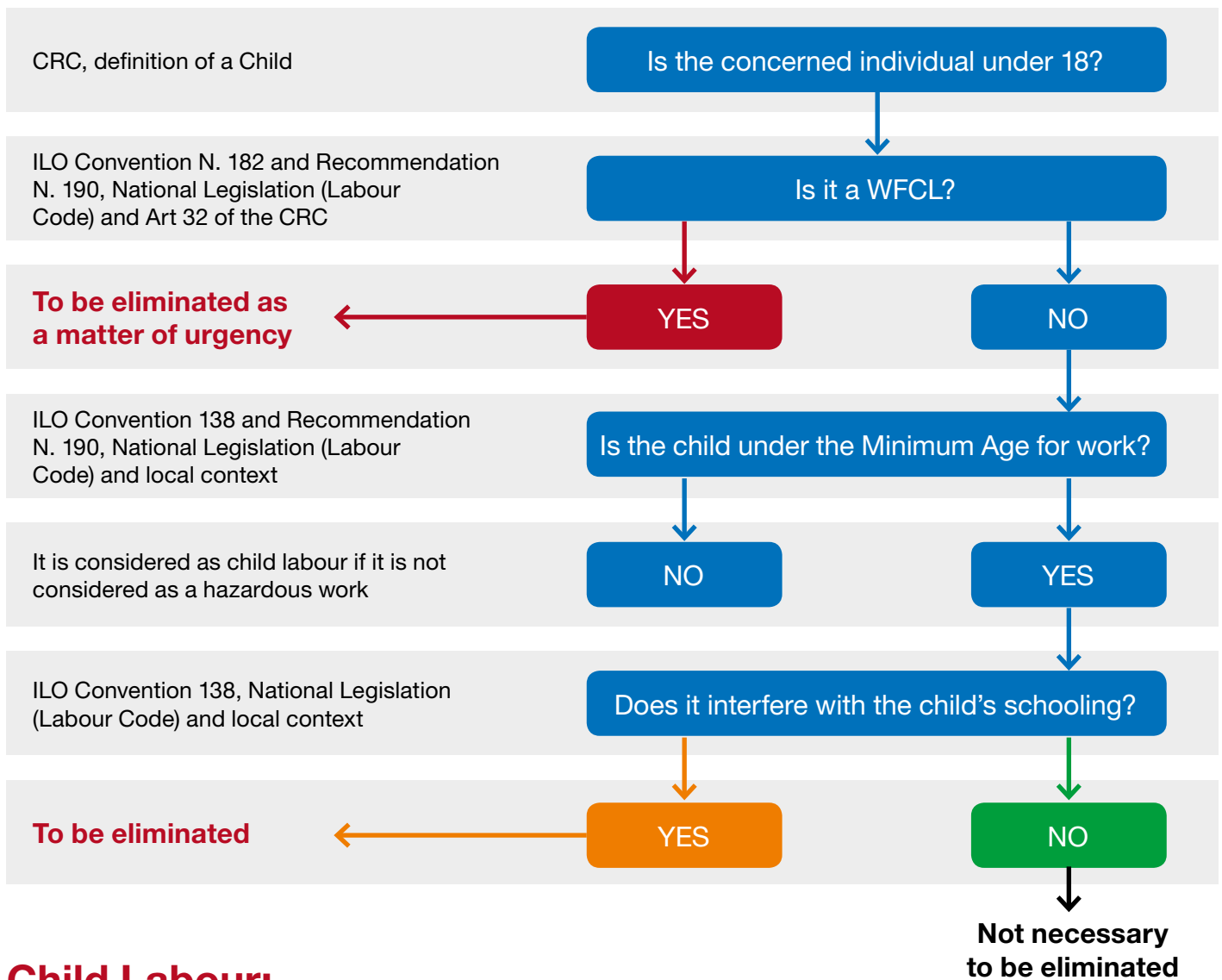
- ➔ **Strengthen the capacity of caregivers, families and communities** to cope and respond to the needs of their own children (e.g. economic strengthening/social protection, parent peer support, positive parenting initiatives etc.).
- ➔ **Mainstreaming:** Ensure that other sectors recognise all forms of child labour and include these in their risk analysis plans and response (including education, social protection and economic strengthening programmes). Ensure all staff are aware of the consequences and impact of their interventions on the lives of children and implement mitigation mechanisms to avoid "doing harm" and contributing to child labour.

## Response

- ➔ Children engaged in child labour, in particular WFCL, or those who are at risk of engaging in such activities **should be identified** and supported adequately and in a timely manner.
- ➔ **Working refugee and displaced children** need specific forms of support that respect their life choices and coping options through e.g. flexible and accessible health and education services, peer support mechanisms, play/sport groups, mobile recreational or cultural activities etc.
- ➔ **Offer alternatives to child labour.** Alternatives can consist of formal/informal options that include; catch-up education and skills building workshops that are relevant to the economic and market context; peer support mechanisms as well as other life skills coaching that build autonomy (building self-confidence and trust, conflict resolution, opportunities to play etc.).
- ➔ **Education** should be the primary alternative offered to children.
- ➔ **Reduce the economic vulnerability of a family/ community** through **livelihood and economic strengthening programs** destined for working-age children and their caregivers/community. In certain situations conditional cash transfers may also be considered.
- ➔ Intervene in situations where parents or caregivers condone or force their children to engage in child labour, including WFCL. **The BIA/BID tool** can decide what immediate action and support is needed.
- ➔ **Community-based child protection monitoring mechanisms:** engage such mechanisms in monitoring all forms of child labour, including WFCL, (e.g. parent groups, school monitoring mechanisms, youth committees, local employer networks and child peer-to-peer initiatives).



# Identifying the different types of Child Labour



## Child Labour: How to Prioritize?



## For More Information:

- Convention on the Rights of the Child (1989), available at: <http://goo.gl/sQh6cy>
- UNHCR, *A Framework for the Protection of Children*, 2012, available at: <http://goo.gl/t7K6RO>
- ILO Convention on Minimum Age for Admission to Employment (1973), available at: <http://goo.gl/BgsS73>
- ILO Convention on the Worst Forms of Child Labour (1999) and Recommendation 190, available at: <http://goo.gl/6efcTq>
- Minimum Standards for Child Protection in Humanitarian Action, available at: <http://goo.gl/6A1OOj>
- Action for the Rights of Children (ARC): critical issue module on abuse and exploitation, available at: <http://goo.gl/IC470M>
- Child Labour coalition: <http://stopchildlabor.org>
- ILO (2010). *Supporting Children's Rights through Education, the Arts and the Media (SCREAM): A Special Module on Child labour and armed conflict*, available at: <http://goo.gl/JPRvJP>