

# Introductory Overview

Capacity Building of Government officials

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## Training Session 1

# Definitions and Concepts

Payson Center for International Development and Technology Transfer,  
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# Definitions and Concepts

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- Child labor
- Worst Forms of Child Labor (WFCL)
- Hazardous work
- Forced labor of adults
- Forced labor of children
- Child trafficking

# Key ILO/UN Documents

- ILO Convention 29 (Forced Labor)
- ILO Convention 138 (Minimum Age)
- ILO Convention 182 (WFCL)
- ILO Recommendation 190 (Hazardous Work)
- United Nations Convention on the Rights of the Child
- UN Supplemental Convention on the Abolition of Slavery
- UN Protocol to Prevent, Suppress and Punish Trafficking in Persons

# Definition: Child Labor


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- For the purpose of statistical measurement, children engaged in child labor include all persons aged 5 to 17 years who, during a specified time period, were engaged in one or more of the following categories of activities:
  1. Worst forms of child labor
  2. Employment below the minimum age
  3. Hazardous unpaid household services (if the concept of the "general production boundary" is used)


# Framework for statistical identification of child labour

(ILO, Report of the Conference, 18th International Conference of Labour Statisticians, 2008)

Age group	General production boundary					
	SNA production				Non-SNA production	
	(1a) Light work <sup>3</sup>	(1b) Regular work <sup>4</sup>	Worst forms of child labour		(3a) Hazardous unpaid household services <sup>1</sup>	(3b) Other non-SNA production
(2a) Hazardous work			(2b) Worst forms of child labour other than hazardous work			
Children below the minimum age specified for light work (for example, 5–11 years) <sup>2</sup>	Employment below the minimum age for light work	Employment below the general minimum working age	Employment in industries and occupations designated as hazardous, or work for long hours and/or at night in industries and occupations not designated as hazardous	Children trafficked for work; forced and bonded child labour; commercial sexual exploitation of children; use of children for illicit activities and armed conflict	Unpaid household services for long hours; involving unsafe equipment or heavy loads; in dangerous locations; etc.	
Children within the age range specified for light work (for example, 12–14 years) <sup>2</sup>						
Children at or above the general minimum working age (for example, 15–17 years) <sup>2</sup>						



Denotes activities not considered child labour.



Denotes child labour as defined by the resolution.

<sup>1</sup> (3a) is applicable where the general production boundary is used as the measurement framework for child labour.  
<sup>2</sup> Age-group limits may differ across countries depending upon the national circumstances.  
<sup>3</sup> Where applicable at the national level.  
<sup>4</sup> Children in employment other than those covered under columns (1a), (2a) and (2b).

# Minimum Working Age (based on ILO Convention No. 138)

General minimum age	Light work	Hazardous work
<i>In general:</i>		
Not less than age of completion of compulsory schooling, and in any case not less than 15 years	13 years	18 years (16 years under certain strict conditions)
<i>Where the economy and educational facilities are insufficiently developed:</i>		
Not less than 14 years for an initial period	12 years	18 years (16 years under certain strict conditions)

# Types of Child Labor by Age

Age groups	Forms of work			
	<u>Non-hazardous work</u> (in non-hazardous industries & occupations and <43 hrs./week)		<u>Worst forms of child labour</u>	
	<u>Light work</u> (<14 hrs/week)	<u>Regular work</u> (≥14 hrs/week and <43 hrs/week)	<u>Hazardous work</u> (in specified hazardous industries & occupations plus ≥43 hrs/week in other industries and occupations)	<u>Unconditional worst forms</u> (trafficked children; children in forced & bonded labour, armed conflict, prostitution & pornography, and illicit activities)
5-11				
12-14				
15-17				

# Definition: Worst Forms of Child Labor (WFCL)

- According to Article 3 of ILO Convention No. 182, the worst forms of child labor comprise:
  - (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
  - (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
  - (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; and
  - (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.



# Definition: Hazardous Work

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- “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.” (ILO Convention 182)
  - *Hazardous Work* further defined by:
    - Recommendation 190
    - Country frameworks of hazardous child labor activity
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# Recommendation 190

- According to ILO Recommendation No. 190, the following criteria should be taken into account when determining hazardous work conditions of children at the national level:
  - (a) work which exposes children to physical, psychological or sexual abuse
  - (b) work underground, under water, at dangerous heights or in confined spaces
  - (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads
  - (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health
  - (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer

# National Lists of Hazardous Activities

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- **Ghana:** Hazardous Child Labor Activity Framework for the cocoa sector (2008)
  - **Cote d'Ivoire:** List of dangerous work prohibited for children (2005)
- Define hazardous work under local conditions to supplement ILO Convention 182 and Recommendation 190

# Hazardous Child Labor Activities Framework: Ghana

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- Published by Ministry of Manpower, Youth and Employment in June 2008
  - Economic activities prohibited for children under 18 years working in cocoa:
    - Clearing of forest and/or felling of trees
    - Bush burning
    - Working with agrochemicals, i.e. purchasing, transport, storage, use (mixing, loading and spraying/applying), washing of containers and spraying machine, and disposal
    - Being present or working in the vicinity of farm during pesticide spraying, or reentering a sprayed farm within less than 12 hours of spraying
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# Hazardous Child Labor Activities Framework: Ghana (cont.)

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- Using machetes/long cutlasses for weeding
  - Climbing trees higher than 3 meters (9 feet) to cut mistletoe with cutlass
  - Working with motorized mist blower, knapsack sprayer and/or chainsaw
  - Harvesting overhead cocoa pods with harvesting hook
  - Breaking cocoa pods with breaking knife
  - Carrying heavy load beyond permissible carrying weight, i.e. above 30% of body weight for more than 2 miles (3km)
  - Working on the farm for more than 3 hours per day or more than 18 hours per week (for children on weekends, holidays and/or have completed school)
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# Hazardous Child Labor Activities Framework: Ghana (cont.)

- For children in school, working more than 2 hours/day on a school day
- Working without adequate basic foot and body protective clothing (e.g. long sleeves, trousers, Wellington boots and 'Afro Moses')
- A child working alone on the farm in isolation (i.e. beyond visible or audible range of nearest adult)
- Going to or returning from the farm alone or working on farm between 6.00 p.m. and 6.00 a.m.
- A child withdrawn from school during cocoa season to do farm work
- Working full time on farm and not attending formal / non-formal school (applicable to children under 15 years)

# Worst Forms of Child Labor other than Hazardous Work in the Cocoa Sector

- Standardized statistical concepts and definitions for the *Worst Forms of Child Labor other than Hazardous Work* (“unconditional WFCL”) are “not fully developed” and “statistical measurement methods are at an experimental stage” (ILO 2009)
- *Worst Forms of Child Labor other than Hazardous Work* relevant to the cocoa sector:
  - Forced labor of children? (Adults?)
  - Child trafficking?
  - Others?

# Definition: Forced Labor of Adults

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- “The term forced or compulsory labor shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” (ILO Convention 29)
  - “Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labor on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.” (UN Supplemental Convention on the Abolition of Slavery)
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# Definition: Forced Labor of Children

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- “Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor.” (UN Supplemental Convention on the Abolition of Slavery)

# Definition: Child Trafficking

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- “The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation” (UN Protocol to Prevent, Suppress and Punish Trafficking in Persons)

# CHILD TRAFFICKING

## Elements defined for the purpose of IPEC operations

- A **child** - a person under the age of 18 years;
- **Recruitment, transportation, transfer, harbouring or receipt**, whether by force or not, by a third person or group;
- The third person or group organizes the recruitment and/or these other acts **for exploitative purposes**;
- **Movement** may not be a constituent element for trafficking in so far as law enforcement and prosecution is concerned. However, an element of movement within a country or across borders is needed - even if minimal - in order to distinguish trafficking from other forms of slavery and slave-like practices enumerated in Art 3 (a) of ILO Convention 182, and ensure that trafficking victims separated from their families do get needed assistance;

- **Exploitation** includes:
  - a) all forms of slavery or practices similar to slavery, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (Convention 182, Art. 3(a));
  - b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (Convention No. 182, Art. 3(b));
  - c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties (Convention No. 182, Art. 3(c));
  - d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (Convention No. 182, Art. 3(d) and Convention No. 138, Art 3);
  - e) work done by children below the minimum age for admission to employment (Convention No. 138, Art. 2 & 7).
- **Threat or use of force or other forms of coercion, abduction, fraud or deception, or the abuse of power or a position of vulnerability at any point of the recruitment and movement do not need to be present** in case of children (other than with adults), but are nevertheless strong indications of child trafficking.

# Causes of and Contributing Factors to Child Labor

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- Poverty is the main reason children work but not all children living in poverty are involved in economic activity
- Educational status, care giving arrangement, and cultural factors, among others, are also known to have an impact on determining whether or not children work

# Child Labor: Supply and Demand

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- **Supply:** Child labor is readily available and there is a custom of passing trades from parent to offspring. Economic and other pressures force some children to look for work at an early age.
  - **Demand:** Children are less aware of their rights and therefore more easily managed under conditions unacceptable to adults. Farmers may also hire children due to the lower wages that they receive.
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# Child Labor vs. Adult Labor

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- Child labor often is less productive than adult labor (child productivity on average is 20% that of an adult worker, according to one ILO estimate)

→ *How cost effective is child labor in cocoa agriculture?*

# Harkin-Engel Protocol

September 19, 2001

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- Voluntary commitment by representatives of the international cocoa/chocolate industry to eliminate WFCL and Forced Adult Labor (FAL) in the cocoa sector
  - Response to an emerging international and sector-wide issue - that cocoa grown in Cote d'Ivoire and Ghana appeared to be produced with the worst forms of child labor
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# Harkin-Engel Protocol (cont.)

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- Protocol based on ILO conventions C182 and C29, and calls for:
    - “**Standards** to eliminate worst forms of child labor”
    - “**Monitoring** and public reporting on compliance”
    - “**Public certification**, consistent with applicable federal law, that cocoa beans and their derivative productions have been grown and/or processed without any of the worst forms of child labor”
    - “**Alternatives** for the children removed from the worst forms of child labor”
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# Extension of Harkin-Engel Protocol

June 16, 2008

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- The first deadline (July 2005) and the second deadline (July 2008) for implementing the Harkin-Engel Protocol passed with certification and verification systems still evolving
  - Joint Statement by Senator Harkin, Representative Engel and representatives of the cocoa/chocolate industry on June 16, 2008 indicating commitment to extend the Protocol until the end of 2010 to fully establish certification efforts and remediation activities
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# Tulane University's Role in Implementing the Protocol

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- On October 1, 2006, USDOL contracted Tulane University through a competitive process to:
  - Serve as an independent oversight body to monitor the implementation of the Harkin-Engel Protocol
  - Give an impartial assessment of the stakeholders efforts to implement the Protocol
  - Provide scientific evidence on the phenomenon of the worst forms of child labor in the cocoa growing regions of Cote d'Ivoire and Ghana

# Tulane University's Role in Implementing the Protocol (cont.)

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## ■ Activities to date:

- Household-based and nationally representative surveys of child labor in the cocoa sector in 2007 and 2008/09
- Survey on migration and child trafficking from Burkina-Faso and Mali for labor on cocoa farms in 2009
- Assessment of intervention activities in support of children in the cocoa-growing areas
- Information gathering through discussions and information exchanges with key stakeholders involved in implementing the Protocol

## ■ Reporting:

- Annual consultative meetings in Cote d'Ivoire, Ghana and Washington, DC to present and gather feedback on preliminary research findings
  - Annual report to the U.S. Congress on progress made towards the implementation of the Harkin-Engel Protocol
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