

# UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/Sub.2/433

~~E/CN.4/Sub.2/AC.2/29~~

29 June 1979

Original: ENGLISH

## COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities - Thirty-second session

Working Group on Slavery - Fifth session

### THE EXPLOITATION OF CHILD LABOUR

#### Report of the Secretary-General

#### CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
INTRODUCTION	1 - 10	2
I. RELEVANT INTERNATIONAL INSTRUMENTS	11 - 31	3
A. United Nations instruments	12 - 15	3
B. ILO instruments	16 - 31	4
1. Instruments prohibiting child labour	17 - 30	4
2. Protection of children at work	31	7
II. THE NATURE OF THE PROBLEM	32 - 49	8
A. The dimensions of the problem	32 - 35	8
B. Types of child labour	36 - 49	9
1. Child labour in industry	36 - 41	9
2. Child labour in agriculture	42 - 47	11
3. Child labour in other types of employment	48 - 49	11

## INTRODUCTION

1. By resolution 6 B (XXXI) of 13 September 1978, paragraph 9, the Sub-Commission decided "to inscribe the subject of the exploitation of child labour on the agenda for its thirty-second session in 1979, International Year of the Child."
2. In the same resolution, paragraph 12, the Sub-Commission requested the Secretary-General "to co-operate with the United Nations agencies concerned with the question of the exploitation of child labour through the exchange of information, the preparation of joint studies and similar activities, and to report to the Working Group at its fifth session."
3. The resolution contains other provisions indicating the concern of the Sub-Commission over the question of the exploitation of child labour. In paragraph 7, the Sub-Commission invited "Governments which may need assistance in dealing with slavery-like practices which may exist in their countries", including the exploitation of child labour, "to avail themselves of the International Labour Organization's technical assistance programme in order to solve these problems." In paragraph 8, it requested the United Nations Children's Fund (UNICEF) "to gather evidence concerning the sale of children, and to give information on this question to the Working Group." In paragraph 10, it urged all States which had not yet done so to ratify and implement the Convention Concerning Minimum Age for Admission to Employment, 1973 (No. 138). In paragraph 11, it appealed to the Governments concerned "to press privately-owned industries to ameliorate the conditions of work of children and to seek ways and means of enforcing relevant existing legislation."
4. In pursuance of its mandate, which, as laid down in Economic and Social Council decision 16 (LVI) of 17 May 1974 and Sub-Commission resolution 11 (XXVII) of 21 August 1974, includes reviewing "developments in the field of slavery and the slave trade in all their practices and manifestations" as defined in, *inter alia*, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, the Working Group on Slavery has examined allegations concerning the exploitation of child labour in some countries since its first session. Allegations have also been submitted to the Group concerning the sale of children for the purpose of exploiting their labour, particularly as domestic servants. These allegations, and the relevant discussions in the Working Group, and its recommendations, are reflected in the Group's reports to the Sub-Commission. 1/
5. In resolution 5 (XXIX) of 31 August 1976, the Sub-Commission requested the Working Group "to continue its study of the problems of slavery and the slave trade in all its practices and manifestations", including "such manifestations as the sale of children..."
6. At its third session, the Working Group had before it a paper prepared by the Secretary-General, summarizing various aspects of the problem of the sale of children, including its relevance to the question of the exploitation of child labour. 2/

---

1/ E/CN.4/Sub.2/AC.2/3; E/CN.4/Sub.2/373; E/CN.4/Sub.2/389; E/CN.4/Sub.2/410.  
2/ E/CN.4/Sub.2/AC.2/11.

7. In implementation of Sub-Commission resolution 6 B (XXXI) of 13 September 1978, the Secretary-General wrote appropriate letters to the International Labour Organisation and the United Nations Children's Fund, bringing the resolution to their attention, requesting information and offering his co-operation in relevant activities.

8. The International Labour Organisation replied to the Secretary-General's enquiry, providing information on the ratification and application of the minimum age instruments adopted by the International Labour Conference." 3/

9. The Secretary-General felt that, in order to facilitate consideration of the question of the exploitation of child labour by the Working Group and by the Sub-Commission, it would be useful, in the present report, to review the relevant international instruments and the main aspects of the problem as stated in recent publications, in particular those of the International Labour Organisation.

10. It was thought that such a brief review might provide the basis for consideration of the possible future role of the Sub-Commission and its Working Group on Slavery in this field.

#### I. RELEVANT INTERNATIONAL INSTRUMENTS

11. Child labour is prohibited under various international instruments, adopted by the United Nations or by the International Labour Organisation.

##### A. United Nations instruments

12. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 prohibits the exploitation of child labour in cases in which the child is delivered to a third person for such purpose. Article 1 of the Convention requires States parties to take

"all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices ...

(d) 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 labour". 4/

---

3/ Reproduced in document E/CN.4/Sub.2/AC.2/27, annex I.

4/ As of 31 March 1979, the Supplementary Convention had been ratified by 90 countries and signed by five. Reports submitted by States parties under article 8 of the Convention are reviewed by the Working Group on Slavery.

13. The International Covenant on Economic, Social and Cultural Rights contains a general prohibition of the employment of children under a given age and in occupations dangerous to health or morals. Article 10 (3) provides inter alia that

"Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law." 5/

14. The Declaration of the Rights of the Child (General Assembly resolution 1386 (XIV)) contains a similar prohibition. Principle 9 states:

"1. The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

"2. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development."

15. The same text has been inserted in the draft Convention on the Rights of the Child (Article IX), under discussion by the Commission on Human Rights. 6/

#### B. International Labour Organisation instruments

16. The International Labour Organisation stated that the abolition of child labour has been one of its basic aims since its founding. At the same time, the International Labour Organisation has also pursued a consistent policy of protecting working children from undesirable conditions of work. 7/ The International Labour Organisation instruments, therefore, fall into two basic categories.

##### 1. Instruments prohibiting child labour

17. The first instrument setting a minimum age for admission to employment was the Minimum Age (Industry) Convention (No. 5), adopted by the International Labour Conference at its first session in 1919. This Convention prohibited in principle

---

5/ As of 31 March 1979, the Covenant had been ratified by 58 States and signed by another 15. According to the procedure for submission of reports laid down by the Economic and Social Council in resolution 1988 (LX), State reports on the implementation of rights covered, inter alia, by article 10 are due by 1 December 1979.

6/ The text of the draft Convention is contained in resolution 20 (XXXIV) of 8 March 1978, as revised at the thirty-fifth session (See E/CN.4/1347, Chapter XI).

7/ Children and Work - An ILO Policy Framework for the International Year of the Child, 1979, International Labour Office, Geneva, February 1978, (ILO/Y.1/1978), p.2.

the admission to industrial employment of children under 14. Subsequently, a number of other Conventions and Recommendations were adopted by the International Labour Organisation, setting minimum age standards for admission to employment in a variety of occupations. 8/

18. A new stage in International Labour Organisation efforts to abolish child labour was reached with the adoption of a new and comprehensive Minimum Age Convention in 1973 (No. 138). As stated in the preambular part of this instrument, its purpose is to replace gradually existing instruments applicable to limited economic sectors, "with a view to achieving the total abolition of child labour".

19. In terms of article 1 of the Convention, each State Party "undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical or mental development of young persons."

20. Under articles 2(1) and (3), Members are required to specify a minimum age for admission to employment or work which should not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years.

21. Under article 3(1) and (3), the minimum age for admission "to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons" is set at not less than 18 years. The types of employment or work to which this applied shall be determined by national laws or regulations or by the competent authority, after consultations with the organizations of employers and workers concerned, where such exist.

22. These age limits may be lowered under certain circumstances. In terms of article 2(4), a country "whose economy and educational facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years". Countries which have availed themselves of this provision are subsequently required to specify in their reports on the application of the Convention that their reasons for doing so subsist, or to indicate a date from which they renounce their right under this article.

- 
- 8/ Minimum Age (Sea) Convention, 1920 (No. 7);  
Minimum Age (Agriculture) Convention, 1921 (No. 10);  
Minimum Age (Trimmers and Stockers) Convention, 1921 (No. 15);  
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33);  
Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41);  
Minimum Age (Sea) Convention (Revised), 1936 (No. 58);  
Minimum Age (Industry) Convention (Revised), 1937 (No. 59);  
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60);  
Minimum Age (Coal Mines) Recommendation, 1953 (No. 96);  
Minimum Age (Fishermen) Convention, 1959 (No. 112);  
Minimum Age (Underground Work) Convention, 1965 (No. 123);

These instruments are analysed in detail in a report prepared by the International Labour Office for the International Labour Conference, 57th session, Minimum Age for Admission to Employment, Report IV (1) (ILO, Geneva, 1972).

23. The minimum age for admission to hazardous work may be lowered to 16 years, in terms of article 3(3), "on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity".

24. In terms of article 6, the Convention does not apply to "work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons of at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist" and where such work is an integral part of an educational or training programme.

25. Under article 7, the Convention allows ratifying States to permit the employment of children between 13 and 15 years (between 12 and 14 for States having specified a general minimum age of 14 years) and of children above that age who have not completed compulsory schooling, on "light work" which is "not likely to be harmful to their health or development" and "not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes ..."

26. Article 8 allows exceptions from general minimum age standards to be made by permits granted in individual cases, for such purposes as participation in artistic performances.

27. Concerning the scope of application of the Convention, it may be pointed out that in contrast to the earlier Conventions which it is designed to replace, and which were applicable to limited economic sectors, Convention No. 138 extends to all forms of employment or work. Certain derogations may be made in the case of countries which have special problems of implementation. Under article 4, "limited categories of employment or work in respect of which special and substantial problems of application arise" may be excluded after consultation with the organizations of employers and workers concerned, provided however that such categories do not involve danger to health, safety and morals.

28. Under article 5(1), "A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organizations of employers and workers concerned, where such exist, initially limit the scope of application" of the Convention.

29. On the other hand, in terms of article 5(3), certain categories of work are considered as a minimum to which the Convention shall be applicable. These are: "mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers."

30. In addition, the International Labour Conference adopted Recommendation No. 146 to supplement the Minimum Age Convention. The Recommendation invites States to give high priority to planning for and meeting the needs of children and youth in national

development policies and programmes. It recommends that Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work specified under the Convention, in all sectors of economic activity. Countries where the minimum age for admission to dangerous work is still below 18 years should take immediate steps to raise it to that level. Determination of types of dangerous work should be carried out taking fully into account relevant international labour standards, and re-examined periodically in light of scientific and technological developments.

## 2. Protection of children at work

31. While promoting the prohibition of child labour as a long-term goal, the International Labour Organisation has also pursued a policy of setting standards to protect working children from exploitative conditions of work. A number of Conventions and Recommendations have therefore been adopted since 1919 prohibiting the employment of young persons and/or children in certain types of work and regulating their working conditions. These fall into the following main categories:

- (a) instruments prohibiting night work for children and young persons; 9/
- (b) instruments prohibiting employment of children and young persons in specified categories of hazardous and dangerous work; 10/
- (c) instruments requiring medical certification of fitness on entry to employment and periodical medical examinations for children and young persons; 11/

- 
- 9/ - Night Work of Young Persons (Industry) Convention, 1919 (No. 6);  
- Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14);  
- Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79);  
- Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80);  
- Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90);  
- Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109).

- 10/ - Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4);  
- White Lead (Painting) Convention, 1921 (No. 13);  
- Radiation Protection Convention, 1960 (No. 115);  
- Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965. (No. 125);  
- Maximum Weight Convention, 1967 (No. 127);  
- Benzene Convention, 1971 (No. 136).

- 11/ - Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16);  
- Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77);  
- Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78);  
- Medical Examination of Young Persons Recommendation, 1946 (No. 79);  
- Medical Examination (Fishermen) Convention, 1959 (No. 113);  
- Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124);

(d) instruments providing for stricter standards for young workers in relation to working hours, weekly rest, holidays with pay and apprenticeship 12/.

## II. THE NATURE OF THE PROBLEM

### A. The dimensions of the problem

32. According to recent International Labour Organisation estimates, there were some 52 million children at work in the world in 1979. 13/ The following table shows the distribution by geographic area:

Children and work, 1979

Area	Total active (millions)	Unpaid family workers <u>1/</u>	
		Percent of total active	(millions)
<u>World</u>	<u>52.0</u>	<u>80</u>	<u>41.2</u>
- More developed regions	1.3	40	0.5
- Less developed regions	50.7	80	40.6
South Asia	29.0	80	23.2
East Asia	9.1	70	6.4
Africa	9.7	95	9.2
Latin America	3.1	65	2.0
Europe	0.7	50	0.4
USSR	-	-	-
Northern America	0.3	10	-
Oceania	0.1	85	0.1

Source: ILO, Bureau of Statistics.

1/ Includes workers on own account.

- 12/- Utilization of Spare Time Recommendation, 1924 (No. 21);  
 - Holidays with Pay Recommendation, 1936 (No. 47);  
 - Apprenticeship Recommendation, 1939 (No. 60);  
 - Holidays with Pay (Agriculture) Recommendation 1952 (No. 93);  
 - Holidays with Pay Recommendation, 1954 (No. 98);  
 - Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103);  
 - Reduction of Hours of Work Recommendation, 1962 (No. 116).

13/ Children and Work, op.cit., Annex I.



33. The International Labour Organisation remarked that "the tabulated data only shows the 'tip of the iceberg' as the status of 'economically active' young persons is both a controversial definitional problem and a sensitive issue with governments. Behind the statistics, it can be easily surmised that a much larger number of children are engaged in economic activities". 14/

34. According to available information, the great majority of working children are to be found in agriculture or in small-scale industries in rural areas, and in workshops or quasi-family undertakings in urban areas. The International Labour Organisation has pointed out that many of these children work under conditions detrimental to their health and welfare. Even when the danger of exploitation is less because the children are working in a family undertaking, they are deprived of schooling. The training they receive while working cannot compensate them for the education they have missed. 15/

35. The International Labour Organisation has identified poverty and the lack of educational opportunities as the most basic causes of child labour. Many children are forced to work in order to contribute to the family income or to, at least, their own support. The inadequacy of legislation, insufficient enforcement, and the lack of public concern over child labour in a number of countries have been mentioned as additional causes. The International Labour Organisation has therefore indicated that the fundamental pre-requisite for the elimination of child labour is an overall attack against poverty and under-development, coupled with the enactment and enforcement of minimum age legislation and programmes to educate public opinion. 16/

B. Types of child labour 17/

1. Child labour in industry

36. It appears from available information that child labour is least apparent in large-scale, relatively modern industry. On the other hand, according to several observers, governmental and not, including International Labour Organisation experts and officials, child labour is often employed in small, marginal factories that rely on keeping labour costs to a minimum. Such factories are most numerous in Asia and, to a somewhat lesser extent, in Latin America and

---

14/ Ibid, p. 5.

15/ Ibid, pp. 5 and 7.

16/ Ibid, pp. 5-6; International Labour Office, International Year of the Child - Synthesis of ILO Inputs (March 1977 - July 1978), July 1978 (ILO/Y.3/1978).

17/ This section is based mainly on the report prepared by the International Labour Office for the International Labour Conference, fifty-seventh session, op.cit. In addition, the Anti-Slavery Society for the Protection of Human Rights submitted a report entitled "Child Labour in the World Today" to the fourth session of the Working Group on Slavery, and a number of country studies to the fifth session of the Group.

the Middle East, but they also exist in parts of southern Europe and in depressed areas of more industrialized regions. They appear to be concentrated particularly in certain industries: textiles, clothing manufacture, food processing and canning.

37. It appears that children working in such factories are often subject to abusive working conditions, such as long hours, unhealthy surroundings, hazardous conditions, heavy overtime, a monotonous pace of work, and little or no pay.

38. The International Labour Organisation has pointed out that minimum age legislation has brought about a decrease in the employment of children in factories in some countries, but that substantial problems of inspection and enforcement remain.

39. On the other hand, child labour in industrial employment other than in factories appears to be prevalent, and even to be increasing, in a number of countries of Africa, Asia, Latin America and the Middle East. Numerous children in these regions are employed in small workshops, cottage industries and handicraft undertakings. Moreover, many children in these regions as well as in parts of northern and southern Europe are known to perform industrial home work. While many undertakings of this nature are owned by the child's family and thus provide the child with the opportunity to learn a traditional family trade under the parents' supervision, this is not always the case. It appears that a common pattern in this kind of activity is for an adult (not always the parent) to bring these children to the workshop where they work as "helpers" under the responsibility of the adult in question, who pays them out of his or her own (already meagre) wages. Children in this situation are reported to be outside of the scope of most labour legislation, and they are exposed to the most exploitative conditions. The International Labour Organisation commented that "the training they get is often minimal, the work strenuous, the treatment of servants and the pay far below standard. Lighting, ventilation and sanitary conditions in such workplaces are generally poor. Safety precautions are negligible".

40. The International Labour Organisation further indicated that where work is performed in the home for an outside employer the problem is aggravated by the fact that "the work is handed out to women by middlemen who have none of the responsibility of employers ... [The children] are often practically infants and their employment and conditions of work are subject to no controls".

41. Another branch of industrial activity in which substantial numbers of children are reported to be employed in exploitative and hazardous conditions is construction work. Older boys below the legal minimum age are reported to be widely employed on building sites throughout most of Asia, Latin America, the Middle East and southern Europe. This work often involves serious risks of accident and injury.

## 2. Child labour in agriculture

42. Available statistics indicate that the bulk of economically active children are employed in agriculture. In all regions, children in rural areas begin at an early age to do some work on the land being cultivated by their parents, to care for domestic animals and the like. Direct regulation of this kind of work done by children is, according to the International Labour Organisation, not practicable in most developing countries. There is little chance that child labour by unpaid family workers could be reduced significantly so long as families cannot dispense with such help and adequate educational facilities are not available.

43. On the other hand, however, an appreciable number of children is reported to be working on plantations or other agricultural undertakings producing mainly for commercial purposes, in all areas of the world, including some industrialized countries.

44. Child labour in these cases often takes the form of labour with a family group, with the children helping the adults in a variety of tasks. It appears that the use of piece rates or contracts specifying quotas often tends to encourage the unofficial employment of children by their parents as helpers on plantations. In some cases, children have also been known to engage in heavy work such as ploughing, rice planting and harvesting.

45. In some areas, particularly of southern Europe, children are often hired as farmhands to care for animals, at very low wages, and sometimes only in exchange for food and lodging.

46. While most countries are reported to have at least some legislation regulating minimum age for admission to employment in agriculture, the effectiveness of these laws appears to have remained very limited.

47. It must be pointed out that modern agriculture entails as many risks as any hazardous industrial occupation for children, because of the increasing mechanization of farm work and the use of chemical pesticides and fertilizers.

## 3. Child labour in other types of employment

48. Large numbers of children in all regions are reported to be working in small shops, restaurants, hotels, street trades and various service occupations. In particular, the street trades (i.e. shoe-shine boys, errand boys, street vendors, beggars) often involve children who are very young, homeless and subject to the most exploitative conditions. According to the International Labour Organisation, such occupations in the long run lead to "prejudice to the safety, health, moral welfare and social development of children that must result from uncontrolled wandering in the streets for long hours, until late at night, with constant exposure not only to bad weather, dirt, fumes and traffic but also to the most sordid aspects of city life".

49. Another form of employment of children is as domestic servants in private households, a category where often very low minimum ages, or no minimum age at all, are prescribed. The International Labour Organisation has reported that in some countries in Central America, the Middle East and some parts of Asia, it is common for very young children, usually girls, to be brought to cities from rural areas by adults (not always their parents) and "virtually sold into domestic service" under the guise of "adoption". The children usually get no wages, and are exposed to the potential dangers of overwork, neglect, mistreatment and exploitation. While efforts have been made from time to time to control this practice through regulatory measures, it appears that these have had little success.