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Treaty Series No. 37 (2001)

Convention
concerning the Prohibition and Immediate
Action for the Elimination of
the Worst Forms of Child Labour
(ILO 182)

Geneva, 17 June 1999

[The United Kingdom instrument of ratification was deposited on 23 March 2000 and the Convention entered into force for the United Kingdom on 23 March 2001]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 2001*

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CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989,¹ and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930,² and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956,³ and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

ARTICLE 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

¹ Treaty Series No. 44 (1992) Cm 1976.

² Cmd 3693.

³ Treaty Series No. 59 (1957) Cmnd 257.

ARTICLE 2

For the purposes of this Convention, the term “child” shall apply to all persons under the age of 18.

ARTICLE 3

For the purposes of this Convention, the term “the worst forms of child labour” comprises:

- (a) 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;
- (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 the relevant international treaties;
- (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.

ARTICLE 4

1. The types of work referred to under Article 3(d) shall 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, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

ARTICLE 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

ARTICLE 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

ARTICLE 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
 - (a) prevent the engagement of children in the worst forms of child labour;
 - (b) 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;
 - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risk; and
 - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

ARTICLE 8

Members shall take appropriate steps 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.

ARTICLE 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

ARTICLE 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

ARTICLE 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

ARTICLE 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

ARTICLE 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

ARTICLE 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—
 - (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 16

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention unanimously adopted by the General Conference of the International Labour Organization during its Eighty-seventh Session which was held at Geneva and declared closed on 17 June 1999.

IN FAITH WHEREOF we have appended our signatures this eighteenth day of June 1999.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Algeria	Ratification	09 Feb 2001	09 Feb 2002
Argentina	Ratification	05 Feb 2001	05 Feb 2002
Bangladesh	Ratification	12 Mar 2001	12 Mar 2002
Barbados	Ratification	23 Oct 2000	23 Oct 2000
Belarus	Ratification	31 Oct 2000	31 Oct 2001
Belize	Ratification	06 Mar 2000	06 Mar 2001
Botswana	Ratification	03 Jan 2000	03 Jan 2001
Brazil	Ratification	02 Feb 2000	02 Feb 2001
Bulgaria	Ratification	28 Jul 2000	28 Jul 2001
Canada	Ratification	06 Jun 2000	06 Jun 2001
Central African Republic	Ratification	28 Jun 2000	28 Jun 2001
Chad	Ratification	06 Nov 2000	06 Nov 2001
Chile	Ratification	17 Jul 2000	17 Jul 2001
Cyprus	Ratification	27 Nov 2000	27 Nov 2001
Denmark	Ratification	14 Aug 2000	14 Aug 2001
Dominica	Ratification	04 Jan 2001	04 Jan 2002
Dominican Republic	Ratification	15 Nov 2000	15 Nov 2001
Ecuador	Ratification	19 Sep 2000	19 Sep 2001
El Salvador	Ratification	12 Oct 2000	12 Oct 2001
Finland	Ratification	17 Jan 2000	17 Jan 2001
Gabon	Ratification	28 Mar 2001	28 Mar 2002
Ghana	Ratification	13 Jun 2000	13 Jun 2001
Guyana	Ratification	15 Jan 2001	15 Jan 2002
Hungary	Ratification	20 Apr 2000	20 Apr 2001
Iceland	Ratification	29 May 2000	29 May 2001
Indonesia	Ratification	28 Mar 2000	28 Mar 2001
Ireland	Ratification	20 Dec 1999	20 Dec 2000
Italy	Ratification	07 Jun 2000	07 Jun 2001
Jordan	Ratification	20 Apr 2000	20 Apr 2001
Korea, Republic of	Ratification	29 Mar 2001	29 Mar 2002
Kuwait	Ratification	15 Aug 2000	15 Aug 2001
Libya	Ratification	04 Oct 2000	04 Oct 2001
Luxembourg	Ratification	21 Mar 2001	21 Mar 2002
Malawi	Ratification	19 Nov 1999	19 Nov 2000
Malaysia	Ratification	10 Nov 2000	10 Nov 2001
Mali	Ratification	14 Jul 2000	14 Jul 2001
Mauritius	Ratification	08 Jun 2000	08 Jun 2001
Mexico	Ratification	30 Jun 2000	30 Jun 2001
Mongolia	Ratification	26 Feb 2001	26 Feb 2002
Morocco	Ratification	26 Jan 2001	26 Jan 2002
Namibia	Ratification	15 Nov 2000	15 Nov 2001
Nicaragua	Ratification	06 Nov 2000	06 Nov 2001
Niger	Ratification	23 Oct 2000	23 Oct 2001
Norway	Ratification	21 Dec 2000	21 Dec 2001
Panama	Ratification	31 Oct 2000	31 Oct 2001
Papua New Guinea	Ratification	02 Jun 2000	02 Jun 2001
Paraguay	Ratification	07 Mar 2001	07 Mar 2002
Philippines	Ratification	28 Nov 2000	28 Nov 2001
Portugal	Ratification	15 Jun 2000	15 Jun 2001
Qatar	Ratification	30 May 2000	30 May 2001
Romania	Ratification	13 Dec 2000	13 Dec 2001
Rwanda	Ratification	23 May 2000	23 May 2001
Saint Kitts and Nevis	Ratification	12 Oct 2000	12 Oct 2001
Saint Lucia	Ratification	06 Dec 2000	06 Dec 2001
San Marino	Ratification	15 Mar 2000	15 Mar 2001
Senegal	Ratification	01 Jun 2000	01 Jun 2001
Seychelles	Ratification	28 Sep 1999	19 Nov 2000
Slovak Republic	Ratification	20 Dec 1999	20 Dec 2000

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
South Africa	Ratification	07 Jun 2000	07 Jun 2001
Spain	Ratification	02 Apr 2001	02 Apr 2002
Sri Lanka	Ratification	01 Mar 2001	01 Mar 2002
Switzerland	Ratification	28 Jun 2000	28 Jun 2001
Thailand	Ratification	16 Feb 2001	16 Feb 2002
Togo	Ratification	19 Sep 2000	19 Sep 2001
Tunisia	Ratification	28 Feb 2000	28 Feb 2001
Ukraine	Ratification	14 Dec 2000	14 Dec 2001
United Kingdom	Ratification	22 Mar 2000	22 Mar 2001
United States	Ratification	02 Dec 2000	02 Dec 2001
	Declaration ¹	02 Dec 2000	
Vietnam	Ratification	19 Dec 2000	19 Dec 2001
Yemen	Ratification	15 Jun 2000	15 Jun 2001
Zimbabwe	Ratification	11 Dec 2000	11 Dec 2001

NOTES:

¹ *Declaration:*

The Worst Forms of Child Labour Convention, 1999 (No. 182) was ratified by the United States subject to the following understandings:

“(1) Children working on farms—The United States understands that Article 3(d) of Convention No. 182 does not encompass situations in which children are employed by a parent or by a person standing in the place of a parent on a farm owned or operated by such parent or person, nor does it change, or is it intended to lead to a change in the agricultural employment provisions or any other provision of the Fair Labor Standards Act in the United States.

(2) Basic education—The United States understands that the term ‘basic education’ in Article 7 of Convention No. 182 means primary education plus one year; eight or nine years of schooling, based on curriculum and not age.”

Before registering this ratification the Director-General of the International Labour Office transmitted to the United States Government a communication dated 9 February 2000 in the following terms:

“I have noted that the instrument indicates that the ratification was authorized subject to two understandings setting out the Government’s interpretation of certain provisions of the Convention. As depositary, I have authority to accept ratification under these circumstances provided that such understandings clarify or explain the meaning of the Convention as it relates to domestic law or procedure or address a matter incidental to the domestic operation of the Convention and are not intended to constitute reservations modifying or limiting a country’s international obligations.

The first of the understandings recites that Article 3(d) of the Convention ‘does not encompass situations in which children are employed by a parent or by a person standing in the place of a parent on a farm owned or operated by such a parent or person’. In this regard, Article 3(d) of the Convention provides that ‘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’ is to be considered as among ‘the worst forms of child labour’ for the purposes of the Convention. In the view of the Office, that provision in itself neither covers nor excludes any specific branch of economic activity or type of undertaking and should not be read separately from paragraph 1 of Article 4, which leaves the types of work concerned, including the circumstances in which the work is carried out, to be determined by the ratifying Member in the manner specified by that paragraph. Within that framework, the actual result of the first understanding can indeed be achieved.

Accordingly, I have concluded that it is not the intention of the Government of the United States of America to subject its ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182), to any kind of reservation, and I consider that I have the necessary authority to register the aforesaid instrument of ratification.”

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