

# Child Exploiters On Notice

The New ILO Convention on Child Labour

1999 was a good year for child labour campaigners: on 17th of June, 179 countries adopted the ILO Convention Against the Worst Forms of Child Labour.

The unanimous vote in Geneva augurs well for sustained and determined lobbying, here and abroad. In Australia this will include State Governments since many of the provisions of the Convention are in areas covered by State legislation.

It is only after consultation between the Commonwealth Government and the States that the Convention will reach the Parliamentary Treaties Committee—probably later this year—for public scrutiny and hopefully, approval.

## The Convention

Overall the Convention is a strong document, reflecting not only the persistent negotiating efforts by the Australian Child Labour Network, including representatives from DCI, World Vision, the Antislavery Society, TEAR, and the ACTU, but also the positive attitude of the Minister for Employment and Workplace Relations Peter Reith and Foreign Affairs Minister Alexander Downer and particularly the dedicated staff from their departments who did the hard yards, both here and internationally.

## Age Limit

Article 2 of the Convention defines “child” as any persons under 18—one of the lobbying victories which are likely to require amendments to State legislation.

## The “Worst Forms of Child Labour”

Article (3) (a) prohibits “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 main provision is clear enough but the armed conflict clause has some weaknesses: it does not cover volunteers and leaves open the question of recruitment of under 18s for training. Further, in modern warfare the definition of the site of “armed conflict” is obviously problematical and could well include support or clerical staff not intentionally destined for combat and therefore, it will be argued, not covered by the prohibition. These are questions currently under examination by the ‘Child Soldiers’ campaign.

Article (3) (b) prohibits “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”

This is clear enough and obviously welcome. It should not present any difficulties to the States although age lim-

its could possibly bear checking in some legislation.

Article (3) (c) prohibits “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.”

This is also welcome and should not cause any problems.

Finally, article (3) (d) prohibits “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.”

This provision should prove very useful in the continuing campaign to stop the exploitation of children although we can expect some heated debates on definitions.

## So Far So Good

Legal prohibition is of course only one step on the long march. It is an important one, but particularly in the global context, needs to be complemented by political, cultural and economic change.

Even in Australia we need to be mindful that successive governments of all persuasions have refused to support the insertion of so-called “social clauses”, including clauses protecting labour standards, in multilateral and bilateral Trade Agreements, citing free trade as the overriding policy objective and closing their eyes to the fact that they were sanctioning the exploitation of the most vulnerable.

More recently there have been some signs, capped by the demonstrations in Seattle, that this fundamentalist position is under challenge.

An international child labour Convention could provide the lever to intensify the debate on the need to match international WTO trade rules with international regulations governing the social effects of trade.

## Implementing the Convention

The prohibition clauses are accompanied by provisions obliging countries to list current practices in contravention of the new Convention, to design and implement programs of compliance in consultation with relevant employer and worker organisations and to establish appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Perhaps the most hopeful sign of a changing international climate can be found in the preamble to the Convention where it points to some of the causes of child exploitation and stresses the need for “poverty alleviation and universal education” since “child labour is to a great extent caused by poverty”.

This is a salutary reminder that legal prohibition needs to be accompanied by targeted social and economic development aid programs. I wonder if the demonstrators in Seattle had heard that the Australian Aid budget had sunk to its lowest point yet : .26% of GDP, against the UN target of .7 % and that it is projected to slide to .25% in this year’s budget.

-Sid Spindler



Two boys at the Transit Home for Street Children at Child Workers In Nepal (CWIN)  
Photo: Louise Curry