

Child Labour Resource Guide

Appendix 1 - International legal standards on child labour



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Appendix 1

International legal standards on child labour

This appendix examines international legal standards which include specific articles regarding the employment of children. It highlights that:

- Human rights treaties prohibit the “economic exploitation” of children.
- The main human rights convention concerning children, the UN Convention on the Rights of the Child, presents criteria to guide how decisions concerning children, including working children, should be made, giving priority to the child’s “best interests” .
- In 2002, the UN adopted a general set of minimum standards for businesses to observe.
- The ILO has stipulated minimum ages for employment.
- The “worst forms” of child labour are prohibited in all circumstances.

The standards:

- The Universal Declaration of Human Rights
- The International Covenant on Economic, Social and Cultural Rights
- The UN Convention on the Rights of the Child
- Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights
- ILO Convention No 138 concerning the Minimum Age for Admission to Employment
- ILO Convention No 182 on the Worst Forms of Child Labour
- Conventions on Debt Bondage and Forced Labour

International legal standards are relevant to business

International treaties and conventions impose obligations primarily on governments. However, they also dictate a set of priorities and processes which businesses have to take into account: consequently the provisions of the UN Convention on the Rights of the Child are important for businesses to take into account when they take steps against child labour. Furthermore, there is a strong move at present to make some international laws binding on individual businesses, as demonstrated in the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights.

Some international conventions seem complicated at first sight. In the case of the International Labour Organization’s (ILO) Convention No 138 concerning the Minimum Age for Admission to Employment, it is important for businesses to scrutinise the detailed contents of the convention, as its specific provisions concerning the minimum age that children are allowed to start work vary not only from country to country, but also according to the nature of the work being carried out.

The full text of each convention can be found at the websites indicated in the endnotes.

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UN human rights standards

Universal Declaration of Human Rights (1948)¹

The Declaration does not refer explicitly to child labour. However, it does contain a number of relevant rights, concerning, for example, the family and education.

Article 16.3 states:

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 26 guarantees the right to education and comments on elementary education including the following on the right to education:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

The International Covenant on Economic, Social and Cultural Rights (1966)²

The provisions of the Universal Declaration were elaborated into two more detailed International Covenants, adopted by the UN in 1966. The Covenant contains a provision on child labour in Article 10:

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.

The UN Convention on the Rights of the Child (1989)³

The Convention has been signed and ratified by all the countries in the world except Somalia and the US. Its 54 articles detail the individual rights of every person under 18 years of age to live, survive and develop to his or her full potential, free from hunger and want, neglect, exploitation or other abuse.

The Convention states that every human being below the age of 18 years is a child "unless under the law applicable to the child, majority is attained earlier" (Article 1).

Subsequent articles impose a series of obligations on the governments of countries that have ratified the Convention (referred to as "States Parties").

Article 32 concerns child labour. It states:

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any 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.

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2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

The Convention condemns forms of work, employment and economic exploitation which damage a child's development and health. States Parties are consequently required to take measures to ensure the article is implemented.

In practice, the vast majority of countries in which there are significant numbers of working children under 15 years have not fulfilled the obligations (b) and (c) above.

Other articles are also important in relation to child labour and child employment. Article 6 imposes an obligation on States Parties to:

Ensure to the maximum extent possible the survival and development of the child.

Article 28 guarantees every child's right to education and stresses the importance of equal opportunity to education for all children. It requires governments to:

- make primary education compulsory and available free to all children;
- encourage the development of different forms of secondary education including general and vocational education, and to make these available and accessible to all children;
- take measures to encourage regular school attendance and to reduce drop-out rates.

Article 39 is relevant when businesses discover that children have been subjected to some sort of harmful experience (such as any of the "worst forms" of child labour). It is aimed primarily at governments and requires them to:

take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

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In addition to these various specific rights, the Convention also contains two general provisions that businesses must take into account in all their dealings and decisions relating to children.

The first of these, in Article 3, requires any institution that takes any action concerning a child or children to do so in their “best interest”. It states:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

The second of these general provisions is in Article 12 and emphasises that when a child is capable of forming his or her views, those opinions should be given due attention, in accordance with the child’s age and maturity. It states:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Standards for Transnational Corporations and Other Businesses (2003)

Over the past decade, countless codes have been adopted by individual companies, groups of companies and various bodies setting standards for “responsible” and “accountable” business.

In 2003, the UN adopted a compilation based on existing international law that concerns employment and other standards to be observed by individual businesses.

This is a document entitled “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights”,⁴ adopted by the UN Sub-Commission on the Promotion and Protection of Human Rights.

The Norms contain a long list of UN human rights standards “that transnational corporations and other business enterprises, their officers and persons working for them are also obligated to respect.”

In Article 1 on “General Obligations”, the Norms specify that businesses have specific responsibilities:

Within their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including the rights and interests of indigenous peoples and other vulnerable groups.

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Article 6 concerns the employment of children. It states:

Transnational corporations and other business enterprises shall respect the rights of children to be protected from economic exploitation as forbidden by the relevant international instruments and national legislation as well as international human rights and humanitarian law.

The official Commentary⁵ on this article goes on to say:

- (a) Economic exploitation of children includes employment or work in any occupation before a child completes compulsory schooling and, except for light work, before the child reaches 15 years of age or the end of compulsory schooling. Economic exploitation also includes the employment of children in a manner that is harmful to their health or development, will prevent children from attending school or performing school-related responsibilities, or otherwise is not consistent with human rights standards such as the Minimum Age Convention (No 138) and Recommendation (No 146), the Worst Forms of Child Labour Convention (No 182) and Recommendation (No 190) and the Convention on the Rights of the Child. Economic exploitation does not include work done by children in schools for general, vocational, or technical education or in other training institutions.
- (b) Transnational corporations and other business enterprises shall not employ any person under the age of 18 in any type of work that by its nature or circumstances is hazardous, interferes with the child's education, or is carried out in a way likely to jeopardize the health, safety, or morals of young persons.
- (c) Transnational corporations and other business enterprises may employ persons aged 13 to 15 years in light work if national laws or regulations permit. Light work is defined as work which is not likely to be harmful to the health or development of the child, and will not prejudice school attendance, participation in vocational orientation, training programmes approved by competent authority, or the child's capacity to benefit from the instruction received.
- (d) Transnational corporations and other business enterprises shall consult with Governments on the design and implementation of national action programmes to eliminate the worst forms of child labour consistent with ILO Convention No 182. Transnational corporations and other business enterprises using child labour shall create and implement a plan to eliminate child labour. Such a plan shall assess what will happen to children when they are no longer employed in the business and include measures such as withdrawing children from the workplace in tandem with the provision of suitable opportunities for schooling, vocational training and other social protection for the children and their families, for example by employing the parents or older siblings or engaging in other measures consistent with ILO Recommendations Nos 146 and 190.

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International Labour Organization (ILO) conventions

The ILO was established in 1919 as a forum to agree standards that should be applicable to workers everywhere. During the half century following its creation, it has adopted 10 separate conventions setting a minimum age for employment in different industries. In 1973 a general Convention (No 138) was adopted which was intended to be applicable to every sector of employment and in every country.

The ILO has adopted 185 conventions, each one of which is open to governments to ratify, and which then becomes binding on them to enforce. It has adopted an even greater number of recommendations, which are not legally binding.

In 1998, the ILO adopted its Declaration on Fundamental Principles and Rights at Work,⁶ which identified seven ILO “core” conventions which all governments are expected to implement, whether they have been ratified or not. These cover four different issues:

- the right of workers to organise in trade unions (freedom of association) and the right to collective bargaining;
- forced or compulsory labour (the elimination of all forms);
- child labour (its effective abolition);
- discrimination in respect of employment and occupation (whether based on gender or race).

In 1999 ILO Convention No 182 on the “worst forms of child labour” was added to the core list.

With the adoption of the Declaration on Fundamental Principles and Rights at Work, all 174 ILO member states have an obligation, regardless of ratification, to respect, promote and realise the principles contained in the core ILO conventions, including the abolition of child labour.

Convention No 138 concerning Minimum Age for Admission to Employment (1973) and associated Recommendation No 146⁷

The Convention came into force in 1976 and by the beginning of 2004 had been ratified by 131 states. Under the terms of Article 2, each of these states has specified the age of 14, 15 or 16 as the minimum age for admission to employment.⁸ The numbers which have opted for each age are:

Minimum age (years)	Number of countries
14	42
15	59
16	30

Between the ILO's creation and the adoption of this convention in 1973, the ILO adopted a series of other conventions stipulating minimum ages for entry to employment in specific occupations or industries. Details of these conventions and of the states which are still required to respect them can be found on the ILO's website.⁹ They remain relevant for countries which have not ratified ILO Convention No 138, but which have ratified one or more of the preceding conventions.¹⁰

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Convention 138 stipulates that the minimum age for employment should “not be less than 15 years” but contains a number of special provisions, which allow developing countries to opt for a minimum age of 14 on what is supposed to be a temporary basis. It prohibits any young people under 18 from being involved in dangerous work. It also has a specific provision for “light work” allowing children aged 13 to 15 to be employed on “light work” (and children aged 12 to 14 to engage in “light work” in certain countries). Special provisions of this sort have to be discussed and agreed in detail in individual countries by the government ministry responsible for labour standards, together with representatives of employers’ organisations and trade unions.

One of the earlier ILO conventions concerning child labour (No 60, adopted in 1932) stipulates that children should not be employed on light work for more than two hours a day, or spend more than seven hours a day on a combination of school and light work. It also stipulates that children engaged in light work should have at least one day a week off, as well as public holidays.

Article 2, the main article concerning the age for starting ordinary full-time employment, specifies that the minimum age for young people to start work should be 15, but can in developing countries be fixed at 14 on a temporary basis. It states:

1. Each Member [i.e. each State] which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under Article 22 of the constitution of the International Labour Organization a statement --
 - (a) that its reason for doing so subsists; or
 - (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

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Article 3 prohibits any young people under 18 from dangerous work. It states:

1. 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 jeopardise the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years 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.

Article 7 allows children younger than the minimum age to take on some work:

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is --
 - (a) not likely to be harmful to their health or development; and
 - (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.
3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

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Convention 138 allows for a number of other variations on its basic rules. For example, Article 8 indicates that " After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may ... allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances." So children who are younger than the minimum age can be paid to work as actors in certain circumstances where safeguards have been agreed.

Recommendation No 146

With Convention 138, the ILO also adopted a Minimum Age Recommendation. This is not a treaty which the states ratifying it are bound to implement, but nevertheless represents an international standard which suggests ways in which Convention 138 should be implemented.

Article 7 suggests that the minimum age for employment should eventually be increased to 16 and that, if it is fixed at only 14, " urgent steps should be taken to raise that level" .

Article 12 stresses the importance of measures to ensure that conditions for young workers " are maintained at a satisfactory standard" . As far as younger workers in general are concerned, including those old enough to work full-time and those entitled to be employed in " light work" , Article 13 goes into further detail, stressing the need to give special attention to the following aspects of the employment of children engaged in " light work" , who are below the minimum age for entry into full-time employment:

- (a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;
- (b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;
- (c) the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days;
- (d) the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults;
- (e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;
- (f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

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The Recommendation suggests various ways in which the age of working children can be checked. As far as business is concerned, it suggests in Article 16 (b) that:

employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings.

It also calls on the public authorities to maintain systems of birth registration and ensure that each child has a birth certificate. This provision, like the others suggested in Recommendation 146, represents good practice, but governments are not obliged to it.

Convention No 182 on the Worst Forms of Child Labour (1999) and associated Recommendation No 190¹¹

Twenty years after the entry into force of Convention 138 on the minimum employment age, the ILO recognised that tens of millions of children below 15 years of age were still working, in spite of Convention 138, and that a further convention was needed to make it a priority to eliminate what were first called “intolerable” and later “the worst forms” of child labour. Its preamble includes notes 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.

This new convention entered into force in October 2000. By October 2003, it had been ratified by 147 countries.¹²

Like the UN Convention on the Rights of the Child, ILO Convention 182 applies to everyone under 18 years of age. Once again, it does not focus simply on what is known conventionally as “child labour”, but on all forms of work which could be harmful to children and young people.

In Article 3, it defines “the worst forms of child labour” as:

- (a) all forms of slavery or practice similar to slavery, such as the sale or 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 or 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.

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Categories (a), (b) and (c) are defined in absolute terms by other international treaties. In contrast, the cases which fall under (d) are considered by the Convention to require an initial discussion at national level between government officials and employers' and workers' organisations in order to identify the forms of work which might "harm the health, safety or morals of children" and which it is a priority to eliminate.

Recommendation No 190

The Convention itself refers to the ILO's associated Recommendation No 190 on the Worst Forms of Child Labour, which lists the sort of work which is hazardous and should not, in principle, be undertaken by any young people under 18 years of age.

Paragraph 3 of Recommendation 190 states that:

In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, underwater, 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.

Paragraph 4 goes on to point out:

For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

This provision recognises, therefore, that in these very specific circumstances young people aged 16 and 17 may engage in hazardous work.

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Other ILO conventions apply to young workers specifically¹³ or apply to all workers but are particularly important for employers to take into account on account of the greater vulnerability of children to abuse.

Conventions on debt bondage and forced labour

While child workers are distinguishable chiefly by their age and size, some are being subjected to other abuses of their rights. This is particularly the case when they are victims of debt bondage or other forms of forced labour.

Forced labour is a general term now used for referring to situations of slavery and servitude, and other situations in which a person is being forced to work. Once again, it is the ILO which adopted a convention to define what is meant by "forced labour". The ILO's Convention No 29 on Forced Labour (1930) defines forced or compulsory labour in Article 2(1) as meaning:

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.¹⁴

This convention is, like the ILO's two conventions on child employment, one of its "core" conventions that all governments are required to enforce. It has been ratified by 158 countries. When the convention was first adopted, part of its significance was that it made a distinction between "forced labour" imposed by governments on their citizens, and slavery. This specific connotation has been dropped over time, and the ILO now interprets workers being coerced into working by private employers or even gangsters as victims of "forced labour".

Both "forced labour" and "slavery" involve a similar degree of restriction on the freedom of the individual concerned – often through violent means – making forced labour similar to slavery in its effect.

Debt bondage (or "bonded labour", as it is known in South Asia) occurs when a person is required to work in exchange for a loan of money or in kind, and the value of the labour is considerably in excess of the value of the loan. The same term is used when parents or other adults accept a loan, and put their child to work to pay off the loan.

The formal definition of debt bondage is found in the UN's Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956),¹⁵ which prohibits four forms of servitude, or what it calls "servile status". Article 1(a) prohibits:

Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

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The same UN convention also addressed the issue of children who were sent away from home to work for others. Article 1(d) prohibits:

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.

The terms of this article are sufficiently vague, however, for the issue to have received further attention in subsequent UN conventions, most recently one that prohibits human trafficking. In November 2000, the UN General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime that was adopted at the same time. As far as children are concerned, the Trafficking Protocol prohibits:

the recruitment, transportation, transfer, harbouring or receipt of ... [any person under eighteen years of age] ... for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

While no reputable employers would employ victims of forced labour, debt bondage or trafficking, they can do so without being aware of it, for example because of the recruitment practices by an agent, or when a middle-ranking employee abuses his or her position to coerce workers. In addition to checking whether children under a certain age are being employed in an inappropriate way, therefore, businesses also need procedures to ensure that other abuses such as these do not occur.

- 1 Full text available at <http://www.unhchr.ch/udhr/lang/eng.htm>
- 2 Full text available at http://www.unhchr.ch/html/menu3/b/a_ceschr.htm
- 3 Full text available at <http://www.unicef.org/crc/crc.htm>
- 4 UN document E/CN.4/Sub.2/2003/12/Rev.2, available at <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/64155e7e8141b38cc1256d63002c55e8?Opendocument>
- 5 Commentary available at <http://www1.umn.edu/humanrts/links/commentary-Aug2003.html>)
- 6 The text of the ILO Declaration can be found at: <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2&chapter=26&query=%28%23docno%3D261998%29+%40ref&highlight=&querytype=bool&context=0>
- 7 Text available at <http://www.ilo.org/ilolex/english/convdisp2.htm>
- 8 Ages chosen for each country can be found at <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?long=EN>
- 9 For example, Convention No. 10, the Minimum Age (Agriculture) Convention (1921), specifies that "Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance".
- 10 For example, Convention No. 123, the Minimum Age (Underground Work) Convention (1965), specifies that the minimum age to be employed or to work underground is 16. Like Convention 10, Convention 123 has been replaced by Convention 138 in countries which have ratified Convention 138. However, in countries such as India, which ratified Convention 123 in 1975 but has not ratified Convention 138, Convention 123 remains in force.
- 11 Full text available at <http://www.ilo.org/public/english/standards/ipecc/ratification/convention/text.htm>

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- 12 See <http://www.ilo.org/ilolex/english/convdisp2.htm>
- 13 Notably Convention No. 77, the Medical Examination of Young Persons (Industry) Convention (1946), ratified by 43 States (not including the United Kingdom), Convention No. 78, the Medical Examination of Young Persons (Non-Industrial Occupations) Convention (1946), ratified by 39 States (not including the United Kingdom and Convention No. 124, the Medical Examination of Young Persons (Underground Work) Convention (1965), ratified by 41 countries (including the United Kingdom). These three conventions have not been replaced by more recent ones. Convention 77 specifies that “Children and young persons under eighteen years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination.” Convention 78 contains a similar provision concerning non-industrial occupations. Convention 124 extends the provision of periodic medical examinations to the age of 21.
- 14 For the full text, see <http://www.ilo.org/ilolex/english/convdisp2.htm>
- 15 For the full text, see <http://www.unhcr.ch/html/menu3/b/30.htm>