

**A Review of Child Labour Laws
of Belize - a Guide to Legislative Reform**

Clive Pegus

June 2005

**ILO Regional Child Labour Project
International Labour Organization
Subregional Office for the Caribbean**

Copyright @ International Labour Organization 2006

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to the Publications Bureau (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

Pegus, C

A Review of Child Labour Laws of Belize – a Guide to Legislative Reform

Port of Spain, International Labour Office, 2006

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

TABLE OF CONTENTS

Executive Summary	1
1. Introduction	4
1.1 Terms of Reference	4
1.2 Methodology	4
1.3 Structure	6
1.4 Issues	6
2. Convention Framework	7
2.1 Background	7
2.2 Definition of Child Labour	7
2.3 ILO Convention No. 138	8
2.3.1 Child Labour Policy	8
2.3.2 Minimum Age for Employment	8
2.3.3 Exception for Light Work	9
2.3.4 Exception for Artistic Performances	10
2.3.5 Hazardous Work	10
2.3.6 Exclusions	11
2.4 ILO Convention No. 182	12
2.5 Enforcement	12
2.6 Legal Status of Convention	13
3. Socio-economic Background of Child Labour	14
4. A Review of the Policy, Legal and Institutional Framework on Child Labour	16
4.1 Policy	16
4.2 Legal Framework	19
4.2.1 Minimum Age for Employment	19
4.2.2 Light Work	21
4.2.3 Artistic Performances	22
4.2.4 Hazardous Work	22
4.2.5 Exclusions	23
4.2.6 Enforcement	23
4.3 Unconditional Worst Forms of Child Labour	24
4.3.1 All forms of slavery and practices similar to slavery	25
4.3.2 Sale and trafficking of children	25
4.3.3 Debt bondage, serfdom, forced and compulsory labour	25
4.3.4 Compulsory recruitment of children in armed conflict	26
4.3.5 Use, procuring or offering a child for prostitution, pornography or pornographic performances	26

4.3.6	Use, procuring or offering a child for illicit activities, production and trafficking of drugs	27
4.4	Investigation and Inspection	27
4.5	Institutional Framework	29
5.	Conclusions and Recommendations	32
	References	35
	Appendix I: Summary of Good Practices in Countries Studied	37
	Appendix II: Questionnaire	43

Executive Summary

Belize has an obligation to ensure that its laws comply fully with the requirements of the ILO Conventions on child labour and that all measures are in place for the implementation of the Conventions.

Policy

ILO Convention No. 138 requires Belize to have a policy for the elimination and prevention of child labour. Unfortunately, although Belize has national policies in areas connected with child labour, such as education, childcare protection, welfare, social security, labour administration and other social development, there is no coherent explicit policy on child labour. What exist are related policies that were formulated without any specific reference to the ILO Convention on child labour.

It is significant to note that the Ministry of Human Development, Local Government and Labour has initiated action to remedy the policy deficiency and has recently established a National Committee on Child Labour whose task is to make recommendations for a policy on child labour.

This Committee is a sub-Committee of the National Commission on Families and Children and headed by the Director of Labour Administration. Thus the policies are considered within a broader policy, administrative and institutional context that seeks to connect all programmes and institutions promoting the protection of the rights of the child within the society and within the family. Very importantly, the issue of policy development on child labour within Belize is proceeding on a bipartisan manner with joint support of both the Prime Minister and the Leader of the Opposition.

Legal Framework

Minimum Age for Employment

Belize, after consultation with the social partners, has determined a minimum age for admission to employment or work at age 14 years, which is the compulsory age for the completion of schooling in Belize. Belize has availed itself of the special dispensation of a lower minimum age offered to developing countries with inadequate educational facilities. According to the ILO Convention No. 138, this dispensation is intended to be temporary and all countries are expected to eventually have a minimum working age of 16 years.

There is no set goal for increasing the compulsory age for the completion of schooling to facilitate a change in the minimum age for admission to employment. It is recommended

that the target for education be reassessed to make it possible for a minimum working age of 15 years by 2015.

Light Work

The Government of Belize did not make any declaration on ratification of ILO Convention No.138 regarding any exception from the minimum age for light work. However, the Minister of Labour has the power under the Labour Act to make regulations for light work to be undertaken by children younger than 14. It is recommended that the National Committee on Child Labour consider the issue of a younger age for light work for a limited number of activities and for a temporary period.

Restriction of Scope of Convention

Belize has made no express declaration on ratification of ILO Convention No. 138 regarding limitation of the scope of the Convention or introducing a lower age for light work.

Artistic Performances

The Labour Act makes provision for unpaid artistic performances by children for charitable or other non-profit purposes. There is no legislative provision or policy in Belize regarding paid artistic performances by children. Belize may wish to consider the introduction of regulations under the Labour Act to allow for the person seeking to engage the services of the child performer to obtain a permit from the Minister, who shall be required to consult with the employers' and workers' federations, and impose such conditions to ensure that the welfare of the child is guaranteed, similar to what obtains in the Bahamas.

Hazardous Work

Belize has limited provisions relating to the protection of young persons from hazardous work. There is no determination of activities considered to be hazardous. A draft Occupational Safety and Health Bill is drafted which makes provision for the protection of young persons from hazardous work. This bill is now under consideration. It is recommended that efforts be made to have this bill enacted into law as soon as possible.

Worst Forms of Child Labour

There are laws in Belize which outlaw most activities involved in the worst forms of child labour. However, these laws are not characterized as child labour but as criminal

offences and there are some deficiencies and gaps. There is no specific offence of child trafficking.

Institutional Arrangements

There is no legal requirement for the monitoring of child labour in Belize. It is recommended that consideration be given to amending the Labour Department Act to provide for a legal duty on the part of the Chief Labour Officer to have systemic reviews of the child labour situation in Belize.

1. Introduction

1.1 Terms of Reference

This study, commissioned by the International Labour Organization, Subregional Office for the Caribbean, reviews the laws on child labour in Belize, within the context of ILO Conventions No. 138 on Minimum Age for Admission to Employment and No. 182 on the Worst Forms of Child Labour and its relevant ILO Recommendations No. 146 and No.190. It is part of a wider project, which reviews child labour laws of six Caribbean countries, namely Bahamas, Barbados, Belize, Guyana, Suriname and Trinidad and Tobago.

The main concern of this review is to identify *apparent gaps and inconsistencies* in the laws relating to child labour in Belize and to provide a *guide for legislative reform to ensure compliance* with the requirements of the ILO Conventions.

The primary practical purpose of the review is to propose *recommendations for an effective legal framework for the elimination and prevention of child labour in Belize*. This involves not only consideration of the laws but also certain ancillary non-legal elements contained in the Convention. These include the policy framework on child labour as well as the administrative and institutional arrangements for the monitoring and enforcement of the laws that seek to eliminate and prevent child labour.

1.2 Methodology

This review used as its frame of reference the ILO Conventions and Recommendations on child labour. The author reviewed relevant handbooks, manuals and reports produced by, or under the auspices of the ILO, in order to determine whether laws of Belize dealing with child labour were framed and administered in accordance with the expectations associated with the Conventions.

In this regard, the study benefited from reports by the Government of Belize under Article 22 of the Constitution of the International Labour Organization and the comments of the Committee of Experts on the Application of the ILO Conventions. It also benefited significantly from three reports commissioned by ILO/IPEC on (i) Qualitative Analysis of Child Work in Belize (2003); (ii) In-Depth Analysis of Child Work and Education in Belize (2003); and (iii) National Report on the Results of the Child Activity Survey in Belize (2004).

The review took note of the policy, institutional and socio-economic context within which the issues of child labour are addressed in Belize. This was important in order to ensure that relevant country-specific background was taken into consideration in the review of the laws.

This study also benefited from the information and insights provided by officials of the Government of Belize and stakeholders in interviews on issues relating to the law, policy, programmes, monitoring and enforcement of measures to eliminate child labour. In this regard, discussions were held with officials from the:

- National Committee for Families and Children;
- Labour Department;
- Ministry of Human Development;
- Ministry of Education;
- Belize Chamber of Commerce and Industry;
- National Trade Union Congress of Belize;
- Attorney General Ministry;
- Police Department.

These interviews provided the author with a broad perspective on the functioning and enforcement of the current laws and their socio-economic context. The author noted the general acceptance by officials that child labour was a problem in Belize. This contrasts markedly with the author's experience in some other Caribbean countries.

The attached questionnaire served as the basis for discussion on child labour issues relating to policy, legislation, programmes, administration and enforcement.

The laws reviewed were:

- The Constitution of Belize (Act No. 14 of 2001);
- Labour Act, Chapter 297;
- Shops Ordinance, 1959;
- Factories Act, Chapter 296;
- International Labour Organization Act, Chapter 301;
- Families and Children Act, Chapter 173
- Education Act, Chapter 36;
- Protection against Sexual Harassment, Chapter 107;
- International Child Abduction Act, Chapter 177;
- Criminal Code, Chapter 101;
- Misuse of Drugs Act, Chapter 103;
- Family Court Act, Chapter 93;
- Prevention of Crime Act, Chapter 106;
- Social Security Act, Chapter 44.

The conclusions identified some of the good practices in Belize, which could be relevant and useful for other Caribbean countries. Similarly, the recommendations took into consideration some of the good practices identified in the review of child labour laws of the other Caribbean countries, which were included in this project.

1.3 Structure

The study is organized into the following sections:

- (i) the Convention Framework;
- (ii) the Socio-economic Background;
- (iii) Review of the Legal, Policy and Institutional Framework
 - (a) policy;
 - (b) minimum age;
 - (c) hazardous work;
 - (d) enforcement;
 - (e) other worst forms;
 - (f) institutional arrangements
- (iv) Conclusions and recommendations.

1.4 Issues

Some central issues considered were:

- a) Should the development of a comprehensive policy framework for the elimination of child labour be a pre-condition for law reform and if so, what should be the major elements of such a policy?
- b) Should law reform, if required, be limited to amendments of existing laws or a consolidation of the laws, or should it embrace a new comprehensive law dealing specifically with child labour?
- c) Could law reform be effective without the mainstreaming of child labour issues within all relevant institutions and without a reorientation of the society's cultural norms and institutional strengthening?
- d) What institutional arrangements are required to support the monitoring and enforcement of child labour laws?

2. Convention Framework

2.1 Background

This chapter briefly describes the requirements of ILO Conventions No. 138 and No.182 and their related ILO Recommendations and examines their legal implications for Belize.

The ILO Conventions No. 138 and No.182 seek to protect children from work that is detrimental to their mental, physical, social, moral and educational development. ILO Convention No. 138 was adopted in 1973, 26 years earlier than the adoption of ILO Convention No. 182. It requires member States to establish a *general minimum age* for admission to employment or work. It replaces and consolidates a number of Conventions dating from 1919 on the minimum age for admission to employment in certain restricted sectors and workplaces. In the words of its Preamble, “*the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour*”.

ILO Convention No. 182 seeks to complement and enhance ILO Convention No. 138 by addressing the need for the *immediate prohibition and elimination of the worst forms of child labour as a priority* for national and international action. It addresses concerns that are wider than labour market issues; and includes all economic activities of children whether classified traditionally within the labour market context or not. It also has both a national and international focus in its scope and implementation. Thus, it includes activities such as trafficking in children and commercial sex activities.

It is important to stress that these Conventions do not prohibit all forms of work by children. Indeed, the social and moral development of children requires that the value of work be instilled at a reasonable age. Such work must however be compatible with the welfare of the child and a distinction must be made between legitimate child work and prohibited child labour.

2.2 Definition of Child Labour

Child labour is work carried out to the manifest detriment and endangerment of the child, in violation of the rights of the child, international law as defined in the ILO Conventions and national law of the particular country, in this case, Belize. The ILO publication entitled “*Action Against Child Labour*” describes it as “*both paid and unpaid work and activities that are mentally, physically, socially or morally dangerous and harmful to children. It is work that deprives them of opportunities for schooling or that requires them to assume the multiple burdens of schooling and work at home and in other workplaces; and work that enslaves them and separates them from their family.*”

The author has found in the course of this study that the distinctions between legitimate child work and child labour was not always clearly understood by all officials and

stakeholders in the Caribbean region. Some persons believed that child labour only involved paid economic activities. Those officials who attended seminars on child labour organized by the ILO Caribbean Subregional Office had a good understanding of meaning of the term child labour and the requirements of the Convention. In contrast, those officials who did not benefit from such orientation and training did not demonstrate an accurate understanding of the term child labour, even though their work may be connected with some aspect of the rights of children. The lack of a proper understanding by officials about the Convention creates difficulties for their monitoring and implementation of the provisions of the Convention. In the author's view, officials of Belize seem to be better informed on the significance of child labour to their national development than officials from the other countries visited.

2.3 ILO Convention No. 138

This Convention enjoins member States to:

- pursue a national policy designed to ensure the effective abolition of child labour;
- establish by law a minimum age for admission to employment or work within its territory and on means of transport registered in its territory;
- prohibit the employment of young persons under 18 years of age in work or activities that are likely to jeopardize their safety, health or moral development.

2.3.1 Child Labour Policy

Guidelines regarding the policy on child labour are contained in ILO Recommendation No. 146. These guidelines call for high priority to be given to planning for and meeting the needs of children and youth in national development policies and programmes, and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

Elimination of the causes of child labour is a major policy concern. In this regard, special attention and effective measures are required in the areas of employment policy, poverty alleviation, social security, child welfare and education.

2.3.2 Minimum Age for Employment

ILO Convention No. 138 provides that member States must determine a general minimum age for admission to employment. While the Convention permits certain exceptions, its general objective is that the minimum age should be applicable to all sectors of the economy. This age should not be lower than the compulsory age for the completion of basic education and in any case not less than 15 years. The general minimum age is to be determined at the time of ratification of the Convention.

The Convention also enjoins member States to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. ILO Recommendation No. 146 provides that the minimum age should be fixed at the same level for all sectors of economic activity and the objective should be to raise it progressively to 16 years.

The Convention provides some flexibility for countries whose economy and educational facilities are insufficiently developed to specify, after appropriate consultations with the social partners, a minimum age of 14 years.

2.3.3 Exception for Light Work

Article 7 of ILO Convention No. 138 allows a younger minimum age for light work. Light work may be undertaken by children two years younger than the declared minimum age for admission to general employment.

Light work is considered to be work which is “*not likely to be harmful to the health or development of young persons and 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.*” However, the light work has to be properly regulated. The activities, number of hours and other conditions in which such work may be permitted must be determined by the competent authority, after consultation with the social partners.

ILO Recommendation No. 146 elaborates on the conditions in which light work may be permitted. It states that special attention should be given to:

- (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), 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.

2.3.4 Exception for Artistic Performances

There is also an exception for artistic performances by children under the minimum age for admission to employment. Exceptions from the minimum age can be granted:

- after consultation with the social partners;
- by permits in individual cases which must limit the number of hours that can be worked and specify the conditions.

2.3.5 Hazardous Work

Both ILO Conventions No. 138 and No. 182 proscribe hazardous work for young persons under the age of 18 years. Hazardous work is defined as “*any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize their health, safety or moral development.*” ILO Convention No. 182 characterizes hazardous work as a worst form of child labour.

Both Conventions provide a standard procedure by which hazardous work may be determined, that is, by national laws or by the competent authority, after consultation with the organizations of employers and workers concerned. ILO Convention No. 182 stipulates further that relevant international standards should be taken into consideration. It also calls for the list of hazardous work to be periodically examined and revised.

ILO Recommendation No. 190 provides some guidelines in determining hazardous work. It specifies that consideration should be given to:

- 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.

ILO Convention No. 138 and ILO Recommendation No. 190 exceptionally allow young persons over 16 years of age to undertake hazardous work in certain conditions under specified protective mechanisms. Article 3 (3) provides that national laws or regulations or the competent authority may, after consultation with the representative organizations of employers and workers concerned, authorize 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.

ILO Convention No. 138 also provides for employers to maintain a register of employees under the age of 18 with information on their date of birth and date of appointment and date of termination of appointment. This register should be open to inspection by the competent authority.

2.3.6 Exclusions

ILO Convention No. 138 provides several flexibility provisions. Apart from the exception for light work and artistic performances, it permits, after consultation with the social partners, *the exclusion of limited categories of work for which special and substantial problems may arise*. However, work that is likely to jeopardize the health, safety or morals of young persons may not be excluded. Moreover, States must review excluded categories on an ongoing basis and make progress towards eliminating the special and substantial problems, which make broad application difficult.

This flexibility provision applies to developing countries. Article 5 provides that a country whose economy and administrative facilities are insufficiently developed may initially limit the scope of application of the Convention to certain branches of economic activity or types of enterprises. The following sectors, however, are excluded from exemption:

- mining and quarrying;
- manufacturing;
- construction;
- electricity, gas and water;
- sanitary services;
- transport, storage and communication;
- plantations and other agricultural undertakings mainly producing for commercial purposes.

Countries limiting application initially are still to report on child work in excluded categories and on their progress towards achieving broader coverage of the requirements of the Convention. This Article could only be invoked at the time of ratification.

The Convention in Article 6 also excludes work done by children and young persons in schools for *general, vocational or technical education or in other training institutions, or work done by persons 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 representative organizations of employers and workers concerned, where such exist, and is an integral part of:

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or a line of training.

2.4 ILO Convention No. 182

This Convention targets the worst forms of child labour. In addition to provisions on hazardous work similar to ILO Convention No.138 already mentioned, ILO Convention No.182 addresses certain *unconditional worst forms of child labour*, which comprise:

- (i) slavery and all practices similar to slavery including forced labour, serfdom and bonded labour, the involvement of children in wars and armed conflict;
- (ii) prostitution and pornographic performances and other forms of commercial sexual activity; and
- (iii) illicit activities such as the production and distribution of illegal drugs.

Member States are required to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. It also specifies the kinds of measures that member States must take in the implementation of the Convention. In designing these measures, States are required to take into account *the importance of education in eliminating child labour* and 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.

Because of the potential cross-border character of the unconditional worst forms of child labour, ILO Convention No. 182, unlike ILO Convention No. 138, specifically calls for international cooperation in eradicating the causes of the worst forms of child labour and in the implementation of the Convention.

2.5 Enforcement

Both Conventions require member States to take all measures necessary for the effective enforcement of the provisions of the Convention. This involves the provision of appropriate penalties. In addition, the national laws or regulations or the competent authority must:

- (i) define the persons responsible for compliance with the enabling laws; and
- (ii) prescribe the registers or other documents which have to be kept and made available by the employer.

2.6 Legal Status of Convention

Having ratified ILO Conventions No. 138 and No. 182, Belize has an obligation under international law and under the Constitution of the ILO to ensure that its laws comply fully with these Conventions.

A fundamental principle of international law enshrined in Article 26 of the Vienna Convention on the Law of Treaties, ratified by the Government of Belize, is that *every treaty in force is binding upon the parties to it and must be performed by them in good faith*. Article 27 prevents a party from invoking its internal law as justification for its failure to perform a treaty.

This principle is also enshrined in the Constitution of the International Labour Organization. Article 5 imposes an undertaking on each member State to bring, within one year from ratification of an ILO Convention, the Convention before the authorities within whose competence the matter lies for the enactment of legislation or other action.

Within the jurisprudence of Belize, unlike the other English-speaking Caribbean countries, ratified ILO treaties are considered to be directly applicable and have the force of law even without enabling legislation. By virtue of the International Labour Organization Act, Chapter 301 of Belize, all ILO Conventions ratified by Belize have the force of law *notwithstanding the provisions of any other law*, including the Labour Act. The Government of Belize must list the ILO Convention in a Schedule to Chapter 304:01 which may be amended from time to time. ILO Conventions No. 138 and No. 182 are listed in the Schedule.

The direct applicability of ILO Conventions ratified by Belize, while commendable, is not sufficient and may require additional measures to ensure implementation of the Conventions. In the case of the ILO Conventions No. 138 and No. 182, there is need for policy, administrative measures and sanctions to implement the provisions of the Conventions and to monitor, eliminate and prevent child labour and appropriate sanctions for violation of the laws.

It should be noted here that, while ILO Conventions are considered to be binding in international law on States which have ratified them, ILO Recommendations are of persuasive authority only. They are however considered to be soft law, which should serve as guides to the interpretation and implementation of the Conventions and should be generally observed.

3. Socio-economic Background of Child Labour

Belize is the only English-speaking country in Central America. It has both a Caribbean and a Central American heritage. It shares a colonial and cultural history with the Caribbean and is a member of the Caribbean Community. It shares borders with Mexico and Guatemala, whose proximity and social and human interrelationships have significant influence on Belize. However, despite its close cultural ties with the Caribbean, its Central American neighbours are having the greater impact on the child labour situation in Belize. Belize has a significant immigrant population of Guatemalans and Hondurans who, together with their families including children, work on the agricultural estates of Belize. The presence of Spanish speaking communities in the rural agricultural areas and the frequent cross border social and economic activities have direct consequences for the incidence and monitoring of child labour in Belize.

Belize is a developing country. It is considered to be a medium human development country in the UNDP Human Development Index (99th in the 2004 Index), which measures achievements in terms of life expectancy, educational attainment and adjusted real income. Its economy has been on a growth path for the past decade. Gross Domestic Product per capita is estimated at US\$7,270.00 in 2003. Unemployment is declining and is now estimated at about 11.6%. The 2002 Living Standards Measurement Survey shows that 10.8% of persons living in Belize are indigent and 22.7% are poor but not indigent, yielding a total poverty rate of 33.5%. Poverty rates are highest in rural areas, among the Mayas and in single female-headed households.

Belize has a youthful population. About 40% of the population is under 14 years. It also has a significant immigrant Spanish-speaking community, estimated at 15% of the population. These demographic features place some challenges on the education system. School enrolment rates are high and drop out rates low for primary school. The Education Statistical Digest shows that 74.2% of children aged fourteen and under are either in primary or secondary school. The National Report on the Result of Child Activity in Belize found that the lack of financial resources prevents some children from starting or continuing secondary school. Although the Government provides free education, students are charged fees for laboratory and other activities. Gross enrolment in primary school is estimated at 86% and in secondary school it is estimated at about 60%. The adult literacy rate is estimated at 77%. Corresponding rates during the 1990s were similar. The government has established a literacy council to promote literacy programmes throughout the country.

Some Guatemalans children cross the border everyday to attend school in one major border town of Belize. While this is commendable and promotes better understanding between the peoples of Belize and Guatemala, there is no strict immigration control. The children do not have any special immigration status as students and the buses that transport the school children also bring other children who cross the border to pursue

vending and other child labour activities. These child labourers are organized by adults and can be seen as far as Belmopan conducting their trade.

However, the In-depth Analysis of Child Work and Education in Belize found that:

- 6.4% of all persons between the ages of 5 years and 17 years were child labourers;
- about three times as many males as females were engaged in child labour;
- an estimated 79% of child labourers resided in rural areas;
- children of compulsory school age (ages 5 years to 14 years) contributed most heavily to the child labor force;
- about two-thirds of all child labourers should by law have been attending some school on a full-time basis;
- people of Maya ethnicity are at severe risk of being victimized by child labour.

The qualitative analysis of child labour found that most child labourers worked in commercial and subsistence agriculture, tourism, and out of home domestic work, while some are forced into prostitution/sex tourism. There are also children who are involved in the worst forms of child labour performing hazardous work in commercial agriculture, work in the streets, trafficked children and child domestic work. The Qualitative Analysis also found that child labour occurs mainly in large families, single parent families, and in families where the head of the household had less than primary education. The major factors in child labour were poverty and limited educational facilities.

4. A Review of the Policy, Legal and Institutional Framework on Child Labour

Belize was not a founding member State of either ILO Convention No. 138 or No. 182. While it ratified ILO Convention No. 182 within one year of its adoption, it took a period of twenty-eight years before it ratified ILO Convention No. 138 in 2001. In accordance with the ILO Constitution, the Government of Belize is obliged to take measures to ensure that its laws comply with the requirements of these Conventions.

4.1 Policy

As indicated in the previous Chapter, ILO Convention No. 138 attaches fundamental importance to the need for a national policy on child labour. The *first article* of the Convention imposes an obligation upon member States to pursue a national policy designed to ensure the effective abolition of child labour.

While ILO Recommendation No. 146 specifies the scope of such policy, it is submitted that the subsequent adoption of ILO Convention No. 182 requires further policy elaboration to incorporate that Convention's specific concerns. It is important that while the policy must reflect the requirements of the Conventions on child labour, it must also be country specific and take into consideration the socio-economic situation of Belize. Moreover, it must be conceptualized as a part of a broader policy framework for the protection and development of the rights of children, regardless of whether they are labour connected.

From a legal perspective, a *policy should determine the scope and administration of the law on child labour. Law should be consistent with policy but the ambit of policy is wider than laws.* Laws may indicate what conduct should be proscribed, the penalties for violations, the competence and powers of institutions and prescribed persons, and the procedures for enforcement. *Policy addresses legal as well as broader issues of strategies, action plans, institutions and resources. Ideally, policy should precede legislation.*

Unfortunately, although Belize has a comprehensive national plan of action for children and adolescents in Belize 2004-2015, there is no coherent explicit policy on child labour. What exist are related policies that were formulated without adequate reference to the ILO Conventions on child labour.

One reason for the absence of a comprehensive policy on child labour in Belize may be attributed to the fact that child labour is recently acknowledged to be a national problem. Indeed, in its report to the ILO on ILO Convention No. 138 for the period ending 2003, the Government of Belize confirmed that there was no national policy as the Government was unaware of the true extent of the child labour problem and was unable to apply any particular methods to resolve the problem. With the completion of the fact-finding studies

on child labour, there is now a Committee that is formulating proposals for a policy on child labour. This Committee is a Sub Committee of the National Committee for Families and Children and headed by the Labour Commissioner. It also includes officials from:

- the National Commission for Families and Children;
- Human Development and Social Services;
- Health
- Ministry of Education;
- Solicitor General;
- Central Statistical Office;
- Immigration Department;
- Police Department;
- Chamber of Commerce; and
- National Trade Union Congress of Belize.

Belize should be commended for both the content of its action plan for children and adolescents, and the manner in which it was developed. It was developed not only as a government programme but also as a bipartisan programme with the full collaboration of both the governing party and the opposition party. It had the personal endorsement of both the Prime Minister and the Leader of the Opposition. This signals the national importance to which the issue of the rights of the child is held. Other Caribbean countries are well advised to pursue this objective of mobilizing cross party political consensus on the fundamental policy issues and action plan on child labour.

In November 2002, both the Prime Minister and the Leader of the Opposition signed a Memorandum of Understanding committing their parties to the establishment of a bipartisan Working Group to actively engage in a process of achieving consensus on a National Plan of Action for Children and Adolescents. The objective was to develop a framework to further rationalize the delivery of sustainable services to Belizean children and adolescents.

The plan prioritizes actions in the areas of education, health, child protection, HIV/AIDS, family and culture over the next eleven years. While these issues are relevant to child labour, the plan did not address the issue of child labour in any substantial manner. In the section on child protection, one of the targets is to prevent and eliminate the worst forms of child labour as defined by national and international legislation. The plan called for:

- an amendment of the Labour Act to include provisions that address child labour issues;
- protocols and regulations for all social service agencies to deal with the withdrawal and rehabilitation of children and adolescents engaged in the worst forms of child labour;
- enhancement of the institutional capacity of the Labour Department and the other relevant social service providers to ensure enforcement of the Labour Act in relation to the provisions for child labour;
- strengthened programmes for the prevention of child labour activities; and
- development of public awareness programmes addressing child labour issues.

It is submitted that a national policy on child labour should be specific to the socio-economic conditions of Belize and contain the following elements:

- a definition of national objectives regarding child labour;
- a connection between these policy objectives and overall policies on families and children and national development policy;
- the national social, economic and legal background;
- a description of the nature, extent of and context, including causes, of the problem;
- information gathering and information sharing;
- identification of priority target groups;
- assessing hazardous work;
- resource capacity required;
- description of the main programme areas and types of interventions, including strategies required for the prevention, removal and reintegration of children engaged in child labour activities with indicator, goals and budgetary allocations;
- identification of short-term, medium-term and long-term action plans;
- designation of the institutional actors, their roles and functions;
- role of tripartite consultations and social dialogue;
- role of broader community consultation;
- legal framework to eliminate child labour and provide redress for child victims;
- the administrative framework for ensuring the effective and coordinated implementation;
- education and advocacy;
- training of child labour inspectors;
- enforcement principles;
- effective review and monitoring mechanisms;
- regional and international cooperation.

The following steps should be taken in adopting a national policy:

- (i) collection of reliable data and information through surveys and other methods of assessing the child labour problem;
- (ii) a forum for government, employers' and workers' organizations and NGOs to reflect on the strengths and weaknesses of existing policies and programmes;
- (iii) identification of priority target groups in the programmes of action;
- (iv) identification of main programme areas and types of interventions in the programmes of action;
- (v) adoption of the national policy and programme of action geared towards the elimination of the worst forms of child labour.

In terms of programmes, the role of education is universally-recognized as an important solution to the elimination of child labour. However, improvements in the education system are not enough because child labour is also linked to poverty, single parent households and poor parental skills. It is pleasing to note that Belize is embarking on the formulation of its policies within a wider strategic context of family and children.

Interventions must also aim at empowering the poor. According to the ILO publication entitled “*Action Against Child Labour*”, interventions must also include a strong and effective labour inspectorate; an independent and competent judicial system; and the provision of income-earning opportunities to the poor through employment creation and poverty alleviation schemes; small enterprise development; minimum wage systems and social safety nets for the most needy.

Belize may also wish to undertake a cost benefit analysis of the interventions required to eliminate child labour. In this regard, the 2004 ILO/IPEC study entitled *Investing in Every Child: an Economic Study of the Costs and Benefits of Child Labour* provides an interesting methodology for such study. The study estimated the costs of:

- (i) building new schools, training and hiring new teachers, supplying additional educational materials;
- (ii) administering the income transfer programme to defray the cost to households of transferring children from work to school;
- (iii) achieving the urgent elimination of the worst forms of child labour and addressing the needs of special populations; and
- (iv) the value of child labour foregone.

In terms of benefits, the study identified:

- (i) improved productivity and earning capacity associated with greater education; and
- (ii) reduced illnesses and injuries due to the elimination of the worst forms of child labour

Putting together these two analyses—net economic benefits and public sector costs—the study demonstrated that a protracted period, approximately fifteen years, of net costs is followed by an even longer period of still larger net benefits. Indeed, the costs are complete after 20 years, but the benefits continue for as many as 40 years past that point. The study advocates that the child labour elimination programme be placed on the table in discussions over debt relief and development assistance.

4.2 Legal Framework

4.2.1 Minimum Age for Employment

As noted earlier, ILO Convention No. 138 requires member States to determine a general minimum age for admission to all types of employment. This age should not be lower than the compulsory age for the completion of basic education and in any case not less than 15 years. The general minimum age is to be determined at the time of ratification of the Convention.

Belize, after consultation with the social partners, has determined a minimum age for admission to employment or work at age 14, which is the compulsory age for the completion of schooling in Belize, and which is reserved for countries whose economy

and educational facilities are not sufficiently developed to allow for a higher minimum age for admission to employment or work. Belize's National Plan of Action for the period 2004 – 2015 has as its target 100 per cent enrolment /attendance of primary school children aged 5 – 12 and 90 per cent the net enrolment rate in post – primary education, including vocational/technical education. Full educational facilities for all children under the age of 14 years seem illusive even within the medium term. It therefore seems that the age for completion of compulsory education may not move beyond age 14 for some time.

Belize has by Caribbean standards comprehensive laws on child labour. The Labour Act states in Section 54 (1) that a child (person under 14 years) shall not be capable of entering into a contract of employment. However, Section 169 states that subject to Section 170, no child shall be employed so long as he is under the age of 12 years. This Section therefore envisages that children may work from age 12 years, implicitly for light work only. Section 170 empowers the Minister to make regulations with respect to the employment of children, including light work. However, the Minister has not yet made any Regulations under Section 170. Therefore, as the law stands at present, no child is authorized to work under the age of 14 years until the Minister makes regulations for the employment of children from the age of 12 years for light work.

Section 54 (2) protects a young person (between 14- 18 years) from hazardous work. It states that a young person shall not be capable of entering into a contract except for employment in an occupation approved by a labour officer as not being injurious to the moral or physical development of non-adults.

Both Section 54 (1) and (2) are deemed to be fundamental provisions from which there can be no derogation. Section 54 (3) states that Section 54 shall apply notwithstanding anything contained in any law.

Section 71 also provides that no child or young person shall be recruited, but the Commissioner may, in his discretion, permit a young person who has attained the age of 16 years, to be recruited with the consent of his parent or guardian for employment upon such light work and subject to such conditions as he may endorse upon any memorandum required to be furnished to a recruited worker. Recruit here means that the person has not spontaneously offered his service at a place of employment or at a government office or an approved office.

In accordance with Section 84, the Minister may by Order require the registration of employers and workers in such industries and occupation and in such areas, districts or places as the Order may specify. There is no such Order.

In private and industrial undertakings, children under the age of 14 years may be allowed to participate in work-related training programmes established and/or approved by their schools in accordance with Section 164.

There is a higher minimum age of 15 years for admission to employment on a vessel registered in Belize as a British ship or which is owned by persons or entities resident in Belize or persons carrying on business in Belize. Notwithstanding this minimum age of 15 years, children may work on a vessel at age 14 under two conditions:

- (i) only members of the same family are employed on board the vessel; or
- (ii) where the work is part of an approved training programme.

In addition, there are restrictions on the number of hours that a child can work. By Section 169, a child cannot work before school hours on any day he is required to attend school. In addition, he cannot work for more than two hours on any day he is required to attend school and he cannot work before 6:00 a.m. or after 8:00 p.m. on any day. Moreover, Section 170 (1) of the Labour Act empowers the Minister of Labour to make regulation with respect to the employment of children and any such regulation may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances.

4.2.2 Light Work

It should be noted here that ILO Convention No. 138 makes provision for a lower minimum age for light work. Light work may be undertaken by children two years younger than the declared minimum age for admission to general employment. Light work is work which is “*not likely to be harmful to the health or development of young persons and 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.*” However, the activities, number of hours and other conditions in which such work may be permitted must be determined by the competent authority.

The Labour Act provides in Section 170 that the Minister may make regulations for the employment of children in light work, including the employment of children under the age of 12 years by their parent or guardian in light agricultural or horticultural work in their parents’ or guardians’ lands or gardens only. Section 169 states that no child under the age of 12 shall be employed. The intention is that children between the ages of 12 years and 14 years would be allowed to be engaged in light labour. However, the Minister has not yet made the Regulations indicating the activities and conditions under which light work will be permitted for children.

It is recommended that the Minister make Regulations for the employment of children between the ages of 12 years and 14 years for light work and the activities and conditions under which light work may be done. The Minister may wish to consider the good practice of the Bahamas and ensure that the exception to the minimum age for light labour is applicable for a very limited number of activities and for a limited duration.

4.2.3 Artistic Performances

The Labour Act in Section 171 permits children to take part without fee or reward in an entertainment for charitable or educational purposes. A child is defined in the Act as a person under the age of 14 years. The Act makes no provision for the artistic performances of children for purposes other than charitable or educational or for a fee or reward.

The Government of Belize may wish to consider adopting laws similar to those of the Bahamas on artistic performances of children under the minimum age for admission to employment. In the Bahamas, no child may be engaged in artistic performances unless the Minister of Labour, after appropriate consultations with the representative organizations of workers and employers, gives a permit.

4.2.4 Hazardous work

Both ILO Conventions No. 138 and No. 182 prohibit the engagement of young persons under the age of 18 years to undertake hazardous work. As indicated earlier, hazardous work is defined as any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize their health, safety or moral development. ILO Convention No. 182 characterizes hazardous work as a worst form of child labour.

In Belize, there is no modern occupational safety and health legislation. There is a bill drafted by a consultant, which is now being reviewed by the Attorney General's Office and the social partners. The Labour Act and Factories Act contain limited provisions relating to hazardous work.

The Labour Act Section 54 (2) proscribes the employment of a young person except in an occupation approved by a Labour Officer as being not injurious to the moral or physical development of the young person. This statutory provision cannot be derogated from. Section 54 (3) states that this provision shall apply notwithstanding anything contained in any law. Section 169 (a) of the Labour Act also makes specific prohibition against the employment of children in occupations likely to be injurious to their life, limb or education. In practice, there is no list of approved occupations for the employment of young persons. Moreover, the law does not adequately identify the activities that are hazardous and cannot be undertaken by an employed young person in the authorized occupations. The only activity prohibited by the Labour Act for young persons is work on a vessel as a trimmer or stoker. The Labour Act also proscribes night work for young persons, subject to certain exceptions, where the Minister of Labour, after consultations with the social partners, may allow young persons between the ages of 16 years and 18 years. These exceptions are for apprenticeship or vocational training, in public emergencies or family undertakings where only parents and their children are employed.

The Family and Children Act Chapter 173 in Section 7 also prohibits the employment of a child (under the age of 18 years) in any activity that may be detrimental to his health, education, or mental, physical or moral development. The Act in Section 154 empowers the Minister with responsibility for social services to make regulations for the protection of children. However, there are no regulations concerning the activities that may be considered to be detrimental to the health, education or mental, physical or moral development of children.

Provision is also made in Section 163 for employers to maintain a register of young persons employed in industrial undertakings. It is suggested that to meet the requirements of the Convention, the register should be open to all undertakings and not limited to industrial undertakings only. In addition, Section 166 requires a master of a vessel registered in Belize as a British ship, or one which is owned by any person or body of persons resident or carrying on business in Belize, to keep a register of names and dates of births of all persons under the age of sixteen employed on that vessel.

It is submitted that the legal provision is too restricted. It should be applicable to all employers and not merely industrial undertakings and ships.

4.2.5 Exclusions

The Convention includes several flexibility provisions. Apart from the exception for light work, it permits the exclusion of limited categories of work for which special and substantial problems arise. The procedure requires the Government to consult with the social partners in its determination of excluded categories. However, work that is likely to jeopardize the health, safety or morals of young persons may not be excluded. Moreover, States must review excluded categories on an ongoing basis and make progress towards eliminating the special and substantial problems, which make broad application difficult.

Belize has made no express declaration on ratification of ILO Convention No. 138 regarding limitation of the scope of the Convention or introducing a lower age for light work.

4.2.6 Enforcement

ILO Convention No. 138 provides that all necessary measures must be taken by member States to ensure the effective enforcement of the provisions of the Convention. Minimum age provisions should be enforced through sanctions. The legislation should:

- provide for penalties and other necessary measures for violations of child labour provisions (Article 9 (1));
- ensure that the law provides for sanctions for all persons responsible for under-age employment (e.g. employers, parents, guardians, etc.)
- ensure that sanctions are sufficiently deterrent;

- diversify sanctions between criminal, civil and administrative sanctions;
- diversify sanctions as a function of the seriousness of the offence, e.g. heavier sanctions for the employment of children in hazardous than in non-hazardous work, heavier sanctions for repeat offenders;
- facilitate the access of children to legal remedies, e.g. by ensuring that children can join trade unions as soon as they are admitted to work, or by guaranteeing legal standing for trade unions (or other civil society organizations concerned with child labour) to represent children in law;
- ensure that laws do not subject children themselves to penalties for engaging in under-age work even if it is illegal.

There are legal sanctions in Belize on employers and others responsible for child labour violations. Section 172 provides for a penalty of a fine not exceeding \$20 or imprisonment not exceeding 2 months in the case of a person employing a child in contravention of the Part XV of the Act, which deals with the employment of women and children. Liability is extended to agents of the employer and parents who conduce to the commission of the offence by willful default or habitually neglecting to exercise due care. In addition, there is a general penalty for violations of the Act where no special provision was otherwise provided by the Act. The penalty is a fine not exceeding \$250 or imprisonment not exceeding six months.

Having regard to the small quantum of fines, the Government of Belize may wish to review the fines to bring them in line with the deterrent principle mentioned in the ILO Conventions.

4.3 Unconditional Worst Forms of Child Labour

ILO Convention No. 182 requires member States to eliminate the worst forms of child labour, which are defined as:

- 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 recruitment of children in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
- work, which by its nature or the circumstances in which it is carried out, is likely to harm the safety, health or morals of children.

The legislation should in all cases:

- prohibit the worst forms of child labour;
- provide for the determination and periodic revision of the types of hazardous child labour, either directly or by mandating a competent authority to do so;
- establish measures aimed at eliminating the worst forms of child labour;
- apply measures addressing the performance of the worst forms of child labour;

- identify the special needs of certain groups of children who are particularly at risk;
- establish effective implementation and enforcement measures.

4.3.1 All forms of slavery or practices similar to slavery

The Constitution of Belize, considered to be the supreme law, provides for the protection of fundamental human rights and freedoms. The Constitution expressly prohibits all forms of slavery or practices similar to slavery. Section 8 declares that, “no person shall be held in slavery or servitude”.

4.3.2 Sale and trafficking of children

There exists no specific legislation on human or child trafficking in Belize. The Families and Children Act in Section 154 (2) gives the Minister the power to make regulations prohibiting the trafficking of children for prostitution or pornographic purposes as well as for the general protection of children. However, no such regulations have yet been proclaimed.

It should be noted that Belize is a member of the Inter-American Convention on International Traffic in Minors and the Hague Convention on the Civil Aspects of Child Abduction. The Hague Convention seeks to have children promptly removed and returned to the country from which they have been wrongfully removed.

There are also provisions in the Criminal Code on kidnapping, child stealing and abduction. The offence of child stealing extends only to a child under 12 years of age. (Section 55). The offence of abduction is applicable only in respect of a female under 18 years (Section 56). The offence of kidnapping is more generally applicable.

It is recommended that the Minister should make regulations for the prohibition of trafficking of children and that the Criminal Code be amended to provide for an offence of the sale and trafficking of children. In addition, there should be an amendment of the offence of:

- (i) child stealing to include all persons under 18 years;
- (ii) abduction to include both males and females under the age of 18 years.

4.3.3 Debt bondage, serfdom, forced and compulsory labour

According to Section 8(2) of the Constitution, no person shall be required to perform forced labour.

In addition, Part XIV of the Labour Act deals with the prohibition of forced labour. Section 158 specifically prohibits the imposition of forced labour. It should be noted that

there are certain exceptions to the prohibition of forced labour such as military service, prison service, national emergency service and minor communal services.

4.3.4 Compulsory recruitment of children in armed conflict

The Defence Act Chapter 8 prohibits a recruiting officer from enlisting a person under the age of 18 years into the regular force.

4.3.5 Use, procuring or offering a child for prostitution, pornography or pornographic performances

According to Section 47 of the Criminal Code, every person who procures or attempts to procure:

- (a) any female under eighteen years of age not being a common prostitute, or of known immoral character to have unlawful carnal knowledge either within or without Belize, with any other person or persons, or
 - (b) any female to become, wither within or without Belize, a common prostitute, or
 - (c) any female to leave Belize with intent that she may become an inmate of or frequent a brothel, or
 - (d) either within or without Belize any female to leave her usual place of abode in Belize (such place not being a brothel) with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either within or without Belize,
- shall be liable to imprisonment for five years.

In addition, Section 48 provides that every person who procures defilement of female by threats or fraud or by administration of drugs shall be liable to imprisonment for three years. Owners and occupiers of premises who permit defilement of young females may also be liable under the Criminal Code.

It is recommended that the Criminal Code be amended to include males under eighteen years within the ambit of the offences.

The Minister with responsibility for social services has the power under the Family and Children Act Chapter 173, Section 154 (2) to make regulations for the protection of children under eighteen years and regulating child pornography. *It is recommended that regulations be proclaimed to make the use, procuring or offering a child under the age of 18 years for prostitution, pornography or pornographic performances an offence. These regulations should make it an offence for any person to:*

- (a) take or permit to be taken any indecent photograph of a child; or*
- (b) distribute or show an indecent photograph of a child;*
- (c) have in his possession indecent photographs of a child whether or not with a view to their being distributed or shown by that person or others; or*

(d) publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows indecent photographs of children or intends to do so.

4.3.6 Use, procuring or offering a child for illicit activities, production and trafficking of drugs

There is no specific provision prohibiting the use, procuring or offering a child for illicit activities. However, a person who does such an act may be liable for the offence of abetting. According to Section 20 of the Criminal Code, any person who directly or indirectly instigates, commands, counsels, procures, solicits or in any manner purposely aids, facilitates, encourages or promotes the commission of any crime, shall be guilty of abetting that offence. However, there is no specific offence of abetting a person under the age of 18 years.

4.4 Investigation and inspection

Investigation

In order to properly enforce child labour laws and create effective programmes aimed at the elimination of child labour, instances of child labour and the circumstances surrounding such labour first have to be identified. The Conventions provide for the identification of occurrences of child labour by:

- a legal requirement for a systemic review of the national child labour situation, including the collection of detailed information and statistical data on the nature and extent of child labour, including information on:
 - the sex of child workers, their age, occupation, branch of economic activity, status in employment, school attendance and geographic location;
 - violations of national provisions for the prohibition and elimination of the worst forms of child labour; and
- ensuring that NGOs, trade unions, religious institutions, charitable organizations and other concerned groups play a role in the investigation of child labour.

In Belize, there is no legislation mandating a systemic review of the national child labour situation. The lack of legislation is generally not an impediment to the review of the child labour situation. Policy or administrative arrangements could be made even in the absence of legislation for such a review. There has been some limited form of child labour monitoring in Corozal, which houses the free zone area. The Child Labour Project in Corozal was organized by a non-governmental organization, the National Organization for the Prevention of Child Abuse, and was supported by the Ministry of Human Development, Local Government and Labour. This project targeted the worst forms of child labour and made attempts to have the children removed from situations of abuse, rehabilitated and reintegrated within society. However, because of resource limitations, this project had limited success.

It is recommended that consideration be given to amending the Labour Act to provide for a legal duty on the part of the Chief Labour Officer to have systemic reviews of the child labour situation in Belize.

Once the existence of child labour is established, compliance with minimum age legislation should be actively pursued. Inspection services normally carry out this function, and a legal mandate is important to ensure that their work is bolstered by the necessary authority and carried out equitably. In providing for such a mandate, the legislation could:

- establish a framework for the operation of labour inspection, setting out certain necessary entitlements, including training to detect abuses in the employment of children and young persons and to correct such abuses, adequate transportation in order to inspect rural areas, etc;
- ensure that labour inspection services have the power to secure the enforcement of legal provisions relating to the employment of children and young persons;
- ensure that the mandate of the labour inspection services extends to all workplaces where child labour actually exists;
- establish the role of inspectors in supplying information and advice on effective means of complying with child labour provisions and securing their enforcement;
- mandate a gender balance within the labour inspection services;
- ensure that labour administration services (including labour inspection services) work in close cooperation with the services responsible for the education, training, welfare and guidance of children and young persons;
- provide that the labour inspection services have a duty to respond to alleged violations reported by trade unions or any other public organizations which, in the discharge of their functions, are liable to obtain critical information on violations of the provisions relating to child labour.

In Belize, the duties and powers of the Chief Labour Officer and Labour Officers in respect of labour inspections are laid out in Sections 9 and 10 of the Labour Act. Their duties shall be to:

- (a) ensure that the laws in force concerning conditions of employment and the protection of employees in their occupations are fully applied;
- (b) to give technical information and advice whenever necessary to employers and employees as to the most effective means of complying with the said laws;
- (c) indicate in their inspection reports difficulties or abuses not specifically covered by existing laws;
- (d) visit places of employment and to institute enquiries for the purpose of performing the duties set forth above;

The labour inspectors have the power to enter, inspect and examine at all reasonable times by day and night any premises or place wherein he may have reasonable cause to believe that persons enjoying the protection of any law are employed or accommodated. He/she may require the employer to provide documents and information to show that all laws are complied with. The employer whose undertaking is being inspected has a duty to

grant access to the premises and records to the Labour Officer. He/she shall also allow his workers to communicate freely with the Labour Officer. Unlike other Caribbean countries, restrictions on the disclosure of information obtained by the Labour Officer in an inspection are only limited to commercial or manufacturing secrets. Thus information received by the Labour Officer on matters relating to child labour can be shared with the Ministry of Education, the Social Services Division and other agencies involved in the protection of the rights of children.

The Act creates certain offences for refusing or neglecting to provide labour inspectors with returns or information required or for furnishing false information or hindering, obstructing or molesting a labour inspector in the exercise of his/her powers. Such a person is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to a term of imprisonment not exceeding six months.

4.5 Institutional Framework

The provisions relating to the worst forms of child labour are administered by the Ministry of Human Development, Local Government and Labour. This ministerial structure is a recent amalgamation of three separate Ministries. It brings within one Ministry the major players in the administration of child labour with the exception of the Ministry of Education, the Police Service and the Ministry of Legal Affairs.

The Labour Department has lead responsibility for enforcing legislation relating to the minimum age for employment and work and hazardous work. The National Committee for Families and Children, which falls under the Human Development Section of the Ministry, has responsibility for:

- (a) promoting, monitoring and evaluating the implementation of the Convention on the Rights of the Child, and ensuring that the Government meets its national and international obligations as a party to the Convention;
- (b) promoting, monitoring and evaluating the implementation of the goals reached at the world summits on the Convention on the Rights of the Child;
- (c) promoting public awareness on the national legislation affecting families and children, and facilitating the effective and efficient planning and coordination of efforts among and between non-governmental organizations, service clubs, churches and other organizations involved in the provision of services for families and children;
- (d) ensuring that the various institutions, communities and homes in Belize understand and apply the legal and international standards of protection and care of children;
- (e) advocating policies for the care, protection and maintenance of families and children and contributing to international cooperation in related matters.

Within the Ministry of Human Development, Local Government and Labour, there is also the Child Protection Services Department. This Department investigates reports of abuse and neglect of children, which may or may not be connected with child labour. It seeks to protect children from physical, emotional, sexual abuse, neglect and exploitation. The Child Placement and Special Services Division has primary responsibility for the placement of children into substitute care or adoptive homes. The Department also chairs the operations subcommittee of the Trafficking in Persons Taskforce. The department conducts all interviews of potential victims and determines along with the police the persons who are victims. The Department also provides support services and accommodation to victims of trafficking. The subcommittee is currently developing protocols to manage these cases.

The Department, with the assistance from UNICEF, sponsored a vulnerability analysis of the child protection system. The conclusions and recommendations were prioritized and a three-year plan of action was developed for the sector. This plan will be monitored through a subcommittee of the National Committee for Families and Children.

In the areas of unconditional worst forms of child labour, because they are traditionally considered to be crimes, they are enforced by the Belize Police Service. The Police Service works closely with the Department of Human Services in areas relating to the worst forms of child labour.

In terms of the preventive aspects of the convention, the Ministry of Education has a major role to play in ensuring that all children under age 14 attend schools. The Education Act provides an adequate legal framework for the compulsory education of children up to the age of 14 years. A child of compulsory school age is defined as any person who is between five and fourteen years of age. Under Section 24(9), no citizen or permanent resident of Belize shall be refused admission to any school on account of religion, race, ethnicity, language or political affiliation. In addition, the education system is required to ensure equitable access for both genders to education at all levels and be sensitive to the particular needs of the female gender and the special needs of challenged pupils.

The Act also provides for the protection of children from some of the worst forms of child labour. By Section 24B, school authorities are required to ensure that pupils are free from sexual or other forms of harassment; from intimidation; and from exposure to drugs, pornography, and any form of morally, mentally, or physically harmful activities.

There are legal duties upon parents, the Chief Education Officer, principals of schools and school attendance officers regarding compulsory attendance of children at school. Under Section 31, parents have a legal duty to ensure that their children of compulsory school age attend school regularly. The Chief Education Officer has the power to serve a notice on an errant parent requiring him, within fourteen days, to satisfy the authorities that the child is receiving suitable education whether by regular attendance at school or

otherwise. Principals are required to inform the parent and the School Attendance Officer of any irregular attendance.

The School Attendance Officer has the legal duty to ascertain and report to the District Education Officer every parent of every child resident in his area who failed to cause his child to receive a suitable education. He has the power to enter any premises between the hours of eight o'clock in the morning and five o'clock in the evening of any school day to make enquiries as to any child residing or being employed there. Anyone who obstructs or makes false representations to a School Attendance Officer in the execution of his duties is guilty of an offence punishable by a fine not exceeding one hundred dollars. Also, any parent of a child of compulsory school age who fails to send his/her child to school is liable to a fine not exceeding one hundred dollars.

Traditionally, these agencies pursued their mandates without coordination within a child labour context. There is now greater cooperation and coordination among them and a new focus on child labour in their approach.

5. Conclusions and Recommendations

Belize has an obligation to ensure that its laws comply fully with the requirements of the ILO Conventions and that all measures are in place for the implementation of the Conventions.

Policy

Belize needs to develop a policy for the elimination and prevention of child labour. It is important that the national policy be formulated in a coherent and coordinated manner. This will ensure that all aspects of child labour, including legislation, education, labour market policies, social security, health, welfare and social development are properly addressed and coordinated. In this connection, child labour policy must provide the framework within which all institutions approach their individual and collective tasks of seeking to abolish child labour. It should also facilitate an integrated and coordinated approach by all agencies in the implementation of their work programmes. Each agency will identify the connection of their work with the work of other agencies. Moreover, a policy framework will also serve to guide the administration of the laws on child labour.

It is recommended that the Committee on Child Labour be given all the support required to complete its draft policy on child labour as efficiently as possible. The Committee may consider the following steps in adopting a national policy:

- (i) collection of reliable data and information through surveys and other methods of assessing the child labour problem;
- (ii) a forum for government, employers' and workers' organizations and NGOs to reflect on the strengths and weaknesses of existing policies and programmes;
- (iii) identification of priority target groups in the programmes of action;
- (iv) identification of main programme areas and types of interventions in the programmes of action;
- (v) adoption of the national policy and programme of action geared towards the elimination of the worst forms of child labour.

Minimum Age for Employment

Belize, after consultation with the social partners, has determined a minimum age for admission to employment or work at age 14 years, which is the compulsory age for the completion of schooling in Belize. Belize has availed itself of the special dispensation of a lower minimum age offered to developing countries with inadequate educational facilities. According to the ILO Convention No. 138, this dispensation is intended to be temporary and all countries are expected to eventually have a minimum working age of 16 years.

Light Work

The Government of Belize did not make any declaration on ratification of ILO Convention No.138 regarding any exception from the minimum age for light work. However, the Minister of Labour has the power under the Labour Act to make regulations for light work to be undertaken by children younger than 14. It is recommended that the Committee on Child Labour consider the issue of a younger age for light work for a limited number of activities and for a temporary period.

Artistic Performances

The Labour Act makes provision for unpaid artistic performances by children for charitable or other non-profit purposes. There is no legislative provision or policy in Belize regarding paid artistic performances by children. Belize may wish to consider the introduction of regulations under the Labour Act to allow for the person seeking to engage the services of the child performer to obtain a permit from the Minister, who shall be required to consult with the employers' and workers' federations, and impose such conditions to ensure that the welfare of the child is guaranteed, similar to what obtains in the Bahamas.

Hazardous Work

Belize has limited provisions relating to the protection of young persons from hazardous work. There is no determination of activities considered to be hazardous. A draft Occupational Safety and Health Bill is drafted which makes provision for the protection of young persons from hazardous work. This bill is now under consideration. It is recommended that efforts be made to have this bill enacted into law as soon as possible.

Unconditional Worst Forms of Child Labour

There are laws in Belize which outlaw most activities involved in the worst forms of child labour. However, these laws are not characterized as child labour but as criminal offences and there are some deficiencies and gaps. There is no specific offence of child trafficking.

Institutional Arrangements

There is no legal requirement for the monitoring of child labour in Belize. It is recommended that consideration be given to amending the Labour Department Act to provide for a legal duty on the part of the Chief Labour Officer to have systemic reviews of the child labour situation in Belize.

Summary conclusions

- (i) There is need for a comprehensive policy framework to guide law reform on the issue of child labour;
- (ii) The gaps in Belize's laws relating to the requirements of ILO Convention No. 138 could be remedied by a process of amendments to the Labour Act and the enactment of a new Occupational Safety and Health Act to replace the Factories Act;
- (iii) With respect to ILO Convention No. 182, there should be a specific law relating to the worst forms of child labour so that a special focus and awareness could be given on the need to protect children;
- (iv) Child labour issues need to be mainstreamed in all institutions that deal with the protection of children;
- (v) Administrative and institutional mechanisms should be developed for the cohesive and coordinated monitoring and enforcement of laws relating to child labour.

References

- Arnold-Talbert & Leticia Constanza-Vega. 2004 *National Report on the Results of the Child Activity Survey in Belize* ILO/IPEC Programme for Central America, Panama, Dominican Republic, Haiti and Mexico
- Government of Belize. 2004 *The National Plan of Action for Children and Adolescents in Belize 2004-2015*
- Government of Belize. 2000 *Handbook of Policies and Procedures for School Services*
- Government of Belize. 2002 *A Guide to the Rights and Responsibilities of Children under the Families and Children Act*
- Government of Belize. 2005 *Labour Force Survey*
- Haspels, Nelien & Jankanish, Michele. 2000 *Action Against Child Labour*. ILO
- ILO Convention No. 138. 1973 *Convention Concerning Minimum Age for Admission to Employment*
- ILO Convention No. 182. 1999 *Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*
- ILO Recommendation No. 146. 1973 *Recommendation Concerning Minimum Age for Admission to Employment*
- ILO Recommendation No. 190 1999 *Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*
- ILO. 1997 *Technical Paper: Legislation and Enforcement International Conference on Child Labour, Oslo, Norway*
- ILO. 2002 *Combating Child Labour: a Handbook for Labour Inspectors*
- ILO. 2001 *Substantive Provisions of Labour Legislation: The Effective Abolition of Child Labour*
- ILO. 2004 *Investing in Every Child – an Economic Study of the Costs and Benefits of Eliminating Child Labour*
- Kairi Consultants. 2002 *Poverty Assessment Report for Belize* Caribbean Development Bank
- Perriott, Leopold L. 2003 ILO/IPEC Programme for Central America, Panama, Dominican Republic, Haiti and Mexico

United Nations Development Programme. 2004 *Regional Report on the Achievement of the Millennium Development Goals in the Caribbean Community*

United Nations Development Programme. 2005 *Human Development Report 2004*

United Nations. 2000 *Country Profiles on the Situation of Youth*

World Bank. 2005 *A Time to Choose: Caribbean Development in the 21st Century*

World Bank. 2003 *Caribbean Youth Development Issues & Policy Directions*

Yeboah, Yaa & Panford, Frank. 2003 *Time-Bound Programme Manual for Action Planning - Eliminating the Worst Forms of Child Labour under Time-Bound Programmes: Guidelines for Strengthening Legislation, Enforcement and Overall Legal Framework* ILO/IPEC

Young, Roy. A. 2003 *Qualitative Analysis of Child Work in Belize* ILO/IPEC Programme for Central America, Panama, Dominican Republic, Haiti and Mexico

The laws reviewed were:

- The Constitution of Belize (Act No. 14 of 2001);
- Labour Act, Chapter 297;
- Shops Ordinance, 1959;
- Factories Act, Chapter 296;
- International Labour Organization Act, Chapter 301;
- Families and Children Act, Chapter 173
- Education Act, Chapter 36;
- Protection against Sexual Harassment, Chapter 107;
- International Child Abduction Act, Chapter 177;
- Criminal Code, Chapter 101;
- Misuse of Drugs Act, Chapter 103;
- Family Court Act, Chapter 93;
- Prevention of Crime Act, Chapter 106;
- Social Security Act, Chapter 44.

APPENDIX I

Summary of Good Practices in Countries Studied

Policy on Child Labour

- (i) The Steering Committee to consider the development of a policy for the prevention and elimination of child labour is appointed by Cabinet. (*Guyana, Trinidad and Tobago*)
- (ii) The Steering Committee is a sub-Committee of the National Committee on Families and Children or with direct links to such a Committee. (*Belize*)
- (iii) The policies for the prevention and elimination of child labour are considered within a broader policy, administrative and institutional context that seeks to connect all programmes and institutions promoting the protection of the rights of the child. (*Belize*)
- (iv) The Prime Minister and the Leader of the Opposition sign a MOU establishing a bipartisan Working Group to build consensus on a National Plan of Action for Children and Adolescents. (*Belize*)

Minimum Age for Employment

- (i) The minimum statutory age declared for admission to work is sixteen years. (*Barbados*)
- (ii) The minimum age for admission to work is consistent with the human development standard of the country. (*Barbados*)
- (iii) One basic minimum age is applicable to all sectors and occupations, without any exception. (*Guyana*)
- (iv) The minimum age for admission to employment is consistent with the compulsory age for completion of schooling. (*Barbados, Guyana*)

Compulsory Age for Completion of School

- (i) All children shall attend school up to the age of 16 years. (*Bahamas, Barbados*)

Light work

- (i) Light work is limited to four activities. (*Bahamas*)
- (ii) Light work is permissible for a period of five years only. (*Bahamas*)

Working Hours

- (i) No child attending school, whether of compulsory school age or not, shall work during school hours. (*Barbados, Bahamas*)
- (ii) No young person shall work from 6:00 p.m. to 7:00 a.m. (*Barbados*)
- (iii) A young person may work outside school hours under the following conditions –
 - (a) in a school day, for not more than three hours;
 - (b) in a school week, for not more than twenty-four hours;
 - (c) in a non-school day, for not more than eight hours;
 - (d) in a non-school week, for not more than forty hours. (*Bahamas*)

Artistic Performances

- (i) No child may be engaged in artistic performances unless the competent authority, after appropriate consultations with the representative organizations of workers and employers, gives a permit under terms and conditions that takes into consideration the welfare of the child. (*Bahamas*)

Hazardous Work

- (i) No young person under the age of 18 years shall be engaged in any type of employment or work, by its nature or the circumstances in which it is carried out, is likely to jeopardize their health, safety or moral development. (*All countries*)
- (ii) The Minister of Labour shall, after appropriate consultations with the representative organizations of workers and employers, determine the list of hazardous work and activities. (*All countries*)
- (iii) No person under the age of 18 years shall be employed in connection with the sale or supply of intoxicating liquor on any premises in respect of which a retail member's club or proprietary club licence is granted. (*Barbados*)
- (iv) No person under the age of 18 years shall be wholly or mainly employed in serving intoxicating liquor on any premises in respect of which a restaurant or hotel licence is granted. (*Bahamas*)

- (v) All employers shall maintain a register of workers under eighteen years. Any employer in an industrial undertaking or ship who refuses to maintain a register of young persons employed with them is guilty of an offence. (*All countries*)
- (vi) No young person may be admitted to employment except in occupations approved by Labour Officers as not being injurious to the moral or physical development of the young person. (*Belize*)
- (vii) No young person shall be required to work between the hours of 6:00 p.m. and 7:00 a.m. (*Barbados*)
- (viii) No young person shall be admitted to employment in a factory for a period exceeding 2 weeks unless after a medical examination he has been found fit for the work he is employed to do. (*Barbados*)

All forms of slavery or practices similar to slavery

- (i) The Constitution prohibits all forms of slavery or practices similar to slavery. (*All countries*)
- (ii) In addition to constitutional protection, there is the criminal offence of taking away a child under eighteen years from his parent or guardian: Any person who unlawfully, either by force or fraud takes away any child from his parent or guardian, commits an offence of child stealing. (*All countries*)
- (iii) Criminal offence of ill-treatment of child under eighteen years: Any person over the age of eighteen years, who has custody, charge or care of any child or young person, willfully assaults, ill-treats, neglects, abandons, or exposes the child or young person, or causes or procures the child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause the child or young person unnecessary suffering or injury to health commits an offence. (*All countries*)

Sale and trafficking of children

- (i) The Combating Trafficking in Persons Bill provides for the offence of trafficking in children. Clause 3(1) provides that whoever engages in or conspires to engage in or attempts to engage in, or assists another person to engage in or organizes or directs other persons to engage in trafficking in persons, shall:
 - (e) be sentenced to any term of years or life imprisonment;
 - (f) be subject to forfeiture of property; and
 - (g) be ordered to pay full restitution to the trafficked person. (*Guyana*)

Clause 3(2) provides that the recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits to obtain the consent of a person having control of a child for the purpose of exploitation shall constitute trafficking in persons. The purpose of the trafficking is not limited to sexual exploitation. It includes keeping a person in slavery or subjecting the person to practices similar to slavery; compelling a person to provide forced labour or services; keeping a person in servitude and engaging in any form of sexual exploitation such as pimping, pandering, procuring, profiting from prostitution, maintaining a brothel and child pornography. A child for the purposes of this bill is someone under the age of 18 years.

The Bill in Clause 9 provides that consent or past sexual behaviour of the victim is not a defence and is irrelevant to the prosecution. The offence of trafficking in persons is an extraditable one. In addition, assistance is provided in the Bill to allow non-national victims to remain in Guyana for the duration of the prosecution.

Special provision is made for the evidence of victims who are children. Clause 25 provides that special programmes should be developed to accommodate child witnesses including:

- (i) testimony of minor conducted outside court setting by video;
- (ii) all testimony and court proceedings take place with parent, legal guardian or foster parent present;
- (iii) whenever safe and possible, children should be reunited with family members either in country of origin or destination;
- (iv) special mental and physical medical care tailored to the child's needs;
- (v) child victims of trafficking should be guaranteed education.

Debt bondage, serfdom, forced and compulsory labour

- (i) Protection under both the Constitution and Employment Law Act against debt bondage, serfdom, forced and compulsory labour. (*All countries*)

Recruitment of children in armed conflict

- (i) Protection under the Defence Act against compulsory recruitment.
- (ii) Prohibition under the Defence Act of recruitment under the age of eighteen years. (*Bahamas*)

Use, procuring or offering a child for illicit activities

- (i) Protection for children under Dangerous Drug Act:

it shall be unlawful for any person to knowingly and intentionally-

- (a) employ, hire, use, persuade, entice or coerce a child or a young person to contravene any provision of this Act;
- (b) employ, hire, use, persuade, induce, entice or coerce a child or young person to assist in avoiding detection or apprehension for any offence under this Act;
- (c) receive a controlled drug from a child or young person in contravention of any provision of this Act. (*All countries*)

Measures to Prevent Child Labour

- (i) Where a parent of a child or guardian or a person having custody of a child by willful default or neglect fails to exercise due care over such child or conduces to the offence of taking a child into employment contrary to this Act, is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding three months or both. (*Trinidad and Tobago*)
- (ii) Education Act places a duty on School Attendance Officers to ensure that the parents are complying with their duty to secure education for their children. School Attendance Officers shall investigate the family circumstances and assist with counselling where necessary or make referrals to other social service agencies, which could facilitate the child's return to school. (*Barbados*)
- (iii) The Minister of Education shall prohibit or restrict the employment of children under the age of sixteen years who are registered at a state-maintained school where the child's employment is prejudicial to his health or otherwise renders him or her unfit to obtain the full benefit of an education. (*Bahamas*)

Enforcement

- (i) The labour inspectors have the power to enter, inspect and examine at all reasonable times, by day and night, any premises or place liable to inspection, when he has reasonable cause to believe to be liable to inspection. He may require the employer to provide documents and information to show that all laws are complied with. (*All countries*)
- (ii) Where, on information of a member of the Police Force, the Port Manager or the Chief Labour Officer, it appears to any Justice of the Peace that there is reasonable cause to believe that a child is employed in any place contrary to the Act, such Justice of the Peace may authorize any member of the Police Force to enter that place at any reasonable time within forty-eight hours and examine such place and any person therein concerning the employment of any child therein. Any person who assaults, obstructs or intimidates, uses indecent, abusive or insulting language; interferes with, hinders or refuses to admit; or by any gratuity,

- bribe, promise or other inducement prevents or attempts to prevent from entering such place and examining that person therein a member of the Police Force is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding twelve months or both. (*Barbados*)
- (iii) Restrictions on the disclosure of information obtained by the Labour Officer in an inspection are only limited to commercial or manufacturing secrets. (*Guyana*)

Appendix II

Questionnaire on Child Labour

A. POLICY

- (i) Is there a national policy on child labour? When was it established? Who was the lead agency advocating for the policy? Which agencies participated in its formulation? What were the concerns of the various agencies?
- (ii) What factors led to the policy? How important was the ILO Conventions 138 and 182 to the formulation of the policy? How important was the United Nations Convention on the Rights of the Child?
- (iii) Is there a minimum age for admission to employment? Does the minimum working age coincide with compulsory age for completion of education?
- (iv) Does the policy seek to raise progressively the minimum age for admission to employment to the standard set by the Convention No. 138 (age of completion of compulsory schooling not less than 15)?
- (v) Does the policy prohibit and seek to eliminate the worst forms of child labour? Does it set out clear stages for the elimination of the worst forms of child labour? Does it have short-term, medium-term and long-term goals?
- (vi) Does the policy define hazardous work (likely to jeopardize the health, safety or morals of young persons less than 18 years)? Does it identify vulnerable groups or types of work likely to harm the health, safety and morals of children? Does it take special account of the special situation of girls and other children at special risk? Was there consultation with social partners?
- (vii) Has any special authority been granted to allow persons from 16 years to do hazardous work under special protective measures? Under what conditions?
- (viii) Does the policy exclude or exempt any categories of employment or work from its application? Has there been consultation with the social partners in this regard?

- (ix) Has the policy addressed the issue of light work for students under the minimum working age? Has the State determined the activities in which such employment or work may be permitted?
- (x) Does the policy identify the competent authority(ies) for its implementation? Could you identify the agencies and their role in the implementation of the policy?
- (xi) What policies are in place for the prevention of child labour? What social and economic programmes are in place to remedy the causes of child labour?
- (xii) What policies are on place for the removal and rehabilitation of child workers?
- (xiii) Does the policy provide for a system of monitoring evaluation and review? If yes, what agencies are involved? What information and data are collected?
- (xiv) Does the policy provide for international cooperation and assistance?
- (xv) What policy reforms in education, labour market, social security, health, welfare and social development are required to eliminate and prevent child labour?

B. LEGISLATION

- (i) Is there legislation abolishing or regulating child labour and in particular the worst forms of child labour? If so, what laws?
- (ii) Is there a minimum age for all types of work? Does the legislation coincide with the completion age of compulsory education?
- (iii) Is there legislation on the minimum age for hazardous work?
- (iv) Does the legislation define hazardous occupations? If so, how?
- (v) To what extent has account being taken of Paragraphs 3 and 4 of ILO Recommendation 190 in determining such types of work?
- (vi) Are there any exemptions or restrictions from the application of laws on child labour? If so, please elaborate?
- (vii) Has legislative or other action taken to prohibit and eliminate:
 - (a) all forms of slavery and similar practices of children;

- (b) the sale and trafficking of children;
 - (c) child debt bondage and serfdom;
 - (d) forced or compulsory child labour;
 - (e) the forced recruitment of children for armed conflict;
 - (f) the use of children for prostitution;
 - (g) the use of children for child pornography;
 - (h) the use of children in illegal activities, especially drug production and trafficking?
- (viii) Does the law provide for penalties and other measures for violations of child labour provisions? Does the law ensure that sanctions are provided for all persons responsible for under-age employment (e.g. employers, parents, guardians etc.)?
- (ix) Are the sanctions considered to be sufficiently deterrent? If not, what reforms are considered? Are sanctions diversified between criminal, civil and administrative? Are sanctions diversified as a function of the seriousness of the offence, e.g. heavier sanctions for employment of children in hazardous than in non-hazardous work, heavier penalties for repeat offenders?
- (x) Does the law facilitate the access of children to legal remedies, e.g. by ensuring that children can join trade unions as soon as they are admitted to work?
- (xi) Does the law provide satisfactory conditions for the employment of young persons such as, fair remuneration and its protection; limitation of hours at work; prohibition of overtime; minimum rest periods; minimum annual holidays; satisfactory standards of health and safety; appropriate instruction and supervision; social security schemes; periodic medical examinations?
- (xii) Does the law subject children themselves to penalties for engaging in under-age work?
- (xiii) Does the legislation provide for a system of review of the national child labour situation, including the collection of detailed information and statistical data on the nature and extent of child labour?
- (xiv) Does the legislation establish a framework for the operation of labour inspection in child labour?
- (xv) What are the powers of the labour inspector or any other official to secure the enforcement of legal provisions relating to the employment of children and young person?

- (xvi) Does the legislation ensure that the mandate of the labour inspection services extends to all workplaces where child labour actually exists? If not, what restrictions apply?
- (xvii) Are labour inspectors required by law to supply information on child labour to any other agency involved in child protection?
- (xviii) Does the legislation provide for labour administration services to work in close cooperation with the services responsible for education, training, welfare and guidance of children and young persons?
- (xix) Does the legislation impose a duty upon labour inspection services or other national institutions to investigate reports of alleged violations? Does the law establish any special complaints procedures? Does the law provide for the protection from discrimination and reprisals of those who expose violations of child labour?
- (xx) Does the law provide for an effective system of birth registration?
- (xxi) Does the law require employers to keep and make available documents indicating the names and ages of all workers under 18 years of age?
- (xxii) What is the burden of proof with respect to the actual age of a child in the case of violations of child labour laws? Are there penal sanctions or other sanctions to enforce the laws on the worst forms of child labour?
- (xxiii) Does the law provide for free legal aid to be given to victims of child abuse? Does the law protect the privacy of victims of child labour?
- (xxiv) Is there legislation, which institute social and economic measures to alleviate poverty, such as minimum wages?
- (xxv) Does the law provide for social security and family welfare measures aimed at ensuring child maintenance, including payments to unemployed parents with children, low cost community health and education?
- (xxvi) Is there legislation, which provides for equal pay for work of equal value for young persons and adults?
- (xxvii) Is there legislation, which provides an obligation on employers to protect children from hazardous work?
- (xxviii) Does the law ensure that basic education is free for all and in particular for those who have been removed from situations of child labour?

- (xxix) Does the law provide for the determination and periodic revision of the types of hazardous child labour?
- (xxx) What laws prohibit the sale and trafficking of children; debt bondage and serfdom; forced and compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; or other forms or practices similar to slavery or forced or compulsory labour?
- (xxxi) What laws prohibit child prostitution and pornography?
- (xxxii) What laws prohibit the use of children for other illicit purposes such as the production and trafficking of drugs; the trafficking of other goods; gambling operations; begging; stealing; other organized criminal activities

C. PROGRAMMES

- (i) Are there programmes of action to identify and denounce the worst forms of child labour? Has the State designed and started to implement programmes of action to eliminate the worst forms of child labour? Is it tackled on all fronts (economic, educational, social and cultural)? Have the social partners been consulted? Have the views of other stakeholders been taken into account? What NGOs are involved?
- (ii) What measures is the State taking to eliminate the worst forms of child labour? Are priorities identified? Are the vulnerable groups identified? Are the measures effective? Is the problem of child labour confronted in a holistic manner?
- (iii) Has the State identified the places and activities where the worst forms of child labour are likely to occur? Were the social partners consulted? Is this list of types of hazardous work likely to be revised periodically?
- (iv) Are effective and time-bound measures being taken to:
 - i. prevent the engagement of children in the worst forms of child labour;
 - ii. provide direct assistance to remove children from the worst forms of child labour;
 - iii. provide direct assistance for the rehabilitation and social integration of the children concerned;

- iv. ensure access to free basic education and to vocational training for such children;
- v. identify and reach out to children at special risk;
- vi. take into account the special needs of girls?
- (v) What programmes are there for sensitizing public opinion and mobilizing public support on child labour?
- (vi) What awareness-raising programmes on child labour are targeted to labour inspectors, police officers, employers, trade unions, teachers and social workers?
- (vii) What socio-economic programmes are intended to remedy the causes of child labour;
- (viii) What programmes are in place for social security and family welfare of children at risk?
- (ix) Are adequate financial and human resources provided to eliminate and prevent child labour? What more could be done?

D. ADMINISTRATION AND ENFORCEMENT

- (i) Has the State designated the competent authority responsible for the implementation of the Convention?
- (ii) Has a national mechanism been established to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of legislation?
- (iii) What are the institutions that administer the laws, policies and programmes relating to child labour? Are their roles and authority clearly defined? Are the institutions adequately resourced to implement the programmes?
- (iv) Are labour inspectors trained to detect abuses in the employment or work of children and young people and to correct such abuses? Do they work in close cooperation with the services responsible for the education, training, welfare and guidance of children and young persons?
- (v) Is special attention paid to the enforcement of provisions concerning employment in hazardous types of employment or work and to the prevention of the employment of children and young persons during school hours?

- (vi) Is there a balance between advisory, enforcement and supervisory functions?
- (vii) Are detailed information and statistical data on the nature and extent of child labour being compiled and kept up to date to serve as a basis for determining priorities for national action? Are the data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. Is there an effective system of birth registration?
- (viii) Is the information at (v) communicated to the ILO on a regular basis?
- (ix) Has the country submitted any declaration to the ILO on the minimum working age?
- (x) What educational/advocacy programmes are implemented for child labour?
- (xi) What alliance has been established to tackle child labour? Who are involved? What training is provided to these organizations to deal with child abuse?
- (xii) What policies are being promoted by employers' and trade unions' organizations to address child labour? What programmes of action are there to sensitize parents to the problems of child labour?
- (xiii) What enforcement devices are available? Are there penal or other sanctions to enforce child labour laws? What are the penalties? Are the sanctions being applied?
- (xiv) Are employers required to keep a register of employees under the age of 18 for inspection by labour inspectors? How do labour inspectors monitor children working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances, which make the checking of employers' records impracticable?
- (xv) Has there been any landmark court decision on child labour?
- (xvi) Is the State cooperating with other countries to give effect to the provisions of the Convention?
- (xvii) Has the State provided its status report on child labour to the ILO?
- (xviii) Does the Annual Labour Administration Report give information on child labour?

