

# **The Worst Forms of Child Labour in Latin America: Identification and Policy Options**

**Main findings from Guatemala, Bolivia and Peru**

**IREWOC Foundation**

**May 2008**

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*Published by IREWOC, Amsterdam, 2008*

ISBN-13: 978-90-79078-09-7

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*IREWOC, the Amsterdam-based Foundation for International Research on Working Children intends to generate more theoretically informed research on various aspects of child labour and child rights, as well as to raise awareness and to motivate action around this complex issue. IREWOC is associated with the University of Amsterdam, with the International Institute of Social History and it has a strategic alliance with Plan Netherlands.*

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**Ten-year-old girl selling potatoes at the vegetable market in Lima, Peru**

# Foreword

In 1999, the International Labour Organisation adopted Convention 182 on the Worst Forms of Child Labour.<sup>1</sup> It was a major step forward in the worldwide movement against child labour. Children all over the world do some kind of work; some of this work is socially and pedagogically suitable. Other work, however, is not. That is when innocent work turns into labour. The ILO Convention 138 from 1973 set the broad age-wage parameters for the permissible entry into the labour market.<sup>2</sup> Convention 182 further specifies which forms of child labour should be eliminated in the best interest of the child. It includes those forms of child labour that do not warrant any questioning, the so-called unconditional worst forms, such as child slavery, child prostitution, drug peddling and child soldiers. It also includes hazardous child labour, which by its nature, duration and impact on the health and well-being of the child, should be eradicated on a priority basis.

The exact sectors and the types of activities which call for the provisions of Convention 182 are not specifically defined. The Convention only sets the overall parameters. Since the ILO is a tripartite organisation, involving the government, the trade unions and the employer organisations in the member states, it is at the state level that specific agreements have to be made.

Such work has been going in most countries. There seems to be a general belief that work, for example in mines, on plantations and in chemical plants should never involve children. There also seems to be a general agreement that some work in the market place or on the family farm could be condoned, as long as the child is able to attend school and study properly.

However, the empirical data on which decisions are made concerning various forms of labour is frequently unavailable. The IREWOC staff has hereby attempted to add some of the missing pieces. In 2007, two rounds of field work were conducted in Peru, Bolivia and Guatemala, where the researchers intensively studied the coffee and sugar cane plantations, the mines, the stone quarries, the vegetable markets and the recycling/garbage dumps. They lived with the communities they studied and were in close and daily contact with the families; direct contact with the children was vital to discover why they work, how they work and how their work affects their health. The researchers also documented the initiatives undertaken by governments, international organisations and NGO's, whereby they were particularly interested in identifying best practices and lessons learned.

The studies have clearly established that, within the sectors under scrutiny, some of the work performed by children can be deemed harmless. However, when this work is carried out in the vicinity of more harmful activities, and when the overall labour and living conditions of the sector are detrimental to the development of the child (all of which is unfortunately very common), the

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<sup>1</sup> See Appendix D for the full text of Convention 182

<sup>2</sup> See Appendix E for the full text of Convention 138

entire sector should be classified as a worst form. The activities, moreover, although perhaps not directly harmful, often prevent children from attending school regularly and consistently.

I am thankful to the researchers Laura Baas, Anna Ensing and Luisa Quiroz and to the project coordinator Marten van den Berge, for having brought together a massive body of evidence and for having produced insightful reports. Their constant interaction with local and international stakeholders, exemplified by a number of local and national workshops in Guatemala, Peru, Bolivia and the Netherlands in April and May 2008, is a splendid example of how academic work can relate to the work of practitioners.

I am also thankful to the Ministry of Social Affairs in The Hague, Terre des Hommes Netherlands, Kerk in Actie, ICCO, Stichting Kinderpostzegels, Edukans and Plan Netherlands for financing this research, and for their ongoing support and advice.

May 2008

Kristoffel Lieten

Director IREWOC

# Introduction

In 1973, the ILO adopted its Minimum Age Convention (No. 138), which requires states to design and apply national policies to ensure the effective abolition of all forms of child labour and to set the minimum age of employment at 14. Despite widespread ratification and international attention the effective abolition of all child labour proved to be a difficult task. Two major considerations became apparent after ratification. First, research illustrated the extent of the child labour problem, which led to the realistic understanding that not all forms of child labour could be done away with instantaneously. Secondly there was a growing understanding that not all forms of child labour are equally harmful. As stated in the UNICEF 1997 report on The State of the World's Children:

In reality, children do a variety of work in widely divergent conditions. The work takes place along a continuum. At one end of the continuum, the work is beneficial, promoting or enhancing a child's physical, mental, spiritual, moral or social development without interfering with schooling, recreation and rest. On the other end, it is palpably destructive or exploitative. There are vast areas of activity between these two poles, including work that need not impact negatively on the child's development. ... But to treat all work by children as equally unacceptable is to confuse and trivialize the issue and to make it more difficult to end abuses. This is why it is important to distinguish between beneficial and intolerable work and to recognize that much child labour falls in the grey area between these two extremes. [UNICEF 1997:24]

These two realisations resulted in the decision to concentrate on the worst forms of child labour (as morally abhorrent situations under any circumstance or development condition), while continuing to pursue the wider goal of reducing child labour in all its forms and adhering to the age limits.

On 17 June 1999, a global consensus was reached to tackle and eliminate the worst forms of child labour. A new international human rights instrument, the Worst Forms of Child Labour Convention - No. 182 - was adopted by the ILO in Geneva. Convention 182 defines 2 categories of worst forms of child labour:

- The unconditional worst forms include slave labour, prostitution and pornography, participants in armed conflicts and illicit traders.
- The hazardous worst forms, which are all sorts of work that expose children to danger and jeopardise their physical and moral health, and all forms of work conducted by any child under 18 years of age that equals or exceeds 43 hours a week.

The Convention explicitly calls for immediate and effective measures to secure the prohibition and elimination of these worst forms as a matter of urgency. Because of their harmful nature both categories of work are prohibited for children under the age of 18.

In spite of the breakthrough of Convention 182, an overview of child-centred NGOs suggests that the majority of NGOs are working with children who perform light tasks for only a few hours a day, and who are involved in activities which seem to have no lasting negative consequences on the mental and physical development of these children and which are actually tolerated under the norms of the ILO Conventions. At the same time there seem to be significantly fewer NGO activities for children who find themselves in the worst forms of child labour as defined by ILO Convention 182 [IREWOC 2005]. This leads to the conclusion that for those children whose needs are most pressing, proactive policies are substantially lacking.

This relative absence of action is paralleled by a lack of information. While most countries have ratified ILO Convention 182, they have not (yet) all complied with their obligation of identifying the worst forms sectors and activities in their country, let alone produce statistical estimates on the number of children working in them. For a number of countries there is no information available at all<sup>3</sup>; in countries where studies have been carried out, the numbers and estimates vary greatly<sup>4</sup>. This appears to be due to a lack of a universal definition of child labour and the different methodologies of collecting data. Furthermore, official (governmental) surveys and other current methods, do not particularly lend themselves to finding the children in the informal or illegal labour sectors. Despite the unmistakable progress in enumeration, vast sectors are therefore structurally overlooked and understudied<sup>5</sup>. Finally, the *qualitative* material in all studies is very poor. The perspectives of the child labourers and their parents themselves are excluded, thereby underestimating their capacity to analyse and voice their own needs and to propose solutions.

To bridge this lack of information and stimulate policy interventions the IREWOC Foundation proposed to undertake action-based research in the field of the worst forms of child labour. We specifically decided to focus on the “hazardous worst forms” (the second category within the worst forms as defined by the convention). The activities included in the “unconditional worst forms” are universally accepted as detrimental to children’s moral and physical health, and are not under discussion here. The group of “hazardous worst forms” is, however, still in need of further specification.

One of the central objectives was to map the working and living situations of children who are working in specific economic sectors and what the consequences of this work are for their physical and emotional well-being. As a result of this analysis we hoped to identify several activities and/or sectors that fall within the group of “hazardous forms of child labour”.

The second focus of the study was to investigate the reasons why these children are working in these worst forms sectors. The research results were expected to give important insights into the currently polarised debate between those who state child labour is above all related to cultural

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<sup>3</sup> For Latin America country specific studies on worst forms of child labour have been carried out by the ILO in Guatemala (garbage dumps), El Salvador (sugar cane, garbage dumps), Venezuela (flowers horticulture) and Bolivia (mining, sugarcane).

<sup>4</sup> For example comparing results of UNICEF and World Bank surveys on child labour in Bolivia in the same year, it appears that World Bank statistics are one third higher across all age and gender based categories [Guarcello & Lyon 2004]

<sup>5</sup> Children in domestic service, prostitution and armed conflict are particularly hidden from these common methods of data collection [U.S. Department of Labor 2006]

considerations and those who state that economical reasons are fundamental to the phenomena of child labour.

The third objective, to accommodate policy making in the field of worst forms, was to map the different policy initiatives for child labourers in the worst forms and to identify the best practices. In the face of challenges imposed by achieving the Millennium Goals (MGDs) set by the UN, specific attention was paid to educational initiatives. Is education a useful tool in combating child labour, and vice versa, is child labour a significant obstacle to achieving universal primary education?

The region chosen for this study was Latin America. In its latest global report on child labour the ILO states that child labour is diminishing, and even more so the children engaged in the worst forms of child labour: "The global picture that emerges is highly encouraging: Child work is declining, and the more harmful the work and the more vulnerable the children involved, the faster the decline" [ILO 2006:7]. This is even more so the case in the Latin-American context, which is mentioned as one of the continents where the decline has been the fastest: from 17.4 million children working in 2000 to 5.7 children working in 2004 [ILO 2006:8]. This decline even puts Latin America on a par with some developed and transitional economies.

Taking this promising picture into account, IREWOC decided to investigate some of the sectors in Latin-America where the worst forms do still prevail and find an answer to the question why children are still working there. Additionally, it was considered important to identify some of the initiatives that have been successful (and less successful) in getting children out of labour activities.

Three countries were selected: Guatemala, Bolivia and Peru. These specific countries were chosen based on a combination of factors, of which the most important was the estimated incidence of child labour, as the numbers of working children in the selected countries appear to be on the rise<sup>6</sup>. Another selection criterion was the presence of initiatives to eradicate the worst forms of child labour.

To get a better overview of the specific sectors in which children are working and of existing child labour projects, a specific background mapping period was conducted in each research country. In the period October-December 2006, a total of 62 key-resource persons working for child-centred NGOs, UN organisations, research institutes and various ministries were interviewed. In addition, three fieldwork trips were carried out to mining and quarrying areas in different regions in the three countries. Based on this research period the following sectors were selected for this study: coffee plantations and stone quarries in Guatemala; tin/silver mines and sugar cane plantations in Bolivia; gold mines, waste disposal/recycling and fruit/vegetable markets in Peru.

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<sup>6</sup> In Peru, according to the data of OIT and INEI, between 1993 and 2001, the amount of working children in the age category 6-11 increased from 2.5% to 21.7% and was expected to increase to 32% in 2005 [CPETI & MTPE 2005]. In 2008 a new census on child labour was carried out and although there is still no official publication, ILO personnel in Lima told us that statistics again show an increase reaching an estimate of over 2 million child labourers. In Bolivia, according to ILO, in the year 2000 there were 248,236 children between 10 and 14 years economically active [ILO 2001], while the national census of 2001 shows that 354,742 children between 10 and 14 years were economically active [INE 2003]. UCW also estimates that in Guatemala the amount of child labourers is on the rise, from 14% in 1999 to 20% in 2000 to 23% in 2003 [UCW 2003:2].

The following research phase was a thorough anthropological study of all selected sectors. Most existing studies are from a macro-perspective, based on statistical and quantitative methodology. Although these methods are useful in getting an overall view of the problem, they are not particularly conducive for an in-depth understanding of local situations and of (cultural) views and motivations of local actors. Precisely this specific information is useful for policy making in a local context. Therefore in our research project, we collected insights directly from the source: by doing detailed anthropological fieldwork in the communities and “on the work floor”, and by documenting the views and opinions of the children, their caretakers, as well as development workers.

Using participant observation to study the worst forms of child labour often meant enduring extreme situations: conducting fieldwork in icy mining shafts, on a glacier at an altitude of 5.400 meters in the Andean Cordillera, living with migrant labourers in desolate shacks on a sugar cane plantation in the lowlands of Bolivia, lacking all hygiene and privacy, or picking coffee for hours under the burning sun on coffee plantations in the Guatemalan highlands. Although they demanded the best from our researchers these experiences certainly brought us closer to our “informants”, obtaining their trust and confidence and allowing us to observe more than just the socially accepted answers and behaviour.

The study did also involve more formal methods, such as structured interviews, and alternative methods such as taking photographs with the children and filling in questionnaires in a playful manner. The research revealed that these alternative methods in particular can lead to interesting additional information on how children perceive their living and working conditions.

To gain access to the different sectors, and to the children and their caretakers, we were thankfully helped by several local NGOs. They not only offered us their kind collaboration in making initial contacts, but were also willing to have their initiatives related to child labour scrutinised. We are greatly indebted to them. We would also like to express our gratitude to the working children and their families for their time and sharing of ideas. Their voices are at the core of this project.

The recommendations that resulted from our research were discussed at several workshops in the research countries: at local presentations with the working children and their families, at national seminars with policy makers from governmental and non-governmental organisations, and at public meetings. A special thanks goes to the local NGOs that helped us prepare these meetings: Childhope in Guatemala, Terre des Hommes Netherlands in Bolivia and GIN in Peru. These workshops enabled us to evaluate our conclusions and recommendations and gave us the very special opportunity to discuss the policy implications of our research results with the most important actors in the field. In this way, we were able to bridge the gap that often exists between scientific research and policy implementation and hopefully the results of our research project will have a direct impact at the local level for our “informants”.

May 2008

Marten van den Berge

Project coordinator

# Child Labour in Guatemala: Quarrying

Luisa Quiroz

## Introduction

The IREWOC project on the worst forms of child labour in the Guatemalan quarry sector was carried out in two communities of the Retalhuleu department. Both communities had previously been targeted by the ILO/CEIPA<sup>7</sup> “Project for the Progressive Elimination of Child Labour in Quarrying”. Pomarrosal, the first community, was selected for the research as it is considered a success story by CEIPA. Relevant information was collected there on how to successfully eliminate child labour in quarrying. All the children in the community used to participate in quarrying, but now only an estimated ten children continue to do so. In the second research community, Brillantes, the opposite is true. Many of the children from *pedrin* families (quarriers), which are a minority in the community, can still be found extracting, chipping and hauling volcanic material from the Samalá river. The conducted research was particularly interested in exploring which interventions can be successful in eliminating child labour in quarrying.

According to the ILO “one-fifth of total 7-14 year olds, over 500.000 in absolute terms, are engaged in work in Guatemala. Among 5-17 year-olds, 23 percent, or over 900.000 in absolute terms, are involved in work” [ILO et al. 2003:17]. The exact number of children engaged in quarrying is not known, but approximately 200 families perform quarrying activities alongside the Samalá river in the Retalhuleu department.

The Guatemalan government has compiled a list of activities that it considers to be a worst form of child labour. Quarrying and mining activities are found on this list and are considered hazardous by their nature. The ILO has also named quarrying as a worst form of child labour [ILO et al. 2003:26].

## General living conditions

The quarrying families along the Samalá river, who come from twenty different small villages, all live in very poor conditions. The Pomarrosal community used to be situated right by the river, with everyone working on the river banks. But in 2005 the community moved to a safer place, much further from the river and away from the danger of flooding. All families, including those still engaged in quarrying and those who aren't, still live in comparable economic circumstances.

In Brillantes, on the other hand, there exists a remarkable difference between the precarious living conditions of quarrying families and families who are engaged in other income generating activities. While people who have received an education, or who know a craft, can benefit from the commercial and tourist labour opportunities of the region, but the often illiterate *pedrineros* have

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<sup>7</sup> Centro Ecueménico de Integración Pastoral (Oecoemenic Centre of Pastoral Integration)

few labour alternatives. They live in small houses of poor quality and are in constant danger of flooding. Electricity is rare and potable water and drainage is absent.

Although Pomarrosal and Brillantes both have a primary school, there is a shortage of learning materials and teachers in Pomarrosal, which results in poor educational quality. Among quarrying children in general there is a high level of school dropout, especially by girls. The majority of children do not enrol in secondary education due to economic reasons. In Brillantes, where there is a secondary school, parents may withdraw their children from school because the purpose and value of education has never been directly experienced by them. Despite the fact that both communities have a health post, the offered services are extremely basic and, in Brillantes, medicine is not free.



**A mother and her fourteen-year-old son in Brillantes. You see them here in their home, an old abandoned train wagon; the living conditions of the quarrying families lack all basic facilities.**

## **Labour conditions**

Quarrying families extract and process volcanic material and sell it to small construction companies or to private truck owners. The material is always sold per truckload (either a big truck or a pick-up). Some of the locations at which people work are public and anyone can work there without permission; other sites are private and permission has to be granted by the owner, who may rent a family a small section on which to work. Owners generally also demand a quota for every truckload of material that leaves the area. Neither land owners nor the buyers bear responsibility for labour conditions. The labour is very informal and there is no employer-employee relationship.

Working hours are determined by individual families. Most adults work six days a week, from 7 or 8 in the morning until 3 or 5 in the afternoon. Only very young children and a minority of school-age

children, who do not attend school, can be found at the river banks during those hours, as are considerable numbers of adolescents. Most of the working children combine work with school and work only during weekends and holidays, for the same number of hours as their parents. A small number of children work before, as well as after, school and sometimes even during. In general, about twice the number of boys than girls work; and they also spend longer hours quarrying.

Income is generated by volume and not by the hour; it is also dependent on the kind of material that is collected (gravel, sand, stones and *piedrin*<sup>8</sup>), since each material has its own market price. During the summer months the demand rises, and so do the prices. During the rainy season the river holds more gravel, resulting in greater supplies and lower prices. When demand is low, income is very uncertain and families may go without an income for as long as a month.

Female headed families always earn considerably less than male headed families, since they do not have the labour capacity of an adult male. Children do not receive direct payment, but may be given a few quetzals as compensation by their parents.

## Child labour

Children working in this sector can be found performing all the same activities that adults perform, especially during school holidays, which coincide with the summer season, when demand for materials is high. Before sand, gravel, stones and *piedrin* can be sold, a process of extracting, hauling, sieving, breaking and crushing takes place. Children are found throughout these processes and adolescent boys may even engage in loading the materials for the truck drivers to whom the materials are sold.

Quarrying is a real family activity. Parents take their children of all ages with them to work and all family members may participate in the labour activities. There is no fixed labour division between parents and children. Nevertheless, parents take their children's age and physical strength into consideration when heavy activities have to be performed. Very young children come into contact with work by playing on the site, whereas children of about 7 years start seriously engaging in chipping stones. Extracting material and sieving, both of which are heavier activities, are done by somewhat older children, from about 10 onwards. Carrying and breaking big stones are more common among children aged 12 and above. Gender is also a differentiating factor for child labour in quarrying; girls generally do not perform heavy lifting activities.

The participation of children in quarrying activities violates national legislation. The Labour Code establishes that children below 14 years of age are not allowed to perform any labour activities, yet in quarrying children from 7 years onward can be found working. Also, it is prohibited for children above 14 to work for more than 7 hours a day; however, truck assistants are found to be working up to 10 hours a day.

## Consequences of child labour

Both parents and children agree that quarrying is hazardous. The minimum age for performing unhealthy or dangerous work is set at 18 by the Labour Code. This boundary is blatantly crossed in

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<sup>8</sup> Crushed stones

the quarrying sector. The current research revealed that many children from the age of 7 are involved in jobs that are included on the national list of worst form activities due to their harmful nature. They cause muscle and joint aches in the short as well as long term. Children suffer injuries from knocking their feet and hands against the stones. The river banks are extremely dusty in the dry season and are a hazard to the children's respiratory systems. Children are exposed to high temperatures under the blazing sun, resulting in burns, dehydration and headaches. Working in and around the river involves coming into contact with contaminated water and may lead to dangerous situations when water levels are high. Some labour related conditions can even be life threatening. Several people died after falling off a dilapidated bridge that has to be crossed to get to work and two boys died during their work as truck assistants.

Quarrying also has a detrimental emotional impact on children. Many feel sad about working and would rather not. Both children and parents agree that this work is hard on adults and more so on children. Children are also confronted with feelings of shame, especially the children from Brillantes, who attend school with children who do not have to work.

There is a strong relation between the amount of hours children spend working and their school attendance and progress. The performance of those children who work before and after school hours suffers the most. They are too tired to pay attention in class, or to complete their homework. Children who often work during school hours frequently miss classes and fall behind on their school work. Both scenarios often lead to dropout. Many adolescents dropped out after having become accustomed to earning money and having decided that work is more rewarding than education.



**Twelve-year-old boy at the river bank helping his father collect stones.**

## Why do the children work?

The causes of child labour in quarrying are varied. The most obvious reasons for parents to have their children working are of an economic nature. Since remuneration in this sector is low and uncertain, people make use of all their resources, including their children. Nevertheless, the successful child labour eradication intervention in Pomarrosal suggests that economic poverty alone does not explain child labour. After the community moved away from the river, thus increasing travel distance, most parents stopped taking their children with them and some adults abandoned the sector altogether, even though their economic situation had not improved in the new location. Evidently, proximity and availability were significant causes for child labour, besides economic necessity. Nevertheless, there are still a few families that keep bringing their children to the river during weekends. Some are female headed households for which economic needs outweigh the travel distance; others are families that value child labour for more than just economic reasons. They may have their children working to keep them off the streets, where they could become involved in bad, or even illegal, activities.

Tradition is also an important cause of child labour. Many of the children work in the sector because their parents have been working in it for decades. Little children play amongst the workers and become familiar with the activities. As they grow, they automatically become more seriously involved. Many parents feel that this work is the only thing they can pass on to their children. Besides, children are expected to behave and learn certain values, such as responsibility, politeness and diligence and work is seen as the instrument par excellence to make them learn these skills.

In Brillantes, the fact that parents have not yet been convinced of the purpose of education, leads them to simply withdraw their children from school when they do not perform well, or if they are not enjoying themselves. In practice, education does not guarantee labour opportunities. Poor educational quality doesn't help motivate parents to keep their children in school.

## Best practices

The ILO/IPEC Project for the Progressive Eradication of Child Labour in Quarries, executed by CEIPA, took place amongst twenty quarrying communities, including Pomarrosal and Brillantes. Interventions were implemented in four fields: health, awareness raising, education and economic alternatives<sup>9</sup>. In Pomarrosal the project was noticeably more successful than in Brillantes. The community leaders received training to develop skills and knowledge that could help them to lobby for and coordinate community development projects, such as the allotment of houses and a community school. General living and educational conditions were improved by the leaders' initiatives. These improvements have created new social norms on well-being in general and concerning children specifically. Educational developments made school more attractive and child labour less prominent. The separation of the working and the living areas would probably not have led to the enormous decrease in child labour if education had not have simultaneously become an attractive alternative.

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<sup>9</sup> With help from Stichting Kinderpostzegels, among others, CEIPA continues to target child labour in the quarrying communities through the awareness raising component and promoting the organisation of communities and child labourers themselves.

In both communities women were offered courses that provided them with alternative income generating options. This created possibilities for them to leave the river banks behind them. Separating women from the work site also means separating young children from the quarrying activities, and thus preventing them from growing up in that environment. In Pomarrosal a few women stopped going to the river altogether.

Scholarships have led to higher primary school enrolment and fewer hours of work for children. Scholarships for secondary education have led to a few adolescents finding jobs outside the sector. They serve as examples of the possibilities of education, and the participation of their future children in child labour is less probable. In combination with awareness raising workshops these developments have led to a better evaluation of education in Pomarrosal. New standards for what children are expected to learn and to do, and where they should do this, are developing. Education is becoming more important and labour is disappearing into the background.

Besides successes in the target communities, some shortcomings of the project can be identified. The Association of Quarry Workers that CEIPA established has not sufficiently succeeded in promoting the interests of quarry workers. Although guidance was provided to some extent, it has not been adequate and there is a lack of unity between the board members. Many labourers, however, underline the importance of such forms of organisation. The purchase of a stone crusher by a cooperative of *piedrineros*, for example, would lead to higher production and incomes. Their economic positions would be strengthened and assistance by children would no longer be needed. Many years ago an NGO established a cooperative, but it failed due to a lack of guidance, management and specialised knowledge.

The CEIPA project failed to deliver sufficient guidance. The ILO demanded fast delivery of material aid and rigid deadlines. After people received a course or a small business CEIPA had to retreat and people were left without sufficient know-how. Many sold their pigs or used the money they were given to pay off debts or to buy food. This is a reflection of what NGO workers call “the paternalistic nature” of the ILO intervention that was guided towards material assistance and short term results. Moreover, the ILO intervention was designed according to experiences in other countries and did not take into account local conditions, such as conflicts within the communities.

## Recommendations

The nature of the activities that children perform, the conditions in which they do this and the consequences for their health and education lead to the unmistakable conclusion that this is a worst form of child labour. The eradication of child labour within this sector is a matter of urgency. This conclusion and other lessons learned throughout the research process have led to the formulation of the following recommendations for all organisations involved with child labour in the quarrying sector:

- The effective organisation of quarry workers could play a role in establishing new norms concerning child labour and education. Accomplishing unity and dialogue between labourers, holding in mind local disputes, is crucial in a process of organisation. Leaders need courses on how to lobby and promote community development. Long term guidance by an expert is indispensable.

- The existing association of quarry workers could be a very good formal framework for the *piedrineros* to look after their interests and to see to it that laws concerning child labour are enforced. First the association needs to be strengthened.
- Once a solid cooperation has been established, providing a stone crushing machine could be an instrument to create a better economic position for the labourers. They would have to receive long term guidance in looking for the best ways to anchor their position.
- Separating the work and living locations can help to eradicate child labour in combination with educational incentives that make school more attractive.
- Secondary school scholarships can withdraw adolescents from their marginalised positions, offer improved prospects and allow them to set examples for the rest of the community.
- Awareness raising campaigns designed to change negative attitudes towards education are effective when combined with practical improvements in educational quality and relevance.
- Creating labour options beyond quarrying for women is important. In the dynamic Retalhuleu area many diversification possibilities within commerce and tourism can be explored. The ILO/CEIPA project proved that material help is not sufficient. Guidance and training on how to make the initiative sustainable are essential.



**Nine-year-old girl picking coffee berries on the El Amanecer coffee plantation. She attends school irregularly; during harvest time she often skips school to help her family.**

# Child Labour in Guatemala: Coffee Production

Luisa Quiroz

## Introduction

The IREWOC project on the worst forms of child labour in the Guatemalan coffee sector took place among three communities in the San Marcos department of Guatemala. The three selected communities represent three different ways in which labourers engage in coffee cultivation, each with their own implications for child labour. The first research community was El Amanecer, which is a large coffee plantation (*finca*) with 30 so-called *colono* families. These families work exclusively for the plantation owner. The families in the second village, Chipel, a small village in the San Marcos highlands, only work on plantations during harvest time, and migrate to the coastal area every year. In the final village, Chanchicupe, a third type of coffee worker can be found; here they cultivate coffee on their own plot of land. In all communities, a large number of children were found to be working.

According to the ILO “one-fifth of total 7-14 year olds, over 500.000 in absolute terms, are engaged in work. Among 5-17 year-olds, 23 percent, or over 900.000 in absolute terms, are involved in work.” [ILO et al. 2003:17]. Approximately two thirds of these child workers are engaged in agriculture [ILO et al. 2003:21]. No exact numbers exist of the amount of children participating in coffee cultivation, yet an estimate has been given of half a million children migrating to the coast every year to participate in the cultivation of several crops, including sugar cane and coffee [Guatemala Ministerio de Trabajo y Previsión Social 2001:8].

The coffee sector as a whole has not been identified as a worst form by Guatemalan legislation. Instead of identifying worst form sectors, worst form activities have been listed, as a result of resistance from the coffee sector, among others [Van den Berge 2007]. In the list, descriptions are given of types of activities that, because of their nature or conditions under which they are undertaken, must be considered worst forms of child labour. The ILO, on the contrary, has identified the entire sector as a hazardous form of child labour [ILO et al. 2003:25]. An analysis of the situation in the three research communities sheds light on the exact nature of child labour in the coffee sector and on possibilities for intervention.

## General living conditions

On the large coffee plantation El Amanecer the living conditions are not too bad. Basic facilities like water and sanitation are present, but healthcare is absent and there is only a small primary school, which lacks the necessary facilities. Chipel, the highland community, does have a small health post where basic services are offered. Yet, emergency aid is two hour away. The village is characterised by a shortage in all basic needs, such as food, water and sanitation. Furthermore, very few employment opportunities are available. Chipel is thus a village with relatively harsh living

conditions, especially in combination with the geographical characteristics of the zone. In the community of small coffee growers, Chanchicupe, living conditions are generally better than those in the other two communities; education is of higher quality and the schools are better equipped. There is also better access to healthcare and there is greater variety in income generating opportunities. Living conditions vary, though, according to the economic position of a family, which depends to a great extent on the amount of land the family owns. Landless families and families who own just a small parcel are the most vulnerable.

## Labour conditions

Labour in the coffee sector can take place under untoward conditions, with distinct differences in the three different labour systems. Small farmers cannot really claim rights regarding their labour conditions, as they actually are small entrepreneurs instead of labourers. Despite the fact that migrants and *colonos* could, in principle, claim rights, they have little knowledge about them. In El Amanecer there is no active community organisation or labour union that helps people be aware of their rights. This makes them very vulnerable to the ups and downs of the sector and to the patron's whims. Not only is the labourers' and their patrons' ignorance of labour rights a problem, but so too is the failure of the state to guarantee them.

A distinctive aspect of the coffee sector is that income depends on the productivity of one's work, resulting in weaker persons earning less than others. If payment is uncertain and low for adults, it is likely to be even less fortunate for children who assist their parents and whose remuneration relies on the capacity of their parents. Another important characteristic is that working hours are not regulated, which may result in extended working days, especially for the migrant families. Both adults and children are found to work up to twelve hours a day. *Colono* families are particularly vulnerable to the insecurity of the sector and the patron's demands as they not only depend on the *finca* for labour, but also for housing. Additionally there is cognitive and psychological dependence since the prospects of these people are closely bound to life on the plantation.

Migrants are made vulnerable by the necessity of moving temporarily to a place where living conditions are worse than at home and of leaving everything behind for several months. On the plantations they live in unsanitary and overcrowded shacks. The migratory nature of their work, and their presence on different plantations every year, makes it difficult to modify their labour conditions and to put in place structural improvements. It also makes their organisation for the defence of their rights less probable.

Small growers' families may seem to be more privileged, since they own land and are their own bosses, but they are extremely vulnerable to price fluctuations of coffee and to natural disasters that affect their crops. Payment depends on the quality of harvest, which is influenced greatly by weather conditions. Small farmers increasingly decide to join a coffee cooperative to receive credits and better prices for their product. Through the attainment of a certificate, cooperatives try to further stabilise and strengthen their economic position; the Chanchicupe Coffee Cooperative is presently attempting to accomplish this.

## Child labour

The participation of children in the coffee sector violates national legislation. The Labour Code states that children under 14 are not allowed to perform any labour activities, yet in the coffee sector children from 7 years onward are found to be working. Also, it is illegal for children above 14 to work for more than 7 hours a day. During harvest, however, many families and their children work up to 12 hours a day.

NGOs, GOs and representatives of the coffee sector tend to minimise the presence of child labour in the sector to children's participation during harvest time only. The IREWOC research revealed that it is in fact characterised by a great diversity of activities and conditions. Many children do indeed only help with picking coffee during school holidays, and only for a few hours a day. However, a minority works every day throughout the year, carrying heavy loads and using machetes. These differences were found within all three research communities.

The chain of production can be divided into three stages: maintenance, harvest and processing. The nature of a child's participation in these stages depends on whether it is a child of a *colono*, a migrant, or a small grower's family. *Colono* children participate mainly in the first two stages and are found weeding, cutting and carrying wood and picking, sorting and carrying coffee. The highland children participate mainly during the harvest. The children of small grower's families, on the other hand, are involved throughout the whole process; they also help to process the coffee and participate in maintenance activities on a greater scale. More often than the *colono* children, they help with fertilising and they participate in the *poda* (trimming of coffee plants) and the *desombra* (trimming of the shade trees, which involves climbing them). The basic activities during harvest are carried out by both sexes, with the exception of carrying coffee, which is done more by boys, as are activities involving the use of machetes. Migrant boys and girls are equally involved in picking and carrying coffee, although boys carry considerably greater loads. In Chanchicupe, the small grower's community, girls are also involved in activities, such as working with machetes, that are considered unsuitable for them in other communities.

## Consequences of child labour

The minimum age for performing unhealthy or dangerous work is set at 18 by the Labour Code. This boundary is obviously crossed in the coffee sector. The research revealed that many children from the age of 10 are involved in jobs that are named on the national list of worst form activities due to their harmful nature. These include activities involving the use of chemicals and fertilisers, the use of machetes, the manual transportation of loads, and working at heights above 1.8 meter (which applies to trimming trees) [Guatemala Ministerio de Trabajo y Previsión Social 2006:5]. Fertilising may cause intoxication. Weeding and carrying heavy loads leads to growth deformities and other physical ailments. Many children suffer from cuts from the machetes that they use for weeding and trimming branches, which in itself is also dangerous as children may fall out of trees.

Some of the activities are harmless by nature, but may become harmful due to the conditions under which they are performed. Such activities include picking and sorting coffee, and are also carried out by children younger than 10. When performed in the rain, for extended hours or alone, the work may cause illness, physical exhaustion or other dangerous situations. In the case of migrant children, the unhygienic living conditions on the plantations make the work hazardous, since they

expose the children to diseases. As many families have to share one shack, children are also frequently exposed to abuse from adults. Considering these conditions, the following description taken from the national worst forms list, also applies to the coffee sector: “activities that because of their conditions cause serious damage to the physical health and integral development, without the nature of the job being dangerous and activities that bring along risks of sexual abuse” [Guatemala Ministerio de Trabajo y Previsión Social 2006:5].

Activities that prevent the achievement of compulsory education are also considered worst forms. The harvest season overlaps with the school cycle, and thus has negative effects on the intellectual development of children. This is especially true for the children of migrant families. In Chipel this applies to about 10% of the children. However, children on the plantations and in the small grower’s community may also work throughout the school year, which can lead to school absence and exhaustion, negatively influencing school performance. In highland communities families interrupt their daily lives by leaving home and migrating to the coffee plantations; other families are separated because some family members stay home while others migrate. These dynamics result in a complete disruption of normal family life and a child’s education.



Carrying heavy loads is just one of the many tasks on the coffee plantations that children participate in. Here you see a ten-year-old girl carrying the berries they have just collected.

## Persistence of child labour

The negative consequences of child labour do not prevent the children from working. The most obvious reason for parents to let their children work is that they need the additional income. This applies to all research communities, although it is more significant among the migrant community.

As these families make money almost exclusively during the coffee harvest they bring their children along in order to maximise the daily production. Parents cannot leave their children behind in the villages, so they accompany them onto the plantations. In both the *finca* and the small grower's community, children are expected to contribute to the survival of the family. Children feel good about helping and work also appears to be a chance to spend time with their families. Parents by and large have not experienced the positive impact of education and have left the responsibility for education more or less with their children; this attitude leads to massive levels of dropout, and children who are not in school are expected to work. On the plantation, child labour has always existed and such a tradition appears difficult to break. In addition, child labour in Chanchicupe prepares children for their most likely future as small coffee growers. Finally, the mentality and policy of plantation owners contributes to the existence of child labour in the coffee sector as well. They tolerate and endorse it, arguing that it is the parents' responsibility.

## Best practices

In the research region only one initiative has been undertaken to combat child labour in the coffee sector. Funcafé<sup>10</sup> implemented the ILO "Project for the Eradication and Prevention of Child Labour in the Coffee Sector". The intervention targeted both migrant and receiving communities, but had a focus on the communities of origin such as Chipel<sup>11</sup>. The project's underlying principle was that child labour has three main causes: lack of education, inadequate attitudes and low family income. This theory was translated into an integrated project, comprising three components: education, awareness raising and productive alternatives. The impact of the project in Chipel is ambivalent, with both successes and shortcomings.

The distribution of scholarships in the form of clothes has led to greater participation of children in education and fewer dropouts. In order to receive such scholarships, children were not allowed to miss classes during harvest time. This decreased children's working time as they started to return from the plantations before the beginning of the school year. Parents were willing to participate, since clothes are a great expense. An awareness raising campaign, in combination with an increased educational quality after the implementation of a new educational system (Active Rural Education) has made parents' attitudes towards education more positive and increased its relevance. This has introduced a new social norm on both education and child labour that has made parents more willing to send their children to school and to find alternatives to the children's migration; some children now stay in their village with grandparents or other family members. People have benefited from technical courses, which have provided them with alternative income generating options, which have in turn increased household incomes. Within a few families this has meant that

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<sup>10</sup> Funcafé, formerly known as Funrural, is part of Anacafé, the National Coffee Association. It was funded in 1994 by coffee growers. It is a private, non governmental organisation and is entrusted with social development issues concerning rural Guatemalan areas, mainly those in which coffee is an important income generator.

<sup>11</sup> The analysis of the impact of the Funcafé project was conducted in one target community. The research results can therefore not be generalised. Nevertheless they have generated important lessons about possibilities and limitations for interventions.

only the father travels to plantations with the oldest children and that the mother is able to stay home with the youngest.

The shortcomings of the intervention relate to the sustainability of the project. It is not probable that the positive effects will be reproduced, as the community has not committed itself to continued project activities. Local and regional governments were not involved in the project and they have not been stimulated to put the issue on their agenda. Although the scholarships decreased children's working time and increased school participation, they have not significantly contributed to the absolute withdrawal of children from the sector. They ensured the children's return home before the start of school, but did nothing to prevent them from going in the first place. There were statistics about the children enrolled in primary education, but none about the number of these children who continued to migrate. Migration was not controlled. Some parents abandoned their income generating alternatives. The local market could not offer sufficient commercialisation possibilities and people did not receive guidance in making their businesses profitable. Finally, the project was directed towards the home villages of migrant communities, leaving the situations at the working locations unchanged. No cooperation with plantation owners was established.

The Chanchicupe coffee cooperative engages in projects for general community development, including child labour. It has managed to establish a school building, and has also improved the economic position of its members and set an example of gender empowerment. By actively integrating women it has tried to change traditional patterns. The IREWOC research in this community of small coffee farmers, however, was unfortunately not extensive enough to identify the long term impact of these initiatives on child labour. Given that child labour is caused by economic factors and traditional attitudes, among others, it follows that the above initiatives actually act upon these causes and have the potential to combat child labour.

In order to further reinforce the members' market position the cooperative is seeking an Utz Kapeh and Starbucks certification. Such labels have clear rules on child labour, based on ILO Conventions 138 and 182. It appears, though, that during the process towards certification, emphasis on child labour is lacking and that during inspections from certifiers no real efforts are made to illustrate child labour.

## Recommendations

In the coffee sector, there is undeniably a large group of children engaged in hazardous work. The participation of children within the sector, though, is not homogenous; treating child labourers as one group is problematic for effective action. It could lead to an emphasis on the most visible children, who may not be the ones suffering most from hazardous conditions. Action is needed to prevent activities that have been identified as hazardous and labour conditions that harm children in any aspect. This conclusion and other lessons learned throughout the research process have led to the formulation of the following recommendations for all organisations involved with child labour in the coffee sector:

- Action is needed on behalf of migrant, *colono* and small coffee farmers' communities.
- Urgent measures have to be taken against the following activities undertaken by children: fertilising, trimming, weeding and carrying heavy loads.

- By responding to direct family needs, scholarships can be a great impulse for school enrolment.
- A specific focus on child labour is crucial. By only motivating school participation, labour time may be decreased, but children will not necessarily be withdrawn from labour.
- Awareness raising campaigns to change negative traditional attitudes towards education are effective when combined with actual improvements of educational quality and relevance.
- Increasing household income by offering labour alternatives can directly tackle the economic necessity for child work and labour. Such alternatives have to be sustainable within the local context and guidance is essential for making the alternative profitable.
- Encouraging economic opportunities for women can prevent them from migrating and create the possibility for men to migrate alone.
- Involvement of local and regional governments increases the sustainability of projects. Motivating them to put child labour on their agenda and to continue action is therefore very important.
- Plantation owners could be addressed in order to change the hazardous situations on plantations and to define specific child labour rules. Their involvement is essential.
- Encouraging the formation of cooperatives that have a specific plan concerning child labour could be an effective strategy.
- The role of cooperatives in changing cultural patterns should be explored.
- Coffee certification institutions could put more focus on the child labour issue by intensifying their efforts in identification and cooperating with the application of the rules.



**A mother with her young children on a hillside in Potosí; they are searching through discarded materials in the hope of finding usable ore.**

# Working Children in Bolivia: Mining

Laura Baas

## Background

The IREWOC research on the worst forms of child labour in the mining sector of Bolivia took place in two towns of the department of Potosí, Llallagua and the city of Potosí, where tin and silver mining occurs. The mining town of Potosí has around 160.000 inhabitants while Llallagua has 45.000 inhabitants. Although in colonial times the city of Potosí was densely populated and contributed for a large part to the income of the Spanish Crown through the exploitation of the silver and tin holding Cerro Rico, nowadays the whole department of Potosí is the most deprived in Bolivia. The department of Potosí has a population of 709,013 inhabitants (census 2001), of whom 70% are poor [ILO & Cepromin 2003:14].

Estimates of child employment in the mining sector vary from 120.000 children in the whole of Bolivia [Henne & Moseley 2005] to several hundreds in specific towns. One estimate puts the children working in the mines of Potosi at 147 boys and 28 girls [MEDMIN et al. 2005:21]. Differences are usually due to different research methods and varying definitions of child labour. The present research, however, estimates that some 700 adolescents are working inside the mining shafts in Potosí. This number excludes the children living at the Cerro Rico who help their parents to sort through debris and who account for several hundreds more. Fewer children and adolescents, but still a few hundred, are involved in mining in Llallagua.

In Bolivia, mining is considered one of the worst forms of child labour by the government. The Ministry of Labour established a special committee, Comisión de Erradicación Progresiva del Trabajo Infantil (CEPTI), to work on the eradication of child labour. In the period 2002-6, CEPTI implemented a specific project for the Eradication of Child Labour in Mining (PETIM). The project was subcontracted to CARE in Potosí and to CEPROMIN in Llallagua and was financed by the US Department of Labour (USDOL). The results are briefly discussed below in the paragraph on interventions.

Mining activities are organised according to a cooperative system. At the Cerro Rico in Potosí there are 37 cooperatives with over 14.000 miners [U.S. Department of Labor & Care International 2006:21]. At the Cerro Rico mountain in Potosí, mining activities are almost entirely limited to extracting ore from within the mine shafts (mainly silver and tin); in the Siglo XX mining district of Llallagua, however, men work inside the mine shafts to extract the ore, whilst all miners (including women) are also involved in the further processing of the ore outside the mines. This process entails crushing the ore with a heavy half-moon shaped rock and then applying various xanthates in a flotation process to isolate the metals.

## Education and health in the research communities

Most schools in Potosí and in Llallagua are government-owned, and open to everyone. Some of these work together with NGOs in an attempt to improve the curriculum. There are about 10 primary and secondary schools close to the Cerro Rico, varying from 100 to 1000 pupils. A few health centres can be found at and around the Cerro Rico. There is a Cuban-Bolivian hospital located close to the mountain and an emergency centre called Cerro de la Plata in the central Pailaviri zone of the Cerro Rico. Bigger cooperatives sometimes provide health services to their workers. The people working and living in the central Pailaviri zone are better off; they have an emergency centre close to their homes and work. People from the zones higher up the Cerro and from the other side of the mountain are further away from medical assistance. The general hospital in Llallagua is situated a few kilometres from the city centre. People generally consider the hospital too far away and therefore inaccessible. There used to be a health centre financed by CEPROMIN in a more central location, but because financial support came to an end the health centre is now run by Cuban doctors, in which, unfortunately, most people have little trust. People often still opt for traditional medicines; they use herbs or coca leaves, and eat raw meat or drink goat's blood to cure an illness.

## Children in mining

Mining in Potosí and Llallagua can be divided into two phases: extracting the ore from the mines and isolating the metal. Extraction takes place inside the shafts and is performed by men and boys. Isolating the metal from the ore takes place outside the mines, in plants of varying sizes called *ingenios*; this is carried out by both males and females. Children who take part in the process fall into two distinct groups: those younger than 14, and adolescents between 14 and 18. Furthermore, about half of the adolescent miners in Potosí are migrants from the countryside; there are very few migrants in Llallagua.

In Potosí, children who live by the Cerro Rico mountain, where their parents work as guards (*guardas*) at the mine entrance, help out with all sorts of activities that come with their parents' job; the *guardas* make sure that no one but authorised miners enter the mine, they guard the perforating machines, helmets and boots of the miners and sell food and drinks to them. Young boys and girls also work around the mines sweeping up the leftover ore and debris. This work is called *picha*. The work that children do can take between 2 and 6 hours a day, depending on what exactly has to be done. Both boys and girls combine work with school. The work in itself is not particularly heavy or dangerous, but it does put children in a vulnerable and undesirable position. The houses where the *guardas* live with their children have to be manned 24 hours a day; children are sometimes alone at home and frequently have to deal with the miners, who can be drunk or aggressive.

The adolescents in Potosí who enter the mines work 5 to 6 days a week, and between 4 and 10 hours a day, depending on whether they also go to school or not. Some pupils only work during the weekends and school holidays. The adolescents who work inside the shafts perform various jobs:

- Perforating assistants: Perforation entails using various tools to chip away at the underground stone, to find ore. The activity requires a lot of strength and so adolescents limit their participation to assisting the older miners, by passing the tools (drilling machine, hammer, metal pins) and by carrying away the rocks and stones.

- Transporting ore inside and outside the mine: Miners use metal wagons (*carros*) to transport the ore towards the exit and throw it onto a big pile (*desmonte*). Inside the mines they use wheelbarrows to move the ore from one place to another.
- Preparing explosives: Producing sticks of dynamite is part of the daily work of (adolescent) miners. This is obviously a dangerous job.

In Llallagua, male adolescents of 14 years and older work underground, where they perform similar jobs to their equals in Potosí. The work in and around the *ingenios* is carried out by children of all ages, and by girls as well as boys. In the *ingenios*, the youngest children participate in all activities, including crushing ore with a *quimbalete* (heavy half-moon stone) and preparing the mixture of water, diesel and xanthate. Adolescents work full time, while children under 14 work a few hours a day or full days in the weekends. Although the work in the *ingenios* is done by both sexes, there are more male adolescents involved with crushing and sieving than are girls, who are usually occupied with selling food and drinks to the workers.

In Potosí, adolescent as well as adult miners claim to be satisfied with their income, which they say is reasonably high because of the metal prices over the last couple of years. They earn between 50 and 100 Bolivianos a day (5-10 euros). This can add up to 1.000-3.000 Bolivianos per month (100-300 euros)<sup>12</sup>. In Llallagua, prices for the metals are the same as in Potosí, but there is less metal to be found in the shafts. Miners here complain that they earn little money, or sometimes nothing at all.



**A young boy outside the mine; here he is seen with a *carro*, the metal wagons used to transport ore and other materials out of the mines.**

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<sup>12</sup> During the research period (February-April 2006) salaries in mining were high. One year later, during the presentation of the research results in Bolivia, however, people commented that competition with other countries was starting to affect mining in Bolivia and resulted in mining cooperatives having more difficulties in selling their product and miners earning less in Potosí and Llallagua.

## Risks and consequences of mining

The circumstances in which children work in mining in Potosí and Llallagua are harsh and can be very exhausting. The work inside the mines is especially dangerous; there is always the risk of explosions or cave-ins. Also, many miners suffer from serious pulmonary diseases such as silicosis, popularly called *mal de mina* or miners' disease. Working in the *ingenios* is also risky because of the poisonous xanthates and the heavy instruments used. Living at the Cerro Rico and conducting *picha*, sorting through debris, is detrimental because of the instruments used, the dust it produces, the cold climate and poor living conditions.

NGO employees, teachers and parents also expressed worries about young children being at risk in the presence of drunken miners. Mining culture involves the consumption of considerable amounts of alcohol, which creates loyalty within the group. Adolescent miners are especially vulnerable amongst this drunken behaviour.

Teachers and school directors mentioned that young children who help their parents in *picha* or *ingenio* work are especially tired at school and have problems concentrating. Dropout and repetition, however, is not only due to mining work but even more to a lack of motivation from parents. Parents explained how they let the children themselves decide about enrolment and attendance.

Where younger children still combine work with school, few adolescents do the same. Some, however, do manage to study at high school or university in the evenings while working in the mines during the day, although this is an exhausting combination. Most of the adolescents working in the mine shafts don't consider it an option to leave mining and to start studying or find another type of job, partly because of a lack of alternatives and partly because mining is a difficult sector to leave once one is integrated. The last comment is based on the high level of loyalty that is created among co-workers and towards bosses in the mining sector.

## Why children work in mining

Mining has been taking place in Potosí and Llallagua for hundreds of years. Other productive sectors have barely been developed. *Guarda* families are poor and live with very few other work opportunities, so their children help by contributing to the household income. In the *ingenios* in Llallagua, the same family system can be found; children help their parents with their daily work and are allotted specific tasks, including sieving and crushing ore, and cooking and selling food.

Many serious accidents happen in mining; miners often die young, or are severely injured, preventing them from working. In cases of death or serious injury, and in the absence of an insurance system, children often take over income generating activities. Many children also work because presently metals fetch high prices. Especially in Potosí, young boys currently try to work as much as possible in the mines. Migrants, who come from the deprived high plains of Potosí and Oruro, bring their younger brothers or sons to the city of Potosí, to earn even more during periods of high prices.

People in the Bolivian *altiplano* region are of Quechua and Aymara origin. In these families it is common for children to actively take part in income generating activities and to perform household work. From an early age onwards they are responsible for their own chores as part of their

socialisation. Children are considered fit enough to be a miner around the age of 14 and from then on participate in all aspects of mining culture.

In general, these young miners continue to be employed in mining due to a failing implementation of anti-child labour laws as well as an employer preference to hire youths (they consider them easier to control than their older colleagues). Mining corporations continue to employ under aged miners because they are not prevented from doing so by inspecting (governmental) institutions.

## Interventions

From 2002-2006 the USDOL financed the PETIM project that was implemented by CEPROMIN in Llallagua and by CARE in Potosí. The major focus of PETIM was on improving education in the mining districts by collaborating with 33 (mostly primary) education centres in Potosí and Llallagua. School teachers and directors were enthusiastic about the project because of the positive outcomes such as improvement of the construction of school buildings, new chairs and tables, and information materials about child labour and mining for awareness raising activities with teachers and pupils. The project wanted to show that not only poverty and lack of productive opportunities forced children into labour, but that mining norms and traditions tend to accept child labour. CARE and USDOL report that through the *PETIM* project, 10% of the 602 participating children got out of mining and the other 90% reduced its number of working hours [2006:84].

MOLDNATs in Llallagua runs a project that focuses on adolescent miners. MOLDNATs is a group of child labourers that strives for the eradication of child labour in mining, and searches for alternative employment. It is a project that works through peer pressure. Adolescents who used to work in mining try to make other adolescent miners aware of the risks of working inside the shafts. According to members of the group, many of the *mineritos* have left mining and have started to work in other sectors. The group focuses on the importance of education.

Projects to eradicate child labour from mining have mostly focussed on meeting the basic needs of people living in mining areas. Unfortunately, political lobby from NGOs and collaboration between mining federations and cooperatives and the local government labour offices has been lacking.

Some recommendations for the eradication of child labour from mining are:

- NGOs should direct more attention towards projects for adolescents. Most projects have been focussed on younger children (until 12) and less attention has been paid to the prospects of the older ones. Stimulating technical education for adolescents could be a solution to the lack of opportunities. NGOs should pressure the government to offer higher education on a more structural basis, so that youths can become professionals and not be included in the mining sector.
- NGOs should pressure the government into allotting more funds and personnel to the formalisation of mining, especially in Potosí where anti-child labour regulations are not being upheld. In Llallagua, the mining federation's structural system of age control (anyone under 18 is denied access) has resulted in less child labour in the Llallaguan mines. (During the fieldwork no one under 18 was spotted inside the mines, but outside in the *ingenios*, however, there were many children and adolescents working.) NGOs and GOs should work together with mining federations and cooperatives when implementing anti-child labour laws, so as not to let the federations and cooperatives feel excluded from their own sector. Formalisation of the mining

sector should focus on the implementation of anti-child labour laws, through strict age inspections, while simultaneously improving the general labour conditions. Better labour conditions, such as mechanisation (better supply of air and electricity, decreased risk of cave-ins), will lead to fewer fatal accidents and thus reduce the need for children and adolescents to start working in an attempt to replace the older generation.

- NGOs should lobby for the professionalisation of *guarda* work. Their goal should be to remove the homes of the *guarda* away from the mine's vicinity, thus moving their children away from the direct risks and dangers presented by the mines and the miners, and from their contact with mining that may lead to their eventual employment in the sector.
- NGOs and GOs could improve (or lobby for improvement of) the infrastructure and resources of schools that haven't been upgraded yet by the PETIM project. Schools should also integrate the theme of (the dangers of) mining into their curriculum in order to continuously make children aware of the dangers of the sector.

# Working Children in the Sugar Cane Harvest in Bolivia

Laura Baas

## Background

The ILO and the Bolivian government consider the work of minors in the sugar cane harvest to be one of the worst forms of child labour. The Ministry of Labour established a special department, the Commission for Progressive Eradication of Child Labour (CEPTI) to work on the eradication of child labour. CEPTI has been supporting the Project for the Eradication of Child Labour in the Sugar Cane Harvest (PETIZ) since 2003 [CPETI 2005:32]. A number of organisations have been involved in this programme. The IREWOC research on the worst forms of child labour in the sugar cane sector of Bolivia took place close to the city of Montero (Obispo Santiesteban province, Santa Cruz department) and in the Bermejo municipality (Aniceto Arce province, Tarija department).

Estimations of how many children are employed in the sugar cane harvest (*zafra*) in Bolivia vary somewhat between different sources. ILO and UNICEF [2004:9], estimate that the sugar cane harvest mobilises almost 10.000 children and adolescents. The National Institute of Statistics (INE) and UNICEF [2004:47] estimate that 2.540 children work in the *zafra* in Santa Cruz, while OASI, ILO and AECI report 2.619 youths participating in the *zafra* of Tarija, [2006:22]. In Bermejo, in 2004, there were 2.349 children and adolescents of whom 1.315 were of school-going age [Romero Guevara 2004:4]. The estimates by different sources have a certain degree of consistency.

## Migration towards the sugar cane regions

About 60% of the sugar cane harvesters are temporary migrants. The places of origin of the *zafra* migrants are classified as poor or extremely poor zones. People who migrate to the *zafra* in Bermejo are from Tarija (66%), Chuquisaca (16%) and Potosí (17%) [Dávalos 2002:25]. Migrants in the harvest of Santa Cruz come from the department of Santa Cruz (50%), Chuquisaca and Potosí (40%) and Oruro, Tarija and La Paz (10%).

Parents would prefer to leave their children at home with family members or other guardians, so that they are not exposed to the conditions of the *zafra*, and so that they can continue to attend school, but this is not always an option. Unfortunately it is also financially attractive for parents to bring their children because they can help on the plantations, although often this is limited to work after school hours (some children attend mobile schools or schools close to their camps). Either way, the child's education is interrupted and disrupted because of the temporary migration.

## Education and health in the research areas

In the department of Santa Cruz, 11 municipalities to the north of the city of Santa Cruz have sugar cane plantations and the area is expanding. The 4000 harvesters' camps (*campamentos*) tend to be located in remote zones, which hampers school attendance because there is no public transport in

these areas. In order to overcome this problem, children sometimes attend mobile schools administered by NGOs or the government. In the cases where a school is nearby, such as in the camps where this research was conducted (close to the town of Montero), the children go to school during the mornings and roam around or help their parents in the afternoons. In this region, a mobile health brigade supported by UNICEF and Hombres Nuevos visits the *campamentos*. Health services are not free and even costs resulting from work related injuries have to be paid by the workers themselves. Only in very rare cases do employers cover medical costs. According to health workers there are high levels of malnutrition and anaemia among children in the sugar cane regions.

The sugar cane region of Bermejo is spread out over 9 provinces, between the Bermejo river and the Tarija river, on the Argentinean border. The five primary sugar cane provinces lie on a plateau and are situated close to the sugar cane processing plant. The other provinces are more remote and the terrain is undulated, and at places even steep, which makes the work very heavy (especially carrying loads of sugar cane of up to 50 kilograms). There are 2 public education authorities for the 15 sugar cane communities in Bermejo; one is situated in Campo Grande to which 10 schools are affiliated, and one in Colonia Linares to which 5 schools are affiliated. Education services cover the central sugar cane area; students in remote zones are virtually excluded from school. In addition, many harvesting families have to move from one camp to another, making school attendance very difficult. Some schools in the *zafra* region will receive migrant students during the harvest, but are unable to employ additional teachers in this period. The region of Bermejo has six primary health centres and three regional health centres, but the only hospital is located 200 kilometres away, in the capital Tarija. During harvest time, although there are always more patients in the region, no extra personnel is employed. During the research in the communities of Campo Grande and Tremental, it became clear that the mobile health brigade BRISA partly compensates for this gap in health services.

The main problems relating to health are the scarcity of health centres near the harvesters' camps and, in Santa Cruz, where there are more centres, the lack of money to pay for the services. The health situation in most of the sugar cane region is precarious; especially children easily get sick because of the unhygienic conditions. They frequently endure influenza, and consistently suffer from diarrhoea and vomiting. Children often contract leishmaniasis, tuberculosis, scabies and lice. Especially the latter two are caused by sleeping in overcrowded dormitories and living in generally unhygienic conditions.

The camps involved in this research (two harvesters' camps close to the city of Montero in Santa Cruz and two camps in the Bermejo region) differed in living conditions and in number of children and adolescents living in the camps and/or working on the plantations. In one of the Montero camps people lived in self-constructed tents without any sanitation services and very little potable water. In the other camp in the same region, the harvesters slept in well-constructed buildings and had access to health care and facilities such as toilets and showers. The two camps in Bermejo were both of poor quality; rooms were small and dark, there was rarely any potable water and no or few sanitation facilities.

## Children's participation in the sugar cane harvest

The *zafra* roughly takes place between April and November and is very labour intensive since most of the heavy harvesting work is still done manually. After harvested and stacked in piles, the sugar cane is loaded onto a flatbed and transported to the processing plant within a few days to prevent fungus from growing on the crop. In Bermejo most of the loading is also still done manually, but in Santa Cruz more and more plantation owners have started loading by machine. Activities in which children commonly participate are the following:

### Burning, cutting, de-topping, stacking

Both in Santa Cruz and Bermejo, adolescent boys from the age of 14 and up work as contracted harvesters, and are involved in all activities. First they set the crops alight; this removes all unwanted foliage from the cane. Then the cane is chopped down with a machete. Subsequently, the cane is de-topped, stacked and loaded onto the flatbed for transportation. In Bermejo harvesters work according to the *cuarta* system; in this system a contracted harvester brings a helper along who earns about a quarter of his salary. These *cuartas* are adolescent boys and girls or the wives of the harvesters.



A young boy in Bermejo uses a machete to cut down and de-top the sugar cane stalks.

## Loading

Loading the sugar cane onto a flatbed in Santa Cruz is mostly done by machine. Harvesters, both adults and adolescents, pick up the sugar cane that is left behind. In Bermejo, loading is done manually; both adolescents and adults carry heavy loads of cane (40-50 kilos) upon their shoulders, up a ladder, and drop it on the growing pile of cane lying on the flatbed.

## Cooking (*pensionista*)

A *pensionista* gets money from a group of harvesters to cook breakfast, lunch and dinner. Girls of 14 and older are hired to do this work, both in Santa Cruz and in Bermejo.



The sugar cane is stacked into piles and then carried up onto a flatbed truck.

## Risks and consequences of working in the sugar cane harvest

Working conditions for the adolescents participating in the *zafra* in both regions are very harsh; work is carried out in extreme temperatures, and there are few, if any, protective means to prevent the workers from getting injured or over-exhausted.

In Santa Cruz and Bermejo, adolescent *zafreiros* and *cuartas*, who started work around the age of 14, and who work full time during the harvest, reported severe symptoms of exhaustion and physical pains. They complained of backaches and hands covered with wounds and blisters. They stated that they don't like the work, and constantly fear serious injuries. The *zafreiros* are at risk of cutting themselves with their machetes, and of being bitten by poisonous animals. They try to ignore the health risks because they need to earn money. They start working around 5 am and finish in the late afternoon. Sometimes, when deadlines call for it, they work during the night or early in the mornings.

In Santa Cruz, not many young children (under 14) work in the sugar cane harvest; this prevents their exposure to the harsh working conditions, but they are not spared the deprived and unsanitary living conditions. During the research there weren't any reports of work-related injuries or diseases

among this group of young children. In the Bermejo sugar cane region, however, even children younger than 12 participate in the harvest; the few protective measures in place puts them at direct risk of injury. Children under 12 only work a few hours a day or only in the weekends, but they still work enough to regularly suffer injuries like machete cuts and blisters on their hands.

The *cuartas* in Bermejo, starting around the age of 12 and accompanying their “personal contractor”, don’t attend school in the sugar cane regions, but are instead available full time for any work that must be done. Although the practice is diminishing, according to harvesters and NGO employees, many *cuartas* can still be found working with their contractors in a large part of the Bermejo *zafra* region. *Cuartas* are usually boys and girls (occasionally the wives of the harvesters), of whom many have not completed primary school. For example, in one of the camps where research was conducted, one third of the *cuartas* were aged between 14 and 18, while the other two thirds were young women and men, mostly the wives of the harvesters.

Because of the lack of schools, most families prefer to leave their school-going children at home. However, some families bring them along because they lack a place to leave them safely while they are gone. Both in Santa Cruz and in Bermejo, most children between 6 and 12 attend school during the day and in Bermejo they work on the plantations after school, on Saturdays and during holidays. In one of the camps, for example, all 15 children, aged 7 to 12, helped to cut sugar cane in the weekends and during their free hours, but attended school in the mornings. Only few children under 12, in both regions, work full time in the sugar cane harvest. When the children migrate to another region, however, they all miss a certain number of classes due to packing, travelling, getting used to the new place and finding a new school.

## Why children work in the sugar cane harvest

Adolescent *zafreiros* and *cuartas* consider their work in the *zafra* as a necessity. The home towns of the adolescents who migrate to the harvests in Bermejo and Santa Cruz have unfavourable climates for agricultural production; they can harvest their crops only once a year. Working in the sugar cane harvest is one of the few possibilities to earn additional money; adolescents also migrate to Argentina to work in agriculture or to other Bolivian regions to work in construction or mining. The advantage of the sugar cane harvest is that it provides a more or less reasonable income during a relatively extended period (4-6 months).

Financial reasons are by far the most important for adolescent boys working in the *zafra*, although other reasons play a role too. In the home towns of the young *zafreiros*, for example, education does not extend beyond secondary school. A professional career is therefore unlikely, and working jobs such as harvesting is a more common occurrence. For the adolescents from the high plains (northern Tarija, Potosí, La Paz, Oruro), who work in the Bermejo harvest, the social part of the *zafra* is of some importance too; girls as well as boys see the *zafra* as an opportunity for a rite of passage. They leave their home towns to work on the sugar plantations with the desire and hope to ‘become an adult’ and to possibly find a partner. The *zafra* is an apt place for the adolescent girls, working as *pensionistas* and *cuartas*, and the boys, who work as *cuartas* and *zafreiros*, to get to know each other and form a couple.

In cases where there is a lack of child care options, parents bring their children with them to the *campamentos*. Older children of school-going age also accompany their parents to the *zafra* regions

for this reason. In this way, slightly younger children are inadvertently introduced to the work on the plantations, thus increasing the likelihood of them wilfully doing the same work in their teenage years.

## Interventions

The Bolivian Ministry of Labour, with UNICEF funding, has been supporting the PETIZ programme for the eradication of child labour from the sugar cane harvest in the departments of Santa Cruz and Tarija, since 2003. UNICEF has been implementing the programme in Santa Cruz, whilst the Office of Social Assistance of the Church<sup>13</sup> (OASI) and the Centre of Capacitating and Investigating of Rural Women of Tarija<sup>14</sup> (CCIMCAT) have been putting the programme into practice in Bermejo [CPETI 2005:32].

### Santa Cruz

UNICEF focuses on improving education in the sugar cane areas. Part of the project, which started in April 2007, entails the reinforcement of the municipal schools during the sugar cane harvest. At the moment of research this activity was still taking place; the construction of new schools had been planned and the curriculum was being renewed in coordination with Hombres Nuevos and SEDUCA<sup>15</sup>. UNICEF had also employed 20 teachers to educate the children of the *zafreiros* who live in permanent as well as in mobile camps. Working in mobile camps is unappealing for teachers, as they have no choice but to live in the same conditions as the other people in the camps; mobile schools, although vital for the continuation of the education of many children, are therefore often difficult to actualise.

SEDUCA, in collaboration with UNICEF, runs a project that educates young Guaraní girls in an attempt to keep them in school and away from the harvest activities and household chores in the camps. Although very young girls are never expected to actually work on the plantations, they are commonly involved with camp related responsibilities, such as cooking and cleaning, and are prevented from continuing their schooling. There are 25 SEDUCA schools, serving almost 600 girls. The project also creates *aulas de apoyo*, or “help rooms”, for students who need extra help with school work. Parents are enthusiastic about the SEDUCA project, and more so about the *aulas de apoyo*. Parents also like the fact that there is contact with the teachers and the people leading the project. The schools are not in the *campamentos*, but the teachers and project administrators do visit the camps to see how the children are faring.

### Bermejo

UNICEF and ILO finance the *PETIZ* project in Bermejo together; but the project is implemented by OASI (and CCIMCAT since 2007). OASI focuses on the permanent residents of the sugar cane regions with productive projects such as growing vegetables and raising cattle, to help people generate additional income. The NGO also helps schools in planting vegetable gardens that have an

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<sup>13</sup> Oficina de Asistencia Social de la Iglesia

<sup>14</sup> Centro de Capacitación en Investigación de la Mujer de Tarija

<sup>15</sup> Departmental Education Service of the government

educational purpose, but that also provide food for the pupils. OASI thus motivates children in the sugar cane areas to attend school, improves schooling methods on non-traditional/alternative subjects and provides families with healthy food.

In 2005, OASI implemented a project aimed at the “eradication of child labour in the sugar cane harvest”. The project involved institutional strengthening, tripartite dialogue, awareness raising among policy makers and harvesters, and labour rights. Most of the effects of OASI’s project were on the institutional level. For example, a collective bargaining agreement was designed to improve the general conditions in which the *zafre* families live. Furthermore, a collective contract was drafted in collaboration with employers and employees (it has proven very difficult to develop a final version of this contract), which includes the prohibition of child labour. Negotiations between NGOs, the harvesters’ Federation and employers continue.

The Humanistic Centre for Technical Agricultural Education<sup>16</sup> (CETHA), located in the north of Tarija, educates (amongst others) ex-harvesters from the Bermejo sugar cane region. CETHA is an alternative educational centre for adolescents and young adults. Here the students, males as well as females, can complete primary and secondary school and then continue with a technical education. There are 7 courses from which the students can choose, including mechanics, handicrafts and weaving. Not only people who used to work in the sugar cane harvest attend the school, but they do make up about 20% of the student body. Students attend the centre for a week each month and most of them work the other three weeks. The education is very much determined by democratic and participatory guidelines; students begin the week with a plenary meeting in which they draft a week’s schedule, and they are all equally responsible for cleaning and other chores. Students are very enthusiastic about this type of education because it offers them the opportunity to create their own future, get out of poverty and become a professional. Whereas adolescent *zafre* in both Bermejo and Santa Cruz didn’t perceive education and becoming a professional as a future possibility, the *ex-zafre* adolescents who study at CETHA are actively working to change their lives. The strength of an institute like CETHA is that it offers education to adolescents and adults who, like they themselves mentioned, would feel uncomfortable attending regular schools surrounded by little children, but who do very much desire and enjoy the chance to study and develop themselves.

Based on the findings of this research, a number of recommendations can be made with the objective of eradicating child labour from the sugar cane harvest:

- Two strategies are important when looking at how to prevent children from entering the *zafra* work environment: the Ministry of Labour should implement more anti-child labour inspections at the plantations, and NGOs should put increased pressure on the Ministry of Education to supply more and better educational facilities for these adolescents. To be able to effectively implement anti-child labour regulations in both sugar cane regions, more financial resources and personnel are needed. Additional educational centres such as CETHA are essential to provide

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<sup>16</sup> Centro de Educación Técnica Humanística Agropecuaria

youths the opportunity to learn a profession and find work in sectors other than the sugar cane industry.

- Improved shelters for children of school-going age that keep them away from the plantations and the miserable living conditions of the *campamentos*, and which make it possible for them to continue education throughout the year. The existing mobile schools, or camp schools, are known for their poor quality education and inferior infrastructure. Their remote locations discourage most teachers from choosing to work there, as they then too must live and work in the same poor conditions as the harvesters. To guarantee the miner children a quality education and a safe and comfortable place to live while their parents work on the plantations, children should be offered alternative shelter, where they can live and attend school. These shelters should be close enough to the plantations to allow parents easy access, but far enough removed to protect the children from the unhealthy and inappropriate conditions of the plantations and camps. By removing the children from the plantations and camps you eliminate many of the direct risks, but you also reduce the chances of the children starting work at a too-early age.
- NGOs and governmental organisations should focus on developing well monitored projects in the places of origin of the migrants. Productive projects that generate sufficient income for people in their home towns diminish their need to migrate towards other places such as the sugar cane regions. Subsequently, this decreases the participation of children and adolescents in the sugar cane harvest.

# Working Children in Mining in Peru

Anna Ensing

## The research

The ILO estimates that 50.000 children in Peru are involved in the mining industry. Peru has ratified ILO Conventions 138 (minimum age) and 182 (worst forms), which lists mining as a worst form of child labour that should not be performed by anyone younger than 18. In addition, these conventions state that no one below 18 is allowed to work during the night, underground, with heavy weights or with toxic substances. There are also national laws concerning child labour; the Code for Children and Adolescents, for example, allows 16-year-olds to work in mining, but the code is currently being revised. The Ministry for Energy and Mining, however, has already raised the minimum age for working in small scale and artisanal mining to 18 years old.

The IREWOC research on working children in artisanal mining in Peru took place in two mining villages: one with a high incidence of working children and the other in which an ILO project claimed to have eradicated child labour in mining. The differences between the villages allow for some generalisations to be made about child labour in mining in Peru. This research aimed to evaluate each individual mining activity for its effect on children, subsequently determining to what extent the sector as a whole is a worst form and whether the existing legislation is appropriate.

## Living and working conditions of children in mining

The two mining villages involved in this study were Santa Filomena (Ayacucho region), and La Rinconada (Puno region). Both are migrant villages that came into existence in the wake of the sudden interest in gold mining. Migrants were predominantly poor people from neighbouring areas for whom artisanal gold mining was a survival strategy, with a shortage of other opportunities. Whereas the inhabitants of Santa Filomena are permanently settled, many of La Rinconada's inhabitants are temporary. The villages are at various stages of development, but still require important basic facilities, as well as social services. Children in both villages lack running water and a sewage system; in La Rinconada the children live in extreme climate conditions (at 5400 meter above sea level) and lack sufficient health care, among other needs. Santa Filomena is an organised community, but La Rinconada misses any form of security; domestic violence and alcoholism are the main problems of the village. The artisanal process of gold mining lacks advanced technology and has deleterious effects on the environment, particularly in La Rinconada. This affects children in particular, who need a healthy and safe environment and adequate health and education services for their development.

Despite the international conventions and the national legislation, children are involved in the mining sector and work in a wide arrange of activities. Where male adolescents are commonly found working at the *quimbalete* (gold ore processing) or inside the mines, younger children and girls are usually involved with sorting or crushing the ore. Children's working conditions are bad. Most children work without proper protection, even when they enter small mines or come into direct



Young boys in Santa Filomena processing the ore; above they are using the *quimbaleta* to grind the ore; below they are combining the ore with mercury to isolate the gold, without the use of protective clothing.

contact with mercury. In addition, working hours can be long, particularly for the young *quimbaleteros* in Santa Filomena who work about 72 hours a week. In La Rinconada the *pallaqueras* (women that sort through the ore) often start at night, sometimes with their children.

The consequences of the mining activities for the children's health are serious, but the impact will mostly only be experienced in the long term. The best example of this is the detrimental effect that working with mercury can have on a child's health. Other health risks are related to dust entering the lungs, accidents with falling stones or toxic gases. In addition, the adolescents agree that work inside the mines is very tough and exhausting.

Many activities in mining are easy to combine with an education. The largest amount of children and adolescents are found working during school holidays. Some children work for short periods before or after school, helping their parents. Consequences for education are nevertheless negative, since the children don't receive quality education per definition due to the place they are living; the remote places in which mining takes place, and the poor living conditions that these places offer, fail to attract quality teachers. In addition, working children are more likely to skip a day from school. Working adolescents, especially in La Rinconada, are more likely to work full time instead of attend school and do homework. Whereas the younger children live and work together with their families, some adolescents migrate alone to the mining villages. The former situation is preferable, as a family offers a child some source of comfort and protection, to some extent limiting exposure to potential physical, social and moral hazards.

It is not only the working children but also the non-working children in the mining villages who deserve attention, as they are also affected by the severe pollution caused by mining and the lack of sanitation and other facilities in the villages. Even with improved working conditions and the eradication of child labour, children would continue to be at risk just by living in a mining village such as these. Children are denied essential rights and the entire sector should therefore be considered as a worst form of child labour.

In Santa Filomena, mining methods have been improving, but not yet sufficiently. They are planning to separate living and working areas, which would significantly improve children's living conditions, but the working adolescents would continue to work in hazardous occupations.

## Why do children work?

Children's participation in artisanal mining can be explained by a variety of reasons. Some parents chose to take their young children to work because of the lack of safety in the village and the distrust among its inhabitants. The existing child care facilities are insufficient, too remote or in a poor state. Besides, the mining villages are mostly inhabited by families from rural areas. According to their tradition, children help their parents and this help has always been valued. The fact that living and working quarters are not separated facilitates children's help in their parents' work.

Adolescents usually work to contribute to their family's income, to be able to provide for their own basic needs or to provide for personal expenses that may not be considered to be poverty-related, such as new clothes or an mp3-player. The latter example only refers to part time working adolescents. The responsibility of many adolescents to provide for their own school requirements also drives many of them to work. Children from large families, or with single mothers, are more likely to work because they will have more financial pressures. The presence of schools in the

mining villages means, on the one hand, that more children attend school, but on the other hand it encourages families to bring their children along, adding to the likelihood that they will also eventually work in mining or be affected by its harmful factors.

The informal and elaborate production chains make the process more accessible for children. Because of its higher level of informality, many more children are working in the production chain in La Rinconada than in Santa Filomena. In the latter village, an important part of the production chain involves formal working conditions and modern technology. The production chain is shorter and somewhat more mechanised, requiring skilled labour. Moreover, the area around Santa Filomena benefits from a regional union that represents and defends the interests of the artisanal miners. The mining concession is in the hands of the miners and the power relations are accordingly much more equal than in La Rinconada. Child labour is less of an option and less necessary in Santa Filomena. In La Rinconada only the contractors are organised; the labourers lack any kind of official structure.

## Best practices and recommendations

Both communities have been the beneficiary of ILO projects, executed by local NGO's, and of some smaller initiatives, aimed at eradicating child labour. Local support organisations and the organisation of labourers, appear to be important for the improvement of living and working conditions of the miners in general as well as for the eradication of child labour.

While the general approach of the ILO projects have been the same in both villages, some important elements are different and have led to different results. The villages, it appears, depending on their characteristics, respond differently to similar interventions. The ILO intervention in Santa Filomena showed that child labour can be partially eradicated by formalising and mechanising a part of the production chain and by improving the welfare of the miners' families in the process. As only a part of the production chain is formalised and controlled, the remaining part, i.e. the *quimbaletes*, small mines and remote *pallaqueo* places, still involves children and adolescents. The establishment of the processing plant has replaced some of the *quimbaletes* and provided more income for only some of the miners. However, reinvestments of profits may in time lead to a big scale plant that all miners can use. The plan in Santa Filomena of separating the living quarters from the mining areas also promises an improvement; there will be fewer incentives for children to work and fewer health risks due to pollution.

The case of La Rinconada has made it clear that awareness raising about child labour is not effective as long as structural needs, such as safety and the family income, are not improved. Some mothers agree with the harms of child labour in mining, but don't see things changing for as long as there is a lack of child care and for as long as they have serious financial needs. Alternative income generation can be effective, but only if these activities are at least as remunerative as the participation in the gold production. Women that learned weaving continued to combine this with *pallaquear*, since the latter activity offers them a relatively quick and secure income.

Unequal power relations and an elaborate production chain mean that the intervention that was applied in Santa Filomena is unfeasible in La Rinconada. Mechanising mines in La Rinconada would bring economic benefits to the contractor, but few to the common miners. Labourers are less likely to stop sending their children to work if there is no compensation, and since in La Rinconada the

labourer carries out most activities himself, rather than outsourcing, participation of his child is a rational choice, and hard to control.

Based on the experiences of former and current interventions, and the results of this research, recommendations for future interventions can be formulated. Since most mining villages consist of migrants, interventions focussed on development in the places of origin would be preventative. When intervening in mining areas, the following strategies should be combined to achieve significant improvements.

- Interventions focussed on the production chain have proven to be successful, when applied under the right conditions. Changes are necessary in such a way that they reduce child labour, and at the same time improve working conditions of adults. The process in Santa Filomena can serve as an example. Interventions should focus on lobbying for proper legislation, and the organisation of adult miners. With relatively equal power relations, mechanisation leads to more income. Once there are incentives and benefits for adult labourers, respect for the law can be demanded. Contracting children is in this way less of an option for the local employers and less necessary for the parents who work in mining.
- Child care centres are necessary to enable working parents to bring their children to a safe place while working. Also child care and support for orphans should be provided, to prevent them from working for their survival.
- To bring an end to the damage caused by mercury (both to people and the environment in general), mining methods need to change. Technical support is needed to actualise systems of ore processing that do not use mercury. Since advanced systems will not be viable for small amounts of ore, miners will be forced to form cooperatives instead of working individually. Also, loans for new adult miners, with the condition to respect all social and environmental rules, would promote new investment in the village.
- Separating the village into living quarters and a mining area is necessary to prevent children from living in harmful conditions and reduce the incentives for them to work in mining.
- The provision of free education would diminish the need of adolescents to work; an improved quality and relevance of education would reduce the likelihood of them ending up in unskilled and hazardous labour.
- Dissemination of information on the risks of child labour in mining can be useful to prevent parents from bringing their children to the workplace. The case of La Rinconada showed that interventions should deal with existing norms on working children carefully, to avoid rejection.
- The CPETI unites the most important forces against child labour on a national level and assembles a large amount of knowledge and experience. Supporting its members' interventions would contribute to joint actions working in the same direction, which will increase the consensus and the sustainability of the interventions.



**Fifteen-year-old boy working as a porter at the fruit market in Lima; he is a member of the Warma Tarinakuy young porter's association.**

# Children Working at the Wholesale Markets and in Waste Collection/Recycling, in Lima, Peru

Anna Ensing

## The research

Approximately 30% of the working children in Peru live and work in urban areas. The work of children and adolescents is generally “uncompensated family work”. In accordance with the ILO conventions 138 and 182, Peru’s National Directive Committee for the Prevention and Eradication of Child Labour (CPETI) has labelled the work as a porter at markets, and work with waste materials, as harmful activities for children. Other activities at the markets are not specifically identified. This research aimed to evaluate each individual activity of the sectors “waste recycling” and “markets” for its effect on children, subsequently determining to what extent the sector as a whole is a worst form and whether the existing legislation is appropriate.

The IREWOC research on worst forms of child labour in urban sectors of Peru focussed on wholesale markets and waste recycling centres in Lima. The two sectors involve different activities and are carried out in different parts of Lima: in the centre and at the outskirts respectively. Separate conclusions are drawn about the two sectors, instead of about work in urban areas in general, but there are also sufficient similarities which identify characteristics that apply to child labour in urban settings as a whole.

## Living conditions of working children

Children working as market porters were observed at two wholesale markets in Lima: Mercado Mayorista no. 1 (vegetables) and Mercado Mayorista no. 2 (fruit). Both are located in the La Victoria district, in the central part of Lima. Waste recycling was observed in the Carabayllo district, in the Las Lomas de Carabayllo neighbourhood. The Carabayllo district makes up part of the peripheral zone of the capital city.

Although the living and working conditions of the children in different economic sectors vary a lot, there are also similarities to be found. In both parts of Lima, a sizeable chunk of the population, including the working children, is made up of first or second generation migrants from the countryside. The migrants usually move into the poorest parts of the city: on the periphery, where they lack basic services, or in the centre of Lima, where there are serious safety problems. Working children mostly come from large families, but many families are broken, resulting in single mothers with multiple children. Especially in La Victoria there are additional problems such as domestic violence and alcoholism. A number of the working children are either orphans or their parents continue to live in the countryside. This is obviously a vulnerable group. Schools are available in both neighbourhoods, but the quality is often poor. Most children lack any educational support from their parents. Parents, if present, don’t attend meetings with teachers and don’t check their

children's homework. Some working children in La Victoria participate in the Alternative Basic Education (EBA); this programme provides very basic (and poor quality) education in the evenings.

Health problems in both neighbourhoods mostly concern a lack of hygiene. Las Lomas de Carabayllo suffers from an abundance of waste due to its proximity to the city's dumpsites; some children literally live surrounded by garbage. Another problem in this neighbourhood is the air pollution from illegal lead smelting, and from rotting and burning garbage. The local healthcare centre cannot support the number of inhabitants. In La Victoria, the improper disposal of garbage leads to putrefaction of vegetables and fruit in the streets; this is especially bad around the wholesale market for vegetables. Working children in both areas are thus denied essential civil rights, such as a healthy and safe living environment.

## **Children's work and working conditions**

Despite international conventions and national legislation, 7-year-olds already perform a wide variety of activities in both the markets and waste recycling centres. In Las Lomas de Carabayllo boys and girls collect waste in the streets, and they sort through all kinds of materials at a small dumpsite. Materials vary from different types of paper and plastic to glass and even clinical waste such as intravenous tubes and needles. Male adolescents of about 15 work at a large garbage dump or on a garbage truck, collecting and sorting through waste which can afterwards be sold; the activities here are considered to be too heavy for younger children and girls. Working hours vary from an hour collecting garbage in the streets, and up to 12 hours working at the garbage dumps or on garbage trucks at night. The children and adolescents lack any form of protection against the unhygienic conditions and are paid according to their productivity; an 8 hour working day at a dumpsite usually pays about 10 sol (2.50 euro). Consequences of the work are mostly health related; yeast infections are common and children often harm themselves on the materials they come into contact with. The pollution also leads to serious health conditions, such as an increased level of lead in children's blood.

There are adolescents of 14 who already work full time and stop school altogether; younger children tend to combine school and work, but are mostly neglectful of their homework. Children don't generally enjoy their work and some even feel ashamed of it; this leads to poor self esteem. Exceptions are children who occasionally gather waste in the streets; they mostly consider their work as recreation and an opportunity to temporarily escape from their homes.

At the markets, most children work as porters or informal sellers of vegetables, food and drinks. Others are involved in shoe-shining, the clothing industry, restaurant work, or collecting waste. A clear distinction exists between the working conditions on the fruit market and on the vegetable market. The first accepts formally organised porters of 14 years and older; they are obliged to go to school. The vegetable market has a poor system of control and young children are abundantly present, performing all kinds of activities. The markets are considered to be one of the most unsafe areas of Lima due to the presence of delinquency, selling and using of drugs, prostitution, and youth violence. The children start work at the markets extremely early in the mornings. Working hours vary from 2 hours of selling juice in the weekends, to 8 hours selling vegetables on a daily basis. The adolescents at the fruit market work under slightly better conditions, since they enjoy more protection, start somewhat later and go to school. These conditions are a result of the well

organised market. On the other hand, these children and adolescents carry heavier loads. Effects of the work vary per activity. Some porters experience health problems due to the heavy loads they carry. Children are often tired from the early starting times. Several of the children don't go to school and those who do, commonly fall asleep in class. In the case of migrant children, the work indirectly breaks up a family.

The effects of children's work in both sectors are generally negative, although they are not always perceived as such. Working conditions are in violation of many of the national and international laws regarding child labour and living conditions offend many important child rights. The entire sector of waste recycling should be considered a worst form of child labour because of its harmful working conditions for all children involved. Markets as a whole do not fall under the worst forms of child labour; there are significant differences between the working conditions at different markets, and between the effects of various activities. Hence, the harmfulness of work at markets cannot be generalised and can only be determined when looking at the specific market, activity and working conditions. However, the research shows that the majority of the working children at the vegetable market, as well as the young porters who carry extremely heavy loads at the fruit market, find themselves in a worst form of child labour. Work at markets should thus be strictly regulated.

## **Why do children work?**

Most children work because of a combination of factors, such as economics, lack of available childcare, poor safety, poor educational services, and existing norms. A lack of safety and childcare drives mothers to take their children to the workplace. This is even more so for children without parents; they often have no other survival strategies. Children who work for economic reasons do this mostly to contribute to their family's income or to be able to provide for their own basic needs. Economic needs are related to the size of the family, family problems, the separation of relatives and adult unemployment, among others. Existing norms also play a role. According to rural Andean tradition, children help their parents, and adolescents are expected to cover their own expenses. Working and helping is often perceived as positive for children. Educational services are inadequate in the countryside, thus many children migrate to urban areas. The deprived urban areas they live in present poor quality education and high costs for further education. Adolescents are indirectly forced to work in unskilled and hazardous jobs since they are not able to follow higher education.

Informal activities are more accessible for children. In Carabayllo, authorities are not able or willing to inspect the informal sector on child labour. Employers pay their employees according to production rather than a fixed salary, which also facilitates the participation of children; parents can increase their income by occasionally bringing their children. It is interesting to observe the difference between the strictly managed fruit market and the chaotically informal vegetable market; child labour is much more present in the latter. The fruit market is managed by labourer associations, including one for the young porters. When the labourers are organised and involved in the management and rules of the market, they are more likely to comply with rules, including those concerning child labour. The associations at the fruit market prohibit working children younger than 14 and regulate the older porters' work.

In addition, working and living areas are closely entwined in both sectors; this increases exposure, and the chance of children working. In Carabayllo, children often work in the exact same place as they also live.



A fifteen-year-old boy sorts through clinical waste at a garbage dump in Las Lomas de Carabayllo; here he is seen with intravenous tubes.

## Best practices and recommendations

NGO interventions in Peru can be roughly divided into the ones supporting an *erradicacionista* point of view, working for the eradication of child labour, and the ones that support a *regulacionista* point of view and prefer to regulate children's work and improve labour conditions. NGOs have been active in both sectors involved in this study. In Las Lomas de Carabayllo there are many NGOs, of which the most important are CESIP and Proceso Social. Important components of their interventions have been the personal development workshops for children, adolescents and parents; they focussed on parent-child relations, self esteem and moral values. It has become clear that economic support is also necessary to reduce child labour. A selected group of adolescents received this support in the form of scholarships and a group of parents in the form of micro credits for a business. The strategies appeared to be successful in reducing child labour. Parents, after successfully establishing a business, were able to leave their children at home, and began to see the relevance and importance of doing so. Adolescents, who were working to save money for school, were able to stop working. However, only a relatively small part of the significant population was reached; those children working in extreme conditions were evidently harder to reach. They often

lack the support of their parents, or their parents aren't able to achieve a significant change in their own situations.

The interventions carried out at the vegetable market are based on the *erradicacionista* point of view; they offer personal development workshops, focussing on recreation, self esteem and educational support. The interventions at the fruit market, although supporting the eradication of the worst forms of child labour are in practice rather *regulacionistas* by nature, and their focus is on improving working conditions for adolescents. Youth organisations like Warma Taranakuy at the fruit market, although indirectly facilitating dangerous work, are able to improve young workers' working and living conditions by offering educational support and protection and by setting an age limit. Due to the interventions and the strict management of the market, working adolescents work according to acceptable standards. Only because of the heavy loads they carry, does the activity still represent a worst form of child labour. At the vegetable market, CESIP and its youth group NUGAT accomplish important results on a personal and educational level; several children expressed improvements to their self esteem, and choice to return to school. Adolescents receive support in moving to a less dangerous job, but dangerous conditions at the market, which the children face during their work, have not been improved. The intervention also provides a form of childcare, which keeps children away from the work floor. The lack of publicity and the voluntary character of the youth group are, however, the reasons for the relatively small amount of participants.

Based on the experiences of former and current interventions, and the results of this research, recommendations for future interventions can be formulated. Considering the diversity of working children and the combination of causes that lead to child labour, the solution requires a combination of strategies.

- Orphans and abandoned children, but also young children in general, need adequate childcare, so that they are kept away from the dangers, and the temptations, of the work sphere and in a safe environment while parents work. Quality childcare is important to enable parents to work without taking their children along.
- In the case of working children who live with their families, an increase in the family income is needed. In peripheral zones of urban areas, promotion of income generating activities can be a solution. Since children from single mothers and large families are more likely to work, interventions should, in their effort to raise the family income, include family planning, gender equality and support for single mothers.
- Organisational changes must be made. Income for working parents must be increased, so as to reduce the incentive and possibilities for children to participate. The main concern is to get labourers organised, and the sector regulated and formalised.
- Waste collection and separation is very important in huge urban areas like Lima. The sector should be organised as a new economic sector providing employment with decent conditions for adults. To prevent poor people from being excluded, investments should be made in small local companies and cooperatives.
- In the case of the wholesale markets, the fruit market could serve as an example of a market where the youngest children are unable to work, and regulations for adolescents and adults are upheld. It is important to organise the adolescent and adult labourers and give them a say in the

organisation. This will facilitate the establishment of rules supported by the labourers, and local solutions for child labour.

- Subsequently, improved sectors should be subject to labour inspections on general working conditions, pollution and child labour.
- Separating working and living areas is vital to prevent children from living in harmful conditions and keep them separated from the lure and dangers of the labour areas.
- Education must be improved in both urban and rural areas, to prevent children from migration in the first place. Considering the lack of practical use that many children gain from education, realities of the children's lives should be kept in mind. Affordable higher education is also important.
- Existing norms are not easy to change and require time. Attention should be given to the fact that non-working children are not automatically idle children, and will achieve more when they are able to concentrate on their education. Local values should, however, be recognised and be treated with care to avoid contradictory effects.
- Finally, international organisations should play a role in supporting CPETI. By coordinating interventions through CPETI, activities will less likely be counterproductive or contradictory. Decisions, concerning policies and interventions, will be made by a variety of actors, including state institutions, and will make use of the available joint experience and knowledge, thus increasing the consensus and sustainability.



**Children live and play on the same site of their parents' waste recycling business.**

# Children Working in Mines and Quarries in the Cajamarca Region of Peru

Marten van den Berge

This phase of the IREWOC research on worst forms of child labour in Latin America complements other fieldwork conducted by IREWOC in the mining sector in Peru<sup>17</sup>; additional research was deemed relevant because of the large quantity of mining activities in the region. Mining is economically and socially significant in Cajamarca and a multitude of studies have been conducted, yet none make any mention of child labour. The main reason appears to be the fact that most mining projects in Cajamarca are large-scaled. Most child labour in mining, however, is found in small-scale artisanal mining; this form of mining is primarily non-mechanised and family based, with a lack of external control. Large-scale mining, on the other hand, is highly mechanised and controlled, making the need for children's labour very small and the opportunities for children to work almost impossible.

The above situation was found to be true, during this IREWOC research, in the region's biggest and most mechanised mining plant, Yanacocha. Yanacocha unequivocally upholds the ILO Conventions 138 and 182, and the national laws on child labour, which all clearly prohibit entry into the mines to anyone younger than 18. These regulations are controlled rigorously and consistently. During this research the mines were visited on numerous occasions; it was clear to see how legislation is upheld and no children were found at the plant.

However, even though children do not work at or in the mines, they were found to be involved with other mine-related activities; activities that exist due to the presence of the mines. The NGO Manthoc<sup>18</sup> brought us into contact with children from the rural village Pullucana, near the city of Cajamarca. They were making bracelets and necklaces from gold. It concerned a group of about 15-20 children, boys and girls, aged 8-18. Although the children found this work extremely boring and complained about occasional discomforts, they also stated that they had never developed any permanent physical pain or injuries. Their activities, in addition, did not seem to have any negative consequences for their schooling. Even though their activities should be considered child labour, as it concerns paid labour for underage workers, the specific characteristics of their activities do not lead to the categorisation of a worst form of child labour.

Several representatives of NGOs and the regional government stated that, although the Yanacocha mines are well controlled, there are still children working in the more informal artisanal mines of the Cajamarca region. The mines that were specifically mentioned were those of Huallcayoc (in

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<sup>17</sup> See the research report on child labour in mining in Peru by Anna Ensing

<sup>18</sup> Movimiento de Adolescentes y Niños Trabajadores Hijos de Cristianos (Movement of Working Children and Adolescents from Christian Working Class Families).

Huallcayoc province), Algamarca (in Cajabamba province) and Huamachuco (in Huamachuco province). The IREWOC project could unfortunately not incorporate all these mines because of their remote and dispersed locations. It would be worthwhile, however, to investigate if the reports of child labour in these artisanal mines are true, and if so, to explore how many children are involved, what their activities are, and under which conditions they live and work.

IREWOC chose, instead, to study the situation in the stone quarries of Chota province, where the NGO IINCAP Jorge Basadre implements an ongoing project concerning working children.<sup>19</sup>



**Eleven-year-old girl crushing stones alongside the road in the rural village La Cangana.**

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<sup>19</sup> On the way to the city of Chota it was clear to see that dozens of children also work in chalk quarries alongside the road from Cajamarca. No official statistical data exists on these children, nor is any governmental or non-governmental organisation actively involved. Thus again, another location and many children who are in need of attention.

## Child labour in the Chota stone quarries

Children working in the Chota stone quarries mainly do so alongside the road that runs alongside the rural villages of Santa Rosa and La Cangana, just outside the city of Chota. The IINCAP project is active with a group of about 25 children who work near the village of La Cangana; the NGO estimates that about 100 children work in the stone quarries in that area. The children encountered were surprisingly young; more than half were under 14, and the youngest was only 5. It was unexpected to find only a small gender difference: more or less the same number of boys and girls perform the work.

The main activity for the children in the stone quarries is breaking stones into gravel with a hammer. The children sit on a little bench, a rock or a tin can and hold the stones between their feet. There is a small age difference in the activities children perform: the older children retrieve the rocks from the mountainside across the road and carry them in sacks or in pieces of plastic back to the other children. The older children break the larger stones into more manageable-sized ones. They then pass the smaller stones to the younger or less strong children, who shatter the stones into gravel.

The main risks of these activities include wounds to the hands, legs and feet, bone fractures and eye injuries. All of these injuries were found among the children we encountered. The children also suffer from non-physical consequences; the heavy work leaves them exhausted, resulting in poor concentration at school, and thus an increased chance of repetition or eventual dropout. Taking these physical and educational consequences into account, child labour in the stone quarries in the province of Chota can indeed be classified as a worst form of child labour as defined in ILO Convention 182.

There is a combination of reasons why children perform these activities. Firstly, the children have to contribute to their family's income, because of the severe lack of job opportunities for adults in the community. Most adults are engaged in agriculture and livestock, which insufficiently provides about 1 euro a day. Adults and children are therefore forced to engage in other income generating activities that the region offers, such as stone crushing. Economics is clearly a motivating factor for children to be active in the quarrying sector, and is further proven by the fact that children from the neighbouring village, who have more economical assets, are not involved in this sector. All the children found crushing stones along the roadside come from the poorer families in the community. Many of the working children also belong to one-parent households, or families in which the father has temporarily migrated. These situations result in women and children having to work to complement the temporary lack of income. "Tradition" also plays a role in the continuation of the work; fractures, wounds and eye infections are not seen as dangerous risks, but as "normal labour-related incidents". The possible dangers of the work are taken lightly, but parents would nevertheless prefer their children to not do this work.

## Lessons learned

The NGO IINCAP Jorge Basadre has been developing several activities to get these children out of the quarrying sector. One of its main strategies is to pull the working children into the formal educational system, to support them in their studies, and to keep repetition and dropout rates as low as possible. The assumption is that when children spend more time in school and on educational

tasks, they have fewer hours to spend in the quarries. IINCAP helps parents to meet educational costs and to set up control and monitoring systems in schools. Parents and children alike confirmed that the monitoring at schools prevents children from dropping out too easily, and keeps them from working more hours. However, parents also stated that the financial support they receive does not equal the contributions the children make with their work. We found that many children still work during the weekends and sometimes before and after school. This strategy thus successfully reduces working hours, but does not seem to offer a structural method of getting children out of labour activities altogether.

For this reason, IINCAP also educates children and parents on children's rights and motivates the children to become organised as a group. The hope is that the knowledge of their rights, and the strength in numbers, will help protect the children and to eventually improve their situation. The parents will, ideally, change their attitudes towards allowing their children to work. Children and parents alike appreciated the informal child right education offered by IINCAP, especially as a complement to formal education. Parents mentioned that their attitude towards their children had indeed improved and that it had helped them to inform their children (on, for example, sexual education). The children enjoyed the weekly informal educational meetings and the activities organised. However, there is little proof that an enhanced knowledge of child rights has directly contributed to reducing levels of child labour in the region. Children and parents commented that even with their new knowledge they still endure the economic need for an additional income. In addition, they generally do not feel free to demand better working conditions as there is much competition in the region.

IINCAP is negotiating better prices for the gravel at the municipality, one of the major consumers of the gravel. It is doubtful in how far this will contribute to the goal of eradicating child labour; some children and parents stated that working hours would actually increase if prices improved. The future plans of improving working conditions by supplying eye protection, boots and gloves, seems to be contrary to the goals of eliminating the worst forms of child labour; it would only partially eliminate some of the dangers of the activities children carry out.

The IINCAP is also negotiating with the municipality to employ the parents; this strategy is very promising as parents stated that they would not send their children to work if they had a permanent, well-paid job.

Lastly IINCAP established a platform of local organisations who work on child right issues, comprising both governmental and non-governmental organisations (UNICEF, the national police force, local representatives of the Ministry of Education and Labour, etc). The platform has successfully initiated an awareness raising campaign, so as to improve the situation for child labourers in Chota. Although in its early stages, it does have a lot of potential to combat child labour in Chota.

## Recommendations

Based on the observations made in Chota, the following recommendations can be made:

- Educational support should be accompanied by plans to combat the structural and economic reasons for children to work. The emphasis on formal education system and informal child rights education as a strategy to get children out of working activities is not sufficient. This research

has shown that children can combine their labour activities with school. Additionally it showed that improved knowledge of child rights does not automatically mean that these rights are guaranteed. Education alone has a limited effect on reducing child labour as it does not address the main reason for children working: an inadequate family income due to a lack of job opportunities for the parents.

- Address the lack of job opportunities for the parents; an option could be to offer financial aid to expand existing agricultural activities. Parents expressed the belief that the contributions made by children would not be necessary if they had more land and/or livestock of their own. Unfortunately, until this time, both parents and IINCAP have not been able to materialise the necessary funds. Parents earn too little to save and taking out a loan is difficult without assets; IINCAP has not been able to find financial backers who are willing to fund this possible solution to local child labour. An alternative strategy could be to intensify the lobby campaign at the local government level for permanent and well-paid jobs for the parents of working children.
- Mechanise the activities children (and adults) perform; this would entail the purchase of a stone crushing machine. Mechanisation makes child labour redundant, but the loss in income is compensated by the higher prices obtained for machine-crushed gravel. Local adults and IINCAP staff agreed that mechanisation would be a good idea, but the community is as yet unable to raise sufficient funds, and is at the present time unable to organise themselves properly into a cost-, profit- and responsibility-sharing cooperation. Thus, initial support would have to focus on organisation, and could be done based on existing *rondas campesinas* (traditional forms of peasant self-organisation).
- Increase investments in the local child rights platform. The platform has the potential to bring together and streamline existing knowledge, to create local norms concerning child labour and to coordinate proposed strategies and activities. As a group it has more power to lobby the government and demand compliance with and better control of national labour laws. It could improve collaborations with the regional government of Cajamarca, which is responsible for the implementation of the national plan for the prevention and eradication of child labour<sup>20</sup>, and which has lately seemed to become more interested in working on the issue of child labour.

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<sup>20</sup> The Peruvian National Committee for the Prevention and Eradication of Child Labour (CPETI) is composed of several state and non-state actors working on child labour. Jointly they established a national plan to address the problem of child labour. Individual regional governments are responsible for implementing this plan on a local level.



**A group of young boys and girls producing gravel, near Chota.**



**The young children who produce gravel do so without protective equipment. They all have the telltale wounds on their hands and feet. Many also have eye injuries from rock shards.**

# Conclusion

In line with the positive news of the latest ILO global ILO report “The End of Child Labour. Within Reach” [ILO 2006], the IREWOC research on the worst forms shows that on a national level there have indeed been several positive trends in the research countries. Bolivia, Peru and Guatemala have ratified ILO Conventions 138 and 182 and have incorporated the recommendations of these conventions in their national child labour laws. Peru and Guatemala have, in addition, compiled national lists of specific worst forms of child labour<sup>21</sup>. All three countries have established national commissions for the progressive elimination of child labour.

These positive trends, however, were not necessarily observed at a local level. Our research shows that there are still hundreds of children engaged in activities that form a direct threat to their mental and moral health and jeopardise their education. It was found that the numbers of these children are on the increase in some of the researched sectors<sup>22</sup>. In addition, mainly because of a lack of implementation, the progress at a national level was seldom found to have a positive impact on child labourers and their families at a local level.

Beyond statistics, our research took a more qualitative focus and concentrated on the community level. It specifically aimed to document the living and working conditions of child labourers, to explore the true reasons why children are (still) working under these conditions and to identify and analyse initiatives of governmental and non-governmental organisations to eliminate these worst forms of child labour. Based on our conclusions and analyses of existing projects we propose several practical recommendations for possible interventions. These recommendations have been discussed in several workshops in the research countries, with the working children and their families and with policy makers of governmental and non-governmental organisations. This collective effort has resulted in the following general conclusions.

## General living conditions

Most of the children engaged in the worst forms of child labour, not only work, but also live in very poor conditions. They are from the poorest and most marginalised sections of society, often living in isolated conditions: in mines high up in the mountains, hidden in semi-slavery on plantations and surviving in city slums. This isolation implies limited state control and therefore a lack of state services. Thus, the children involved with the worst forms often lack proper housing, live in an

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21 The national worst forms lists are available from [http://white.oit.org.pe/ipec/documentos/ministeriodetrabajoprev.social\\_gua\\_reg.pdf](http://white.oit.org.pe/ipec/documentos/ministeriodetrabajoprev.social_gua_reg.pdf) and <http://www.ilo.org/dyn/natlex/docs/SERIAL/74387/76537/F840253364/PER74387.pdf>

At the time of research in Bolivia the government was still in the process of consulting different sections of civil society for the construction of such a list.

22 This was, for example, the case in the mining sector in Bolivia as a result of an increase in the price of minerals.

unhygienic and polluted environment with a high level of insecurity and delinquency, poor access to potable water and sanitary services, as well as good quality healthcare. Access to, and quality of, educational facilities are also mostly a problem for these children<sup>23</sup>. The children characteristically live in one-parent households; often female headed households in which the male adult has died, temporarily or permanently migrated or in which parents are divorced.

## Worst forms?

In the studied sectors children and adolescents perform a wide variety of activities of which several are harmful to children's health, safety and morals and can therefore be classified as a worst form of child labour<sup>24</sup>. Some activities are, by nature, a direct threat to children's health; these include activities performed in the stone quarries, mining activities related to the extraction (in mine shafts) and processing of ore (*quimbaletear*), work with machetes (the actual cutting of sugar cane, weeding and trimming at the coffee plantations), working on the garbage dumps, and working with chemical fertilisers.

There are several activities children perform that are not directly dangerous, but the conditions in which they are carried out determine their harmfulness (For example, working in polluted areas, in unsafe environments, without medical care, etc.). Because of their polluted and dangerous context all mine related activities can be categorised as worst forms. The conditions in which children work at the markets and on sugar cane and coffee plantations also present several physical dangers.

Besides the physical dangers, several activities put children at risk of experiencing psychological difficulties. Children often feel ashamed of their work and stated they feel sad and unhappy because of the work they do. Several of the working activities were also found to have serious consequences for education; most young children encountered in the worst forms of child labour are more likely to skip a day of school, perform below their abilities, or neglect their homework. This is mostly due to the fact that they are tired from work. Most working adolescents work full time and quit school altogether. Particularly in sectors involving migrant labour (sugar cane and coffee plantations) many young children were found who do not go to school at all.

Many activities are performed on the basis of age and gender. On average, the older adolescent boys are most involved in hazardous activities (for example, heavy work in mines, working as porters in the markets and working with machetes). Within the studied sectors girls were found to mainly perform assisting tasks such as cooking, serving food and cleaning. Sometimes these activities can be classified as worst forms because of the long hours and unprotected circumstances in which they are carried out. Young children performing work that is hazardous by nature were mostly found in the quarrying sector and in the recycling of waste material.

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<sup>23</sup> Few properly trained teachers are willing to work in these extreme and remote areas. In addition, a lack of quality teaching materials and infrastructure, together with overcrowded classrooms, results in inadequate education.

<sup>24</sup> Hazardous forms of child labour as defined by article 3 of the ILO Convention 182.

## Reasons why children work

There are several reasons why children are engaged in worst forms of child labour. It is often found that parents (particularly migrants) take their children with them to work. Many families migrating to the sugar cane and coffee plantations do not want to leave their children behind at home and eventually, by accompanying them, children start assisting them in the fields.

Some children and adolescents work because of an absence of accessible and good quality education, but many work for survival. They perform the only available income generating activities in their region. All the parents were found to be working too, often in the same sectors. However, their jobs do not provide enough income to cover basic needs, and there seems to be no other option to increase the income but to have the children participate. The composition of the families also results in many children working. As mentioned, many children who perform a worst form activity come from one-parent families. In these cases the children are forced to (temporarily) supplement the household income and the only way to do this is to perform whatever work available. Unfortunately, this work is often hazardous in nature, or is performed under dangerous conditions.

Sometimes hazardous activities pay better than other, safer, options<sup>25</sup>. Here economical reasons (earning a good income) in combination with knowledge and assessment of the possible dangers, facilitate the entrance of adolescents into the sector. It appeared, however, that the physical dangers of working in these sectors were not always known by the workers or not taken seriously.

In some of the communities involved in this study, certain traditional norms and beliefs play a role in the presence of children in the worst forms of child labour. In rural areas, such as the Andean Altiplano, “work” is seen as an activity that integrates children into the community and educates them on existing beliefs. This generally occurs in rural contexts where children are expected to participate in light agricultural activities. Under the influence of migration these cultural norms on child labour migrate too; again they are mostly applied to light activities and not to the activities that children and adolescents perform that are dangerous by nature.

## Strategies and recommendations

In all economic sectors in the research countries several interventions by government and non-governmental organisations aim to improve the situation of working children. Based on our analysis of these initiatives we offer the following conclusions and recommendations:

- Improving school attendance, improving access, offering good quality education and monitoring the attendance of the working children and their results, helps to reduce the time children are working. It is important to state that the focus should not only be on primary education. As more adolescents are working in the worst forms, it is essential also to focus on improving quality and access to secondary and tertiary education. Informal (child right) education for children and parents also helps since, in some cases, parents do not send their children to work anymore. Additionally, educating parents and children on the dangers of child labour motivated

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<sup>25</sup> This was the case in the mines, where, because of an increase in the mineral prices, many adolescents left their work in rural villages, to come and make more money in the mines.

children and adolescents to stop working. However, it was also discovered that offering better access to and improving the quality of education as a strategy alone is often not enough to get children out of the worst forms. Many children in the worst forms combine their dangerous working activities with schooling. This means that strategies directed to education should be combined with other strategies that solve other structural reasons why children keep working in the worst forms.

- Many young children become involved in the worst forms because their parents have no place to leave them and therefore are forced to take the children with them to the work site. In these cases offering free day-care can help to reduce the amount of children becoming involved in the worst forms<sup>26</sup>.
- Mechanising the sectors in which children are working has been successful in some cases<sup>27</sup>. Mechanisation replaces manual labour and results in an increase of production and therefore of income, reducing the need for child labour. There are certain conditions which have to be taken into account before mechanisation of a sector can be successful: the communities have to be relatively small and well organised if they are going to successfully share responsibilities for the maintenance of the machines and income.
- As many children are involved in the worst forms because of a lack of safe, well-paid and stable jobs for parents, generating alternative employment deserves recommendation. The productive projects implemented with this objective have seen successes<sup>28</sup>, however only when the alternative jobs created took the local demands into account, when these were at least as lucrative as the dominant sector and when the people received continuing guidance and assistance in the process. As several worst forms sectors concern migrant labour, income generating jobs should primarily be created in the areas of origin.
- A relatively successful strategy to end the worst forms of child labour has been to separate the working and living areas<sup>29</sup>. In this way children are moved away from the often dangerous and

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26 Day-centres have been successful in reducing child labour in the mines in Potosí, Bolivia and in the recycling sector in Carabayllo, Lima. In Santa Filomena, Peru, the women organised a child care system themselves. They work every other day and take care of each other's children. None of these women still take their children to work.

27 This has been the case in the Santa Filomena mine, where a machine (a winch) was installed to get the minerals out of the mine. Mechanisation of the sector also deserves recommendation in the cases of quarrying in Peru and Guatemala, where machines can be installed to produce the gravel children are now making. Also in the case of the recycling on the garbage dumps in Lima this is recommended. Here machines could clean, cut or sort out different sort of materials, which would increase the production and reduce the direct contact labourers have with harmful materials.

28 In the San Marcos Highland in Guatemala, parents received courses and practical means to develop alternative income generating activities (bakeries, rabbit farms, and tailoring). By increasing their income in this way they did not experience the economic necessity to migrate to the coffee plantations with their children. In Santa Filomena and Carabayllo, a selected group of women received training and information about the management of a business. Afterwards, micro credits were provided, and administered by the organisation of the women themselves, to set up small stores.

29 For example in Pomarrosal in Guatemala, moving the village away from the work site helped to reduce child labour. The distance to the place where they used to crush stones is now considered

unhealthy work environment and an added bonus is that the newly developed distance is often experienced to be too far or too costly to keep on working in that specific sector. However, moving entire villages can only be done in cases where it concerns small communities. One also has to take into account that it is not a structural solution to the poverty many of these families live in, and therefore child labour may simply move from one sector to another.

- Governmental labour inspections have been effective in some cases<sup>30</sup>. However, the state only performs such inspections for a few sectors. There is a shortage of inspectors, and a lack of means to effectively carry out their tasks. Designating more resources and putting more emphasis on these controls is recommended. However, it is important to note that this strategy of control must be combined with strategies to tackle the structural reasons why children are working in the worst forms. (The children should not simply be excluded without being given alternatives.)
- Local self-organisation of workers can contribute to improving the situation of children and adolescents working in the worst forms. Through organisation young children have been successfully banned from the work floor and adolescents have been able to improve the conditions of their work. Improvements mainly concerned safety measures (such as working in a controlled area), rules on working hours, establishing an age limit and the obligation to go to school<sup>31</sup>. In Llalagua, Bolivia, adolescents tried to convince fellow workers to stop working inside the mine shafts and to instead opt for safer activities. In this case the activities that adolescents were performing changed from a worst form of child labour into a regular adolescent job<sup>32</sup>. One has to take into account that these strategies may be helpful to reduce numbers in the worst forms in the short run, but in the long run this strategy does not offer a structural solution to the reasons why children and adolescents are working in the first place.
- On a more general level, in the most successful cases it has always been a combination of above mentioned strategies, in which several actors have worked together, NGOs as well as state organisations and local self-organisations.

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too far for the parents and children alike. The plan is also being realised in Santa Filomena at the moment and appears to be promising.

30 In the mining town of Llalagua, for example, age inspections are carried out by the Mining Federation with the result that very few children or adolescents can be found working inside the mine shafts.

31 Such was the case at the fruit market in Lima

32 Complying with the norms and rules of ILO Conventions 138 and 182

# Appendix A

## Presentation of research results in Guatemala

The results of the 2007 IREWOC research in the Guatemalan coffee sector and in quarrying were presented in April 2008 during two local events and two national seminars. The fieldwork in the San Marcos department revealed that in the coffee sector large amounts of children, from the age of seven, participate in a wide range of activities. Some of these activities and the conditions under which they are performed harm the children's health and moral development. In the Retalhuleu department more than 200 families engage in the extraction of stones from the river banks. Children of seven years onwards perform the same harmful activities as their parents under untoward conditions.

**The presentations of the research results were held in San Marcos (the Coffee Sector, March 27, 2008, in cooperation with Funcafé) and in San Felipe Retalhuleu (Stone Quarries, March 28, 2008, in cooperation with CEIPA).**

In San Marcos, representatives of the Ministry of Labour and four NGOs exchanged experiences and opinions of the research results. They considered the documentation of the wide range of activities in which children can be found participating throughout the coffee chain to be one of the main contributions of the research. The testimony of a coffee worker at the meeting clarified the significance of the qualitative methodology in revealing contextual details and for understanding reality.

An important discussion took place on whether or not to categorise the entire coffee sector as a worst form of child labour. The research proposes an emphasis on the eradication of specific "worst form activities" that harm children because of their nature or the conditions under which they are performed, instead of a focus on the entire sector as such. Finally, the question of who should be held accountable for child labour (parents, plantation owners, governments), appeared to be crucial within this specific sector and generated an inconclusive but thought-provoking debate.

The workshop in San Felipe Retalhuleu, on child labour in the stone quarries, provided an opportunity for the teachers, parents, representatives of CEIPA and the Ministry of Education to meet and exchange opinions and experiences. The hazardous nature of the labour performed by children was not questioned, nor was the need for action to eliminate it. The focus of the discussion was more on the impact of the ILO/CEIPA project for the eradication of child labour in quarries. Whereas local people from one area explained that the project in their village had been a success, mothers from the second community expressed their dissatisfaction with the project results, mainly because they were badly organised and therefore unrepresented.

Local organisation proved to be a key element in the success of the intervention. Communication between CEIPA and the beneficiaries had been poor; the CEIPA staff members recognised the importance of organisation and committed themselves to henceforth increase their efforts to

improve communication. That was one of the main lessons that was drawn from the research results.

**National presentations of the research results were held in Guatemala City, on April 10<sup>th</sup> & 11<sup>th</sup> 2008, in cooperation with Childhope Guatemala.**

In the morning session, the research results were presented to 40 NGO and GO workers (Ministry of Labour, PAMI, Funcafé, CEIPA, Intervida, Childhope, among others). The Funcafé director expressed his concerns about the possibility of the research results harming the coffee sector. After a brief discussion the public decided that it was more important to give attention to the reality of child workers, than to protect the sector. The specific cases concerning labour conditions and the participation of children that were illustrated by the results were recognised by the participants and some shared their experiences in similar or even more alarming situations.

As a reaction to the statement that child labour is also caused by traditional patterns, participants were right to argue that these traditions have developed throughout centuries of economic structures that exclude certain groups, especially the poor. The importance of a historical analysis of these structures and of social relations, which will be included in the final research report, was underlined. The differences, in the coffee sector, between migrant families, plantation inhabitants and small coffee growers were considered to be an important revelation.

The presentation of recommendations based on case studies provoked both positive and critical reactions. The use of the concept “best practices” was opposed as it does not reflect reality. The projects have had successes on the one hand and shortcomings on the other. This motivated us to reflect on the concept and to decide to instead speak of “lessons learned”.

The recognition of the importance of a combination of strategies and the identified failure of individual project components (such as scholarships) were two important research results. Representatives from different NGOs, nevertheless, emphasised that the value of individual components in improving children’s situation should not be underestimated. The significance of scholarships in increasing the amount of time children spend in school was offered as an example of this. Although this is not denied by the IREWOC research, it proposes a structural and sustainable strategy that increases people’s opportunities and options in practice.

This exchange of positions led to a discussion on the role of education. Some argued that attending school always means a better situation for the child; others agreed with the research conclusion that education must not only be available and accessible, but also of good quality and capable of improving chances on the labour market. The fight against child labour is also a fight for better education.

During the afternoon group discussions took place concerning four of the research recommendations, and concrete actions to be taken were defined. Some of the GO and NGO representatives committed themselves to put the actions into practice. The responsible parties were identified and a time span was set for each of the following actions that were derived from the discussed recommendations:

1. Recommendation: “Urgent measures have to be taken against the following activities undertaken by children: fertilising, trimming, weeding and carrying heavy loads.”

Action: demand the approbation and implementation of the intra- and inter institutional protocols related to the 250-2006 agreement (National list of worst form activities)

2. Recommendation: “Encouraging the formation of cooperatives that have a specific plan concerning child labour could be an effective strategy.”

Action: promote the establishment of cooperatives in the quarrying- and coffee sector.

3. Recommendation: “Involvement of local and regional governments increases the sustainability of projects.”

Action: Make the processes of prevention of child labour sustainable through the inclusion of local governments.

4. Recommendation: “Separating the work and living locations can help to eradicate child labour in combination with educational incentives that make school more attractive.”

Action: Identify areas of hazardous child labour where the work- and living spaces coincide.



During the second day the focus was on the gathered ethnographic material. Using quotes, images, drawings and video material the specific situations in the research communities were presented to the 45 participants, among which researchers, representatives of the coffee sector and of the quarrying research communities. A man and a woman with her son played an important role in showing the reality of the Retalhuleu quarries. They participated actively and gave their opinions on the reactions from the public. A heated discussion took place after communities were blamed of taking on a passive attitude and of expecting free material aid. The single mother explained that because of the bad economic situation of many people it was not always possible to assume an active position. She added that because of the absence of organisation among the workers and the

lack of representation of their interests, there are no possibilities to make themselves heard and to take on a more participatory role.

An important theme that was brought up was the ability to make a worst form sector a safe sector by improving the labour conditions. One NGO representative argued that all work is dignified and that it is never harmful by nature, but instead by the conditions under which it is undertaken. The research results and the testimonies of the community members, however, proved that in the case of quarrying it is the nature of the activities that makes the work hazardous and that children should not, under any circumstances, participate in this kind of labour. The community members directly appealed for action on their behalf.



# Appendix B

## Presentation of research results in Bolivia

In 2007 fieldwork was carried out in the mining sector and the sugar cane harvest in Bolivia. During the research it became clear that in both sectors a serious degree of child labour can be found, depending on the level of poverty of the children and their families and the quality and proximity of possible alternatives for youths, such as education. The work, especially in the sugar cane sector, but also in mining, is carried out to a large extent by migrants; this implies that children migrate with their parents and are included in (or are in the vicinity of) income generating activities from an early age onwards. In both sectors young children of primary school going age (6-12) can be found working; adolescents (13-18) tend to do heavier jobs and work longer hours, often full time.

### Local presentation in the sugar cane area of Bermejo, Tarija

April 8<sup>th</sup> 2008

In Bermejo, Tarija, 27 people, among which harvesters, health workers, NGO employees, local radio station staff, and local representatives of the Ministry of Labour, participated in the local workshop on child labour in the sugar cane harvest. Prior to the presentation an interview was held with the Bermejo local radio station, and was broadcast later that day. A colourful discussion emerged during the presentation on the best ways to eradicate the participation of minors from the sector. Among the most important comments were the following:

- Migrant workers should be living exclusively in fixed camps instead of in mobile ones. Harvesters come from remote rural areas and arrive with their whole families, among which young children who are still of school-going age. Living in mobile camps means a lack of access to basic needs, such as potable water, a place to cook and basic sanitary services. Living in fixed, well constructed camps would mean better living conditions, access to school and fewer illnesses among the children.
- The Ministry of Labour should accept its responsibility to improve the working conditions of the harvesters in the sugar cane sector. Participants expressed their worries about the fact that NGOs and international organisations are often appointed to deal with the improvement of the sector whereas, according to them, the government should be the responsible agent.
- Poor income generating possibilities in the migrants' places of origin were identified as the fundamental reason for harvesters to go to work in the sugar cane regions. Therefore, productive projects in the rural areas of origin of the harvesting families should be promoted.
- The participants also argued that if parents would earn better salaries in the sugar cane harvest, the need for children to participate in the work would decrease.
- The participants complained about the lack of cooperation between different actors: NGOs, the local government, the harvester's federation and the cane workers should work together in

eliminating child labour; and by building a united front, the resistance from certain actors could be overcome.

### Local presentation in the mining area of Llallagua, Potosi

April 12<sup>th</sup> 2008

About 30 people participated in the discussion about the research conducted in the mining sector in Llallagua, Potosí, among which NGO employees, teachers, adult and adolescent miners and local authorities, who are all somehow related to the theme of child labour in mining. The participants actively commented on the presentation and showed a profound wish to improve the situation of children involved in the mining sector. The following issues were highlighted during the discussions:

- The mechanisation of the mining sector should guarantee improved safety for the miners. Mining shafts are often in a poor state and are prone to collapse; the use of dynamite sometimes leads to (fatal) accidents and generates an enormous quantity of dust which causes the infamous “miner’s disease” or silicosis. Fewer fatal accidents and diseases among miners will reduce the demand for adolescent miners to replace the older generation.
- The poverty of families living in the mining areas is the fundamental problem. If parents would earn just wages there would be no necessity for children and adolescents to participate in the sector. A good option to generate extra income would be to do some of the processing (melting) work locally in small processing plants, co-owned by several families.
- The participants emphasised the need for child care centres where young children can be brought to pass the time while their parents are working inside the mine shafts or in the small ore processing plants. The participants stressed the fact that many children are malnourished and need a place to eat and receive attention; a place where they can stay safely during their parents’ work day. The lacking health services in the town of Llallagua was also a matter of concern. The only health service offered in town is a hospital located at some distance.



## National presentations of the research results - Cochabamba

April 17<sup>th</sup> and 18<sup>th</sup>

The national presentations of the results were held in Cochabamba, Bolivia. The participants on the first day were representatives of the Ministry of Labour, mining cooperatives, local and international NGOs, and adult and adolescents workers within the two sectors. On the second day, about 50 people attended the public meeting, which concluded with a lively discussion on the research findings. From 16-18<sup>th</sup> of April various (live) interviews were held with different commercial and public television stations, and with one radio station.

The presentation of the research results threw up various questions and comments. The sessions which followed focussed on possible policies. Four groups were formed among Thursday's 40 participants, which all discussed one of the recommendations based on the research results:

1. Projects directed to the problem of child labour in mining and the sugar cane harvest in Bolivia could be more dedicated to adolescents. It was argued that government, NGOs and the private sector should work together for an integrated approach towards producing better alternatives for adolescents. These projects should be set up in the places of origin so as to prevent labour migration. School curricula should be updated with a focus on technical vocation.
2. One aspect of the solution of the problem of child labour in the mining and sugar cane sectors could be the increase and better functioning of the child labour inspectorate. According to the participants, child labour inspections should be carried out by a collaboration between the Ministry of Labour and workers' federations. Local child protection agencies should also be included in these efforts. An important emphasis was placed on the responsibility of intervention of the Ministry of Labour.
3. NGOs and governmental organisations should join forces and work together with other actors in the field like employers and workers' unions. In order to effectively work together, the chamber of commerce, the press and children's and adolescents' unions should also be included in developing and implementing projects. To make consumers aware of the problem of child labour, a certification has to be developed which guaranties that a product is free from child labour.
4. In order to find a sustainable solution for the problem of child labour in the sugar cane harvest in Bolivia projects should be directed towards development of the places of origin of the harvesting families, by way of implementing productive projects in those regions. The recommendation to develop productive projects in the places origin of sugar cane harvesters found a lot of support among the participants with the addition that some regions don't lend themselves very well for agricultural production and therefore other income generating projects will have to be developed. The projects should focus on the advantages of the region. Very important would be the active participation of the beneficiaries of the projects in their development and implementation.

# Appendix C

## Presentation of research results in Peru

In April 2008 three local presentations were held for communities in which the IREWOC research on the worst forms of child labour had taken place in 2007. The first presentation was held in Las Lomas de Carabayllo in Lima, where children between 5 and 18 years old were found working with waste materials; the second local presentation took place at the fruit market in La Victoria in Lima; and the third was conducted at the vegetable market, also in La Victoria in Lima. At both markets children from 5 years on were observed carrying out a wide variety of activities.

The presentations of research results concerning the mining villages were more difficult to realise. La Rinconada in particular is extremely remote, but three Santa Filomena village leaders were coincidentally in Lima at the time and thus a special meeting was held with them to discuss the results. In Santa Filomena mostly adolescents are involved with mining activities, but in La Rinconada children from 6 years old were found to be working in mining and mine-related activities.

Additionally, a national seminar was organised to share the research results and recommendations with NGOs, public and private organisations and persons concerned with the wellbeing of working children, and to exchange ideas regarding the research and to contribute to the formulation of policies on the elimination of the worst forms of child labour in Peru.

Finally, a public presentation was organised in the Ministry of Women and Social Development, and this was open to a broader public.



### **Local Presentation “Child Labour in the Recycling of Waste Material”**

**Las Lomas de Carabayllo, Lima, April 25, 2008**

**In cooperation with CESIP**

Especially mothers of working children living in the neighbourhood attended this meeting, along with a group of local women who work actively against child labour. One person from CESIP attended and facilitated the presentation. There were a total of 20 people, among whom 5 children and adolescents. Participants actively participated and freely gave their opinions and discussed their own experiences. All agreed that the sector should be categorised as a hazardous form of child labour. However, they emphasised the lack of alternatives, especially for single mothers. Interestingly, an attending adolescent highlighted the important role of parents in the problem of child labour; most mothers agreed and explained how their own lack of childhood resulted in them sending their children to work. They all agreed that workshops on personal development are significant, but not a solution for everybody. The presentation concluded with recommendations. Especially the development and professionalisation of the sector was welcomed by the inhabitants of Las Lomas, who stressed the need for decent employment for adults.

### **Local Presentation “Child Labour at Wholesale Markets” (1)**

**Fruit Market, Lima, April 26, 2008**

**In cooperation with Warma Tarinakuy**

The presentation at the Fruit Market was organised especially for the participants of Warma Tarinakuy, a group of organised young porters between 14 and 18 years old working at the Fruit Market. Besides the director, the main facilitator of Warma Tarinakuy, and a woman from the local health post, approximately 55 young workers attended the meeting. During the presentation opinions were exchanged about conditions and the decision to keep children younger than 14 years out of the market labour force. The latter was agreed on, although several boys mentioned their need to work before the age of 14. Some brought up the dangers of working as a porter, but they would not go so far as to prohibit the work for all children under 18, because of the lack of alternative options. Regarding the recommendations, the adolescents were especially interested in improvements in education. They mentioned the need to improve the quality of education and in particular the evening school to which working children tend to go. They also highlighted their difficulty of studying beyond high school, due to financial limitations and the low quality of the education they received.

### **Local Presentation “Child Labour at Wholesale Markets” (2)**

**Vegetable Market, Lima, April 26, 2008**

**In cooperation with CESIP**

In a similar presentation, the results of the research were presented for the child workers of the vegetable market. The meeting was organised in the nearby primary school, where many interviews with working children had been held, and was facilitated by two people from the local NGO CESIP. Approximately 50 working boys and girls between 6 and 15 years old, and 5 mothers of working children, attended the meeting. Discussions focussed on the positive and negative aspects of

children's work at the market. It was mentioned that work can be an alternative for children who don't like to study, especially since work also teaches a child certain useful skills. The research concluded that the activities at the vegetable market are hazardous because of their conditions, rather than because of the nature of the activities; the participants confirmed this conclusion. After a brief explanation of the other investigated sectors, such as mining and the recycling of waste materials, it was declared that those others were more dangerous. An adolescent girl argued that children are often mistreated at the market because of a lack of information: "they are children and they don't know what their rights are, and where to go when these rights are violated". She stressed the importance of informing and protecting people.

### **National presentation "Worst Forms of Child Labour in Peru"**

**Lima, April 29, 2008**

#### **In cooperation with GIN**

This presentation was attended by approximately 30 people with varying backgrounds. After the presentation, a panel consisting of 4 people from different NGOs commented on the results. The general public also had the opportunity to ask questions and to make comments. The meeting concluded with an activity in which groups of people were motivated to formulate lessons learned and further recommendations for policy.

Some people commented that the information presented on child labour in the sectors was already known, and the results hadn't contributed much in this way. However, others argued that the study could support their lobbying activities. It was concluded that the research forms an important contribution to getting to know the voice of the working children and their parents, which was made possible by the anthropological and qualitative focus of the research. Additionally, the participants considered the researchers' analysis of NGO interventions an important element of the research.

Recommendations from the participants included a stronger focus on cultural reasons for child labour and the relation with Andean traditions to highlight the anthropological value of the research. A widely agreed upon recommendation with respect to policy was the focus on an incorporated systemic approach at all levels. Interventions should be related to local development and involve public, private and state sectors as well as civil society, at national, regional and local level. On the other hand it was mentioned that the family level plays an important part and that education and awareness raising on child labour issues are important aspects to be included. Responsibilities of all actors should clearly be established.

### **Public presentation "Worst Forms of Child Labour in Peru"**

**Lima, April 30, 2008**

#### **In cooperation with GIN**

This presentation was attended by approximately 100 persons, including NGO and Ministry staff, children, adolescents, and parents from the communities that were studied.

The presentation displayed fieldwork material such as pictures, short videos and working children's testimonies. Three adolescents, representing young workers in recycling, at the vegetable market

and at the fruit market, were invited to speak about their work, their background and the reasons for children to work in the specific sectors.

A call was made to be told about some research results from Guatemala and Bolivia, after which a panel of 3 persons commented. Panel members represented the ILO, the Ministry of Women and Social Development (MIMDES), the Ministry of Employment (MINTRA) and the Peruvian Committee for the Prevention and Eradication of Child Labour (CPETI). The vice minister of MIMDES opened the event.

The panel emphasised the need to complement inspections and regulations with strategies that offer alternatives for working children and their families, and to work on multi-faceted interventions (e.g. including education, family income, child protection etc.). It was also mentioned that many working children come from indigenous families, something that should be taken into account by interventions. The MIMDES national plan was presented with goals and expected results regarding working children until the year 2010. Finally, also this panel stressed the need to work inter-institutionally and involve the different ministries, institutions for the protection of children and local governments.



# Appendix D

## C182 Worst Forms of Child Labour Convention, 1999

The General Conference of the International Labour Organization,

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

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

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

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

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

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

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

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

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

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

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

### Article 1

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

## Article 2

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

## Article 3

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

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

## Article 5

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

## Article 6

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

## Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - (a) prevent the engagement of children in the worst forms of child labour;

- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
- (d) identify and reach out to children at special risk; and
- (e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

#### Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

#### Article 9

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

#### Article 10

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

#### Article 11

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

#### Article 12

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

#### Article 13

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

#### Article 14

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

#### Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 16

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

# Appendix E

## C138 Minimum Age Convention, 1973

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that 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, and

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

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

### Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

### Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement--

(a) that its reason for doing so subsists; or

(b) that it renounces its right to avail itself of the provisions in question as from a stated date.

#### Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

#### Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

#### Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing

for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article--

(a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;

(b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

#### Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons 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 organisations 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 of a line of training.

#### Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is--

(a) not likely to be harmful to their health or development; and

(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

## Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.
2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

## Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

## Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.
2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.
3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
4. When the obligations of this Convention are accepted--
  - (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,

(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,

(f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

#### 5. Acceptance of the obligations of this Convention--

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

#### Article 11

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

#### Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

#### Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### Article 15

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

#### Article 16

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

#### Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 18

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

## Resources

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