



## Chapter III: Footnotes

1. *Strategies for Eliminating Child Labour: Prevention, Removal and Rehabilitation* (Oslo: International Conference on Child Labor, ILO/UNICEF, October 1997) 3 [hereinafter *Strategies for Eliminating Child Labour*].
2. *Ibid.* at 14.
3. See [Appendix D](#) for specific information on countries' ratification of various international treaties on child labor.
4. ILO [Convention No. 138](#) considers 15 years to be the appropriate minimum age for employment (with exceptions) but permits countries whose economy and educational facilities are insufficiently developed to specify initially a minimum age of 14 years.
5. The Shops and Establishments Act, 1965 (Act No. VII of 1965), Section 22; the Factories Act, 1965 (Act No. IV of 1965), Section 66; the Mines and Minerals Act, 1923, Section 23; the Employment of Children Act, 1938, Section 3 (1).
6. Children and Adolescents Code, 1992, Article 54, *as cited in Código de los Niños y Adolescentes* (Lima: Ministry of Justice, 1993) [hereinafter *Código de los Niños y Adolescentes*].
7. Employment Ordinance No. 47 of 1955, Cap. 366, *as cited in Child Labour in Tanzania* (Geneva: ILO, Conditions of Work and Welfare Facilities Branch, Working Conditions and Environment Department, 1992) 20.
8. 1988 Federal Constitution, Article 7, Section XXXIII and Statute of the Child and Adolescent, 1990 *as cited in Child Labor in Brazil* (Brasília: Presidência da República, Câmara de Política Social, 1997) 27-33 [hereinafter *Child Labor in Brazil*].
9. *Law No. 12 for the Year 1996, Enacting the Child Law* (Egypt: Official Journal, Issue No. 13, 1996) 30-31 [hereinafter *Enacting the Child Law*]. This law increased the minimum age for employment from 12 to 14.
10. Constitution of 1985, Section VIII, Article 102, Part L, *as cited in Constitutions of the Countries of the World*, Gisbert H. Flanz, ed. (Dobbs Ferry, N.Y., Oceana Publications, January 1997). See also Labor Code, 1947 *as cited in Código de Trabajo de la Republica de Guatemala* (Guatemala: Ministerio de Trabajo y Previsión Social, 1996) 44, 51-53 [hereinafter *Guatemala Código de Trabajo*].
11. Child Labor (Prohibition & Regulation) Act of 1986, *as cited in Survey on Child Labor* (West Bengal: Labour Department, March 1997) 1-5 and 27 [hereinafter *Survey on Child Labor*].
12. Federal Labor Law, 1995, Article 22, *as cited in Commercial Laws of the World: Mexico* (Florida: Foreign Tax Law Inc., 1996) 4 [hereinafter *Federal Labor Law of Mexico*].
13. Labor Act (1992), Section 5, *as cited in Child Labor in Nepal, Volume II: An Overview and a Proposed Plan of Action* (Kathmandu: Prepared for ILO/IPEC workshop on Policy and Programming on Child Labor, August 1995) 23.
14. Labor Law, Article 131, 1996. See *Ley 185 Código del Trabajo: Republica de Nicaragua*, as published in the Official Gazette # 205 on October 30, 1997 (Nicaragua: Centro Nicaragüense de Estudios Laborales/USAID, March 1998) [hereinafter *Nicaragua Código del Trabajo*]. In addition, Nicaragua recently adopted the Childhood and Adolescence Code (Law No. 287, 1998) which provides additional protection for children and adolescents.
15. Constitution of 1973, Article 11(3) and Employment of Children Act, 1991, *as cited in Anees Jillani, Child Labor: The Legal Aspects, Vol. I and II* (Islamabad: Society for the Protection of the Rights of the Child, 1997) 4 [hereinafter *Pakistan The Legal Aspects*].
16. Republic Act No. 7658 (amending R.A. 7610), *as cited in Special Protection of Filipino Children* (Manila: Philippine Commission on Human Rights, Children Rights

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Center in Manila, 1994) 40 [hereinafter *Special Protection of Filipino Children*].

17. Child Care Act (33 of 1960), Section 52A, as cited in Willem Schurink, Choarelo Molohe, and Sam Tshabalala, *Exploring Some Dimensions of Child Labour in South Africa*, Working Document (Pretoria: The Centre for Human Rights, 1997) 12.

18. Labour Protection Act, B.E. 2541 (1998), Chapter 4, Section 44. This recently enacted law raises the minimum age for employment from 13 to 15 years and requires more thorough inspections.

19. Labour Act No. 1475, Article 67 (1971), as cited in *Child Labour in Turkey* (Ankara: ILO, Turkish Confederation of Employer Associations, 1997) 28.

20. The Employment Act (Cap. 226), 1976. A proposed Children and Women Bill currently under debate by the Kenyan Parliament would lower the minimum age from 16 to 15. The ILO Committee of Experts has stated that, if passed, this proposed bill would create a serious discrepancy between Kenyan law and ILO [Convention No. 138](#), which encourages ratifying states to progressively raise minimum age standards but does not permit them to lower such standards. See *Report of the Committee of Experts on the Application of Conventions and Recommendations* (Geneva: ILO, 1998) 433.

21. ILO [Convention No. 138](#) sets a minimum age of 18 for hazardous employment, irrespective of a country's level of development. Convention No. 138 defines hazardous work as work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety, or morals of young persons. The ILO is currently drafting a new convention on the worst forms of child labor that will include a definition of hazardous work.

22. See [Appendix D](#).

23. *Ibid*.

24. Guatemala, Kenya, and Nepal have all ratified ILO [Convention No. 138](#), which requires ratifying parties to set the minimum age for hazardous employment at age 18, but they have not yet harmonized their laws with this standard. The ILO is working with these countries to encourage compliance with the standard.

25. *Child Labour: Targeting the Intolerable* (Geneva: ILO, 1998) 41 [hereinafter *Targeting the Intolerable*].

26. See [Appendix D](#).

27. *Targeting the Intolerable* at 41. In Brazil, a minimum age of 21 applies for underground work.

28. *Strategies for Eliminating Child Labour* at 14.

29. Wahidur Rahman, *Child Labour in Bangladesh: Its Context and Response to It* (Dhaka: ILO/IPEC, May 1998) 7.

30. *Survey on Child Labor* at 1-6.

31. Labour Law & Rules, Employment of Children Act 1991, Act No. V of 1991. See *Pakistan The Legal Aspects* at 32-35.

32. See Republic Act No. 7658, an Act Prohibiting the Employment of Children below 15 Years of Age in Public and Private Undertakings, Amending for this Purpose Section 12, Article VIII of R.A. 7610.

33. Nadia Ramsis Farah, *Child Labour in Egypt within the Context of the CRC* (Cairo: Cairo Center for Development Studies/UNICEF, June 1997) 29. See also *Enacting the Child Law* at 30.

34. Benson Oyuga, Collette Suda, and Afia Mugambi, *A Study of Action against Child Labour in Kenya: Towards a Best Practice Guide on Sustainable Action against Child Labour for Policy Makers* (Nairobi: ILO/IPEC, 1997) 27-28 [hereinafter *Action against Child Labour in Kenya*].

35. Yubaraj Sangroula, *Child Labor: Legislation and Enforcement Situation*, paper prepared for ILO/IPEC, Nepal (1997) 14 [hereinafter *Nepal Legislation and Enforcement Situation*].

36. Although the Constitution does not specify a minimum age for apprenticeship work, there is consensus among legal professionals in Brazil that 12 years is the appropriate age for this type of activity. From 12 to 14, the only acceptable kind of work is a type of prevocational training that excludes all tasks carried out in industrial facilities. *Child Labor in Brazil* at 27-28.

37. Interview with Ruth Vivela, Secretary of Labor Inspections, Ministry of Labor, by U.S. Department of Labor official (May 14, 1998). See also interview with Jussara de Goias, consultant, Children and Adolescents Issues, Instituto de Estudos Socio-Economicos (INESC), by U.S. Department of Labor official (May 14, 1998) [hereinafter Interview with Jussara de Goias].
38. Children and Adolescents Code, Article 22, as cited in *Codigo de los Niños y Adolescentes* at 22-37.
39. *Ibid.* at 36, Article 67.
40. See *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers, a Revised Edition* (Makati City: Ateneo Human Rights Center and ILO, 1997) 89-90 [hereinafter *Opening Doors*].
41. *Thailand Country Study Toward a Best Practice Guide on Sustainable Action Against Child Labour* (Bangkok: ILO, 1998) 36.
42. Measure in Prevention and Suppression of Trafficking in Women and Children Act B.E. 2540 (1997), Section 11.
43. See Republic Act. No. 7610, or the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, Article IV, Section 7, as cited in *Special Protection of Filipino Children* at 8.
44. See [Appendix D](#) for specific references.
45. *Codigo de los Niños y Adolescentes* at 34. In Peru, it is unclear whether these limitations on hours of work apply to domestic workers or nonremunerated family workers. According to the Labor Code, these types of workers have the right to 12 hours of uninterrupted rest every day. Some observers have criticized this clause as implying that children doing domestic work can work for the remaining 12 hours in the day. See also Francisco Verdura, *El trabajo infantil en el Peru - Diagnostico y propuestas para una política nacional* (Lima: ILO/IPEC, 1995) 58.
46. See [Appendix D](#) for specific references.
47. Federal Labor Law, 1995, Article 177 and 178, as cited in *Federal Labor Law of Mexico* at 37.
48. *Contemporary Forms of Slavery: Report of the Secretary-General on the Implementation of the Programme of Action for the Elimination of the Exploitation of Child Labor, submitted pursuant to Sub-Commission Resolution 1997/22*, U.N. Document No. E/CN.4/Sub.2/1998/12 (Geneva: United Nations Commission on Human Rights, 1998) 3 [hereinafter *Contemporary Forms of Slavery*].
49. See [Appendix D](#) for specific provisions and sources.
50. *Guatemala Código de Trabajo* at 16-20.
51. The Employment Act (Cap. 226), 1976 and the Employment (Children) Rules, 1977 as cited in Federation of Kenya Employees, "FKE Guidelines on Employment of Children" (Nairobi: Federation of Kenya Employees, August 29, 1996) 2 [on file] [hereinafter "FKE Guidelines"].
52. Federal Labor Law, 1995, Articles 22 and 23, as cited in *Federal Labor Law of Mexico* at 4.
53. *El Peruano - Normas Legales* (September 3, 1994) 125694.
54. If a school certificate is not available, parents are required to sign a commitment that the child will go to school. Interview with Fernando Velasco Cordova, Technical Advisor to the High Directorate, Ministry of Labor and Social Welfare, by U.S. Department of Labor official (May 4, 1998) [hereinafter Interview with Fernando Velasco Cordova].
55. Interview with Sallama Shaker, Deputy Assistant Minister for North American Affairs, Ministry of Foreign Affairs, by U.S. Department of Labor official (May 9, 1998).
56. The December 10, 1996 Supreme Court decision established a fund to be created from the proceeds of this fine to provide supplemental income to parents and guardians of child workers on the condition that the children be sent to school. The Court also ordered that a survey of the child labor situation in the country be conducted. See *Country Reports on Human Rights Practices for 1997* (Washington, D.C.: U.S. Department of State, 1997) 1655-1656.

57. "FKE Guidelines" at 2.
58. See "Written Submission by the Embassy of Mexico," [Public Hearings on International Child Labor](#) (Washington, D.C.: U.S. Department of Labor, February 13, 1998) 14 [hereinafter Embassy of Mexico Submission]. As of January 1, 1998, the minimum wage in Mexico ranged from 26 to 30 pesos (US\$ 3.25 to US\$ 3.75) per 8-hour day, depending on the region.
59. See Federal Regulation on Occupational Safety, Health, and Environment, Article 167, as cited in *Reglamento Federal de Seguridad, Higiene y Medio Ambiente de Trabajo* (Mexico City: Secretaria del Trabajo y Prevision Social, 1997) 66.
60. Labor Law (1996), Article 135. See *Nicaragua Código del Trabajo* at 21.
61. *Opening Doors* at 75.
62. "Child Labor," South Africa Department of Labor pamphlet (March 1998) [on file].
63. Section 12 of the Prostitution Prevention and Suppression Act of 1996 cited in *Thailand Best Practice Guide* at 141.
64. See "Written Submission by the Embassy of the Philippines," [Public Hearings on International Child Labor](#) (Washington, D.C.: U.S. Department of Labor, February 13, 1998) 9 [hereinafter Embassy of the Philippines Submission].
65. *A History of Action 1990-1997* (São Paulo: Abrinq Foundation for Children's Rights, 1998) 52. See also American Consulate-São Paulo, unclassified telegram no. 2736, November 3, 1997.
66. U.S. Embassy-Manila, unclassified telegram no. 014481, November 20, 1997 and U.S. Embassy-Manila unclassified telegram no. 02110, February 20, 1998.
67. Interview with Filiz Anik, Child Labor Unit, Ministry of Labor and Social Security, by U.S. Department of Labor official (April 28, 1998). Additionally, interview with officials and inspectors of the Child Labor Unit in Istanbul, by U.S. Department of Labor official (May 1, 1998) [hereinafter Interview with officials and inspectors of Child Labor Unit in Istanbul].
68. "A infância mutilada," *LIDA* (Brasília: Ministério do Trabalho, no. 4, September/October 1997) 12.
69. The Ministry of Labor is concentrating on the carpet industry because it has found little child labor in other areas of the industrial sector. Interview with Renuka Manandhar, Undersecretary, Ministry of Labor, by U.S. Department of Labor official (May 18, 1998).
70. *Country Reports on Human Rights Practices for 1997* (Washington, D.C.: U.S. Department of State, 1997) 917.
71. Interview with Mohammed El-Murtada Mustafa, ILO/Egypt Director, by U.S. Department of Labor official (May 7, 1998) [hereinafter Interview with Mohammed El-Murtada Mustafa].
72. Interview with D. Sarangi, Secretary of Labor, Tamil Nadu, by U.S. Department of Labor official (May 6, 1998).
73. Interview with Labor Commissioner Mwadime and Child Labor Department officials, Ministry of Labor and Development, by U.S. Department of Labor official (May 5, 1998) [hereinafter Interview with Labor Commissioner Mwadime].
74. Interview with Claudia Franco Hijuelos, General Coordinator, International Affairs; Luis Fariás, Special Advisor; Joaquín Blanes Casas, Director General, Federal Labor Inspectorate; and Alberto Piedra, Director, Information and Analysis, Ministry of Labor and Social Welfare, by U.S. Department of Labor official (April 20, 1998) [hereinafter Interview with Ministry of Labor and Social Welfare officials].
75. Interview with Leonor Cebreros Murillo, Director, Labor and Social Welfare, State of Sinaloa, by U.S. Department of Labor official (April 22, 1998) and interview with Eleazar F. Verastegui Galicia, Director, Department of Labor and Social Welfare of the State of Baja California, by U.S. Department of Labor official (April 27, 1998) [hereinafter Interview with Eleazar F. Verastegui Galicia].
76. Interview with Rosa Maria Cabrera, Chief Labor Inspector, Ministry of Labor, by U.S. Department of Labor official (June 1, 1998).
77. Interview with child laborer in Dindigal, by U.S. Department of Labor official (May 8, 1998).

78. Interview with Marilha de Oliveira Silva, Coordinator, Unit for Combating Child Labor and Protecting Adolescent Workers, São Paulo, by U.S. Department of Labor officials (May 8, 1998).
  79. Interview with Eleazar F. Verastegui Galicia.
  80. Interview with Mohammed El-Murtada Mustafa.
  81. *Country Reports on Human Rights Practices for 1997* (Washington, D.C.: U.S. Department of State, 1997) 917.
  82. Interview with R.V. Pillai, Secretary-General, National Human Rights Commission, by U.S. Department of Labor official (May 5, 1998).
  83. *Ibid.*
  84. Interview with Reza-a-Rebe, Joint Secretary, Ministry of Labor and Manpower, Government of Bangladesh, by U.S. Department of Labor official (May 13, 1998).
  85. Support for this amendment will facilitate Brazilian ratification of ILO [Convention No. 138](#). The amendment was sent to Congress in 1996. *Child Labor in Brazil* at 28. However, according to an NGO representative, prospects for enactment are small. Interview with Jussara de Goias.
  86. *Thailand Best Practice Guide* at 21.
  87. Labour Protection Act B.E. 2541 (1998), Sections 16 and 147. See also *Contemporary Forms of Slavery* at 3.
  88. See Embassy of the Philippines Submission at 8.
  89. *The South African Child Labour Action Program* (Johannesburg: Child Labor Inter-Sectoral Group, 1998) 4.
  90. *The Gazette of India: Extraordinary, Part II, Section 3, Sub-Section (ii), July 23, 1998*. See [Appendix D](#) for a full listing of all prohibited occupations and processes.
  91. Interview with Labor Commissioner Mwadime. See also *Action against Child Labor in Kenya* at 88.
  92. See Philippine National Child Labor Program, *Reaching Out to the Filipino Working Children*, report presented at the Asian Regional Consultation on Child Labor, Lahore, Pakistan, 11-13 August 1997, 10.
  93. *Draft IPEC Working Paper* (Ankara: ILO/IPEC, April 1998) 3 [on file] [hereinafter *Draft IPEC Paper*].
  94. See Embassy of Mexico Submission at 1 and 19.
  95. *Child Labor in Brazil* at 50.
  96. "O direito a uma vida melhor para os pequenos brasileiros," *CIDADANIA* (Brasília: Secretaria de Assistência Social, no. 1, January-March 1998) 15.
  97. The Public Ministry of Labor has also set up an Internet webpage and telephone hotline for denunciations of violations of child labor, slavery, discrimination, and occupational safety and health legislation. Regional Labor Prosecuting Offices also provide guidance to employers on the application of child labor laws and assist employers in correcting irregular situations. See *Activities for Eradication of Child Labor* (Brasília: Public Ministry of Labor, May 1998) 9.
  98. Interview with officials and inspectors of the Child Labor Unit in Istanbul. See also interview with Murat Firat, Fisek Institute Representative, by U.S. Department of Labor official (May 6, 1998).
  99. Interview with officials and inspectors of the Child Labor Unit in Istanbul. See also *Draft IPEC Paper* at 4 and 9.
  100. *Draft IPEC Paper* at 9.
  101. Interview with Yanira Mayorga, International Relations Director, Ministry of Labor, by U.S. Department of Labor official (May 5, 1998).
  102. *IPEC Action in Tanzania* (Geneva: ILO/IPEC, 1997) 8.
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