**Introduction**

Sri Lanka has achieved significant progress over the past years in eliminating child labor from the country despite not following the International Labor Organization’s Conventions concerning the minimum age for working children and worst form of child labor. The percentage of working children of 5 to 17 years of age has fallen from 12.9-percent to 2.3-percent between 2008 and 2016 (statistics.gov.ik, 2017). As at 2016, an estimated 44,000 children engage in child labor in Sri Lanka (statistics.gov.ik, 2017).

However, these children deserve due attention in order to live their childhood as easy as possible. Through the adoption of policies concerning the areas of child labor, human rights, basic education, and poverty reduction, political commitment can be said to have played its role in the progress of Sri Lanka today. Primarily, the countrywide education plan has enabled the government to create a new generation of parents that is more inclined to education and maintain a low tendency of sending their children to work from an early age.

This report critically examines the issue of child labor in Sri Lanka by comparing practice of ILO Conventions on minimum age for workers and worst forms of child labor in the country with its labor laws such as the National Policy on Elimination of Child Labor in Sri Lanka. In this regard, the report first defines and elaborates on the concepts of child labor and worst forms of child labor, explains the situation of child laborers around the globe, provides details on ILO Conventions on minimum age for workers and worst forms of child labor, compares and contrasts the situation of child labor in Romania and Turkey with that of Sri Lanka. In the end, this report suggests a few policy implications for the country to improve the current situation of child labor.

**Child Labor**

Child labor includes all kinds of works performed by children under the age prescribed the International Labor Organization. Worst forms of child labor include pornography, prostitution, debt bondage, slavery, use of children in drug trafficking and other illicit activities, forced recruitment of children in armed conflicts, all other works dangerous or hazardous to the morals, safety or health of boys and girls aged less than eighteen years old.

**Situation of Child Laborers**

International Labor Organization has recently estimated that

* Around the globe child labor remains concentrated in agriculture (71-percent), which comprises both of commercial and subsistence farming and includes aquaculture, livestock herding, forestry, and fishing (ilo.org, 2017). The remaining child labor remains concentrated in the services sector (17-percent) and industrial sector (11-percent) (ilo.org, 2017).
* 58-percent of all children in child labor are boys whereas 62-percent of them work in hazardous conditions (ilo.org, 2017). Although boys appear to be at a greater risk of the consequences of child labor around the globe it might also indicate an under reporting of the female child labors (ilo.org, 2017).
* A total of 152 million children work in child labor (ilo.org, 2017). Out of them, 64 million are girls whereas 88 million are boys (ilo.org, 2017).
* Half of the 152 million children belong to the age group of 5 to 11 years (ilo.org, 2017). Children in the age 15 to 17 years are more likely to be exposed to hazardous work conditions (ilo.org, 2017). However, 19 million of the total child labor workforces are under the age of 12 years (ilo.org, 2017).
* Every 1 in 5 children in Africa is a child labor, 1 in 35 children in Arab States, 1 in 25 in Europe and Central Asia, 1 in 19 in Americas, and 1 in 14 in Asia and the Pacific region (ilo.org, 2017).

**International Labor Organization on Child Labor**

A large number of countries have come forward to join hands in the fight against child labor. A majority of these countries have adopted legislation prohibiting child labor or placing severe restriction on recruitment of children for work. Most of these efforts are guided and stipulated by the International Labor Organization. However, child labor continues to exist, despite all these efforts, particularly in the developing countries. If the progress is apparently non-existent or has been slow, it is because child labor is a highly complex issue. Therefore, a stroke of pen cannot make it disappear.

International Labor Organization is the only tripartite U.N. agency that successfully brings workers, employers, and governments of its 187 member states. The organization has developed and maintained a system of international labor standards since 1919. With the passage of time, the organization has transformed the standards into a comprehensive system of instruments on social policy and work. A supervisory system addressing all types of problems in implementation of these instruments at national levels supports this comprehensive system.

Nevertheless, the International Labor Organization provides the basis of concerted and determined actions through legislature. It sets out complete elimination of child labor as the goal of the policy. It also puts measures in place to achieve this goal. As a matter of priority, it explicitly identifies and prohibits under-age recruitment of children for work and the worst forms of child labor.

**ILO Convention No. 138**

This Convention discusses the minimum age for a child to be legally employed. International Labor Organization believes in its mandate that the most effective manner of avoiding child labor is that children do not start working too early. This condition can be met by setting the age by which the children can legally be recruited or otherwise work. ILO Convention No. 138 sets the minimum age for a child to enter in employment. 116 countries have ratified the Convention. The main principles of the Convention are as under:

|  |  |  |
| --- | --- | --- |
|  | **Minimum Age to Start Working** | **Possible Exceptions Enjoyed by Developing Countries** |
| **Light Work:** Children in age of 13 and 15 years are allowed to do light forms of work, i.e., the work must not be hindering their vocational and educational training and orientation, and not threatening their health and safety.  | 13 years to 15 years | 12 years to 14 years |
| **Basic Minimum Age:** The minimum age of working must be equal or more than the age of finishing schooling, and in any case, it must not be less than 15 years of age.  | 15 years | 14 years |
| **Hazardous Work:** No child should be allowed to engage in any kind of work that jeopardizes the moral, mental or physical health, safety or morals unless the child reaches the age of 18 years old.  | 18 years(16 years is allowed under strict conditions) | 18 years(16 years is allowed under strict conditions) |

**ILO Convention No. 182**

This Convention discusses the worst forms of child labor. International Labor Organization conducted an extensive research on the topic due to its position as a problem of immense global population. Following its research, the organization reached to the conclusion that strengthening its existing Conventions is a need of hour. The worst forms of child labor include pornography, prostitution, debt bondage, slavery, use of children in drug trafficking and other illicit activities, forced recruitment of children in armed conflicts, all other works dangerous or hazardous to the morals, safety or health of boys and girls aged less than eighteen years old. 117 countries have ratified the Convention.

Both of these Conventions have been ratified by a large number of countries. However, both are fundamental conventions, i.e., under the ILO Declaration even if the member states do not ratify them, they must respect, promote and realize the principles.

**Romania and Child Labor**

Romania has been a member state of International Labor Organization from 1919 to 1942 and 1956 to present. It has ratified 56 Conventions of the organization. Out of these 56 Conventions, 50 are in force in the country right now including the eight fundamental Conventions. The country has since been working on main areas emphasizing supporting sustainable social security system and pension reform, labor dispute settlement, labor laws, collective bargaining and their institutions, strengthening social dialogue, and eliminating worst form of child labor.

In the years 2002 to 2012, the child labor in the country remained at only 0.9-percent, out of which 0.7-percent comprised of the female children whereas 1.2-percent belonged to the male children. In the year 2004, more than 1-percent children in the country engaged in worst type of child labor, i.e., prostitution, stealing, drug dealing, bugging, or fell victim to child trafficking. Romania has also joined the ILO International Program on the Elimination of Child Labor in 2001. This program works on enhancing the capacity of the Ministry of Education and Research to increasing the performance rates, retention and attendance of ex-working children with the purpose of preventing and eliminating rural child labor.

**Turkey and Child Labor**

Turkey has been a member state of International Labor Organization since 1932. It has ratified 59 Conventions of the organization. Out of these 59 Conventions, 55 are in force in the country right now including the eight fundamental Conventions. Among its domestic laws on labor, child protection measures are provided in Labor Act No. 4857, which regulates provisions on work safety, working hours, and minimum employment age of children. As per this Act, the minimum age of child workers in the country is 14 years. Children in the age group of 14 years to 18 years are classified as young workers.

**Sri Lanka and Child Labor**

In the recent decades, Sri Lanka has made substantial improvements in the child labor arena. The change can be witnessed in the current trends in child labor, working children, and children in hazardous work conditions. The country has observed a major decline in the population of working children by 2016, relative to 1999 (statistics.gov.ik, 2017). A similar decline is also observable in hazardous form of child labor (statistics.gov.ik, 2017). Yet, the challenges exist. In 2016, 2.3-percent of the children were working children whereas 1-percent worked as child labor (statistics.gov.ik, 2017). Overall, 59-percent of the children work as contributing family members in the country (statistics.gov.ik, 2017).

**Contradiction in Sri Lankan Laws on Labor and ILO Conventions**

Despite being a member state of the International Labor Organization who has ratified both Conventions Nos. 138 and 182, Sri Lankan rules and regulations concerning labor are different from that of the organization. As per the Convention No. 138, children in age of 13 and 15 years are allowed to do light forms of work, i.e., the work must not be hindering their vocational and educational training and orientation, and not threatening their health and safety. The age of getting employed in Sri Lanka is 16 years, i.e., after completion of compulsory schooling (labourmin.gov.ik, 2017). However, children in the age group of 5 to 11 years can also engage in work activities (statistics.gov.ik, 2017). Although they can only work if certain conditions are met, i.e., they work as a contributing family member for less then 5 hours a week in a non-hazardous, non-agricultural zone and less than 15 hours per week in a non-hazardous agricultural area as a contributing family member (statistics.gov.ik, 2017), the rule is in clear contrast with the ILO standards provided in the Conventions.

Moreover, children in Sri Lanka engage in labor-intensive tasks such as manufacturing, construction, etc. (statistics.gov.ik, 2017). As per the Convention No. 182, the worst forms of child labor include pornography, prostitution, debt bondage, slavery, use of children in drug trafficking and other illicit activities, forced recruitment of children in armed conflicts, all other works dangerous or hazardous to the morals, safety or health of boys and girls aged less than eighteen years old are prohibited. Still, children as contributing family members keep playing a key role in various sectors of the country everyday.

Due to the differences in the rules and regulations, under-age children in Sri Lanka engage in hazardous work. The geographical dispersion of children employed, one way or another, in Sri Lanka concentrates on the rural areas (statistics.gov.ik, 2017). Primarily, 85-percent of the working children reside in these areas (statistics.gov.ik, 2017). Majority of the children work in the services sector (statistics.gov.ik, 2017). However, child labor cases have been reported in the hazardous, industrial sectors of the country as well (statistics.gov.ik, 2017). Overall, 12.5-percent children work in crafts, 14.5-percent work in plant and machine operators and assemblers, 23.0-percent in services and sales, 43.8-percent in elementary occupation, and 6.1-percent in other works (statistics.gov.ik, 2017). The majority of children exist in the elementary occupation whereas many of them involve in labor-intensive tasks such as manufacturing, construction, etc. (statistics.gov.ik, 2017).

**Recommended Policy Implications**

In the light of the data and information provided in the previous sections, this report makes the following recommended policy implications to Sri Lanka for the purpose of preventing and eliminating rural child labor:

* Almost 36-percent of children work in unsafe work conditions in Sri Lanka (labourmin.gov.ik, 2017). Their school attendance is shortened due to injury and illness at workplace. The child workers are not allowed to join unions until the age of 16 years despite the fact that the legal age of workers is 14 years in the country (labourmin.gov.ik, 2017). Therefore, working conditions must be improved.
* Although boys appear to be at a greater risk of the consequences of child labor around the globe it might also indicate an under reporting of the female child labors (ilo.org, 2017). However, more boys engage in hazardous form of child labor, child labor, and economic activities. Also, boys are more likely to have low levels of education. Therefore, gender-sensitive policies must be developed and implemented.
* As per the ILO Convention No. 138, the minimum age of working must be equal or more than the age of finishing schooling, and in any case, it must not be less than 15 years of age. Sri Lanka ratified this Convention. Still, a large number of children engage in work at an early age under the umbrella of contributing family member. For this reason, the school enrolment rate of working children is much lower than the children not working. The country needs to work on spreading awareness regarding importance of education.
* The countrywide education plan has enabled the government to create a new generation of parents that is more inclined to education and maintain a low tendency of sending their children to work from an early age. Sri Lanka must continue with such parental engagements.

For these reasons, the employers, trade unions, and government need to work together to address this issue while maintaining their prime focus on reframing the current policy framework and improving work conditions to better address the needs of the working children.

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