

International Labour Organisation (ILO) Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

In 1999, the International Labour Organisation (ILO) adopted Convention No. 182. By ratifying this Convention, a country commits itself to taking immediate action to prohibit and eliminate and protect children under 18 from the worst forms of child labour. The necessary actions range from a reform of laws and their enforcement, to practical and direct help to children and families.

ILO Convention & online child sexual exploitation

The Convention calls on Members to take immediate and effective measures to secure the prohibition and elimination of "the worst forms of child labour" and to ensure effective implementation of its provisions, including penal and other sanctions. For the purposes of this Convention, and in relation to the issue of online child sexual exploitation, this comprises:

Article 3

- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (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.



Strengths of the Convention

- + It criminalises 'child pornographic performances', which captures conduct related to the relatively new manifestation of live online child sexual abuse;
- + It promotes a holistic approach including e.g. the rehabilitation and social integration of victims;
- + The ILO Monitoring Body can issue recommendations to the States who have ratified the Convention. If the State does not comply with these recommendations, the ILO can take the case up to the International Court of Justice. This implies a considerable authority to ensure implementation of its provisions.

Why should your State become Party to ILO Convention 182?

- >It consolidates the global consensus against the worst forms of child labour and will lead to the liberation of children who are trapped in e.g. sexually exploitative situations;
- >It calls for criminalising child sexual abuse material and 'child pornographic performances' as one of the worst forms of child labour, thereby complementing the child rights violation approach and providing an additional angle for prosecution;
- >It promotes international cooperation which is relevant considering that the manifestations of child sexual exploitation as defined under Article 3b are borderless by nature of the Internet that is used by offenders to facilitate it.

Worst Forms of Child Labour Recommendation (No. 190)

The Worst Forms of Child Labour Recommendation (No. 190) was adopted by the ILO in 1999. The provisions of this Recommendation supplement those of Convention No 182, and should be applied in conjunction with them. It calls e.g. for ratifying countries to 1) enhance international cooperation 2) ensure that the pre-defined worst forms of child labour are criminalised and 3) provide for measures to ensure effective enforcement of provisions.

Weaknesses of the Convention

- The ILO Convention focuses on labour and therefore does not cover all the online child sexual exploitation conducts (e.g. sexual extortion, online grooming);
- It emphasizes national sovereignty over international law which might lessen States obligation to act;
- There are no minimum thresholds States should comply with or meet with respect to national constitutions and legal frameworks.



To date, 180 out of 187 ILO Member States have ratified the Convention.