



# 1st International Model United Nations Conference Leirion

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Individual Freedoms in the Contemporary Era

## **Assesing the Labour Rights of Minors**

International Labour Organization

Sanjay Shastry, Bocconi University

Konstantina Andrikopoulou, HAEF Psychico College High School

Elena Ioannou, American College of Greece - Pierce

Secretariat Guidance: **Sofia Christoforidou**, Democritus University of Thrace

Academic Supervision: **Kallia Thermou**, Attorney-at-Law; Member of the  
Athens Bar since 2009; ALM in Government at Harvard University

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## Introduction

218 million children have something in common, they are all victims of forced child labour. One could think of the example of Esther. Esther is a 14-year-old girl from Togo who was coerced to work under her aunt for unknown people as a domestic servant for four months. Mercifully, Esther was rescued from her misery and abuse by Plan International, “a global organization dedicated to advancing children’s rights and equality for girls”.<sup>1</sup> There are many more girls and boys too, like Esther. In 2012, the ILO conducted research on this crucial issue and discovered that over 17.2 million of all victims of child labor are domestic servants and not only that but a close estimate of 65% of all these children are under 14 years old too.<sup>2</sup> It was established by the Convention on the rights of children in 1989 that children should always be protected and not mistreated. The second article of this convention mentions that no children should be victims of any sort of harassment while the 32nd one protects them from forced labor.<sup>3</sup> As it can clearly be seen by the aforementioned statements, these two articles of the convention have been and are being violated every day by a vast majority of people. This plague will continue to spread and augment if people do not give it the proper attention it needs. In this Study Guide, you will find important information about the problem and other sub-problems that might arise in debate and most importantly it will help you commence your own personal research before the time of the conference. In the committee, you will be asked to prepare resolutions for the elimination of this critical problem, therefore we, as your chairs, suggest that you read this document thoroughly.

## Interest in Knowledge

In the early 20th Century, children had no specific labor rights and were forced to work in shabby unsanitary conditions. This also created other social issues including lack of access to education and nutrition as well as further basic childhood requirements. Acknowledging these issues, the League of Nations, in 1924, adopted the Geneva Declaration on the Rights of Child, which enshrined the concepts of protection against exploitation and duty of proper upbringing. Post the Second World War, the League of Nations collapsed and came to rise as the new United Nations. The UN involved itself more heavily in the matter of child protection and created UNICEF. These two organizations together created many declarations for child protection in the following decade. Fast forward 2 decades, the International Labor Organisation decided to step in and adopted landmark Convention 138, which defined the

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<sup>1</sup> “What We Do,” Plan Canada site, accessed July 29, 2021, [https://plancanada.ca/what-we-do?\\_ga=2.171399136.1970451163.1627575318-1808676886.1627575318](https://plancanada.ca/what-we-do?_ga=2.171399136.1970451163.1627575318-1808676886.1627575318).

<sup>2</sup> “Child Labour and Domestic WORK (IPEC),” Child labour and domestic work (IPEC) (International Labour Organisation ), accessed July 29, 2021, <https://www.ilo.org/ipec/areas/Childdomesticlabour/lang--en/index.htm>.

<sup>3</sup> “The Convention on the Rights of the Child: The Children's Version.” UNICEF. UNICEF. Accessed July 29, 2021. <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>.



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minimum age for undertaking work. Over the last few years, many intergovernmental organizations created and submitted various declarations regarding child rights protection and yet we see that despite all these efforts, millions of children are still involved in various forms of exploitative and forced labor markets.

## Methodological and Theoretical Background

The Background Guide heavily depends upon reports from the ILO, UNICEF, UNO, and other Social Organisations. Besides, we have also relied upon University research papers, and major OECD countries' findings and statements. The research papers are based on the empirical data collected by the UN agencies such as the UNdata, EDGE, UN Statistical Database, and UNOG Library. These sources present the most up-to-date data collected by the United Nations, in collaboration with the member states, that is considered as the most acceptable and reliable form of data as it is collected in an unbiased manner which is independent of the political system of the country. The data used as evidence in these reports are also easily accessible and verifiable on the UN website. This transparency of the data collection process and interpretation is the key reason behind the uptake of these papers in our guide.

At the Leirion MUN Conference, the Executive Board would be extremely selective about the data delegates present.

1. A delegate from a particular country is allowed to use International organizational pages like UN websites or UN News. Besides, they can also refer to UNICEF, ILO report, and other National NGOs which are credible and recognized.
2. Delegates can also source their state media (Like China can state Xinhua) and internationally recognized media like Reuters. Please note: some media which is generally acceptable Internationally cannot be used as a source by particular countries, for example, DPRK cannot source BBC as it is considered biased by DPRK.

## Key Terms and Definitions

1. **Debt Bondage - antislavery.com** - Debt bondage occurs when a person is forced to work to pay off a debt. They are tricked into working for little or no pay, with no control over their debt.
2. **Slavery - antislavery.com** - Slavery is the severe exploitation of other people for personal or commercial gain. Modern slavery is all around us, but often just out of sight. People can become entrapped in making our clothes, serving our food, picking our crops, working in factories, or working in houses as cooks, cleaners, or nannies.
3. **Forced Labour - ILO** - Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers, or threats of denunciation to immigration authorities.



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## **EXCEPTIONS:**

- Compulsory military service.
  - Normal civic obligations.
  - Prison labor (under certain conditions).
  - Work in emergencies (such as war, calamity, or threatened calamity e.g., fire, flood, famine, earthquake).
  - Minor communal services (within the community)
4. **Sex Slavery - Cambridge Dictionary**- a person who is forced to perform sexual acts, and who is not free to leave the place where they are being kept or to stop the work that they are being forced to do
  5. **Human Trafficking - antislavery.org** - Human trafficking is the process of trapping people through the use of violence, deception, or coercion and exploiting them for financial or personal gain.
  6. **Non-State Armed Actors - UN** - Non-State Armed Actors are individuals and groups that are wholly or partly independent of governments and which threaten or use violence to achieve their goals.
  7. **Light Work - Macmillan Dictionary** - Light work involves lifting no more than 10 kgs at a time with frequent lifting or carrying of objects weighing up to 5 kgs. Even though the weight lifted may be very little, a job is in this category when it requires a good deal of walking or standing, or when it involves sitting most of the time with some pushing and pulling of arm or leg controls.
  8. **Hazardous Environment - ILO - 3D** - Dirty, Difficult, and Dangerous jobs are classified as hazardous. Hazardous sectors include, but are not limited to, agriculture, ship breaking, mining, construction.
  9. **Less Economically Developed Countries (LEDCs) - UN** - Least developed countries (LDCs) are low-income countries confronting severe structural impediments to sustainable development. They are highly vulnerable to economic and environmental shocks and have low levels of human assets.
  10. **Child Soldier - Save the Children** - an underaged child associated with an armed force or armed group.

## Important International Conventions

### **Minimum Age Convention (1973)**

Established 15 years as the minimum age for employment, 13 years for light work, and 18 years for hazardous work

### **Worst Forms of Child Labor Convention (1999)**

Defined the worst form of child labor to be:



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1. The sale of child
2. Trafficking of children
3. Debt bondage or any other form of bonded labour or serfdom
4. Commercial sexual exploitation of children including but is not limited to, prostitution and the production of pornography
5. Children used by adults in the commission of crime
6. Work by its nature that is likely to harm the health, safety, and morals of children

## **United Nations Convention on the Rights of Child (1990)**

- ◇ Article 32 speculates the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous to the education, health, physical, mental, spiritual, moral, and social development.
- ◇ Article 28 and 30 guarantee children access to primary education and the right to child rest and leisure

## **Palermo Protocols of 2000**

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children - United Nations Convention against Transnational and Organised Crime

## **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

Chapter VI - Substantive Criminal Law

- ◇ Art 18 - Sexual Abuse
- ◇ Art 19 - Offences concerning child prostitution
- ◇ Art 20 - Offences concerning child pornography
- ◇ Art 21 - Offences concerning the participation of children in pornographic performances
- ◇ Art 22 - Corruption of Children
- ◇ Art 23 - Solicitation of children for sexual purposes
- ◇ Art 24 - Aiding or abetting and attempt

To sum up, the Chapter VI of the Convention exclusively talks about dealing with criminal offenses against children which goes above and beyond those specified in the various other UN Conventions

It is important to note that a key difference between European Union Regulations and the UN/International Regulations is the depth of the policies adopted. As EU countries tend to be more homogenous than the UN, they have at their disposal, the capacity to make more impactful laws covering various types of child labour.



## Limited Success of the Conventions and Persistence of Child Labour in the 21<sup>st</sup> Century

Despite the establishment of a relatively sufficient legal framework for the protection of minor's rights, 218 million children are a part of the workforce, more often than not, illegally. That is 10% of the world population below the age of 18. According to UNICEF Data, half of these children work in hazardous environments. UNICEF's report also highlights the vulnerability of migrant and refugee children as these children are susceptible to abuse, trafficking, exploitation, and other human rights violations. Notably, 2020 is the first year in the last 2 decades when child labor has increased, which highlights a very concerning trend. All these factors together underscore the relative failure of international laws in protecting the rights of children. The failure of these laws can include many reasons, including but not limited to, lack of initiative amongst some countries to achieve economic gains, not ratifying major international conventions, countries turning a blind eye towards the trafficking and exploitation of children, and others. Child labor is a particular issue especially in South Asia and Africa (Post the Arab Spring, even the Middle East). All these regions have broad socio-economic issues but also have some very peculiar and regional issues like casteism and boy-child preference. As a large part of the child labour originates from these regions, we hope delegates discuss the reasons for child labor from both a micro and macro scale to make sure that the solutions are practical and acknowledge the regional peculiarities.

This issue must be solved in a constructive manner, as the persistence of child labor broadens the social cleavages and divides the society into the educated ones and the uneducated, hence disadvantaged ones. In order to prevent the perpetuity of a poverty trap and trauma, a quick and lasting solution is vital.

## Problem Identification

The causes of all this stem from two main sources: The first one is an unhealthy family life and the second one is poverty. Families from Less Economically Developed Countries (LEDCs) might be more inclined to letting their children work so they can contribute to the family income, even though that is illegal by the law. A 2013 CNN report on child labour demonstrated that countries such as Eritrea, Somalia and Yemen are ranked highest for child labour percentages and as it can be seen these are all considered LEDCs.<sup>4</sup> Another three very significant sub-topics arise from this significant issue that is being discussed in the study guide. These are the connection of child labour to the global economy or the Economic Issues as seen below, the long-term effects of mistreating children and what it means for them to work at such age or the mistreatment of children below and finally, how child trafficking connects

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<sup>4</sup> Hunt, Katie. "The 10 Worst Countries for Child Labor." CNN. Cable News Network, October 15, 2013. <https://edition.cnn.com/2013/10/15/world/child-labor-index-2014/index.html>.





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is a major part of the issue being questioned or Child Trafficking. All these issues will be further analysed below as they are the respective subtopics for you to build your own resolutions on.

## **Predominant sectors of child labor**

One may not see any parallel between forced child labour and the global economy, however that is false. The global economy circles around child labour without it being public or comprehensible by the public. Children mostly are forced to work in 3 sectors of the economy. The first one is the agricultural sector. As found in a lot of LEDC's the agricultural sector is the main source of income for the country; many decades ago, a question arose, how can a country increase its agricultural production without increasing the number of well-paid employees and the answer to this is by hiring severely under-paid people, hence children. This happens in countries such as India and specifically in India according to a study published by the ILO in a SosVillage article, approximately 71% of all working children are focused on the agricultural sector.<sup>5</sup> Another sector where children are being exploited is the industry. A lot of times, when one buys from a fast fashion company, the country of production is visible and most of the time it's something like Turkey, Bangladesh, or the Philippines for example. What the buyer doesn't know is that usually in these factories that their clothes came from, children work in unbearable conditions. This situation arose with the Industrial Revolution in the 20th century. People that were powerful and owned factories needed workers that they would be able to under-pay without them protesting and that could do things adults couldn't because their bodies were too large. Of course, they thought of children. Minors who didn't have rights yet and could be easily exploited. It was recorded in 1900 that 18% of all American workers were under the age of 16.<sup>6</sup> This continues until this day with around 100 million children working in industry as shown by TheirWorld.<sup>7</sup> The third sector of the economy where children play a huge part is the domestic employment sector. As mentioned in the Introduction, the number of domestic child workers rises to 17.2 million. Forced domestic employment for children is usually caused by a decision of the child's family. They may have been servants of someone and hereditarily, their children become servants and domestic workers as well. To conclude all this, the connection between child labour and the global economy is evident from all these statements and facts.

## **Mistreatment of Children**

While working these children are treated horribly and this can lead to many problems, that will be explained in this paragraph. The first problem is the sense of conformity. When children work from a young age under terrible conditions and get paid lower than the set

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<sup>5</sup> "Child Labour in India," SOS Children's Villages Canada (SOS Children's Villages), accessed July 30, 2021, <https://www.soschildrensvillages.ca/news/child-labour-in-india-588>.

<sup>6</sup> History.com Editors, "Child Labor," History.com (A&E Television Networks, October 27, 2009), <https://www.history.com/topics/industrial-revolution/child-labor>.

<sup>7</sup> "Child Labour," Theirworld (Theirworld, November 2, 2017), <https://theirworld.org/explainers/child-labour>.





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minimum wage, as adults they develop this feeling of conformity. They won't search for a job that will be different from one they had while they were children and they will be stuck in this vicious circle of forced labour, even as adults. The second one is the loss of opportunities. With that it is meant that owing to the fact that these children do not attend school to work, in their future they will be illiterate and folly servants of child labour. Education is a tremendous part of human development, it helps humans evolve and cultivate themselves, so that they become good citizens of the world. Children who are forced to work won't have this opportunity, for example they will never learn to read a novel, write a scientific essay, or even appreciate an art piece at a gallery, they will only recognise terrible work conditions and just accept that their future is that. The third and last one is physical health problems. The aforementioned facts focus on the mental health of the child and its cultivation, while this problem focuses on the physical health problems that may also lead to an early death, such as exposure to toxins and other harmful substances and corporal punishment and abuse. In 2008, the ILO conducted research and discovered that the impact on physical health is enormous, as children have to succumb to corporal punishments, rape and other physical abuse which is considered normalised in sceneries like that.<sup>8</sup> In summary, the deleterious impact of child labour on children is always evident in them one way or another.

## **Child Trafficking**

Furthermore, a link between forced child labour and child trafficking can also be found. Child trafficking generally constitutes a type of human trafficking where children are the victims, and they are forced to relocate for labour or sexual exploitation purposes. The ILO addressed this issue in a proposed framework back in 1998, however the problem has yet to be resolved. Child trafficking for labour exploitation usually takes place in LEDCs due to the lack of the recognition of the rights of the child. In such countries the parents won't make commotion about it as the legal and political system is extremely corrupted. For example as shown in the 2021 State Report for Bangladesh, child trafficking has evolved and the conditions for its elimination have not been met as in that country there is also political corruption.<sup>9</sup> Therefore, is it safe to assume that this doesn't happen to more economically developed countries as well? The answer to that is no. A Data Collection of the European Commission in 2018 demonstrates that there are still victims of human trafficking in Europe with the main trafficking country being Romania and 23% of all victims being children. Some of them were

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<sup>8</sup> "Causes and Consequences of Child Labour in Ethiopia," Causes and Consequences of Child Labour in Ethiopia, December 22, 2008, [https://www.ilo.org/ipec/Regionsandcountries/Africa/WCMS\\_101161/lang-en/index.htm](https://www.ilo.org/ipec/Regionsandcountries/Africa/WCMS_101161/lang-en/index.htm).

<sup>9</sup> "Bangladesh - United States Department of State," U.S. Department of State (U.S. Department of State, July 1, 2021), <https://www.state.gov/reports/2021-trafficking-in-persons-report/bangladesh/>.



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forced into prostitution and others were forced into labour.<sup>10</sup> Thus, child trafficking is actually a cause of child labour in the whole world.

## Countries & Organisations Involved

### **International Labor Organization (ILO)**

ILO was established in 1919 and is the only tripartite U.N. agency. Its main goal is to create appropriate and humane conditions of labour by promoting policies and programs that will improve the current situation. Additionally, this organization aims at the abolishment of any injustice in the workplace and the elimination of child labour. This has been achieved through actions and events such as “Act Now, End Child Labour!”, a virtual event, organized in corporation with UNICEF, that took place during the International Labour Conference (ILC). The event consisted of a conversation regarding the latest global estimates on child labour, a discussion between experts and youth advocates and the announcement of the winners of the Music Against Child Labour competition.

### **United Nations International Children’s Emergency Fund (UNICEF)**

UNICEF was established in 1946 and its role has always been irreplaceable as its works have made a breakthrough in the world of children’s rights. UNICEF has managed to promote the role of parenting through relevant initiatives and handle controversial social norms which repeatedly sustain child labour. By initiating acts such as “UNICEF Child Protection Advocacy Brief: Child Labour” which is a report that includes proposals towards the elimination of child labour and “Child Labour: UNICEF Data” which is a collection of data regarding the age and the gender of the children who are engaged in such activities, UNICEF has successfully widened its scope towards the public awareness and the strengthening of the legal system.

### **TheirWorld**

Established in 2002, Theirworld is a non-profit organisation which safeguards minors who are given the opportunities they deserve by protecting the most underprivileged ones. This organization raises awareness and informs the public regarding the issue of child labour and its consequences on the child’s life and the society as a whole.

### **Stop Child Labor Coalition**

Founded in 1989, The Stop Child Labor Coalition guards the children’s rights against any kind of exploitation. The organization focuses on the importance of the enforcement of legislation that will eliminate the percentage of child labour worldwide. Its tools are the construction of

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<sup>10</sup> Lancaster University, “Data Collection on Trafficking in Human Beings in the EU,” Migration and Home Affairs (European Commission, 2018), [https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20181204\\_data-collection-study.pdf](https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf).



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a national network intertwined with public and private sectors and the launching of effective campaigns.

## **Save The Children**

Save the Children is a Non-Governmental Organisation which deals with the perplexing and complex issue of children and work, in various contexts by fortifying and empowering the communities through awareness raising programmes. Especially the challenging issue of the transition from detrimental work to decent work and the effective prevention of harmful work are the central axes of the services that Save the Children offers.

## **Ghana**

Even if Ghana has accepted to use the TIP (Trafficking in Persons) Information System established by the IOM (International Organisation for Migration) in 2019, Ghana remains among the countries with the highest rates of child labour. The majority of children are involved in various sectors of economy, such as gold mining, cocoa farming, domestic work and commercial sexual exploitation. Additionally, the government has limited sources to implement more scrutiny to labour laws.

## **Mexico**

Mexico's high rates of child labour are due to abject poverty across the country. An estimated number of 3.6 million children between 5 and 17 are engaged in agricultural work and construction. The repercussions of such a phenomenon seem rather obvious. Minors are forced to quit school with detrimental implications in their adult life. The older the minor is, the more frequent his estrangement from education appears to be. Despite the important role of the Department of Labor whose main goal is to surveil and report breaches concerning child labour, the enforcement of child labour laws remains feeble and unsuccessful. On the other hand, non-profit organisations, such as Oportunidades, are currently fighting against illiteracy by launching educational programs which help children from marginalised families to continue their academic life unremittingly.

## **United States of America**

Child Labour rates in the United States are directly connected with child farm workers, counting an approximate number of 500,000. Children are exposed to carcinogenic pesticides, adverse weather conditions such as extreme heat and menacing farming machinery. Therefore, according to the Government Accountability Office, the figures remain alarming as 100,000 child farm workers are injured annually with a percentage of 20% of farming casualties. Even if there is an enforced legislation protecting minors from exploitation, this does not apply to the agricultural labour where the population involved is clung to outdated practices and old-fashioned mentality.



## United Kingdom

In the UK, the issue of child labour is not as crucial as it is in Eastern countries since a remarkable reduction has been observed over the last decades. The minimum age children are able to work part time is 13 with the exception of fields such as television, theatre and modelling where minors can be involved in with a performance license. Children can be engaged in full-time work only if they have completed their school career. According to a related legislation, their work can be up to 40 hours a week.

## Addressing the Challenge

### Predominant sectors of child labor

Ideally, child labour should be abolished in every corner of this world and children should not be working in any sector until a specific age. The first and foremost priority should be every child's well-being and prosperity. Even if this perception sounds like a utopia, it is our obligation and duty to move forward in this direction. The Convention 138 paved the way for this change. Its main goal has been ever since to reassure a type of coherence and accordance between the minimum age of young people's right to work and their fullest physical and mental maturity. This convention also reveals the vital importance of schooling as children should have completed at least the years of compulsory education. Unfortunately, the falsification of birth certificates in developing countries is common. Such is the example of Cambodia where children's documents have no photos attached. Occasionally, a medical check-up is required by the companies. However, hiring underage children is more than likely to happen. Despite the efforts made by ILO, there is a necessity to reassess on a yearly basis the minimum age when a young person could be legally employed.

However, one of the most common sectors where children are forced to work from a young age and violations related to child labour have been repeatedly detected, is the sector of cocoa and chocolate production. The contribution of the International Cocoa Initiative (ICI) has been invaluable as it has developed methods and measures combating the exploitation of child labour. ICI's system is installed in a way that demands and requires the presence of facilitators within cocoa-growing communities by raising awareness on the heated issue of child labour. Practically, ICI has succeeded in monitoring law breaches through smartphones which collect all relative data on a central data baseline. The analysis and assessment of this data can be used as a pilot for further actions. Still, the development and maintenance of an educational infrastructure within the community itself is the one to offer long term results. For instance, literacy and numeracy classes have been established so as both adults and minors can be helped, as this idea fortifies the community bonds and underlines the resilience that communities should show against child



labour. Additionally, programs have been developed to help families afford adult labour instead of depending on their children's help.

## **Mistreatment of Children**

Children, due to their lack of experience, education and their major financial needs are often taken advantage of and mistreated in their workplace. The collective bargaining agreement (CBA) is certainly a significant tool against child labour, as its main role is to reassure the suitability of working conditions, occupational safety, work schedule and wages. At first CBA's role did not include issues of child labour. Yet, its scope had to be widened over the years as child labour had become more of a common occurrence. Moreover, collective bargaining bears an additional responsibility, as it can control and assess safety rules and health risks on the work premises. Unfortunately, its contribution and assessments might be overlooked.

Additionally, the absence or the inadequacy of a strong and efficient social protection system can significantly harm the vulnerable social classes and lead to their mistreatment. Adverse economic conditions and a weakened educational system are the two main factors which lead to numerous cases of child labour and exploitation overall. Aiming at the solution of such an issue, the presence and the importance of a strong social protection system seems more demanding than ever. Disability grants, support to the unemployed, pensions and access to health care are measures which will alter the ominous predictions for the future. Towards this direction has moved the United Nations Convention on the Rights of the Child (UNCRC), by presenting and stressing the financial, social and civil rights of children. In 2000, the UNCRC has protracted its support by engaging in cases of child prostitution, pornography and armed conflict involving child presence.

Moreover, children that are engaged to child labour are not able to complete their education as they are forced to work daily under inappropriate conditions. Therefore, it is of great importance to strengthen national and international compulsory education laws and encourage governments to view children's education as their foremost priority. By enforcing these laws, a great number of young people will be able to attend school since work will be considered illegal, if it deprives children of the fundamental human right of education. By completing their academic career, children will also gain the appropriate knowledge and learn about their rights in their workplace so as to prevent themselves from being both mistreated and exploited in the future.

## **Child Trafficking**

Although there are some forms of child labour which can be tolerated, still monitored, under specific conditions, there is a certain category of tasks which should be completely abolished and prohibited. Such are the cases of slavery, child trafficking and illicit activities in general. The Convention 182 managed to protect and provide more support to children subjected to illegal labour. The elimination of forced labour and work - related to discrimination, the



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rights to associate and collectively bargain and the outright abolition of the child labour were the most innovative breakthroughs. Both the Conventions 182 and 138 succeeded in making a substantial contribution to increasing the minimum age to work. Nevertheless, this documented improvement has not been seen in the youngest age group of 5- 11 years. Fortunately, in 2019, Ghana's government pledged to adapt the use of the Trafficking in Persons Information System so as to record and track any violations against children's rights.



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