

Among the tasks of labour inspectors, it is possible to find a variety of situations when children and adolescents are found during an inspection. In these situations, many questions can come to mind: Are these child labour situations or not? Which law regulates these situations? Are these remunerated activities prohibited, or even considered crimes committed against children? As a labour inspector, what can I do if I detect these situations?

This pamphlet attempts to answer these questions and inform, in particular, with regard to crimes of commercial sexual exploitation that affect many children and adolescents in your country and that are victims of economic exploitation considered in the ILO Conventions on Child Labour.

Child labour and commercial sexual exploitation: What do the international Conventions say?

The Convention on the Rights of the Child and these International Labour Organization Convention 182 ratified by the countries of the region, define as children, all persons under 18 years of age.

As we know, not all work is harmful for persons under the age of 18. Work that is performed at an early age in the home or to help the parents in their family businesses do not fall into the category of "Child Labour". Light help, carefully supervised and that does not interfere with their rights to education and recreation, can instead be an essential part of socialization and the development of children, through which they gradually learn to assume responsibilities and feel proud of themselves and their own achievements. For example, helping their mothers and fathers with certain household chores, or having temporary work during school vacations, in order to cover certain personal expenses.

However, when we speak of child labour we are referring to remunerated, exploitative activities, that deprive the child of the full enjoyment of his or her rights, especially the right to education, and which are prejudicial to his or her adequate physical, mental, social and moral development, such as:

- Work under the minimum age for admission to employment.
- Hazardous work at any age.
- The unconditional worst forms of child labour, which are considered crimes.

In order to provide a legal framework that regulates and orientates the actions of the countries to eliminate these situations, the ILO has issued two Conventions that we will review in the following page:

Any person who involves a child or adolescent in any sexual activity cannot consider himself as their "boss" or "employer". He is a delinquent and should be denounced and punished by the law.

ILO Convention Num. 138 concerning Minimum Age for Admission to Employment

This convention establishes the age of 15 years¹, as the minimum age for admission to employment. The "employment" in this case must fall under criteria of special protection that should be supervised and controlled by the Labour Ministry. Thus the Convention indicates that all work performed by persons less than 15 years of age², as well as work performed by persons less than 18 years of age, which by its nature or the conditions under which it is executed may result hazardous for health, safety or morals, are prohibited.

Convention Num. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

In 1999, the international community decided to extend the protection against exploitation of children and adolescents, through ILO Convention 182, which declares and denounces the existence of other particularly atrocious forms of exploiting children and adolescents. For this purpose, they established a list of the "Worst Forms of Child Labour" that, due to their particularities, can be divided into two categories:

Hazardous work

- This is work performed by persons less than 18 years of age, which by its nature or the circumstances in which it is carried out, is likely to be harmful to the health, safety or morals of children (see article 3, clause d, of Convention 182).
- This type of work requires tripartite definitions in each State. These definitions are known as "Lists of Hazardous Child Labour". There may be cases where the work can "become admissible", if the conditions that make it dangerous are eliminated and it falls within the parameters of the minimum age for admission to employment.

The unconditional worst forms of child labour

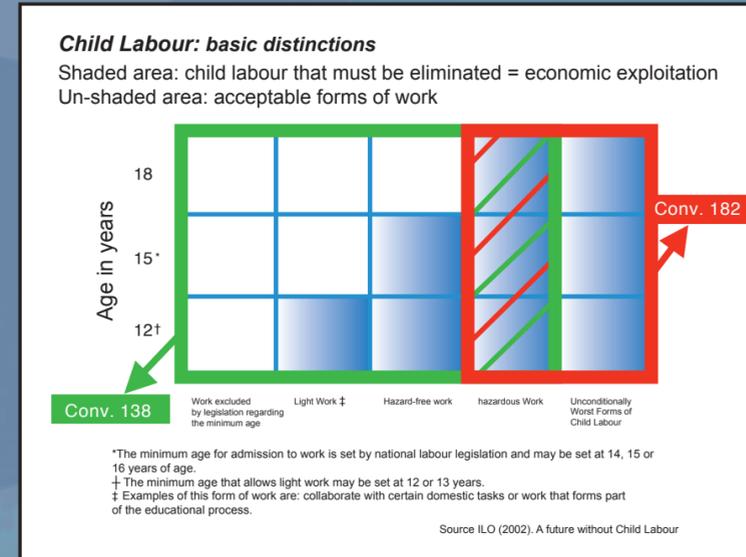
- These are forms of economic exploitation of children and adolescents that are similar to slavery and forced labour that should be considered CRIMES, and are committed by those who use, recruit and maintain any person under the age of 18 in these forms of exploitation. The exploiters should be sanctioned according to the stipulations of the Penal Code of the countries and for which the intervention of the police, judicial and the child protection authorities is crucial.
- In contrast to dangerous work, these forms of economic exploitation are situations that:
 - » **Do not require definition at the national level** (since they are defined in C.182, art. 3, subparagraphs a, b & c)
 - » **Being CRIMES under the law, they demand immediate cessation of the situation and immediate attention** (it is not acceptable improve a "working conditions")

These "unconditional worst forms" include:

- *Slavery and its similar practices, such as the sale and trafficking of children and adolescents for means of exploitation*
 - *Commercial sexual exploitation*
- *Utilization of underage persons to carry out illicit activities.* (See article 3, subparagraphs a, b & c of Convention 182)

¹ Convention 138 establishes that the minimum working age "shall not be less than the age at which the scholastic obligation ends, or in every case, at fifteen years" and immediately afterwards indicates that in spite of the above the member State "whose economy and educational means are insufficient may, after consultation with the interested employers' and workers' organizations ... initially specify a minimum age of fourteen years". This is why, in several countries of the region, the age of 14 years is still the minimum age for admission to employment, with the commitment that, once the described conditions are overcome, said age is progressively raised.
² Ibidem

The following graph clarifies the basic distinctions that we have mentioned in the previous paragraphs:



Commercial sexual exploitation of children and adolescents

Commercial sexual exploitation is a grave violation of children's human rights and an illegal activity that harms them, for this reason 182 ILO Convention considers it an Unconditional Worst Form of Child Labour that is a crime and urges the States to take **immediate and effective measures** for their prohibition and elimination.

How does commercial sexual exploitation of Children (CSEC) occur?

CSEC occurs when one or more persons involve a child or adolescent (a person under the age of 18), in sexual or erotic activities in exchange for economic remuneration or any other form of retribution or payment in kind (clothes, food, drugs, among others).

This includes submitting children and adolescents:

- Having sexual relations or carrying out any other type of sexual activity
- Producing and distributing pornographic material (videos, magazines, photos, etc.)
- Participating in public or private sexual shows (in nightclubs, bars, and parties, among others).

Traditionally, society has recognized prostitution of adults as a "form of work". However, in the case of persons under 18, the payment for sexual activities constitutes one of the worst forms of violence and exploitation that includes multiple physical, psychological and social consequences for its victims, therefore, it is a crime.

The term "prostitution" should not be used when one refers to children and adolescents. It reinforces the idea that they are "selling a service" when they are really being exploited.

I thought it was his/her boss, and it turned out to be a sexual exploiter...

Sadly, sexual commerce of children and adolescents has become a lucrative "business", operated by criminal networks of exploiters, who can be:

- *From all careers or professions.*
- *From any educational level and any social class.*
- *Married, divorced or single persons*
- *From any country (nationals, tourists, residents)*
- *Most are men, but there are also women involved.*

The "**client-exploiters**": These people pay to carry out sexual activities with children and adolescents to satisfy their own desires, consume pornographic materials containing images of children and adolescents; or participate as clients of sexual shows where persons under 18 participate.

Pimps or intermediaries: are the persons who (taking advantage of the vulnerability of children and adolescents, especially those coming from conditions of poverty, mistreatment or drug addiction) involve, induce or recruit them to carry out sexual activities and receive an economic benefit for mediating or facilitating situations of CSEC.

How can I detect a situation of commercial sexual exploitation?

There are certain economic sectors where commercial sexual exploitation of children (CSEC) situations are more frequent, and in which it is important to pay special attention to those industries involving sex and entertainment, transportation and tourism. As a labour inspector, you might suspect you are in the presence of a situation of commercial sexual exploitation, if you detect the following situations upon making a visit to a workplace: Girls, boys or adolescents ...

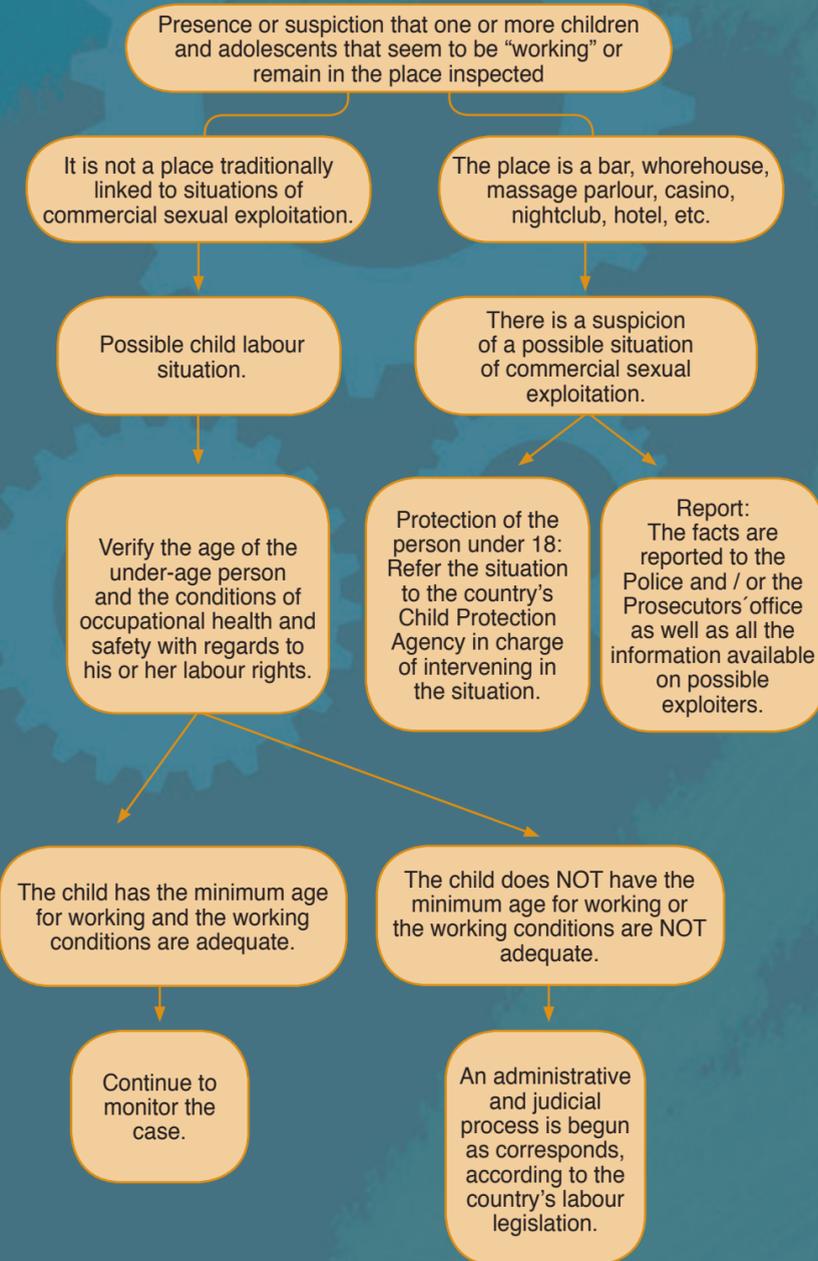
- *In a bar or place where you suspect drugs are sold.*
- *In whorehouses, massage parlours, casinos o nightclubs.*
 - *In hotels, unaccompanied by a family member.*
- *In a restaurant or tourist attraction, accompanied by a foreigner or non-family member adult.*
 - *In photographic studios.*
- *Outside places linked to the sex industry and entertainment (bars, nightclubs, hotels, etc.)*
- *In places with a lot of transportation movement (border crossings, important highway rest stops, etc.)*
 - *Late at night.*

I thought he/she was an employee of the bar and he/she turned out to be a victim of exploitation...

Persons under 18 involved in a CSEC situation are victims of a form of violence and exploitation and cannot be considered as "employees" or "workers". Any child or adolescent can be a Victim! But some are more vulnerable if they...

- *Have no money,*
- *Have been abandoned,*
- *Suffer abuse in their homes,*
- *The institutions that should protect them fail to do so,*
- *They live on the streets and suffer labour exploitation,*
 - *Use alcohol and drugs.*

It is also very important to know how to differentiate “hazardous child labour” from “commercial sexual exploitation”, since the procedures for labour inspectors to follow may vary from situation to situation:



Remember not to alert the suspects of the actions that you are going to carry out, since that could hinder a criminal investigation. However, remember that you must act with URGENCY to prevent further criminal acts against the boys, girls and adolescents.

CSEC is difficult to identify due to its illegal nature and therefore it is usually hidden from the “public eye”; this is the reason it is so important to report it. Privileged access of labour inspectors to certain places in which there might be CSEC situations, puts them in a advantageous position for detecting and therefore for denouncing CSEC situations.

In order to detect CSEC situations, any observation that you can perform at the site is fundamental. Be aware that at the least suspicion of a CSEC situation, you are obliged to inform the Prosecutors’ Office or the police department, they are the ones in charge of investigating these crimes and can contact the Child Protection Institution, for them to provide immediate protection for the child.

In the face of suspicion or certainty of a commercial sexual exploitation situation, it is not recommended, but also illegal, to initiate a labor administrative process for “child labour or the protection of a working adolescent” seeking to improve the “working conditions” of the adolescent. We must remember that exploitation is a crime in which the exploiters must be denounced in a penal process. Furthermore, proceeding in this way can seriously obstruct a criminal investigation.

To successfully confront the crimes of CSEC, coordination with other institutions such as the Police, the Prosecutors’ Office and the Child Protection Agency, is indispensable, and to obtain this coordination it is necessary for all of the public officials, including labour inspectors, who know of crimes of CSEC, to fulfill their obligation to report them and to put the mechanisms for victim protection in motion.

How can I report commercial sexual exploitation crimes?

- With nothing more than a reasonable suspicion that a crime has been committed, one should file a criminal report, even if you are not sure you are in the presence of a CSEC crime, or you are doubtful on what kind of a crime it is. Do not worry the police authorities and the Prosecutors’ Office will take care of that aspect.
- It is important for you to contribute by reporting all the information that is possible to gather (according to your competences), this does not mean you should become a police investigator. You should not put your life or the victim’s life at risk. Be careful not to alert the possible suspects, take note and details of the situation you are observing: address of the site, any data that you have on the suspicious person or persons (name, description); description of other persons present, whether they are victims, witnesses or suspects, vehicle license plates, etc.
- Provide any other reference and information that might be useful for the investigation. If possible, write a report with all of the information you have.
- In many cases, the denunciation may be anonymous, however, it is important that the investigators stay in contact with the denouncer, for any additional information they may need.
- Remember that reports are to be made to the Prosecutors’ Office or to the Police.

Other actions that you can take to combat commercial sexual exploitation:

- Within the Labour Inspection team, define a guidelines for action. It should clearly state with whom one must coordinate when confronted by a CSEC situation.
- Inform and train all labour inspectors on the subject.
- Place posters or informative materials in your workplace to inform other persons about the problem and to encourage its denunciation.
- Participate actively in the local and national networks (commissions, work groups, committees, and institutional networks, among other things) that deal with the problem.
- Give your support to cultural change towards Zero Social Tolerance of exploitation situations.

There are many myths or false beliefs about the reality of these victims, for example, believing that they “earn a lot of money”, they “like it” or “need” to be abused. These myths place the guilt on the victims, and we should eliminate them if we wish to provide effective protection to them and comply adequately with our job.

Remember: commercial sexual exploitation exists because there are adults willing to pay for sex with children and adolescents.

There are no excuses ... it is a crime!

In the following chart you will find the telephone numbers of your country’s institutions, with whom you can coordinate actions for the protection of victims and reporting of CSEC cases:

	Where to report	Offices that care for victims
BELIZE	<ul style="list-style-type: none"> Police: 911 DHS:0-800-PROTECT 	<ul style="list-style-type: none"> National Committee For Families and Children (NCFC) : 223-0059 Department of Human Services, Belize City, Belize (DHS) : Tel 227-7451 or 227-7452/ Fax 227- 1276
GUATEMALA	<ul style="list-style-type: none"> Policía Nacional Civil: 110 y 120 Juzgados de Paz y Juzgados de Instancia de Niñez y Adolescencia: PBX 2248-7000 Fiscalía de Niñez y Adolescencia: 2230-6037 / 2220- 5577 / 2230-5579 Oficina de Atención Permanente del Ministerio Público: PBX 2411-9191. Ext. 1015 	<ul style="list-style-type: none"> Oficina de Atención a Víctimas de Ministerio Público: PBX 2411-9191. Ext. 1098 En cada Subestación, Estación y Comisaría de Policía Nacional Civil, existe una persona encargada de la atención a víctimas, por lo que se puede acudir a la más cercana.
EL SALVADOR	<ul style="list-style-type: none"> Policía Nacional Civil: 911 División de Servicios Juveniles y Familia de la PNC: 2279-3262 Departamento de Trata de Personas de la PNC: 2298-3168 / 2298-3177 Fiscalía General de la República: – Unidad de Delitos contra el Menor y la Mujer: 2523-7210 / 2523-7211 / 2346-0824 - Unidad de Trata de Personas: 2223-4891 - Dirección General de Migración y Extranjería: 2555-7777 / 2255-7700 	<ul style="list-style-type: none"> ISNA: 2213-4730 / 2247-1118 / 2661-0852 ISDEMU: 2221-2020 / 800-9999
HONDURAS	<ul style="list-style-type: none"> Ministerio Público: - Fiscalía Especial de la Niñez: 221-3099 / 221-5620 - Fiscalía de Turno: 237-6830 / 237-6908 - Secretaría de Seguridad - Policía Nacional: - Dirección General de Investigación Criminal, DGIC: 225-5764 / 225-5882 / 225-5428 / 225-5505 - Dirección contra el abuso, tráfico y explotación sexual infantil, DATESI: 220-5374 	<ul style="list-style-type: none"> Instituto Hondureño de la Niñez y la Familia IHNFA - Oficina Regional: 228-4513 / 230-0421 - Programa Hogares de Protección: 228-4358 - Programa de Intervención Social: 228-4362
NICARAGUA	<ul style="list-style-type: none"> MIFAMILIA: 133 Policía Nacional: 118 Ministerio Público: 255-6800 	<ul style="list-style-type: none"> MIFAMILIA: 133 Dirección de Protección Especial: 270-2644
COSTA RICA	<ul style="list-style-type: none"> 911 Fiscalía de Delitos Sexuales y Violencia Doméstica: 2295-3554 / 2295-4951 OIJ. Sección de Delitos Sexuales: 2295-3315 / 2296-3316 	<ul style="list-style-type: none"> 911
PANAMA	<ul style="list-style-type: none"> Policía Técnica Judicial - Centro de Recepción de Denuncias: 262-6979 - División de Delitos Sexuales: 512-2232 Policía Nacional: 104 	<ul style="list-style-type: none"> Ministerio de Desarrollo Social - Dirección de Niñez y Adopciones: 500-6076 - Centro de Orientación y Atención: 500-6076 - Línea de Auxilio: 147
DOMINICAN REPUBLIC	<ul style="list-style-type: none"> Departamento contra el Tráfico Ilícito de Migrantes y Trata de Personas de la Procuraduría General de la República (Santo Domingo y Santiago): 1-809-200-7393 Unidad de Violencia de Género y Abuso Sexual de la Procuraduría Fiscal del Distrito Nacional: 809-533-6668 Línea de auxilio: 1-200-6767 	<ul style="list-style-type: none"> Unidad de Atención a Víctimas Niños, Niñas, Adolescentes y Familia: 809-548-8333 / 809-548-3198 Unidad de Atención y Prevención de la Violencia. Violencia de Género y Abuso Sexual Provincia de Santo Domingo: 809-593-7058 Unidad de Atención Integral a la Violencia de Género, Intrafamiliar y Sexual de Santiago: 809-582-2659

The fight for the eradication of commercial sexual exploitation requires the support of many sectors of society. Children and adolescents need to count on your support in this battle.



International Labour Organization



The Labour Inspection in the face of crimes of commercial sexual exploitation of children and adolescents

Taking Action!



International Programme on the Elimination of Child Labour (IPEC)