
CONVENTION (NO. 182) FOR ELIMINATION OF THE
WORST FORMS OF CHILD LABOR

NOVEMBER 3, 1999.—Ordered to be printed

Mr. HELMS, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany Treaty Doc. 106-5]

The Committee on Foreign Relations, to which was referred the Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted by the International Labor Conference at its 87th Session in Geneva on June 17, 1999 (Treaty Doc. 106-5), having considered the same, reports favorably thereon, with two understandings, one declaration and one proviso, and recommends that the Senate give its advice and consent to the ratification thereof as set forth in this report and the accompanying resolution of ratification.

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I. PURPOSE

In general, the Convention obligates ratifying countries to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency.

II. BACKGROUND

The Convention for the Elimination of the Worst Forms of Child Labor was adopted on June 17, 1999 during the International Labor Conference. The stated goals of the Convention include:

- the effective elimination of the worst forms of child labor;
- ensuring that Parties take into account the importance of free basic education;
- removal of children from all work in violation of the Convention;
- provision of rehabilitation and social integration for children who have been engaged in work in violation of the Convention.

The Convention requires members to provide for the immediate elimination of certain forms of child labor. The Convention defines the worst forms of child labor as slavery, prostitution, pornography, or work that is likely to harm the health, safety and morals of children under the age of 18. The types of work that may be unhealthy, unsafe, or immoral are to be “determined by national laws and regulations or by the competent authority, taking into consideration relevant international standards.” The Executive Branch, in its submittal to the Senate, has indicated that implementing legislation is not required because current U.S. law meets the standards in the Convention.

The Convention requires that treaty parties designate appropriate mechanisms to monitor implementation of the Convention. Parties must consult with employer and worker organizations in creating these mechanisms. The Convention is binding on a ratifying party for ten years, at which point, a treaty party may, for a period of one year, denounce the Convention.

III. SUMMARY

A. DESCRIPTION OF ARTICLES

Article 1 of the Convention requires member states to take immediate and effective steps to end the worst form of child labor abuses.

Article 2 states that the provisions of the Convention apply to all persons under 18.

Article 3 defines the worst forms of child labor as: (a) all forms of sale, trafficking, or slavery of a child; (b) use of child in child prostitution or pornography; (c) use of child in illicit activities, particularly in the production or trafficking of drugs; and (d) any work that is likely to harm the health, safety, or morals of children.

Article 4 states that the type of work referred to under Article 3(d) is to be determined by national laws or regulations or by the competent national authority, after consultation with concerned employer and worker organizations. Under Art. 4(3), these types of work are may be re-examined periodically.

Article 5 states that each member, after consultation with employer and worker organizations, shall establish mechanisms to monitor the implementation of the Convention’s provisions.

Article 6 requires that each member design and implement programs to eliminate the worst forms of child labor in consultation with employer and worker organizations.

Article 7 requires each member to implement enforcement measures. It also provides that members should take measures that, in addition to removing children from abusive child labor, provide rehabilitation, social integration, access to free basic education, and vocational training. Specifically, member states should identify and reach out to children at special risk.

Article 8 provides that members should provide assistance and/or cooperate with efforts of other members in giving effect to the Convention's provisions.

Article 9 states that formal ratification of the Convention should be forwarded to the Director-General of the International Labor Office.

Article 10 states that the Convention is only binding on members who have registered with the Director-General and that the Convention shall take effect 12 months after the date at least two members have been registered. Thereafter, the Convention takes effect for any member 12 months after the date the member registered.

Article 11 allows a member to denounce the Convention ten years from the date it takes effect. The denunciation does not go into effect until one year after the date on which it was registered. If a member fails to denounce the Convention within the one year following the expiration of the ten year period, the member is bound for another ten years. The member has an opportunity to denounce the Convention at the end of each ten year period.

Article 12 states that it is the responsibility of the Director-General to notify all members of ratifications or denunciations.

Article 13 provides that the Director-General notify the Secretary-General of ratifications and denunciations.

Article 14 states that the provisions of the Convention may be revised in whole or in part, and reports may be submitted on the working of the Convention.

Article 15 provides that if a new Convention is adopted, if a member ratifies it, it effects a denunciation of this Convention upon the effect of the newly adopted Convention.

B. APPLICABLE UNITED STATES LAW

Currently, the United States provides for the prevention of abusive child labor in the Fair Labor Standards Act (FLSA) and the Occupational Safety and Health Act. The FLSA prohibits an employer from using oppressive child labor in commerce or in the production of goods or in any enterprise engaged in commerce. (29 U.S.C. 212.) The child labor provisions are enforced by the Secretary of Labor.

"Oppressive child labor" is defined under the FLSA as employment of a child under the age of 16, or between the ages of 16 and 18 if employed in an occupation that the Secretary has declared to be particularly hazardous for children between those ages, or which is detrimental to their health or well-being. In addition to the oppressive child labor provisions, the FLSA provides for a minimum wage under section 206 and overtime provisions of employees under section 207 of the Act.

Oppressive child labor does not include employment of a child under 16 by a parent or other person standing in the place of the

parent who employs her own child in an occupation other than manufacturing or mining, or other than an occupation determined to be hazardous or unsafe by the Secretary. The Secretary has authority to allow employment of children between the ages of 14 and 16 in an occupation other than manufacturing or mining that does not interfere with their schooling or health and well-being.

The FLSA also contains a number of exemptions to its child labor provisions. The FLSA child labor provisions do not apply to: (1) a child below the age of 16 employed in agriculture on a farm owned by the child's parent, or such employment is on the same farm where the parent works; (2) child employed in newspaper delivery; (3) child actors; and (4) child employed to hand-harvest short-season crop.

The Secretary has promulgated extensive regulations regarding what occupations are considered hazardous and what occupations are permissible for certain ages. The Secretary has authority to investigate and inspect workplaces and may bring an action to prevent any act or practice of oppressive child labor. The Secretary may impose a penalty not to exceed \$10,000 for each employee who was the subject of a violation of the oppressive child labor provisions and \$1,000 for each repeated and willful violation of Sections 206 or 207.

In regard to the worst forms of child labor as defined by the Convention, U.S. law already prohibits and provides for criminal sanctions for child pornography and prostitution. Slavery was outlawed by the 13th Amendment in 1865. U.S. law also criminalizes the use of persons under 18 in drug trafficking or distribution. States also have their own laws in the areas of child pornography, prostitution and drug trafficking.

In sum, U.S. law is sufficient in order for the United States to comply with the Convention. U.S. law prohibits the use of oppressive child labor. The United States has designated an agency to identify and eradicate child labor. That agency has broad investigatory and enforcement powers. The agency has issued regulations to prohibit child labor in hazardous and unsafe occupations. The FLSA and accompanying regulations focus on occupations for children that do not or would not interfere with their schooling. While the Act has a number of exemptions, they do not apply to occupations that would be considered the worst forms of child labor under the Convention.¹

IV. ENTRY INTO FORCE AND TERMINATION

A. ENTRY INTO FORCE

The Convention shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General of the ILO. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its instrument ratification has been deposited.

¹A thorough legal analysis of the Convention and relevant U.S. law is set forth in the "Report of the Tripartite Advisory Panel on International Labor Standards to the President's Committee on the International Labor Organization Regarding Convention No. 182 on the Worst Forms of Child Labor." It is set forth at pp. 29-73 of Treaty Doc. 106-5.

B. TERMINATION

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first came into force. Such denunciation shall not take effect until one year after the date on which written notice is deposited with the Director-General.

Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years.

V. COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on the proposed Convention on October 21, 1999 (a transcript of the hearing and questions for the record can be found in the annex to this report). The Committee considered the proposed Convention on November 3, 1999 and ordered the proposed Convention favorably reported by voice vote, with the recommendation that the Senate give its advice and consent to the ratification of the proposed Treaty subject to two understandings, one declaration, and one proviso.

VI. COMMITTEE COMMENTS

The Committee on Foreign Relations recommends favorably the proposed Convention. On balance, the Committee believes that the proposed Convention is in the interest of the United States and urges the Senate to act promptly to give its advice and consent to ratification. Several issues did arise in the course of the Committee's consideration of the Convention, and the Committee believes that the following comments may be useful to Senate in its consideration of the proposed Convention and to the Labor and State Departments.

A. CHILDREN WORKING ON FARMS

During the course of negotiation and Senate consideration of the Convention, several concerns were raised about the application of the Convention to children working on farms. Specifically, the President of the American Farm Bureau wrote the Chairman indicating two areas that the Bureau recommended be clarified: (1) clarification that the employment in agriculture provisions of the Fair Labor Standards Act regarding 16 and 17 year-olds are fully consistent with the provisions in the Convention; and (2) clarification that children under the age of 16 may work on the family farm.

The Resolution of Ratification proposed by the Committee addresses both of these issues. The Resolution includes an "understanding" regarding Article 3(d) which defines one category of the "worst forms of child labor" as "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." The understanding in the Resolution makes clear that the Article does not apply to situations in

which children are employed by a parent or by a person standing in the place of a parent on a farm owned or operated by such parent or person. In addition, the understanding makes clear that the Article does not change, nor is it intended to lead to a change in the agricultural employment provisions or any other provision of the Fair Labor Standards Act in the United States.

In response to a written question from Senator Helms regarding this issue, the Secretary of Labor stated:

[The Department] can assure the Committee that even without the proposed understanding, nothing in the Convention could be construed to apply to the work of children on family farms. This assurance is based upon the clear negotiating history of the Convention, described in detail in the Statement of United States Law and Practice with respect to the Convention, which has been submitted to the Senate.

Even so, the Committee believes it is necessary to fully clarify this issue for purposes of United States implementation of the Convention, and believes this understanding will ensure that all Parties to the Convention are on notice as to the U.S. interpretation of Article 3(d) with regard to U.S. employment laws for children working on farms.

B. RECRUITMENT BY THE ARMED SERVICES

Employment in the United States armed forces on both a part-time and full-time basis is voluntary and the United States does not engage in any forced or compulsory recruitment. Seventeen year-olds may volunteer to serve in the U.S. Armed Forces with parental consent.

Article 3(a) of the Convention prohibits “forced or compulsory recruitment of children for use in armed conflict.” It is clear from the terms of the Convention that the words “forced or compulsory recruitment” do not apply to the U.S. practice of permitting voluntary enlistment by seventeen year-olds. The Committee understands that this was compromise language achieved by the United States in the course of negotiations, and applauds the negotiators for their efforts to include a standard that is compatible with U.S. law and practice. The Committee agrees that coercive recruitment into the military should not be tolerated and is particularly concerned by young boys in certain war-torn countries who are forced to join the military at a very young age.

The Committee expects that the United States will continue to oppose any efforts to require by treaty a prohibition on the voluntary enlistment of seventeen year-olds in the U.S. Armed Forces when they have parental consent. Such a fundamental change in U.S. national security policy is a matter for domestic decision-making.

C. IMPLEMENTATION OF THE CONVENTION

According to statistics compiled by the U.S. Department of Labor, there are some 250 million children aged 5–14 engaged in economic activity in developing countries. For close to one-half of these children the work is on a full time basis, while the remaining one-half

combine work with schooling or other non-economic activities. (These figures do not include children who work on a full-time basis in their own parents' or guardians' home.) About 61 percent of these children are from developing countries in Asia, and 32 percent are from African countries.

Reducing the abusive use of children in the workforces of these countries, which are typically poor and unable to provide adequate education for their children, will be a challenge. Despite existing Conventions prohibiting child labor, the problem persists in developing countries. Whether this treaty will bring about a willingness by countries to substantially reduce the worst forms of child labor is not clear. In a response to a question from Senator Helms, the Secretary of Labor stated:

Many nations of the world have too many children working full time, who miss the opportunity to acquire basic literacy and numeracy. Some, but not all, of these children are engaged in the worst forms of child labor, which are targeted by the Convention. Ratification of the Convention by member states will not in and of itself eliminate the worst forms of child labor. But it will introduce an additional scrutiny and accountability mechanism on ratifying states through the ILO reporting and supervisory procedures. It will also be an additional and important element in the effort of many parties in these countries to move the issue of abusive child labor high enough on their national agendas that sufficient resources are allocated to provide the education and other support services necessary to take children out of the workplace and to put them in school rooms.

Although the Secretary's work plan is laudable, the ability to effect change in countries with severe poverty and high corruption remains to be seen. The Committee expects that the Departments of Labor, State, and Commerce will use this Convention to encourage voluntary actions by U.S. and multinational businesses to ensure children are not used for production of their products. The Committee also expects that the Department of State will ensure that this issue will remain a high priority in bilateral relations with countries utilizing children for the worst forms of labor as defined in the proposed Convention. Finally, the Committee expects the Departments of State and Labor to report regularly to the Committee regarding their efforts to encourage ratification of and implementation of the goals of the Convention in other countries.

VII. RESOLUTION OF RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted by the International Labor Conference at its 87th Session in Geneva on June 17, 1999 (Treaty Doc. 106-5), subject to the understandings of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate’s advice and consent is subject to the following understandings, which shall be included in the instrument of ratification:

CHILDREN WORKING ON FARMS.—The United States understands that Article 3(d) of Convention 182 does not encompass situations in which children are employed by a parent or by a person standing in the place of a parent on a farm owned or operated by such parent or person, nor does it change, or is it intended to lead to a change in the agricultural employment provisions or any other provision of the Fair Labor Standards Act in the United States.

BASIC EDUCATION.—The United States understands that the term “basic education” in Article 7 of Convention 182 means primary education plus one year: eight or nine years of schooling, based on curriculum and not age.

(b) DECLARATION.—The Senate’s advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

VIII. ANNEX

**ILO CONVENTION FOR ELIMINATION OF THE
WORST FORMS OF CHILD LABOR**

Thursday, October 21, 1999

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
WASHINGTON, DC.

The committee met at 10:34 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Jesse Helms (chairman of the committee) presiding.

Present: Senators Helms, Biden, Feingold, and Wellstone.

The CHAIRMAN. The committee will come to order. There is not a clamor of Senators to be here or in any other committee meeting, but everybody has got to be two places at once. Senator Biden sent word that he will be here as soon as a matter is settled in the Judiciary Committee, and there will be other Senators I am sure.

In any case, the committee meets this morning to consider the International Labor Organization Convention on the Worst Forms of Child Labor. The Convention was adopted unanimously on June 17, submitted to the Senate on August 5, and of course, is now on the committee's agenda this morning.

This is a fairly prompt consideration for a treaty, and it is a tribute to the treaty's negotiators. The negotiators consulted regularly with members of this committee and the committee staff during negotiations and were able to ensure that the treaty tracked consistently with the United States Fair Labor Standards Act.

Now, nothing in this treaty even implies that young people will be prohibited from working on family farms, even if they are under 16 years of age, or if they work in a paid capacity at age 16. Nor does the treaty hinder the ability of the United States armed forces to continue voluntary enlistment of students finishing their high school degrees.

Instead, the treaty sets basic standards that each party to the Convention must take measures to implement. The treaty defines the words "worst forms of child labor," quote/unquote—I do it that way to indicate that it is a part of the preamble—as using or procuring children for, one, slavery or practices similar to slavery; two, prostitution or pornography; three, illicit activities such as drug trafficking; and four, other works which by its nature or circumstances are likely to harm the health, safety, or morals of the children.

Now, most Americans will agree that anyone using children to perform these abhorrent activities should be punished to the fullest extent of the law. As I thought about being here this morning, I could think of several personal ways to punish them, Tom, but I guess that would be unlawful too.

In any case, there are countries that continue to have thriving economic sectors that profit by using children as cheap laborers.

Now, the reasons for turning a blind eye toward child labor could be complex, of course. In many cases, governments are corrupt and exhibit little concern for the health, safety, or morals of their nation's children. As a result, families may be merely struggling to survive and perhaps need the additional income their children can provide. In other cases, countries maintain a class system and simply ignore the welfare of a whole segment of their population, including of course the children.

Now then, according to the statistics of the Department of Labor, there are some 250 million children between the ages of 5 and 14 engaged in economic activity in the developing countries. For close to one-half of these children, the work is on a full-time basis while the remaining one-half combine work with schooling or other non-economic activities. And these figures do not include children who work on a full-time basis in their own parents' or guardians' home.

About 61 percent of these children are from developing countries in Asia, and 32 percent are from African countries. So, it is questionable whether ratification of this or any other treaty, to be honest about it, will do much to reduce the abusive use of children in the work forces of these countries which are typically poor and unable to provide adequate education for their children.

The United States is already party to a number of treaties, including the ILO Forced Labor Convention which was ratified in 1992, and requires the abolition of forced labor of children under the age of 18. But despite this treaty, the problem persists, as I say, in the developing countries.

Now then, on today's private panel are witnesses who will speak more directly to implementation of the goals highlighted by the Convention. Although I support ratification of the Convention, in all candor I fear that it will do little to change many of the most corrupt and impoverished countries around the world. On the other hand, we must do what we can to try. I am hopeful that the witnesses today will lay out some of the policies that will engender economic and political self-interest for governments to stress the adequate education of their children rather than their full employment.

Now, we are going to have three panels this morning. Senator Harkin, my colleague, whom I admire and respect, requested to testify and will be the first panelist, and he will be followed by the distinguished Labor Secretary, Alexis Herman. We welcome her. And the third panel will consist of distinguished witnesses: Mr. John J. Sweeney, the President of the AFL-CIO; Ambassador Thomas M.T. Niles, President of the U.S. Council for International Business; Mr. Casey Harrell, a member of the Duke University chapter of Students Against Sweatshops; and Mrs. Françoise Remington, the Executive Director of Forgotten Children.

Senator Harkin, we welcome you and you may proceed, sir.

STATEMENT OF HON. TOM HARKIN, U.S. SENATOR FROM IOWA

Senator HARKIN. Mr. Chairman, thank you very much for your leadership and guidance on this issue. From the bottom of my heart, I just want to thank you for the expeditious manner in which you have moved this issue. As you said, it just came to you in August, if I am not mistaken, and was just ratified on June 17th in Geneva. And your having this hearing today indicates your interest in and your desire to, as you say, do all we can. We may not be able to accomplish everything, but we must try. And I think that is the right attitude in which we must approach this. So, again, I thank you for that.

I am honored to be here with Secretary Herman and President Sweeney and others and Mr. Niles of the business community. They will be speaking a little bit later about some of the intricacies than I will. I just thought I would just give it a broad brush stroke and get out of your way.

But again, Mr. Chairman, there is going to be a meeting of the ILO governing body in November, and others will speak about this, but it would be, I think, a great thing for us if we could get this out while they are there meeting and say the United States has taken the leadership position on this.

Well, Mr. Chairman, as you said in June, the ILO ratified this unanimously, the United States included. For the first time in history, the world spoke with one voice in opposition to abusive and exploitative child labor. Countries from across the political and economic and religious spectrum, from Jewish to Muslim and Buddhist to Christians, came together to proclaim unequivocally that abusive and exploitative child labor is a practice which will not be tolerated and must be abolished.

We have heard all these arguments all the time. Well, child labor is an acceptable practice because of a country's economic circumstances. Well, gone is that argument. Then we heard, well, it is acceptable because of cultural practices. Well, now that argument is gone. Then we heard that it was a necessary evil on the road to economic development. That argument is gone also. That is what all of these countries have basically said, that we are not going to abide by those old arguments. The U.S. business community and everyone agreed on the final version.

Mr. Chairman, I have made this an interest of mine. I have been working on it for the better part of a decade, and quite frankly, we have made great progress in this area.

As you indicated about child labor, we are not talking about kids working after school or on the family farm. Since I have been 10 years old I have worked, and I bet you did too. We are not talking about that. Quite frankly, I think there is a benefit to kids working and knowing the responsibility of work and hard work and knowing how to get there on time and doing a good job. That is a real benefit. That is not what we are talking about.

We are talking about kids that are basically ripped from their families. Many of them are chained to looms or to the places they work. They are not allowed to go to school. They are really vir-

tually slaves is what they are. So, they are denied an education. They are denied any kind of character formation with their families in many cases. That is really what we are talking about here in the worst forms of child labor.

I just thought I would show you this and tell you a little story, Mr. Chairman.

Senator HARKIN. This is a picture which I actually took. Last year, I did a tour. This is in Kathmandu, Nepal. I had never been there before. But I had heard about all the different child labor there. But, see, if you ask to go visit a plant, of course by the time you get there, all the kids are out the back door and they are gone. So, through contacts I had found this young man who had been a former child laborer, and he knew the guard at one of the gates of this factory on the outskirts of Kathmandu. He found out that the owner was not going to be there. So, he said, if we go there at night, I can get us in.

So, it was a Sunday night, about 7:00–7:30 in the evening. It had just gotten dark. We got in an unmarked car and we drove out to the outskirts of Kathmandu and up to this plant. The first thing that I saw was this sign outside of the gates. This is all locked up in gates and stuff. It is in both Nepalese and in English, and it says, “Child labour under the age of 14 is strictly prohibited.”



Well, as I said, this young man knew the guard and the guard let us in. So, we walked down this sort of back alley and down around in the back and we come in this building. These are some of the pictures—I do not have them all here—of what I found.

Senator HARKIN. We walked in there. Kids as young as 6 and 8 years old—mind you, this is at night. This is like 7:30, 8 o'clock at night. Hundreds of these kids in these big buildings. You cannot see it here, but these kids are way back in these long lines sitting there. That is me looking over their shoulders. These kids were working on these looms that late at night. You cannot see. There is all this dust that comes off and stuff like that, and it is dirty. There are just dirt floors.



And these kids live in barracks next to the looms. So, they work, they go back to these barracks to sleep, they get up in the morning, they come back to work again. They have nothing else. No play. No family. A lot of these kids are taken away from their families.

My flash bulb was not good enough to get all the way back on that.

The CHAIRMAN. Yes. Well, I think you did well doing that.

Senator HARKIN. And there is another kid. I could not speak Nepalese, but I had this other guy with me and we are talking to him. As best as I could determine, he was 7 years old. The best I could determine in terms of age and stuff like that.

The CHAIRMAN. Now, hold that one up, if you will. I think they would have an interest in that too.



Senator HARKIN. Now, the sequel to this story is—you will appreciate this, Mr. Chairman—we were talking to these kids. Of course, they are starting to look at us but they were doing their job. They have been trained. They do not look up. They do their job. And by gosh, would you not know it? They were wrong. The owner was there. He came in the back door and he was furious. Of course, there was a slight confrontation there. Of course, we were forced to leave right away. But it was a moment of contention standing there because, obviously, I was on private property and that kind of thing. So, I really was not legally there I suppose.

But I wanted to get the evidence. I wanted to see for myself, and that is the only way I could do it because I had others who had told me, well, yes, if you set up a visit, they will have all those kids out of there when you go there and you will not see them. So, that was the only way I could actually get to see that.

The CHAIRMAN. Senator, that was a very instructive stop and a good part of your trip, I am sure, but I commend you for it.

Senator HARKIN. Well, thank you, Mr. Chairman.

The other story I would just relate to you on this same trip—this next story I am going to relate to you is an indication of how things can work. Several years ago, when I first introduced my child labor protection act to stop the importation of goods coming into this country made by child labor, I was visited by a group of Bangladeshi businessmen who are part of the garment manufacturers. They make shirts, a lot of shirts, in Dhaka, Bangladesh, and they visited me in my office. Boy, I tell you, they were hot. I mean,

they were really hot. Thankfully, they were in the United States and I was not in their country at that time.

But they were just telling me you just do not understand, Senator Harkin. These kids need it for their families, all the old arguments. You have heard them all. Their families need the money. If they do not have it, they will be out on the streets and they will be prostitutes and all that kind of stuff.

So, I listened to them, and I thought, well, some of what they said might have made sense. So, I said, let us see if we can work together to form some kind of a group to get these kids out of these factories and into schools.

Well, over a process of just a couple of years, the Bangladesh Garment Manufacturers and Exporters Association, this group that came to see me, the Bangladeshi Government, UNICEF, the ILO-IPEC all got together and decided that they would set up a procedure, a process to get these kids out of these plants. Most of them are girls; about 90 percent of these are young girls, 6, 7, 8, 9, 10-year-old girls.

Well, in about 3 years, they got about 10,000 of these kids out of the plants and into 353 schools. Now, I say schools. They are not like we may think of a school. They are one room. Many of them just had a dirt floor, but I visited them. And they have got a teacher there. They are learning the language. They are learning writing. They are learning basic arithmetic and mathematics, and they are even learning English. There may be 20 in this little room, but at least they are learning something and they are in these classes.

Well, what the ILO did through IPEC—or UNICEF—I forget how it all worked together—but they provided money to the families. These young girls were making about 7 bucks a month. They were working 10 to 12 hours a day, 6 and a half to 7 days a week, depending on if they got their quota or not, making 7 bucks a month. So, what we did is we provided to the families half of that amount of money if they would show their little badge and get it stamped if they went to school. So, if they went to school and got it stamped, the family got half the money. So, it kind of gave them an economic incentive. They did not have all of it taken away from the families.

Then we set up an inspection procedure. In fact, I went with the ILO. They had all these plants in Dhaka, Bangladesh laid out on a book. And I said, how do you know that your inspection procedures—or how do you know that they do not know you are coming, that kind of thing. They said, well, pick one and whichever one you pick, that is where we will go. So, I just went down the list and I just pointed. I did not know what I pointed at. Okay, we know where that is. Let us get in the van and let us go. We went out and did an unannounced inspection of this plant. And the owners had agreed to this. The owners had agreed that they signed up with this.

We went there and I got to walk through and talk to all these people. There were not any young girls working there. There had been but now they were in school.

So, I am just saying that it can work. And it does not take much money and it does not take much at all to get something like this

to work. So, those who say, well, if you do this, they are going to be out on the streets and they are going to be prostitutes and they are going to be criminals, that is not necessarily true. It can work because I have seen it work. And if it can work in Bangladesh, probably the poorest country in the world, it can work in Latin America and Africa and a lot of other places.

So, Mr. Chairman, again, I thank you for doing this and for having this important hearing. I would ask that my full statement be made a part of the record. Obviously, I diverged from it a lot.

The CHAIRMAN. Of course, without objection, it will be done.

Senator HARKIN. But I just wanted to relate those stories to you because they are just personal events of mine.

I also just might say that I visited a place in Pakistan. I have one more picture. I could show you that too.

[The material referred to by Senator Harkin was not available at press time.]

Senator HARKIN. This is a picture of a young boy in Pakistan. He is 8 years old and he is making surgical equipment. You see he is making some surgical scissors there. He is 8 years old and again no protective things. He is not in school, and that is his lot in life at 8 years of age.

Again, we are working. Things are happening there to get these kids out of there and into schools, but I think with the adoption of this Convention and with the United States taking a leadership position on this, I believe this is the one place where the United States can really make an impact on these countries. And we can get other countries to start changing also.

I do not believe it is going to cost a lot of money, but it is going to take leadership and I believe that is the kind of leadership that you have shown, Mr. Chairman, in moving this so expeditiously. I congratulate you for it. I commend you for it, and I hope that we can get this thing out and hopefully get it passed before we leave for this year.

[The prepared statement of Senator Harkin follows:]

PREPARED STATEMENT OF SENATOR TOM HARKIN

Good Morning. I would like to thank Chairman Helms and the Committee for holding this hearing seeking input from others about the importance of this Convention. I appreciate this opportunity to testify today on an issue that I believe is vital to the future peace and stability of the world. One which the U.S. must take a leadership role in because of the very nature of our society. I am speaking about abusive and exploitative child labor.

In June, the International Labor Organization's member states—including the United States—unanimously approved a new convention banning the worst forms of child labor. I was privileged to accompany President Clinton on his trip to Geneva to address the ILO on this Convention.

For the first time in history, the world spoke with one voice in opposition to abusive and exploitative child labor. Countries from across the political, economic, and religious spectrum—from Jewish to Muslim, from Buddhists to Christians—came together to proclaim unequivocally that “abusive and exploitative child labor is a practice which will not be tolerated and must be abolished.”

Gone is the argument that abusive and exploitative child labor is an acceptable practice because of a country's economic circumstances. Gone is the argument that abusive and exploitative child labor is acceptable because of cultural tradition. And gone is the argument that abusive and exploitative child labor is a necessary evil on the road to economic development. When this Convention was approved, the United States and the international community as a whole laid those arguments to

rest and laid the groundwork to begin the process of ending the scourge of abusive and exploitative child labor.

Also for the first time in its history, the U.S. tripartite group to the ILO, which consists of representatives from government, business, and labor went to Geneva to negotiate on this important Convention, and they unanimously agreed on the final version.

So, I would like to commend Secretary of Labor, Alexis Herman, John Sweeney, President of the AFL-CIO, and Tom Niles, President of the U.S. Council on International Business, for their leadership on this Convention.

For the better part of a decade, I have been working to end abusive and exploitative child labor around the globe, including in our own backyard. The ILO estimates that 250 million children worldwide many as young as 6 or 7 are economically active. Many of them work in dangerous environments which are detrimental to their emotional, physical, and moral well-being. I have traveled to Pakistan, India, Nepal and Bangladesh where I witnessed the travesty of abusive and exploitative child labor firsthand.

Last year in Kathmandu, Nepal, I visited a carpet factory. It was on a Sunday evening and I was taken there by a young man who had previously been a child laborer. As you can see by this picture, the sign outside the gate clearly states in English and Nepalese that child labor under the age of 14 is strictly prohibited.

Well, this is what I found. Children as young as 7 and 8 years old working with dangerous tools in very dusty, and dirty conditions, as virtual slaves, unable to leave, unable to do anything but work.

This gives you an idea of what I was able to glimpse on my trip. Unfortunately, these children are not alone as the scourge of child labor continues in all corners of the world.

According to the ILO, Latin America and the Caribbean have about 17 million children working; Africa, 80 million; Asia, 153 million; and about half a million in Oceania. This totals about 250 million children world wide that are working.

Let me be clear about what I mean by abusive and exploitative child labor. It is not kids helping on their family farm. It is not after school work. There is nothing wrong with that. I worked in my youth—you probably did too. But this is not what we are speaking about. The Convention the ILO adopted in June and that we are considering here today deals with children who are chained to looms, handle dangerous chemicals, ingest metal dust, are forced to sell illegal drugs, forced into prostitution, forced into armed conflict, forced to work in factories where furnace temperatures exceed 1,500 degrees.

These children are forced to work with no protective equipment under hazardous and slave-like conditions. They endure long hours for little or no pay. They simply work only for the economic gain of others. They are denied an education and the opportunity to grow and develop. This is in sharp contrast to any kind of part-time job after school for spending money for the latest CD.

In this picture, taken in the Sialkot region of Pakistan, 8-year-old Mohammad Ashraf Irfan is making surgical equipment for export. He is 8 years old working around hot metal and sharp instruments. He has no protective clothing or safety glasses to protect his eyes. This is his lot in life at the ripe old age of 8. This is what the ILO Convention seeks to prevent.

The Convention defines the worst forms of child labor as: all forms of slavery, debt bondage, forced or compulsory labor, or the sale and trafficking of children, including forced or compulsory recruitment of children for use in armed conflict; child prostitution; children producing and trafficking of narcotic drugs; or any other 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. It also defines a child as any person under the age of 18.

When children are exploited for the economic gain of others, the child loses, his family loses, and his country loses. And the world loses too. Every child lost to the work place in this manner is a child who will not receive an education, learn a valuable skill, help their country develop economically or become an active participant in the global market. When just one child is exploited, every one of us is diminished.

Recently, I came across a startling statistic. According to a recent report by UNICEF, nearly 1 billion people will be functionally illiterate on the eve of the new millennium because they worked as children and were denied an education. This is a formula for instability, violence and conflict.

I am especially pleased that this ILO Convention places a priority on education as a means to reduce the instances of abusive and exploitative child labor. Additionally, the ILO Convention calls on member nations to identify and reach out to children at special risk and to take into account the special situation of girls with re-

gard to education. I strongly believe that child laborers must go from exploitation to education.

With the adoption of the new Convention on the Worst Forms of Child Labor, the ILO has written an important new chapter in an effort to honor international values and protect the world's children.

So Mr. Chairman, I am hopeful that the Committee will report favorably on the treaty and recommend that the Senate give its advice and consent to ratification. The time has come to build on the growing world consensus to ban the most abusive and exploitative forms of child labor—to lead in the world community and say there are some things we cannot or will not tolerate.

We will not tolerate children being used in pornography or prostitution. We will not tolerate children being forcibly recruited to serve in armed conflicts. We will not tolerate children in slavery or bondage. We will not tolerate young children risking their health and damaging their fragile bodies in hazardous and dangerous working conditions.

This Convention was approved by all ILO member states, even those who have the worst record on child labor. They have committed themselves to rid the world of this miserable existence for far too many children.

As we all know, words on paper alone will not free children from the shackles of child slavery. This Convention is more than words—it will hold countries accountable for their actions and inactions. For the first time, a convention on child labor will require countries to work with the tripartite group, including experts on child labor, to forge actions plans that will move children from the work rooms to the classrooms.

Let there be no doubt. Ridding the world of the most abusive forms of child labor will not be easy and change will not happen overnight. But with the United States pledging to do its part, we can work with the international community to provide children a better life and a brighter future.

Thank you, Mr. Chairman. I urge the committee's swift approval of ILO Convention 182.

The CHAIRMAN. Thank you, Senator. We will be glad to have you stay with us and sit up here.

Senator HARKIN. I have got to go back to the floor, Mr. Chairman.

The CHAIRMAN. I see. Well, thank you for being here. We enjoyed it.

Senator HARKIN. Thank you, Mr. Chairman.

The CHAIRMAN. Now, we are honored to have the Honorable Alexis Herman who is Secretary of Labor, and if she will come forward.

We will stipulate at the outset that your prepared text will be made part of the record, without objection, and since I am the only one here, nobody will object.

You may proceed.

**STATEMENT OF HON. ALEXIS M. HERMAN, SECRETARY,
DEPARTMENT OF LABOR, WASHINGTON, DC**

Secretary HERMAN. It is a good way to run a meeting, Mr. Chairman.

The CHAIRMAN. It sure is.

Secretary HERMAN. Well, Mr. Chairman, thank you so very much for inviting me to be with you to testify today in support of the ratification of the Worst Forms of Child Labor Convention, which was unanimously adopted by the International Labor Organization this past June. Mr. Chairman, I want you to know today that I appreciate and thank you for your personal interest and attention to this Convention. Let me also acknowledge the leadership of Senator Harkin, as he has departed this hearing room.

I also want to acknowledge and to thank this morning Tom Niles of the U.S. Council for International Business, and John Sweeney of the AFL-CIO, our partners on ILO matters. Without their diligent work on this Convention, we would not be here today.

Today, Mr. Chairman, we have a rare opportunity to take the struggle of the world's children to a new and higher level of commitment and action by ratifying Convention 182. As you have rightly pointed out, Mr. Chairman, this Convention addresses the most abusive forms of child labor, slavery, prostitution, drug trafficking, pornography, and the worst forms that are likely to endanger the health, the safety, and the morals of our children.

It was carefully reviewed by a tripartite group of legal experts chaired by the Solicitor of Labor, Henry Solano, who is with me today. The process that they followed used ground rules endorsed by the Senate in 1988 and applied to other ILO Conventions that have been ratified by the United States. Just days after it was passed, the Senate commended the ILO for its action and encouraged the President to submit this Convention promptly. That was done.

And now, with your advice and consent, the United States can ratify the Convention and demonstrate one of our country's deepest values, and that is that every child everywhere is precious. Every country in the world should outlaw the most abusive forms of child labor. U.S. law already prohibits the worst forms of child labor as defined in this Convention, and ratification would not require any change in our current laws or regulations.

Protecting children here and abroad is one of the administration's top priorities, and it is a special priority for me as Secretary of Labor. So, I would like to take just a moment to put the problem of abusive child labor in perspective and describe how the United States is addressing this issue around the world today.

As you have pointed out, the International Labor Organization estimates that over 250 million children are working around the world. An estimated 120 million of these children, in fact, work full time. Today I would like to tell you the story of just two of these children, Amna and Alfaz, who have been helped by programs administered by the ILO and funded by the United States.

Amna was born to a poor family in Sialkot, Pakistan. She was not sent to school because her family could not afford to buy her school uniforms or shoes. Before she turned 10, Amna was stitching soccer balls to contribute to her family's income.

But today Amna has new hope. A project supported by the funds approved by this Congress allowed Amna to go to school. In less than a year, she learned to read and to write in her local language and to differentiate letters also in the English alphabet. Amna plans to stay in school, and Amna's younger siblings now have a shot at a brighter future, one that does not include stitching soccer balls to meet the family's basic needs.

Alfaz, an 11-year-old child living in Bangladesh, worked long hours in a garment factory. As other children went to school in the morning, he went to work. But thanks to an ILO project, Alfaz is now in school, but best of all, he too is learning now to read and to write.

Amna and Alfaz represent just two of the millions of children who go to work every day when they should be going to school. Some of these children work in mines, crawling underground through small, unlit, and unventilated passageways. Others, mostly girls, work long days as domestic servants and often suffer physical and emotional abuse. Some are sold as carpet weavers to repay their parents' debts. In exchange for working long hours, they receive no pay. Instead, they are yelled at, slapped, or beaten. Children do hard labor in rock quarries where they often have to break and carry heavy stones in the hot sun. And girls are sold into the nightmare of child prostitution.

But there is hope. Over the past few years, abusive child labor has now drawn the attention of the international community. You asked earlier, Mr. Chairman, what is different and what perhaps can we expect to see in terms of different results. Well, what is different today—and this is a very important change from a decade ago—is that today governments and organizations are finally now acknowledging the problem. That was not true a decade ago. Today many international organizations and governments in developing and industrialized countries and non-governmental actors are developing and implementing strategies and initiatives to address child labor.

The United States has taken the lead on a number of fronts. Over the past years, the Department of Labor's International Bureau of Labor Affairs has studied and reported on international child labor in its *By the Sweat and Toil of Children* series.

The United States is also supporting direct action to improve the lives of children working around the world. Since 1995, with bipartisan congressional support, the Department of Labor has committed \$37 million to support activities that address international child labor, including nearly \$30 million in 1999, to the ILO's International Child Labor Fund, IPEC, which has been the most effective and innovative international program today targeting abusive child labor. IPEC projects are showing real signs of achieving real success in improving the lives of children in need, and we look forward to continuing this important work with the ongoing support of this Congress.

The problem of abusive child labor demands a global solution. The work of the ILO, including the new Worst Forms of Child Labor Convention, is an important contribution to that solution. As adopted, the Convention is clear, concise, and well-focused. Representatives of the United States Government, American workers, and American employers played an important role in its creation. I am confident that it can be ratified not only by the United States but by countries around the world.

This was a very long and a very difficult process. It involved, Mr. Chairman, over 2 years of active negotiation on our part and consultation with your office, with this committee, to achieve the results that we have achieved to date. I believe that wide ratification is a key to eliminating the worst forms of child labor. If we are to eliminate the worst forms of child labor, we must have a core standard that is accepted and applied globally. Convention 182 gives us that standard.

Mr. Chairman, the new Convention speaks of eliminating the worst forms of child labor as a matter of urgency. Well, it is an urgent matter. One child working in abusive conditions is one child too many. You have recognized as much by swiftly taking up consideration of this Convention.

Again, I thank you for your swift action and for your response. And by ratifying Convention 182, we will be able to give all of our children the 21st century that they, in fact, deserve.

Thank you again, Mr. Chairman, for inviting me to be with you today, and I will be pleased to answer any of your questions or that of Senator Biden and Senator Wellstone before this committee. Thank you.

[The prepared statement of Secretary Herman follows:]

PREPARED STATEMENT OF HON. ALEXIS M. HERMAN

Mr. Chairman and Members of the Committee:

I am grateful for the opportunity to appear before you today, in support of United States ratification of the Worst Forms of Child Labor Convention, 1999 (Convention No. 182), unanimously adopted by the International Labor Organization (ILO) in Geneva on June 17, 1999. Representatives of the United States government, American workers, and American employers played an important role in assuring that the Convention is clear, well-targeted, and capable of U.S. ratification.

Today, we have a rare opportunity to take the struggle for the world's children to a new and higher level of commitment and action. Just days after the ILO's historic step, the Senate adopted a resolution condemning abusive and exploitative child labor, commending the member states of the ILO for their achievement in Geneva, supporting a policy of continued international cooperation to end child labor abuses, and looking forward to the President's prompt submission of the Convention to the Senate. I am pleased that the President was in a position to transmit the Convention to the Senate by August and that this Committee has been willing to give most rapid consideration to this treaty.

I serve as chair of the tri-partite President's Committee on the ILO, which advises the President on ILO matters and which includes the Secretaries of Labor, State, and Commerce, the National Security Advisor, the Director of the National Economic Council, and the presidents of the U.S. Council for International Business (USCIB) and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). The President's Committee unanimously recommended that Convention 182 be submitted to the Senate for its advice and consent to ratification.

It is our hope that, with this Committee's support and with the Senate's advice and consent, the United States will become one of the very first countries to ratify the Worst Forms of Child Labor Convention. Ratification of the new Convention would reflect one of our country's deepest values: that every child, everywhere, is precious. No child should be compelled to endure a life of forced labor. No child should ever be brutalized by work in the commercial sex trade. No child should be involved in illicit activities like drug trafficking. And no child should do work that is likely to harm the child's health, safety or morals. We must reaffirm our commitment to the principle that even one child working in such abusive conditions is too many.

Before discussing the provisions of Convention 182, I want to describe the problem of abusive child labor around the world and what the United States has done, and is doing, to address it. Protecting children, both here and abroad, is one of the Administration's top priorities. It is also one to which I have a deep and personal commitment.

The International Labor Organization estimates that over 250 million children between the ages of 5 and 14 are working around the world, often in occupations that are clearly harmful to their health and future development. An estimated 120 million children work full time and tens of millions work under dangerous or abusive conditions, deprived of opportunities for education and the promise of a better future.

Let me mention two of these children, who have been helped by programs administered by the ILO and funded by the United States. The first is Amna, a girl born to a poor family in Sialkot, Pakistan, deprived of schooling because her family could not afford the cost of the required school uniform and shoes. Not past her tenth birthday, she began stitching soccer balls.

But today, Amna has new hope. A project, supported by funds approved by this Congress, allowed Amna to go to school. In less than a year, she learned to read and write in her local language and to differentiate letters in the English alphabet. Amna plans to stay in school and, what is more, she hopes that her younger siblings will never have to stitch soccer balls to meet her family's basic needs.

The second child is 11-year-old Alfaz in Bangladesh, working long hours in a garment factory. He would watch sadly as other children went to school—just as he went to work. Thanks to another project funded by the United States, Alfaz is now in school, and I am proud to say, is learning how to read and write.

Amna and Alfaz are just two of the millions of working children who are daily forced to forgo the benefits of schooling because of child labor. Some work in mines, crawling underground through small, unlit and unventilated passageways. Others, mostly girls, work long days as domestic servants and often suffer physical and emotional abuse. Some are sold as carpet weavers to repay their parents' debts. In exchange for working long hours, they receive no pay. Instead, they are yelled at, slapped or beaten. Children do hard labor in rock quarries, where they break and carry heavy stones in the hot sun. And girls are sold into the nightmare of child prostitution.

But there is cause for hope. Over the past few years, child labor has drawn the attention of the international community, provoking worldwide discussion of this issue. This represents an important change from a decade ago, when few governments or organizations even acknowledged the problem. Today, many international organizations, governments in developing and industrialized countries, and non-governmental actors are developing and implementing strategies and initiatives to address child labor.

The United States has taken the lead on a number of fronts: first, by issuing reports that document both the problem of child labor and solutions that work; second, by supporting direct action to improve the lives of working children; and third by helping to place the issue of abusive child labor firmly on the global agenda—as the new Convention illustrates.

At the direction of the Congress, the Department of Labor's Bureau of International Labor Affairs has studied and reported on international child labor in its *By the Sweat and Toil of Children* series for over five years now. These reports describe the use of child labor in various industrial sectors; examine codes of conduct adopted by U.S. companies; report on voluntary labeling efforts enacted by industries; and provide examples of best practices being undertaken to end child labor.

The United States has helped children directly, as well. Since 1995, with strong Congressional support, the Department of Labor has committed funding to this effort, including nearly \$30 million in FY 1999 to support the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC). Amna and Alfaz have benefitted from these programs. IPEC works with governments, employers, workers, and non-governmental organizations to develop targeted programs that not only remove children from exploitative and hazardous work, but also provide these children with educational alternatives and their families with income-generating opportunities that reduce their reliance on the labor of children. IPEC projects funded by the United States include: a program in Thailand to help children at risk of being exploited in the sex industry; programs in Guatemala to remove children from hazardous work in stone quarries and in firework production; a program focusing on child domestic servants in Haiti; and a project to combat the trafficking of children for exploitation in West and Central Africa. Essential statistical surveys to provide the necessary data base to measure progress in the fight against child labor are also being funded.

Last June, President Clinton issued an executive order (Executive Order 13126) designed to make sure that federal agencies do not buy products made with forced or indentured child labor. Forced and indentured labor, practices very close to slavery, represent some of the most shocking abuses of children. Our work to implement this Executive Order is on-going.

Initiatives in these areas are part of the United States effort to show leadership in the fight to end abusive and exploitative child labor, especially in its most intolerable forms. As President Clinton said in Geneva when he addressed the ILO Conference this June, the problem of abusive child labor demands a global solution. The work of the ILO, including the new Worst Forms of Child Labor Convention, is an important contribution to that solution.

Convention 182 addresses intolerable abuses of children: slavery, the sale and trafficking of children, prostitution, pornography, drug trafficking, and work likely to harm the health, safety, or morals of children. In the United States, I am pleased to say, existing law prohibits the worst forms of child labor as defined by the Con-

vention. Ratification of Convention 182 would not in any way require a change in current United States law and practice.

This conclusion was reached unanimously by the expert body responsible for examining ILO Conventions in this country: the Tripartite Advisory Panel on International Labor Standards (TAPILS), chaired by the Solicitor of Labor, which reports to the President's Committee on the ILO. Like the President's Committee, TAPILS includes not only government representatives, but also representatives of American business and labor. In conducting its review of Convention 182, TAPILS carefully followed ground rules incorporated in a Senate declaration adopted in 1988. Accordingly, TAPILS confirmed that there are no differences between the Convention and federal law and practice and that ratification of the Convention would not cause conflicts between federal and state law. The TAPILS process has been used effectively in connection with five ILO conventions ratified by the United States, beginning in 1988: Convention 144 on tripartite consultations to promote the implementation of international labor standards, Convention 147 on minimum standards in merchant ships, Convention 160 on labor statistics, Convention 105 on forced labor, and Convention 150 on labor administration.

The TAPILS report on Convention 182, as well as a detailed Statement of United States Law and Practice with respect to the Convention, have been submitted to the Senate for its consideration. Those documents were reviewed and approved by all of the interested federal agencies, including the Department of Labor, the Department of State, the Department of Commerce, the Department of Justice, the Department of Defense, and the Department of Education, as well as the National Security Council and the National Economic Council. I am grateful to those agencies for their help and cooperation.

The TAPILS report describes the negotiating history of Convention 182 and the sound resolution of the most significant issues addressed by the ILO. I should emphasize the unique, tripartite nature of the ILO. Governments, workers, and employers all are represented. That is as it should be. Success in adopting, promoting, and implementing core labor standards—standards that put a human face on the global economy—depends on consensus. And consensus was achieved with respect to Convention 182. Without the efforts of our business and labor partners, led by Thomas Niles of the United States Council for International Business and John Sweeney of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), we would not be here today.

As adopted, the Convention is clear, concise, and well-focused. I am confident not only that the United States can ratify the Convention, but also that the Convention can be ratified by countries around the world. The unanimous adoption of the Convention in Geneva—and the praise it received from government, worker, and employer representatives from every continent—supports that expectation. Wide ratification is a key to eliminating the worst forms of child labor. We must have a core standard that is accepted, and applied, globally. Convention 182 gives us that standard. The United States can and should abide by it—and so should the rest of the world. Our children deserve no less.

The provisions of Convention 182 are straightforward. Article 1 of the Convention imposes a basic obligation on all countries that ratify the Convention. They must "take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor, as a matter of urgency." Article 3 of the Convention defines the "worst forms of child labor." They are:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties;
- (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.

Article 4 of the Convention provides that the types of hazardous work referred to in Article 3(d) are to be determined by individual ratifying countries, after consultation with employer and worker organizations. The Convention also contains several provisions describing how it is to be implemented.

As I have said, ratification of Convention 182 would not in any way require a change in current United States law and practice. The tripartite legal analysis submitted to the Senate explains that conclusion in great detail. Each of the "worst

forms of child labor,” as defined by Article 3 of the Convention, is already addressed by U.S. law. Existing programs, in turn, satisfy the provisions that deal with the implementation of the Convention. They include programs administered by the Department of Labor, the Department of Justice, the Department of Health and Human Services, the Department of Education, and the Department of State. Certain provisions in Convention 182 call for government consultation with worker and employer organizations, as well as considering the views of other concerned groups. Those provisions are consistent with current practice in the United States.

The report of the Tripartite Advisory Panel on International Labor Standards, which I have mentioned, thoroughly examines certain issues that were of particular interest to the United States in the course of adopting Convention 182. Each of those issues was resolved in ways that created no obstacles to U.S. ratification of the Convention. That outcome was due, at least in part, to the role played by the United States in the Geneva negotiations. The Administration has proposed two understandings to accompany U.S. ratification of the Convention. One confirms that the Convention is not intended to encompass work by children on their parents’ or guardians’ farms. The other confirms the meaning of the term “basic education” as used in the Convention. These understandings confirm the meaning of the Convention as it relates to domestic law. They are desirable for the sake of clarity, but they would not modify or limit the international obligations of the United States.

Mr. Chairman, I am most grateful for your leadership and your support, and for the support of your distinguished colleagues. The new Convention speaks of eliminating the worst forms of child labor “as a matter of urgency.” It is an urgent matter, and you have recognized as much by swiftly taking up consideration of the Convention. Ratification of Convention 182 will help us give our children the Twenty-First Century they deserve.

I would be pleased to answer your questions about the Convention.

The CHAIRMAN. To the contrary, Madam Secretary, it is I who thank you for coming. I welcome your testimony.

Senator Biden has arrived.

Senator BIDEN. Thank you, Mr. Chairman. I understand you explained my absence being in the Judiciary Committee. I am happy to be here. I will submit my statement for the record.

The CHAIRMAN. Very well.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR BIDEN

Mr. Chairman, I want to thank you for holding this hearing today, and for your willingness to move this important Convention.

Certainly no discussion of this issue would be complete without the participation of Senator Harkin, who for years has given voice here in the Senate to the needs of children around the world on this and many other issues.

We have assembled a distinguished group of witnesses here today, led by Secretary Herman, who directed the Administration’s efforts to conclude the talks on this Convention last June in Geneva.

I think it is one of the real strengths of the International Labor Organization—and one of the best-kept secrets about that important institution—that it is a forum for labor, business, and government to come together to identify and act on labor issues that have a global dimension. This is a remarkable arrangement, that makes the ILO a unique institution.

Several years ago, Mr. Chairman, I had the opportunity to submit testimony at a hearing before the Labor Department’s international affairs bureau on the issue of child labor. That opportunity, I might add, that was the result of Senator Harkin’s successful efforts to require a full set of hearings on that issue. As I said then, in the age of the Internet, the cell phone, and space travel, it is all too easy for us to forget that in many parts of the world, children are sold into servitude, chained to machines, and forced to work under the most dangerous and unsanitary conditions.

For most Americans, the plight of these children has been as distant as a novel by Charles Dickens, not a present day reality. But with the work of Senator Harkin and others, it is harder for us to claim ignorance of this human tragedy.

We are here today to consider a Convention that will commit us, along with other nations, to take the first steps to relieve that suffering, to eradicate the worst forms of child labor. Across the globe today, on every continent, an estimated 250 million

children, fully one quarter of the children between the ages of 5 and 14, are engaged in some form of economic activity.

Not all of that labor can be quickly or easily eliminated. But far too much of that activity is dangerous and degrading. No rationale, economic or otherwise, can justify it.

The Convention we are examining in today's hearing will commit us—along with the others who will sign and ratify it—to take immediate steps to eradicate the worst forms of child labor—slavery, child pornography and prostitution, use of children in illegal activities, or in dangerous or harmful situations.

Here in the United States, we have outlawed such practices for years. But in far too many other countries around the world, such practices are far too common, and entrenched in local economies and cultures.

What's in this for us, then? Isn't this a problem for other countries to solve? I think that there are a couple of easy answers to those questions. Countries in which children are subjected to the worst forms of child labor are crippling their own futures, making the world a poorer, less stable, more dangerous place. That is a world in which we are less safe, in which our values and interests are at risk. Our influence in the world is based not only on our military and economic strength. It depends also on our moral leadership.

Mr. Chairman, a lot of us support free trade, and look to an international trading system that will open markets around the world to American goods and services, and that will open up opportunities for other countries to raise their living standards by their own inventiveness and hard work. But such a system must be built on a foundation of fairness, where no country can make a mockery of free markets by compelling the labor of the weakest and most defenseless.

So we should welcome the opportunity, at this time of unprecedented affluence in our country, to do something to lift the burden of the worst forms of labor from the backs of the world's children and from our own consciences, as well.

The CHAIRMAN. Before we call the third panel, I want each Senator to have 5 minutes, and I do not want them to make a long speech and then ask a question when the yellow light comes on. So, we are going to limit it to 5 minutes so that we can get to the next panel as well. But I think every Senator is going to want to compliment you, as I certainly do.

Senator Biden.

Senator BIDEN. Madam Secretary, the chairman is correct. We all appreciate the work you have done.

Let me ask you one question. Assuming that we get this through the Senate, which I think we can, what are the administration's plans for bringing on other nations to ratify quickly?

Secretary HERMAN. We have just recently had a meeting, Senator, with Juan Somavia, the Director General of the ILO, to embark upon a global campaign to press for the urgent ratification of this Convention. We believe, given the fact that this is the first time in the history of the ILO that this Convention was, in fact, adopted unanimously, that other countries will move to ratification. But we intend to work with the ILO to keep the issue on the front burner of the global agenda to help with its ratification in other countries.

Senator BIDEN. I am going to ask you another question that is awfully basic, and I apologize for being so literal but it may help the process here in the Senate. Can you speak with us a few minutes about implementation of this treaty? I understand the administration has concluded that we do not need to make any changes in our domestic law or practices in order to comply with this treaty. Is that correct?

Secretary HERMAN. That is correct. We had a tripartite body of our workers, our employers, headed by our own legal team as well, Henry Solano, the Solicitor of Labor, and we have looked very care-

fully at the fact that this Convention is very consistent with existing U.S. law.

Senator BIDEN. Now, can you give us a brief description of how your Department and the Department of Justice deal with these issues? We are not the Labor Committee. That is down the hall, and I just came from the Judiciary Committee. I apologize for what may seem to be a very basic question, but this is not an everyday focus for the State Department or for our jurisdiction. So, could you walk us through how this gets done in your shop?

Secretary HERMAN. Basically we work on the international level through the International Affairs Bureau at the Department of Labor, and there we are funding projects, through the ILO primarily, to work with other countries and other organizations to make sure that we are not only engaging in research and documentation of the worst forms of child labor in those countries, but that we are following up with concrete programs to assist those countries to get the children out of those situations, into classrooms, into work rooms that will be more compatible with what they need as children today.

Senator BIDEN. The yellow light is not on yet, so I am going to ask another one. What happens if the ILO determines that a nation is not complying with its obligations under the treaty?

Secretary HERMAN. The ILO has no direct enforcement authority per se. But what we do believe has happened as a result of unanimous adoption of this Convention and the fact that for the first time the ILO is also agreeing to publish a global report on what is occurring inside countries with regard to child labor, that with this document we will be able to use the moral powers, as well as the political powers, to put the spotlight on the worst actors on the world stage today when it comes to the most abusive forms of child labor.

Senator BIDEN. But there is no actual enforcement.

Secretary HERMAN. But there is no actual enforcement mechanism here.

Senator BIDEN. One question that has been raised by some of my constituents—I think the answer is clear but I want it for the record. Article 3, section (a) bans “compulsory recruitment of children for use in armed conflict.” And the term “child” applies to all persons under the age of 18. Now, as you know, the United States military permits voluntary enlistment for 17-year-olds with the consent of their parents. It seems to me that this enlistment is not forced and would not be covered, but can you tell me whether or not my understanding is correct?

Secretary HERMAN. Your understanding is absolutely correct, Senator. The operative language here is forced and compulsory. As you know, here in the United States, it is on a voluntary basis.

Senator BIDEN. I thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

The Senator from Minnesota.

Senator WELLSTONE. I think Senator Feingold was first. Thank you.

The CHAIRMAN. Senator Feingold then.

Senator FEINGOLD. Thank you, Senator Wellstone. And thank you, Mr. Chairman, for calling this hearing and moving forward on this important issue.

I would like to thank the witnesses for being here today to discuss this Convention. I want to recognize Senator Harkin's work on this. I unfortunately missed his remarks. I was at the same Judiciary Committee meeting that Senator Biden was. I also want to thank Secretary Herman for her work on this.

I have always been a strong supporter of labor rights and human rights standards and try to point out violations when and where they occur. This is an especially important Convention because it deals with the worst form of this kind of abuse, child labor. Every youngster involved in illegal child labor is degraded by the practice—the children themselves, the employers who gain from the exploitation, the society whose labor market is distorted by this practice, and the consumer who unknowingly sustains injustice and exploitation when they purchase the products.

In particular, I welcome today's focus on the most urgent elements of the child labor tragedy, Mr. Chairman. I am glad you mentioned that children learning about agriculture on family farms is not the problem. The problem, though, is real. From fireworks factories in South Asia to tin mining in South America, children are working in dangerous conditions that threaten not just their development, but also their immediate safety. Debt bondage steals children's infinite possibilities and replaces them with one of never-ending obligation. And perhaps most tragically where children are exploited through prostitution and pornography, innocence is betrayed for profit. What we are talking about is not just a waste of human potential, it is the active destruction of the next generation for the purpose of material gain.

Mr. Chairman, for several years now, I have served on the Subcommittee on Africa, in fact for 7 years. I know that some of the worst forms of child labor can be found on that continent. According to the ILO, 32 percent of the world's child labor force lives in Africa. Children from Mali are sold into forced labor in Cote d'Ivoire. In Tanzania, children spend their days in the mines braving hazardous conditions to recover gems and gold. In Sudan, they toil in factories. In Kenya, they labor on coffee plantations. These are issues that concern me today and will concern me also, Mr. Chairman, in the days to come as we have a floor debate on our trade policy toward Africa, which I think is an important opportunity for us to address some of these issues as well.

Sadly, several African countries are also home to child soldiers. I have seen this personally in both Angola and Liberia, and of course it is occurring in places like Sierra Leone, Uganda, and Sudan. We have seen the devastating effects of putting weapons into the hands of children, exposing them to the horrors of war and in alienating them from their own societies. I am pleased to see that this Convention explicitly addresses the issue of child soldiers and mentions the need for rehabilitation programs when child labor abuses end.

So, I very much appreciate this hearing and I would like, if I have a second, to ask the Secretary a question. Again, my thanks for your leadership.

I am wondering if there is not some tension between the administration's support for this Convention and its support for trade mechanisms, such as the African Growth and Opportunity Act, that may not adequately address human rights and labor rights standards. Do you think the comprehensive trade packages should include provisions to protect against abuses like those that are actually addressed in this Convention?

Secretary HERMAN. Thank you very much, Senator Feingold, first of all, for your comments and for your leadership as well on this issue.

I believe very strongly that there is not tension on this issue. First of all, when we look at the question of trade today, in my view—and I think I speak for the administration certainly in this regard—the whole question of trade today and issues like child labor and what we have to do to lift up these basic standards are not mutually exclusive issues. They really are mutually reinforcing as we look at the whole question of trade today, as in fact they should be.

I do not think that you would find any disagreement that the banning of the most abusive forms of child labor is something that every country should be bound to and want to work on. I said earlier that this Convention is the very first time that it was ratified unanimously by ILO countries. We worked very closely with all of our international partners on this, including I might add many of the countries in Africa. As a matter of fact, the subcommittee, the work group in the ILO was actually chaired by one of our leaders from one of our African countries. So, they were very much a part of this debate and were very committed to the objectives that are in this Convention. And through our own direct action programs now, we are collaborating with African countries on specific programs on child labor.

Senator FEINGOLD. Mr. Chairman, could I ask a quick follow-up?

The CHAIRMAN. Make it quick.

Senator FEINGOLD. Because I had asked about the African Growth and Opportunity Act. Would you support an amendment to toughen the labor standards?

Secretary HERMAN. I have been working very closely with members of the Congress to talk about the need to have more discussions on child labor as a part of our ongoing trade policies.

The CHAIRMAN. Very well.

The Senator from Minnesota.

Senator WELLSTONE. Madam Secretary, thank you for being here.

I am sorry, Mr. Chairman, that I missed the testimony of Senator Harkin. I understand it was riveting and I really appreciate his support, and I also appreciate your support for this ILO Convention. I appreciate what you had to say.

I want to welcome Casey Harrell from the Duke Students Against Sweatshops. The reason I do that is that I think the Students Against Sweatshops movement is a significant justice move-

ment and justice organizing by students across the country. As a college teacher, I want students who are here to know that I am really excited about your work, and I think it is important.

I also note that just last week Nike, formerly one of the staunchest opponents of disclosure, released a complete list of factories worldwide manufacturing Duke apparel as well as for four other universities. So, for the students here, your organizing, your voice, your pressure is making a difference.

Madam Secretary, this anti-sweatshop movement is fighting against these abuses, really awful labor abuses against children, as well as adults. We exchanged letters this summer about the need to improve the FLA agreement, especially to improve public disclosure and accountability. I appreciate your prompt response to my letter. I wonder whether you could tell us what kind of progress has been made with FLA and what you or what we can expect in the future.

Secretary HERMAN. As you have just pointed out, first of all, Senator Wellstone, I think more broadly this issue today is getting the attention of government organizations, non-government organizations alike, and the student movement, as a part of this effort, has made an enormous contribution and I think, quite frankly, is helping to further the work of the partnership itself. When we look at some of the specific actions that employers are engaged in through the partnership, we are finding that the issue of transparency is becoming more and more of a practice now for more employers. That is a good thing. There are other organizations that I would point to, in addition to Nike, like the Gap organization that is being much more aggressive in terms of monitoring its efforts, its subcontractors in other countries. And all of this is making a difference.

This is important work in progress, and I think that we are really at the floor of these activities. It is my expectation that as we continue to not only spotlight the practices that other countries and other companies are taking, but as we have other movements like the student movement, we are going to see much more direct action in the future.

Senator WELLSTONE. Well, Madam Secretary, I hope that you will actually support work of students and that you will really speak out strongly, making it clear that we have got to improve this Fair Labor Association agreement on the issues of public disclosure and accountability.

As you well know, there are a lot of organizing. In fact, I think it is pretty exciting for the WTO meeting coming up in Seattle, a lot of NGO's, labor. Labor is on the march organizing the unorganized. President Sweeney will be testifying before our committee today. A lot of farm activists.

Can you give us a report on whether or not there is any effort to incorporate labor rights into this WTO?

Secretary HERMAN. There is very much an ongoing dialogue right now to make sure that the whole question of labor is going to be increasingly at the center of these issues. We were very pleased by the recent actions of the activist committee that has now called for a working group within the WTO with the ILO to begin to look at

these issues. I will be traveling on Monday to Seattle to meet with workers there who are in the process of planning many of the meetings inside the room and outside the room that will be taking place in Seattle. So, I think it is an exciting time to bring these issues to the forefront of our national and international agenda.

Senator WELLSTONE. I am running out of time. Well, I would urge you as Secretary. I appreciate your voice. And I would urge the administration to really be bold and be strong and public in pushing for the inclusion of these labor rights because it is not as if anybody I know wants to put a wall up at our borders, but I think people are very serious about making sure that these international agreements respect child labor and the basic rights of people in the work force. So, we need you. Thank you.

Secretary HERMAN. Thank you, Senator.

The CHAIRMAN. Madam Secretary, I am not going to ask you any questions. I am going to submit them, and I want you to initial the responses. Most of them can be answered in yes and no, and I need them because I am going to prepare a report on what my understanding of your positions are. So, I will submit these in writing to you.

Secretary HERMAN. I will be happy to do that, Senator.

[Responses to additional questions submitted to Secretary Herman follow:]

ADDITIONAL QUESTIONS SUBMITTED TO SECRETARY HERMAN BY MEMBERS OF THE COMMITTEE

QUESTIONS SUBMITTED BY CHAIRMAN HELMS

Family Farms

Question. The President has requested an understanding to the Treaty that makes clear the treaty will not apply to situations in which children are working on family farms. The American Farm Bureau has written me asking that this point be clarified as well. intend to include a similar understanding in the Resolution of Ratification.

Will you assure the Committee that even without this understanding, nothing in the Convention could be construed to apply to the work of children on family farms?

Answer. Yes, we can assure the Committee that even without the proposed understanding, nothing in the Convention could be construed to apply to the work of children on family farms. This assurance is based upon the clear negotiating history of the Convention, described in detail in the Statement of United States Law and Practice with respect to the Convention, which has been submitted to the Senate.

Implementation

Question. The Convention was adopted unanimously by 176 countries. Many of the countries adopting the Convention include some of the worst violators of child labor standards, according to the Labor Department's own statistics.

Are you concerned that the unanimous support for the Treaty may be an indication that most countries are reading the commitments set out in the Convention too broadly?

Answer. No, in light of the discussions that led up to the Convention, we are not concerned. Like most international instruments, the Convention represents a balancing of many views and considerations. It is the product of more than two years of consultations and negotiations, which included very active involvement from all regions of the world. We believe the end result is a well-targeted and narrowly focused instrument, which appropriately defines, for the first time, the worst forms of child labor that ought to be eliminated as a matter of urgency by all nations. We are encouraged by the unanimous ILO vote adopting the Convention, because it signals agreement with our view. Moreover, we believe that broad-based ratification of the instrument will increase the accountability of ratifying states to actually take the steps necessary to eliminate these abuses.

Question. According to Labor Department statistics, Bangladesh, Brazil, Egypt, Kenya, Mexico, Nepal, the Phillippines, Tanzania, Thailand, and Turkey, all employ more than 10 percent of their children under the age of 14. If these countries ratify the Convention would you expect a sharp reduction in these numbers?

Answer. Many nations of the world have too many children working full time, who miss the opportunity to acquire basic literacy and numeracy. Some, but not all, of these children are engaged in the worst forms of child labor, which are targeted by the Convention. Ratification of the Convention by member states will not in and of itself eliminate the worst forms of child labor. But it will introduce an additional scrutiny and accountability mechanism on ratifying states through the ILO reporting and supervisory procedures. It will also be an additional and important element in the effort of many parties in these countries to move the issue of abusive child labor high enough on their national agendas that sufficient resources are allocated to provide the education and other support services necessary to take children out of the workplace and to put them in school rooms.

Statistics

Question. According to the report by the Department of Labor, entitled "By the Sweat and Toil of Children," each country reports differently what constitutes a "child" and what it classifies as "labor." In some cases these definitions may under-represent the numbers of children working.

Will this treaty require that the reporting be more uniform and consistent?

Answer. Yes, we expect the reporting to be more uniform and consistent. The Convention defines both "child" and the "worst forms of child labor." Countries which have ratified the Convention will be required to report on their implementation of the Convention using a uniform questionnaire, with uniform definitions of the data required.

Question. Has the Department off Labor attempted to assess which countries are under-reporting the number of children working?

Answer. No, the Department has not conducted an assessment of child labor data around the world. However, the accurate collection and reporting of child labor data is one of the highest priorities of the Department in its work with the ILO in this area. In 1998, with the encouragement of the United States, the ILO established the Statistical Information and Monitoring Program on Child Labor (SIMPOC) which works with statistical agencies in developing countries to carry out accurate child labor surveys. The ILO has already undertaken 15 national child labor surveys. With U.S. Government funding, 15 additional child labor surveys will soon be conducted in countries in Asia, Africa, and Latin America. It is our view that measuring whether we are making progress in efforts to eliminate abusive child labor through periodic and accurate child labor surveys is of the highest importance.

Policy Coordination

Question. Many of the countries that permit children to work also have high unemployment, high illiteracy, and are listed by Transparency International as some of the most corrupt countries.

What coordination do you undertake with the State Department and other U.S. agencies to attempt to combat corruption and other economic factors that often lead to the employment of children in jobs that harm their health, safety and morals?

Answer. While there may be a correlation between countries with high rates of child labor and inadequate law enforcement and corruption, the U.S. government seeks to address the issue of abusive child labor through programs that can be effective despite this fact. Working with the ILO's International Program on the Elimination of Child Labor (IPEC), the Department of Labor has funded targeted programs designed to raise awareness about the root causes of child labor, remove children from hazardous work, and provide these children and their families with education and viable economic alternatives. These programs are often implemented by non-governmental actors and closely monitored by IPEC to ensure that the programs' objectives are met. Similarly, various agencies of the U.S. Government support initiatives targeting corruption and other economic factors that lead to exploitative child labor. In addition, Department of Labor works closely with the Department of State, -the Treasury Department, and other agencies to raise the issue of exploitative child labor in international fora such as the World Bank and other international financial institutions. Initiatives in this area include⁴ the establishment of a Global Child Labor Program and International Advisory Panel on Child Labor within the World Bank and U.S. Government funding for a grant to Transparency International to implement anti-corruption programs in a number of countries.

Question. What coordination is undertaken with U.S. companies and private organizations?

Answer. The U.S. government works closely with U.S. companies and private sector organizations to address the many factors that lead to the economic exploitation of children. For example, the Department has collaborated with the private sector on the development of the Department's child labor reports. Also, as indicated in my written testimony, partnerships were established with industry groups and companies during the implementation of projects to eliminate child labor in the soccer ball and carpet industries of Pakistan and the garment industry of Bangladesh. Individual companies have also joined the fight against child labor by developing codes, of conduct/ethics that prohibit the employment of underage children.

Prostitution/Pornography

Question. The treaty defines the "use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances" as one of the worst forms of child labor. However, these terms are not further defined.

Does the negotiating history more clearly define "prostitution" and "pornography"?

Answer. No. The meaning of these terms was not a matter of discussion or debate during the negotiation of the Convention. While the negotiating history does not more clearly define "prostitution" and "pornography," there is nothing in either the language of the Convention or its negotiating history to suggest that these terms were intended to have meanings different from those recognized by United States law and practice. The Tripartite Advisory Panel on International Labor Standards carefully reviewed this element of the Convention's definition of the "worst forms of child labor" and concluded that United States law and practice was fully consistent with the Convention.

Question. According to the Labor Department's "Sweat and Toil" report, children in countries like Brazil, India, Mexico, Kenya, Thailand, the Philippines, South Africa, Nepal, and Turkey are employed as "commercial sex workers."

Do you expect dramatic reduction in this employment if these countries ratify the proposed Convention?

Answer. This type of work certainly is one of the "worst forms of child labor," as defined by the Convention. As I have observed in response to a previous question, ratification of the Convention by member states will not in and of itself eliminate the worst forms of child labor. But it will introduce an additional scrutiny and accountability mechanism on ratifying states through the ILO reporting and supervisory procedures. It will also be an additional and important element in the effort of many parties in these countries to move the issue of abusive child labor high enough on their national agendas that sufficient resources are allocated to provide the education and other support services necessary to take children out of the commercial sex trade and to put them in school rooms.

QUESTIONS SUBMITTED BY SENATOR FEINGOLD

Question. I'm pleased to see the Administration's support for this Convention. But I also know that the Administration supported the proposed Africa Growth and Opportunity Act, which does not adequately address human rights and labor rights standards. Do you think that comprehensive trade packages should include provisions to protect against abuses like those addressed in the Convention?

Answer. Current U.S. preferential trade programs, such as the Generalized System of Preferences (GSP), the Caribbean Basin Initiative, and the Andean Trade Preference Act, contain criteria on internationally-recognized worker rights, including child labor. A worker rights provision is included in the African Growth and Opportunity Act. In addition, this bill has a broader human rights provision. These provisions provide authority to respond to child labor concerns, including the type addressed in the Convention.

Question. Would you support efforts to include labor rights provisions in U.S.-Africa trade legislation?

Answer. As noted above, the U.S.-Africa trade legislation, H.R. 434, currently contains a worker rights provision. This provision is supported by the Administration. Under this provision, concerns on such worker rights issues as freedom of association, the right to organize and collectively bargain, forced labor, minimum age for employment, and basic conditions of work, can be considered. Under the GSP worker rights provisions, eight SubSaharan African countries have been reviewed. At times, the following countries have been suspended from the program: Central African Republic, Liberia, Sudan and Mauritania. A review is pending on Swaziland.

Question. I know that the U.S. position on children and family farms was made plain in the international negotiations on the drafting of this Convention, and I am pleased to see that the understanding to the Convention reinforces the crucial point that children on family farms are not the problem. Is there any reason for family farmers in the U.S. to be concerned about this Convention?

Answer. No, there is no reason for family farmers in the U.S. to be concerned about this Convention. The Convention was carefully reviewed by legal experts from government, business, and labor (the Tripartite Advisory Panels on International Labor Standards) Those experts unanimously concluded that the Convention was consistent with the federal Fair Labor Standards Act with respect to work by children on their parents' or guardians' farms. Neither the Convention's provision on hazardous work, nor the comparable provision in the Fair Labor Standards Act covers such work.

The CHAIRMAN. I know you will.

Now, let me say I think I am the only guy in the room who remembers the Great Depression. It is said or has been said that some of us who were young at that time in our national life were working in sweatshops. Well, I did sweat working in a newspaper composing room and doing things like that. But we never could work longer than supertime. So, what we did back in those days—I remember at one point I was making \$9 a week from the 7 or 8 jobs I had, 50 cents here and 25 cents here, and it added up. But that was not a sweatshop. That was good experience, and I do not want anybody to compare that time because I think the parents were more dedicated then than maybe they are today about seeing that their children do their homework and go to bed early and get up early. I do not see that interest in a lot of the families today.

But in any case, I appreciate your coming, and it has been a joy to have you.

Secretary HERMAN. Thank you very much, Senator.

The CHAIRMAN. Thank you, ma'am, and we will send you these questions.

Secretary HERMAN. Thank you.

The CHAIRMAN. Now then, here comes the meat of the coconut, fellows.

Panel 3. Mr. John J. Sweeney, president of the AFL-CIO in Washington; the Honorable Thomas M.T. Niles, president of the U.S. Council for International Business, New York City; Mr. Casey Harrell, who has already been referred to by my friend from Minnesota. He is a student at Duke University, which has a pretty good basketball team I might add.

And Mrs. Françoise Remington, who is executive director of Forgotten Children, and she lives in Arlington as I do.

I welcome all of you and we will give you a couple of minutes to get straightened there. I think I want to operate on the "ladies first" schedule if I may.

There is a roll call vote at 11:30. It always happens.

So, Mrs. Remington, if you will start, I will appreciate it. Now, your full text will be printed in the record as if read, and that may give you time to abbreviate a little bit and ad lib a little bit.

Senator WELLSTONE. Mr. Chairman, can I ask a question? Are we going to have to break up for the vote and come back to this panel?

The CHAIRMAN. I am going to send you two on, with hopes that you will hurry back and then relieve me to go vote. And if I miss the vote, I will scold you.

All right, Mrs. Remington. It is nice to have you here.

Senator WELLSTONE. That has happened to me before from you.

The CHAIRMAN. Pardon?

Senator WELLSTONE. It would not be the first time I got a scolding from you.

The CHAIRMAN. I have never scolded you in my life. [Laughter.]

That is a terrible libel. [Laughter.]

You may proceed, ma'am.

**STATEMENT OF FRANCOISE REMINGTON, EXECUTIVE
DIRECTOR, FORGOTTEN CHILDREN, ARLINGTON, VA**

Ms. REMINGTON. Mr. Chairman, Mr. Ranking Minority Member, distinguished members of the committee, thank you for giving me the opportunity to appear before you and to speak on behalf of many forgotten children. Our organization is working in India and Haiti, and for this reason, my testimony will be based on our experience in those two countries. As a personal aside, my husband and I are the adoptive parents of three children from India, two of whom come from Mother Teresa.

Child labor is not a new phenomenon. According to child labor activists in India, the number of working children has been increasing especially in the export sector. Alongside this growth in child labor, an international movement for the rights of children is gaining momentum to end child labor as defined in article 3 of the ILO Convention. My comments will mainly be on articles 5, 6, and 7 of the Convention in light of my experience and in response to the chairman's invitation to testify. My observations are designed to assist the committee and should not be read as an appeal to slow down the ratification process.

As for article 5, I have to admit that I am puzzled about the word "employers," especially for children who work in the sex, pornography, and the drug industries. I know that Father Fonseca and Father Matthew who work in the slums of Bombay and Calcutta with children in prostitution do not make any compromises with the employers of children. In fact, they do their utmost to stop any contact with the employer.

I cannot picture the United States Government making deals with pimps or drug dealers to improve the working conditions of the children. Yet, these children need to be protected, and the ILO Convention brings their sad fate into world light. They are not forgotten anymore.

I also think that the members of the Convention should be careful about consulting the owners of large factories that employ children. I will never forget the faces and deformed fingers of the little girl I saw working in the match factory of south India. The owners know full well that they are acting against the law of their country and they even hire protectors to keep reporters and child labor activists away from the child laborers. Members of the Convention will not want to deal with organized crime.

The challenge posed by article 6 is how to implement a program in a country that does not have a functioning government such as is currently the case in Haiti. Yet, there is a great need for helping child workers there. The challenge is to find an appropriate mechanism to ensure that international and national funding reach the working children and non-governmental organizations.

Article 7 stresses the need and duty of governments to enforce or reinforce their laws against child labor. In fact, it is sadly ironical that a country like India has sound labor legislation.

Application of penal sanctions is a challenge for a country like Haiti where children who have stolen a piece of bread linger for months, if not for years, in jail while young children are openly involved in prostitution at night in the streets of Port-au-Prince without being troubled by the police. But Haiti needs help from all the other democracies.

Mr. Chairman, a prevention program against the worst forms of child labor must include the family of the child. When the child is removed from the working world, the family should not be forgotten. For example, Forgotten Children's project in south India offers a loan of a cow or a goat to the poor family of a working child to compensate for the lost income of the child when he or she studies.

As for special risk children, people who work among the poor can spot them. For example, in Haiti the Missionaries of Charity in Gonaives are very worried when they receive a mother who is dying of AIDS. They know that soon her children will be orphaned and will have nowhere to go except on the streets.

In conclusion, given the urgency and the magnitude of the worst forms of child labor in the world today, I recommend that the Senate give its advice and consent to ratify the Convention No. 182 for the Elimination of the Worst Forms of Child Labor. Ratification will put pressure on governments that do not respect the rights of children. At the same time, it is my firm belief, based on my personal experiences, that the most effective way to improve the life of working children is through grassroots involvement and small projects and the use of the family in the solution. Volunteer organizations and religious groups are probably most effective than governments in reaching our children at risk. The Convention is merely a first step in a long process.

Mr. Chairman, thank you. I brought some pictures, if you want.

The CHAIRMAN. Thank you very much.

[The prepared statement of Ms. Remington follows:]

PREPARED STATEMENT OF FRANCOISE REMINGTON

Mr. Chairman, Mr. Ranking Minority Member, distinguished Members of the Committee, I would like to thank you for giving me the opportunity to appear before you and to speak on behalf of many forgotten children. I have been an advocate against child labor for the past fifteen years first as an individual and now as the founder and executive director of a small non-profit organization, FORGOTTEN CHILDREN, based in my home in Arlington, Virginia. Our organization is working in India and Haiti and for these reasons my testimony will be based on our experience in these two countries. As a personal aside, my husband and I are the adoptive parents of three children from India, two of whom come from Mother Teresa.

Child labor is not a new phenomenon. According to child labor activists in India, the number of working children has been increasing especially in the export sector. Alongside this growth in child labor, an international movement for the rights of children is gaining momentum to end the child labor as defined in article 3 of the

ILO Convention (no. 182) for Elimination of the Worst Forms of Child Labor (“ILO Conventions”). In my opinion, the ILO Convention is a laudable development and should be encouraged and supported. I agree with President Clinton’s statement in his Letter of Transmittal to the Senate, “Convention No. 182 represents a true break through for the children of the world.” My comments will mainly be on Articles 5, 6 and 7 of the Convention in light of my experience and in response to the Chairman’s invitation to testify. In exercising its advice and consent authority to the ratification of the ILO Convention, the Chairman is commended for holding this hearing.

As Article I contemplates, there is “urgency” to the matter of child labor. My observations set forth below about Articles 5, 6 and 7 are designed to assist the committee and should not be read as an appeal to slow down the ratification process. I, however, defer to the wisdom of the committee and the full Senate on this matter.

Article 5 provides that:

“Each Member shall, after consultation with employers and workers’ organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.”

I have to admit that I am puzzled about the word “employers” especially for the children who work in the sex, pornography and the drug industries. I know that Father Fonseca and Father Matthew who work respectively in the slums of Bombay and Calcutta with children in prostitution or children being used as drug traffickers do not make any compromises with the “employers” of these children.¹ In fact, when a child prostitute comes to their shelters, they do their utmost to prevent any contacts with the “employers.”

I cannot picture the United States Government or international organizations for that matter making deals with pimps or drug dealers to improve the working conditions of the children. I can imagine, however, a country that lacks any semblance of the rule of law being so weak as not to be able to confront criminally inclined employers. Yet it is children who engage in the worst “form of child labour” (defined by article 3 as including sex and drugs) and need to be protected. The Convention brings their sad fate into world light; they are not forgotten anymore.

I also think that Members of the Convention should be careful about consulting the owners of large factories that rely heavily on child labor. A few years ago, when I visited the match factories in Sivakasi with a social worker who wanted to show me child labor, I was told not to take any photographs or ask questions. After my visit, I was further asked not to mention the name of the person who had arranged the visit in the factories. I will never forget the faces and deformed fingers of the little girls I saw that day. Some of them were as young as 6 years of age. Some of these exploitive factories, such as the ones in the match and fireworks industries in Karur or Sivakasi in South India, are protected by an “organized criminal syndicates.” The factory owners know full well that they are acting against the laws of their country and they therefore hire “protectors” to keep reporters and child labor activists away from the child laborers and their families.² Members of the Convention will not want to deal with organized crime.

Article 6 states:

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be signed and implemented in consultation with relevant government institutions and employers’ and workers’ organizations, taking into consideration the views of other concerned groups as appropriate.

Article 6 sets forth a good plan of attack to end the worst forms of child labor but it raises some concern as to its implementation. Again, consultation must occur with employer’s organizations, but at least the views of other concerned groups will be considered, as is appropriate. The challenge posed by Article 6 is how to implement a program in consultation with a country that does not have a functioning government such as is currently the case in Haiti or, alternatively, in countries where governmental corruption has become a working habit. At the same time, there is a great need for helping child workers in these countries. Accordingly, the challenge raised by Article 6 is to find an appropriate mechanism to ensure that international

¹See FORGOTTEN CHILDREN’s network list of organizations set forth at the end of this statement.

²For more information on child labour in India, see Burra, Neera, *Born to Work, Child Labour in India*, Oxford University Press, Delhi, 1995, p. 60, and “Labour Market Analysis and Employment Planning, The Informalisation of Employment: Child Labour in Urban Industries of India,” *Working Paper No. 25*, International Labor Office, 1988, p. 26.

and national funding reach the working children and non-governmental organizations in countries that do not have a functioning government or are known for widespread corruption.

Article 7 provides that:

1. Each member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

International organizations, governments, non-profit organizations and individuals working to end the worst forms of child labor play different roles. When addressing the issue of child labor, there are three angles to tackle the problem: prevention, protection and punishment. It is the duty of governments to apply penal sanctions and to enforce, or reinforce as the use may be, their laws against child labor. In fact, it is sadly ironical that a country like India has sound labor legislation: see the Factories Act, 1948; the Mines Act, 1952; the Employment of Children Act, 1938; the Merchant Shipping Act, 1958; the Motor Transport Workers' Act, 1951; the Plantations Labour Act, 1951; the Children (Pledging of Labour) Act, 1933; the Apprentices Act, 1961; and the Shops and Establishment Act,³ to name a few.

India also has laws to protect children from sexual abuse such as the Children (Pledging of Labour) Act, 1933. But, according to Joseph Gathia, an expert on child prostitution in India, new laws are needed for "punishing traffickers, pimps (rather than the victims), prohibiting child employment in tourism and hotel industries and banning 'traditional' forms of sexual exploitations."⁴

The Indian government needs to enforce its laws and punish individuals who do not respect them as well as those who twist the law, such as those relating to the "cottage industries" to exploit children. The "cottage industries" laws contemplate the protection the traditional craft industries in India. What was not foreseen was that some employers use "the cottage industry" concept to their advantage: they transfer children working in factories into separate cottages like the ones I once visited in Aligarh.⁵ These children did not work at making traditional crafts in a warm family environment: they worked long hours and were paid at a low rate for piece work, and were unprotected from dust and chemical hazards. An international organization like the ILO can put pressure on governments—if they become Members—to reinforce domestic legislation against child labor.

Similarly, if the Convention is ratified, this committee may wish to hold an oversight hearing or commission a report by the Department of State or Department of Labor.

Application of penal sanctions is a challenge for a country like Haiti where children who have stolen a piece of bread have lingered for months, if not years, in jail while young children are openly involved in prostitution at night in the streets of Port-au-Prince and Pieton-Ville, a rich suburb, without being troubled by the Police. However, this does not mean that Article 7 sets forth an unrealistic goal. But reinforcement of laws is more difficult to implement for some countries that are struggling to have a stable government. At the same time, fragile countries like Haiti need all the help they can from older democracies.

Article 7 further provides that:

3. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

- (a) prevent the engagement of children in the worst forms of child labour;*
- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;*
- (c) ensure access to free basic education and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;*
- (d) identify and reach out to children at special risk; and*
- (e) take account of the special situation of girls.*

As regards subsection (a), prevention programs against the worst forms of child labor are urgently needed. They must include the family of the child. Behind every

³Sing, Sukumar, *Exploited Children of India*, Shila Singh, Multi Book Agency, Calcutta, 1989, p. 141.

⁴Gathia, Joseph, *Child Prostitution in India*, Concept Publishing Company, New Delhi, 1999, pp. 65–66.

⁵Remington, Françoise, *No Joy for Twilight's Children*, Indian Express, New Delhi, November 11, 1992.

working child, there is a sad story, often the same story: poverty and debts for children working in factories and abuse for the children working in the sex industry. When I visited Snehasadan, a 24 hours shelter in Bombay under the direction of an Indian Jesuit priest, Father Fonseca, he told me that most of the children who come to his shelter have been physically abused at home before they ran away and took the train to Bombay in hope of a better life. "We teach children to be—not to do" he told me. "When the fear is so big, the child is so small. We are here to make children whole—not holy" he added.⁶

In Haiti, the Missionaries of Charity in Gonaives who live at the Escale, a house for the dying, also tell the same story: with poverty, disease and despair often the children are the first target of abuse from the parents who turn to drugs or alcohol. The children then run away and quickly become easy prey for the worst forms of child labor.

Member states, international organizations, and non-profit organizations should "provide the necessary and appropriate direct assistance" for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Subsection 2(b) is going to be hard to achieve. Based on my experience, small organizations are often better equipped to reach out to the poorest of the poor but in the case of India large numbers of working children—from 60 to 115 million—make it difficult for small organizations to solve the problem. The ILO-IPEC India program is a good initiative but is still limited in its scope and out of reach for many small non-profit organizations, according to our partners in India.

Free basic education, the goal of subsection 2(c), is the ultimate solution for the eradication of child labor. According to Myron Weiner,⁷ India has the largest number of non-schooled working children in the world. Each child should have a right to basic education. This right is one of the fundamental beliefs of FORGOTTEN CHILDREN and on a very small scale we try to respect it. But it is a drop in an ocean. In India, many families simply cannot afford to send a twelve year old child to school. When a child is removed from the working world to be placed in a school in a country like India or Haiti, the family should not be forgotten. Some economic aid should be granted to the family of the working child. For example, FORGOTTEN CHILDREN's project in South India offers a loan of a cow or goat to the poor family of a working child to compensate for the lost income of the child when he/she studies. The scope and need for free basic education and, when needed, vocational training for former working children is so great that every government in the developed world should assist. The Convention could not only bring everyone together to offer free basic education to eradicate child labor but also to stimulate the creation of a monitoring mechanism to insure that Member states are willing to use international funding towards free education to pay for schools and for teachers. In Haiti, for example, many teachers in the countryside have not received a salary for months.

Subsection 2(d) requires Members to identify and reach out to children who are at special risk. It is not always easy to identify special risk children. But people who work amongst the poor can spot them. For example, in Haiti, the Missionaries of Charity in Gonaives are very worried when they receive a mother who is dying of AIDS. They know that soon her children will be orphaned and will have nowhere to go except on to the streets. Father Olivier, who runs a clinic for lepers and AIDS in Gonaives, Haiti, sees an average of sixty new cases of AIDS per month. Father Olivier told FORGOTTEN CHILDREN that the number of orphans and street children in Haiti is soon going to be enormous and that orphanages are needed to welcome them. Already, Haiti has about 5,000 street children.⁸

Subsection 2(e) requires Member states to take account of the special situation for girls. It is true that girls are particularly vulnerable to abuse. In Haiti, many little girls work in slave conditions as domestic servants (the *restavek*). UNICEF estimates that there are 250,000 *restaveks*. These children have no where to turn and do not have access to school or even time to play with other children. In India, it is widely known that girls do not have equal access to education and that they are often seen as an extra burden because of the dowry practice which is still in existence.

Finally, article 7 provides:

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

⁶ Remington, Françoise, *A Shelter of Love*, Integration, Summer 1995, p. 38.

⁷ Weiner, Myron, *The Child and the State in India: Child Labor and Education Policy in Comparative Perspective*, Princeton University Press, 1991.

⁸ <http://www.unicef.org/newsline/99pr19.htm>

In addition to being designated, a competent authority should be responsible for ensuring that funding is accessible to large as well as small organizations that are working with the children and that the working children profit directly from funding opportunities.

CONCLUSION

In conclusion, given the urgency and the magnitude of the worst forms of child labor in the world today, I recommend that the Senate ratify the Convention (No. 182) for the Elimination of the Worst Forms of Child Labor. Ratification will put pressure on governments that do not respect the rights of children. At the same time, it is my firm belief, based on my personal experiences, that the most effective way to improve the life of working children is through grass-roots involvement and small projects. Volunteer organizations and religious groups are probably more effective than governments in reaching children at risk.

FORGOTTEN CHILDREN NETWORK OF ORGANIZATIONS WHICH WORK AGAINST THE WORST FORMS OF CHILD LABOR

India

Ms. N. Radhan, Executive Director, League for Education and Development (LEAD), 40, First Street, Rayar Thoppu (Sri Ramapuram), Sri Rangam, Tiruchirappalli—620 006

Email: radhan@md3.vsnl.net.in

Ms. Radhan runs a micro-credit program for poor women. She has conducted awareness programs against child labor in the Karur's district where many children work in linen and silk factories. Her organization is offering non-formal education to working children. She receives funds from UNICEF, the India government and international non-profit organizations including FORGOTTEN CHILDREN.

Sister Rita Thyveetil, Director, Congregation of the Sisters of the Holy Cross of Chavanod, SOC SEAD, Old Goods Shed Road, Teppakulam, Trichy 620 002 Tamil Nadu, South India

Sister Rita offers informal and vocational education to working children. She receives funds from private organizations. FORGOTTEN CHILDREN implemented a three years project against child labor in collaboration with her organization.

Father Mathew Parakoknath, Director, Don Bosco Ashalayam, 158 Belilous Road, 711 101 Howrah, West Bengal

Email: maktech@cal.vsnl.net.in

Father Anthony started his work in the City of Joy, one of the poorest slums of Calcutta. Later, he opened a shelter (Ashalayam) near the main railway station of Calcutta. The Salesian brothers operate a 24 hours shelter for homeless children. The shelter is within walking distance from the railway station where many homeless children sleep. Once the children have decided to stay at the shelter, they receive a vocational education and after a while are moved to an orphanage. The brothers always try to reunite the child with his or her family before placing them in one of their homes. Fr. Panakonath works with worst forms of child labor. The shelter operates mainly with private funding. They receive some funds from UNICEF. FORGOTTEN CHILDREN supports, to the extent that small budget permits, the work of the brothers.

Joseph Gathia, Executive Director, Centre of Concern for Child Labor, 201 Pankaj Tower, Mayur Vihar 1, New Dehli 91

Joseph Gathia has been an advocate against child labor for many years. He is implementing action programs in Aligarh, Uttar Pradesh, for the children working in lock factories, and has a program for domestic girls in New Delhi. Mr. Gathia has written many books on child labor and is well-known in India.

Father Placido Fonseca, J.S. SNEHASADAN, A home for homeless children. Behind Holy Family Church, Chakala Amrut Nagar, Andheri East, Bombay 400 093

Father Fonseca operates a 24 hours a day shelter for homeless children in Bombay. Most of the children come to the shelter after living for a while in the railway station or on the streets. Once the child comes regularly to the shelter Father Fonseca and his staff start to give informal education to the child and eventually, with the child's consent, place him/her in a foster home. Father Fonseca always tries to reunite the child with his/her family. He works with the worst forms of child labor. His shelter receives funding from private donors.

Haiti

U.S.A. contact: Francoise Remington, Founder and Executive Director, FORGOTTEN CHILDREN, 1031 North Edgewood Street, Arlington, VA 22201
 Email: frremington@msn.com
 Tel/fax: (703) 351-9170

FORGOTTEN CHILDREN is implementing an educational and vocational project for orphan street children in Gonaives in collaboration with Action Contre La Faim-Haiti La Defense and with the informal collaboration of the Missionaries of Charity from the Escale (House for the Dying) and Father Olivier, founder of a lepersorium in Gonaives. FORGOTTEN CHILDREN is also starting a project for domestic girls in Gonaives. Our project in Gonaives, Haiti, is implemented thanks to the generosity of private donors and a grant from the Kellogg Foundation.

Mr. Sweeney, we welcome you, sir.

**STATEMENT OF JOHN J. SWEENEY, PRESIDENT, AFL-CIO,
 WASHINGTON, DC**

Mr. SWEENEY. Thank you very much, Mr. Chairman, for the opportunity to present the views of the AFL-CIO in support of United States ratification of the new ILO Convention on the Worst Forms of Child Labor.

Estimates indicate that around the world over 250 million children between ages 5 and 14 are at work, half of them full-time. Millions of these children are known to perform work that is harmful to their physical, mental, and emotional health, safety, and moral well-being. These are not children who are delivering newspapers before going to school. These are not children who are helping their parents with household chores. These are children whose work might not even occur to us as such, performing tasks we may not even think of as a job. Much of this work is invisible. It is often in the informal sector. It is dirty and dangerous and deadly. It is work which may require very little skill; yet the strength and stamina of a desperate, hungry child is enough to get it done.

These children are valued not because they possess unique skill or talent, but because they are cheap, docile, and expendable. Children are employed in some of the world's most dangerous and degrading forms of work. They suffer from illness, injury, and disease, working long hours in terrible conditions. These are children whose families struggle every day to survive, where adults are without work, families locked in a cycle of poverty, hopelessness, and despair. This is one of the genuine nightmares of our time, one from which millions of children have not been able to escape.

We have a long history of fighting child labor in this country, striving to prevent the brutal exploitation of child labor and to secure education for all children. In this way, the struggle in every nation is the same: to provide each generation with the opportunity to learn. There is no surer way to enrich the world.

We have a new opportunity, an opportunity which calls on us all to renew this mission in all of our work. This opportunity was created when the new Convention No. 182 on the Worst Forms of Child Labor was adopted by unanimous consent at the ILO in June of this year. The Convention calls for steps to be taken toward the effective immediate elimination of the worst forms of child labor.

While I would hope that no child or adult would suffer these conditions, these standards would apply to anyone under 18 years of age, and encourage special attention to the situation of girls and

children under the age of 12, those most vulnerable to workplace hazards and exploitation.

Child labor thrives where it is least visible. The children who are forced into this work can be hard to find and they will not come looking for help from us. It is our duty to seek out and to help children who work in dangerous and degrading conditions.

Ending these abhorrent practices, child prostitution, slavery, debt bondage, pornography, is one of the most urgent demands of our time. The sale and trafficking of children must never be permitted. Yet this practice is increasingly frequent. More young children are being forced into prostitution in hopes that they will be AIDS-free. Sexual exploitation of children is an outrage which cannot be justified in any society, for any reason at any time. Economic uncertainty, ignorance, and desperation create the conditions which drive children into such horrors.

There are those who assert that child labor must be tolerated, that it can only be overcome when poverty is vanquished, that poor children have no alternatives to exploitation and abuse necessary to a nation's economic strength. We reject these arguments. We believe that economic development is based in education, that school is the best place for all children, regardless of their personal social standing, or their nation's economic vitality.

Basic education is one of the most effective tools to lift families and communities and countries out of poverty. And yet little value is placed on education for the poorest, most vulnerable, often invisible members of our societies. Education is the best alternative for those rescued and rehabilitated today, as well as for long-term prevention.

Mr. Chairman and members of the committee, as you take this Convention under consideration, remember that the importance of this instrument is that it gives definition to the worst forms of child labor. This definition creates a standard, identifies priorities, and focuses immediate action. With our partners in the U.S. Council for International Business, represented here today by Mr. Niles, and in the Government, represented by Secretary Herman, we agreed to this definition. Together we fought for this standard to be unanimously accepted, and together we hope to act against the exploitation of children forced into slavery, prostitution, pornography, or war.

I hope that you will keep in mind the children for whom a schoolhouse is a dream, for whom a bed is a torture chamber, and for whom each meal is one worth suffering for. This Convention brings new hope to millions of these children.

Just as they have reached out to help citizens of your State recover from the devastation of hurricanes and floods, so too do America's families reach out to the children who are suffering today.

Thank you very much.

The CHAIRMAN. Thank you, sir. An excellent statement, as was yours, Mrs. Remington.

Mr. Niles?

**STATEMENT OF HON. THOMAS M.T. NILES, PRESIDENT, U.S.
COUNCIL FOR INTERNATIONAL BUSINESS, NEW YORK, NY**

Mr. NILES. Thank you very much, Mr. Chairman. I am honored to be here today to speak in favor of the ratification of Convention 182, outlawing the worst forms of child labor.

Our organization, the United States Council for International Business, through the International Organization of Employers represents employers in the International Labor Organization, and as has been pointed out, we played an important role in the negotiations of the Convention. I am pleased to say that the work that was done on the Convention, in cooperation with the AFL-CIO and the Department of Labor, really represents the best spirit of the tripartite process in the ILO, and I am pleased that we were able to play this part.

Two of my colleagues who are here today, Mr. Michael Semrau, the labor counsel for the Coca Cola Corporation, and Mr. Edward Potter, an attorney here in Washington, played key roles in the negotiations. Mr. Semrau was responsible, Mr. Chairman, for finding the solution to the problem of family farms and also to the ability of the Department of Defense to take volunteers at an age under 18, 17-and-a-half to 18-year-olds. So, I am pleased that we were able and the council was able to participate in the solution to those two problems, which could have prevented the ratification of the Convention by the United States Senate.

My organization, Mr. Chairman, together with seven other business organizations, the U.S. Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the American Apparel Manufacturers Association, the National Foreign Trade Council, the National Retail Federation, the Sporting Goods Manufacturing Association, has written to you and the other members of the committee advocating ratification of the Convention. A copy of the letter is attached with my testimony and I request that it, together with my full written testimony, be included in the hearing record as if read.

The CHAIRMAN. Absolutely, without objection, sir.

Mr. NILES. Thank you very much, sir.

I am proud, as I said, that our organization played a key role from the beginning in the ILO in highlighting this terrible problem, the problem of abusive child labor, and pushing the work forward that led to the agreement on the Convention in June of this year. This is, as President Sweeney has just pointed out, really a moral necessity. The issue with which we are dealing here is one which cries out for international action. I would certainly urge the Senate to move quickly and I hope, as has been expressed previously by Senator Harkin, that ratification, advice and consent, could come prior to adjournment this year. This would give us, Mr. Chairman, an opportunity to use the upcoming governing body meeting of the ILO, which is between the 7th and the 18th of November, to press for other countries to follow the lead. So, I would hope that the United States Senate can give its consent to the Convention so that we can use that as a springboard to urge other countries, and some of those countries where there is a serious problem with abusive child labor, to follow the lead of the United States.

Mr. Chairman, this is the first step in what promises to be a long process. The problem of child labor, as Mr. Sweeney and others have pointed out, involves hundreds of millions of children around the world. We believe that this Convention, combined with the IPEC program of the International Labor Organization, which was key, for example, in solving the problem of soccer ball production in Sialkot, Pakistan, as has been pointed out already, provides a basis for dealing with this terrible problem throughout the world.

As I say, it is a moral necessity. It sets a standard for the future. It gives us hope that we can work more effectively through the ILO to deal with the problem throughout the world.

I am proud that our organization was responsible, in part, for successfully pushing this through. I urge the committee to approve the Convention and the Senate to ratify it. Thank you very much.

[The prepared statement of Mr. Niles follows:]

PREPARED STATEMENT OF HON. THOMAS M.T. NILES

I am Thomas Niles, President of the U.S. Council for International Business (USCIB). I serve as the U.S. business spokesman on International Labor Organization (ILO) matters in the President's Committee on the ILO and I am an elected employer member of the Governing Body of the ILO. With me today are Michael Semrau, Chief Labor Consultant for the Coca Cola Company, who was our representative in the child labor treaty negotiations and who played a significant role in facilitating the final result; and Edward Potter, the U.S. employer delegate to the ILO Conference, who helped develop the USCIB and U.S. consensus negotiating position on the Convention and who, as our international labor counsel, serves as the business community's representative on the Tripartite Panel on International Labor Standards (TAPILS). A partner in the law firm of McGuinness Norris & Williams, LLP, Mr. Potter played an active role in the intensive TAPILS' legal review of ILO Convention 182 concerning the worst forms of child labor, both during and immediately following the two years of negotiations this summer.

The USCIB represents the interests of its members on international economic policy issues at the major international economic institutions and to the executive and legislative branches of the U.S. Government. As the U.S. member of the International Chamber of Commerce, it consults with various bodies of the United Nations. As the U.S. member of the Business and Industry Advisory Committee (BIAC), it represents business views in the Organization of Economic Cooperation and Development (OECD). More particularly relevant to this hearing, the USCIB is the U.S. member of the International Organization of Employers (IOE) and has been the organization representing U.S. business in the ILO since 1979.

The U.S. Chamber of Commerce, the NAM, the Business Roundtable, the American Apparel Manufacturers Association, the National Foreign Trade Council, the National Retail Federation, and the Sporting Goods Manufacturing Association joined with the USCIB in sending the Senate Foreign Relations Committee a letter urging that the Senate give advice and consent to ratification of Convention 182. A copy of the letter is attached with this testimony. In addition, I request that my full written testimony be included in the hearing record as if read.

BACKGROUND

Since the United States joined the ILO in 1934, it has taken a careful and cautious approach to the ratification of ILO conventions. In large part, this has been due to concern by the business community that domestic labor and employment law should not be made through the ratification of ILO treaties. That is ILO conventions should conform to U.S. law and practice before they are ratified by the United States. The business community continues to be concerned that many ILO conventions, including some of the so-called core conventions, are at variance with U.S. law, both at the federal and state levels.

Convention 182 now before you addresses the issue of child labor more fundamentally and without prescriptive details that could impede ratification. Because of the approach taken in the development and negotiation of Convention 182—which was driven by a worldwide consensus on the importance of eliminating egregious and exploitive forms of child labor—the USCIB has concluded that there are no legal obstacles in law or practice to U.S. ratification of the Convention.

We hope that this treaty signals a new era in the ILO wherein it seeks to develop high quality, high impact framework treaties appropriate for multilateral regulation that address fundamental problems and leave it to each ILO member to determine how best to address peripheral issues without multilateral oversight or rulemaking. Based on what we have seen so far in the performance of the new ILO Director General Juan Somavia, we expect and would applaud a consistent ILO approach to standard setting like the worst forms of child labor convention. This laudable approach to solving fundamental workplace problems, in our opinion, could be undercut if the ILO supervisory bodies do not allow ratifying countries to address less central questions in the context of their history, culture, law and practice, or if the supervisory process becomes a complaint process that does not address the effective implementation of governmental policies that go to the root cause of exploitative child labor.

WORST FORMS OF CHILD LABOR CONVENTION

The Committee should know that this Convention stems from international business efforts, sparked by U.S. employers. U.S. business supports U.S. ratification of Convention 182, because we believe a comprehensive, multilateral approach represents the best means to alleviate the deplorable problem of child labor. The U.S. business community was deeply involved in the development of this treaty and played a critical role in the negotiations of the Convention, in particular in ensuring that it does not conflict with U.S. law and practice.

The ILO has long been concerned with child labor and in 1992 established the International Program for the Elimination of Child Labor (IPEC), which is probably the most successful and effective international program to address the problem of child labor. IPEC is a multilateral technical assistance program, whose largest single source of funds is the U.S. Department of Labor. IPEC's recent noteworthy success is the initiative to remove and rehabilitate child workers in the soccer ball industry in Sialkot, Pakistan. Thousands of children have been removed from work and sent to schools. Adults in these families now sew the soccer balls previously sewn by children, thus ensuring that the family does not lose the income. Experience gained from these programs is being used to address child labor problems in other industries and in other regions of the world.

At the initiative of the IOE in 1996, the Employment and Social Policy Committee of the ILO Governing Body asked for a policy report on child labor. In the report from the ILO Secretariat on child labor, we learned the horrendous dimensions of the problem. The report stated that there are an estimated 250 million child laborers between the ages of 5 and 14 working in developing countries. The Employment and Social Affairs Committee and the Governing Body recognized that dealing with this problem was going to be a long-term proposition that involved increased levels of development, living standards and improved education facilities in the countries with the highest incidence of child labor.

However, the report also made clear some child labor was especially egregious. The more egregious forms include slavery and trafficking of children; debt bondage; serfdom; forced or compulsory labor, including forced or compulsory recruitment of children in armed conflict; child prostitution; child pornography; and use of children in the production and trafficking of drugs. This analysis led to a general policy understanding that the ILO should concentrate on the worst forms of child labor in the short run and economic development in the long run. In addition, the ILO should not act to get children out of current employment without providing alternatives, such as education and increased opportunities for the adult family members. In the case of Bangladesh, for example, trade boycotts led to an emptying of factories of child laborers, which left these children to beg and become prostitutes.

Following the report and with these policy issues in mind, Employment and Social Affairs Committee, chaired by my predecessor Abraham Katz, passed an IOE resolution in 1996 on child labor. The substance of the resolution was picked up by the ILO Conference in 1997 in a employer sponsored conference resolution and sparked the negotiations that developed the Convention.

WHAT THE CONVENTION IS AND WHAT IT IS NOT

After a great deal of effort and goodwill by government, labor and business representatives from both developed and developing countries, for the first time in the 80-year history of the ILO, the ILO Conference unanimously adopted the Convention—419 to 0 with no abstentions. Now the Convention is set for ratification by ILO member countries.

After a country ratifies the Convention, it will be binding on the government. The implementation of the Convention is subject to ILO supervisory machinery. Failure

to comply with the implementation will be subject to multilateral criticism at the ILO Conference and the ILO will work with the government to help remedy the situation.

In addition, the ILO will have at its disposal an expanded IPEC to provide the technical assistance necessary to ensure that implementing the Convention does not harm children and their families. President Clinton has pledged to support IPEC with a \$30 million contribution, an initiative we fully endorse. IPEC is a notable success and the USCIB is pleased to put the Committee in touch with IPEC coordinators to increase your awareness of IPEC's efforts.

Ratification of the Convention by the United States will continue the U.S. leadership role in eliminating this scourge and will be essential to encouraging other countries to ratify the Convention.

The Convention is not a broad child labor convention regulating all aspects of child labor. Convention 182 deals with the worst forms of child labor. Another ILO Convention concerning minimum age—ILO Convention 138—involves more detailed subject matter relating to the age at which children and young people can join the workforce. In 1991, a TAPILS' legal review of Convention 138 found that Convention 138 should not be could not be ratified unless differences in the Fair Labor Standards Act, Department of Labor implementing regulations, and state child labor standards were adjusted to meet Convention 138's requirements.

After a thorough legal review, it is our view that ratification of this Convention banning the worst forms of child labor will not require any changes to federal or state child labor statutes. Nor will it have any impact on the recruitment policies of the U.S. Armed Forces. It does not apply to family farms. In sum, it will not mandate changes to U.S. domestic law and practice in any way. The legal reviews accompanying President Clinton's submission of the treaty—in which U.S. business participated—support this opinion by providing a detailed analysis of the Convention.

It should be highlighted that U.S. business support to adopt an ILO treaty at an ILO Conference was not a decision taken lightly and, in the historical perspective it was an exceptional event. Our decision is based on whether, at the time of the vote, the Convention is appropriate for multilateral regulation and whether the United States can ratify the Convention without changing existing federal and state law. We believe that a multilateral approach to eradicating the worst forms of child labor is preferable to other piecemeal approaches that could apply varying standards. At the same time, the precedent-setting legal review of the treaty undertaken by the United States during the second year of the negotiating process gave us, at the time of the vote, a great deal of confidence that the United States could ratify this Convention without affecting current federal and state law. The comprehensive legal analysis that took place this summer has confirmed this earlier judgment.

The legislative history of the Convention is very clear that it does not apply to 16 and 17 year olds who voluntarily enlist in military service with parental consent. With respect to health and safety, governments are given discretion to determine the types of work that constitute extreme hazardous work. At the same time, the legislative history makes clear that the convention does not apply to family farms or undertakings. Furthermore, it is clear that access to free basic education means primary education plus one year; that is, eight or nine years of schooling based on curriculum, not the age of the student.

Convention 182 deals with fundamental issues, and not issues of detail, and its terms are quite clear. It will be interpreted by the ILO through its Committee of Experts (COE)—a body composed of 20 recognized international law experts who are charged with the responsibility of assessing in detail a country's compliance with the requirements of ratified conventions. While the conclusions of the COE are not binding, per se, absent a decision of the International Court of Justice (ICJ) to the contrary (only one country has ever taken an ILO case involving interpretation to the ICJ), they are considered by the ILO to be presumptively valid. Thus, if after U.S. ratification, the COE concluded that of Convention 182 were contrary to U.S. law and practice, international pressure would be brought against the U.S. Government to change existing law and/or practice.

For these reasons, the U.S. business community places a great deal of emphasis on the indepth legal review of a Convention's requirements and current U.S. law and practice undertaken by TAPILS, which is composed of legal representatives of the Departments of Labor, State, and Commerce, and the AFL-CIO and the U.S. Council. As a consequence, we can have a great deal of confidence that the legal review was detailed, comprehensive and definitive. Absent a change in the current situation with respect to U.S. law and practice, there is no basis for any one to bring a complaint against the United States in the ILO or other fora with respect to this Convention.

LEGAL EXAMINATION OF THE WORST FORMS OF CHILD LABOR CONVENTION

The legal review of Convention 182 began in the fall of 1998, following the first year negotiation of the Convention. The legal review process took place in accordance with the three ground rules agreed to by the President's Committee on the ILO in October 1985 and incorporated in a Senate declaration adopted when the Senate gave its advice and consent to United States ratification of ILO Convention 144 concerning consultation on ILO matters at the national level in 1988. The ground rules provide that:

1. Each ILO convention will be examined on its merits on a tripartite basis;
2. If there are any differences between the convention and federal law and practice, these differences will be dealt with in the normal legislative process;
3. There is no intention to change state law and practice by federal action through ratification of ILO conventions, and the examination will include possible conflicts between federal and state law that would be caused by such ratification.

From the fall of 1998 through completion of negotiations of the Convention, TAPILS was involved in the legal assessment and development of proposals that would solve differences in the draft Convention and U.S. law. These discussions also included lawyers from the Defense, Education, and Justice Departments and the government, business, and labor representatives negotiating the treaty. The meetings were frequent and in-depth.

Following unanimous adoption of Convention 182 on June 17, 1999, the text went through another in-depth review from the end of June through the end of July, including a thorough examination of the negotiating history and comprehensive study of federal and state law. Subject to two understandings, TAPILS concluded that there are no legal obstacles to its ratification.

The two understandings clarify the meaning of the Convention as it relates to its domestic application; it does not affect the United States' international obligations. The negotiating history of Convention 182 is quite clear that Article 3(d) concerning hazardous work does not include situations in which children work for their parents or guardians on bona fide family farms and undertakings. To make clear that this is consistent with a comparable provision in the Fair Labor Standards Act (FLSA), TAPILS recommended an understanding that is an exact reflection of the FLSA language:

The United States understands that Article 3(d) of Convention 182 does not encompass situations in which children are employed by a parent or by a person standing in the place of a parent on a farm owned or operated by such parent or person.

The second understanding concerns the meaning of basic education under Article 7. The understanding is intended to confirm the Convention's negotiating history that:

The United States understands the term "basic education" in Article 7 of Convention 182 means primary education plus one year: eight or nine years of schooling, based on curriculum not age.

CONCLUSION

Convention 182 is not just another "feel good" measure. It guarantees concrete results for the future. U.S. ratification is essential to establishing global scope of understanding of the issue of child labor. U.S. ratification of this Convention allows us to demonstrate global leadership on this tragic problem, and universal ratification will provide children around the world an opportunity to have access to basic education and a more decent standard of living than otherwise possible.

We believe that a comprehensive, multilateral approach represents the best means to alleviate the deplorable problem of child labor around the world. Children must not be subjected to slavery, bondage, prostitution, drug trafficking, and extremely hazardous forms of work. ILO Convention 182 provides a well crafted binding multilateral instrument that addresses the core problems without being so detailed that it creates barriers to ratification and implementation. The Convention combined with the ILO 1992 International Program for the Elimination of Child Labor (IPEC) multilateral technical assistance program and the 1998 ILO Declaration of Fundamental Principles and Rights at Work provide powerful tools to eliminate the worst forms of child labor.

This concludes my testimony. We would be glad to answer any questions you may have.

The CHAIRMAN. Thank you very much.

I am advised—this writing was as hasty as mine—the committee will take up this treaty at its November 3rd business meeting. I did not know that until this minute myself.

Well, Mr. Duke University Student, we are proud to have you here and we will glad to hear from you, sir.

Senator WELLSTONE. Is Mr. Harrell from the University of North Carolina? The good school. He is not from Duke, is he?

The CHAIRMAN. I think he is close to the University of Minnesota.

Senator WELLSTONE. OK.

The CHAIRMAN. You may proceed.

STATEMENT OF CASEY HARRELL, MEMBER, DUKE STUDENTS AGAINST SWEATSHOPS, DUKE UNIVERSITY, DURHAM, NC

Mr. HARRELL. Good morning, members of the Foreign Relations Committee. On behalf of Duke University Students Against Sweatshops, we thank you for inviting us to share our opinions regarding Convention 182.

The reason we have been asked to testify today relates to the efforts of our organization on Duke's campus since our founding 2 years ago. Our first efforts were concentrated on the establishment of a code of conduct, which would apply to all university licensees, regulating various labor conditions in factories manufacturing goods with the Duke label. We celebrated when this code was passed, as it set a new standard for universities across the Nation.

Duke's code that we achieved contains standards that are broader-based and more extensive than the ones we are discussing today. Our code of conduct does deal with child labor, yet it also deals with the issues of health, safety, working hours, women's rights, and most importantly, the right to collective bargaining. We feel that future legislation should necessarily address all of these issues of worker rights, rather than focus solely on child labor, which is just a small part of the problem.

Duke's code, though broad in scope, was still inadequate. It provided no provisions for enforcement of its regulations. We had achieved a seemingly powerful code that was actually nothing more than a piece of paper. Because the industry lacked transparency, there was no way to enforce what had been passed. One element necessary for enforcement of labor legislation is unrestricted public access to any desired information regarding labor conditions. Disclosure of this information is the first step in providing for an effective monitoring system.

Once it became evident that our code of conduct could not adequately enforce the protection of workers' rights, we began to push for full public disclosure. The struggle with Duke's administration over this issue culminated in a 31-hour sit-in of the administration building which ended with a guarantee of disclosure by January 1, 2000. Numerous corporations promised to challenge this decision by Duke's administration in court, and it seemed like disclosure would only come after years of litigation.

However, as Senator Wellstone noted, just last week Nike, one of the staunchest opponents of disclosure, released a list of factories

worldwide that manufacture Duke apparel. This demonstrates that corporations will potentially yield to consumer pressure and disclose previously guarded information, a vital first step towards more transparent monitoring.

Our goal at Duke is to be able to enforce the codes of conduct that have been passed by our university and its licensing corporations. However, an area of struggle has been with our administration's commitment to the Apparel Industry Partnership-Fair Labor Association. This organization, partially funded by Congress, has no provisions for disclosure and provides for only corporate controlled monitoring. The public should not have its tax dollars spent on FLA funding if the FLA continues to hide information from the public. At Duke, we have been struggling against what we consider an illegitimate monitoring plan because under the FLA, like this Convention, enforcement mechanisms do not exist. Unfortunately, efforts to enforce international labor standards are not being made.

For example, the World Trade Organization has extensive protections for intellectual property rights, but it has yet to allocate time to address even the most heinous of labor abuses, much less ways to enforce any standards already in place. This exhibits a lack of true commitment to addressing labor abuses worldwide on the part of WTO participants, something that a convention addressing a topic as narrow as the worst forms of child labor simply cannot salvage.

This November my peers from Duke plan on joining thousands of activists in Seattle to demand that the WTO establish credible labor and environmental standards and create strong enforcement procedures.

Students also object to a bill now in circulation called the African Growth and Opportunity Act that proposes to regulate trade with Africa and extend manufacturing rights of U.S. corporations without any written guarantees of labor standards. Fortunately, there is an alternative. The Hope for Africa bill proposed by Senator Feingold of Wisconsin and Congressman Jackson of Illinois which does set up a framework of labor standards.

The success or failure of these bills will gauge your intent as policy makers on making the world a safer place for all laborers. It will take a broad and open base of international labor standards, vigilantly enforced, to accomplish this goal, not just limited and telescoped conventions that address specific and fairly unenforceable labor issues.

In conclusion, we do call on you to ratify Convention 182 because child labor is a serious problem, but to seriously enforce the principles outlined in this Convention, labor standards and enforcement mechanisms must be a part of U.S. trade policy.

Thank you.

The CHAIRMAN. An excellent statement, young man. I am proud you are from North Carolina, at least temporarily. Where are you from?

Mr. HARRELL. I am from Atlanta, Georgia actually.

The CHAIRMAN. Well, most Duke students are not from North Carolina because they cannot afford it.

But anyway I am glad to have you here.

My friend from Minnesota commented it was very close to the University of North Carolina. I am going down there tomorrow to dedicate a new law school building. Then we have NC State in a triangle. We have got a Research Triangle Park where some of the biggest corporations in the world are situated, and we are proud of that. It has done wonders for North Carolina's development.

I tell you what I am going to have to do. Do you see all those lights on the clock up there? They say if I do not get there pretty quickly, they are going to cut off the vote and I will be absent. So, if you will forgive me, I am going to recess the committee till Senator Biden gets back, and he will begin the questioning. Then I will return as quickly as I can. But I thank all four of you for coming, and I will see you in a few minutes.

We stand in recess.

[Recess.]

The CHAIRMAN. The committee will come to order again, finally. I apologize. It took a little longer.

Mr. Sweeney had to leave. I am going to begin with Mr. Niles. Senator BIDEN. I think it is you and me, boss.

The CHAIRMAN. Well, that is fine.

I have to walk with a crutch and I get out of breath. There is nothing wrong except I had two knees replaced, and that will slow you down every time.

Mr. Niles, you stated in your testimony that you support the Convention since it leaves to each ILO member to determine how best to address peripheral issues without multilateral oversight or rulemaking. And I agree with you on that.

However, just for the record, I would like to hear from you as to what steps should companies take to self-police their own companies, particularly those in the developing world where standards are much lower than in the United States and other industrialized countries. Was I close enough to the mike?

Mr. NILES. Yes. I heard the question. Yes, sir.

Mr. Chairman, we think, our organization thinks, our members believe that U.S. multinational corporations investing in the developing countries, establishing factories or joint ventures in those countries should be the bearers of the high standards of respect for labor rights that you find in this country. There should not be for United States business one standard in this country and another standard elsewhere.

I believe that studies by the International Labor Organization and by the OECD have found, although there obviously are exceptions—and I would certainly recognize that—that companies from the developed countries investing in developing countries have generally brought higher standards with them in observance of labor rights, environmental standards, and have set a good example in those countries for indigenous industries. I think that is the important role that United States business can play around the world and is playing around the world.

Certainly in this area, in the area of child labor, I think the record of U.S. business, by and large, is a good one. It could, of course, be better, and I am sure our members are working to that.

The CHAIRMAN. Now, during the testimony of my friend from Duke University—and I thought he was great—he indicated that Nike has agreed to disclose its factories worldwide. Now, do you believe this kind of voluntary disclosure will become routine?

Mr. NILES. I think it is likely to. It is a good example to set. Each company has to make its own decisions on these issues, but as my fellow panelist from Duke pointed out, the companies have to be cognizant of reactions in this country. They have their corporate reputations at stake, and they are, of course, susceptible to consumer boycotts and pressures in this country. So, I believe that not just U.S. companies, but international companies in general that are active in the developing world are showing greater and greater sensitivities to these kinds of issues.

I think, Mr. Chairman, this point about how one company reacted demonstrates the power of sunlight, the power of information. It is one of the ways in which the International Labor Organization, which as has been pointed out, cannot impose sanctions, can put pressure on countries and, indeed, on companies to live up to the standards established by the ILO through publicity. It has quite an impact, and we are seeing it every day.

Thank you, sir.

The CHAIRMAN. What are you going to do, Mr. Niles, if you find out that one of your member companies is found to be hiring children to perform activities that contravene the requirements of the Convention? What would you do?

Mr. NILES. Well, we would certainly bring that to the attention of the company and discuss it with them. Again, we have no authority ourselves as an organization, but—

The CHAIRMAN. But there is that light coming in that you are talking about.

Mr. NILES. Well, that is right. Sunlight, publicity. Companies are increasingly concerned, we believe, about their corporate reputations. Corporate social responsibility is a reality today in this country and around the world and I think it is a good thing. It is a spreading concept. Companies are, for very good bottom line reasons, doing the right thing increasingly.

The CHAIRMAN. I think it always helps.

Senator Biden.

Senator BIDEN. Thank you, Mr. Chairman.

Let me thank Mr. Harrell for his interest and his passion. I have a young son who is not quite so young anymore, and when he got out of undergraduate school, Mr. Chairman, he came in and informed his mom and I he was going to go run a homeless shelter in Portland, Oregon for a year, actually an emergency service operation. And he walked out of the room, and my wife looked at me and said, what is wrong with him? He has so many opportunities. And I said, well, if you cannot be an idealist when you are 21, then the world is in real trouble.

Her comment, which you will appreciate, Mr. Chairman—and you know my wife Jill well. She is a very quiet person. She tapped me on the shoulder, which she never does. She says, you know what is wrong with him? And I said, no. She said, he has listened to too many of your speeches.

I am glad you listen to somebody and I am glad you have decided that passion, matched with principle, can make a difference, and you are making a difference.

I do not have any questions for you because I basically agree with you.

My questions are for Mr. Niles not because I disagree, but because I have respect for him as an Ambassador. It is good to see you back before this committee. He has taken on some very tough assignments for this country, and I hope his diplomatic skills are able to be put to work with the organization he represents and organizations with which he serves.

I have one basic question, Mr. Ambassador, and that is this. I know you well enough to know you do your homework. So, you know I have supported all the trade agreements, that I am what my friends in labor in a perplexed way would refer to as a free-trader and they are not happy with my view in support of NAFTA and my view in support of expanding world trade. I think the President's initiatives and the previous President's initiatives have been correct. I think that is where the future lies for our country.

But I have been somewhat perplexed by the business community. Again, you know I receive strong support from the business community in my State. In my State, we not only know the Fortune 500, we know the Fortune 5, the Fortune 10, the Fortune 20 and the Fortune 30, and the Business Roundtable, and so on.

One of the things that perplexes me is that the cooperation that you and Mr. Sweeney—your organization and Mr. Sweeney's organization is the strongest element of the support that I receive in my State—sit on the ILO. You have a seat and you have come to a consensus jointly, along with others, on what to do to deal with child labor. And that is obviously the most egregious of the labor practices that organized labor in this country talks about in other countries. And you all have agreement on that, and I respect that and I realize the sincerity of it, and I realize that the American business community that are—an "oxymoron"—multinationals, as well as are not multinationals, have the same sense of revulsion that organized labor has.

One of the things that perplexes me, though, is this. As I said, I think our future, the future of our Nation, the future of Mr. Harrell's generation, in breaking down trade barriers around the world and trade agreements that are liberal in their objective and that are multinational in nature. As Willy Sutton said when they asked him, why do you rob banks, he allegedly said, because that is where the money is. Why do I think this is true? Because that is where the customers are. It is over there. It is not just here. And it is best for the developing world as well that this occur.

But here is my question, as the yellow light goes on. I was perplexed last time around in trade negotiations and legislation that the business community basically said we should strip even the language we had paying at least lip service to the need for environmental and labor standards that are similar to ours in trade agreements. I think they should be part of the discussion. I think they are a legitimate issue to be raised in bilateral and multilateral negotiations with other countries. I am perplexed why the business

community appears to be not only against, but seems to have moved back from a position they had had 5 years ago, that they are at least on the table. Can you talk to me about that a little bit?

I will end by saying I am afraid that if the business community does not become more active in initiating support for environmental and labor standards in trade agreements, that you all are going to find a reaction where the Pat Buchanan view of the world becomes one that is not only embraced by American labor but is embraced by non-organized labor and we are going to be on the short end of the stick in my view. I think this country is ready to have a reaction that is counterproductive, but borne out of a sense that you all have, quite frankly, an appearance of being heartless about these other issues.

Could you talk to me about that a second?

Mr. NILES. Well, Senator, you have put your finger on one of the toughest issues that this country, not the business community, faces as we move toward Seattle, toward the WTO ministerial, and beyond in what we hope will be the next multilateral trade round. And you have also I think scoped out rather well the advantages which will accrue to the United States through an enhanced participation in an increasingly free world trade system.

Senator BIDEN. It creates American jobs.

Mr. NILES. It creates American jobs and also raises the level of economic development in the developing countries and makes it possible for those countries to raise their labor standards and their standards of respect for environmental concerns.

I think you have to ask why are the problems that we are talking about here, respect for ILO, core labor standards, environmental standards, basically resolving down to a north/south, developed/less developed disagreement, which is what we are going to see in Seattle, which we saw in Singapore and we will see in Seattle. Basically it is a question, in my view, of economic development, not that economic development solves all the problems of labor rights and all the problems of environmental protection, but it is countries, such as ours and the western Europeans, the Japanese, Canadians, which have achieved certain levels of economic development that have the capability to engage in environmental control programs and are able to respect core labor standards, this, of course, combined with flourishing democratic political systems.

So, basically what we should want to do—we in the United States, whether from labor, business or non-governmental organizations—is we should want to encourage a process which brings greater economic development to the developing countries and encourages democratic political systems in those countries so that we can see enhanced respect for labor rights and environmental standards.

Now, the position of the business community on these issues, the proposals to link labor and trade or trade and environment in WTO, has been that the WTO is not the organization qualified to deal with these issues. And I think that has been demonstrated over the lifetime of the WTO, which is not very long, and the GATT before it.

The question is what is the most effective forum to deal with the issue that we are talking about, be it labor, for example. And my feeling frankly, having participated now in two meetings of the ILO governing body and one ILO conference, is that the ILO offers a great deal of promise, if we are prepared to use it, in finding ways to bring greater respect for core labor standards to the developing countries. We have a vehicle, Senator, which was the declaration adopted by the ILO in the summer of 1998, but which my predecessor at the U.S. Council, Ambassador Abraham Katz, who happens to be with us today, was—I would not say largely responsible, but significantly responsible. This declaration provides us with a basis on which we can work with the developing countries through the ILO to raise core labor standards. And the business community is committed to do that.

Let me just say this also, as we think of this in terms of the relationship between north and south. My impression, based on talks with developing country representatives, is that they are not at this point prepared to accept a linkage between trade and labor which would involve the potential of applying sanctions for non-observance of core labor standards. The question is are we in the developed world, the United States/Western Europe, prepared to forego the benefits of a new multilateral trade round because we are unable to bring the developing countries on board this particular approach.

Senator BIDEN. Well, let me respond quickly, if I may, Mr. Chairman. I am not at all sure they are in the bargaining position to be able to do that, number one.

Number two, I think that Presidents, this one and the next one, be it a Republican or Democrat, should have the authority to pursue that and not be prohibited by legislation we pass from even being able to raise that.

And number three, I would respectfully suggest that the business community's attitude is arguably that WTO—let us, as we lawyers do, argue in the alternative. Let us assume I acknowledge that the WTO is not the forum. Well, and bilateral relationships or multilateral relationships that are not within the WTO like NAFTA, is that a forum? Is that a forum that you would be able to do that? I would argue it is.

At any rate, I am not going to belabor the point, but I would like to invite you, if you are willing. I would like to spend some time with you. Again, I am one of the guys, as you know from my voting record, who has voted the position that is for expanding trade. I have made all those votes, whether you call them easy or tough, those votes.

But I am getting exasperated. It seems to be it is becoming a matter of religion here, to steal a phrase from a different context here, that you cannot talk about these issues when you are negotiating. You cannot even talk about them. And that is something that I have great problems with and it is maybe enough to begin to change my view about what I am willing to do. I would love to talk with you about it if you are willing to talk with me.

Mr. NILES. I certainly am.

Senator BIDEN. I thank you for allowing me the extra time.

Mr. NILES. Mr. Chairman, could I respond?

The CHAIRMAN. Sure, sure.

Mr. NILES. I hate to burden the committee, but if I could just respond for a second on the position of the developing countries on these issues.

Obviously, if the developing countries were as keen on having a new trade round as we are, they would not be in a position to say no to proposals, which our administration will very likely put forward, with some support from Europe, for a linkage of, in some way, establishing, for example, a working group on trade and labor, a very anodyne, very reasonable proposal. Let us discuss the subject.

But the attitude of many of the developing countries, at least as I understand it—and I could be wrong. We will find out in Seattle—is, hey, this trade round was not our idea. It was your idea. Leon Britton, who was the former commissioner, was the first person to propose the millennium round. We supported it. And the developing countries are going to say to us, you were the guys who wanted a trade round. We, developing countries, do not feel that we got the benefits that we were supposed to get out of the Uruguay Round which calls for special and differential treatment of the developing countries. So, they feel like they got the short end of the stick back then. We proposed a new trade round and we are trying to put additional requirements on them in order to have that trade round.

Now, this is a very complicated issue and I look forward to discussing it with you further.

The CHAIRMAN. Very good.

Mr. NILES. Thank you, Mr. Chairman.

The CHAIRMAN. I want to ask you one question, but I want to get to my North Carolina guy who is from Atlanta.

You were in Greece? Was that your last post?

Mr. NILES. Yes, sir. Mr. Chairman, yes.

The CHAIRMAN. Have you ever had any trouble with the Greeks and the Turks?

Mr. NILES. Yes. I was there for the Imea Crisis in January of 1996 where there could have been an armed encounter. Fortunately, there was not due to the United States intervention.

The CHAIRMAN. Both of these countries are friends of the United States. It is an awful tough situation.

Mr. NILES. Well, it is. They are our closest allies in southeastern Europe. They are our only allies. Well, Israel of course nearby. But our only NATO allies in the region. But they have a difficult relationship with each other. But we, over the years I think, going back—

The CHAIRMAN. Was pretty good.

Mr. NILES [continuing]. Played a pretty important role there. I think it is a good example of how United States diplomacy can make a difference, Mr. Chairman.

The CHAIRMAN. Fine.

Mr. Harrell, your unit at Duke joined something of a national group. Is that correct? Or did you establish this organization?

Mr. HARRELL. Let me first start off to say that although many of the values of the national movement are the same as our students' chapter, I by no means was speaking for a national movement today.

The CHAIRMAN. I understand that. But I was just interested in how it got started. You know, they are more idealistic today than we were when I came along, because we were trying to stay in school and pay for it, you know. Go ahead.

Senator BIDEN. They are having the same problem today, Mr. Chairman. Paying for it, I mean.

Mr. HARRELL. The movement was started—I do not know of a particular date. It was started a few years ago in terms of rising student awareness.

The CHAIRMAN. Is this at Duke you are talking about?

Mr. HARRELL. At Duke and at other universities across the Nation. Contacts were then made. Solidarity groups were established, and from that, a network was arranged.

The CHAIRMAN. So, the activity just spread. It came into being at essentially the same time. Is that what you are saying?

Mr. HARRELL. At multiple universities, yes.

The CHAIRMAN. Now, is Diane Cohane helping you out, the President of Duke? Is she helpful to your organization? Have you talked with her?

Mr. HARRELL. We have met with President Cohane on numerous occasions. I would like to commend her in many of her efforts to work with our student groups, especially when you begin to compare her efforts with some other university presidents or chancellors, though I will not name any in the great State of North Carolina. She has been, first of all, open with establishing times to meet with us, as well as to genuinely listen to our concerns.

The CHAIRMAN. The group at the university at Chapel Hill? You do not know?

Mr. HARRELL. I refuse——

The CHAIRMAN. There is a sharp conspiracy——

Senator BIDEN. I did not think anybody at Duke talked to anybody at UNC. I do not know, at least during basketball season.

The CHAIRMAN. I did not say they did.

But seriously, are there other groups in North Carolina like this group?

Mr. HARRELL. There certainly are, sir.

The CHAIRMAN. Where?

Mr. HARRELL. There are groups that are related in very similar veins. There is one at the University of North Carolina at Chapel Hill, Students for Economic Justice. We have done joint actions together. We did an action together last month actually at a Wal Mart facility in Chapel Hill.

The CHAIRMAN. Well, let me say to Senator Biden, we have an unusual situation in the Research Triangle. We have Duke University, we have the University of North Carolina, and NC State University. And in the middle of all that is the triangle started under Luther Hodges' term as Governor, and the idea by Archie Davis,

whom you do not know. He is deceased now, but one of the brightest guys we ever had in our State.

But anyway, today we have great women heads of each one of those.

Senator BIDEN. Those universities.

The CHAIRMAN. Yes, all three of them are headed by a very competent woman, and I think it is a delightful situation. I wanted competent women to be moved into responsibilities. I do not want anybody moving in just because she is a woman or because he is a man or whatever.

We have Molly Brogue who is head of the Greater University of North Carolina with about 18 branches throughout the State. Then we have a lady who is chancellor at NC State University.

Now, you started off your effort, as I understand it, because you looked at the label of some athletic equipment and other things. Logos I will call them. And you looked into the kind of labor that went into the production of these in foreign countries. Is that pretty—

Mr. HARRELL. I would temper that with the labor is not always in foreign countries. There are many companies that provide Duke apparel that operate in the United States, many of which are in the State of North Carolina.

The CHAIRMAN. What has your effort at Duke had on your fellow students—how do they accept you? Do they welcome you? Do they help you? Or do they just ignore or what?

Mr. HARRELL. Students at our university are pulled in many directions in terms of their commitments, in terms of their activities. I think our presence on campus has done nothing but help raise the level of awareness among our student body on issues of labor and issues in general of social justice. Students now realize that there is a forum available to discuss issues that they may have had opinions on or questions about but not known where to go. I can only say that our presence on campus has been a beneficial occurrence whether or not all students agree with our actions or our morals.

The CHAIRMAN. I thank you, sir.

Now, if you thought you were going to get by home free, Mrs. Remington, you are not. I have got a question for you. During your testimony that you gave to Congress—I think it was back in 1996—you described the World Bank funded projects in India. Do you remember that?

Ms. REMINGTON. Yes, I do.

The CHAIRMAN. Now, you talked about children being employed to construct roads—

Ms. REMINGTON. Yes, it is true.

The CHAIRMAN. [continuing]. And develop steel and mine coal.

Ms. REMINGTON. Yes.

The CHAIRMAN. And you indicated then, according to my staff folks—and I am quoting you—that not only do World Bank financed projects contribute to the growth of child labor, but often the industries which rely on child labor are given as examples of

success in the World Bank's discussion paper. Do you remember saying that?

Ms. REMINGTON. Yes.

The CHAIRMAN. Well, has the situation changed with the World Bank?

Ms. REMINGTON. I do not know that much. I do not think they still have any policy in their funding.

The CHAIRMAN. But you have not noted any efforts by the World Bank to eliminate child labor, have you?

Ms. REMINGTON. I am sorry, sir.

The CHAIRMAN. You do not know of any effort made by the World Bank to eliminate child labor.

Ms. REMINGTON. Well, there are efforts, but do they reach children? I am not sure. The issue I was raising is that when you have child labor on such a scale there in India, each time you are involved in a large scale project, you are going to stimulate and encourage child labor even if you are not aware of it. So, you have a moral duty, when you are an international organization, exactly like you were talking with multinational corporations, to ensure that whatever funding you are doing does not encourage child labor. The World Bank met. There was some meeting, but again I am a very small person. The persons I am in contact with who work on a grassroots level have not seen too many changes.

The good change—it is now in the news. It is becoming a global issue, but it has not reached the children yet.

The CHAIRMAN. I tell you that testimony you made in 1996 I am here by instructing our folks—we have got the best staff, Democrat and Republican—on the Foreign Relations Committee I have ever seen. But I want our folks to make a strong effort to find out if there has been any change or improvement in that World Bank situation.

Ms. REMINGTON. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Ambassador?

Mr. NILES. Mr. Chairman, I cannot speak to the specific program in India, but I believe that Mr. Wolfensohn at the World Bank has made a major effort to take labor standards into consideration in the implementation of country programs. I think he deserves a lot of credit for this. If you watched the meetings of the bank and fund which took place here in Washington at the end of September, the emphasis on alleviation of poverty and dealing with some of the problems that we have been discussing here today was really quite extraordinary, particularly if you compare back just as recently, say, as 1996. So, I cannot speak to the specifics of programs in India or anywhere else, but I think the spirit of the President of the IBRD is to do something really important in this area. And he needs support in this.

The CHAIRMAN. I may want to consult you further about this a little bit and get some further information.

Senator Biden, do you have further questions?

Senator BIDEN. I have no further questions. I thank the panel, though.

The CHAIRMAN. Well, I do too. It has been a great morning and 46 minutes into the afternoon, but I am sorry about the vote that delayed us, but these things happen. But thank you for coming. Thank you for your testimony.

Ms. REMINGTON. Thank you, Mr. Chairman.

The CHAIRMAN. And have a good day.

We stand in recess.

[Whereupon, at 12:47 p.m., the committee was adjourned.]