

# Child labour and import bans

## A call for a cautious approach

February 2026

### Introduction

As part of the expanding global landscape of business and human rights legislation, several countries have either implemented or are in the process of introducing import and product bans to prevent the market flow of goods made with forced labour. For example, while the EU Forced Labour Regulation has entered into force and awaits implementation in late 2027,<sup>1</sup> the United States has already enacted such legislation.<sup>2</sup> Canada has also introduced measures to exclude goods that are mined, manufactured, or produced wholly or in part by forced labour or *child labour*.<sup>3</sup>

While these legislative efforts are increasing, differing approaches are emerging as to whether and which forms of child labour should fall into the scope of product and import bans. There are important nuances that must be considered in developing tools to tackle child labour. Not all child labour is forced child labour and the prevalence of child labour is influenced by overarching socio-economic factors, such as poverty, vulnerability of low-income families, weak education systems and the informal economy. While product bans are an integral tool to stop the trade of goods made with forced labour (including forced child labour), they are less appropriate for addressing child labour more broadly. The latter requires a long-term, multisectoral and multistakeholder approach which would address the root causes. The introduction of blanket product and import bans as a response to child labour could produce wide-ranging unintended consequences, potentially plunging children and their families into deeper poverty.

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<sup>1</sup> Regulation (EU) 2024/3015 of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937 (27 November 2024), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32024R3015> (access date: 27 May 2025).

<sup>2</sup> Section 307 of the Tariff Act of 1930 (19 U.S.C. §1307). See: US Customs and Border Protection Office, Forced Labor, available at: <https://www.cbp.gov/trade/forced-labor> (access date: 20 March 2024).

<sup>3</sup> Government of Canada, Forced Labour in Canadian Supply Chains, available at: <https://www.publicsafety.gc.ca/cnt/cntrng-crm/frcd-lbr-cndn-spply-chns/index-en.aspx#s1> (access date: 20 March 2024).

Therefore, the differences between child labour and forced child labour are crucial to understanding and planning the most effective responses. With these considerations in mind, this briefing argues that:

1. Child labour, where it does not constitute forced labour (see below), **should not be** in the scope of import and product bans, and therefore
2. Only forced labour of children (“forced child labour”) that falls under existing International Labour Organization (ILO) definitions of forced labour and is prohibited irrespective of the child’s age, the nature or the circumstances of the task due to its severe nature, **should be** within the scope of such regulation.

Anti-Slavery International’s extensive experience in addressing the root causes of child slavery, combined with legal analysis of and extensive research into worst forms of child labour and child slavery, including the identification of critical legislative gaps, lends strong support to this position. This briefing presents Anti-Slavery International’s stance in a global landscape marked by significant discrepancies in national definitions and the scope of hazardous child labour, as well as a general lack of consensus on the methods to tackle various forms of child labour. Our position is contextualised within these ongoing challenges.

## **Understanding child labour and forced child labour**

According to the ILO and UNICEF statistics,<sup>4</sup> child labour remains a persistent problem, with 160 million children involved in child labour worldwide. Child labour is a complex and multifaceted issue, and patterns of child labour are closely linked with and influenced by overarching socio-economic factors (see: **Child work** and **Child labour** in the Annex). Poverty, unhealthy family life, weak national education systems, the informal economy, responsibilities of the child to take care of parents and provide income, traditions and social attitudes, weak governance systems, and vulnerability of low-income families are among the root causes of child labour.<sup>5</sup> A range of contextual challenges and crises could significantly exacerbate the prevalence of child labour. These include, for example, conflict-affected and fragile environments, as well as regions affected by climate-related natural disasters. Such conditions severely impact livelihoods, and this heightened vulnerability can

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<sup>4</sup> ILO and UNICEF, Child Labour: Global estimates 2020, trends and the road forward (2021), p. 8.

<sup>5</sup> ILO, Causes, available at: [https://www.ilo.org/moscow/areas-of-work/child-labour/WCMS\\_248984/lang--en/index.htm](https://www.ilo.org/moscow/areas-of-work/child-labour/WCMS_248984/lang--en/index.htm) (access date: 20 March 2024); ILO and UNICEF, Child Labour: Global estimates 2020, trends and the road forward (2021), p. 26-27.

lead to an increase in child labour and, in the worst cases, a greater risk of forced child labour.<sup>6</sup>

While child labour is a persistent and systemic issue in many economies and industries, child labour and forced child labour are two different concepts. Not all exploitative working conditions and not every form of child labour constitutes forced child labour.

As defined by the ILO Forced Labour Convention, 1930 (No. 29), forced labour means all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily (see: **Forced labour** in the Annex). Forced labour is determined by the specific relationship between the victim and the employer rather than the type of work carried out. As forced labour is a multifaceted issue, various indicators can be used to determine whether a situation amounts to forced labour, including abuse of vulnerability, deception, restrictions on freedom of movement, withholding identity and travel documents or wages, and sexual and physical violence. Determinations of forced labour should be informed by the ILO indicators of forced labour,<sup>7</sup> including the *Hard to see, harder to count – Survey guidelines to estimate forced labour of adults and children*.<sup>8</sup>

In terms of forced child labour, the ILO's most recent *Hard to see, harder to count* handbook acknowledges that there is no agreed legal definition of what constitutes forced child labour, and there is a need for further methodological development on the measurement of forced labour of children.<sup>9</sup> In this context, forced child labour also falls within the scope of the generic ILO definition of forced labour (see: **Forced child labour** in the Annex). However, the threshold for establishing forced child labour is much lower than that for forced labour involving adults, and children may be intimidated or controlled with less physical coercion or fewer threats compared to adults. Indicators of forced child labour can also vary due to the unique vulnerabilities of children.<sup>10</sup> These might include deceptive promises related to educational opportunities or financial support for future events such as weddings; kidnap and forced recruitment of children; or violence against children. It is

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<sup>6</sup> ILO and UNICEF, *Child Labour: Global estimates 2020, trends and the road forward* (2021), p. 27.

<sup>7</sup> ILO, *ILO Indicators of Forced Labour*, available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_203832.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf) (access date: 20 March 2024).

<sup>8</sup> ILO, *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children* (2012), available at: [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_182096/lang--en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm) (access date: 20 March 2024).

<sup>9</sup> ILO, *Hard to see, harder to count – Handbook on forced labour surveys* (2024), p. 3, available at: [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_914768/lang--en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_914768/lang--en/index.htm) (access date: 15 April 2024).

<sup>10</sup> ILO, *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children* (2012), p. 17.

easier to exert control over a child than an adult, such as by controlling or restricting their movements, restricting contact with their families, financial control by withholding wages.<sup>11</sup>

## CASE STUDY

Research has highlighted the widespread nature of forced labour exploitation of girls and women in Tamil Nadu, India – the Sumangali scheme. Unmarried girls aged between 13 and 18 are tied to three-year contracts in mills that operate 24 hours a day. It has been reported that many girls are trapped in the mills, with only rare visits from their families allowed. They endure poor living conditions which often lead to chronic illnesses. They are required to work long hours without breaks, including unpaid overtime, often exceeding 12 hours a day. They are not given any days off, and their pay is less than the minimum wage. Although there is a commitment to provide financial support at the end of their contracts, which many girls intend to use for their marriage-related expenses, numerous girls leave before the end of their contract, often due to ill health, thus unable to receive the final payment.<sup>12</sup>

Globally, 12 million children are estimated to be in modern slavery as of 2022.<sup>13</sup> This is broken down into forced child marriage and forced child labour. It is estimated that 1.3 million children are in forced labour exploitation in the private sector (forced labour exploitation does not include sexual exploitation)<sup>14</sup>, and over 300,000 children are estimated to be in state-imposed forced labour.<sup>15</sup> The ILO states that the forced labour of children is prevalent in various economic sectors and industries, including domestic work, agriculture and manufacturing.<sup>16</sup>

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<sup>11</sup> ILO, *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children* (2012), p. 18.

<sup>12</sup> Anti-Slavery International and European Coalition for Corporate Justice, *What if? Case studies of human rights abuses and environmental harm linked to EU companies, and how EU due diligence laws could help protect people and the planet*, p. 14, available at: [https://www.antislavery.org/wp-content/uploads/2020/09/ASI\\_ECCJ\\_Report\\_FINAL.pdf](https://www.antislavery.org/wp-content/uploads/2020/09/ASI_ECCJ_Report_FINAL.pdf) (access date: 20 March 2024).

<sup>13</sup> ILO, *Walk Free and IOM, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (2022), p. 19, available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf) (access date: 20 March 2024).

<sup>14</sup> Forced labour exploitation refers to forced labour in the private economy imposed by private individuals, groups or companies in any branch of economic activity, with the exception of commercial sexual exploitation.

<sup>15</sup> ILO, *Walk Free and IOM, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (2022), p. 4.

<sup>16</sup> ILO, *Walk Free and IOM, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (2022), p. 4.

## Addressing child labour and forced child labour: the need for a cautious approach

### How can we address child labour in supply chains?

Eliminating child labour is important and requires comprehensive, long-term and multisectoral approaches, in particular to tackle the root causes like poverty, lack of social protection, inequality, and limited access to education.<sup>17</sup> For example, policy measures that provide economic relief to families,<sup>18</sup> such as cash transfers of child benefits and adequate measures for mitigating the socio-economic vulnerability that underlies child labour,<sup>19</sup> and improvement to adult working conditions (i.e. respecting rights of association, living incomes and decent working conditions) can be helpful tools in significantly reducing child labour. These measures would also work towards reducing vulnerability to forced child labour.

Eradicating child labour demands a coordinated effort involving various stakeholders, including governments, businesses, civil society organisations, development entities and communities. Governments should invest in and strengthen their child protection workforce to provide individualised support and services for children and their families.<sup>20</sup> Public-private partnerships to address the root causes of child labour should also be promoted.<sup>21</sup>

Moreover, businesses must be held accountable for preventing child labour through robust due diligence processes and meaningful engagement with their suppliers. Mandatory human rights and environmental due diligence legislation can serve as a powerful legal instrument for driving better business practice to address child labour. It can do so by promoting a shift towards addressing root causes and encouraging a genuine collaboration with suppliers to eliminate child labour rather than incentivising disengagement from the areas where child labour persists.<sup>22</sup> Through meaningful due diligence, businesses can change their operational models and purchasing practices to facilitate the provision of a living income for families and enable decent work environments within their value chains.<sup>23</sup>

Echoing the recommendations made in the UNICEF report *Ending Child Labour Through a Multisectoral Approach*, such legislation should be grounded in a child rights-based

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<sup>17</sup> UNICEF, *Ending Child Labour Through a Multisectoral Approach*, available at: <https://www.unicef.org/media/111686/file> (access date: 20 March 2024).

<sup>18</sup> Human Rights Watch, "I Must Work to Eat", available at: <https://www.hrw.org/report/2021/05/26/i-must-work-eat/covid-19-poverty-and-child-labor-ghana-nepal-and-uganda> (access date: 20 March 2024).

<sup>19</sup> UNICEF, *Ending Child Labour Through a Multisectoral Approach*, p. 2.

<sup>20</sup> UNICEF, *Ending Child Labour Through a Multisectoral Approach*, p. 10.

<sup>21</sup> UNICEF, *Ending Child Labour Through a Multisectoral Approach*, p. 9, 12.

<sup>22</sup> UNICEF, *Child labour and responsible business conduct: A guidance note for action*, p. 15, 29, 34.

<sup>23</sup> UNICEF, *Child labour and responsible business conduct: A guidance note for action*, p. 14.

framework, recognising children as rights holders and key stakeholders. It should also explicitly incorporate children's rights beyond the scope of child labour, ensuring that businesses respect a comprehensive range of rights that safeguard the wellbeing, agency and development of children.<sup>24</sup> This approach should be a priority for policymakers dedicated to effectively combating child labour.

### **Import controls as a response to child labour could result in unintended and significant adverse impacts**

When considering how to address child labour in supply chains, it is important to note that poorly designed legislation or overly broad terminology could have unintended and significant adverse effects on the individuals it is meant to protect. These unintended consequences on workers broadly speaking should be mitigated against through well-designed legislation that includes pre-ban risk assessments, stakeholder engagement as part of determining the best approach, and remediation with the inclusion of corrective action as a pre-condition to lifting a ban. Given the systemic level of child labour across many economies/industries, policy approaches as set out above would be preferable to the introduction of blanket product and import bans, which could also lead to unintended consequences.

Considering many children work to support their families and provide a livelihood, increased financial strain from a ban that could plunge families into deeper poverty and exacerbate risk of more hazardous work in less regulated sectors and increased vulnerability to child slavery must be avoided (see: **Child slavery** in the Annex).

### **CASE STUDY**

According to UNICEF's The State of the World's Children 1997 report, the Harkin Bill in the United States sought to ban the import of products made by children under 15. This led to the dismissal of child workers, particularly girls, from Bangladeshi garment factories. It is estimated that up to 55,000 children lost their jobs and half of these children subsequently ended up working in more hazardous situations, in unsafe workshops where they were paid less, or in prostitution as a result.<sup>25</sup>

<sup>24</sup> UNICEF, Child labour and responsible business conduct: A guidance note for action, p. 34.

<sup>25</sup> UNICEF, The State of the World's Children 1997, p. 23, available at: <https://www.unicef.org/media/84761/file/SOWC-1997.pdf> (access date: 20 March 2024); B. White, Globalization and the child labor problem, 8 (6) Journal of International Development (1996), p. 833.

## What about hazardous child labour?

Hazardous child labour is categorised under the worst forms of child labour, meaning that 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 (see: **Worst forms of child labour** in the Annex). According to the ILO and UNICEF, approximately 80 million children are estimated to be in hazardous labour.<sup>26</sup>

Hazardous child labour is defined by each country through a list of hazardous activities which are prohibited for children under the age of 18. This list can be informed by a non-exhaustive list of suggestions by the ILO<sup>27,28</sup>, and should be derived through consultation and in consideration of each country's specific circumstances. However, this flexibility leads to considerable variation in these lists across different countries, and therefore inconsistencies in resulting policies. The ILO reports that, despite its guidance, there is a lack of standardised methodology worldwide.<sup>29</sup> This lack of standardisation creates challenges for the efficient implementation of measures addressing hazardous child labour, including import bans. There is an urgent need to provide a clearer definition on hazardous child labour and standardised implementation worldwide.

### EXAMPLE

For example, child labour for cotton production often involves children engaging in hazardous tasks, where children are exposed to harmful pesticides and operate dangerous machinery. The ILO reports that only a small percentage of states involved in cotton production have formally recognised cotton picking as a hazardous occupation.<sup>30</sup>

Not all hazardous child labour is forced child labour, but certain conditions demand special attention. This includes situations where children work in hazardous environments without their families and cannot speak the local language; both factors that heighten the likelihood that child trafficking has taken place and increase their risk of exploitation. When assessed under import control frameworks, these cases should be carefully investigated with a

<sup>26</sup> ILO and UNICEF, Child Labour: Global estimates 2020, trends and the road forward (2021), p. 8.

<sup>27</sup> The ILO Elimination of the Worst Forms of Child Labour Convention, 1999 (No. 182), Article 4.

<sup>28</sup> ILO, Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, available at: <https://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chir.htm> (access date: 20 March 2024).

<sup>29</sup> ILO, Towards the urgent elimination of hazardous child labour (2018), p.3, available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_ipec\\_pub\\_30315.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_ipec_pub_30315.pdf) (access date: 20 March 2024).

<sup>30</sup> ILO, Child labour in cotton: A briefing (2016), p. 11.

potentially lower evidentiary threshold to effectively confirm instances of forced child labour in hazardous settings.

### **What we are calling for: only forced child labour should be subject to import or product bans**

The significant discrepancies in national definitions and the scope of hazardous child labour, as well as the prevailing lack of consensus on strategies to address various forms of child labour at the time of this briefing, make a blanket approach like import controls too risky. It is Anti-Slavery International's position that only forced child labour – as a form of forced labour – and which is prohibited irrespective of the child's age, the nature, or the circumstances of the task due to its severe nature, should be subject to import or product bans. Anti-Slavery International supports calls for the targeted use of import/product bans to address forced child labour situations and not as sweeping measures.<sup>31</sup> To address forced labour exploitation, targeted restrictions on importers with high risk of exposure to forced child labour, for example, would be more appropriate than region-wide product bans, in order to prevent unintended consequences.

When including forced child labour in scope, we nonetheless emphasise that import controls must be complemented by additional efforts to ensure that their implementation brings tangible improvements for children and other workers. Such measures should include:

- Impact assessments and contextual analysis before issuing import controls. This should involve consultation with affected stakeholders, notably children and their credible representatives, including their parents, caregivers and guardians. Ethical, meaningful and effective participation of children in the consultation process should be ensured, as guided by Article 12 of the UN Convention on the Rights of the Child, 1989.<sup>32</sup>
- The provision of prompt, safe and effective remedies for affected stakeholders, as a pre-condition for lifting a ban. These remediation processes should adhere to international best practices, involve consultation with children and other affected workers, and always ensure the children's best interests.
- Complementary legislation that incentivises meaningful due diligence and preventative measures within global value chains.

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<sup>31</sup> With an exception being any systemic state-imposed forced labour situation.

<sup>32</sup> UN Convention on the Rights of the Child, 1989, Article

## EXAMPLE

For example, child labour for cotton production often involves children engaging in hazardous tasks, For example, to facilitate remediation and prevent unintended consequences, a phase could be introduced prior to withholding the release of a product to the market. In this phase, companies would be placed in a warning stage and given a specific time period to demonstrate due diligence measures and remediate forced labour. Civil society groups have made similar requests in their petitions to the US Customs Border Protection under the 1930 US Tariff Act. They urged that importers be required to demonstrate satisfactory due diligence within a certain period, before imposing a Withhold Release Order on cocoa products from Côte d'Ivoire produced for specific named companies with forced child labour.<sup>33</sup>

## Recommendations

### Addressing forced child labour in product/import ban regulation

As described above, the scope of product/import ban regulation should only be restricted to forced labour, which includes forced labour of children, as defined by the ILO. Specific consideration must be given to measures which guarantee positive impacts and prevent unintended consequences.

Import controls must be designed to mitigate possible unintended consequences and ensure improvement to conditions for all workers.

When investigating whether forced child labour has occurred, the indicators used must be in line with the ILO's *Hard to see, harder to count – Survey guidelines to estimate forced labour of adults and children*, which use a lower threshold to establish forced child labour compared to forced labour of adults.

In cases of hazardous child labour, specific factors must be considered with a lower evidentiary standard to determine whether child trafficking, and therefore forced child labour, has occurred. Investigations must consider the nuances of these cases before a ban is put in place.

Globally, there is an urgent need to agree a clearer and standardised definition on hazardous child labour.

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<sup>33</sup> Corporate Accountability Lab, Petition to Customs and Border Protection: Challenging the Importation of Forced Labor Produced Cocoa and Cocoa Products, available at: <https://corpaccountabilitylab.org/petition-to-cbp-challenging-the-importation-of-forced-labor-produced-cocoa-and-cocoa-products> (access date: 20 March 2024).

## Recommendations to address child labour

As the ILO suggests, policymakers must exercise caution against initiating oversimplified responses to child labour.<sup>34</sup> The introduction of import controls to address and eliminate child labour, while seemingly a solution, is likely to be counterproductive and have short-term and far-reaching devastating impacts on the child, the livelihood of families, and the country's economy in some contexts. Sustainable approaches to prevent child labour are needed. In this context, facilitating the effective implementation of the ILO Conventions on child labour is a pivotal step in the global mission to eradicate child labour.

Eliminating child labour requires addressing the root causes in particular, and tackling socio-economic issues such as poverty, inadequate education systems and informal work economies. Implementing policies that provide economic support to families can reduce the financial pressures that often lead to child labour. Also, ensuring access to quality education and strengthening child protection services can help safeguard children.

Businesses must play their part by adopting rigorous due diligence processes in their supply chains. They should engage responsibly with suppliers and be held accountable for preventing child labour. Mandatory human rights and environmental due diligence laws that are grounded in a child rights framework beyond child labour can be a powerful step in this direction. Legislation should require businesses to respect a comprehensive range of rights for children that are crucial for their wellbeing and development. It should also compel businesses to adjust their purchasing practices and business models, thereby fostering decent work environments that support the elimination of child labour. In summary, a multifaceted and collaborative approach involving socio-economic support, legislative action and enforcement, and responsible business practices is key to effectively tackling child labour in supply chains.

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<sup>34</sup> ILO, Causes, available at: [https://www.ilo.org/moscow/areas-of-work/child-labour/WCMS\\_248984/lang--en/index.htm](https://www.ilo.org/moscow/areas-of-work/child-labour/WCMS_248984/lang--en/index.htm) (access date: 20 March 2024).

## Annex: key definitions

### 1. Child work

According to the ILO, some types of work that do not adversely affect the health, wellbeing, personal growth and education of the child can contribute to the child's (above the minimum age) personal development or different skills and are generally considered favourable for their personal growth.<sup>35</sup> These types of work are not classified as child labour. They may include helping parents with household chores, assisting in a family-owned business or earning pocket money outside school time for a few hours while being supervised.<sup>36</sup>

### 2. Child labour

The ILO defines child labour as work that deprives children of their childhood, potential, and dignity, hinders their education and harms their physical and mental development.<sup>37</sup> Child labour refers to work that is socially, mentally, physically or morally harmful to children and interferes with their education and healthy development.<sup>38</sup>

### 3. Worst forms of child labour

The worst forms of child labour, governed by the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), include the following four categories:<sup>39</sup>

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

Categories a), b), and c) above can be classified as forms of slavery, meaning that they are prohibited regardless of the age of the child, the nature of the task, or the circumstances under which those tasks are executed.<sup>40</sup> However, category d) above (hazardous child

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<sup>35</sup> ILO, What is child labour, available at: <https://www.ilo.org/ipecc/facts/lang--en/index.htm> (access date: 20 March 2024).

<sup>36</sup> ILO, What is child labour; International Cocoa Initiative, Child Labour & Forced Labour: A glossary of definitions (February 2022), p.2.

<sup>37</sup> ILO, What is child labour.

<sup>38</sup> International Cocoa Initiative, Child Labour & Forced Labour: A glossary of definitions (February 2022), p.2.

<sup>39</sup> ILO, Worst Forms of Child Labour Convention, 1999 (No. 182), Article 4.

<sup>40</sup> International Cocoa Initiative, Child Labour & Forced Labour: A glossary of definitions (February 2022), p.3.

labour) may or may not constitute slavery as, for example, the conditions could be improved and the child could be able to leave the situation.

In its broader mission to completely abolish child labour, the ILO emphasises prioritising the eradication of the worst forms of child labour.<sup>41</sup>

#### 4. Forced labour

As defined by the ILO Forced Labour Convention, 1930 (No. 29), “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily” constitutes forced or compulsory labour.<sup>42</sup>

- All types of services, works, and economic activities – regardless of employment status – are included in the definition, covering the informal economy.
- For forced labour, the relevant work/service is performed by the victim under the threat of a penalty and against the victim’s free and informed consent on taking or leaving the job (in other words, *involuntarily*).
- Such labour can be forced by states, private actors or even by individuals.

#### 5. Forced child labour

In its guidelines, the ILO has explained that forced child labour should be understood as “work performed by children under coercion applied by a third party (other than by his or her parents) either to the child or to the child’s parents, or work performed by a child as a direct consequence of their parent or parents being engaged in forced labour.”<sup>43</sup>

Children are considered to be in forced child labour if one or more of the following situations exist:<sup>44</sup>

- When a child is compelled to work because their parents are subjected to forced labour, the child is also considered to be in a forced labour situation.<sup>45</sup>
- Any economic activity a child performs for a third party, or with or for the child’s parents, where there is a menace of penalty applied by a third party directly to the children or their parents to force the child to take the job or prevent the child from leaving the job.

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<sup>41</sup> ILO, About the International Programme on the Elimination of Child Labour (IPEC), available at: <https://www.ilo.org/ipecc/programme/lang--en/index.htm> (access date: 20 March 2024).

<sup>42</sup> ILO Forced Labour Convention, 1930 (No. 29), Article 2.

<sup>43</sup> ILO, Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children (2012), p. 17.

<sup>44</sup> ILO, Guidelines concerning the measurement of forced labour (2018); OECD, Business Handbook on Due Diligence in the Cocoa Sector (2023), page. 11.

<sup>45</sup> ILO, Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children (2012), p. 17.

- The child is performing work that can be classified under one of three types of the worst forms of child labour: a) all forms of slavery or practices similar to slavery, b) the use of a child for prostitution, production of pornography or for pornographic performances, c) the use of a child for illicit activities such as production and trafficking of drugs.

## **6. Child slavery**

Child slavery, as a form of slavery, refers to when a child is handed over by their family or guardian/s and exploited for someone else's gain.<sup>46</sup>

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<sup>46</sup> See: UN Supplementary Convention on the Abolition of Slavery, (1956) Article 1d); Anti-Slavery International, Child slavery, available at: <https://www.antislavery.org/slavery-today/child-slavery/> (access date: 20 March 2024).