

Dear Members:

Thank you for taking the time to read the newsletter of the International Law Section. The goal of the newsletter is to keep members up to date on upcoming events, past events, recent international law developments, and spotlight our practitioners. If you are interested in being profiled or submitting an article please contact communication chairs Stephanie Macuiba or Anthony Seto, stephanie@macuibalaw.com and anthony@asetolaw.com, respectively.

UPCOMING EVENTS

- **February 23, 2017, 6:30 p.m. – 8:30 p.m.:** International Law Section Networking Mixer at LACBA Offices, 1055 W. 7th St. #2700, Los Angeles, CA 90017. Join us for hosted hors d'oeuvres, beer, wine, and soft drinks. [Register online](#).
- **March 17, 2017:** Joint USC/LACBA International Arbitration Conference.
- **Spring 2017:** Argentina/Uruguay Trip

PAST EVENTS

- **December 13, 2016:** International Law Section Holiday Party at Ziran, The L.A. Hotel Downtown, 333 S. Figueroa St., Los Angeles, CA 90071.



- **January 19, 2017:** International Law Section Past Chairs Mixer at Sheppard, Mullin, Richter & Hampton, 333 S. Hope St. 43rd Floor, Los Angeles, CA 90071. The mixer had a great turnout with Section members having the opportunity to mingle with past chairs. Thanks to First Vice Chair Lindsay Holloman for her hard work organizing the event.

LACBA

LOS ANGELES COUNTY BAR ASSOCIATION
International Law Section

E-Newsletter, February 2017



- **January 25, 2017:** 2017 Chinese New Year Dinner at World Seafood Restaurant, 1412 S. Garfield Ave., Alhambra, CA 91801. The dinner was organized by past President Jeff Daar and Second Vice Chair Kathy Hao. Attendees were treated to an enjoyable magic show during the latter half of the dinner.





(Photo credit for above two photos: Jeff Daar)

- **February 5, 2017:** Long Beach – Qingdao China Sister City Association – 17th Annual Chinese New Year & Spring Festival Celebration.

ARTICLES

Approaches to Child Labor: A Primer

By: Anthony Seto

Child labor continues to be a global issue. In 2012, an estimated 168 million children worldwide aged 5-17 were engaged in some form of child labor. Some of this activity finds its way into international markets. Cocoa grown by child labor may eventually cross many markets and industries before ending up as fresh coffee served in the United States.

There is a temptation to view all child labor in a negative light. But child labor encompasses a wide range of economic activities. As such, there are diverse views about how to approach child labor. Some seek to eliminate the most exploitative and hazardous child labor activities. Others merely want regulate working conditions to be safer because they view of child labor as essential to developing life skills. Still others believe the focus should not be on laws against child labor but rather on eliminating poverty, a cause of child labor.

This article provides a brief overview of some of the approaches to addressing worldwide child labor. It highlights international instruments and efforts by the U.S. Department of Labor, industry groups, and non-governmental organizations.

International Instruments

Historically, there have been efforts in international law to afford special protections to children because of their vulnerability to abuse and exploitation, beginning with the Geneva Declaration of the Rights of the Child of 1924. More recently, child labor is addressed by the International Labour Organization (ILO) Conventions No. 138 and 182, ratified in 1973 and 1999 respectively.

Convention No. 138

Convention No. 138 provides for a minimum age for different types of work, ranging from light work to hazardous work. Article 7 defines light work as:

- (a) not likely to be harmful to [the child's] health or development; and
- (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

In general, the minimum allowed age for light work is 13-15 years old. In contrast, Article 3 sets the minimum allowed age of 18 for work that is “likely to jeopardise the health, safety or morals of young persons.”

Convention No. 182

Convention No. 182 focuses on eliminating the worst forms of child labor. Article 3 defines this to include instances of forced labor, prostitution and pornography, illicit activities such as drug production and trafficking, and – using similar language to Convention No. 138 – work “likely to harm the health, safety or morals of children.” The last category is thought to encompass hazardous work where children might encounter dangerous machinery, be exposed to an unhealthy environment, or work long hours.

Supervisory Systems

Every two years, ratifying countries must report to an ILO committee on the measures taken to implement the two conventions. This committee (Committee of Experts on the Application of Conventions and Recommendations) issues its observations about the reports and raises concerns about noncompliance. This in turn may stir international discussion and bring about international cooperation to apply pressure against the noncomplying country.

U.S. Department of Labor

While the U.S. has its own domestic laws and regulations against child labor, it also has programs to address child labor abroad. One program is to research, document, and report. Every year, the department releases its findings on the worst forms of child labor and provides a list of goods produced by child labor and forced labor.

Other programs involve partnerships with foreign governments, employer and worker groups, and non-governmental organizations. This has included funding for a project in Rwanda that withdrew children from exploitative labor, provided them with education services, and trained parents in small business enterprise development.

The department also issues guidelines to domestic businesses to reduce the likelihood that agricultural product imports come from child or forced labor sources.

Industry

Industries have acted by changing their business practices. This starts with a company policy to respect human rights and to exercise due diligence in identifying company activities that have an adverse impact on human rights. Companies have provided trainings to their workers and conducted audits to ensure the policy is followed. They have also worked with academia, nonprofit organization, trade unions, and governmental agencies to identify adverse impacts.

Companies have also employed certification systems. That is, they will not engage in business with for example, a sugar mill, unless that mill is certified (usually by a nonprofit organization) to be free of exploitative child labor practices.

In 2001, the cocoa industry and other stakeholders adopted the Harkin-Engel Protocol which, among other things, committed the cocoa industry to eliminating the worst forms of child labor in the global cocoa supply chain. One notable strategy was the creation of industry-wide certification standards which employed a cycle of continuous improvement to industry practices.

Non-governmental and Media Organizations

Non-governmental and media organizations have put pressure on employers engaged in the worst forms of child labor. This is done through investigative reports, news stories, and lobbying of industries to create policies and procedures to prevent imports from sources that employ the worst forms of child labor.

From about 2011, these groups reported on forced child labor practices in the Uzbek cotton industry. Starting in 2013, this helped put pressure on the Uzebek government to limit its conscription system to older children.