

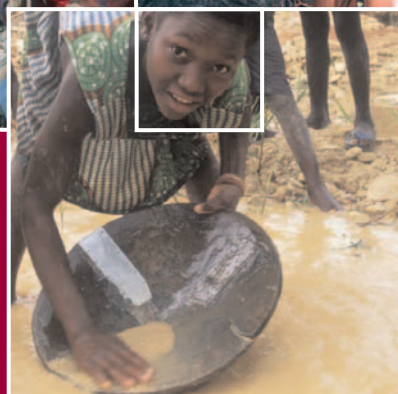


International
Labour
Office
Geneva

Minors out of mining!



Partnership for
global action against
child labour in
small-scale mining



**International
Programme for
the Elimination
of Child labour**

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International Programme for the Elimination of Child Labour

International Labour Office
Geneva, Switzerland

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Children mine gems, gold, coal, and construction materials – sand, clay, rock – in small-scale artisanal operations. Some are very young; quite a number are girls. They begin “helping” at 4-5 years of age, and by their teens put in a full day’s work. They meet the same risks as adults – cave-ins, rockfalls, mercury poisoning, asphyxiation – but, because their bodies and judgment are still developing, injuries are more likely to happen and they are more likely to fall victim to the free-wheeling lifestyle common in mining camps. Those who do not work directly in the pits, provide services to those that do. A significant proportion of children in the mining areas are already trapped in prostitution. Virtually none get a decent education.

A CALL TO ACTION



Children using mercury to extract gold. Tanzania.
Photo by Kevin deSouza

The image of youngsters, blackened by coal dust lugging laden carts up from tunnels deep underground, stirred the public to call for an end to all child labour in the early days of the twentieth century. A hundred years later, although much reduced, the problem still persists in the small-scale mines of Asia, Africa, Latin America, and even parts of Europe.

It is time to stop it for good. The dangers are so obvious and extreme that there are no conditions – poverty included – under which child work in mining can be tolerated any longer. Child labour is a symptom of a situation needing urgent attention. Where child labour exists, other more intransigent problems (disorder, economic decline, conflict) often exist as well.

Now, the International Labour Office (ILO) is making a new ‘call to action’ – calling governments, the industry and social partners to join us in an intensive push to end what is clearly one of the “worst forms of child labour”. There is good reason to believe that this can actually be achieved:

Experience. ILO’s International Programme for the Elimination of Child Labour (IPEC) has acquired over ten years of experience with child labour in small-scale mining which show various ways that this problem can be effectively tackled.

Scale. The numbers of children in small-scale mining (one million) are not impossibly large; the problem is worldwide but within countries it is geographically concentrated (unlike agriculture or construction, for example).

Partners. Increasingly, governmental and non-governmental agencies, employers and trade unions in the mining sector see that bringing order into small-scale mining is a pathway toward broader goals of social responsibility and rural development; and that child labour action can be used as an entry point.

Will. On the World Day Against Child Labour in June 2005, tripartite delegations from fifteen countries presented agreements of commitment to end child labour in small-scale mining within a defined period of time (5-10 years); others have signed since. Already, over a dozen of these countries have followed up with planning meetings and assessment visits to the mining sites.

In the following pages, we outline a proposal for joint action by governments, employers and workers in the formal mining industry, and the ILO. By working together in this way, no more than ten years from now we hope to be able to point to a problem that has been almost entirely eliminated; no more horrifying images of children emerging from holes in the ground, worn and tired and uneducated. And even more important, it will attest to the fact that when a problem is addressed in a methodical tripartite fashion, we have faster and more long-lasting results.

PROPOSED GLOBAL PROGRAMME



OVERVIEW OF PROPOSED WORK

This programme, entitled “Minors out of Mining”, aims to eliminate child labour in small-scale mining completely within ten years, starting with countries where the problem is most serious. It is a tripartite effort initiated by the concerned governments with the support and assistance of the industry (both companies and workers) and the ILO through its technical assistance programme, the International Programme for the Elimination of Child Labour (IPEC).

Each country project takes a two-pronged approach: **upstream** action to create a policy environment conducive to regularization of small-scale mining operations, and **downstream** activities to monitor children in the mining areas, withdraw those found to be working and place them in school or training. Both the upstream and downstream activities are designed so as to contribute to a sustainable rural economy, a healthy mining industry, and a decent and fulfilling life for children in the mining communities.

Each project is self-standing, deciding its own objectives, partnerships, timetable, and activities. But all are also part of a comprehensive and coordinated global effort linking together work throughout the world aimed at stopping child labour in mining. Such links help get each new project off to a fast start by using materials and ideas already developed.

MAIN ACTIVITIES IN EACH COUNTRY

Experience shows that a few key improvements can have an impact on the problem of child labour in small-scale mining. These would form the core of the work in each country.

Downstream (Community/Local level)

Schools. Children and youth often start working because schools are too far away, too costly or of poor quality. Setting up effective and affordable schools is the first step in stopping child labour.

Mining improvements. Adult small-scale miners remain trapped in poverty because they do not know better means of extraction, processing, or marketing. Providing skills training can help.

Miners' Associations. When adult miners organize themselves, it becomes easier for them to work cooperatively and to improve their lives.

Monitoring system. In remote areas, the community can help maintain safety, labour and environmental standards. Community monitors need training and a link to the inspectorate.

Upstream (District/National level)

Laws. Updated regulations and procedures can help small-scale miners to acquire land or usage rights and become more responsible members of the mining industry.

Coordinating committee. This body, composed of the industry, unions, and relevant governmental and non-governmental agencies, is the main way to ensure integrated action.

Policy. Government policy should acknowledge small-scale mining and its potential for reducing poverty. Examples of practical policies can be shared from other countries.

Industry code of conduct. Standards the formal industry sets for itself can guide small-scale miners as well. Meetings and regular communication between companies and miners' associations are the key.

TARGET COUNTRIES

In each country, the activities to remove children from mining and reintegrate them in school and/or training would aim to run for 5-6 years. The start-up of the four groups is staggered so as to make the programme more manageable. Countries have been prioritized according to the public commitments they have made – either through the Call to Action or ratification of key ILO Conventions – to remove child labour from mining.

Group 1: Ghana and Peru

These are countries which have signed the Call to Action and ones in which both the workers and employers have significant activities and the governments are ready to move ahead. Child labour in small-scale mining appears to be high and increasing. Both have ratified ILO Conventions No. 138 and 182.

Target: 250,000 children removed and reintegrated

Group 3: Burkina Faso, Côte d'Ivoire, Ecuador, Mongolia, Nicaragua, Pakistan, Philippines, Senegal, Togo

These are the remaining countries which signed the Call to Action. Several present special challenges in reducing child labour and regularizing the industry. They have all have ratified ILO Convention No. 182.

Target: 200,000 children removed and reintegrated

Group 2: Brazil, Colombia, Mali, Tanzania

These countries have signed the Call to Action and are of interest to the workers and employers. Much smaller numbers of children are thought to be at risk. They have all have ratified ILO Conventions No. 138 and 182.

Target: 300,000 children removed and reintegrated

Group 4:

Remaining countries which have recognized they have a problem of child labour in small-scale mining and are requesting IPEC technical assistance.

Target: 250,000 children removed and reintegrated

OVERALL TARGET

One million children removed from labour in small-scale mines.

TIMETABLE

At the launch of the global programme during the June 2005 World Day Against Child Labour, there was a strong sentiment that this be a “time bound” effort as called for in Article 7 of ILO Convention No. 182 on the Worst Forms of Child Labour. The target for achieving clear results from this programme is five years: 2010. The maximum time for completion of the global goal is ten years.

A tri-partnership

“Minors out of Mining” is a global programme of action led by the ILO with support from the social partners in the mining industry – the International Federation of Chemical, Energy, Mine and General Workers’ Unions (ICEM) and the International Council on Mining and Metals (ICMM), along with the World Bank-based network, Communities in Small-Scale Mining (CASM).

This partnership was created because the problem cannot be solved by working alone. The partnership helps to ensure that the problem of child labour in the informal sector of the industry is dealt with in the most effective and efficient way possible, using to best advantage the comparative strengths of each of the partners.

At the country level, the projects are similarly tripartite. They are designed so that, under the leadership of government, workers, employers and communities address the issue of child labour in small-scale mining and its root causes in a coordinated way. Additional partners, notably donors, will be a key part of the country-specific consortium.

The ‘tri-partnership’ offers a unique and effective way for demonstrating the industry’s commitment to corporate social responsibility.



COORDINATION MECHANISM

Much good work is already underway in mining communities with the support of the formal mining industry and host country governments. However, IPEC’s child labour projects have demonstrated, time and again, that activities which are part of a comprehensive programme have much greater impact and much greater positive visibility than small, single projects. The positive results of an integrated programme are also more likely to be sustained long term.

ILO proposes a model of collaborative action, aspects of which have been developed through its work with other industrial sectors, such as cocoa, tobacco, soccer balls, and garments.

In this model, a small advisory board with representatives from the ILO, selected governments, and the workers’ and employers’ organizations in the industry will oversee the global programme and coordinate planning, implementation, and especially publicity. This board meets quarterly. It organizes the overall framework of partners and is responsible for information-sharing among them and is accountable to them. The board may also serve as a vehicle for resource mobilisation.

ILO CONTRIBUTION

In addition to its experience at the grassroots in eliminating child labour in small-scale mining, IPEC can draw on the structural support of the worldwide network of ILO country offices and the in-country institutional mechanisms it has helped establish, such as the National Steering Committees on child labour. In addition, it also has presently eight large-scale sectoral or country projects (e.g. “Time Bound Programmes”) which have fully-funded components on small-scale mining as well as numerous relevant smaller projects. The ILO Conventions on mining and on child labour provide a good foundation for work on small-scale mining.

What can the governments do?

National and local governments carry the prime responsibility in halting abuse of human rights – as child labour in mining clearly is – in the informal economy. Although workers, communities, companies and donors can be supportive, it is incumbent on government to initiate and frame the action, as well as implement activities.

National government

Child labour in small-scale mining overlaps the areas of responsibility of several ministries. This is a danger in that it can “fall between the cracks”, but also an opportunity for real and stimulating collaboration on a common problem. The ministries most concerned are: **labour** (usually responsible for issues concerning minimum age and working conditions), **mining** (responsible for monitoring and promoting the industry), and **education** (the prime action to address child labour). They can:

- organize an inter-ministerial body to plan and coordinate action. Experience shows that setting up a temporary working group specific to child labour in small-scale mining is probably more efficient and task-oriented.
- review and update legislation concerning artisanal small-scale mining to ensure that it includes provisions on minimum age.
- review and update the list of hazardous work (required of countries ratifying Conventions Nos. 138 and 182) to ensure that the list includes child labour in small-scale mining and quarrying.
- meet periodically with representatives of the industry and with trade unions to monitor the plan of action and to determine ways that the successes can be replicated and publicized.
- reinforce labour inspectorates and associated community-based systems for monitoring working conditions and minimum age.
- provide schools and the necessary infrastructure for community development.

Local government

Experience shows that the major credit for eliminating child labour in mining goes to the local government authorities which directly negotiate and oversee activities in the mining sites. They can:

- identify the exact sites where small-scale mining occurs and assess the prevalence of child labour at those sites
- assess the capacity of the school system to accommodate children withdrawn from mining and specifically, to provide schooling facilities and teachers in the immediate vicinity of the mining sites. Creative alternatives may be required, especially in the case of secondary education.
- work with the community and labour inspectorate to devise a system to monitor and report on child labour at the mining sites.
- liaise with the local departments of social welfare and health to ensure that work alternatives (e.g. primarily schooling, but also medical care, social services) are ready for each child as s/he is withdrawn from work at the mines. Especially important is to identify any children that may have been trafficked or subject to sexual exploitation.

What can the industry do?

Although child labour does not occur within the formal mining industry, and the industry has no power to regulate small-scale mining activity (including the employment of children), it is to its advantage to help improve the health and reputation of the mining sector as a whole.

At the national level, from its vantage point as an important economic player, it can:

- Cooperate with governments and workers' organizations to plan and help implement social development programmes. Some of these may be funded directly by the industry in the community, or indirectly from the substantial taxes and royalties it pays to the government.
- engage the attention of the government in addressing informal sector mining and encourage its commitment of time and resources. Call for clarification of legislation vis-à-vis the formal and informal sector mining industry.
- encourage an interagency body to be formed that will serve as a forum for discussing, deciding, and coordinating policy or practical actions pertaining to small-scale mining, and social issues such as child labour in particular.

At the community level, by working with local government and associations of small-scale miners, companies can help improve the productivity, working conditions and safety and health of small-scale miners, and promote child labour-free zones in the areas where they work. Companies can:

- provide training for adults in improved mining technologies, especially those that will reduce the risk of occupational accidents and illnesses,
- provide training or awareness-raising to reduce the inappropriate and excessive use of mercury,
- improve the recovery rates of mined materials,
- advise associations of small-scale miners on how to gain access to markets for their mined products
- contribute to government-provided infrastructure, teachers and equipment for education of children and youth

At the international level, the industry has an important role as well.

Through its informational networks, it can bring the issue of child labour to the attention of companies so that they can make timely and appropriate interventions if they so choose.

Mining as a whole would benefit from being “clean” in regard to child labour. And it is the mining industry and its workers who can play an important role in achieving and sustaining this objective. It is clear that ASM is not going to disappear in the near future; therefore it is better to seek its transformation into a formal, efficient, clean and responsible activity, where child labour does not exist. The transformation of ASM can be an effective strategy to combat poverty (in particular in cases where it is developed by indigenous and marginalized populations) that will generate decent employment, promote rural development and contain migration toward illegal crops and the main cities.

In short, the industry can help to provide the impetus for change, primarily through its contribution to economic growth and job creation and payment of taxes to governments. Also, through cooperation with governments and worker organizations, they can create a general base of cultural support for programmes to improve working conditions in the industry.



What can trade unions and workers do?

Small-scale miners, who by definition work in an unorganized sector, are unlikely to be members of trade unions. This does not mean that they should be forgotten by the organized sector. It is in the interests of the mining-related trade unions and trade union federations to connect with the artisanal miners to determine areas of common concern. Increasingly, small-scale miners are forming associations that enable them to represent their concerns more effectively to government or others. These associations offer a channel for dialogue with the trade unions as well. There is also the additional pay-off for unions in that working in and with the informal sector of the industry helps to strengthen trade union structures and increase membership.

Trade union actions

There are a number of forms of action against child labour which trade unions can undertake because of their specific and unique role. They can:

- approach the problem in a deliberate manner, first developing a policy and then building a plan based on that policy so that actions are not ad hoc nor energy wasted on activities which will have little pay-off;
- do fact-finding which involves putting names, faces, and locations to the child labour problem. Precise details on the type of work that children are doing in and around the mines will be important later for documenting the problem and in designing mobilization campaigns;
- support awareness-raising – a recognized strength of trade unions that can be focused on a specific site or geared to raising the consciousness of the general public that child labour exists in small-scale mining. One point that should be included in an awareness-raising campaign is information about ILO Convention No.182, which nearly all countries have ratified, as it targets “hazardous work” as one of the Worst Forms of Child Labour;
- investigate ways in which child labour can be addressed as part of the collective bargaining process which is a central activity of all trade unions. It is in the interests of the trade union movement and the situation of adult workers to have a child labour-free industry.

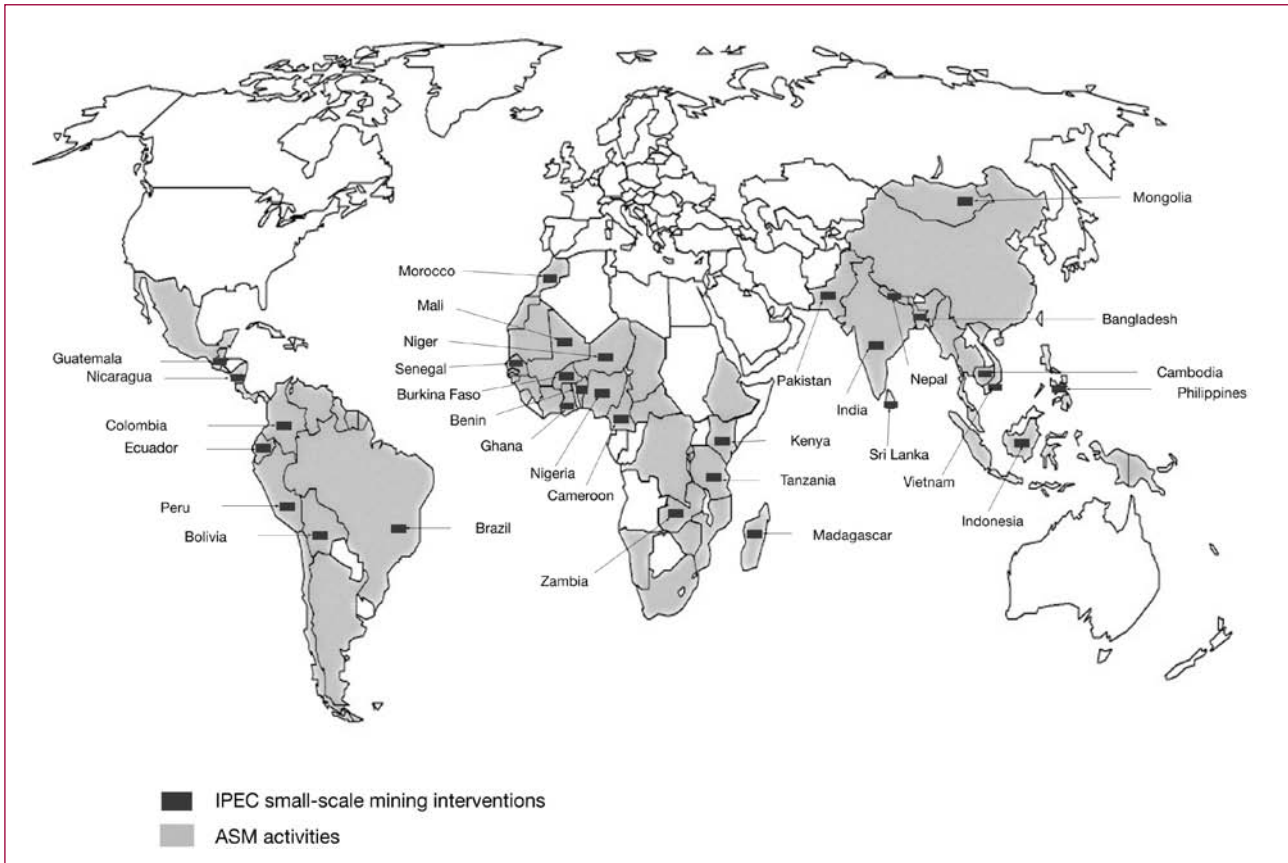
Miners’ association activities

Based in the mining community itself, miners’ associations – whether formalized or not – provide an excellent foundation for dialogue, consensus-building, and action by the miners on their own behalf. They can:

- establish and implement a “code of conduct” that bars children from dangerous work. Once agreed, the members of the miners’ association can be the eyes and ears that monitor this code and help each other in complying with it.
- provide the platform for training and other group activities. An association can poll its members to see what skills are needed, how the training should be conducted, and facilitate attendance.
- be a contact point for local government and employers, particularly in matters dealing with land use, laws, and mining rights. Discussing these matters together, the miners can take their case to the right level and present it more effectively.



ILO KNOWLEDGE AND ACTION



Source: IPEC and *Communities and Small-Scale Mining (CASM)*

This map shows that small-scale mining is widely spread throughout the world and provides an indication of areas where child labour may be occurring. It also shows the location of past or present IPEC projects which have a mining component. These demonstration activities have provided a wealth of practical experience and knowledge about the problem and possible solutions, as well as constituting a platform from which to launch further action.

Lead-up to the global programme

ILO-IPEC has been considering the possibility of concerted action against child labour in mining for some time. In 2003-2004, IPEC conducted a thematic evaluation of its mining projects (as well as relevant work of others) to see if feasible solutions exist. The evaluation found innovative strategies being developed and quite notable successes in both policy change and the removal of several thousands of children from work in small-scale mining. These positive notes were accompanied, of course, by sobering lessons about the difficulty of trying to effect change on informal mining sites. On the whole, the evaluation showed that there was indeed a wealth of experience on which to draw. IPEC has had eight major projects in small-scale mining and/or quarrying and numerous smaller action programmes with virtually all continents represented and a fair cross-section of the world among the countries that have participated. These include: Bolivia, Brazil, Burkina Faso, Colombia, Democratic Republic of the Congo, Ecuador, Ghana, Guatemala, India, Indonesia, Mali, Mongolia, Nepal, Nicaragua, Niger, Pakistan, Peru, Philippines, Romania, Senegal, Tanzania, and Togo.

From supportive policy to comprehensive global action

The experience on the ground has been complemented by the development of a sound policy foundation as well. In 1999 and 2000, ILO global tripartite meetings on small-scale mining were organized under the auspices of ILO's Sectoral Activities Department (SECTOR), the recommendations of which called for the ILO to undertake work on child labour in small-scale mines. These meetings not only provided a policy basis but also opened up the means for a more ambitious move against child labour in mining on the global level through links with major actors.

These key actors are:

- 1) the mining-related trade unions and federations, for example the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM),
- 2) mining companies and associations, such as the International Council on Mining & Metals (ICMM), and
- 3) agencies that provide technical or financial assistance on mining (e.g. Communities and Small-Scale Mining, the network of mining-related agencies and technical specialists, based in the World Bank, and funded in part by the U.K. Department for International Development).

The links have been taking tangible form through meetings and joint reports. For example, IPEC joined with ICEM and SECTOR in a Tripartite Meeting on Gemstones in Bangkok in 2001, integrating child labour into the discussions. In 2004, ILO-SECTOR arranged a meeting of CASM to present the findings of IPEC's thematic evaluation of mining projects. On this occasion, managers of several IPEC mining projects were invited to Washington D.C. to present their work. Among those present at the meeting were technical specialists and investors in the field. IPEC's presentations illustrated its on-the-ground experience and technical know-how in effective responses to address the gravity of the situation. Subsequently, IPEC was invited to host two workshops at the CASM annual meeting in Sri Lanka.

Taking into consideration IPEC experience on the ground, the ILO policy directives, the tripartite backing and the link into decent work and poverty alleviation agendas, when it came time to select a theme for the World Day against Child Labour (WDAFL) in 2005, the ground was already laid for a focus on mining and quarrying. The WDAFL is the main annual advocacy occasion on child labour worldwide, as well as being a side event of the International Labour Conference in Geneva, the WDAFL thus offered an ideal opportunity to launch the idea of a global *Call to Action* against child labour in mining.

World Day Against Child Labour 2005

On 10 June 2005 in Geneva, 15 tripartite delegations, representing countries which recognize that they have a child labour problem in mining, gathered in the Palais des Nations. In the presence of participants in the International Labour Conference, each country in turn formally presented a signed pledge to eliminate child labour in mining within a defined period. The nations presenting agreements were Brazil, Burkina Faso, Colombia, Côte d'Ivoire, Ecuador, Ghana, Mali, Mongolia, Nicaragua, Pakistan, Peru, Philippines, Senegal, Tanzania, and Togo. Also significant was the signing of an agreement by the General Secretaries of the workers federation concerned with mining (ICEM), Mr. Fred Higgs, and of the mining sector employers federation (ICMM), Mr. Paul Mitchell. They pledged to support the ILO and governments in their efforts to eliminate the problem globally. This was preceded by addresses by the Minister of Labour of Ghana, the Deputy Under-Secretary for Labour of the U.S., and the ILO Executive Director of the Standards and Fundamental Principles and Rights at Work Sector, representing the Director General.

But Geneva was only one site for WDACL action. Over 50 countries marked the occasion, demonstrating widespread support at the global, national and local levels for ending child labour, particularly in mines and quarries. Activities included street theatre, dance contests, photo exhibitions, screening of videos and documentaries, seminars and conferences and other special events. At many events, child miners described the tough conditions of their daily lives and their aspirations for the future. The activities were remarkable because of their variety, quality, quantity and the high level of participation by political leaders, celebrities and local dignitaries. Their key ingredients were the commitment and enthusiasm of local organizers, without which they could not have happened.



Lessons learned about child labour in small-scale mining

Through its demonstration programmes on child labour in small-scale mining, IPEC has learned a great deal about the nature of the problem and possible solutions. The problem varies by area of the world and by the product being mined, but some of the common characteristics are:

- **Location.** It occurs in areas where informal, “artisanal small-scale mining” (ASM) is found – in isolated, mountainous, desert, or frontier areas.
- **Material.** It predominates where the ore and materials are of such low concentration (e.g. gems, placer gold) or of such low value (e.g. coal, sand) as to be amenable to labour-intensive methods.
- **Methods.** It involves technology that is low-cost, simple, primitive, and lacks safety measures. The adult miners frequently know little about geology. Because their mining skills are also limited, the deposits and surrounding environment may be contaminated or inefficiently mined.
- **Infrastructure.** Social services (schools, health centres), especially in new mining zones and “rush” situations, are weak or non-existent.
- **Social structure.** Community cohesion is undeveloped due, in part, to the workers migrating in from many different areas.
- **Capitalization.** There is little access to credit and capital is limited, so the miners do not invest in improvements.
- **Productivity.** There is limited access to the market and to fair prices for mined products.
- **Gender.** Female miners (in particular, those who are the heads of families) carry multiple responsibilities.
- **Instability.** Conflicts are not infrequent among the miners themselves and with neighbouring communities.



Such conditions lead to a child labour profile like this

Children become involved with mining quite young – some as young as 4 – by accompanying their parents or relatives to the site and doing odd jobs (delivering water or food, sifting gravel, breaking up stones). By the age of puberty child miners are involved in all tasks that adults do, with the same risks to their physical health and safety, although with the additional disadvantage of not having the judgment or physical strength to protect themselves in crises. By living in the mining community, children of all ages are forced into situations that they are not equipped to handle – brutality, privation, sexual advances, drugs and alcohol. Children coming into the mining situation on their own are doubly vulnerable to exploitation, overwork, inappropriate work, non-payment, and violence of various kinds.

Causes

Why, after all the sensitization and almost universal legislation against it, do children still work in informal mines and quarries? In part, it is because child labour in mining is one of those forms of work which is particularly closely associated with economic or social disruption. Even if virtually non-existent for a time, it reasserts itself when civil wars break out, cutting off normal commerce, when drought sears the fields – essentially whenever times get tough. It usually occurs far from sight: up in the mountains, or out in the border areas. And it relocates swiftly, responding to hints and whispers of a goldstrike here or jobs there. Under such conditions, neither national nor customary law is able to exert more than feeble control. Sometimes children are sought for work in the mines because of their small size and agility. They are used to mine in tunnels and spaces that are too small for adults. Children are often more compliant than adults and tend not to question the tasks assigned to them, or the living and working conditions. Since they usually work illegally, complaints about wages or working conditions are likely to be ignored.

Tasks

Children's work in and around informal mines is varied. They might accompany their parents to the site, especially when there is no alternative means of looking after them during the working day. Children's work, for instance, includes cooking and cleaning for their parents and other adult mine workers. A worse category of work is the involvement in the mining process itself. This includes the extraction of minerals underground, underwater, or on the surface, their transport, separation and subsequent processing.

Hazards

Far from the public eye, children in small-scale mining are vulnerable to a range of social, psychological, and physical dangers not found in many other forms of work. Informal mining areas are notorious for violence, prostitution, drug-use (especially of alcohol), and crime, and they also attract those unable or unwilling to sustain traditional lifestyles or occupations. Where temporary towns have shot up, there is seldom potable water. Schools are non-existent. Mining is a hazardous occupation; and children who work in artisanal mines and quarries are at serious risk of injury, illness, psychological and moral hazard, some disabilities becoming apparent only years later. An unknown number each year lose their lives. The dangers are so obvious and extreme that there are no conditions – poverty included – under which child work in mining can be tolerated.