



## At what age?...

...are school-children employed,  
married and taken to court?

Angela Melchiorre

*Second edition*



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[www.right-to-education.org](http://www.right-to-education.org)

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## INTRODUCTION

In at least 25 countries of the world there is no specified age for compulsory education; at least 33 States have no minimum age of employment and in 44 girls can be married earlier than boys. In at least 125 countries children may be taken to court and risk imprisonment for criminal acts at an age between 7 and 15, often the age range for compulsory education. Moreover, in the same country, it is not rare to find that children are legally obliged to go to school until they are 14 or 15 years old but a different law allows them to work at an earlier age or to be married at the age of 12 or to be criminally responsible from the age of 7.

Being aware of the legal situation of children around the world is necessary for designing effective measures to improve it. Based on States Parties' reports under the Convention on the Rights of the Child (CRC)<sup>1</sup> and therefore reflecting States' representations of their own practice, *At what age?* brings to light problems that are not - but should be - effectively addressed: at what age do children become adults and lose their protection under the Convention on the Rights of the Child?

This publication analyses national legislation on the duration of compulsory education and legal safeguards against adult responsibilities infringing on children's education. What it shows is that children's right to education is currently under threat from early marriage, child labour and imprisonment; States have not adapted their legislation in favour of the right to education, and they do not have agreed standards for the transition from childhood to adulthood either internationally or nationally.

Often taken as the guarantor of childhood until 18, the Convention on the Rights of the Child in fact states in article 1 that: "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". The latter element, a limitation, substantially weakens the operative part of the article and provides justification for differing interpretations and practice. It is an acknowledgement that not even the age of majority is the same in all countries.

The key question which this publication addresses is concordance or discord among different ages at which children should be - or can be - in school, at work, married, or taken before a court and/or in prison. The relationship between school, work, marriage and criminal responsibility should be addressed within child-rights policy in individual countries. However, few countries have elaborated this as yet. Moreover, minimum and maximum ages tend to be set by different laws and are often mutually contradictory. Inconsistency between compulsory education and the full range of children's rights risks jeopardising the full development of the child's personality, the key aim of education in human rights law.

## Methodology

This publication summarises results of a great deal of research, based on an analysis of States Parties' reports to the Committee on the Rights of the Child. It was first published in 2002 and included State reports presented from January 1997 to August 2002. The current text is a revision/update of the previous findings with the addition of State reports from August 2002 to January 2004.<sup>2</sup> Whilst it would be possible to supplement, or contrast this source with non-governmental or academic material, this has not been done here. States Parties' reports constitute self-assessment by governments and presenting them here, in an easily comparable format, allows inter-national comparison and permits a range of actors to hold governments accountable for the standards which they report under the CRC.

The first part of the publication displays a summary table listing all reporting States. Four different entries are given: minimum school-leaving age, minimum age of employment, minimum age for marriage and minimum

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<sup>1</sup> The United Nations Convention on the Rights of the Child was adopted in 1989 and entered into force in 1990. It is the most widely ratified Convention in the world. Article 43 of the CRC provides for the establishment of a Committee on the Rights of the Child composed of 10 (now increased to 18) independent experts serving for a term of four years. Under its article 44 States Parties are requested to "submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognised herein and on the progress made on the enjoyment of those rights: a) within two years from the entry into force of the Convention for the State Party concerned; b) thereafter every five years."

<sup>2</sup> The Reports of Dominica, Liberia and Rwanda are to be presented at the 36<sup>th</sup> session of the Committee from the 17<sup>th</sup> of May to the 4<sup>th</sup> of June 2004, but were publicly accessible in December 2003 on the web-page of the Committee: [www.unhchr.ch/html/menu2/6/crc/crcs.htm](http://www.unhchr.ch/html/menu2/6/crc/crcs.htm)

age for criminal responsibility. The year of report and the page number are also noted for ease of consultation. The second part contains excerpts from the relevant States Parties' reports presented in alphabetical order, with direct reference to document and paragraph numbers. The source can be the initial report to the Committee, the periodic report or both where the latter is silent on minimum ages or presents unclear or incomplete information. The sections of these reports herein have been reproduced faithfully, and where information has been omitted as it was judged irrelevant this is clearly indicated in the following manner: [...]. For a fully authoritative record, readers are encouraged to make use of the original text following document symbols and paragraph references given for each report.<sup>3</sup>

Comparing different ages in different countries or even within the same country is a difficult task, and inferring a precise number from a general description is a dangerous exercise. Collecting, collating, analysing and interpreting State reports requires a great deal of care, thought and patience. Individual country reports are often more than a hundred pages long, and written by different parts of the government. Moreover, a variety of legal sources may exist. They may thus present different minimum ages for the same issue and even when a precise age is mentioned the language can lead one to question its enforceability. In order to maintain coherence, an analytical framework has been developed and followed uniformly to arrive at the interpretations presented in the summary table.

Where no information is provided, this is indicated by a cross (X); where the information is available but not sufficiently clear, or is self-contradictory, a question mark (?) is used. Where the information indicates a change in legislation or a division of competence in federal States or a particular situation or exception that begs closer scrutiny, a star (\*) is placed beside the number. Otherwise, the information provided in the reports is translated into a precise number or a "No minimum", according to the case. In most situations the age defined by a precise number is the lowest legally permissible for completing compulsory education, entering employment, contracting marriage and being attributed criminal responsibility. In many other cases the figure has been inferred following close consideration of the four main areas according to the principles outlined below.

## The Principles

### Minimum age for completion of compulsory education

Article 28 of the Convention on the Rights of the Child requires States to ensure that primary education is free and compulsory. A minimum age for completion of compulsory education is not mentioned, however, the Committee's Guidelines for Periodic Reports require States to "indicate the particular measures adopted to make primary education compulsory and available free for all, particularly children, indicating the minimum age for enrolment in primary school, the minimum and maximum ages for compulsory education...". In this respect, it is worth noting that the assumption whereby compulsory schooling equals primary education in length is no longer valid. The majority of countries considered here have extended compulsory education beyond primary schooling.

Nevertheless, education is not compulsory in at least 25 countries (table 1 below). This figure is very likely to be even higher given the number of countries which fail to report at all whether education is or is not compulsory, or report unclear information (an additional 36 countries).

Analysis of States Parties' reports reveals examples where education is not compulsory at all and others where the obligation is enshrined in the Constitution or other legal instruments but these do not provide for an age range between enrolment and completion. In very few cases there are exceptions or exemptions from the obligation of compulsory education (in such cases compulsory education is equated with public/State schooling, whereas in other countries it is clearly a far broader concept embodying all educational establishments regulated by public authorities, including those which are privately administered or even "home schooling"). Some States cite economic or social conditions as obstacles to the full realization of the goal of free and compulsory primary education. Declarations that education is compulsory are taken as based on legislative and administrative reality, except where clearly aspirational.

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<sup>3</sup> Documents can be consulted in the database held by the United Nations Office of the High Commissioner for Human Rights: [www.unhchr.org](http://www.unhchr.org)

**Table 1. Education Not Compulsory (by region): 25**

Arab States	East Asia & the Pacific	South & West Asia	Latin America & the Caribbean	Sub-Saharan Africa
Bahrain Mauritania Sudan Yemen	Brunei Darussalam Fiji Papua New Guinea Singapore Solomon Islands Vanuatu	Bhutan Maldives Pakistan	St. Vincent and the Grenadines Suriname	Cameroon Côte d'Ivoire Democratic Republic of the Congo Eritrea Ethiopia Gambia Liberia Malawi Mozambique Zambia
4	6	3	2	10

### Minimum age of employment

The guiding principle for the minimum age of employment in the CRC is article 32. Its paragraph 2(a) does not require the establishment of a single minimum age for admission to employment which is uniformly applicable without exception to all minors and to all kinds of employment. It simply requires States to “provide for a minimum age or minimum ages for admission to employment”.

While the Convention itself does not prescribe a precise age, the Committee has consistently indicated and recommended that minimum ages should be set in the light of the provisions of other international instruments and in particular of ILO Minimum Age Convention N. 138. The analysis of States Parties' reports discloses that almost all governments do base their reporting on the ILO standards. Therefore the guiding principles and rules of interpretation of *At what age?* follow the same pattern.

The thrust of the ILO principles is that the general minimum age for admission to any employment should be no less than the age of completion of compulsory schooling and, in any case, no less than 15; where the economy and educational facilities of a country are insufficiently developed, it may be initially reduced by one year to 14. There are various exceptions to this general rule. The main ones concern:

- a) light work, which is permissible on a set of conditions and for which the minimum age may be set at 12 or 13 years;
- b) hazardous work for which a higher minimum age is required (18).

Furthermore, it is to be noted that activities such as domestic service, work in family undertakings and work undertaken as part of education are excluded from minimum age legislation.

A significant number of countries have established legislation that prohibits the employment of children below a certain age. In those cases where children are legally permitted to work, States often specify the conditions under which this can happen in line with ILO standards: that the work should not be harmful to the child's health or development, should not interfere with school instruction, should not take place during school hours and should not be for more than specifically prescribed hours of work. These achievements notwithstanding, there remains a great deal of ambiguity in many of the States' reports and inconsistency with compulsory education standards.

Many countries have not established a single minimum age for admission to any employment or work. Indications refer either to a basic minimum age limited to specified sectors or occupations, or to different minimum ages according to the various economic activities. Other countries also specify a minimum age for light work and may or may not subject it to the conditions set forth in Convention N.138. In some other cases the exceptions are clearly broader than those falling under ILO standards and therefore are recorded as not according protection as far as a minimum age is concerned.

Difficulties relating to the definition of light work or referring to the conditions under which such work is permitted, as well as varying long lists of categories for limited application or particular exceptions, constitute a major concern for a coherent interpretation of State reports. Moreover, attention should focus on the role of part-time or full-time employment that could affect the educational process and development of the child.

Therefore, in order to aim at the maximum consistency possible, the complexity of rules and exceptions regarding children's employment in individual countries has been excluded, and only the generally determined minimum age is cited in this research. Future analysis should focus on the exceptions to this general minimum age, in order to expose where these may in fact signify a barrier to the realisation of the right to education.

### **The link between the minimum age for completion of compulsory education and the minimum age of employment**

The goals of universal education and elimination of child labour are inextricably linked. Free and compulsory education of good quality secured until the minimum age for entry to employment is a critical factor in the struggle against economic exploitation of children, while child labour is a fundamental obstacle to the development and implementation of compulsory education strategies. Minimum age labour laws and compulsory education laws are therefore interdependent: the enforcement of one contributes to the enforcement of the other. In this sense, it is crucial to establish a link between school and labour authorities, legislation and practice.

In law, the connection is clear: article 32 of the CRC require States to protect the child from performing any work that is likely to interfere with his or her education. ILO standards are even more explicit and state that the minimum age for employment should not be lower than the age for completion of compulsory education. In addition, the Guidelines for Periodic Reports reinforce the link by requesting States to indicate "how the minimum age for employment relates to the age of completion of compulsory schooling..." However, discrepancies between these ages are still prevalent and cause of great concern. The need to align these standards remains urgent and goes hand in hand with the need to focus more attention on secondary education, as the school leaving age tends to be too low in many countries.

Table 2 below indicates that the majority of countries still fail to synchronize school-leaving age and the minimum age of employment, although a significant number do achieve this (if occasionally at a low age). Very few countries still have no minimum for both ages. In some cases the gap between these two ages can be up to three years, which may sound alarm bells at a risk of exploitation of those children "in limbo", beyond the age of compulsory education but too young to be legally employed. In many other cases there is an overlap, with the school-leaving age higher than the minimum age of employment, a further indication that compulsory education standards may not be reflected in practice.

**Table 2. The link between the minimum ages of compulsory education and employment**

No minimum age for employment and education	Employment age lower than education age	Employment age the same as education age	Employment age higher than education age
<p>Côte d'Ivoire Democratic Republic of the Congo Liberia Malawi Mauritania Papua New Guinea Yemen</p>	<p>Argentina 15/14 Australia 15*/nm* Bangladesh 10/nm Belize 14/12 Burkina Faso 16*/nm Cape Verde 16/14 Chad 15/nm Colombia 15/14 Comoros 14/nm Denmark 16/15 Dominica 16/12 Finland 16/15 Ghana 15/nm Guinea 16/nm Jamaica 14/12 Jordan 17/16 Marshall Islands 14/nm Mexico 15/nm Micronesia 14/nm Netherlands Antilles 15/12 New Zealand 16/nm Niger 16/14 Norway 16/15 Palau 17/nm Paraguay 12*/nm Peru 18/12 Poland 18/15 Rwanda 12/nm Sierra Leone 15/nm Slovakia 16/14 South Africa 15/nm Sri Lanka 14/10 Togo 15/14 Turkey 14/12 Ukraine 17/16 U. Rep. Tanzania 13/nm</p>	<p>Algeria 16 Andorra 16 Austria 15 Barbados 16 Belgium 15* Bulgaria 16 Cyprus 15 Czech Republic 15 Dominican Republic 14 Egypt 14 Gabon 16 Germany 15 Greece 15 Grenada 14 Hungary 16 Iceland 16 Ireland 15 Israel 15 Japan 15 Kuwait 14 Latvia 15 Libyan Arab J. 15 Liechtenstein 15 Luxembourg 15 Monaco 16 Netherlands 16* Portugal 15 R. Korea 15 R. Moldova 16 Russian Federation 15 St Kitts and Nevis 16 San Marino 16 Seychelles 15 Slovenia 15 Spain 16 Sweden 16 Switzerland 15 Syrian Arab Rep. 12 FYR Macedonia 15 Trinidad and Tobago 12 Tunisia 16 UK 16 UK (Isle of Man) 16 UK (O. T.) 16 Venezuela 14</p>	<p>Bahrain nc/14 Brunei Dar nc/14 Burundi 12/16 Cameroon nc/14 Chile 14/15 Eritrea nc/14 Estonia 15/18 Ethiopia nc/14 Fiji nc/12 Honduras 13/14 Iran 11/15 [Italy 14*/15] Maldives nc/16 Morocco 13/15 Pakistan nc/14 Romania 14/15 St Vincent and the Grenadines nc/14 Solomon Islands nc/12 Sudan nc/16 Suriname nc/14 United Arab Emirates 11/15 Zambia nc/14</p>
7	36	45	21* [excluding Italy]

## The minimum age for marriage

Early marriage is repeatedly cited as a significant factor impeding the realisation of the right to education. In addition, it is not uncommon for majority to be reached on marriage, thus raising the question of the applicability of the Convention on the Rights of the Child to married children (often girls are singled out in such regulations and risk losing the protection of the CRC before boys).

Marriage is not considered directly in the CRC. One must look then to other rights (health, education, survival...) or principles (best interests of the child, development, respect for the views of the child ...) for guidance on the position of the CRC for early marriage. Despite this, it is clear that the Committee places a great deal of importance in ensuring that marriage should not be concluded too early and that the minimum age for marriage should be equal for boys and girls. In this they are aided by the Guidelines for Periodic Reports which require States to “provide relevant information with respect to article 1 of the Convention, including on: ... the minimum legal age defined by the national legislation for ... marriage...”.

As a rule, States follow this guide, although 26 countries provide no or unclear information. Analysis of those reports with clear responses shows that sex discrimination is widespread, with 44 countries specifying a lower age for girls to marry than for boys (table 3 below).

It is also clear that there are a large number of variables, with many countries having a glut of rules and a lack of protection.

**Table 3. Sex discrimination in marriageable age (by region): 44**

North America & Western Europe	Central & Eastern Europe	Central Asia	East Asia & the Pacific	South & West Asia	Latin America & the Caribbean	Sub-Saharan Africa	Arab States
Austria 15/18 Liechtenstein 18/20* Luxembourg 16/18 Monaco 15/18	Armenia 17/18 R.Moldova 14/16 Poland 16/18 Romania 15/18 Turkey 14/15	Kyrgyzstan 17/18 Uzbekistan 16/17	Cambodia 18/20 Fiji 16/18 Indonesia 16/19 Japan 16/18 Republic of Korea 16/18 Vanuatu 16/18 Vietnam 18/20	Bhutan 16/18 India 18/21	Argentina 16/18 Bolivia 14/16* Chile 12/14 Dominican Republic 15/16 Guatemala 14/16 Mexico 14/16 Netherlands Antilles 15/16* Nicaragua 14/15 St Vincent and the Grenadines 15/16 Suriname 13/15 Trinidad & Tobago 12/14	Burkina Faso 15/18 Cameroon 15/18* Democratic Republic of Congo 15/14 Ethiopia 15/18 Mali 15/18 Seychelles 15/18 South Africa 12/14 Togo 17/20	Algeria 18/21 Egypt 16/18 Jordan 15/16 Kuwait 15/17 Morocco 15/18
4	5	2	7	2	11	8	5

Exceptions to a general minimum can be protective or otherwise. Religious or other norms based on puberty or other flexible criteria lack the necessary legal clarity to be considered protective; parental consent is likewise not protective when not regulated to ensure that the principle of the best interests of the child is applied. Conversely, dispensation by a competent administrative or judicial authority appears, *prima facie*, to pass a due process test, and it has here been interpolated that this is based on the best interests of the child, although clearly this would bear closer analysis.

Where pregnancy can act as an exception to allow early marriage, it is extremely difficult to discern whether this is a protective or non-protective criteria, and indeed it may be both, as the best interests of both mother and child must be considered. Marriage may better protect the interest of the pregnant adolescent, and it would bear analysis whether pregnant girls are permitted to continue their education or not.

Interpretation therefore is given according to the indication of further guarantees. If a lower minimum age is set and/or if it is explicitly mentioned that the best interests of the child is the principle applied in decision making by a competent authority, then that lower age is recorded. Where no such guarantees are reported, a no minimum is quoted in the summary table.

Civil, religious, customary and traditional laws often exist side-by-side, with no hierarchy of laws. Quantitative data on the statutory minimum age for marriage reveal therefore only one part of the legal landscape. Moreover, marriages may not be registered, which makes the relevance of law doubtful. While the table does not indicate whether minimum ages are regulated by customary, religious, common or statutory law, further explanation is provided in the reports section.

What emerges clearly in *At what age?* is that the validity of exceptions should not detract from the guarantee of the establishment of a minimum age. Therefore, the complexity of these experiences demands rigorous analysis of the multiple factors, which might lead in the future to the development and testing of a different methodology to capture the pattern of child marriage world-wide.

## **The minimum age for criminal responsibility**

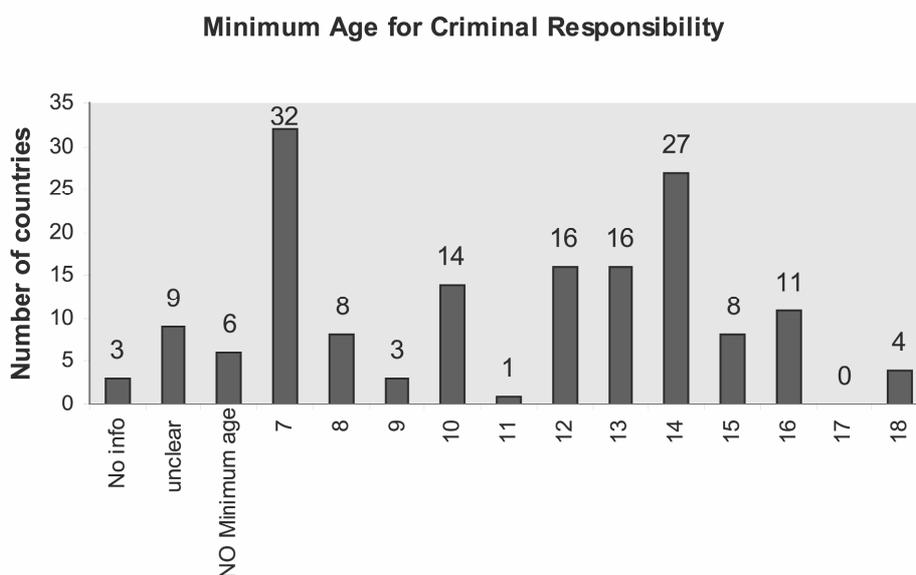
Article 40.3 of the CRC requires States to promote “the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe penal law” and the Guidelines for Periodic Reports indicate that the reports should in particular indicate the measures adopted to ensure a child-oriented justice system, by *inter alia* establishing such an age. Therefore, the CRC does not indicate a desirable minimum age for criminal responsibility. International standards, such as the Beijing Rules, do however recommend that this age be based on emotional, mental and intellectual maturity and not be too low.

Assessing the developing capacity or maturity of the child is somewhat subjective, and there are no agreed indicators (some countries use puberty as an indicator of maturity, others rely on psychological assessments). Moreover, the issue is complicated by a lack of clarity in Article 40 of the CRC itself. It is not immediately clear how to interpret “a minimum age” since many countries have more than one minimum age for criminal responsibility. In fact, the range of ages generally follows this pattern:

- a) an absolute minimum below which the child is conclusively presumed to lack capacity to commit a crime (*doli incapax*);
- b) a minimum age for deprivation of liberty;
- c) an age of criminal or penal majority above which there is a rebuttable presumption of capacity and therefore the possibility of being tried as an adult (below this age there is a burden of proof on the prosecution to show that the accused child had developed sufficient capacity).

The data presented in *At what age?* reflect to a certain extent the confusion over this topic. Some countries provide information on what appears to be the absolute minimum age of criminal responsibility and nevertheless continue to provide details on the administration of justice which seem to contradict or undermine the effective establishment of such an age (i.e. where children below this age may be arrested or temporarily detained or otherwise brought before a juvenile court). Many countries report that children can be held criminally responsible for “serious” crimes at a younger age than for minor offences. Often the lists of these serious crimes are somewhat elastic and range from murder to “malicious hooliganism” or minor traffic offences, thus adding to the mystification and flexibility of the issue.

Furthermore, children in a large number of countries are considered mature enough to take responsibility for their actions at or near the age when they are required to begin their compulsory education. The graphic below shows that at least 125 countries hold children criminally responsible for at least some deviant behaviour during the age of compulsory education (often taken as 6-15). The fact that a child can be held responsible at such an early age often entails various measures of custody, reform, correction or protection which may or may not include adequate educational provision, therefore the establishment of a very low minimum age for criminal responsibility could have a detrimental impact on the child and his or her educational process and development.



This publication focuses on the minimum age of criminal responsibility, and does not deal with the complexities of other ages. The rule of interpretation is to record only the age where there is no possibility for evidence to show that the child fulfils the criteria for criminal responsibility, that is to say that he or she is fully exempt from being criminally liable.

### Trends over time

As mentioned before, *At what age?* is solely based on the most recent reports presented by States Parties to the Committee on the Rights of the Child. Subsequent changes that may have taken place in individual countries since the submission of such reports are not recorded. Nonetheless, the text should be a useful tool to assess progress from one report to the next and to encourage cross-country comparison so as to determine the effects and impact of the CRC over time and space.

A first indicator of trends is a consideration of the 10 countries that have presented periodic reports in the eighteen months between the first and second edition of *At what age?* As it is clear from table 4 below, the majority of these States maintain status quo, although there are some signs of improvement. In very few cases the report remains as unclear as before, allowing one to question whether reports are always prepared on the basis of good faith. In similar vein, apparent retrogression may in fact be an outcome of more transparent reporting.

**Table 4. Trends over time**

Country	Year of Report	School-leaving age	Minimum age of employment	Minimum age for marriage for girl/for boy	Minimum age for criminal responsibility
Armenia	1997	?	16	X	14
	2003	?	16	17/18	14
Bangladesh	1995	X	12	18/21	X
	2003	10	No minimum	No minimum	7
Czech Republic	1996	15	15	16	15
	2002	15	15	16	15
Georgia	1998	14	16	16	14
	2003	?	16	16	14
India	1997	14	?	?	7
	2003	14	?	18/21	7
Japan	1996	15	15	16/18	14
	2003	15	15	16/18	14
Libyan Arab Jamahiriya	1996	15	15	15	7
	2002	15	15	20*	14
Netherlands	1997	16	16	16	12
	2003	16*	16	16*	12*
New Zealand	1995	No minimum*	No minimum	16	10
	2003	16	No minimum	16	10
Syrian Arab Republic	1996	12	12	?	7
	2002	12*	12	?	7

The Convention on the Rights of the Child may have gone a long way to advancing the protection, promotion and fulfilment of children's rights, but it is not clear to whom it applies. *At what age?* has begun to expose the reality of child rights and adult responsibilities in contrast with the right to compulsory education. This is only a starting point. The results demand greater attention from all concerned with children's rights, as the lack of a legal definition of childhood may yet be the greatest risk to effective implementation of the noble aims of the CRC.

## **Relevant Articles of the Convention on the Rights of the Child**

### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

### **Article 28**

1. State Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. State Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child human dignity and in conformity with the present Convention.

3. State Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

### **Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. State Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- a) Provide for a minimum age or minimum ages for admission to employment;
- b) Provide for appropriate regulation of the hours and conditions of employment;
- c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### **Article 40.3**

States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of or recognized as having infringed the penal law, and, in particular:

- a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

## THE TABLE



Country	Year of Report	School-leaving age	Minimum age of employment	Minimum age for marriage for girl/for boy	Minimum age for criminal responsibility	Page
Algeria	1996	16	16	18/21	?	25
Andorra	2001	16	16	14	16	25
Argentina	2002 1993	15	14	16/18*	?	26
Armenia	2003 1997	?	16	17/18	14	27
Aruba	2003	?	?	16*	12*	28
Australia	1996	15*	No minimum*	16	7	28
Austria	1997	15	15	15/18	14	31
Azerbaijan	1996	?	X	X	14	32
Bahrain	2001	Not compulsory*	14	X	?	32
Bangladesh	2003 1995	10	No minimum	No minimum	7	32
Barbados	1997	16	16	16	7	34
Belarus	2001 1993	?	14	?	14	34
Belgium	2001 1994	15*	15	18*	16	35
Belize	1997	14	12	14	7	36
Benin	1997	?	14	No minimum	13	36
Bhutan	1999	Not compulsory	?	16/18	X	37
Bolivia	1997	X	14	14/16*	16	37
Brunei Darussalam	2003	Not compulsory	14	No minimum	7	38
Bulgaria	1995	16	16	16	14	39
Burkina Faso	2002 1993	16*	No minimum	15/18	13	39
Burundi	1998	12	16	?	13	40
Cambodia	1998	?	16	18/20	No minimum	40
Cameroon	2001	Not compulsory*	14	15/18*	10	41

\* see detailed information  
X information unavailable  
? information unclear

Country	Year of Report	School-leaving age	Minimum age of employment	Minimum age for marriage for girl/for boy	Minimum age for criminal responsibility	Page
Canada	2003 1994	X*	No minimum*	No minimum*	12	41
Cape Verde	2001	16	14	?	16	48
Central African Republic	1998	?	14	18	13	48
Chad	1997	15	No minimum	No minimum	13	49
Chile	2001	14	15	12/14	16	49
Colombia	2000 1993	15	14	No minimum	18	50
Comoros	1998	14	No minimum	No minimum	13	51
Costa Rica	1998	?	15	X	X	51
Cote d'Ivoire	2000	Not compulsory*	No minimum	No minimum	10	52
Cuba	1996	?	17	X	16	52
Cyprus	2002	15	15	X	10	53
Czech Republic	2002 1996	15	15	16	15	53
Dem. People's Rep. of Korea	1996	16	X	X	14	54
Dem. Rep. of the Congo	2000	Not compulsory*	No minimum	15/14	16	55
Denmark	2000 1993	16	15	15	15	55
Djibouti	1998	X	13	X	13	56
Dominica	2003	16	12	16	12	57
Dominican Republic	1996	14	14*	15/16	12	57
Ecuador	1996	?	14	No minimum	18	58
Egypt	1999 1992	14	14	16/18	7	58
Eritrea	2002	Not compulsory	14	No minimum	12	59
Estonia	2002	15	18	15	13	60
Ethiopia	2000 1995	Not compulsory	14	15/18	9	60
Fiji	1996	Not compulsory	12	16/18	10	61

\* see detailed information  
X information unavailable  
? information unclear

Country	Year of Report	School-leaving age	Minimum age of Employment	Minimum age for marriage for girl/for boy	Minimum age for criminal responsibility	Page
Finland	1998 1995	16	15	18*	15	62
Gabon	2001	16	16	?	13	62
Gambia	2000	Not compulsory*	X	X	7	63
Georgia	2003 1998	?	16	16	14	63
Germany	2003	15	15	16	14	64
Ghana	1995	15	No minimum	No minimum	7	66
Greece	2001	15	15	18*	12	66
Grenada	1997	14	14	No minimum	7	67
Guatemala	2000 1995	?	No minimum	14/16	12	67
Guinea	1997	16	No minimum	?	18	68
Guinea-Bissau	2001	X	No minimum	No minimum	16	69
Guyana	2003	?	?	16*	10	69
Haiti	2002	X	15	No minimum	?	71
Honduras	1998	13	14	16	12	71
Hungary	1996	16	16	16	14	72
Iceland	2002 1995	16	16	18*	15	72
India	2003 1997	14	?	18/21	7	73
Indonesia	2003	15*	?	16/19	8	75
Iran	1998	11	15	?	?	76
Iraq	1996	?	15	X	?	77
Ireland	1996	15	15	16*	7	77
Israel	2002	15	15	No minimum	12	78
Italy	2002	14*	15	16	14	79
Jamaica	2003	14	12	16	12	80

\* see detailed information  
X information unavailable  
? information unclear

Country	Year of Report	School-leaving age	Minimum age of Employment	Minimum age for marriage for girl/for boy	Minimum age for criminal responsibility	Page
Japan	2003 1996	15	15	16/18	14	81
Jordan	1999 1993	17	16	15/16	7	81
Kazakhstan	2002	?	16	16	14	82
Kenya	2001	X	No minimum	No minimum	8	83
Kuwait	1996	14	14	15/17	7	84
Kyrgyzstan	1999	?	15	17/18	14	84
Lao People's Dem. Rep.	1996	?	15	15	15	85
Latvia	2000	15	15	16	14	85
Lebanon	2000	11	?	No minimum	7	86
Lesotho	1998	X	No minimum	?	7	88
Liberia	2003	Not Compulsory*	No minimum*	15	?	89
Libyan Arab Jamahiriya	2002 1996	15	15	20*	14	90
Liechtenstein	1999	15	15	18/20*	14	91
Lithuania	1998	16	?	X	14	92
Luxembourg	1997	15	15	16/18	No minimum	93
Madagascar	2003	?	14	18*	13	94
Malawi	2001	Not compulsory	No minimum	No minimum	7	95
Maldives	1997 1996	Not compulsory	16	No minimum	7	96
Mali	1997	?	No minimum	15/18	13	96
Malta	1998	16	?	16	9	97
Marshall Islands	1998	14	No minimum	No minimum	10	98
Mauritania	2001	Not compulsory*	No minimum	No minimum	No minimum	98
Mexico	1998 1993	15	No minimum	14/16	No minimum	99
Micronesia	1996	14	No minimum	No minimum	16	100

\* see detailed information  
X information unavailable  
? information unclear

Country	Year of Report	School-leaving age	Minimum age of Employment	Minimum age for marriage for girl/for boy	Minimum age for criminal responsibility	Page
Monaco	2000	16	16	15/18	13	101
Morocco	2003	13	15	15/18	12*	101
Mozambique	2001	Not compulsory	?	No minimum	16	102
Myanmar	1995	?	No minimum	X	7	103
Netherlands	2003 1997	16*	16	16*	12*	103
Netherlands Antilles	2001	15	12	15/16*	12	105
New Zealand	2003 1995	16	No minimum	16	10	105
Nicaragua	1999 1998 1994	?	14	14/15	13	107
Niger	2001	16	14	No minimum	13	107
Norway	1998 1993	16	15	18*	15	108
Oman	2000	X	13	18*	9	109
Pakistan	2003	Not compulsory	14	No minimum	7*	109
Palau	2000	17	No minimum	No minimum	10	110
Panama	1995	?	?	No minimum	?	111
Papua New Guinea	2003	Not compulsory	No minimum	No minimum	7	111
Paraguay	2001	12*	No minimum	14	14	112
Peru	1998	18	12	X	12	113
Poland	2002	18	15	16/18	No minimum	114
Portugal	2001 1994	15	15	16	16	115
Qatar	2001	X	?	X	7	116
Republic of Korea	2002	15	15	16/18	14	116
Republic of Moldova	2002	16	16	14/16	14	117
Romania	2002	14	15	15/18	14	118
Russian Federation	1998	15	15	16	14	118

\* see detailed information  
X information unavailable  
? information unclear

Country	Year of Report	School-leaving age	Minimum age of Employment	Minimum age for marriage for girl/for boy	Minimum age for criminal responsibility	Page
Rwanda	2003	12	No minimum	21*	14	119
Saint Kitts and Nevis	1997	16	16	?	8	120
Saint Vincent and the Grenadines	2001	Not compulsory*	14	15/16	8	120
San Marino	2003	16	16	16	12	121
Saudi Arabia	2000	?	13	No minimum	10	121
Seychelles	2002	15	15	15/18	7	122
Sierra Leone	1996	15	No minimum	No minimum	10	123
Singapore	2003	Not compulsory*	?	18*	7	123
Slovakia	1998	16	14	16	15	124
Slovenia	2003 1995	15	15	18*	14	125
Solomon Islands	2002	Not compulsory	12	No minimum	8	126
South Africa	1999	15	No minimum	12/14	7	127
Spain	2001	16	16	14	12	128
Sri Lanka	2002	14	10	No minimum	8	128
Sudan	2001	Not compulsory	16	No minimum	7	129
Suriname	1998	Not compulsory	14	13/15	10	130
Sweden	1998	16	16	?	15	131
Switzerland	2001	15	15	18	7	132
Syrian Arab Republic	2002 1996	12*	12	?	7	133
Tajikistan	1998	?	14	X	X	134
Thailand	1996	?	13	No minimum	7	135
The FYR of Macedonia	1997	15	15	16	14	135
Togo	1996	15	14	17/20	No minimum	136
Trinidad & Tobago	1996	12	12	12/14	7	137

\* see detailed information  
X information unavailable  
? information unclear

Country	Year of Report	School-leaving age	Minimum age of Employment	Minimum age for marriage for girl/for boy	Minimum age for criminal responsibility	Page
Tunisia	2001	16	16	17*	13	137
Turkey	2000	14	12	14/15	11	138
Uganda	1996	X	?	No minimum	7	139
Ukraine	2001	17	16	?	14	139
United Arab Emirates	2001	11	15	X	7	140
United Kingdom	2002 1994	16	16	16	8	140
UK (Isle of Man)	1998	16	16	16	10	142
UK (Overseas Territories)	2000	16	16	16	10	142
United Republic Of Tanzania	2000	13	No minimum	No minimum	?	143
Uzbekistan	2001	?	?	16/17	13	143
Vanuatu	1997	Not compulsory	?	16/18	10	144
Venezuela	1997	14	14	No minimum*	18	144
Vietnam	2002	10	?	18/20	14	145
Yemen	1998 1995	Not compulsory*	No minimum	15	7	146
Zambia	2002	Not compulsory	14	No minimum	8	147

\* see detailed information

X information unavailable

? information unclear



## **THE REPORTS**



## ALGERIA

Source: CRC/C/28/Add. 4, 23 February 1996

### School-leaving age

104. Article 4 of the Ordinance of 16 April 1976 on the right to education stipulates that “every Algerian citizen has the right to education and training. This right is ensured by the general provision of basic education”. Article 5 states that “education is compulsory for all children aged between 6 and 16 years”. Article 7 lays down that “education is free of charge at all levels, regardless of the type of establishment attended”.

### Minimum age of employment

7e) Ordinance No. 75-31 of 29 April 1975, relating to “general labour conditions”, stipulates that the minimum age for work is 16 years (article 180). Article 182 prohibits the employment of young people under the age of 16 years except where an exemption is granted by the Minister of Labour and Social Welfare in the case of certain fixed-term temporary jobs;

156. Article 15 of act No. 90-11 of 21 April 1990 on employment relations stipulates, in particular, that “the minimum age for recruitment may in no case be less than 16 years, except by virtue of apprenticeship contracts established in accordance with current legislation and regulations. A minor worker may be recruited only on presentation of an authorization issued by his legal guardian. The minor may not be employed in dangerous, unhealthy or harmful work or work that may jeopardize his morality.”

### Minimum age for marriage

7g) Act No. 84-11 of 9 June 1984 establishing the Family Code stipulates, in article 7, that the marriageable age is 21 years for men and 18 years for women.

### Minimum age for criminal responsibility

9. Article 456 lays down that an offender who has not reached the age of 13 years may not, even temporarily, be placed in a prison establishment. Similarly, an offender aged between 13 and 18 years may be placed in a prison establishment only if a provisional measure to that effect seems indispensable or if it is impossible to make any other arrangement. In that case, the minor shall be kept in a special section or, failing this, in a special area. As far as possible, the minor shall be isolated at night.

124. Article 442 sets the age of majority in criminal proceedings at 18 years. Article 443 stipulates that the age to be used in determining criminal majority is the age of the offender on the date of the offence.

## ANDORRA

Source: CRC/C/61/Add. 3, 3 July 2001

### School-leaving age

116. Education is compulsory and free from the ages of 6 to 16. Nevertheless, the law provides for free attendance at school from the age of 3 if parents or guardians so request, as well as an option of extending attendance to the age of 18 to complete secondary education.

### Minimum age of employment

117. Minors under the age of 14 are prohibited from exercising any employment. Between the ages of 14 and 16, minors may work only during school vacations up to a maximum of two months a year. They must, however, have at least two consecutive weeks of vacation in the summer and half of school vacations at other periods. The working day cannot exceed six hours, with a break of at least one hour a day and a weekly rest period of at least one and a half days.

118. From the age of 16 on, minors may work, but their working day is limited to a maximum of eight hours, with a break of at least one hour and a weekly rest period of at least one and a half days.

119. In all cases of employment of minors, the law specifies that the work must be light and must not harm the physical and emotional development of the minor. The law prohibits night work and requires a minimum rest period of two hours between working days and a written contract of employment, which must be signed by the legal representative of the minor (parents or guardian).

### Minimum age for marriage

120. Minors may marry from the age of 16 and may, from the age of 14, request a court dispensation to marry.

### Minimum age for criminal responsibility

125. As stated, the age of criminal responsibility is set at 16. [...]

## ARGENTINA

Source: CRC/C/70/Add. 10, 26 February 2002; CRC/C/8/Add. 2, 23 August 1993

### School-leaving age

*From CRC/C/70/Add. 10 of 26 February 2002*

**421.** The Constitution and legislation of the Argentine State guarantee the provision of compulsory and free education throughout the education system.

**424.** Where specific legislation is concerned, Act No. 1.420 of 1884, the forerunner of the Federal Education Act (No. 24.195 of 1993), made school attendance compulsory for all children from ages six to 14 and provided for free and progressive secular education at the primary level (seven grades).

**425.** Article 10 of the Federal Education Act extends the period of compulsory school attendance to 10 years (one year in a kindergarten/reception class at age five, plus nine years of basic general education), while article 39 stipulates that education shall be free: "The national State, the provinces and the municipality of Buenos Aires shall guarantee, by allocating funds to their respective education budgets, the principle of free education in publicly funded education services at all levels and under all special systems".

### Minimum age of employment

*From CRC/C/70/Add. 10 of 26 February 2002*

**544.** The Employment Contracts Act (No. 20.744) contains the current legislation on the prohibition of the performance of paid work by minors:

"Article 187. Minors of either sex aged over 14 and under 18 may enter into any contact of employment subject to the conditions laid down in articles 32 et seq. of this Act. All regulations, collective employment agreements and wage scales shall guarantee minors equal pay when they work the same number of hours a day or perform tasks usually performed by adults. The apprenticeship and vocational training of minors aged over 14 and under 18 shall be governed by the relevant legislation in force or by legislation adopted for this purpose".

"Article 189. Employers are prohibited from employing minors aged under 14 in any kind of activity, whether for profit or not. This prohibition does not extend to minors employed, with the permission of the school attendance office, in enterprises employing only family members, provided that the work is not harmful or dangerous. Minors of school age but older than the age indicated above may not work unless they have completed their compulsory schooling, except with the express permission of the school attendance office and when their employment is regarded as essential to their own subsistence or that of their direct relatives, and provided that they complete, in a satisfactory manner, the minimum period of compulsory schooling".

### Minimum age for marriage

*From CRC/C/8/Add. 2 of 23 August 1993*

**71.** Act No. 23,515, of recent date, stipulates that women must be 16 years of age and men 18 in order to marry:

"Art. 166, para. 5. If the woman is aged under 16 or the man under 18, this shall constitute an impediment to matrimony." If minors have not reached the minimum age for matrimony, the impediment may be lifted only with the permission of the courts, even if the permission of the parents has been granted; this decision is known as judicial dispensation.

"Art. 167. It shall be possible lawfully to enter into matrimony in the circumstances defined in article 166, paragraph 5, subject to prior judicial dispensation."

"Art. 168. Even if minors have been legally emancipated, they may not marry one another or another person without the consent of their parents or of the person exercising parental authority, or failing either of these without the consent of their guardian, or failing this without the consent of the judge."

### Minimum age for criminal responsibility

*From CRC/C/70/Add. 10 of 26 February 2002*

**615.** Act No. 22.278 of 25 August 1980, as amended by Act No. 22.803, established the prisons regime applicable to minors. It reads in part:

"Article 1. No punishment may be imposed on any person under the age of 16 years. Nor may any punishment be imposed on a person under the age of 18 years for a privately actionable offence, an offence carrying a custodial sentence of not more than two years, or an offence punishable by a fine or disqualification." [...]

"Article 2. Punishment may be imposed on a person between the ages of 16 and 18 years who has committed an offence other than the ones specified in article 1."

## ARMENIA

Source: CRC/C/93/Add. 6, 17 July 2003; CRC/C/28/Add. 9, 30 July 1997

### School-leaving age

*From CRC/C/93/Add. 6 of 17 July 2003*

44. Under the Education Act, children remain in general education until the age of 16. In article 18, paragraph 7, the Act states that basic general education is compulsory and that children must remain in basic general education until the age of 16, unless they have completed the basic general education course earlier.

*From CRC/C/28/Add. 9 of 30 July 1997*

10. Under article 35 of the Constitution, all citizens have the right to education. Secondary education in State educational establishments is free of charge. A minimum of eight years of attendance at a general-education school is compulsory.

### Minimum age of employment

*From CRC/C/93/Add. 6 of 17 July 2003*

45. In article 198, the Code of Labour Legislation sets the minimum age for employment at 16. In exceptional cases, however, children aged 15 may be taken into employment (Children's Rights Act, art. 19).

46. Minors (persons under the age of 18) have the same rights as persons of majority age in their labour relations and, with regard to job security, working hours, leave and certain other employment conditions, enjoy certain advantages established by the country's labour legislation (Code of Labour Legislation, art. 199).

47. The employment of persons under the age of 18 in heavy labour or in jobs involving hazardous or harmful working conditions, or underground, is prohibited.

*From CRC/C/28/Add. 9 of 30 July 1997*

84. [...] Under the Labour Code, children under the age of 16 are not allowed to work. Fifteen year-olds are taken on only in exceptional circumstances. Hiring youths under the age of 18 for work in particularly arduous, dangerous or underground occupations is prohibited. Children taking jobs before the age of 18 are subject to periodic medical checks. Night work, work outside school hours, and work on feast days and holidays is prohibited.

### Minimum age for marriage

*From CRC/C/93/Add. 6 of 17 July 2003*

48. Article 15 of the Marriage and Family Code sets the marriageable age for men at 18 and for women at 17. To be recognized, marriages in Armenia must be registered with the civil registration authorities. In cases where, under law, persons under the age of 18 are permitted to marry, such persons acquire full legal capacity from the moment of entry into marriage. Legal capacity acquired as a result of marriage is fully retained even in the event of the divorce of a minor spouse.

49. To protect the interests of a person below the marriageable age, that person's marriage may be declared invalid in legal proceedings brought by parents, tutors, guardians, the authorities responsible for tutelage and guardianship, and also by persons who have contracted such marriages provided they have reached the age of 18. In all cases, the tutelage and guardianship authorities must take part in the proceedings. When declaring a marriage invalid, the court may decide to revoke the full legal capacity of a minor spouse with effect from the moment the court takes its decision on that spouse's legal capacity.

*From CRC/C/28/Add. 9 of 30 July 1997*

Information unavailable

### Minimum age for criminal responsibility

*From CRC/C/93/Add. 6 of 17 July 2003*

52. The minimum age of criminal liability in Armenia is 16. Under article 10 of the Criminal Code, persons who, at the moment of commission of an offence, have attained the age of 16 may be held criminally liable. Children aged 14-16 committing offences may incur criminal liability only for murder (arts. 99-103), the premeditated infliction of bodily harm and damage to health (arts. 105-108 and 109, part 1), rape (art. 112), assault with intent to rob (art. 88), theft (art. 86), robbery (art. 87), aggravated extortion (art. 94, part 3), riotous conduct and aggravated riotous conduct (art. 222, parts 2 and 3), the deliberate destruction or damaging of government or public property or the private property of citizens, with further serious consequences (art. 96, part 2), the theft of narcotic substances (art. 229), the theft of firearms, ammunition or explosives (art. 232) and the deliberate performance of acts capable of causing a train crash (art. 81).

*From CRC/C/28/Add. 9 of 30 July 1997*

11. The minimum age of criminal liability is 16. Article 10 of the Criminal Code provides that criminal liability may be incurred by persons aged at least 16 at the time of committing a crime. Persons who commit a crime when aged between 14 and 16 may be held criminally liable only in cases of: murder; grievous bodily harm; rape; robbery with violence or the threat of violence endangering human life; theft; malicious or particularly malicious hooliganism; destruction of, or damage to State, collective or citizens' personal property having serious consequences; seizure of weapons, munitions, narcotics or explosives; commission of deliberate acts capable of causing a train crash.

## ARUBA

Source: CRC/C/117/Add.2, 17 June 2003

### School-leaving age

223. The draft National Ordinance is now before Parliament. In order to maximize school attendance, it imposes two duties on parents. Firstly, they must ensure that the child is enrolled at a school by 1 May in the school year in which it reaches the age of 4. Secondly, they must ensure that the child continues to attend school during regular school hours at least until it has completed a course of general secondary or secondary vocational education, or has reached the age of 17, whichever occurs first.

### Minimum age of employment

26. Employment legislation distinguishes between people of 18 and over, young people between 14 and 17, and children younger than 14. Article 15 of the National Ordinance on Employment (Official Bulletin 1990, No. GT 57) prohibits the employment of children. With regard to young people aged between 14 and 17, article 17 of the Ordinance in principle bans working at night and work which is classified as hazardous by a subsequent national decree.

334. It is a criminal offence for children under 15 to do any work, whether paid or unpaid. Furthermore, young persons aged 15 to 17 are protected by law against night labour; they may not perform any kind of work, paid or unpaid, between 1900 and 0700 hours.

### Minimum age for marriage

31. NBWA<sup>4</sup> sets the age-limit for entering into marriage for both men and women at 18 years. Exceptions may be made if the couple wishing to marry have both reached the age of 16 and the woman submits a doctor's certificate attesting to the fact that she is pregnant or has already borne a child.

### Minimum age for criminal responsibility

27. Article 477 of the Code of Criminal Procedure (Official Bulletin 1996, No. 75) reads as follows: "No one may be prosecuted for an offence committed before the age of 12 years."

28. A limited number of coercive measures may be applied in the case of a minor under the age of 12 who is suspected of having committed a criminal offence. These include arrest, entry into premises for the purposes of arrest, a body search, search of clothing, detention in custody for the purposes of questioning and confiscation of objects in his/her possession.

29. Children over the age of 12 are criminally liable, though special criminal provisions apply to those aged between 12 and 18. These provisions differ from those of the criminal law applicable to adults in that the courts may take the defendant's age into account as well as the importance of training and education (see arts. 40 to 41 (m) of the Aruban Criminal Code).

## AUSTRALIA

Source: CRC/C/8/Add. 31, 1 February 1996

### School-leaving age

130. In all States and Territories except Tasmania education is compulsory for children between the ages of six and 15 years. In Tasmania education is compulsory for children between the ages of six and 16 years. Exceptions to this include where the child or parent is ill, the child is satisfactorily educated at home, or where special psychiatric treatment is required and it is deemed to be in the best interests of the child to be exempt from school attendance. [...]

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<sup>4</sup> New Aruban Civil Code

## **Minimum age of employment**

### ***Federal matters***

**1694.** In Australia, wages and working conditions of persons below adult age are regulated by a combination of legislation and awards. Legislation (essentially State legislation) deals with occupational health and safety matters and with minimum school leaving ages, restrictions on child employment and employment of children in particular work. [...]

### ***State and Territory matters***

#### ***Australian Capital Territory***

**1698.** The Childrens Services Act 1986 regulates the employment of children under the age of 15. The Act prohibits the employment of a child in hazardous employment without the consent of the Director of Welfare. Conditions are outlined for children employed for light work (eg errands, distributing newspapers, baby-sitting etc). A person may only employ a child in certain occupations, which are listed, or in a family business. The employment must be for less than 10 hours per week, and must not have a detrimental effect on the child's schooling. The Act imposes a penalty where activities may be dangerous to the health and safety of the child.

#### ***New South Wales***

**1699.** The employment of children under the age of 15 years is regulated by the Department of Community Services under Part 4 of the Children (Care and Protection) Act 1987. There is a regulation (which includes a Code of Practice) under that Part which, together with the Act itself, give effect to the protection of the child from abuse and exploitation.

**1700.** The employment of children aged 16 to 18 years is regulated by the Department of Industrial Relations, Employment, Training and Further Education, and the relevant legislation is consistent with the terms of Article 32. Division 7 Part III of the Factories, Shops and Industries Act 1962 contains provisions safeguarding: the employment of children and young persons in factories (section 49); the employment of young persons in connection with machinery (section 51); the employment of young persons at night (section 54); and the weights that can be lifted or carried by young persons in factories (section 36).

#### ***Northern Territory***

**1702.** The Education Act 1979 provides that no child between the age of six and 15 years is to be employed during school hours or at any other time which would make the child unfit or unable to attend school or receive instruction provided. The Community Welfare Act 1983 provides that children under 15 years of age will not be employed between 10.00 pm and 6.00 am and prohibits employment of children in dangerous activities without the consent of the Minister. While there is no inconsistency between the Convention and Territory legislation, there is no legislation which currently provides for employment or regulation of hours and conditions of employment or a minimum age for employment.

#### ***Queensland***

**1703.** The relevant Acts do not specify minimum ages for employment, with the exception of the Workplace Health and Safety Act 1989. The Workplace Health and Safety Act 1989 provides that an employer shall not permit any male under the age of 18 years or any female to operate at a workplace where lead processing is used. The Health Act 1937 prohibits a person who has not attained the age of 18 years from obtaining a pest control operators licence or preparing pesticides for use by a pest controller. The Act also prohibits a person under the age of 17 years from mixing or loading agricultural chemicals intended for the use in aerial or ground application.

**1704.** The Education (General Provisions) Act 1989 indirectly addresses the issue of the legal minimum age for part-time and full-time employment by providing that a parent shall not employ or cause to be employed his or her child during school hours unless special dispensation has been granted. Education is mandatory until 15 years and therefore labour restrictions do not apply after that age.

**1705.** The Childrens Services Act 1965 prohibits any female child under the age of 17 years from engaging in street trading. However, boys over the age of 12 years may engage in street trading between the hours of 6.00 am and 10.00 pm, under certain conditions. Children are prohibited from engaging in street trading during school hours.

**1706.** The Childrens Services Act also makes it an offence for adults to employ children in the following occupations: relating to the procurement of children for employment in the performing arts, (for money); children who are under school leaving age are prohibited from working in racing stables, or as a jockey. This work is permitted if betting was not permitted in relation to the employment and if the proceeds were to go to schools, churches, or charity; under this section of the Act, it is also an offence to employ children in any dangerous or indecent performances; and any such children engaged in the cinematographic industry, or who are

working as a model or engaged in public entertainment, who are under school leaving age require a permit issued by the Director-General of the Department of Family Services and Aboriginal and Islander Affairs. (In practice this delegation rests with the Regional Manager of the area in which the child resides.)

**1710.** Section 78 of the Education Act provides that a child of compulsory school age may not be employed during the hours at which he or she is required to attend school or during any part of a day of night in any labour or occupation that is such as to render the child unfit to attend school or to obtain the proper benefit from the instruction provided for him or her.

#### **Tasmania**

**1711.** The Child Welfare Act 1960 governs the public performance of children under 14 years, trading in a public place under the age of 11 years and trading in a public place under the age of 14 years after 9.00 pm.

#### **Victoria**

**1712.** In Victoria the Community Services Act 1970 prohibits the employment of a child under 15 years of age without a child employment permit issued by the Department of Labour.

#### **Western Australia**

**1715.** In Western Australia a child may engage in part-time employment at any age subject to any restrictions relating to the particular occupation.

**1716.** The Child Welfare Act 1947 limits the part-time employment of children in street trading to those aged 12 and above and to daylight and out of school hours, licences the employment of children under 15 in entertainment and advertising and imposes penalties for employing children for indecent or pornographic purposes.

#### **Minimum age for marriage**

**121.** In all States and Territories the age of majority is 18. Under the Federal Marriage Act 1961, the legal minimum age for marriage is 18 years. However, with court approval in exceptional circumstances, a marriage may take place if one of the parties has attained 16 years.

#### **Minimum age for criminal responsibility**

**150.** At present the age of criminal responsibility for Federal offences varies from seven to 10 years as State and Territory laws are applied. Under a Model Criminal Code currently being developed for application in all jurisdictions the age will be standardised at 10 years or more; this will become law in relation to Federal offences on 16 September 1995 when new provisions based on the Code come into effect. Further, a child over 10 years but under 14 years can only be criminally responsible for an offence if the child knows that his or her conduct is wrong. The question of whether a child knows that his or her conduct is wrong is one of fact and the burden of proving this is on the prosecution.

**151.** In the Australian Capital Territory a child who has not attained the age of eight years is presumed to be incapable of committing an offence. Where a child is between the age of eight and 14 there is a rebuttable presumption that the child is incapable of committing an offence because she or he did not have the capacity to know that the particular act or omission was wrong.

**152.** In New South Wales, the Northern Territory, Queensland and Western Australia, a child under the age of 10 years is not criminally responsible for any act or omission. A child between the ages of 10 to 14 years is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission he or she had the capacity to know that the activity in question was wrong at the time of the commission of the offence.

**153.** In Victoria the Children and Young Persons Act 1989 provides a minimum age of 10 years for criminal liability. A charge in respect of a child aged 10 to 16, other than for homicide and some other indictable offences, must be heard in the Criminal Division of the Childrens Court.

**154.** The age of criminal liability in South Australia is 10 years under the Young Offenders Act 1993.

**155.** In Tasmania under current legislation the minimum age at which a child can be charged with an offence is seven years. From the seventeenth birthday onwards the law treats an offender as an adult.

## AUSTRIA

Source: CRC/C/11/Add. 14, 26 June 1997

### School-leaving age

**375.** Compulsory education is governed by the *Schulpflichtgesetz* (Compulsory Education Act). Under this law, compulsory education commences on 1 September following a child's sixth birthday and lasts for nine school years. Children who are not yet of school age must be admitted, at the request of their parents or persons responsible for their upbringing, to first grade at the beginning of the school year if they reach the age of six before the end of the current calendar year and are "mature enough" for school. If a school-age child is not "mature enough" for school, it has the opportunity to attend preparatory school instead. Adolescents in apprenticeship or other forms of vocational training must attend vocational school in addition to vocational training (compulsory vocational education; compulsory agricultural and forestry education).

### Minimum age of employment

**492.** Child labour is generally prohibited in Austria. Thus, children under the age of 15 must not perform any type of work. The employment of children solely for teaching and educational purposes as well as the engagement of one's own children in light household activities for a limited period of time (e.g. helping with the cooking, washing dishes and tidying up) cannot be regarded as child labour, provided that there is no risk of economic exploitation or the upbringing or health of the child being endangered by such activities.

**493.** Not included in this ban on the employment of children is the engagement of children from the age of 12 in certain light and occasional work, such as employment in a family business, running errands, assisting on playing and sports fields or collecting flowers, herbs and fruit. In each case of employment of children, the approval of the legal representative is necessary. Such employment must not endanger the child's physical and mental health and development or morals, or expose him/her to the danger of accidents or to the effects of detrimental or hazardous substances. Furthermore, the permitted employment of a child must not in any way prevent or restrict him/her from attending school. Employment is permissible for a maximum of two hours per day, and school lessons and employment combined may on no account exceed seven hours per day. In fact, prohibited "child labour" is practically non-existent in Austria; even as far as the permitted employment of children is concerned (e.g. helping in the house), very few difficulties arise.

### Minimum age for marriage

**69.** Special rules apply to the right to marry. A man attains the legal age of consent for marriage on his nineteenth birthday and a woman on her sixteenth birthday. In individual cases, the court may declare, on application, that a man who has reached the age of 18 and a woman who has reached the age of 15 are of legal age for a particular marriage, provided they appear ready for marriage (sect. 1 of the *Ehegesetz* (Marriage Act)). Irrespective of the legal age of consent to marry, a minor requires the permission of his legal guardian and the person with care and legal responsibility. This permission may be granted by the court if no justified reasons exist for a refusal (Marriage Act, sect. 3).

### Minimum age for criminal responsibility

**84.** With regard to criminal liability, the *Jugendgerichtsgesetz* 1988 (Juvenile Courts Act), Federal Law Gazette No. 599, distinguishes between "under-age persons", i.e. persons who have not yet attained the age of 14, and "adolescents", i.e. persons who have attained the age of 14, but are not yet 19 years old. Under-age persons who commit a punishable offence are "incapable of crime", i.e. they are not liable to prosecution (sect. 4, para. 1). If necessary, the youth welfare service will take action. The same applies to adolescents who commit criminal offences, on the following conditions:

If, for particular reasons, they are not yet mature enough to realize that the deed was wrong or to come to this realization;

In certain circumstances if they commit a misdemeanour (a criminal offence of less severity) before they are 16; Generally, if the offence is of a minor nature (in this event, adults are not prosecuted either).

**449.** Criminal liability in Austria basically starts at the age of 14, young people under 14 are not liable to prosecution. Young people under 16 are not liable to prosecution for misdemeanours (i.e. deliberate acts which are punishable by no more than three years of imprisonment, as well as all offences caused by negligence). Furthermore, the penal regulation for all defendants is also worth mentioning, under which minor offences and offences which can be remedied are not liable to prosecution, if, from the aspect of prevention, punishment is not necessary.

## AZERBAIJAN

Source: CRC/C/11/Add. 8, 29 May 1996

### School-leaving age

51. In 1992, the National Assembly of the Azerbaijani Republic adopted the Education Act which provides for compulsory basic education (from classes I to VIII).

### Minimum age of employment

Information unavailable

### Minimum age for marriage

Information unavailable

### Minimum age for criminal responsibility

75. [...] Under current legislation in the Republic, criminal responsibility begins at the age of 16. Between the ages of 14 and 16, a child is criminally responsible in cases of murder and especially aggravating circumstances.

## BAHRAIN

Source: CRC/C/11/Add. 24, 23 July 2001

### School-leaving age

70. In the State of Bahrain, the stage of basic education ends when the child obtains the General Certificate of Preparatory Education, i.e. on reaching the age of 15.

253. Article 7 of the Constitution of the State of Bahrain stipulates that education shall be compulsory and free of charge in the initial stages specified by law and in the manner provided for therein. [...] although compulsory education is not regulated by law [...]

273. In keeping with this education policy, the Ministry of Education has intensified its endeavours to develop its education system by:

... Endeavouring to secure the promulgation of the laws and legislation needed to enforce compulsory basic education;

### Minimum age of employment

67. Article 50 of the Private Sector Employment Act of 1976 prohibits the employment of persons of either sex who are under 14 years of age. [...]

322. The employment of juveniles is dealt with in section VIII of the Private Sector Employment Act of 1976, which prohibits the employment of young persons of either sex who are under 14 years of age. The Act makes the employment of young persons conditional on the fulfilment of a number of requirements. For example, they must obtain authorization from the Ministry of Labour and Social Affairs, they must undergo a medical examination prior to their entry into service and at periodic intervals thereafter and they must not be employed in industries or occupations that are hazardous or detrimental to their health.

### Minimum age for marriage

Information unavailable

### Minimum age for criminal responsibility

62. [...] With regard to impediments to criminal responsibility, article 32 of the Bahraini Penal Code of 1976 stipulates that a person under 15 years of age cannot be held responsible for the commission of an act constituting an offence, being liable solely to the measures provided for in the Juveniles Act. Article 101 of the Penal Code further stipulates that the provisions concerning permissibility, causation and impediments to responsibility, as contained in chapter II concerning criminal responsibility, also apply to minor infractions of the law.

## BANGLADESH

Source: CRC/C/65/Add.22, 14 March 2003; CRC/C/3/Add. 38, 7 December 1995

### School-leaving age

From CRC/C/65/Add. 22 of 14 March 2003

47. Information on the minimum legal age set by national legislation for various purposes is given below.

(a) End of compulsory education - 10 years. The Government is considering raising the age for completion of compulsory education;

**234.** Primary education was made compulsory for children aged 6 to 10 years by the Compulsory Primary Education Act 1990.

#### **Minimum age of employment**

*From CRC/C/65/Add. 22 of 14 March 2003*

**47.** Information on the minimum legal age set by national legislation for various purposes is given below.

(b) Admission to employment - various ages between 12 and 21 years (see article 32).

**350.** At present, Bangladesh has no national policy on child labour, but ILO is providing support for the formulation of a child labour policy. A draft is expected to be ready by 2001. Existing legislation is antiquated and fragmented and deals only with children working in the formal sector. There is no single code or law dealing with this area. Cooperation between the Ministry of Labour and Employment and ILO-IPEC will include a review of existing child labour laws with a view to removing anomalies, fixing a uniform minimum age for admission to work at 14 years (18 years for hazardous occupations) and prohibiting the employment of children in hazardous operations in shops and other establishments.

**351.** There are a number of statutes which stipulate the minimum ages at which children can legally work in certain sectors. These are:

(a) Mines (Mines Act 1923) - 15 years (with medical certificate of fitness);

(b) Shops and other commercial establishments (Shops and Establishments Act 1965) - 12 years;

(c) Factories (Factories Act 1965) - 14 years (with medical certificate of fitness);

(d) Railways and ports (Employment of Children Act 1938) - 15 years;

(e) Workshops where hazardous work performed (Employment of Children Act 1938) - 12 years;

(f) Tea gardens (Tea Plantation Labour Ordinance 1962) - 15 years.

**353.** The Employment of Children Act prohibits children under 12 years from working in workshops where any of a number of listed processes is carried on. Though not explicitly described as such, these processes are all hazardous. They include weaving, tanning and the manufacture of bidi, soap, carpets, matches, explosives or fireworks. However, an important exemption to this prohibition is made in the case of family-owned and family-run workshops not using outside hired labour. The Factories Act prevents children under 18 years from working on dangerous machines without proper instruction about the dangers and necessary precautions, in addition to training or supervision. All forms of forced labour are prohibited under the Constitution. Unlawful compulsory labour is also an offence under the Penal Code 1860.

*From CRC/C/3/Add. 38 of 7 December 1995*

**44.** The Children (Pledging of Labour) Act of 1933 regards a person below the age of 15 years as being a child. The Employment of Children Act of 1938 prohibits the employment of children of 12 years in regular jobs. It has, however, provided labour by children of 12 years of age by restricting certain jobs for children over 12 years and again certain jobs between 15 and 17 years. The Bengal Vagrancy Act 1943 considers a person below the age of 14 years as a child.

**45.** The Factories Act of 1965 defines a child as a person who has not completed 16 years of age. It prohibits employment of children below the age of 14 years in any factory. The Children's Act of 1974 states that a child is a person below the age of 16 years.

**148.** According to the Children's Act, children under the age of 15 will not be employed or permitted to work in any occupation connected with (a) transport of passengers, goods or mails by the railway; (b) and handling of goods within the limits of any port. The existing law also bars children below 12 years of age from working in workshops. It does not, however, forbid any child from working as an apprentice or from vocational training. The Act further implies that it does not restrict child employment in agricultural activity or any other light work in the informal sector.

**14.** The Shops and Establishment Act, 1965 prohibits employment of children not having completed 12 years of age, in shops and commercial establishments.

#### **Minimum age for marriage**

*From CRC/C/65/Add. 22 of 14 March 2003*

**47.** Information on the minimum legal age set by national legislation for various purposes is given below.

(c) Marriage - 18 years for girls and 21 years for boys under the Child Marriage Restraint Act 1929, but religious personal laws permit marriage at an earlier age.

*From CRC/C/3/Add. 38 of 7 December 1995*

**43.** The legal system in the country also makes a distinction between boys and girls in defining a child. This is especially apparent in the Child Marriage Restraint Act of 1929. In this Act the age of majority, defined in terms of contracting a valid marriage, has been placed at 21 years for boys but 18 years for girls.

### **Minimum age for criminal responsibility**

*From CRC/C/65/Add. 22 of 14 March 2003*

47. Information on the minimum legal age set by national legislation for various purposes is given below.

(h) Criminal responsibility - full criminal responsibility from the age of 12 years; rebuttable presumption of capacity to infringe the criminal law between the age of 7 and 11 years.

312. Under the Penal Code 1860, children in Bangladesh have full criminal responsibility from the age of 12.

Regarding children aged 7 to 11 years, there is a rebuttable presumption of capacity to infringe the criminal law, the relevant test being whether a child has “attained sufficient maturity of understanding to judge of the nature and consequences” of his or her conduct. Although cases involving children in this age group are rare, the legislature wishes to retain the flexibility to impose criminal responsibility in exceptional cases (taking account of the child’s age when deciding on an appropriate sentence).

*From CRC/C/3/Add. 38 of 7 December 1995*

Information unavailable

## **BARBADOS**

**Source: CRC/C/3/Add. 45, 11 February 1997**

### **School-leaving age**

27. The Education Act 1981 (chap. 41) provides for a coordinated and effective system of public education related to the needs of the people of Barbados. In this Act, a child is defined as “a person under the age of sixteen (16) years” (sect. 2 (1)). Consequently, section 2 (1) affirms that compulsory school age means any age between 5 and 16 years.

### **Minimum age of employment**

28. The Employment (Miscellaneous Provisions) Act 1977 (chap. 346) makes provisions regarding the employment of persons, referred to as “child” and “young person”. Section 2 states that a child is “a person under the age of fifteen (15) years while section 2 (d) defines a young person as “a person who is at least fifteen (15) years of age but under the age of eighteen (18) years”.

29. This definition of a young person is further supported by the Factories Act (chap. 347), which was passed to revise and consolidate the Law relating to factories and the safety, health and welfare of persons employed therein. Section 2 of that Act defines a “young person” as one who has attained the age of 15 years but is under the age of 18.

31. From the above, one can infer that the legal minimum age at which an individual may be employed is after the attainment of his/her sixteenth birthday or the completion of compulsory school age. This inference was made because compulsory school age ceases at age 16. A person of 15 years may be employed outside of school hours (sect. 2).

### **Minimum age for marriage**

34. The minimum legal age at which a person may enter into marriage is 16 years. The Marriage Act (chap. 218 (A)), states that: “a marriage solemnized between persons either of whom is under the age of sixteen (16) is void” (sect. 4). “However, where one of the persons intending to marry is over sixteen (16) years but under eighteen (18) years a parent or lawfully appointed guardian’s consent is required, and in the absence of the consent of the above-mentioned parties the Court may dispense with such consent on the application to the Court by either party” (sect. 26).

### **Minimum age for criminal responsibility**

37. The Juvenile Offenders Act (chap. 138) addresses the issue of criminal liability. In this Act, the age of criminal responsibility is fixed at age seven years. Below this age a child is considered, in law, to be incapable of committing a crime. In addition to the age requirement, the court must be satisfied that the child has sufficient mental capacity to commit the crime.

## **BELARUS**

**Source: CRC/C/65/Add.15, 26 September 2001; CRC/C/3/Add.14, 29 June 1993**

### **School-leaving age**

*From CRC/C/65/Add. 15 of 26 September 2001*

197. General school education, [...] comprises three levels - primary (from the age of 4), basic (from the age of 9) and secondary (from the ages of 11 to 12) [...]

198. [...] Basic schooling is compulsory for all children. [...]

*From CRC/C/3/Add.14 of 29 June 1993*

**33.** The age for basic education (which lasts nine years) is defined in article 16, "General secondary education", of the Education Act of the Republic of Belarus. Article 16 (3) of the Act reads as follows: "Education shall begin from the age of six or, on medical grounds and with the parents' consent, later". In most cases, therefore, a child's basic education is completed at 15 years of age. [...]

#### **Minimum age of employment**

*From CRC/C/65/Add. 15 of 26 September 2001*

**51.** Under article 173 of the Labour Code, no contract of employment may be concluded with persons below the age of 16. With the written consent of one of the parents (tutors or guardians) a contract of employment may be concluded with a minor who has reached the age of 14.

#### **Minimum age for marriage**

*From CRC/C/3/Add.14 of 29 June 1993*

**29.** The minimum age for marriage is set by article 16 of the Code on Marriage and the Family at 18 years, [...] There is, however, an additional stipulation in article 14 (4) of the Civil Code that citizens contracting a marriage before reaching 18 years of age acquire full legal capacity from the time of the marriage.

#### **Minimum age for criminal responsibility**

*From CRC/C/65/Add. 15 of 26 September 2001*

**43.** The general rule is that criminal liability may be incurred by persons aged 16 and over when the offence is committed. Those committing an offence when aged between 14 and 16 may incur criminal liability for certain grave offences (murder, rape, assault with intent to rob, and robbery).

## **BELGIUM**

**Source: CRC/C/83/Add. 2, 25 October 2001; CRC/C/11/Add. 4, 6 September 1994**

#### **School-leaving age**

*From CRC/C/11/Add. 4 of 6 September 1994*

**50.** Under the Act of 29 June 1983, full-time education is compulsory from the age of 6 to 15. From his sixteenth to his eighteenth birthday, a young person is obliged to pursue at least part-time education; he thus has a choice between full-time or part-time education.

#### **Minimum age of employment**

*From CRC/C/11/Add. 4 of 6 September 1994*

**51.** From the age of 15, a young person engaged in part-time education can enter into a contract for part-time ordinary work. In such cases, the young person is normally covered by all aspects of the social security system, except the pension fund, to which he accordingly does not contribute. In addition, a working pupil can be recruited part-time under a practical training contract on condition that he is registered as seeking part-time work.

**52.** Under article 7.1.1 of the Labour Act of 16 March 1971 it is forbidden to employ minors who are still covered by the full-time education requirement or to employ them on work that is outside the framework of their education or training. It is thus only from the age of 18 that a young worker can enter into a full-time employment contract.

#### **Minimum age for marriage**

*From CRC/C/11/Add. 4 of 6 September 1994*

**55.** The age at which a person can lawfully enter into marriage was changed under the Act of 19 January 1990. New article 144 of the Civil Code states that the minimum age for marriage, both for young men and for young women, is uniformly fixed at 18. As things now stand, the age of legal capacity is the same as the age for marriage: a young person of 18, being of age, can marry without needing parental consent. It is possible to obtain permission for marriage at a younger age "on serious grounds". The juvenile court is competent to give such permission.

#### **Minimum age for criminal responsibility**

*From CRC/C/11/Add. 4 of 6 September 1994*

**61.** A person under the age of 18 at the time when he committed an "act characterized as an offence" is not dealt with under the criminal law, but, at the federal level, under the Protection of Young Persons Act of 8 April 1965. This Act has been amended and supplemented by decrees by the Communities, which are now competent in the matter of protection of young persons.

63. Under article 38 of the Act of 8 April 1965, a minor brought before the juvenile court can nevertheless be tried as an adult if he was over the age of 16 at the time of the offence and if the court considers that any custodial, preventive or educational measure would be inadequate. In that case, the juvenile court may, giving reasons for its decision, relinquish jurisdiction and refer the case to the Procurator's Office with a view to proceedings before the competent court. In the eyes of the law, however, such relinquishment of jurisdiction should remain an exception. A minor under the age of 16 can never be prosecuted before an ordinary criminal court.

## **BELIZE**

**Source: CRC/C/3/Add. 46, 7 February 1997**

### **School-leaving age**

214. Education and the operation of schools in Belize are governed by the Education Act. Under this Act, primary education is free to all students (S. 19 (1)), and education is compulsory for all children aged from 5 years up to the time they reach 14 years, with provision for the Minister of Education to raise this upper age limit to 15 years if considered "expedient" (S. 34).

### **Minimum age of employment**

28. The legal minimum age for:

(c) Part-time employment is 12 years (Labour Act, Cap. 234, S. 169 (a));

(d) Full-time employment is 14 years (Labour Act, S. 54 (2));

(e) Hazardous employment is 14 years (Labour Act, S. 169 (g));

287. The Labour Act is the principal legislation which protects children and young persons from economic exploitation. The Act defines a child as under the age of 14 years and a young person as 14 years but less than 18 years of age. A child may not enter into a contract of employment, and a young person may only do so for employment approved by a labour officer as not being injurious to the moral or physical development of non-adults (S. 54). Similarly, the Shops Act (Cap. 231, S. 3 (1)) states that no child shall be employed in a shop.

291. Part XV also specifies the regulations governing the employment of children and, subject to any ministerial regulations (S. 170), precludes such employment for children aged under 12 years; for certain hours on schooldays, evenings and Sundays; in instances where there is heavy lifting or carrying; or in instances harmful to the child's physical condition or education (S. 169)

### **Minimum age for marriage**

28. The legal minimum age for:

(g) A person to legally marry is 14 years. The Marriage Act states that the marriage of anyone under 14 years of age is void (S. 4 (1)), and that parental consent is required for the marriage of any person aged 14 years but less than 18 years (S. 5 (1));

### **Minimum age for criminal responsibility**

28. The legal minimum age for:

k) Criminal liability is 7 years. A person under 18 years of age is liable to fines or imprisonment if convicted under the Representation of the People Act (Cap. 9, S. 27 (b)) (this concerns false claims in registration as an elector). The Criminal Code exempts a child under 7 years of age from criminal liability (S. 24 (1)). A child between the ages of 7 and 12 years inclusive who is not mature enough to judge the nature and consequence of his actions is also exempted (S. 24 (2)).

## **BENIN**

**Source: CRC/C/3/Add. 52, 4 July 1997**

### **School-leaving age**

49. Under article 13 of the Constitution of 11 December 1990, primary education is compulsory, and the State makes education for youth available by establishing schools, in which it is progressively introducing free tuition. The age for school attendance is six to seven years for the first and second years of schooling, and seven to eight years in cases of late admission in rural areas.

### **Minimum age of employment**

48. In Benin, articles 107 and 108 of Ordinance No. 33-PR/MFPTT (Labour Code), dated 28 September 1967 prohibit the employment of a child under 14 years of age in any enterprise (even as an apprentice) and authorize labour inspectors, either on their own initiative or at the request of the child concerned, to call on the services of an approved physician to determine whether the work assigned to a child exceeds his strength.

**Minimum age for marriage**

51. Article 144 of the Civil Code stipulates that no man under age 18 and no woman under 15 may enter into marriage. Circular AP No. 128, dated 19 March 1931, containing the Dahomey Code of Customary Law, which is still in force on this subject for persons who have not opted for coverage by statute legislation, states that the age of marriage is 18 to 20 years for a boy and 14 to 15 years for a girl (art. 57). In practice this rule is not complied with on account, firstly, of the wide range of existing legal customs in the field of marriage, and secondly, on account of factors affecting the will of the future spouses, namely the fact that in traditional law and in rural areas marriage is an act entered into, not by two persons but by two families, and that consequently the wishes of the father exercising parental authority have a considerable impact on the conclusion of a marriage.

**Minimum age for criminal responsibility**

56. Minors under age 18 charged with an offence are tried before a juvenile court, which is a court of special jurisdiction. Under criminal law majority is attained at age 18. No penalty may be inflicted on a minor under age 13, who benefits from an unchallengeable presumption of irresponsibility in criminal law (absolute legal irresponsibility in criminal law).

205. A minor under age 13 who commits an offence can only be subjected to supervision, surveillance or re-education measures. He may not be subjected to any penal sanction (art. 23 of Ordinance 69-23 of 10 July 1969).

**BHUTAN**

Source: CRC/C/3/Add. 60, 14 October 1999

**School-leaving age**

138. Education, including technical and vocational education, is provided free of cost up to the tertiary level for all children. Every child has the right to enrol in a school after attaining the age of 6. The Government provides free tuition, textbooks, stationery, midday meals and boarding facilities where required. This policy stems from the Royal Government's belief in the importance of education for national development. The Royal Government of Bhutan is further convinced that education is a prerequisite for improving the quality of life of its people at large. Although primary education has not been made compulsory since universal access has not been achieved as yet, the Government has allocated resources progressively to the education sector. Educational facilities are being established to the maximum extent of available resources.

**Minimum age of employment**

32. Child labour in the modern and industrial sectors does not exist in Bhutan. However, children do provide a helping hand in the farms. Having achieved an enrolment ratio of 72%, even this is limited to small chores during school vacations. The Regulation for Wage Rate, Recruitment Agencies and Workmen's Compensation, 1994 prohibits employment of any kind for children.

**Minimum age for marriage**

29. The minimum age for eligibility for marriage is 16 years for women and 18 for men as per section Kha 1-14 of the Marriage Act, 1980. Marriage of children below the age specified above and those persons responsible for arranging such marriages are liable for penalty in accordance with sections Kha 1-11 and Kha 8-20. Registration of marriage is compulsory by law and no marriage registration certificate is issued by the court to anyone who has not attained the age of majority as per section Kha 1-11 and Kha 1-14 of the Marriage Act, 1980.

**Minimum age for criminal responsibility**

Information unavailable

**BOLIVIA**

Source: CRC/C/65/Add. 1, 1 December 1997

**School-leaving age**

Information unavailable

**Minimum age of employment**

140. The General Labour Act prohibits children under 14 from working, except as apprentices / General Labour Act of 8 December 1942.

**Minimum age for marriage**

142. The ages indicated in the previous report have not been changed: 16 for males and 14 for females, though a judge may grant exemption from the age requirement if there are serious and justified grounds for doing so / Law 996 of 4 April 1988.

**Minimum age for criminal responsibility**

155. The Penal Code fixes the age of criminal responsibility at 16. Since July of last year, juveniles who have not reached the age of 16 – without any restriction as to minimum age – and have committed an offence defined by the criminal law as a misdemeanour (“delito”) appear before the juvenile judge / Law No. 1702 of 26 July 1996. who must duly apply the socio-educational measure he considers necessary. It should be noted that as a result of the legal changes which have affected the Code, the juvenile judges do not have a pre-established procedure for judging offences, so that they apply the ordinary rules of court.

**BRUNEI DARUSSALAM**

Source: CRC/C/61/Add.5, 13 March 2003

**School-leaving age**

246. This Education (Non-Government Schools) Act (cap. 55) does not have a provision concerning the right of a child to education. [...]

253. Although education is not compulsory, it is estimated over 99 per cent of the children in Brunei Darussalam attend primary schools.

**Minimum age of employment**

33. Under the Labour Act (cap. 93) a child is defined as being under 14 years old and a young person is defined as any person who has ceased to be a child but who is under 18 years old. The difference here is that young persons may be employed in any industrial undertaking as long as it is not done between 10 p.m. and 7 a.m. The act further makes provisions prohibiting the employment of children and young persons less than 18 years in ships or in underground work. [...]

319. The law prohibits the employment of people under the age of 16. The Employment of those below 14 is considered as child labour. The Labour Act (cap. 93, sect. 24 (1)) prohibits the employment of children in any industrial undertaking. Under this law a child is defined as a person under the age of 14 years old.

321. Most job-seekers are above the age of 18; there are also a small number of young job-seekers. Parents may apply for the consent of the Commissioner of Labour to allow their under-age children to work. In exercising his discretion, the Commissioner would act on the best interests of the children. Consent is only given if the type of work is not physically and mentally taxing and jeopardizes their safety. [...]

**Minimum age for marriage**

34. The Marriage Act (cap. 76) provides for the solemnization and registration of church and civil marriages. Under this law, minor is defined as a person not being a widow or a widower who is under the age of 18 years. The age for marriage is 14 years old. Where there is a solemnization of marriage and one of the parties to the marriage is a minor, consent of the father or the guardian or the mother of the minor is necessary. The act provides that it is an offence to solemnize the marriage of a minor where the requisite consent is absent. This is an offence punishable by a term of three years' imprisonment and a fine. This act does not apply to Muslim marriages, as such marriages are governed by the Shariah laws. Despite these provisions, according to the Registry of Marriages the number of marriages among minors are small and are usually between people in the rural areas or among the indigenous groups.

35. The Religious Council and Kadi's Court Act (cap. 77) does not limit the minimal age for a Muslim to get married and as outlined by Shariah law such marriage may be registered under the provisions of section 137 (3) of the act.

**Minimum age for criminal responsibility**

292. Section 2 (1) of the Criminal Procedure Code confines the definition of youthful offender to those between the ages of 7 and 18. By this definition a child below the age of 7 commits no offence. This is also specifically provided by section 82 of the Penal Code (cap. 22). Under section 82 of the Penal Code, nothing is an offence, which is done by a child under 7 years of age. By section 83 of the same, nothing is an offence that is done by a child above 7 years of age and under 12, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion.

## BULGARIA

Source: CRC/C/8/Add. 29, 12 October 1995

### School-leaving age

199. School education starts at the age of six or seven at the option of parents and guardians (art. 7, paras. 1 and 2, of the National Education Act). Education in State and municipal schools is free of charge (art. 6 of the National Education Act) and school education is mandatory until the age of 16.

### Minimum age of employment

27. The minimum age at which a child can sign a labour contract independently and without the consent of the parents is 16. In general it is forbidden to hire children under 16, i.e. 16 years of age is the absolute minimum for hiring children. Only as an exception is it permitted to: (a) hire children aged between 15 and 16 but only for easy jobs that are not dangerous to the health and development of the children; (b) to hire in the field of art (circus, film-making, theatre) children under 15 under special conditions established expressly in regulations issued by the Council of Ministers and with the consent of the parents (guardians). The permission of the labour inspectorates is required in each individual case. A special age for full or partial employment of the child is not provided.

### Minimum age for marriage

36. Under the Family Code persons have the right to marry after completing 18 years of age. As an exception and if there are important reasons, persons aged 16 may also enter into marriage with the permission of the court. [...]

### Minimum age for criminal responsibility

29. Under the Penal Code only children over 14 can be held legally responsible and only inasmuch as they understand the nature and gravity of their offence and in so far as they are able to govern their own actions. The Penal Code contains special provisions for legally responsible adolescents. Special correctional measures are applied to them under the Combating Antisocial Behaviour by Minors and Adolescents Act.

## BURKINA FASO

Source: CRC/C/65/Add. 14, 13 February 2002; CRC/C/3/Add. 19, 15 July 1993

### School-leaving age

*From CRC/C/65/Add. 14 of 13 February 2002*

36. The Education Act sets forth an obligation to enrol children in school from the age of 6 through 16 years (art. 2). Legally speaking, this is a step forward. Practically, however, its implementation is thwarted by lack of school infrastructure, human resources, teaching materials, logistical means for follow-up and by poverty.

37. Thus the scope of this provision appears to be limited. It affected only 37.7 per cent of the school-age population in 1996, and destroyed the previously-existing balance between the ages of compulsory schooling and of employment (14 years). Harmonization is needed.

### Minimum age of employment

*From CRC/C/65/Add. 14 of 13 February 2002*

21. The minimum age of employment (14) no longer corresponds to the maximum age of compulsory education (16). Harsh living conditions lead parents to send their children out to work early, especially in the agricultural and informal sectors.

456. Children generally operate in the informal economy, where there is a real risk of their being exploited, especially as there is no appropriate legislation or regulations to protect them.

### Minimum age for marriage

*From CRC/C/3/Add. 19 of 15 July 1993*

11. Article 238 of the Code on the Individual and the Family sets the minimum age for marriage at 20 for boys and 19 for girls. However, derogations may be made by the judge in certain cases in which the age is 18 for boys and 15 for girls. The Code on the Individual and the Family stipulates that there must be mutual consent to the marriage, which brings an end to forced marriages.

**Minimum age for criminal responsibility**

*From CRC/C/65/Add. 14 of 13 February 2002*

417. Children under the age of 13 are presumed to lack the capacity to infringe criminal law (Penal Code, art. 74) and are presumed not to be responsible for their actions. These children are either returned to their parents or placed in care; they are subject to educational measures only.

**BURUNDI**

**Source: CRC/C/3/Add. 58, 31 July 1998**

**School-leaving age**

50. Compulsory education begins at the age of 7 and lasts for a period of six years. Theoretically, therefore, compulsory education applies to children aged between 7 and 12.

**Minimum age of employment**

51. In keeping with the Convention on the Minimum Age for Admission to Employment, which defines the minimum age for admission to employment or work at 15, the minimum age for admission to employment or work is set at 16 years under article 3 of the Burundi Labour Code. Derogations may be obtained, provided that the child in question is at least 12 years old. Article 126 of the Burundi Labour Code contains an exceptional clause authorizing the employment of children under 16 years of age on light and healthy work or in a programme of apprenticeship, providing that such work is not harmful to them.

**Minimum age for marriage**

44. There are some, slight, differences between civil law, which establishes the age of majority at 21 years, and matrimonial law. A man under 21 years of age may not conclude marriage with a woman aged below 18. However, the governor of the province may agree to waive the age restrictions, where sufficiently serious reasons so warrant. A man and a woman who have not attained their majority may not contract marriage without the consent of their parents. If the mother or father is deceased, or either of them is absent or subject to an order of local banishment, the consent of the other parent shall be deemed sufficient. If the child is the sole surviving member of the family, the Family Council may, upon deliberation, give the necessary consent. In November 1990, Burundi ratified the African Charter on the Rights and Welfare of the Child, which establishes the minimum age for marriage at 18 years for both boys and girls (par. 2, article 21).

**Minimum age for criminal responsibility**

46. The minimum age of criminal liability is 13 years (art. 12 to 19 of the Criminal Code). While legal minority constitutes sufficient grounds for exoneration from criminal liability, the same does not apply to civil reparations. Offences committed by minors under 13 years of age are liable for civil reparations only. Minors aged between 13 and 18 are criminally liable for offences committed, although they benefit from consideration of attenuating circumstances. [...] Full criminal liability begins at the age of 18.

**CAMBODIA**

**Source: CRC/C/11/Add. 16, 24 June 1998**

**School-leaving age**

189. The Constitution provides as follows:

“Art. 68: The State shall provide all citizens with primary and secondary education in State schools free of charge. Citizens shall receive education for at least 9 years.”

190. State Council Decree-Law No.30 dated 20 November 1986 relating to general education provides as follows: “Chapter 2, art. 3: Primary education establishments shall accept children from the age of 6 and shall encourage them to complete their schooling.”

**Minimum age of employment**

24. Article 173 of the Labour Act provides that children of either sex below the age of 16 may not be employed as wage or salary earners, supervisors or apprentices in any enterprise. Article 177 specifies that parental consent is required for the employment of children below the age of 18.

**Minimum age for marriage**

23. Article 2 of the Marriage and Family Act strictly prohibits early marriage. Article 5 of the same Act sets the minimum marriageable age as 18 for girls and 20 for boys. [...]

### **Minimum age for criminal responsibility**

25. While the minimum age of criminal responsibility is not specified, the provisions relating to the judicial system, criminal law and criminal procedure in force during the transitional period, which are still valid inasmuch as they do not run contrary to the Constitution and have not been replaced by new provisions (hereinafter referred to as the “Transitional Criminal Law”), provide in their article 14 that minors aged below 12 years may not be held in pre-trial detention. Minors aged between 13 and 18 may not be held in pre-trial detention for longer than one month. [...]

## **CAMEROON**

Source: CRC/C/28/Add. 16, 26 March 2001

### **School-leaving age**

23. As far as schools are concerned, the provisions of the Constitution and of article 9 of Act No. 98/004 of 14 April 1999 on education guidelines in Cameroon provide that primary education is compulsory, but do not refer to any age limit for school attendance.

### **Minimum age of employment**

22. In social matters, according to article 1 of Order No. 17 of 27 May 1969 on child labour, “Any person of either sex, whether a wage earner or an apprentice, who is below the age of 18 years shall be regarded as a minor” However, the annex to Order No. 16 of 27 May 1969 contains a list of work prohibited to minors. According to article 86-1 of the Labour Code, moreover, “Minors may not be employed in any enterprise, even as apprentices, before the age of 14, except as otherwise provided by order of the Minister of Labour in the light of local circumstances and the work that may be required of them.” On 14 April 1998, Cameroon adopted a law authorizing the President of the Republic to ratify ILO Convention No. 138 on the Minimum Age for Admission to Employment and thus considers that the minimum age for admission to employment or work is 14 years, in accordance with its domestic legislation.

### **Minimum age for marriage**

20. [...] With regard to marriage and according to article 52-1 of Order No. 81/02 of 29 June 1981 on the organization of the civil register, “No marriage may be celebrated if the girl is below the age of 15 years or the boy below the age of 18 years, except under an exemption granted by the President of the Republic for serious reasons.” [...]

### **Minimum age for criminal responsibility**

221. Since the Decree of 30 November 1928 establishing special courts and the probation system for minors, Cameroon has adopted the principle of the criminal responsibility of certain juvenile delinquents; they are not, however, indiscriminately penalized. Act No. 65/LF/24 of 12 November 1965 instituting a penal code and Act No. 67/LF/1 of 12 June 1967 containing the Penal Code introduced that colonial decree into the law applicable in independent Cameroon and established a classification of juvenile delinquents. They receive differentiated treatment according to whether they are below 10 years of age, between 10 and 14 years or between 14 and 18 years.

222. Minors below the age of 10 are considered as totally without responsibility; they can therefore not be tried for the acts they have committed. Cameroonian legislation considers this category of minors as completely lacking in discernment. They can therefore never be handed over to the Public Prosecutor’s Office or brought before a judge for sentencing. The parents alone can be sentenced to provide compensation for the harm caused to the victim pursuant to the rules relating to civil liability.

223. A child between the age of 10 and 14 is criminally responsible; however, only one of the special measures provided for by the law can be imposed on him.

224. For minors between the ages of 14 and 18 years, the Penal Code provides for parallel measures.

## **CANADA**

Source: CRC/C/83/Add.6, 12 March 2003; CRC/C/11/Add. 3, 28 July 1994

### **School-leaving age**

#### ***Measures adopted by the Government of Canada***

Information unavailable in either report

## **Measures adopted by the Governments of the Provinces**

### **British Columbia**

*From CRC/C/83/Add. 6 of 12 March 2003*

**599.** British Columbia's age of attainment of majority and legal minimum ages for various purposes are as follows:

(b) end of compulsory education - 16

### **Alberta**

*From CRC/C/11/Add.3 of 28 July 1994*

**499.** [...] School attendance in Alberta is compulsory to the age of 16. Attendance is enforced by "attendance officers" who have the right to enter buildings other than dwelling places and to accompany the child to school. An Attendance Board will review the situation of students who persistently fail to attend school.

### **Saskatchewan**

*From CRC/C/11/Add.3 of 28 July 1994*

**573.** Pursuant to The Education Act, school attendance is compulsory for children between the ages of 7 and 16 years. In addition, schooling is provided to anyone between the ages of 6 to 21 years. Both primary and secondary education are free. [...]

### **Manitoba**

*From CRC/C/11/Add.3 of 28 July 1994*

**649.** The Public Schools Act requires compulsory attendance at school by school-age children (6 to 16 years of age). Primary and secondary education is provided free of cost.

### **Ontario**

*From CRC/C/11/Add.3 of 28 July 1994*

**808.** The Education Act provides for the attendance at school of compulsory school-age children (6 to 16 years of age). Primary and secondary education is free of charge. [...]

### **Québec**

*From CRC/C/11/Add.3 of 28 July 1994*

**939.** According to the Education Act, school attendance is compulsory from 6 to 16 years of age, that is, for the entire duration of primary and secondary instruction. Section 3 of the same Act provides that educational services are to be provided free to residents of Québec until they attain 18 years of age.

### **New Brunswick**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1166.** [...] the Education Act which says that a youth must continue their education until eighteen years of age or high school graduation.

**1255.** The New Brunswick Education Act requires the Minister of Education to provide free school privileges to all residents aged 5 to 21 years until they meet graduation requirements. It further requires children to attend school from the age of five until they graduate or attain the age of 16 years. The legal school leaving age will become 18 years as of July 1999.

### **Nova Scotia**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1300.** Regulations made pursuant to the Education Act provide for compulsory education to all children who have attained the age of 6 years and who have not attained the age of 16 years. The Education Act also provides for free public education for children over the age of 5 and under the age of 21.

### **Prince Edward Island**

*From CRC/C/11/Add.3 of 28 July 1994*

**998.** The Government of Prince Edward Island provides free education and transportation to school for all children in the province between the ages of 6 and 20 years. School attendance is mandatory between the ages of 7 and 16. Under the School Act of this province, parents are required to take responsibility for the child's attendance in school.

### **Newfoundland**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1444.** The Schools Act, 1997 SN, c. S-12.2, section 3 states that a person who on December 31 in a school year is five years of age or older and younger than 21 years of age and who is a Canadian citizen, lawfully admitted to

Canada for permanent residence, a child of a Canadian citizen, or a child of a person who is lawfully admitted to Canada for permanent or temporary residence is entitled in that year to an education program. The Board has the discretion to admit a person over 21 years of age to an education program. Attendance at school is compulsory for those between the ages of 6-16. There are no enrolment or attendance fees.

#### **Measures adopted by the Governments of the Territories**

##### **Yukon**

Information unavailable in either report

##### **Northwest Territories**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1552.** The new Education Act S.N.W.T. 1995, c.28 came into force on July 1, 1996. Under section 12, school is compulsory for every child from the age of 6 until the child turns 16.

#### **Minimum age of employment**

##### **Measures adopted by the Government of Canada**

*From CRC/C/83/Add. 6 of 12 March 2003*

**521.** The statutory protections as outlined in the First Report remain.

*From CRC/C/11/Add.3 of 28 July 1994*

**43.** Employment of persons under 17 years of age is subject to special regulation pursuant to the Canada Labour Code to ensure that it does not interfere with their education and is not harmful to them.

**353.** Section 179 of the Canada Labour Code, in conjunction with the regulations enacted pursuant to it, permits the employment at the federal level of persons under 17 years of age if the following conditions are met:

- (a) The child is not required under the law of the province where he or she resides to be in attendance at school;
- (b) The work is not underground in a mine nor as an atomic energy worker;
- (c) It is not work prohibited for young workers under the Explosives Regulations or the Canada Shipping Act;
- (d) It is not likely to be injurious to the child's health nor to endanger his or her safety and
- (e) The work is not carried out between 11.00 p.m. of one day and 6.00 a.m. of the next day.

#### **Measures adopted by the Governments of the Provinces**

##### **British Columbia**

*From CRC/C/83/Add. 6 of 12 March 2003*

**599.** British Columbia's age of attainment of majority and legal minimum ages for various purposes are as follows:

- (c) part-time employment - 15;
- (d) full-time employment - 15;
- (e) hazardous employment - 15;

**678.** Child labour is prohibited in British Columbia except under the special authority of a permit issued by the Director of Employment Standards. In 1997, the province set conditions for the employment of children under the age of 15 who work in the film, television and radio commercial industries. These conditions cover hours of work, education, workplace safety and protection of income.

##### **Alberta**

*From CRC/C/83/Add. 6 of 12 March 2003*

**808.** As mentioned in the first report in 1994 on Alberta, children under the age of 15 are generally not allowed to work; however, some exceptions exist. Under the Employment Standards Act, a person may be employed at age 15 to work from 6 a.m. to midnight without the consent of the parents, but younger persons require parental consent to perform any kind of work. Children who work also are subject to the Occupational Health and Safety Act, which applies to all workers in industries under provincial jurisdiction.

##### **Saskatchewan**

*From CRC/C/11/Add.3 of 28 July 1994*

**591.** The Labour Standards Act, which provides for minimum wage, hours of work, overtime pay, vacation entitlement, public holidays, equal pay, and days of rest, makes no reference to age.

**593.** By law, the minimum age at which employees may be employed in any educational institution, hospital, nursing home, hotel or restaurant is 16 years.

**594.** The Occupational Health and Safety Act prohibits the employment of any person under the age of 16 years:

- (a) At or about any construction site, work of engineering construction, trench or excavation;
- (b) At any pulp mill, saw mill or woodworking establishment;
- (c) In the vicinity of industrial processes at any factory;

- (d) In any silo, storage bin, vat, hopper, tunnel, shaft, sewer or other confined space;
- (e) On the cutting line of any packing plant or the evisceration line of any poultry plant;
- (f) In any forestry or logging operation;
- (g) On any drilling or servicing rig;
- (h) As an operator of any heavy, mobile equipment, any crane or other hoisting equipment; or
- (i) As an operator of a forklift truck or similar mobile equipment within a place of employment or in the vicinity of other workers.

**595.** In addition, Regulations passed under the Act prohibit the employment of any minor:

- (a) Underground or at the open-pit face of any mine;
- (b) As a radiation worker; or
- (c) In any activity for which respiratory protective equipment is required by any regulations made under the Act, except where that work is performed under close and competent supervision

### **Manitoba**

*From CRC/C/11/Add.3 of 28 July 1994*

**603.** [...] Thus, the legal minimum age:

- (b) To commence part-time employment without parental consent is 16 years (The Employment Standards Act);
- (c) To be employed in hazardous work without parental consent is 18 years of age (The Employment Standards Act);
- (d) To commence full-time employment without parental consent is 18 years;

**671.** The Employment Standards Act of Manitoba defines a "child" as a person under the age of 16 years and an "adolescent" as a person who has reached his or her sixteenth birthday but not the eighteenth birthday. Under the Act, no child shall be employed except with the written permission of the Minister and in accordance with a permit issued by the Department of Labour. A child shall not be employed in any manner, work or service detrimental to safety, health or moral well-being.

**675.** The Public Schools Act requires that every child of compulsory school age (under the age of 16 years) attend school unless specifically excused by the Minister responsible for the Act in accordance with the Act and Regulations. The Act prohibits the employment of an individual during those hours in which the individual is required to be in attendance in the school.

### **Ontario**

*From CRC/C/11/Add.3 of 28 July 1994*

**840.** The Regulations for Industrial Establishments stipulate that a worker must have reached the minimum age of 14 to work in a workplace other than a factory, 15 to work in a factory and 16 to work in a logging operation. The Regulations for Construction Projects require that no person employ a person younger than 16 years of age at a project. A person aged 15 and who is excused under the Education Act from attending school, or is required to attend school only part-time, may be employed as a worker at a project. The Regulations for Mines and Mining Plants require that a person be 16 years to work at a mining plant or a surface of a mine (excluding the working face) and 18 years to work at an underground mine or at the working surface of a mine. No person is allowed to operate a mine hoist unless over 18 years where the hoist does not transport persons, and over 21 years where the hoist does transport persons.

### **Québec**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1034.** As mentioned in the first report, there is no minimum age limit for admission to employment in Québec, except for certain specific kinds of employment or vocations. However, in the course of its work on Bill 172 of 1997, one of the purposes of which was to prohibit night work by children aged 16 and under, the Parliamentary Commission on the Economy and Labour decided to examine in depth the whole issue of child labour in Québec. A working committee was therefore created in order to produce a discussion paper on this issue and present recommendations to the Parliamentary Commission on the Economy and Labour.

*From CRC/C/11/Add.3 of 28 July 1994*

**860.** At present, there is no general minimum age limit for admission to employment in Québec. However, Québec legislation does, for health or safety reasons, establish various minimum ages for being allowed to take certain specific kinds of employment or for exercising certain trades or vocations, and for obtaining certain licences (Act respecting Manpower Vocational Training and Qualification, R.S.Q., c. F-5). The most frequently adopted minimum age for performing certain jobs is 16 years. This is true of most of the construction trades, of several apprenticeship positions and of jobs requiring a driver's licence. Furthermore, a minimum age of 18 years has been adopted for the exercise of certain trades or vocations involving a higher risk (such as the performance of

underground work) or requiring higher levels of theoretical knowledge (forestry engineers, real estate agents or security guards). However, a person aged at least 15 may be an assistant lifeguard, although a lifeguard must be 17. It should also be noted that school attendance is, according to the Education Act (R.S.Q., c. I-13.3), compulsory until 16 years of age.

#### **New Brunswick**

Information unavailable in either report

#### **Nova Scotia**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1301.** The Labour Standards Code restricts the types of occupations in which and the hours of work during which children under the ages of 14 and 16 may be employed.

**1341.** Under the Act and Regulations pursuant to the Education Act, no person shall employ a child under the age of 15 years in any work during school hours. The Regulations permit the granting of an employment certificate to a child having attained the age of 15 years provided the school board is satisfied, after review and discussion with the student and the student's parents, that continued attendance in school is not beneficial to the student.

**1362.** The Labour Standards Code stipulates that children under the age of 14 may not work for more than eight hours in any day or for more than three hours on any school day unless the child has an employment certificate under the Education Act. Children under 14 cannot work after 10 p.m. and prior to 6:00 a.m. nor can they be employed to do work that is or is likely to be unwholesome or harmful to his or her health or development or interfere with school attendance. Children under 16 cannot be employed in an industrial undertaking, forest industry, garages and automobile services stations, hotels and restaurant, theaters, dance halls, shooting galleries, bowling-alleys, billiard and pool rooms or in the operation of elevators. The total hours of combined school attendance and employment cannot exceed 8 hours in any one day. The responsibility of ensuring that children do not work in contravention of the Code lies with the parents, who may be subject to fine unless they can demonstrate that the employment occurred without their knowledge or consent.

**1363.** The restrictions on the employment of children under the age of 16 in certain industries, as outlined in the Labour Standards Code, do not apply to the employment of such children by their parent or guardian.

#### **Prince Edward Island**

*From CRC/C/11/Add.3 of 28 July 1994*

**976.** The Youth Employment Act (proclaimed in 1990) prohibits the employment of persons under the age of 16 years in any employment that is likely to be "harmful to the health or safety or moral physical development of a young person". This Act further limits the hours that can be worked by a young person in any employment, avoiding hours between 11.00 p.m. and 7.00 a.m. and normal school hours. There are further limits to the numbers of hours which can be worked on a school day.

**977.** Exceptions can be made to these limitations on hours worked, but only under very strict conditions and with the consent of a parent. Employers are required to take further steps when they employ someone under the age of 16 to ensure that the young person is safe. The minimum age of 16 years applies to both part-time and full-time employment.

#### **Newfoundland**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1403.** The province's Occupational Health and Safety Regulations, C.N.R. 1165/96 prohibits a person under 18 years of age from being employed in a silica process or any cleaning or maintenance work that involves exposure to silica. The Regulations also require candidates for blasting certificates to be at least 19 years of age.

**1404.** The Mines Safety of Workers Regulations, C.N.R. 1145/96 prohibits persons under 18 years of age from being employed in the underground works of a mine and persons under 20 years of age from being in charge of equipment used for hoisting, lifting or haulage; blasting with explosives, signaling for putting machines in motion and those under 21 years of age shall not be in charge of hoisting and lowering workmen.

*From CRC/C/11/Add.3 of 28 July 1994*

**1168.** [...] [In]The Labour Standards Act, persons under 14 years are allowed to work at certain prescribed occupations and in the case of persons under 16, restrictions apply to type of occupations and circumstances surrounding the employment;

**1259.** Children under the age of 14 years are prohibited from being employed in areas other than those prescribed by regulation under the authority of the Labour Standards Act. [...]

### **Measures adopted by the Governments of the Territories**

#### **Yukon**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1490.** Although there is no legal minimum age for employment, the Employment Standards Board can, under the Employment Standards Act, specify the circumstances and occupations in which persons under 17 years of age may be employed, fix the conditions of such employment and prescribe the minimum age for such employment.

**1491.** Pursuant to the Occupational Health and Safety Act, the Mine Safety Regulations state that the minimum age of a worker in a mine shall be 16 years of age for surface mines (excluding the working face of such a mine); and 18 years of age at an underground mine or the working face of a surface mine. All individuals under the age of 21 years are prohibited from handling explosives.

#### **Northwest Territories**

*From CRC/C/11/Add.3 of 28 July 1994*

**1302.** Although there is no legal minimum age for employment, the ability of children to work is restricted by the compulsory school attendance provisions of the Education Act and also by other legislation.

**1303.** The Employment of Young Persons Regulations, made pursuant to the Labour Standards Act, restrict the employment of persons under 17 years of age. Such young persons cannot be employed in the construction industry or late at night without a permit from the Labour Standards Officer. Also, employers must be able to satisfy the Officer, on demand, that the employment of a young person is not liable to be detrimental to his or her health, education or moral character.

**1304.** In addition, specific statutes limit the age of workers in designated industries. For example, pursuant to section 6 of the Mining Safety Act, a person under the age of 16 may not be employed in or around a mine and a person under the age of 18 may not be employed underground or at the working face of any open cut workings, pit or quarry.

### **Minimum age for marriage**

#### **Measures adopted by the Government of Canada**

Information unavailable in either report

### **Measures adopted by the Governments of the Provinces**

#### **British Columbia**

*From CRC/C/83/Add. 6 of 12 March 2003*

**599.** British Columbia's age of attainment of majority and legal minimum ages for various purposes are as follows: (g) marriage - 16;

#### **Alberta**

*From CRC/C/11/Add.3 of 28 July 1994*

**446.** [...] A person may marry without parental consent at the age of 18 or at age 16 with parental consent. No one may marry under the age of 16 except females who are pregnant or already mothers [...]

#### **Saskatchewan**

Information unavailable in either report

#### **Manitoba**

*From CRC/C/11/Add.3 of 28 July 1994*

**603.** ... Thus, the legal minimum age:

(e) To marry without parental consent is 18 years, although persons between 16 and 18 years of age can marry with the consent of their parents, legal guardian, a Family Court judge, or the Director of Child and Family Services (The Marriage Act);

#### **Ontario**

*From CRC/C/11/Add.3 of 28 July 1994*

**684.** The Marriage Act provides that any person who is of the age of majority may obtain a marriage licence or be married by publication of banns. If a person is under 18 but is 16 years of age or more, section 5 requires consent of parent(s) or guardian unless the "child" is a widow, a widower or divorced.

**Québec**

*From CRC/C/11/Add.3 of 28 July 1994*

**858.** A minor 16 years of age or over may marry with the consent of the person having parental authority; as a result of the marriage, the minor obtains full emancipation and the capacity to exercise civil rights as if he or she were of full age...

**New Brunswick**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1160.** Marriage Act: The minimum legal age for marriage without consent of a parent or judge is 18 years. Children who have attained 16 years of age may marry with the consent of parents. A child under 16 years of age who has a dependent may marry without the consent of a parent or judge.

**Nova Scotia**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1302.** The Solemnization of Marriage Act requires a license from all persons who wish to be married and to obtain a license a person must be 19. A person under 19 but over the age of 16 may marry with parental consent. Marriages of persons under the age of 16 shall not be solemnized without special application to a judge of the Family Court who must make a determination that it is expedient and in the interests of the parties to authorize solemnization of the marriage.

**Prince Edward Island**

*From CRC/C/11/Add.3 of 28 July 1994*

**974.** The Marriage Act of Prince Edward Island provides in section 17 that individuals under the age of 16 years cannot be married. An exception may be made in the case of a female who is either pregnant or the mother of a living child. Any individual under the age of 18 requires the consent of a parent or guardian or the order of a judge of the Supreme Court of Prince Edward Island.

**Newfoundland**

*From CRC/C/11/Add.3 of 28 July 1994*

**1168.** [...] The following Acts contain age requirements pertaining to children:

The Solemnization of Marriage Act, that there can be no solemnization of marriage if either party is under 16, except in cases of pregnancy, that 16 to 19-year-olds can be married with parental consent, that 19-year-olds can marry without parental consent, and finally that those 18 years of age and living apart from parents, with no financial support, can marry without parental consent;

**Measures adopted by the Governments of the Territories****Yukon**

Information unavailable in either report

**Northwest Territories**

*From CRC/C/83/Add. 6 of 12 March 2003*

**1554.** The Marriage Act R.S.N.W.T. 1988, c.M-4 requires that a person under the age of majority must have the consent of his or her parents before the publication of banns or the issue of a marriage licence, so that he or she may be married. A minor may make an application to court to dispense with his or her parents' consent and the court has the discretion to make an order dispensing with parental consent. In addition, no consent is required in the case of a minor who has attained the age of 18 years, if he or she makes a statutory declaration that he or she has withdrawn from parental charge for no less than 6 months prior to the date of the declaration, or for other specified reasons. A person under the age of 15 years may not marry unless there is proof that the female party is pregnant. In these circumstances parental consent is still necessary.

### **Minimum age for criminal responsibility**

#### ***Measures adopted by the Federal State***

*From CRC/C/83/Add. 6 of 12 March 2003*

**484.** The minimum age for an individual to become involved in the youth justice system is 12 and will remain at 12.

**485.** The Standing Committee had recommended that, in exceptional circumstances, 10 and 11 year old youth suspected of committing extremely violent offences should be subject to the youth justice system. The Standing Committee further recommended that this be done at the consent of the provincial Attorney General and that the court's authority would include placing the child in the care of child welfare authorities if required.

**486.** However, the federal government, after careful consideration of the recommendation, concluded that referral to the appropriate provincial/territorial social and mental health services would provide a better response to the needs of these youth. The Government of Canada believes that these services are more age-appropriate, family-oriented and therapeutic than those available through the criminal justice system for children of this age.

## **CAPE VERDE**

**Source: CRC/C/11/Add. 23, 9 January 2001**

### **School-leaving age**

**52.** Children go to primary school at age six. Primary school is universal and obligatory and the obligation ends when the child has reached the age of 16.

### **Minimum age of employment**

**185.** Children of compulsory school age are expressly forbidden from working by the Constitution. From the age of 14, minors may enter into an employment contract, but any contract they sign can be invalidated at the request of their parents or legal representatives if the latter did not give their consent.

### **Minimum age for marriage**

**56.** In general, minors may not marry. However, the law allows them to do so in exceptional circumstances. The courts authorize a minor under age 16 to marry, based on a substantiated request by him or his legal representative. The marriage of a minor under age 18 is invalid.

### **Minimum age for criminal responsibility**

**59.** Criminal responsibility on the grounds of age begins at age 16.

## **CENTRAL AFRICAN REPUBLIC**

**Source: CRC/C/11/Add. 18, 18 November 1998**

### **School-leaving age**

**64.** From the standpoint of schooling, the end of compulsory education and the age of majority are indicated in Order No. 84/031 of 14 May 1984 on the organization of the educational system. An exception is made in respect of children who find a job at the age of 14. However, under Order No. 66/26 of 31 March 1996, education is compulsory for girls up to the age of 21 in order to protect those of school age.

### **Minimum age of employment**

**62.** Under article 125 of the Labour Code of the Central African Republic a child of 14 may be hired as a worker except for jobs entailing risks, in which case he or she must have reached the age of majority, namely, 18. He is not allowed to carry loads of over 50 kg or to work at night, in other words, between 10 p.m. to 5 a.m.

### **Minimum age for marriage**

**59.** According to this draft code, a minor is not empowered to perform a juridical act, and under article 214 "no person may contract marriage before the age of 18".

### **Minimum age for criminal responsibility**

**7.** Under article 49 of the Central African Penal Code children up to the age of 13 have complete immunity from criminal liability; those between 13 and 16 enjoy attenuated liability and receive only admonitions. [...]

## CHAD

Source: CRC/C/3/Add. 50, 24 July 1997

### School-leaving age

42. The right to education and vocational training is guaranteed by article 35 of the Constitution. State education is non-religious and free. Compulsory schooling lasts for nine years from the age of six. [...]

### Minimum age of employment

43. In Chad the minimum age of employment in some non-hazardous jobs varies from 12 to 14. Where other jobs considered dangerous are concerned, the minimum age is 18, in conformity with decree No. 55/PR/MTJS/DTMOPS of 19 February 1969 relating to child labour. Article 13 of the Decree stipulates that offenders shall be liable to the penalties laid down by article 181 of the Labour and Social Security Code. These rules apply only to children working in industry. The informal sector, which plays a major role in the national economy, is not organized; a large number of children work in the sector and ways of regulating it are being considered.

### Minimum age for marriage

46. Under article 144 of the 1958 French Civil Code, which is in force in Chad, men aged under 18 and women aged under 15 may not contract matrimony. However, in practice customary marriage is often entered into below the minimum legal age.

### Minimum age for criminal responsibility

191. The Penal Code and the Code of Penal Procedure provide guarantees for the proper administration of justice for minors, such as immunity from criminal responsibility for minors under 13 years, frequent application of rehabilitation and supervision measures for minors, and the automatic entitlement of minors to legal aid in the event of criminal proceedings.

## CHILE

Source: CRC/C/65/Add. 13, 25 June 2001

### School-leaving age

202. Since the adoption of the Primary Education Act in 1928 primary education has been compulsory for a period of eight years.

905. Article 10 of the Constitution stipulates that primary education is compulsory. It makes the State responsible for "...financing a system to achieve that objective, which shall be free of charge and shall allow access to the whole population...", which is equivalent to stating the principle that primary education is compulsory, available free to all and provided by the State.

906. Children are admitted at the different levels and for the different streams at the following ages: (a) preschool education, second transition: 5 years; (b) general primary education, first year: 6 years; (c) secondary education – humanistic/scientific and technical/vocational, maximum age: 18 years.

### Minimum age of employment

1089. Chilean legislation governing the minimum age for admission to employment lays down the following rules (art. 13):

(a) A person aged 18 or over has full capacity to accept employment and may freely enter into contracts of service; (b) Persons over age 15 but under age 18 may only work with the express permission of his father or mother, grandparents, guardians or the labour inspector, in the order given, each acting in the absence of those preceding them; (c) When the authorisation is given by a labour inspector, the latter must bring the circumstances to the attention of a juvenile judge, who has the power to quash the authorisation if he considers that it will have undesirable consequences for the minor; (d) Minors between ages 14 and 15 may only work if they comply with the system of authorisation referred to in the previous section and then only subject to the following additional requirements: that they have completed their minimum compulsory schooling; and that the work is light, is not prejudicial to their health or development and does not interfere with their attendance at school or participation in educational programmes; (e) Minors under age 14 are prohibited from working.

**Minimum age for marriage**

**206.** In order to marry, persons aged under 18 but over 14 in the case of boys or over 12 in the case of girls require the express consent of their father or, in his absence, of their mother or of a legitimate ascendant of a close degree of affinity or, failing that, of a guardian or Civil Registry official (arts. 106 and 107 of the Civil Code).

**Minimum age for criminal responsibility**

**212.** The following persons are exempt from criminal responsibility:

(a) Children aged under 16 years; (b) Children aged over 16 but under 18 who are not deemed to possess “discernment”.

**1032.** Briefly, it may be said that the formula used for purposes of declaration of non-imputability is a combination of biological and psychological criteria based on three presumptions, viz.: (a) beginning at age 18: automatic presumption of full imputability; (b) under age 16: automatic presumption of absolute non-imputability; (c) between ages 16 and 18: simple legal presumption of non-imputability, which may be invalidated if it is established by a special procedure conducted by a juvenile judge that the minor acted with discernment.

**COLOMBIA**

Source: CRC/C/70/Add. 5, 5 January 2000; CRC/C/8/Add.3, 10 June 1993

**School-leaving age**

*From CRC/C/8/Add. 3 of 10 June 1993*

**39.** The Colombian Constitution of 1991 states in article 67, paragraph 3, that: “The State, society and the family are responsible for education, which shall be compulsory for children between the ages of five and fifteen years and shall include at least one year of pre-school education and nine years of basic education”. Furthermore, Decree No. 2737 of 1989 provides in articles 7 and 311 that: “Every minor shall have the right to receive the education that is necessary for his or her full training. This education shall be compulsory up to the ninth grade of basic education and shall be free when provided by the State”.

**Minimum age of employment**

*From CRC/C/70/Add. 5 of 5 January 2000*

**349.** The various national agencies consider that the spirit of ILO Convention No. 138 has in fact been broadly incorporated into domestic legislation, which prohibits minors under the age of 14 from working and regulates the working days, salaries and other labour rights of young people aged between 14 and 18.

*From CRC/C/8/Add. 3 of 10 June 1993*

**43.** Decree No. 2737 of 1989, Colombia's Minors' Code, deals in its articles 237 to 264 with the question of minors working in circumstances that are not authorized by law. It states that work by minors under the age of fourteen is prohibited and requires the parents to arrange for them to attend education centres. Exceptionally, and in special circumstances defined by the Defensor de Familia, children over the age of twelve years maybe allowed to work by the labour inspector or, in his absence, by the senior local authority, upon application made by the parents or, in their absence, by the Defensor de Familia.

**Minimum age for marriage**

*From CRC/C/8/Add. 3 of 10 June 1993*

**49.** This question is dealt with in article 116 of the Colombian Civil Code, which states that: “Persons over the age of 18 years may enter freely into matrimony”. Article 117 of the Code goes on to state that minors may not enter into matrimony without the express written permission of their parents or legal representatives.

**Minimum age for criminal responsibility**

*From CRC/C/8/Add. 3 of 10 June 1993*

**199.** As we mentioned with reference to section 12, persons under the age of 18 years are considered inimputable under Colombian law. They can be recognized as being the perpetrator or participant in a criminal offence but they are regarded as not having responsibility for their actions. The minor may have committed the unlawful act but he is not guilty of it. The logical consequence of this system is the application of measures instead of penalties.

## COMOROS

Source: CRC/C/28/Add. 13, 7 October 1998

### School-leaving age

125. The obligation to provide an education is also enshrined in the preamble to the Constitution, which proclaims “the right of each child to an education and to instruction by the State, by parents, and teachers chosen by the latter”. In addition, under the outline act on the education system promulgated on 20 January 1995, school attendance is mandatory for all children between 6 and 14 years of age.

### Minimum age of employment

144. [...] labour law prohibits minors under 15 from taking paid employment. In addition, it is unlawful to engage child workers in hazardous activities such as handling explosives and work on dangerous building sites. Inspectors with the power to make unannounced visits are obliged to inform a judge of any violation. In fact, owing to inadequate means, the pressure of economic necessity, academic failure and the inability of the school system to absorb children of school age, many children under 15 are forced to work.

### Minimum age for marriage

52. From the legal point of view, two approaches are possible. Under the French-based Civil and Criminal Codes, a child under the age of 13 is totally free from criminal responsibility. Under Muslim law, physical maturity confers civil and criminal responsibility on a male child. The age of legal majority is therefore considered to be 14–15 years. Under local Muslim law, girls as well as boys may marry at that age. In some cases marriages may be arranged even earlier, especially for girls. They only acquire civil and criminal responsibility through marriage.

54. [...] Article 12 of the preliminary Family Code bill states that “a man under the age of 22 and a woman under the age of 18 may not enter into marriage”, but “it is open to the *cadi* or the stipendiary magistrate officiating at the wedding to grant dispensations in respect of age for well-founded or legitimate reasons” (art. 13).

### Minimum age for criminal responsibility

52. From the legal point of view, two approaches are possible. Under the French-based Civil and Criminal Codes, a child under the age of 13 is totally free from criminal responsibility. Under Muslim law, physical maturity confers civil and criminal responsibility on a male child. The age of legal majority is therefore considered to be 14–15 years. [...]

79. In criminal cases, children are subject to special arrangements. This is because children under 13 years of age are not criminally liable for their actions. [...]

## COSTA RICA

Source: CRC/C/65/Add. 7, 1 October 1998

### School-leaving age

61. As far as education is concerned, in the Republic of Costa Rica, under article 78 of the Political Constitution, “public education is compulsory and, like pre-school and specialized education, is free and paid for by the nation”.

### Minimum age of employment

168. In addition, as part of the process of adaptation of the legal system to comply with the Convention on the Rights of the Child and International Labour Organization Convention No. 138, the Executive vetoed the legislation establishing a minimum age of 12 years for authorization of the employment of children on the grounds that that legislation was not in line with commitments entered into at international level. The Children's and Adolescents' Code contains an entire chapter on the special regime of protection for juvenile workers and sets the minimum age for admission to employment at 15 years.

### Minimum age for marriage

Information unavailable

### Minimum age for criminal responsibility

Information unavailable

## CÔTE D'IVOIRE

Source: CRC/C/8/Add. 41, 27 April 2000

### School-leaving age

81. Although the Ivorian Government has long made education for all a priority, it has not established a fixed age for the end of compulsory schooling. As a result, many children find themselves on the streets without having completed primary education. In order to comply with articles 28, 29 and 32 of the Convention, which set forth the right of the child to education and occupational training, Act No. 95-685 of 7 September 1995 on education should be amended to make education compulsory and free for all up to the age of 16 years.

### Minimum age of employment

84. Côte d'Ivoire regulates the admission of young people to employment. The minimum age fixed by the Labour Code of 1995 (Act No. 95-15 of 12 January 1995) for admission of young people to employment or apprenticeship is 14 years (art. 23-8).

85. Article 31 of the 1970 Minority Act requires the involvement of the child's parents or legal representative in the concluding of an employment contract, either by signing it on the child's behalf up to the age of 16 years or by attending as a witness between the ages of 16 and 18 years, after which age the child is completely free to conclude an employment contract alone.

86. In reality the lack of training, the failure to match training to jobs and the persistent economic crisis lead to high unemployment among young people. Some of them resort to the informal sector. Moreover, the abdication of parental responsibility and inadequate action by the public authorities lead to the exploitation of children in the labour sector. Some children under the age of 14 years go to work with or without the parents' consent. Similarly, article 23-9 of the Labour Code protecting the health and development of the child is being infringed since many children perform arduous and hazardous tasks.

### Minimum age for marriage

90. [...] Personal consent is required for marriage, even from minors (art. 3 of Act No. 64-375 of 7 October 1964 on marriage, as amended by Act No. 83-800 of 2 August 1983). Article 5 of this Act requires the consent of the father and mother or legal representative for a spouse below 21 years of age. [...] The minor does not therefore enjoy complete freedom because his or her consent alone is not sufficient. The personal consent of spouses, even if minors, puts an end to forced marriages. However, this phenomenon still persists in violation of the law, with tragic consequences.

### Minimum age for criminal responsibility

93. A minor becomes responsible for criminal acts on reaching 10 years of age (art. 116 of the Penal Code).

## CUBA

Source: CRC/C/8/Add. 30, 14 February 1996

### School-leaving age

103. The right to education is defined in article 51 of the Constitution: "Everybody has a right to education. This right is guaranteed by the extensive and free system of schools, part-time boarding schools, boarding schools and scholarships in all types and at all levels of education, by the free provision of school materials to every child and young person regardless of the economic situation of the family, and by the provision of courses suited to the student's aptitudes, the requirements of society and the needs of economic and social development."

153. Cuba's free system of general education, which is compulsory at the basic level, constitutes in practice a powerful obstacle to child labour [...]

### Minimum age of employment

31. The labour legislation sets the minimum working age at 17 years [...]

154. In accordance with the international regulations to which Cuba subscribes, the Labour Code establishes 17 years as the age at which young people acquire the capacity to conclude work contracts (in exceptional cases children aged 15 and 16 may do so). The Code has a specific chapter on child labour which establishes the requirement of a medical examination before recruitment and the right of young people to initial preparation or training for the job, as well as the requirement that they must be placed in jobs suited to their physical and mental development, with prohibitions on specific activities such as work as stevedores and work underground or high above ground, at night, in mining, or in places where harmful, reactive or toxic substances are used, or in any type of work in which they are responsible for their own safety or the safety of others.

155. Children aged at least 14 years may conclude work contracts with the labour bodies under special conditions of apprenticeship, subject to prior authorization by the Ministry of Labour and Social Security, to perform work suited to their physical and mental development and in conditions which do not interfere with their education.

**Minimum age for marriage**

Information unavailable

**Minimum age for criminal responsibility**

30. Cuba's criminal legislation stipulates that only persons aged over 16 years may be prosecuted and it provides different treatment for offenders aged between 18 and 20 years. [...]

**CYPRUS**

Source: CRC/C/70/Add.16, 13 November 2002; CRC/C/8/Add.24, 3 February 1995

**School-leaving age**

115. Education for ages 5 to 15 is free and compulsory and free for ages 15 to 18.

**Minimum age of employment**

106. [...] the Children and Young Persons Employment Law prohibits:

- (a) The employment of children under the age of 15 in any occupation;
- (b) The employment of children under the age of 16 in any industrial occupation, but allows children between the age of 15 and 16 to be engaged as apprentices for the purpose of learning a trade or calling to any person who holds a special license issued by the Minister of Labour and Social Insurance. (see section 3 of the Children and Young Persons Employment Law, Cap. 175 as amended by Law No. 21 (1) of 2000);
- (c) The employment of persons under the age of 18 underground or in a mine.

**Minimum age for marriage**

Information unavailable in either report

**Minimum age for criminal responsibility**

11. As far as these recommendations are concerned there has been further development regarding the age of criminal responsibility, which has been raised from the age of 7 to the age of 10. There is no criminal responsibility up to the age of 10. There is criminal responsibility between the ages of 10 and 12 if it is proved that during the act or omission, the child had the capacity to know that he ought to have avoided the act or omission ((Amendment) Law No. 15 (1)/1999).

**CZECH REPUBLIC**

Source: CRC/C/83/Add.4, 17 June 2002; CRC/C/11/Add. 11, 17 June 1996

**School-leaving age**

*From CRC/C/83/Add. 4 of 17 June 2002*

41. Under section 34 of the Schools Act (Act No. 29/1984 Coll. on elementary schools, secondary schools, and post-secondary occupational schools) compulsory education begins at the beginning of the school year following the day when a child reaches the age of six. Compulsory education lasts nine years, and students fulfil the requirement by completing the school year in which they reach the last year of compulsory education.

*From CRC/C/11/Add. 11 of 17 June 1996*

33. Compulsory school attendance is nine years of elementary school.

196. Elementary schools or special elementary schools and secondary schools form the basis of general education of citizens. The process of elementary education usually begins at the age of 6 and lasts nine years, i.e. for the period of compulsory school attendance. [...]

**Minimum age of employment**

*From CRC/C/83/Add. 4 of 17 June 2002*

42. According to section 11 (1) of the Labour Code (Law No. 65/1965 Coll.) the age limit at which a child can be employed is 15 years. According to section 11 (2), a person, who completes compulsory school education in a remedial school before reaching the age of 15 can be employed as of the day when she/he completes the compulsory education; however, she/he must be at least 14 years old. The Labour Code governs conditions for employing minors (that is, persons aged 15-18 years of age) in part three, sections 163 to 168. The legal regulation states that an employer is required to ask for the legal representative's consent to conclude an agreement with a minor employee. The employer may not assign minor employees overtime work and night

work. In exceptional cases minors aged 16 or more may perform night work not exceeding one hour, if it is necessary for their professional training. Minors may not be given work underground mining minerals or digging tunnels and shafts; minors also may not be given work which, taking into account the anatomical, physiological and psychological features at that age are disproportionate, dangerous, or damaging to their health.

**316.** [...] the provision of the Labour Code, under which natural persons who complete compulsory education in a remedial school before reaching the age of 15 acquire capacity for labour law purposes on the day they complete compulsory education, but no earlier than upon reaching the age of 14, cannot be used in practice at present. The 1990 amendment to the Schools Act (Act No. 522/1990 Coll.) repealed the provision under which compulsory education in a remedial school lasted eight years. Under sections 33 and 34 of the Schools Act, compulsory education lasts a minimum of nine years. [...]

*From CRC/C/11/Add. 11 of 17 June 1996*

**35.** Section 11 of the Labour Code stipulates that natural persons acquire the capacity to have rights and duties in labour relations and the capacity, by their own legal acts, to acquire these rights and take on these duties on the day they reach the age of 15. However, employers must not make an agreement with them that their employment will start on a day which precedes the day when that person completes the compulsory school attendance.

**36.** The provisions of section 70 (b) of the Labour Code apply to the age requirements for subsidiary (part-time) employment which cannot be agreed with a minor. Contracts for work performed outside normal employment may be concluded with minors only if it does not infringe their health and development, or for vocational training.

**257.** A person who has finished compulsory school attendance at an auxiliary school prior to reaching the age of 15 acquires the employment law capacity on the day that his compulsory school attendance is completed, but at the earliest on the day he reaches the age of 14.

#### **Minimum age for marriage**

*From CRC/C/83/Add. 4 of 17 June 2002*

**33.** Also related to reaching majority are the provisions of section 13 of the Act on the Family (Act No. 94/1963 Coll., as amended by Act No. 91/1998 Coll.), which states that a minor cannot enter into marriage; however, exceptionally, if it is in accordance with the social purpose of marriage, the court may, for important reasons, permit a minor over the age of 16 to enter into marriage. Without such permission the marriage is invalid and marriage cannot take place with a minor under the age of 16 at all.

*From CRC/C/11/Add. 11 of 17 June 1996*

**34.** Under section 13 of the Family Act a marriage can be concluded on attaining majority, i.e. upon reaching the age of 18. Minors older than 16 may get married only with the consent of a court.

#### **Minimum age for criminal responsibility**

*From CRC/C/83/Add. 4 of 17 June 2002*

**38.** Under section 11, of the Criminal Code (Act No. 140/1961, as amended by later regulations) a person who has not reached the age of 15 at the time of committing a crime is not criminally liable. [...]

*From CRC/C/11/Add. 11 of 17 June 1996*

**232.** From the point of criminal offence and their share in the structure of offenders, juvenile offenders are divided into two categories: children aged less than 15 years, and juveniles aged between 15 and 18 years.

**239.** Under section 11 of the Penal Code a person who had not attained 15 years of age at the time of committing a crime cannot be held liable for it. However, in compliance with the conditions set by law, this person can be placed in protective custody. On attaining 18 years of age, a person becomes fully liable for his/her acts. Under section 33 of the Penal Code, infringement of penal law at an age close to the age of adolescence is generally considered as a mitigating circumstance.

## **Democratic People's Republic of KOREA**    **Source: CRC/C/3/Add. 41, 17 June 1996**

#### **School-leaving age**

**157.** The universal compulsory 11-year education currently in force is a compulsory free education that gives a complete general secondary education to children between 5 and 16 years of age. This period consists of a one-year kindergarten class, four years of primary school and six years of senior middle school.

#### **Minimum age of employment**

Information unavailable

**Minimum age for marriage**

Information unavailable

**Minimum age for criminal responsibility**

**193.** By virtue of article 11 of the Criminal Law, juvenile offenders between the ages of 14 and 16 may be placed under penal charges in accordance with the procedures and methods of the Criminal Procedures Act. They are subject to all the benefits of human rights protection provided for by the Act and to extenuated penalties following article 33 (4) of the Criminal Law. [...]

**Democratic Republic of the CONGO**

Source: CRC/C/3/Add. 57, 8 August 2000

**School-leaving age**

**149.** Education is a right of human beings in general and of the child in particular (see inter alia the Universal Declaration of Human Rights). In the Congo this right is guaranteed by the transitional Constitution (arts. 20 and 21) and formalized in Framework Law No. 86/005 (national education) of 29 September 1986 (Journal officiel, special issue, July 1989). This law, which has not come into force in the absence of implementing measures, makes schooling compulsory for boys and girls until they have completed their fifteenth year (art. 115). The States General of National Education provide for primary education to be free of charge.

**Minimum age of employment**

**191.** The hiring or continued employment of a person under age 14 is prohibited. A person aged between 14 and 16 may not be hired or retained except in order to perform light, healthy work. The hiring or retaining of a person aged between 14 and 16 is prohibited if not agreed to by the person exercising parental authority or guardianship over that person.

**196.** Given the current disastrous economic situation, where employment in the informal economic sector is the only answer for the majority of the population, a number of parents tolerate, or even send their children to do, work which the latter are forbidden to perform by law. In view of this tolerance and the failure of parents, children and the labour inspectorate to report this situation, employers exploit children at their leisure. Even the State seems indifferent to the manifold cases of violation ("mine children" in Kasai, the "bana lunda" in Bandundu, who dive or dig to considerable depths to look for diamonds).

**Minimum age for marriage**

**88.** [...] majority for purposes of marriage or sexual majority at 14 years of age (Criminal Code, art. 167). [...]  
**90.** Since the age of marriage (for girls) and emancipation (for both sexes) of 15 years of age (Family Code, arts. 289 and 352) gives the parties concerned full legal capacity, the provisions of the Convention are not applied to them although they are still children. It would therefore be appropriate to raise the age of marriage for girls and of emancipation to 18 years of age, so that the protection given by the Convention can benefit a larger child population.

**Minimum age for criminal responsibility**

**88.** [...] Majority for penal purposes is set at 16 (Decree of 6 December 1950 on juvenile delinquency as subsequently amended by Ordinance-Law No. 78/016 of 4 July 1978) [...]

**DENMARK**

Source: CRC/C/70/Add. 6, 31 March 2000; CRC/C/8/Add. 8, 12 October 1993

**School-leaving age**

*From CRC/C/8/Add.8 of 12 October 1993*

**36.** All children in Denmark have a right to receive free education in the primary and lower secondary school (Folkeskolen). Education is compulsory in Denmark, but there is no compulsory school attendance. Compulsory education may thus be performed through education in the Folkeskole, in a private school or as private instruction in the pupil's home. Education is compulsory for children from the 1 August of the calendar year in which the child attains the age of 7 years until the 31 July after the child has received regular education for a period of nine years.

**248.** [...] Compulsory education ends, however, at the latest on 31 July of the year of the child's seventeenth birthday, or upon completion of primary school or equivalent education.

**Minimum age of employment**

*From CRC/C/70/Add. 6 of 31 March 2000*

**224.** National regulation of the work of children and young people is based on a 1994 directive of the European Union on the protection of young people in the workplace. This directive was implemented in Danish law by amendment of the Working Environment Act (*arbejdsmiljøloven*) in 1996. In addition, Denmark has ratified ILO Convention No. 138 on minimum age for access to employment.

**225.** Accordingly, children under the age of 13 cannot lawfully take on work except for performances in cultural contexts. This may be participation in plays or commercials. Employment requires permission from the local police, who must determine whether the performance in question is appropriate.

**227.** The point of departure is thus that children have to be 15 years old and to have fulfilled their statutory duty to receive instruction to be able to take on work. The duty to receive instruction in Denmark is satisfied by nine years of school. The work that young people can take on is limited. Thus, young people are not allowed to work with dangerous machines, dangerous substances or materials or in other ways be exposed to major strain until they have attained the age of 18.

**228.** The Danish Government thus endeavours to ensure that as a main rule children and young people have completed their statutory education before they take on paid work.

**Minimum age for marriage**

*From CRC/C/8/Add.8 of 12 October 1993*

**35.** A minor may not contract marriage without the consent of the parents and the authorities. The authorities may permit a child under the age of 18 years to contract marriage. As a rule, permission will not be granted if the child is under the age of 15 years, or if both man and woman are under the age of 18 years.

**Minimum age for criminal responsibility**

*From CRC/C/8/Add.8 of 12 October 1993*

**306.** The general rules of criminal procedure are found in volume IV of the Administration of Justice Act (cf. (Consolidated) Act No. 905 of 10 November 1992). These rules apply – unless there are special exemptions – to children between the ages of 15 and 17 years. Under section 15 of the Criminal Code, acts committed by children under the age of 15 years are not punishable (cf. chapter III).

**DJIBOUTI**

**Source: CRC/C/8/Add. 39, 3 August 1998**

**School-leaving age**

Information unavailable

**Minimum age of employment**

**24.** The law in force regulates the paid employment of teenagers. In public sector jobs, the minimum age is 18 years. However, in sectors which are subject to labour regulations (trade, industry, agriculture) a special regime applies to children aged between 13 and 18.

**25.** Night work remains prohibited until the age of 16 and special dispensations in ordinary law are intended to protect young employees as regards working hours, holiday entitlement and occupational health, as well as hygiene and safety conditions. The Government's plan to reform the Labour Code should raise the minimum working age to 14 years and gradually extend this legal protection to unsalaried work.

**Minimum age for marriage**

Information unavailable

**Minimum age for criminal responsibility**

**22.** A minor under 13 years of age cannot be held criminally responsible because he is incapable of discernment. An offence is not punishable if the accused was under 13 at the time of its commission. A minor aged between 13 and 18 is regarded as partially exempt from responsibility because he is not fully capable of discernment. In the case of both serious and ordinary offences, the fact of being a minor is a mitigating circumstance, and protection or rehabilitation measures may be ordered under article 498 of the Code of Penal Procedure. Offenders who have reached the age of criminal responsibility – 18 years – are deemed to be fully responsible.

**23.** The basis for determining whether or not an offender has reached the age of criminal responsibility is his age on the day of the offence.

## DOMINICA

Source: CRC/C/8/Add.48, 15 October 2003

### School-leaving age

343. The Education Act 11 of 1997, section 27, makes provision for compulsory education. The compulsory school age is defined to be from 5 years of age to 16-years of age. Section 36 legislates that it is the duty of parents to ensure that the child receives an education by regular attendance at a school. Section 38 of the Act also makes provision for school attendance counsellors to assist teachers in the counselling of children of compulsory school age and their parents in the enforcement of the compulsory attendance provisions of the Act. However, no such officers have been appointed.

### Minimum age of employment

58. The Employment of Children (Prohibition) Act (chap. 90:05) defines a child as “a person who is under the age of twelve years”. Section 3 of that Act prohibits the employment of persons under that age. The prohibition, however, does not include engagement of children in domestic or agricultural work of a light nature at home by parents or guardians of the child.

59. The Employment of Women, Young Persons and Children Act (chap. 90:06, sect. 4 (1)) states: “No child shall be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.”

60. The Act defines a child as a person under the age of 14 years.

61. In reference to hazardous employment, the Employment of Women, Young Persons and Children Act, (chap. 90:06) defines a child as “a person under the age of fourteen years”. A young person means a person who has ceased to be a child and who is under the age of 18 years.

62. The Act states that no child shall be employed or work on any ship. In respect of young persons, section 7 (1) states: “No young person shall be employed or work during the night in any public or private industrial undertaking, other than an undertaking in which only members of the same family are employed.”

### Minimum age for marriage

65. The minimum age at which someone may enter marriage is 16 years. The Marriage Act, (chap. 35:01, sect. 29 (2)) states: “Any marriage solemnised or celebrated between persons of whom is under the age of sixteen years shall be null and void.”

66. The Act specifies that where either of the parties, not being a widower or widow, is under the age of 18 years, no marriage shall take place between them until the consent of a parent or guardian is obtained. The court may dispense with such consent on the application to the court by either party (sect. 31).

### Minimum age for criminal responsibility

69. The Children and Young Persons Act also fixes the age of criminal responsibility. Section 3 states, “it shall be conclusively presumed that no child under the age of twelve years can be guilty of an offence”. [...]

## DOMINICAN REPUBLIC

Source: CRC/C/8/Add. 40, 26 August 1999

### School-leaving age

92. The Education Act (No. 66-97) was promulgated on 15 April 1997 and guarantees the right to education for all inhabitants of the country. Under the Act, the education system comprises four levels: pre-school, primary, secondary and higher. The pre-school level is intended for children up to the age of six, the last grade at this level beginning at age five. In State schools education is free. In addition, the State will endeavour to promote and expand community initiatives and set up nursery schools for the various grades of pre-school education. Primary education is of eight years' duration, begins at the age of six, and is compulsory and free of charge. Secondary education is of four years' duration and is divided into three streams – the general, technical and arts streams – which enable students to proceed to employment and/or higher studies.

**Minimum age of employment**

33. The employment situation of children and adolescents is regulated by the Labour Code, which assigns to the Secretary of State for Labour (SET) the authority to deal with exceptional cases in which work before the age of 16 is justified by need for training or precocious talent.

44. [...] the minimum age of employment is 14, although in our country a considerable number of children aged between 7 and 14 perform some kind of work.

114. Our labour legislation prohibits the employment of children under the age of 14. A decision (9-93) of 1993 by the Secretary of State for Labour (SET) prohibits juveniles under the age of 16 from being employed on night work (from 6 p.m. to 6 a.m.).

**Minimum age for marriage**

34. All young persons who have reached the age of 18 may marry without the consent of their parents or guardians. Provided they have such consent, young women may marry from the age of 15 and young men from the age of 16.

**Minimum age for criminal responsibility**

36. Boys and girls under the age of 12 cannot incur criminal responsibility. [...]

**ECUADOR**

Source: CRC/C/3 Add. 44, 24 September 1996

**School-leaving age**

179. Primary and basic education is compulsory and free. The Ecuadorian education system comprises two subsystems, one formal (Hispanic and indigenous) and the other non-school (Hispanic and indigenous). The formal system includes regular, special and adult education. Regular education covers pre-primary, primary, middle and higher levels.

**Minimum age of employment**

66. Children under 14 are not allowed to work as employees.

**Minimum age for marriage**

66. Persons under 18 may not marry without the express consent of the person having parental authority over them.

**Minimum age for criminal responsibility**

66. Persons under the age of 18 are exempt from criminal responsibility.

**EGYPT**

Source: CRC/C/65/Add. 9, 11 November 1999; CRC/C/3/Add. 6, 11 December 1992

**School-leaving age**

*From CRC/C/65/Add. 9 of 11 November 1999*

138. The provisions of the Children's Code dealing with education are consistent with those of the Constitution and the Education Act referred to in the initial report (CRC/C/3/Add.6, paras. 229-283), namely that all children are entitled to education during the first, compulsory, stage, that education is provided free of charge and that children who must work have an opportunity to catch up. [...]

*From CRC/C/3/Add. 6 of 11 December 1992*

230. The Education Act No. 39 of 1981 amended by Act 233 of 1988 states: Article 15: Basic education shall be the right of every Egyptian child who has attained the age of six. The State shall provide it and parents or custodians are bound to abide by it, for the duration of eight years. [...]

**Minimum age of employment**

*From CRC/C/65/Add. 9 of 11 November 1999*

48. Under the Children's Code the minimum age for admission to employment is 14 years. Subject to a decision by the governor of the province concerned and with the agreement of the Minister of Education, it is legal to give children in the 12 to 14 age group training in seasonal employment provided that their physical growth, health and regular attendance at school do not suffer thereby. The minimum age for membership of a workers' trade union is 15 years.

**Minimum age for marriage**

*From CRC/C/65/Add. 9 of 11 November 1999*

46. The minimum age for marriage is set at 18 for males and 16 for females.

**Minimum age for criminal responsibility**

*From CRC/C/65/Add. 9 of 11 November 1999*

50. A child under seven years of age is not regarded as criminally responsible (article 94 of the Children's Code).

**ERITREA**

**Source: CRC/C/41/Add.12, 23 December 2002**

**School-leaving age**

87. The Government is committed to making basic education free and compulsory. It plans to achieve not less than 80 per cent access to basic education within the next decade. [...]

329. According to the educational policy of the GSE, basic education (grades 1-7) is free and compulsory for all citizens.

**Minimum age of employment**

68. According to article 68/1 of labour proclamation No. 118/2001, it is prohibited to employ a person under the age of 14. A contract of employment shall not be enforceable against a person below the age of 18 if it is determined to be prejudicial to the interest of that person (art. 9/2). In addition, article 69 of the proclamation provides that the minister may, by regulation, issue a list of activities prohibited to young employees (between the age of 14 and 18), which shall in particular include:

- Work in the transport of passengers and goods by road, railway, air and sea and in docksides and warehouses involving heavy lifting, pulling or pushing, or any other related type of labour;
- Work connected with toxic chemicals, dangerous machines, electric power generation plants, transformers or transmission lines;
- Underground work, such as mines, quarries and similar works; and
- Work in sewers and digging tunnels.

A young employee may not be assigned to work after 6 p.m. and begin work before 6 a.m. (art. 68 (2)) and may not be made to work for more than seven hours per day (art. 68 (3)).

**Minimum age for marriage**

69. According to article 46 of proclamation No. 1, 1991 of the TCCE, marriage is solely based on the voluntary agreement of both partners. In general, persons have to attain the age of 18 years if they are going to marry. In spite of this, the Code in many articles talks of under-age marriage. But for an under age person to marry, he/she must voluntarily agree and get the permission from his/her parents (article 309/1 of the Transitional Penal Code of Eritrea (TPCE)).

[...] With regard to the minimum marriageable age, although the draft Civil Code of Eritrea states that the marriageable age is 18, this does not apply if the man and woman have both attained the full age of 16 years and the woman submits to the authority who will celebrate the marriage a declaration made by a doctor stating that the woman is pregnant or has already given birth to a child (article 581/2 of the draft Civil Code).

70. In many parts of the country, the male elders of the extended families pursue all marriage alliances - usually along religious, ethnic and linguistic lines. Girls are often betrothed between the ages of 8 and 14 and conclude the marriage between the ages of 13 and 15. Girls often have no choice in their marriage partner. However, in some ethnic groups, such as the Nara, marriage is not acceptable until the woman is 18 and the man 20 years of age.

**Minimum age for criminal responsibility**

74. With regard to under-age criminal liability. The Transitional Penal Code of Eritrea recognizes three categories of children:

Children below the age of 12: Article 52 of TPCE states that the criminal law does not apply to children below the age of 12 years. That is, children of this age have no responsibility for their acts. If they commit a crime, correctional measures are expected to be taken by the parents, school or guardian;

Children between 12 and 15 years: Criminals between the age of 12 and 15 are punishable according to the laws specified under articles 161-173 of TPCE. [...]

Under age 15-18: Article 56/1 of TPCE states that, if an under-age person between the ages of 15 and 18 commits a crime, she/he is tried under the ordinary provisions of the Penal Code. [...]

## ESTONIA

Source: CRC/C/8/Add. 45, 11 July 2002

### School-leaving age

33. Children who have attained 7 years of age by 1 October of the current year are subject to the obligation to attend school. Upon the wish of the parents a child who has attained 6 years of age by 30 April of the current year may be admitted to the first year at school. A student is obliged to attend school until completing basic education (9 years at basic school) or until attaining 17 years of age (Basic and Upper Secondary Schools Act, article 17).

### Minimum age of employment

34. According to the Labour Contracts Act (RT I 1992, 15, 241), a person who has attained 18 years of age may be employed. In exceptional cases, with the written consent of a parent or guardian, a minor having attained 15 years of age may be employed if the work does not endanger the minor's health, morals and acquiring of education and if the work is not prohibited for minors. A minor between 13 and 15 years of age may be employed with the written consent of a parent or guardian and the labour inspector of the employer's location and for work included in the list approved by the Government of the Republic if the work does not endanger the minor's health, morals and acquiring of education and if the work is not prohibited for minors.

### Minimum age for marriage

36. A person is of age to marry when he or she has attained 18 years of age. Minors between 15 and 18 may marry with the written consent of their parents or a guardian. If one of the parents or the guardian does not consent to the marriage, a court may grant the right to marry based on the application of one of the parents or of the guardianship authority. The court grants the right to marry if the marriage is in the interests of the minor (Family Act, art. 3).

### Minimum age for criminal responsibility

440. Article 10 of the Criminal Code establishes that a person who has attained 15 years of age prior to committing an offence is subject to criminal liability. As an exception, a person who committed an offence between the ages of 13 and 15 is subject to criminal liability in certain cases set out in articles of the Criminal Code, for instance: articles 100 (murder), 101 (aggravated murder), 107 (intentional causing of extremely severe bodily injury), 108 (intentional causing of serious bodily injury), 113-115 (acts of violence against persons, torture, rape), 139 (secret theft), 140-142 (public theft, robbery, extortion).

## ETHIOPIA

Source: CRC/C/70/Add. 7, 23 March 2000; CRC/C/8/Add. 27, 12 September 1995

### School-leaving age

*From CRC/C/70/Add 7 of 23 March 2000*

Information unavailable

*From CRC/C/8/Add. 27 of 12 September 1995*

50. Primary education has not yet been made compulsory. Earlier laws and policies on education (1987) had the objective of introducing compulsory education, step by step, for all school-age children and devising ways and means to provide free education for all citizens. Currently, the New Education Policy of the Transitional Government aims to make basic education accessible to all and guarantees that pre-school and primary education including the first cycle (grade 9–10) of secondary education shall be given free of charge. The above principles are confirmed in the National Social Policy of the TGE, which considers education as a right of all citizens.

### Minimum age of employment

*From CRC/C/70/Add 7 of 23 March 2000*

84. [...] The Labour Proclamation No. 42/1993 and the Civil and Penal Codes of 1960 and 1957 respectively have provisions that are fully compatible with article 32 of the Convention. The Labour Proclamation prohibits the employment of a child under 14 years of age (art. 82 (2)). Children between 14 and 18 years of age are categorized as young workers and the Proclamation provides that this category of children can work under strict conditions, such as working not more than seven hours per day, prohibition of overtime and night work and provision of weekly rest and rest on public holidays. The Proclamation requires MOLSA to legally prescribe lists of dangerous operations that are detrimental to the health of working youth.

**Minimum age for marriage**

*From CRC/C/8/Add. 27 of 12 September 1995*

**38.** According to the Civil Code (art. 581 (1)), a man who has not attained the full age of 18 years and a woman who has not attained the full age of 15 years may not contract marriage. Hence, for young males the minimum marriageable age is 18 years, while for young females it is 15 years. The marriage is invalid if it is contracted below the above-mentioned ages.

**Minimum age for criminal responsibility**

*From CRC/C/70/Add 7 of 23 March 2000*

**28.** For purposes of criminal liability, the Penal Code of 1957 classifies child offenders into three distinct age groups and prescribes distinct measures for their reform and rehabilitation. The first group, called “infants”, is totally exonerated from application of the penal law on ground of responsibility. According to article 52 of the Penal Code infants not having attained the age of 9 years are not criminally responsible for their acts and where an offence is committed by an infant appropriate steps may be taken by the family, school or guardianship authority to ensure their proper upbringing. The second group, addressed as “young persons” in the Penal Code, are children between the ages of 9 and 15 inclusive. For them, the Penal Code provides special punishments and measures upon conviction. They are not subject to the ordinary penalties applicable to adults nor shall they be kept in custody with adult offenders (art. 53). The third group is comprised of young persons between the ages of 15 and 18 and is treated under the ordinary provisions of the Penal Code as having the full prima facie liability of persons aged 18 and above (art. 56 (4)). However, the Penal Code provides that mitigation of the penalty is always permitted, the death penalty may never be imposed and, under certain conditions, the measures of the penalty scheme for young offenders be applied in toto (arts. 56 (2), 118 and 182).

**FIJI**

**Source: CRC/C/28 Add. 7, 24 September 1996**

**School-leaving age**

**202.** Education is not compulsory in Fiji, for the cost of providing free education to all children would be prohibitive. The current policy is to provide tuition fee-free education for all children in primary schools, with the aim of eventually making education compulsory up to 15 years. The power to make education compulsory rests with the Minister of Education, Women, Culture, Science and Technology.

**Minimum age of employment**

**28. (g)** The Employment Act provides important protection for children because union agreements with employers generally only cover workers aged 17 or older. The Act defines children as under 15 and does not permit the employment of children under the age of 12. Section 59 states that children under 12 years are not allowed to work in any capacity whatsoever, and provides protection for children from long hours, night work and hard or heavy work. Section 60 allows that a child can be employed only on a daily basis for a daily wage and that the child must return each night to the residence of the parents or guardian. Section 64 states that a child shall not be employed for more than six hours a day.

**Minimum age for marriage**

**28. (c)** The Marriage Act (sect. 12) states that the minimum age for marriage is 16 years for women and 18 years for men. However, consent is needed from the father if the person is under 21 years of age. If he has died, the mother or a magistrate can give consent.

**Minimum age for criminal responsibility**

**28. (a)** The Juveniles Act (sect. 29) states that no child under the age of 10 years can be guilty of any offence. A child between 10 and 12 can be found guilty only if it can be shown that the child knows the crime he or she committed was wrong. [...]

**FINLAND** Source: CRC/C/70/Add. 3, 18 November 1998; CRC/C/8/Add. 22, 31 January 1995

**School-leaving age**

*From CRC/C/70/Add. 3 of 18 November 1998*

**194.** No significant changes have been made to the Finnish education system as it was presented in the first periodic report of Finland (paras. 437-455). Children have a right to receive comprehensive school education free of charge. The comprehensive school education must be arranged so that the child's age and preparedness for learning are taken into account. Thus, even severely disabled children are taught at comprehensive schools. Children start school in the year they reach the age of seven. Compulsory education continues for 10 years or until the completion of the nine-year-long comprehensive school curriculum. [...]

**Minimum age of employment**

*From CRC/C/70/Add. 3 of 18 November 1998*

**280.** Finland has ratified the Convention (No. 138) concerning Minimum Age for Admission to Employment, adopted by the ILO on 26 June 1973. The Convention was brought into force in Finland by a Decree issued on 13 January 1976 (1060/1976; SopS 87/1976). Thus, Finland is committed to comply with the provisions of the Convention.

**281.** The preparatory work of the Young Employees Act (998/1993) paid attention to the provisions of the Convention concerning the minimum ages for admission to employment and the minimum ages for hazardous and light work. Also, the provisions on the employer's duty to provide health-care services and a list of employees who are under 18 years old are taken into account. In conformity with the provisions of the Convention, the Act defines light work suitable for persons under 14 years of age as work which is not likely to be harmful to their health or development and does not prejudice their attendance at school. The definition of light work was made more precise, as required by the ILO, in a separate decision of the Ministry of Labour providing examples of light work suitable for young persons. Hazardous work was defined in the Protection of Young Employees Decree (506/1986) issued in connection with the Act, and in the Decision of the Ministry of Labour concerning work which is hazardous for young persons (1432/1993).

*From CRC/C/8/Add. 22 of 31 January 1995*

**111.** The general requirements for gainful employment are a minimum age of 15 and the completion of compulsory education. If a child who is subject to compulsory education attains the age of 14 before the end of the school year, he or she may be employed for two thirds of the school holiday and not more than 12 hours a week during the school terms.

**112.** Children under 13 may not be gainfully employed under any circumstances; those under 15 may not work for more than seven hours a day. Children between 15 and 17 may work full time, but are subject to restrictions concerning overtime. Children under 16 may not be employed in dangerous work (Decree on the Protection of Young Employees, 229/58, art. 3).

**Minimum age for marriage**

*From CRC/C/8/Add. 22 of 31 January 1995*

**115.** Both women and men may marry at 18. For those below this minimum age, the Ministry of Justice may grant permission to conclude marriage, if there are special reasons for marriage. Permission does not require the consent of the guardian or the custodian.

**Minimum age for criminal responsibility**

*From CRC/C/70/Add. 3 of 18 November 1998*

**266.** The minimum age for criminal liability is 15, and no child younger than 15 may be arrested or imprisoned. A child who has reached the age of 15 may be arrested and imprisoned on the grounds provided by the law. However, no person may be arrested or imprisoned if this is unreasonable for such reasons as the suspect's age. If an offence was committed by a person between 15 and 20 years of age, he or she is regarded as a young offender to whom a number of special provisions apply.

**GABON**

Source: CRC/C/41/Add. 10, 13 July 2001

**School-leaving age**

**82.** In accordance with article 28 of the Convention, Gabonese legislation, in Act No. 16/66 of 9 August 1966 on the general organization of education, defines the fundamental principles underlying the functioning of the educational system, including free schooling, compulsory education between the ages of 6 and 16, and equal opportunities for boys and girls.

### **Minimum age of employment**

**250.** Article 177 of the Gabonese Labour Code (Act. No. 3/94 of 21 November 1994) stipulates that children cannot be employed in any enterprise before the age of 16 years, unless dispensation has been granted by decree at the joint initiative of the Ministers of Labour, Public Health and National Education, with due account taken of the circumstances and of the tasks which they may be asked to perform.

### **Minimum age for marriage**

**71.** The traditional concept of marriage differs from that of marriage under civil law. According to the traditional concept, the protection of the child within marriage meant that marriage was not a matter for the couple as such; rather, parents or family chose their children's spouses, whatever the children's ages. Children aged 10 could therefore be married. The girl was entrusted to the boy's family and grew up with him.

**72.** Under civil law, men cannot get married until they are over 18 years old, and women must be over 15 (Civil Code, art. 203). However, the President of the Republic may grant dispensation from the age requirement if there are good grounds for doing so. The insane may marry only during a period of lucidity, with the authorization of their guardian and after a favourable recommendation from a psychiatrist or, failing that, a doctor (art. 204).

**74.** Even when they meet the age requirements, young men or women who have not reached the age of 21 cannot get married without the consent of their father and mother or guardian (Civil Code, art. 205).

### **Minimum age for criminal responsibility**

**76.** A child under the age of 13 is not criminally liable, however serious the acts committed (Penal Code, art. 56, Code of Criminal Procedure, art. 145, prohibiting imprisonment of a child under 13).

## **GAMBIA**

**Source: CRC/C/3/Add. 61, 28 September 2000**

### **School-leaving age**

**176.** This is a guaranteed right for every Gambian child as provided for in the Constitution of The Second Republic, 1997. Section 30 reads: "All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right: (a) Basic education shall be free, compulsory and available to all; [...]"

**177.** Although this constitutional measure seeks to ensure that universal "free and compulsory" primary education is available to all Gambian children, this has yet to be achieved. [...]"

**179.** Among the other obstacles to the realization of the goal of free and compulsory primary education is the lack of a legal framework for its enforcement. Since the Education Act requires enrolment at public school for children age seven and above, a basic cycle of six and three years would be ideal for compulsory school up to the age of 16 years. [...]"

### **Minimum age of employment**

Information unavailable

### **Minimum age for marriage**

Information unavailable

### **Minimum age for criminal responsibility**

**65.** A similar age limit is found in the Criminal Code, Cap 10 Laws of the Gambia, where a child is defined as: "A person below fourteen years of age". This is further qualified by the other age limits in the same Criminal Code, with 7 and 12 years being set for the age of criminal responsibility based on knowledge and understanding of a wrongful act or omission.

## **GEORGIA**

**Source: CRC/C/104/Add.1, 28 April 2003; CRC/C/41/Add.4/Rev.1, 6 October 1998**

### **School-leaving age**

*From CRC/C/104/Add.1 of 28 April 2003*

**231.** We should point out that, during the reporting period, the legislative framework governing the education system, as described in the country's initial report under the Convention (paras. 250 and 255-257) remains in place.

*From CRC/C/41/Add.4/Rev.1 of 6 October 1998*

**29.** Under the Education Act, preschool education is financed by the State. Primary education is compulsory. Basic education is provided by the State free of charge. [...]

**255.** Primary schools admit children who reach the age of 6 in the year of entry. A student can be taught at the primary general education level until the age of 14 and at the basic general education level until the age of 18. There is no limitation on the age at which the secondary general education course may be completed (Education Act, art. 11.6-8)

#### **Minimum age of employment**

*From CRC/C/104/Add.1 of 28 April 2003*

**277.** With reference to this issue, we note that the information contained in the country's initial report relating to the labour rights of juveniles (paras. 297-299) remains in force.

*From CRC/C/41/Add.4/Rev.1 of 6 October 1998*

**296.** Georgian law establishes 16 years as the minimum age at which a labour contract may be concluded. In some cases the minimum age may be higher; for example, persons below the age of 18 are not allowed to perform heavy or unhealthy work or to work underground. In some cases a labour contract may be concluded at age 15, but this requires the consent of the government labour inspectorates. Furthermore, students at vocational, technical or special secondary schools may be hired for work on reaching the age of 14 subject to the consent of one of the parents or of the guardian. An essential condition for this is that the work to be performed must be light, must not be harmful to the minor's health, and must not interfere with his/her studies.

#### **Minimum age for marriage**

*From CRC/C/104/Add.1 of 28 April 2003*

Information unavailable

*From CRC/C/41/Add.4/Rev.1 of 6 October 1998*

**31.** The Civil Code (vol. 1) sets the marriageable age at 18 years. In exceptional cases, marriage is allowed at age 16 subject to the written consent of the parents or other legal representatives. If the parents or other legal representatives withhold their consent, permission to contract marriage may be granted by the court in the presence of valid reasons on the basis of an application by the persons wishing to marry.

#### **Minimum age for criminal responsibility**

*From CRC/C/104/Add.1 of 28 April 2003*

**265.** To supplement that information, we draw attention to the section included in the new Criminal Code, the provisions of which are cited in the above-mentioned report under the International Covenant on Civil and Political Rights, dealing specifically with the criminal liability of minors and with the exoneration of minors from criminal liability and punishment (arts. 80-100).<sup>5</sup>

*From CRC/C/41/Add.4/Rev.1 of 6 October 1998*

**33.** Under the provisions of the Criminal Code, criminal responsibility for minors begins at age 16. For persons having committed exceptionally serious crimes, criminal responsibility begins at age 14. Such crimes include murder, grievous bodily harm, rape, robbery, etc. (in all, 11 categories).

## **GERMANY**

**Source: CRC/C/83/Add.7, 24 July 2003; CRC/C/11/Add.5, 16 September 1994**

#### **School-leaving age**

*From CRC/C/83/Add.7 of 24 July 2003*

**613.** The initial report gives an overview of legislative and administrative measures that safeguard a child's right to education. These continue to apply. [...]

*From CRC/C/11/Add.5 of 16 September 1994*

**13.** In conclusion, the rights and obligations of children and juveniles by age group are summarized in the following, whereby - in conformity with the Convention - it must be noted that the exercise of rights in this context is generally subject to the consent of the parents or other persons having parental powers. [...]

(d) At the age of six:

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<sup>5</sup> ed. note - *From Second Periodic Report of Georgia under the ICCPR, CCPR/C/GEO/2000/2 of 26 February 2001: 352.* Under the Criminal Code (art.80), in matters of criminal liability individuals under the age of 18 when they commit an offence are to be regarded as minors. Besides this, blame for illegal actions covered by the Code cannot be imputed to individuals who, when they perform such actions, are under the age of 14 (art.33).

(i) Children are required to attend school (the cut-off date is always the first day of June). The obligation to attend full-time schools continues for 9 or, respectively, 10 years (education acts or, respectively, compulsory education acts of the Länder); [...]

(j) At the age of 15:

(i) Ends the period of compulsory schooling in most of the Länder (education acts or, respectively, compulsory education acts of the Länder); [...]

#### **Minimum age of employment**

*From CRC/C/83/Add.7 of 24 July 2003*

**850.** Since the 1997 amendment to the Act [Second Act to Amend the Youth Health and Safety at Work Act], a young person within the meaning of this Act is someone over 15 but not yet 18. The provisions that apply to children also apply to young people who are subject to full-time mandatory schooling.

**851.** The employment of children continues to be prohibited by the law. This prohibition does not apply to work for the purposes of occupational therapy, within the context of a school work experience programme or in fulfilling instructions from a judge.

**852.** Children under 13 may be employed only with an express exemption by the authorities and with parental permission, but only at certain events in the cultural and media spheres if the necessary protective measures are guaranteed. Once a child is over 4 years old it can be allowed to participate in musical events and similar events as well as the associated rehearsals for up to a total of two hours per day. Once a child is over 7 years old it can be allowed to participate in theatrical performances for up to four hours per day and in musical performances, etc. for up to three hours per day.

**853.** Once children are over 14 years old they may be employed without official permission if permission has been given by their guardian and the work is light and suitable for them. According to the legal definition only work that has no negative impact on the safety, health or development of the children, nor on their school attendance, their involvement in measures for choosing a future career or vocational training and their ability to follow lessons with benefit, shall be considered "light". Jobs that correspond to the physical and intellectual development level of the children or young people in mandatory full-time schooling are suitable. Time spent on jobs of this kind must not exceed two hours per day or three hours on family farms. The children may be employed only in the time from 8 a.m. to 6 p.m., not before and not during school hours, for no more than five days in the week; they may not be given hazardous work, e.g. with dangerous substances and biological materials, and they may not be given piecework or work depending on speed. Deviating from these regulations, young people in mandatory fulltime schooling may work for a maximum of four weeks per calendar year in the school holidays.

**854.** The Federal Government passed the Ordinance on Protection Against Child Labour of 23 June 1998 to define the light work that is suitable for children. According to this, the usual and socially recognized activities are allowed, such as delivering newspapers and magazines, help in private households, taking messages and going shopping, babysitting, giving private lessons, helping with sport and help in agriculture. Employment in the commercial sector, in manufacturing or in trade will still not be allowed in the future. Work of this kind is not reasonable for children and young people of this age.

#### **Minimum age for marriage**

*From CRC/C/11/Add.5 of 16 September 1994*

**13.** In conclusion, the rights and obligations of children and juveniles by age group are summarized in the following, whereby - in conformity with the Convention - it must be noted that the exercise of rights in this context is generally subject to the consent of the parents or other persons having parental powers. [...]

(k) At the age of 16:

(i) A juvenile can, upon application, be granted permission to marry;

#### **Minimum age for criminal responsibility**

*From CRC/C/83/Add.7 of 24 July 2003*

**819.** The foundations of policy with regard to children who come into conflict with the law were described in detail in the initial report. [...]

*From CRC/C/11/Add.5 of 16 September 1994*

**100.** Pursuant to article 40, paragraph 3, of the Convention, the States parties are called upon to establish a minimum age below which children shall be presumed not to have the capacity to infringe the penal law. This requirement is met under German law by section 19 of the Criminal Code, from which it follows that a child under the age of 14 has no capacity to infringe the penal law.

## **GHANA**

**Source: CRC/C/3 Add. 39, 19 December 1985**

### **School-leaving age**

**28.** The Education Act of 1961 (Act 87) made basic education free and compulsory for all children of school age. In the context of the 1987 Education Reform Programme, basic education is defined as the first 9 years of school, which is free and compulsory for all children aged between 6 and 15 years and which consist of 6 years primary and 3 years of junior secondary school. The 1992 Constitution gives all persons the right to equal educational opportunities (art. 25).

### **Minimum age of employment**

**29.** Under the Labour Decree 1967 (NLCD 157), until the apparent age of 15 years when basic education is deemed to have ended, a child may only be employed within his own family, in light work strictly of an agricultural or domestic nature. Working for pay is permitted, within limits, for persons between 15 and 18 years, otherwise described as “young persons”.

**30.** Child labour does, however, exist in Ghana in the informal sector and generally takes the form of self-employment as portering, shoe-shining, petty trading, newspaper selling, domestic labouring and others.

### **Minimum age for marriage**

**35.** The Marriage Ordinance, cap. 127, makes the legal age for marriage as 18 years for girls and 21 years for boys, respectively. Customary practices in certain parts of the country lead to both early betrothal and marriage of girls. Where it can be proved that the girl's consent to an early customary marriage was absent, a prosecution for forcible marriage can be carried out. But, of course, many females do not know that they have the right to refuse early marriages. Many feel compelled to cohabit with a man by circumstances such as poverty. Public education is geared towards educating families about the health hazards of early marriage to the girls and encouraging parents/guardians to allow girls to go to school and spend more years in school before marrying and starting families.

### **Minimum age for criminal responsibility**

**37.** The minimum age of criminal responsibility is 7 years. However between 7 and 12 a child cannot be prosecuted if he has not attained sufficient maturity to judge the nature and consequences of his conduct.

## **GREECE**

**Source: CRC/C/28/Add. 17, 25 June 2001**

### **School-leaving age**

**296.** [...] Under the law referred to above (art. 10), Greek children may be enrolled in the first grade of primary school if on 31 December of the year of enrolment they have reached the age of six years. [...]

**297.** Compulsory education lasts nine years, divided into two sections (primary school and junior secondary school), and may be completed if the pupil has reached the age of 16. Penalties are provided for by the law and the Civil Code for parents or guardians who infringe the relevant legislation.

### **Minimum age of employment**

**1. (c)** Minors who have reached the age of 16 may, with the general consent of the persons exercising custody over them, enter into contracts of work as employees. If the aforementioned consent is not given to them, the court may decide to grant it on the minor's petition (article 136 of the Civil Code)

**396.** The general minimum age limit for admission to employment is 15 years (article 2 of Law 1837/89). This provision is based on the consideration of allowing children to complete compulsory education, which ends at the age of 15, without distraction. An exemption to the limit of 15 years is employment in artistic and similar activities, on condition, however, that no harm is done to the physical and mental health or the morals of the minors. This exemption was enacted because it is widely accepted that artistic creativity among young people is an important cultural activity which the Greek State ought to encourage.

### **Minimum age for marriage**

**1. (d)** Minors who have not reached the age of 18 may marry with the permission of the court (if such a marriage is imperative for some grave cause). The court allows the marriage after having heard the prospective married persons and those exercising custody over the minor (article 1350 of the Civil Code).

### **Minimum age for criminal responsibility**

1. (e) In criminal law, minors are considered to be persons who are between the ages of 7 and 17 years, inclusive. Of these persons, minors under the age of 12 are called children and the remainder are called adolescents.
  2. Delinquent minors are subject to reformatory or therapeutic measures or to criminal correction (article 121 of the Criminal Code). Children are not held responsible for the criminal acts committed by them, and only reformatory or therapeutic measures may be taken against them. Adolescents who commit criminal acts are subject to reformatory or therapeutic measures if there is no case for them to be subjected to criminal correction (article 126 of the Criminal Code).
370. One of the characteristic features of this approach is that minor offenders are absolutely free of responsibility for their acts until they reach the age of 12, and hold only relative responsibility until the age of 17.

## **GRENADA**

**Source: CRC/C/3 Add. 55, 28 November 1997**

### **School-leaving age**

31. Under the Education (Compulsory at Primary Schools) Act, chapter 85, the compulsory school age in Grenada is between from 6 to 14 years. Parents are also bound by this Act to ensure their child's regular attendance at school. If parents fail to do this, they are liable to a fine of EC\$ 15 on the first offence and EC\$ 25 for any subsequent offence.

### **Minimum age of employment**

32. Section 8 (8) of the Employment of Women, Young Persons and Children Act, chapter 90, prohibits the employment of children below the age of 14 in any undertaking or work whatsoever, whether industrial or otherwise, during school hours, or for more than two hours on any given school day. There is an exception, however, with regard to the employment of children under 14 in industrial undertakings in which only family members are employed.

### **Minimum age for marriage**

29. There is no legislation that revokes the common law age of attainment of majority of 21 years. In cases such as marriage and the making of a will, parental consent is required if the person in question is below the age of 21 years.

### **Minimum age for criminal responsibility**

39. A child is presumed unable to infringe the penal law below the age 7 years (section 50 (1), chapter 76, Criminal Code). Further, subsection (2) gives rise to a range of ages between 7 and 12 within which a child may or may not be considered to have the capacity to infringe the law.

## **GUATEMALA**

**Source: CRC/C/65/Add. 10, 29 March 2000; CRC/C/3/Add. 33, 20 April 1995**

### **School-leaving age**

*From CRC/C/3/Add. 33 of 20 April 1995*

99. With regard to education, article 74 of the Political Constitution states that all inhabitants have the right and obligation to receive initial, pre-primary, primary and basic education within the age limits established by law.

### **Minimum age of employment**

*From CRC/C/65/Add. 10 of 29 March 2000*

259. The impoverishment of large segments of the Guatemalan population has meant that many families' subsistence depends to a large extent on income from child or youth labour, and a high percentage of children have been obliged to seek work in both the formal and the informal sectors.

268. One improvement in the Children and Adolescents Code over the earlier Minors Code is that it deals openly with child labour and even stipulates the establishment of administrative and organizational bodies. However, it does not provide specific standards to regulate, protect, reduce or eradicate child and juvenile labour, which is still regulated by the Labour Code and the Constitution.

*From CRC/C/3/Add. 33 of 20 April 1995*

100. Article 102, paragraph I, of the Political Constitution states, with regard to the minimum social rights established in the labour legislation that "minors under 14 years of age may not be employed in any kind of work, with certain exceptions provided by law" (art. 150 of the Labour Code).

**101.** The labour legislation specifies the exceptional cases in which minors may work: for example, on production of a permit issued by the General Labour Inspectorate when, by way of exception, a minor aged under 14 years may be authorized to work a six-hour day, and a minor over the age of 14 years may be authorized to work up to seven hours. For the purposes of such authorization it must be verified that the minor will work as an apprentice or because he or she needs to contribute to the family economy, and that the work in question is light in its duration and intensity and will not prejudice the physical, mental or moral health of the young worker, and that the requirements of his or her compulsory education are met in some way.

#### **Minimum age for marriage**

*From CRC/C/65/Add. 10 of 29 March 2000*

**69.** With regard to the concern expressed by the Committee on the Rights of the Child in relation to the minimum age for marriage in the case of girls, an initiative has been launched under the Women and Legal Reform Project of the National Women's Office, involving a proposed amendment to article 81 of the Civil Code, Decree Law 106, setting 16 as the minimum age at which young people may marry. That would be an improvement insofar as it would establish equal conditions for girls and boys.

*From CRC/C/3/Add. 33 of 20 April 1995*

**98.** Articles 81, 82 and 83 of the Civil Code stipulate that males from the age of 16 and females from the age of 14 may contract marriage, provided that they have the permission of both their parents or of the person who exercises paternal authority or guardianship over them. If the parents disagree or the person entitled to give permission refuses to do so, authorization may be granted by a judge.

#### **Minimum age for criminal responsibility**

*From CRC/C/65/Add. 10 of 29 March 2000*

**70.** Concerning the legally established minimum age of criminal responsibility and deprivation of liberty, article 160 of the Children and Adolescents Code states: "All persons aged at least 12 but under 18 at the time they commit an act in conflict with criminal law or special laws shall be subject to this law."

## **GUINEA**

**Source: CRC/C/3 Add. 48, 17 June 1997**

#### **School-leaving age**

**17.** Release from compulsory schooling is accepted from the age of sixteen.

**140.** Article 21 of the Basic Law prescribes that the State must ensure compulsory education of children. The State must create the conditions and institutions enabling each child, without any discrimination, to be educated and guarantee freedom of education by controlling the private schools.

**153.** Secondary education is given in colleges and high schools (lycées). College has become compulsory for all pupils who have successfully completed primary school. It has four levels, the 7th year, 8th year, 9th year and 10th year which is the class in which the equivalent of the GCSE examination is taken for access to high school.

#### **Minimum age of employment**

**17.** Article 5 of the Labour Code instituted by order No 003/PRG/SGG/88 provides: "The contract for work can only be concluded with an individual having attained a minimum age of sixteen years. Juveniles under sixteen can only be engaged with the consent of the authority upon which they depend".

#### **Minimum age for marriage**

**15.** According to article 280 of the Civil Code adopted by law No 004/APN/83 of 16 February 1983, men under 18 years and women under 17 years cannot contract marriage. Nevertheless, there may be some age dispensations.

#### **Minimum age for criminal responsibility**

**17.** Free deposition before courts, penal responsibility and sentencing are only admitted at 18 full years.

## GUINEA-BISSAU

Source: CRC/C/3/Add. 63, 26 July 2001

### School-leaving age

Information unavailable

### Minimum age of employment

251. In Guinea-Bissau, children are victims of economic exploitation and are subject to hard work, which is incompatible with their age and physical condition. However, the Government is unable to put a stop to this phenomenon through the application of administrative measures, due to the serious economic and social condition of the country. Law No. 2/86 (General Labour Law), which prohibits children under 14 from working, is not applicable to the current reality.

### Minimum age for marriage

143. Article 1577 of the Civil Code defines marriage as a contract signed by two people of different genders who want to form a family legally through a full communion of life. It also establishes, as a general rule, the age of 16 for boys and 14 for girls as the minimum age allowed for marriage, and always subject to the consent of the parents, tutors and/or educators. When these procedures are not followed, the betrothed minor can oppose the marriage according to civil registration laws, which means that the marriage can only be celebrated once the court for minors has decided that it is legal.

144. [...] The Penal Code [...] establishes the age of 18 as the legal age for marriage.

145. In this matter, we cannot talk only about the written legislation, because the social life of Guineans is ruled by the customary law, which does not always conform to the written legislation. Premature and compulsory marriages are current practices accepted by customary law.

### Minimum age for criminal responsibility

136. The Penal Code in force in the country stipulates in its article 10, together with article 12, that any individual is subject to criminal prosecution when he reaches 16 years of age. It also stipulates that punishment, depending on the type of violation, is specially mitigated in cases of delinquent people aged more than 16 and less than 20 years.

## GUYANA

Source: CRC/C/8/Add.47, 6 August 2003

### School-leaving age

105. The amendment to the Education Act has made 15 years the end of compulsory education. This is now a right which is to be enshrined in the 1980 Constitution of Guyana.

288. The minimum age of admission to a primary school is 5 years 9 months. The primary programme is structured to provide literacy and numeracy skills for pupils within the system. It is normally of six years duration.

322. It should be noted that, while primary education is compulsory, the monitoring and enforcement of the law has proved to be exceedingly difficult and this has negatively affected adherence to aspects of this article of the Convention. The reintroduction of the Welfare Division and of welfare officers with responsibility for truancy are now in place to address such issues.

### Minimum age of employment

104. The Education Act, chapter 39:01, section 17, states that: "No person shall take into his employment or employ any child who is under the age of fourteen years, provided that the service rendered by a child to its parents, being such service as is usually given by children to their parents, shall not constitute a breach of this section unless such service is rendered on a school day during school hours."

401. In the laws of Guyana, currently the Employment of Women, Young Persons and Children Act (chap. 99:01) establishes the procedure relating to the employment of women, young persons and children.

402. "Child" for the purpose of this act is a person under the age of 14 years. Section 3 of this act stipulates that: "No child shall be employed in any industrial undertaking."

**403.** The act also makes comprehensive reference to the prohibition of the employment of children on ships (sect. 4) and the institution of penalties for this offence.

**404.** It is therefore significant to observe notable exceptions in this act which seem to have its genesis in colonial times and which do not accord with the Convention. Article 2 of Part 1 of the Schedule of this act states that: “Children under the age of 14 years shall not be employed, or work in the public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.” This article was revised in the Children’s Bill where a child is defined as being 15 years or under and is thereby prohibited from working.

**407.** This law is the principal piece of legislation which provides protection for children and young people. It is, however, recognized that it is outmoded. The review of this act has resulted in article 32 of the CRC being reflected and directly referred to in the Children’s Bill 2002. In a part dedicated to Employment of Young Persons and Children, “child”, “industrial undertaking” and “young person” are defined in conformity with the CRC. Restrictions on employment in industry are stipulated. It is specifically stated that the provisions of the CRC and other related Conventions “shall have effect for the purposes of this part”.

**Minimum age for marriage**

**113.** Although the legal age of majority is 18, section 31 (1) of the Marriage Act states that: “Where either of the parties not being widower or widow, or a divorced person is under the age of twenty years, no marriage shall take place between them until the consent of the appropriate person or persons specified in the Second Schedule has been first obtained.”

**114.** Part III of the Marriage Act, 1974 (chap. 45:01) deals with restrictions on marriage:

“(1) A marriage shall be void if the parties or either of them is under the age of sixteen.

“If a female under the age of sixteen years becomes pregnant or is delivered of a child, she may apply by petition to a judge of the High Court for permission to be married under that age to a person under the age of sixteen years, or, if under that age, he admits to being the putative father of the child whether yet delivered or not, or is adjudged by a court of competent jurisdiction to be the father of the child.”

The act states that a marriage thus solemnized would be declared good, valid and effectual as if both parties had been above the age of 18 years.

**115.** It is relevant to note that the Second Schedule of the Marriage Act details the circumstances and person or persons whose consent is required for the marriage of an infant (as it is legally deemed) by licence without publication of banns. These circumstances and persons are summarized below.

<b>Table 1</b>	
<b>Consent required for marriage of minor “infant”</b>	
<i>Circumstances</i>	<i>Person/persons whose consent is required</i>
Where both parents are living; if both parents are living together	Both parents
If parents are divorced or separated by order of a court or mutual agreement	The parent to whom the custody of the infant is committed by court order or by agreement, or if the custody of the infant is so committed to one parent during part of the year, and to the other parent during the rest of the year, or to both parents
If one parent has been deserted by the other	The parent who has been deserted
If both parents have been deprived of custody of infant by court order	The person to whose custody the infant is committed by order of the court.

**Minimum age for criminal responsibility**

**383.** Some important interpretations and articles of this act [The Juvenile Offenders Act (chap. 10:03)] are as follows:

- “Child” means a person under 14 years;
- “Juvenile” means a person under 17 years;

- It shall be conclusively presumed that no child under the age of 10 can be guilty of an offence;
- A juvenile court must be held in camera (that is, the court must be cleared of all persons not connected with the matter);
- A “young person” means a person who has attained the age of 14 years and is under the age of 17 years.

## HAITI

Source: CRC/C/51/Add.7, 21 June 2002

### School-leaving age

Information unavailable

### Minimum age of employment

34. The Labour Code sets the minimum age for paid work by children at 15, but hiring requires the authorization of the Labour Department. However, according to the Labour Code, a child may enter domestic service at the age of 12, although this requires the authorization of the Social Welfare and Research Institute (IBESR), which no longer grants authorization as it is against such domestic service on principle.

### Minimum age for marriage

32. In Haitian legislation, the child is referred to as a “minor”. Article 392 of the Haitian Civil Code defines a minor as a person of either sex who has not yet reached the age of 18, which is the age of civil and political majority and matrimonial capability. However, a girl who becomes pregnant before reaching the age of majority may marry the baby’s father provided that her parents consent or accept responsibility and that the President of the Republic authorizes the marriage.<sup>6</sup>

<sup>6</sup> In practice, things do not happen like this: people marry without taking this authorization into account or requesting it.

### Minimum age for criminal responsibility

264. [...] Haitian legislation establishes the principle of exemption from criminal liability of minors under 13 years of age, and sets the age of criminal majority at about 16 years. Between 13 and 16 years a minor who has committed a minor offence will be liable to a simple reprimand or a fine. A minor who has committed a serious offence or a crime will be punishable by an educational measure or, if appropriate, by a criminal sentence, whereby the juvenile court has discretion, by a reasoned decision, to reject the mitigating excuse of minority.

265. Article 51 of the Criminal Code stipulates, however, that when the circumstances of the case or the personality of the accused minor so require, mitigated responsibility may be recognized. In this case, the minor may receive a sentence of eight years of treatment in a State corrective education centre or a maximum of three years in a specialized professional centre.

266. In the case of a serious offence or crime, the juvenile court will take measures for the protection, supervision or education of children under 11 years of age.

## HONDURAS

Source: CRC/C/65 Add. 2, 20 February 1998

### School-leaving age

323. According to article 171 of the Constitution: “Education given officially shall be free of charge and basic education shall also be compulsory and fully funded by the State. The State shall establish the mechanisms of compulsion to give effect to this provision.” Compulsory schooling shall continue up to the sixth grade of primary education, including pre-school education. As a rule it covers ages 7 to 13 years.

### Minimum age of employment

324. Our labour laws establish that a child of 16 years may enter into labour contracts under the supervision of the Ministry of Labour. Exceptionally, for reasons of material necessity for himself or his family a child may work from the age of fourteen years as a minimum. The newly adopted legislation establishes the minimum age of fourteen years in accordance with Convention 138 of the International Labour Organization (articles 115, 120 of the Code on Children/article 128 (7) of the Constitution).

**Minimum age for marriage**

326. With regard to marriage, the age at which a person is fully authorized to contract marriage without the consent of his or her parents is 21 years (age of majority). However, persons may marry with the consent of their parents or legal representatives at the age of 18 or at 16 if the couple have already been living together.

**Minimum age for criminal responsibility**

329. With regard to criminal responsibility, the new Code on Children establishes clearly that children under the age of 12 years may not be charged, are not criminal and may not be subjected to a children's system of justice. From 12 to 18 years the special system of justice for children who break the law will be applied, with all its guarantees of due process. (Article 122 of the Constitution and articles 180 et seq. of the Code on Children and Adolescents).

**HUNGARY**

Source: CRC/C/8/Add. 34, 24 September 1996

**School-leaving age**

66. Public education in Hungary is compulsory and free of charge for all up to the age of 16. [...]

**Minimum age of employment**

19. [...] The minor above the age of 16 years, for whom schooling is not compulsory, may independently enter into a work contract [...]

91. It is prohibited to establish labour relations with a person incapable according to Hungarian Civil Code and labour law. The minor having no or restricted disposing capacity may establish labour relations without the consent of his or her legal representative over the age of 16. [...]

92. Hungarian labour law prohibits the employment of a minor in work that may have harmful consequences to his or her physique or development.

**Minimum age for marriage**

17. In Hungarian law, a child is a person below the age of 18 years, unless the person is married. If a person is above 16 years of age, the guardianship authority may issue a marriage permit, which also means that adulthood has been attained.

**Minimum age for criminal responsibility**

20. A child cannot be held accountable under criminal law. A person below the age of 14 at the time the act was committed cannot be tried for criminal offence. Criminal law prescribes separate rules for persons (juveniles) who are above 14 but below the age of 18, providing for more lenient sentencing and different criminal procedures and correction rules containing specific guarantees in order to protect the interests of the minor. [...]

**ICELAND**

Source: CRC/C/83/Add.5, 5 July 2002; CRC/C/11/Add.6, 15 May 1995

**School-leaving age**

*From CRC/C/83/Add.5 of 5 July 2002*

314. According to the Primary School Act, No. 66/1995, primary school is of 10 years' duration; a pupil is expected to begin in the year he or she becomes 6 years old. Primary school attendance is obligatory and each municipality is obliged to enable all children aged 6-16 who reside there to attend school.

**Minimum age of employment**

*From CRC/C/83/Add.5 of 5 July 2002*

98. Under the Act on Health Practices and Conditions in the Workplace, No. 46/1980, as amended by Act No. 52/1997, various special provisions apply to work to be performed by children. In this Act, the term "child" applies to any person under the age of 15 or a person receiving obligatory education. The term "adolescent" applies to any individual who has attained the age of 15 but not the age of 18, who is no longer receiving obligatory education. "Young person" refers to any individual under the age of 18. The engagement of children for work is only allowed in certain exceptional cases, which include engagement of children under the age of 14 for light work. A young person cannot be engaged for heavy or dangerous work. The Act also contains provisions on the active working periods of children and adolescents, and provisions on minimum rest periods.

396. There are special rules that apply to work by children. Children may not be engaged for work unless this is specifically allowed. Children between 13 and 14 years of age, and children receiving compulsory education, may only perform work coming under a regulation annex on light work, such as gardening, light work in fish

processing and shops, minor cleaning duties, light messenger duties, newspaper sale, mail delivery and light office work. A person 13 years of age or older may be engaged for light work during the summer vacation from school, when the work forms a part of theoretical study or vocational training. The work in question is enumerated in particular regulation annexes referring to persons under the age of 15 years, persons who have attained the age of 15 years and persons who have attained the age of 16 years. When children are engaged for work, the custodians shall be informed of all the engagement terms and the measures taken to provide for their safety and health at work.

**398.** Children under the age of 13 years may be engaged to take part in cultural or artistic events, and in activities relating to sports and advertising. Advance permission from the Occupational Safety and Health Administration is required.

#### **Minimum age for marriage**

*From CRC/C/11/Add.6 of 15 May 1995*

**84.** Under the Marriage Act, No. 31 of 1993, the age at which persons are free to marry in Iceland is 18. The Ministry of Justice may grant younger persons permission to marry. When marriage takes place, both spouses become legally competent, even if they have not reached the age of 18.

#### **Minimum age for criminal responsibility**

*From CRC/C/11/Add.6 of 15 May 1995*

**369.** Regarding the capacity of young persons to face criminal charges, the age of 15 is an absolute condition for a person to be considered capable of facing a criminal charge. The Penal Code contains some special considerations regarding the issue of charges and the determination of punishment in cases involving young persons aged 15-21. [...]

## **INDIA**

**Source: CRC/C/93/Add.5, 16 July 2003; CRC/C/28/Add. 10, 7 July 1997**

#### **School-leaving age**

*From CRC/C/93/Add.5 of 16 July 2003*

**201.** [...] the minimum compulsory age of education is 14 years. [...]

**743.** The proposed 83rd Constitutional Amendment Bill, 1997, guarantees the right to free and compulsory education for children from 6–14 years of age. It also makes it a fundamental duty of parents/guardians to provide opportunities for education to children in this age group.

**1172.** Directive Principles of State Policy indicate that the Government must take measures to achieve the goal of free and compulsory education for children under the age of 14 years.

*From CRC/C/28/Add. 10 of 7 July 1997*

**65.** Provision of free and compulsory education: Article 45 of the Constitution states that the State shall endeavour to provide, within a period of 10 years from the commencement of the Constitution, for free and compulsory education for all children till they reach the age of 14 years.

**221.** The National Policy on Education (NPE), 1986 and the Programme of Action (POA), 1992 have perceived education as fundamental to all-round development of children and stipulates free and compulsory education of satisfactory quality to all children up to 14 years of age before the turn of the century.

#### **Minimum age of employment**

*From CRC/C/93/Add.5 of 16 July 2003*

**201.** [...] The various laws relating to labour prohibit a person under the age of 14 years to work. [...]

**1171.** If the provisions on child labour in international conventions such as the ILO standards and the CRC are compared with Indian standards, it can be said that the Indian Constitution articulates higher standards in some respects. The Constitution of India specifies that a child has a right not to be used in “forced” or “bonded” labour. The Constitution also specifies in its chapter on Fundamental Rights that ‘no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous work’. [...]

**1174.** The policy of the Government is to ban employment of children below the age of 14 years in factories, mines and hazardous employment and to regulate the working conditions of children in other employment.

**1180.** The Government recently amended the Central Civil Services (Conduct) rules to prohibit the employment of children. According to this, no Government employee shall employ any child below the age of 14 years.

*From CRC/C/28/Add. 10 of 7 July 1997*

**65.** In accordance with the Constitution, no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment (article 23).

Labour Law Apprentice Act, 1961: A person is qualified to be engaged as an apprentice only if he is not less than 14 years of age, and satisfies such standards of education and physical fitness as may be prescribed.

Factories Act, 1948: A child below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorized medical doctor. A child between 14 and 18 years of age cannot be employed for more than four and a half hours.

Mines Amendment Act: No person below 18 years of age shall be allowed to work in any mine or part thereof.

The Child Labour (Prohibition and Regulation) Act, 1966: Child means a person who has not completed his fourteenth year of age.

#### Minimum age for marriage

From CRC/C/93/Add.5 of 16 July 2003

201. [...] The age of capacity to contract a marriage is 18 years for a girl and 21 years for a boy, for all communities. The Child Marriage Restraint Act, 1929, defines a child as a person who, if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age. Under Section 5 of this Act whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment up to three months and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage. This uniform legislation is an effort to discourage child marriages under personal laws.

From CRC/C/28/Add. 10 of 7 July 1997

65. Family Law Child Marriage Restraint Act, 1926: Child means a person who if a male has not reached 21 years of age and, if a female, has not reached 18 years of age.

#### Minimum age for criminal responsibility

From CRC/C/93/Add.5 of 16 July 2003

**Table 2.1: Minimum legal age defined by national legislation**

<i>Age (years)</i>		
	<i>Boys</i>	<i>Girls</i>
<i>End of compulsory education*</i>	14	14
<i>Marriage*</i>	21	18
<i>Admission to employment or work, including hazardous work, part-time and full-time work*</i>		
• Child Labour (Prohibition and Regulation) Act, 1986	14	14
• Mines Act, 1952	18	18
• Merchant Shipping Act, 1958	14	14
• Motor Transport Workers Act, 1961	14	14
• Apprentices Act, 1961	14	14
• Bidi and Cigar Workers Act, 1966	14	14
• Plantation Labour Act, 1951	14	14
• Factories Act, 1948	14	14
<i>Criminal responsibility*</i>	12	
	(Section 83 of the Indian Penal Code, according to which, nothing is an offence which is done by a child above seven years of age and under 12 years, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion. It may be noted that children below the age of seven years are deemed to be incapable of criminal offence as per section 82 of the Indian Penal Code)	

Source: \*NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child Development, Government of India (GOI)

*From CRC/C/28/Add. 10 of 7 July 1997*

**65.** Criminal Law Indian Penal Code: Nothing is an offence which is done by a child under the age of seven years. The age of criminal responsibility is raised to 12 years if the child is found to have not attained the ability of understanding the nature and consequences of his act.

## **INDONESIA**

**Source: CRC/C/65/Add.23, 7 July 2003**

### **School-leaving age**

**50.** In general, definition of the child in national legislation follows the standard set forth in the Child Welfare Act (1979); that is, a person under the age of 18. Definition of the child is also set forth in several other pieces of national legislation, as follows:

- Universal education: no age-limit is determined, but universal education applies to the nine years of elementary education (National Act on Education System, 1989);

**318.** First, it should be noted that the concept of compulsory elementary education currently in effect in Indonesia is not identical to compulsory education as implemented in developed countries. The compulsory elementary education programme in Indonesia is more closely equated with universal education, that is opening up learning opportunities by encouraging parents to send their children to school once they reach school age.

**319.** In this sense, the concept of universal education in Indonesia was introduced prior to 1994, and is effective for the six years of elementary education. Education, however, is not free.

**328.** On measures taken to make elementary education compulsory and free of charge for all children, the following can be reported.

**329.** Since 1994, via Presidential Instruction No. 1 of 1994, universal education has been extended from six years of elementary education to nine years, including elementary school and junior secondary school. The minimum age of entry to elementary school is 6 years.

### **Minimum age of employment**

**50.** [...] Definition of the child is also set forth in several other pieces of national legislation, as follows:

- Admission to employment: 15 years; admission to employment in hazardous work: 18 years (Employment Act, 1995);

**545.** From a legislative perspective, in an effort to consolidate several existing laws aimed at protecting the child from economic exploitation and performing any work that is likely to be hazardous to or to interfere with the child's education or to be harmful to the child's health or physical, mental, moral or social development, the Government and the House of Representatives passed Act No. 25/1997 concerning Employment, under which companies are prohibited from employing children under the age of 15 (art. 95, para. 1), or they will be subject to a maximum penalty of two years in prison and a fine of Rp 200 million (art. 178, paras (a) and (b)).

Unfortunately, however, this Act contains two flaws, in articles 95, paragraph 2, and article 96, which provide exceptions that in practice nullify this protection. Because of these deficiencies, and for other reasons regarding the issue of employment, implementation of this Act was postponed (pursuant to Act No. 11/1998). Act No. 25/1997 is currently under review in order to rectify several deficiencies. Following an agreement of the Tripartite Plus Meeting in 1998, a Bill on Employee Protection and Guidance has been submitted to the Secretary of State.

**546.** Since Act No. 25/1997 is not in force, it is necessary to turn to Circular Letter of the Minister of Manpower No. SE-12/M/BW/1997 on Guidelines for the Management of Child Workers. The purpose of this Circular Letter is to provide guidelines for supervisors of child workers between the ages of 13 and 18. This quite detailed Circular Letter mentions 25 industries in which children are not allowed to work and establishes strict working hours (4 hours a day, 2 working hours with a 15-minute break plus 2 working hours), and work hours (children may not work overtime between 18.00 and 06.00). [...]

### **Minimum age for marriage**

**50.** [...] Definition of the child is also set forth in several other pieces of national legislation, as follows:

- Marriage: 16 years for women and 19 years for men, in both cases with the legal consent of the parents, up to the age of 21 (Marriage Act, 1974);

### **Minimum age for criminal responsibility**

**50.** In general, definition of the child in national legislation follows the standard set forth in the Child Welfare Act (1979); that is, a person under the age of 18. Definition of the child is also set forth in several other pieces of national legislation, as follows:

- Criminal responsibility: 8 years (Juvenile Court Act, 1997);

460. [...] One weakness is that the Criminal Code does not establish the age of criminal responsibility for more serious crimes.

472. In addition, with the coming into force of the Juvenile Court Act, the concept of statutory crime is applied in a more general sense for all crimes perpetrated by children, although this act comes under much criticism for setting the age of criminal responsibility too low at eight years. A child under the age of 8 is free from all criminal responsibility (art. 5, paras. 1-3). Under this act a child is defined as a person under the age of 18 years who has never been married. However, procedure for court hearings involving children is applicable for persons up to the age of 21 (art. 4, paras. 1 and 2).

## **IRAN (Islamic Republic of)**

**Source: CRC/C/41/Add. 5, 23 July 1998**

### **School-leaving age**

4(d). According to laws and regulations, education of Iranian children and adolescents is compulsory and no one can deprive them from education (article 1 of the Act on Providing Means and Possibility of Education for Iranian Children and Adolescents, 1974). Compulsory education begins at the age of 6;

130. The education system of the Islamic Republic of Iran is divided as follow: primary school (five years), orientation or guidance school (three years) and secondary school (four years). In 1992 the new system of secondary education, consisting of three years replaced the previous system. After the completion of three years of secondary education, students go through one year of pre-university courses. The primary school takes five years to finish and children six years of age enter this phase. In accordance with specific rules and criteria they can remain in the primary level up to age 15 at the most. Schools are open six days a week and primary education in Iran is compulsory and free.

### **Minimum age of employment**

4(a). According to article 79 of the Labour Act persons under the age of 15 are forbidden to be employed. Regarding agricultural work, although this kind of work is considered to be lighter than other work and is usually done as part of family work, the Law on Agricultural Work sets the minimum age at 12 years. (These age limits are in conformity with ILO standards.) [...]

189. In Iran there are special provisions in the Labour Code for the protection of children. The minimum age for employment, according to article 79 of the Labour Code, is 15 full years. Sanctions are envisaged in the law for employers who hire children under 15 years of age (article 176 of the Labour Code).

### **Minimum age for marriage**

2. According to fiqh (religious jurisprudence) and the law a child or minor is a male or female offspring that has not attained maturity. Maturity is a natural and instinctive matter. One of the signs of attaining maturity is age. In fiqh and the law a person who has not reached the age of majority is called a minor. A minor cannot dispose of his/her property. Iranian law does not offer any definition of a child and only the age of maturity is defined. According to the provisions of article 1210 of the Civil Code, the age of maturity for male children is full 15 lunar years. The legislator in Iran has stipulated that a person has to prove his/her maturity before being able to exercise his legal rights. If two conditions, that is, physical growth and mental development, are combined in an individual then it could be said that the age of minority has ended.

3. According to the Civil Code, a mature person has the right to dispose and possess his/her property. Therefore, according to the provisions of the law, in legal actions by the child in relation to transactions or other affairs that require rational decisions, the maturity of the person needs to be proven. Since in accordance with the Civil Code marriage before age of maturity is forbidden (art. 1041) and the age of maturity, determined by law, is not compatible with the realities of the society, some jurists have proposed revision of the Civil Code provisions relating to the age of maturity.

### **Minimum age for criminal responsibility**

4(c). In accordance with article 49 of the Islamic Penalties Act passed in 1982, "children shall be free from criminal responsibility and the responsibility for correction, education and disciplining is given to the guardian, and if necessary the court will instruct a correction house to carry out this task".

## IRAQ

Source: CRC/C/41/Add. 3, 9 December 1996

### School-leaving age

101. The principal national legal texts in force in regard to education are as follows:

(b) Article 1 of the Compulsory Education Act No. 118 of 1976 stipulates that: "Education at the primary level shall be free and compulsory for all children who have reached the age of six years at the beginning of the academic year".

### Minimum age of employment

120. Articles 90 to 97 of the Labour Act No. 71 of 1987 regulate the employment of young persons, as can be seen from the following:

(a) Article 90 prohibits the employment of juveniles under 18 years of age in types of work that cause contagious occupational diseases or exposure to hazardous toxic substances, as well as work which, due to its nature or the manner and circumstances in which it is performed, poses a threat to the lives, morality or health of the persons engaged therein, and work that is performed on board ship by stokers and assistant stokers;

(b) Article 91 sets the minimum age for the employment of children at 15 years for daytime work that is neither strenuous nor harmful. It permits the employment of juveniles over 17 years of age in types of day, night and overtime work other than those specified in article 90 above.

### Minimum age for marriage

Information unavailable

### Minimum age for criminal responsibility

134. Under article 66 of the above-mentioned Code, a person who, at the time of his commission of an offence, was over 17 but under 18 years of age is designated as a "juvenile". If he was under 15 years of age he is designated as a "preadolescent" and, if he was over 15 but under 18 years of age, he is designated as an "adolescent". In this way, articles 67 to 78 of the Code prescribe penalties for juveniles, preadolescents and adolescents, in the event of their commission of a contravention or an offence, in a manner appropriate to their age and the stage of their mental development.

## IRELAND

Source: CRC/C/11/Add. 12, 17 June 1996

### School-leaving age

69. The School Attendance Act, 1926 and its amendments require children to attend school between the ages of 6 and 15 years. A review of the School Attendance Act which will, in particular, raise the minimum school-leaving age to 16 years in line with the provisions of the White Paper on Education is currently under way.

### Minimum age of employment

70. The employment of children under the school-leaving age is generally prohibited. An exception is made where he/she is a full-time student at an institute of secondary education and is participating in a work experience course or other similar educational course arranged or approved by the Minister for Education. However, a child of 14 years but under the school leaving age of 15 years, may be permitted to do light, non-industrial, work during the school holidays. Where a 14-year-old child is employed in these limited circumstances it is only permitted on work which is not harmful to health or normal development and does not interfere with the child's schooling. Before employing a child aged 14 to 15 years, the employer must obtain written permission from the child's parent or guardian. The Protection of Young Persons (Employment) Bill, 1996, proposes to raise the legal full-time working age from 15 to 16.

### Minimum age for marriage

73. The current minimum age for marriage is 16 years. The High Court may grant exemption from this requirement. Under section 1 of the Marriages Act, 1972 a marriage involving a party under 16 years which had not received the requisite court approval would be void. Those under 21 years who wish to marry are, with certain exceptions, legally obliged to obtain the consent of parents or, where appropriate, guardians. The Family Law Act, 1995, increases the minimum age of marriage to 18 years and removes any requirement for parental consent. It also provides for a minimum period of notice of marriage of three months. There is provision for exemption by court order of the notice requirement to meet situations where the inflexible application of the requirement would be unfair.

### **Minimum age for criminal responsibility**

**76.** There is a conclusive presumption in Irish law that a child under 7 years is incapable of committing an offence. There is a rebuttable presumption that a child between 7 and 14 years is incapable of committing an offence, i.e. it must be proved not only that the child committed the offence but that he or she knew that it was wrong. These ages are being reviewed in the context of the examination of the juvenile justice system currently taking place.

## **ISRAEL**

**Source: CRC/C/8/Add. 44, 27 February 2002**

### **School-leaving age**

**156.** According to section 1 of the Compulsory Education Law 1949, education is compulsory for children and youth up to age 15 inclusive. As a rule, secondary education over the age of 16, although not compulsory, is provided free until age 18, and education for people with special needs (as defined in the Special Education Law 1977) is provided free until age 21. Under the Apprenticeship Law 1953, being an apprentice is also thought to constitute compulsory education (as defined by section 2A(a) of the Compulsory Education Law 1949). Youth who do not attend an education framework that is under the surveillance of the Ministry of Education thus still have the right to a basket of services under section 6 of the Compulsory Education Law 1949 (see Chapter IX).

### **Minimum age of employment**

**157.** [...] Section 2 of the Youth Employment Law 1953 generally forbids the employment of children who have not yet reached the age of 15 or who are subject to compulsory education under the Compulsory Education Law 1949. [...] In effect, it is usually permissible to employ a minor from the age of 16.

**158.** Under section 2 of the Youth Employment Law 1953 it is permissible to employ a child who has reached the age of 15 and who works as an apprentice under the Apprenticeship Law 1953; a child age 15 who has completed his compulsory education; and a child age 14 whose employment has been approved by the Minister of Labor and who has been excused from compulsory education. Employers of youths of compulsory school age are required to release them to attend school, without debiting their salary, during school days and hours. Failure to fulfill this obligation is a criminal offense (under section 4(c) of the Compulsory Education Law 1949). Children who have not yet reached the age of 14 may work during official school vacations in light jobs that do not endanger their health or development (section 2A of the Youth Employment Law 1953). Under section 4 of the Youth Employment Law 1953, the Minister of Labor and Social Affairs may permit the employment of children under the age of 15 in artistic productions or advertising photographs, for a limited time. [...]

### **Minimum age for marriage**

**160.** The Marriage Age Law 1950 stipulates that the minimum age of marriage, for men and women, is 17. According to section 2 of the law, it is a criminal offense to marry a young man or woman who has not reached the age of 17, or to assist in conducting the marriage of such young men and women. The young man or woman does not commit an offense under the law if he or she marries prior to reaching age 17, unless his or her partner has also not reached the age of 17.

**161.** According to section 5 of the law, Family Court is authorized to permit the marriage of a young woman if she has conceived or given birth to a child by the man whom she wishes to marry, and may permit the marriage of a young man if the woman whom he wishes to marry has conceived or given birth to his child. Under certain circumstances, the court may permit the marriage if the young man or woman have reached the age of 16. Circumstances that invoke the court's leniency are the desire of the youths and their parents for the marriage, ethnic customs, economic considerations, and extensive preparations for marriage (see Civil Appeal 50/81 *Attorney General v. Anonymous Defendant*, P.D. 35(4) 430; Civil Appeal 690/77 *Hanifam v. State of Israel*, P.D. 42(1) 531).

**162.** According to Jewish religious law (*halacha*), which in Israel confers validity on the marriage of Jews conducted within its borders, it is possible to marry a girl of any age, but the girl herself may decide to marry only when she has reached the age of 12 and a half. A Jewish boy may be married from the age of 13, and he himself may decide to marry at this age.

According to Moslem law (*shari'a*), a father may promise his daughter in marriage from the age of nine, but a girl may decide to marry only when she has reached the age of 17. A Moslem boy may be married from the age of 12, and he himself may decide to marry from the age of 18.

According to the Christian law practiced in Israel, a boy may marry from the age of 16 and a girl from the age of 14. Under all of the religious laws reviewed, the age of marriage of girls is younger than that of boys. In any case, as noted, the criminal sanction against the marriage of children is stipulated in a Knesset law, which also sets a

uniform marriage age for boys and girls of all religions. In reality, the marriage rate of young men and women in Israel is very low.

#### **Minimum age for criminal responsibility**

**165.** Section 34F of the Penal Law 1977 stipulates that “an individual is not criminally liable for an act he committed before reaching the age of 12 years”. Nevertheless, delinquent acts of children under age 12 may be cause for initiating tortious proceedings under the Youth (Care and Supervision) Law 1960. Minors who have not reached the age of 13 will be prosecuted only in consultation with a probation officer (see section 12 of the Youth (Trial, Punishment and Modes of Treatment) Law 1971).

## **ITALY**

**Source: CRC/C/70/Add.13, 12 July 2002**

#### **School-leaving age**

**93.** In order to acquire certain rights - and responding to some specific queries posed in the guidelines - the Italian regulations fix the following age limits:

(c) End of compulsory education: Elementary education, carried out for at least eight years, is compulsory (article 34 of the Constitution). Given that school begins at 6 years, education is now compulsory until the age of 14 years. However, the length of compulsory schooling, beginning from the school year 1999/2000 will be raised from 8 to 10 years (art. 1, para. 1, Law No. 9 of 20 January 1999) and therefore it will continue normally until 16 years of age. [...]

#### **Minimum age of employment**

**93.** In order to acquire certain rights - and responding to some specific queries posed in the guidelines - the Italian regulations fix the following age limits:

(d) Entry into employment or work including hazardous work, part-time work, full-time work and apprenticeship: The minimum ages for admission to work are established by Law No. 977 of 17 October 1967:

- At 14 years in agriculture and in work for the family, or in light, non-industrial work, provided that it is compatible with the needs of child health protection and does not involve transgression of compulsory schooling;
- At 15 years in the ordinary way, and for apprentices;
- At 16 years for itinerant occupations;
- At 16 years for males and at 18 years for females for hazardous, laborious or unhealthy jobs, also for cleaning and servicing of engines and transmission parts of working machines;
- At 18 years for underground work in quarries, mines, bogs and tunnels, and lifting weights and transport of goods on wheelbarrows and on two-wheeled hand-carts, when such work is carried out in conditions of special discomfort and danger, for open-cast mining in quarries, mines and bogs, for work loading and unloading sulphur ovens, for work in cinematographic halls and in the preparation of theatrical performances, in the manoeuvring and towing of mine carts, and in the retail supply of alcoholic drinks.

Article 6, Law No. 196/1997 amends the law relating to apprenticeship which concerns: [...]

- The minimum and maximum age limits fixed for entering into an apprenticeship contract (16 years and 24 years);

#### **Minimum age for marriage**

**93.** In order to acquire certain rights - and responding to some specific queries posed in the guidelines - the Italian regulations fix the following age limits:

e) Marriage: Minors cannot contract marriage, but, where psychological and physical maturity has been ascertained and given serious motives, the Juvenile Court may allow the marriage of those - either boys or girls - who have reached the age of 16 years (art. 84, Civil Code);

#### **Minimum age for criminal responsibility**

**93.** In order to acquire certain rights - and responding to some specific queries posed in the guidelines - the Italian regulations fix the following age limits:

(i) Criminal responsibility: The minor is not legally responsible for crimes committed up to the age of 14, presuming that until that age, for whatever crime, he or she is not sufficiently capable of forming the necessary criminal intent (art. 97, Criminal Code). Between the ages of 14 and 18 years each case must be decided individually as to whether the minor, at the time of committing the crime, had the capacity of understanding or the intention and therefore whether he or she was legally criminally responsible for his or her actions (art. 98, Criminal Code). [...]

(j) [...] Precautionary measures or detention can be applied commencing from the age of 14 years. With regard to children under the age of 14 who commit serious crimes or who are considered to be effectively dangerous, the security measure of placing them in a judicial reformatory can be applied (art. 224, Criminal Code) without a minimum age limit. [...]

**552.** Reformatories run by the Ministry of Justice have not existed for many years (since 1977). The services of the Ministry of Justice, as mentioned earlier, can only become involved in criminal cases, and therefore only handle cases involving children who have reached the age of 14. Exceptionally, they can become involved in the cases of younger children, when the court considers a child to be a danger to society and orders, as a security measure, that the child be placed in a judicial reformatory. This measure is only provided for in relation to very grave crimes (e.g. murder). Until 1988, custodial sentences involving placement in a judicial reformatory were carried out in institutions run by the Ministry of Justice. This procedure was amended by Decree of President of the Republic No. 448 of 1988, and young offenders are now placed in a community setting.

**567.** Approximately 10,000 juveniles accused of crimes are under 14 years of age, which means they are not liable to charges and cannot be judged or sentenced because they have not yet reached the age of criminal responsibility. The only applicable sanctions are civil measures that are non-custodial and do not limit their freedom. Any action is the responsibility of the local social services. [...]

## **JAMAICA**

**Source: CRC/C/70/Add.15, 12 February 2003; CRC/C/8/Add.12, 17 March 1994**

### **School-leaving age**

*From CRC/C/70/Add.15 of 12 February 2003*

**56.** [...] the age of completion of compulsory schooling is 14 years. [...]

### **Minimum age of employment**

*From CRC/C/70/Add.15 of 12 February 2003*

**56.** The minimum age of employment is 12 years and the age of completion of compulsory schooling is 14 years. Specific proposals to correct this anomaly are included in the legislative review which is now in progress.

**282.** Section 72 of the Juveniles Act, which is currently in force, provides that:

No juvenile shall be employed:

(a) if under the age of 15 years, in any industrial undertaking; or in or upon any ship, other than a ship where only members of his family are employed; or

(b) if under the age of 16 years in any night work.

**284.** These provisions are intended to protect the child from any work that is likely to be harmful to his or her health or physical, mental, spiritual, moral or social development.

*From CRC/C/8/Add.12 of 17 March 1994*

**20.** The legal age at which a child may undertake part-time or full-time employment is not clearly defined. Section 71 (1) of the Juveniles Act provides that no child under the age of 12 years shall be employed. [...]

**21.** To summarize these provisions:

(a) The minimum age for the employment of a child is 12 years;

(b) The minimum age for the employment of a juvenile in any industrial undertaking or on a ship is 15 years;

(c) The minimum age for the employment of a juvenile in night work or hazardous employment (e.g. feeding of a mill) is 16 years;

(d) The law is silent as to whether all such employment should be part-time or full-time.

### **Minimum age for marriage**

*From CRC/C/8/Add.12 of 17 March 1994*

**23.** A person may enter into a marriage legally at 16 years of age with the consent of a parent or guardian except in the case of a widow or widower or at 18 years of age without the consent of any other person. Section 3 (2) of the Marriage Act states that:

"A marriage solemnized between persons either of whom is under the age of 16 years is null and void."

[...]

### **Minimum age for criminal responsibility**

*From CRC/C/70/Add.15 of 12 February 2003*

**255.** [...] Children are presumed not to have the capacity to infringe the penal law before the age of 12 years, which is described as the age of criminal responsibility.

## **JAPAN**

Source: CRC/C/104/Add.2, 24 July 2003; CRC/C/41/Add. 1, 5 August 1996

### **School-leaving age**

*From CRC/C/104/Add.2 of 24 July 2003*

80. Concerning the minimum age required to leave compulsory education, see paragraph 39 of the initial report.

*From CRC/C/41/Add.1 of 5 August 1996*

39. Compulsory education starts from the beginning of the school year that is the first to begin on or after the day following the child's attaining 6 years of age and finishes at the end of the school year during which he/she attains 15 years of age. [...]

### **Minimum age of employment**

*From CRC/C/104/Add.2 of 24 July 2003*

81. With respect to a person under 18 years of age, the Labour Standards Law forbids night work in principle, and sets restrictions on working hours and work on holidays, as well as on employment in dangerous and harmful jobs. In addition, the same Law provides that children, for whom 31 March (end of the school year) has not passed since they reached the age of 15, shall not be employed. In exceptional cases, however, and with the permission of the administrative office, children above 13 years of age may be employed in occupations in non-industrial enterprises and perform light labour which is not harmful to the health and welfare of children. Children under 13 years of age may be exceptionally employed in motion picture production and theatrical performance enterprises, also with the permission of the administrative office. These provisions also apply to part-time employment.

*From CRC/C/41/Add.1 of 5 August 1996*

42. With respect to persons under 18 full years of age, provisions of the Labour Standards Law restrict working hours and work on rest days, prohibit late-night work in principle and regulate dangerous and hazardous work. The Labour Standards Law also prohibits the employment of children under 15 full years of age. As an exception, however, with permission of the administrative office, children attaining 12 full years of age may be employed in occupations in non-manufacturing enterprises involving light labour which is not injurious to the health and welfare of children, and children under 12 full years of age may be employed in enterprises for motion picture productions and theatrical performances. Provisions of the Labour Standards Law are also applicable to the employment of part-time workers.

### **Minimum age for marriage**

*From CRC/C/104/Add.2 of 24 July 2003*

82. As concerns marriage, see paragraph 38 of the initial report.

*From CRC/C/41/Add.1 of 5 August 1996*

38. Under the provisions of the Civil Code, a man may not marry until reaching 18 years of age, nor a woman until reaching 16 years of age. A person under 20 years of age must obtain the consent both of his/her father and mother in order to marry. [...]

### **Minimum age for criminal responsibility**

*From CRC/C/104/Add.2 of 24 July 2003*

395. [...] the Japanese Penal Code provides that those under 14 years of age are not criminally liable but are sent, in principle, to Facilities for Development of Self-Sustaining Capacity or a children's home under the Child Welfare Law.

*From CRC/C/41/Add.1 of 5 August 1996*

41. The Penal Code of Japan provides that an act of a person under 14 years of age is not punishable. [...]

## **JORDAN**

Source: CRC/C/70/Add. 4, 17 September 1999; CRC/C/8/Add. 4, 26 November 1993

### **School-leaving age**

*From CRC/C/70/Add. 4 of 17 September 1999*

91. With regard to the right of the child to education, article 10 of the Education Act No. 3 of 1994, stipulates that:

- (a) Basic education shall be compulsory and shall be provided free of charge at government schools;
- (b) Pupils shall be admitted to the first year of basic education if they will have reached the age of six by the end of December of the academic year in which they are admitted;
- (c) Pupils shall not leave school before reaching the age of 17 (the stage of basic education having been extended to the end of the tenth grade).

### **Minimum age of employment**

*From CRC/C/70/Add. 4 of 17 September 1999*

**139.** The phenomenon of child labour is fairly limited in the Kingdom. Jordan recently ratified International Labour Convention No. 138 which calls for the imposition of a minimum age for employment. In fact, Jordanian legislation prohibited child labour long ago and, in order to protect young persons from exploitation, their terms and conditions of employment were clearly regulated in the Jordanian Labour Act No. 8 of 1996, which banned the employment of children under 16 years of age, as compared with the old Labour Act No. 21 of 1960 which set the minimum age for employment at 13.

**141.** Article 73 of the Act stipulates that: "It is not permissible, under any circumstances, to employ a young person under 16 years of age in any manner whatsoever". Article 74 further stipulates that: "It is not permissible to employ a young person under 17 years of age in occupations that are hazardous, strenuous or detrimental to health". These occupations are specified in ordinances issued by the Minister after consultation with the official authorities concerned. For example, the Minister of Labour issued an ordinance in 1997 concerning occupations that are hazardous, strenuous or detrimental to health and in which it is prohibited to employ young persons under 17 years of age.

### **Minimum age for marriage**

*From CRC/C/70/Add. 4 of 17 September 1999*

**173.** The issues not addressed in this report and which the Committee on the Rights of the Child designated as principal subjects of concern in section D of its concluding observations (CRC/C/15/Add.21) adopted following its consideration of Jordan's report for 1993 at its 143rd, 144th and 145th meetings, held in April 1994, are listed in sequence below:

Paragraph 10: The Government, in collaboration with private bodies, is currently making preparations for the promulgation of a Children's Rights Act combining all the legislation on the protection, development and advancement of children. This new bill of law, which is currently under study at the Legislative Department of the Office of the Prime Minister, calls for a modification of the minimum age for marriage.

*From CRC/C/8/Add. 4 of 26 November 1993*

**1.** In Jordanian legislation, a child is defined as follows:

(d) Article 5 of the Personal Status Act No. 61 of 1976 stipulates that eligibility for marriage is conditional on both parties being of sound mind. The groom must be at least 16 and the bride at least 15 years of age.

### **Minimum age for criminal responsibility**

*From CRC/C/70/Add. 4 of 17 September 1999*

**155.** The above-mentioned Juveniles Act applies to delinquent children. Special courts have been established to hear juvenile cases, the proceedings of which are subject to various conditions and restrictions such as the requirement that such cases be heard in an expeditious manner. The Act also specifies the judicial measures that can be taken against juveniles. For example, article 18 stipulates as follows:

"1. Criminal proceedings shall not be instituted in respect of an offence committed by a person under seven years of age."

## **KAZAKHSTAN**

**Source: CRC/C/41/Add.13, 24 September 2002**

### **School-leaving age**

**56.** The concept of a maximum age for ceasing compulsory secondary education does not exist. General secondary education (forms 11 and 12) is compulsory (Education Act).

### **Minimum age of employment**

**343.** On 1 January 2000 the new Labour Act entered into force. Like earlier legislation, it sets out specific guarantees and provides for measures to protect minors. Specifically, individual labour contracts may be concluded with persons who have reached the age of 16. At the same time, it is permitted to conclude individual labour contracts with persons who have reached the age of 15 or 14, but with the consent of their parents or guardians. This consent must be recorded in writing, and the work must be accomplished during spare time from studying, must not be harmful to health and must not disrupt the learning process. The law also bans the engagement of persons who have not reached the age of 18 for heavy physical work and work involving unhealthy or dangerous working conditions, and imposes various other restrictions. Workers aged between 14 and 16 may not work for more than 24 hours per week, and those aged between 16 and 18 are limited to 36 hours per week.

**Minimum age for marriage**

**58.** The minimum age of marriage for men and women is set at 18. If valid grounds exist, the civil registration authorities in the place where the marriage is to be registered may lower this age by up to two years (Marriage and the Family Act, art. 10).

**Minimum age for criminal responsibility**

**61.** The minimum age for criminal prosecution is 16, or 14 in the case of offences representing a serious danger to society, as listed in the legislation (Criminal Code, art. 15)...

**315.** All persons who have reached the age of 16 at the time any type of offence is committed bear overall criminal responsibility for the offence. For specific types of offence - murder, premeditated serious harm to a person's health, premeditated harm of medium gravity to a person's health with aggravating circumstances, rape, acts of violence of a sexual nature, kidnapping, theft, robbery, assault with intent to rob, extortion, unlawful seizure of a car or other means of transport without intent to hijack and with aggravating circumstances, premeditated destruction of or damage to property with aggravating circumstances, hostage-taking, knowingly providing false information concerning an act of terrorism, acquisition of weapons, munitions, explosives or explosive devices by theft or extortion, hooliganism with aggravating circumstances, vandalism, acquisition of narcotic or psychotropic substances by theft or extortion, violation of corpses or their places of burial with aggravating circumstances, or putting means of transport or communication routes out of commission in a premeditated manner - the age of criminal responsibility is 14.

**KENYA**

Source: CRC/C/3/Add. 62, 16 February 2001

**School-leaving age**

Information unavailable

**Minimum age of employment**

**94.** Under the Employment Act (Cap. 226, Laws of Kenya), the minimum age for employment in an industrial undertaking is 16. This restriction does not apply to employees who belong to the same family as the employer – unless the undertaking is dangerous to the life, health or morals of the persons employed. A child under the age of 16 may also be allowed to undertake industrial work if he/she is an apprentice under the Industrial Training Act (Cap. 237, Laws of Kenya). There is no legal minimum working age in the agricultural and services sectors, and for domestic work. Kenya ratified ILO Convention No. 138 on Minimum Age for Admission to Employment in 1979. That convention specifies 15 years as the minimum age for employment. The provision is linked to the number of years required for the completion of compulsory education. [...] 18 [...] is the minimum age required for a person to enter into a legal contract. Under the Trade Unions Act (Cap. 233, Laws of Kenya), children below 16 may not participate or be represented in trade unions.

**Minimum age for marriage**

**93.** For purposes of marriage, several statutes are applicable. The Marriage Act (Cap. 150, Laws of Kenya) sets the minimum age of marriage for girls at 16 years, and 18 years for boys. In both cases, parental consent is required. This applies also to marriage under the Hindu Marriage and Divorce Act (Cap. 157, Laws of Kenya). In Islamic law, a person is free to marry on attainment of puberty. Under customary law, some communities deem a person ready for marriage after he/she undergoes the relevant initiation rites or after puberty.

**Minimum age for criminal responsibility**

**485.** Capacity to commit a crime commences at the age of 8 years. Between the ages of 8 years and 12 years, a child can be held liable for an offence if it is proved that he or she was aware of the offence. Furthermore, a child below the age of 12 years is presumed to be incapable of committing a sexual offence.

## KUWAIT

Source: CRC/C/8/Add. 35, 9 December 1996

### School-leaving age

**163.** [...] Article 40 of the Constitution guarantees the right to education, which is compulsory and free of charge at the primary stage. In fact, article 40 stipulates that: "All Kuwaitis have a right to education, which is guaranteed by the State in accordance with the law and within the limits of public order and morality. By law, primary education shall be compulsory and free and a plan to eliminate illiteracy shall be promulgated. The State shall show particular concern for the physical, moral and intellectual development of young persons".

**170.** The stages of education in Kuwait are defined as follows:

(b) The primary stage at which students are enrolled from the age of six for a period of four years. Kuwait attaches the highest importance to this stage which constitutes the broad base of the education system and, consequently, is constantly being expanded. It should be noted that education is compulsory at the primary and intermediate stages;

(c) The intermediate stage, at which students are enrolled for a period of four years after the primary stage. It completes the period of compulsory studies and great care is therefore taken to prepare its academic curricula and organize its schools in a proper manner consistent with the importance of this stage of education.

### Minimum age of employment

**233.** Article 18 of the [Private Sector Employment] Act prohibits the employment of persons of either sex under 14 years of age in order to ensure that such young persons receive an appropriate amount of education.

**234.** Article 19 of the same Act makes the employment of persons from 14 to 18 years of age subject to the following conditions:

(a) They must obtain a permit from the Ministry of Social Affairs and Labour;

(b) They must undergo a medical examination before taking up employment and at periodic intervals thereafter;

(c) They must not be employed in the industries or occupations which the Ministry of Social Affairs and Labour has designated as hazardous or detrimental to health.

### Minimum age for marriage

**12.** [...] Article 26 of the same Act [Personal Status Act No. 51 of 1984] prohibits the notarization or certification of a contract of marriage for a young girl under 15 years of age or a young man under 17 years of age at the time of notarization.

### Minimum age for criminal responsibility

**22 (b).** The Kuwaiti Penal Code (Act No. 16 of 1960). The Kuwaiti Penal Code contains some provisions concerning the protection of children, as well as provisions concerning juveniles, such as article 18 which stipulates that: "Any one who, at the time of committing an offence, was under 7 years of age shall not be liable to criminal prosecution."

## KYRGYZSTAN

Source: CRC/C/41/Add. 6, 20 December 1999

### School-leaving age

**44.** As a rule, schooling begins not later than the age of 7, depending on the wishes of the parents or their legal representatives. Only general education at the primary level was considered compulsory. However, on 17 June 1997 the Legislative Assembly of the Zhogorku Kenesh adopted amendments and additions to the existing Education Act which establish general secondary (complete) education as compulsory and free.

### Minimum age of employment

**259.** The labour legislation of the Kyrgyz Republic guarantees each child the right to protection from economic exploitation and from having to do any work that is likely to be hazardous, to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development. The Labour Code of the Kyrgyz Republic establishes a minimum age for employment and mandatory requirements as regards the length of the work day and the working conditions for minors, their rights in the area of labour relations and their pay. The hiring of persons under the age of 15 is not permitted and persons under the age of 18 may not be employed to do heavy labour or to work under harmful or dangerous conditions.

### **Minimum age for marriage**

49. Article 18 of the Marriage and Family Code prohibits marriage before the age of 18. In exceptional cases, at the separate request of both partners, the age at which the woman may marry can be lowered, but not by more than one year.

### **Minimum age for criminal responsibility**

53. Under the Penal Code of the Kyrgyz Republic, no one can be held criminally responsible before he or she has reached the age of 14. The presumption of innocence and the protection of the rights of the child when he or she incurs criminal liability are governed by the provisions of the Code of Criminal Procedure and the Penal Code which, when a minor is the subject of investigation, provides for the participation of defence counsel from the time of detention. At all stages of a criminal proceeding against a minor the parents or those *in loco parentis* have the right to be present, unless their presence is contrary to the interests of the minor.

## **LAO People's Democratic Republic** Source: CRC/C/8/Add. 32, 24 January 1996

### **School-leaving age**

49. [...] Since 1975, the Lao PDR has set a goal for universal primary education for children from 6 to 10 years old. The Government undertook the reform of the education system in 1986, setting up a National Plan of Action in 1990 for the long-term goal of education for all up to the year 2000. This involves an upgrading in the quality of basic education and the introduction of compulsory education for children up to the age of 16.

96 (b). Article 19, Part III of the Constitution states that "... primary education should be compulsory. [...]"

98. The education system in the Lao PDR consists of general education provided in five years of primary school, and three years each of lower and upper secondary education.

### **Minimum age of employment**

168. Article 37 of the Lao Labour Law provides for the employment of children under 18 years of age. Employers may engage children under 18 but no less than 15 years of age, but the work hours shall not exceed 6 hours per day or 36 hours per week. It is forbidden to use child labour in sectors involving heavy work or health hazards such as mining, chemical and animal hide manufacturing, urban sanitation or funeral cremation, any work involving nuclear radiation, any work involving hazardous fumes or gases, any work involving handling dangerous materials, such as explosives, any work in boreholes, tunnels or under water, work with permanently vibrating machines. In March 1993, the Minister of Labour and Social Welfare issued a notice to the boards of directors and managers of companies and factories for the strict implementation of the Labour Law in the management and use of labour in all economic sectors.

### **Minimum age for marriage**

45. Article 9 states the minimum age for marriage (18 years under normal conditions, between 15 and 18 years in special cases, and in no case less than 15 years).

### **Minimum age for criminal responsibility**

43. The Penal Code defines children as all those under 18 years of age, and further subdivides this group into two: those aged 1–15 and 16–18. In the case of the former group, the child is absolved of penal responsibility, which is assumed by the family concerned and in the latter case, special provisions are delineated.

161. In general, the objective of penal prosecution is to educate the offenders to abide strictly by the laws and prevent further offences, (art. 25, Penal Code). Children under 15 years of age at the time an offence is committed will not assume any penal responsibilities (art. 17, Penal Code).

## **LATVIA**

Source: CRC/C/11/Add. 22, 22 March 2000

### **School-leaving age**

38. The Constitutional Law "The rights and Obligations of a Citizen and Person" provides that everyone has the right to education. The State provides primary compulsory education free of charge, and ensures further schooling according to the abilities of the child. It is the responsibility of the parents or legal guardian to ensure that the child receives an education in accordance with his/her abilities. Education is compulsory for children until the attainment of 15 years of age or graduation from a primary school. Primary education includes grades 1–8 and secondary education includes grades 9–12.

**Minimum age of employment**

39. The Labour Code regulates employment in Latvia. The Code states that children under the age of 15 may not be employed in a full-time position. With the consent of a parent or guardian and following a medical examination, children from the age of 13 can be employed part-time. Employment must be outside of school hours and under conditions that are not harmful to the safety, health or development of young persons. Persons under the age of 18 may not be employed during night hours and public holidays. They are entitled to payment not lower than the established minimum and to one month of paid annual holidays.

**Minimum age for marriage**

41. the Civil Law states that a person must be 18 years of age to contract marriage. A minor between the ages of 16 and 18 may contract marriage only with the consent of the parents and authorities provided that the marriage is contracted with a person who has attained majority.

**Minimum age for criminal responsibility**

44. The Criminal Code states that criminal liability is applicable to persons who have attained 16 years of age. An exception exists if a heavy and serious offence has been committed – then criminal liability is possible from the age of 14.

**LEBANON**

Source: CRC/C/70/Add. 8, 26 September 2000

**School-leaving age**

93. In regard to compulsory education, Act No. 686, which was promulgated on 16 March 1998, includes an article amending a previous provision. The new provision now reads as follows:

“Education shall be free and compulsory in the initial primary stage and is a right of every Lebanese person of primary school age. The conditions for such free compulsory education shall be determined by a decree adopted by the Council of Ministers, as shall its regulation.”

94. As this provision is clearly new, no regulatory decrees have yet been promulgated. It is nevertheless a first step in the right direction. The prescribed age for the primary stage ends at 11 years in accordance with the system now in force and will be increased to 12 years under the new structure. Practical steps for the progressive application of this new structure began in the academic year 1998/99. [...]

**Minimum age of employment**

90. In regard to the definition of the child and the minimum age for admission to the employment market, the Labour Act makes a distinction between two stages in the case of minors. In the first stage, a child may not be employed at all. In accordance with the most recent amendment of the Labour Act, this stage continues to the age of 13 years. In the second stage, consisting of the 14–17 age group, children may be employed under special conditions relating to matters such as working hours and conditions, type of work and so on.

**Minimum age for marriage**

81. In regard to the conditions for marriage, puberty or the age at which men and women acquire the physiological capacity for reproduction is regarded as an essential condition. The actual age of puberty, however, cannot be determined in advance, as it varies in accordance with individual characteristics. Most legislative acts therefore deliberately specify a technical age for puberty which is higher than the actual age. The authorities are then permitted to licence marriage before that age in exceptional cases. The age at which marriage may be licensed is determined by a number of considerations, including physiological capacity and the general social customs and traditions of the two spouses and their families, including their educational attainment.

82. On this subject, the position adopted in the personal status laws of the different confessional groups can be summarized as follows:

**Age of puberty and age at which marriage may be licensed in accordance with the laws of the different confessional groups**

Confessional group	Specified age of puberty		Age at which marriage may be licensed		Licensing authority	Articles in the law of the confessional group
	Male	Female	Male	Female		
Sunni	18	17	17	9	Judge	4, 5, 6
Shiite	True puberty	True puberty	15	9	Judge	7,8
Druze	18	17	16	15	Judge of the confessional group or shaykh	1, 2, 3
Catholic groups	16	14	14	12	The Patriarch	57, 62
Greek Orthodox	18	18	17	15	Head of the diocese	5, 18
East Syrian Orthodox	18	14	-	-	-	4
Evangelical	18	16	True puberty	True Puberty	Religious court	22, 2
Jewish	18	12,5	13	12,5 unspecified	Guardianship or consent of the father and agreement of the girl's mother or a sister if she is an orphan	43, 33, 46

**83.** In all the personal status laws, mutual consent is deemed to be an essential condition for the validity of a marriage. This condition, however, is subject to two restrictions, particularly in the case of young girls. The first is a pragmatic social restriction, as a significant proportion of marriages are still contracted in accordance with the traditional method whereby no real substance is given to the opinion of the girl or even to that of the young man in some cases, since the responsibility for arranging the marriage and creating an atmosphere conducive to its conclusion is assumed by the family. The second restriction is that the family must consent to the marriage of a minor. In this connection, there are various levels, which can be summarized as follows:

- A cleric who marries a minor (under 18 years of age) without the agreement of his guardian is committing a crime punishable under article 483 of the Penal Code;
- Family consent is desirable in all cases, whatever the age of the marriage suitor, although this does not imply that parents have the right to force their children into marriage;
- Family consent is generally required until the age of legal majority is attained, or, in the case of the Greek Orthodox church, until the age of 21;
- In most of the laws, the marriage of a minor requires permission from the competent cleric and the guardian, although in the event of the latter's arbitrary exercise of his right, the cleric may dispense with requirement for his consent (in accordance with the Sunna);
- In the Greek Orthodox sect, the consent of the family dispenses with the need for the consent of the minor in the marriage contract;
- In general, some distinction is made between males and females in regard to the requirement for consent and the minimum age of marriage;
- The guardian may give a minor in marriage without his or her consent (Greek Orthodox and Shiite).

**Minimum age for criminal responsibility**

**76.** Under the Penal Code, the age of majority is 18 years. On attaining that age, any perpetrator of a crime is fully responsible for his actions and benefits from none of the special protective treatment afforded to minors. In regard to the assumption of criminal responsibility, however, the Penal Code clearly makes a fine distinction between four stages (which also correspond to four standards of measures for the protection and care of children/minors). The distinction consists in the penalties imposed on minors and in those imposed on perpetrators of crime. These stages are as shown in the following table:

### Stages of criminal responsibility and protection in accordance with the Lebanese Penal Code

Age	Criminal responsibility	Penalties for this age group	Penalties for those offending against a member of this age
0–6 years	None	No measures imposed	Severe penalties
7–11 years	Criminal responsibility	Protection measures or arrangements may be imposed	Less severe penalties than the previous stage
12–14 years	Greater criminal responsibility	Protection measures, arrangements, reform measures or disciplinary measures may be imposed, regardless of the type of crime	Less severe penalties than the previous stage
15–17 years	Greater criminal responsibility	Reduced penalties, including imprisonment away from adults	Less severe penalties than the previous stage

**528.** A child has no legal responsibility before he has attained seven years of age, which is the minimum age of criminal responsibility.

## LESOTHO

Source: CRC/C/11/Add. 20, 20 July 1998

### School-leaving age

Information unavailable

### Minimum age of employment

**34.** The 1993 Constitution of Lesotho in Section 32, subsection (b), provides that children and young persons are protected from economic and social exploitation. Subsection (c) states that the employment of children and young persons in work harmful to their morals or health or dangerous to life or likely to hamper their normal development is punishable by law.

**35.** For purposes of employment, the Labour Code Order No 118 of 1992 defines a child as anyone under the age of 15 years. This Act is commonly seen as applying only to industrial work. In Lesotho persons under 15 years of age are regularly engaged in labour via cattle herding and domestic work.

### Minimum age for marriage

**27.** The Age of Majority Ordinance stipulates the age of majority as 21 years. Any person who has therefore attained the age of 21 can freely contract and enter into marriage without seeking prior parental consent. Any person under 21 is considered a child and a minor requiring parental consent in order to enter into a valid civil marriage or a valid contract. [...]

**28.** In common law upon marriage at 18 years, subject to parental consent, a male child attains majority, whereas a female child, even upon marriage at a similar age, remains a minor with the perpetual status of a child under the guardianship and marital power of the husband, if married in community of property. This legal position extends to all females married under Lesotho customary law.

D. Marriage of minors: the Marriage Act No. 10 of 1974

**29.** Section 25, subsection 1, specifies the position of the law in respect to the marriage of minors. The section specifies that no marriage officer shall solemnize a marriage between parties, one or both of whom are minors, unless the consent of the party or parties legally required for the purpose of contracting the marriage has been granted and furnished to him in writing. For purposes of this section a minor does not include a person who is under the age of 21 years and who has previously contracted a valid marriage which has been dissolved by death or divorce.

**30.** Subsection 2 of the same section provides that consent in respect of marriage of a minor shall be given by the parents or guardian of the minor. Such consent shall be furnished in writing to the marriage officer. In circumstances where the parents of the minor disagree, section 25 (2) (i) provides that the consent of the father shall be sufficient, while section 25 (2) (ii) provides that where a minor is illegitimate, the consent of the mother or other lawful guardian is required. For all intents and purposes a minor in this respect shall be considered as anyone 18 years and below.

**31.** Section 27 of the Marriage Act specifies persons under certain ages who are prohibited from marrying. It provides that no boy under the age of 18 years shall be capable of contracting a valid marriage, except with the written permission of the Minister. This may be granted in any particular case in which the Minister considers such marriage desirable. Such permission shall not relieve the parties to the proposed marriage from the obligation of complying with all other requirements prescribed by law. Such permission shall also not be necessary if, by reason of any such other requirement, the consent of a judge in the matter is necessary and has been granted.

32. If a boy under the age of 18 years and a girl under the age of 16 years contract a marriage without the written permission of the Minister in terms of the Act or a prior law, the Minister may, if he considers the marriage desirable, and providing such a marriage was in every other respect solemnized in accordance with the provisions of this Act, or as the case may be, any prior law, and there was no other lawful impediment thereto, direct in writing that it shall, for all intents and purposes be a valid marriage. Section 27 (3) provides that if the Minister directs that a marriage referred to in subsection (2) shall for all purposes be a valid marriage, he shall be deemed to have granted prior written permission to such marriage.

#### **Minimum age for criminal responsibility**

26. Roman-Dutch Law, which is the common law of Lesotho, defines a child for rebuttal criminal responsibility as a person between the ages of 7 and 14 years. If a child between the ages of 7 and 14 knowingly and intentionally commits a crime, understanding the consequences of the wrongful act, he or she can be held criminally responsible once sufficient evidence is adduced.

## **LIBERIA**

Source: CRC/C/28/Add.21, 22 September 2003

#### **School-leaving age**

193. In addition, the Government over the years has adopted policies and guidelines, including the Education Law created in 1912, which made primary education free and compulsory. The new Education Law of 3 June 1973 included provision for junior high school education. [...]

194. Section 3.1 of the Education Law states that: "Every parent, guardian or other persons having control of any child between the ages of six and sixteen years shall cause such child to attend a recognized public or private school regularly during the entire time the school is in session, provided such parents or guardians have the means to meet the minimum requirements of the school ... The law on completely free education at the elementary and junior high school levels shall be left dormant during the next five years."

#### **Minimum age of employment**

63. Other statutory definitions provided are:

- Working age: "The age of working under the labour law is not less than 16 years; work is defined as employment of services for fixed wages or salaries over a period or output"; [...]

241. The major work activity of children is petty trading, which is not traditionally considered as child labour in Liberia. These activities are considered as assistance to their parents, or guardians who are not financially able to maintain and support a family and educate the children.

242. However, activities of children who are considered "working children" may be classified as street trade and domestic work.

243. It is not a practice in Liberia for children to be employed and paid for services rendered. However, even though studies have shown that 23.9 per cent of children trade or work for parents as a part of the children's domestic duties, the Government does not see this as harmful, but considers it as a part of discipline to make the children thrifty, self-sufficient and responsible citizens.

#### **Minimum age for marriage**

63. Other statutory definitions provided are:

- Marriageable ages: the New Domestic Relations Law (chap. 2, sect. 2.2) states that, "Marriageable age for male is set at 21 and for females at 18 years. Under the Revised Administrative Law Governing the Hinterland, marriageable age is set at 15 years"; [...]

#### **Minimum age for criminal responsibility**

63. Other statutory definitions provided are:

- Age of criminal responsibility: the age of criminal responsibility under the New Penal Code, (chap. 4, sect. 4.1) is set at 16 years. Furthermore, under this law a person below 18 years is considered "a minor" and not a "child". The legal and general definition of the word "minor" relates to legal competence or prohibition against certain acts until a greater age is attained. The terminology, minor, cannot be synonymous to that of a child, as the law imputes reasoning to a minor rather than a child.

236. [...] The Penal Law, chapter 4.1, states that "a person is not criminally responsible for his behavior when he is less than sixteen years of age. In any prosecution for an offense, the lack of criminal responsibility by reason of immaturity is an affirmative defense. A person under sixteen years of age who commits an act, which would be an offense if committed, by a person over eighteen, shall be subject to provision of Juvenile Court Procedure".

**School-leaving age**

*From CRC/C/93/Add.1 of 19 September 2002*

**227.** The law makes provision for the basic education of children, establishing, as a first principle, that it is free and compulsory. According to article 1 of Act No. 95 of 1975: "Primary and intermediate education is compulsory for all children, boys and girls alike, in accordance with the terms set forth in the present Act."

Article 2 of the Act stipulates: "Compulsory school age begins at 6 years, calculated from the September closest to the student's sixth birthday."

**228.** The provisions of the said Act apply to children over the age of 6 and not yet 15 at the time of its entry into force. They also make it compulsory for a guardian to enroll his child of compulsory school age in primary school and to ensure his or her regular attendance therein up to the intermediate stage. According to article 12 of the Act, any guardian who fails in this duty is liable to a penalty of a fine and will be denied access to government aid, assistance and loans as well as banking loans. Furthermore, any license which he or she may hold will be revoked or will not be renewed.

*From CRC/C/28/Add. 6 of 26 September 1996*

**127 (a).** The education system consists of all components of the educational infrastructure;

(b) The education system comprises four levels of study: kindergarten, basic education, intermediate education and higher education;

(c) The basic level of education in the Libyan Arab Jamahiriya is compulsory for male and female children who have reached the age of school attendance; all levels of education are free of charge;

(d) The periods of schooling are as follows: kindergarten – two years; basic education – nine years; intermediate education – at least three years; higher education – between three and seven years.

**133.** Basic education. [...] All children who have reached the age of six are enrolled at this level, which runs for a period of nine years. [...]

**Minimum age of employment**

*From CRC/C/93/Add.1 of 19 September 2002*

**22.** Article 15 of the Child Protection Act No. 5 of 1997 prohibits the employment of children in any occupation except for purposes of education and vocational training and provided that it complies with the child's wishes. Article 92 of the Labour Act specifies 15 years as the age at which children may be employed and 18 years in the case of hazardous occupations, unless a permit for the employment of a child in certain industries and activities is issued by the competent authorities.

**23.** Article 93 of the Labour Act specifies 15 years as the age at which juveniles may engage in part-time employment. Only persons who are not juveniles, or who, in other words, have attained 18 years of age, may engage in full-time employment. [...]

*From CRC/C/28/Add. 6 of 26 September 1996*

**21.** The Libyan legislator provided for action to prosecute the exploitation of children under article 92 of Labour Act No. 58 of 1970, which stipulates: "It is prohibited to employ young people and to admit them to places of work if they are under 15 years of age. The competent authority shall issue directives specifying the terms and conditions under which young persons under 18 years of age may be employed in some industries and occupations and the industries in which it is prohibited to employ young persons under that age. The age of a young person shall be determined in the light of a birth certificate or any other official document, failing which it shall be assessed by a government physician."

**Minimum age for marriage**

*From CRC/C/93/Add.1 of 19 September 2002*

**24.** Article 6 of Act No. 10 of 1984 regulating marriage and divorce and their consequences specifies that a person becomes eligible for marriage on attaining 20 years of age and that the court may, with the consent of the guardian, authorize marriage before that age if it believes it to be advantageous or beneficial.

*From CRC/C/28/Add. 6 of 26 September 1996*

**38.** With regard to the statutory age of marriage, the Libyan Arab Jamahiriya has adopted the provision of United Nations General Assembly resolution 2018(XX) of 1 November 1965 concerning the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages which stipulates that the minimum age for marriage shall under no circumstances be less than 15 years.

### **Minimum age for criminal responsibility**

*From CRC/C/93/Add.1 of 19 September 2002*

**29.** A minor under 14 years of age is not criminally liable. A minor who is over 14 but under 18 years of age when he commits an offence and who is capable of discernment and of exercising willpower is held to be criminally liable. [...]

**30.** If a minor over 7 and under 14 years of age perpetrates an act which is regarded as an offence in law, he is not held criminally liable. Instead, the judge takes appropriate preventive measures in his regard in accordance with article 80 of the Penal Code. Custodial penalties are applicable to minors under 14 and over 18 years of age [?], although the term of the penalty is reduced by two thirds in accordance with article 81 of the Penal Code. If the minor is incapable of discernment, however, he is treated in the same way as a minor who is not criminally liable in that he is either committed for a period of less than one year to a juvenile education and guidance centre as a preventive measure or he is monitored by his family or by a social assistance institution which is in a position to perform such monitoring, in accordance with articles 150 and 151 of the Penal Code.

*From CRC/C/28/Add. 6 of 26 September 1996*

**42.** In the Penal Code, the Libyan Arab legislator has adopted the principle of gradual progression with respect to the criminal liability of young people. As a general principle, a child under 14 years of age is held not to be criminally responsible but it is left to the judge to take appropriate measures if the child had attained the age of 7 when the act deemed to be an offence in the eyes of the law was committed. Article 80 of the Penal Code holds a young person criminally liable who was over 14 but under 18 years of age when he committed an offence and who was endowed with the capacity of discernment and of exercising willpower. [...]

**43.** It follows from the above-mentioned provisions that no action can be taken against a child under seven years of age. If criminal proceedings are brought against him, the court (i.e. the juvenile magistrate) is obliged to acquit him on grounds of absence of accountability.

## **LIECHTENSTEIN**

**Source: CRC/C/61/Add. 1, 2 August 1999**

### **School-leaving age**

**56.** Under the terms of the Education Act (LGBL 1972 No. 7), general compulsory schooling begins between the sixth and seventh birthday and lasts nine years, while in exceptional cases earlier school attendance may also be authorized. The Education Act prescribes five years of primary school and four years of secondary school. In special cases the School Board can, on the unanimous application of the parents, the class teacher, the school doctor and the school psychologist, release the child from attending the ninth year of school.

### **Minimum age of employment**

**57.** Under the terms of Liechtenstein's Employment Act (LGBL 1967 No. 6), employees of both sexes until they attain the age of 19, and apprentices until they attain the age of 20, are regarded as adolescents. Before the age of 14, adolescents may not be employed. In the case of adolescents aged over 14 and not attending school, exceptions may be authorized subject to specific requirements. Under the terms of Ordinance I to Liechtenstein's Employment Act (LGBL 1968 No. 15), adolescents aged over 13 may be employed during school time for a maximum of nine hours a week as messengers or on light work.

**58.** Apart from the forms of employment prohibited for all adolescents (in particular employment which entails a substantial risk of fire, explosion, accident, illness or toxicity), the Ordinance in addition prohibits adolescents under the age of 16 from engaging in various forms of dangerous or burdensome employment. Moreover, for the purpose of protection of juveniles there are prohibitions on the employment of adolescents who have not attained the age of 16 in film production, circus and theatrical companies, and of adolescents who have not attained the age of 18 in serving customers in hotels, bars, restaurants and places of entertainment.

**243.** [...] Liechtenstein's Labour Act specifies the minimum age for admission to employment as the fifteenth birthday. For running errands and light work of short duration, exceptions are possible for adolescents aged over 13. The exceptions are subject to authorization. In individual cases, regular employment of adolescents who have left school can also be authorized, once they have attained their fourteenth birthday. To this end, a medical certificate is required stating that there is no impediment to the intended employment of the adolescent on grounds of illness, frailty or developmental defects. The Labour Act also contains special protective provisions for adolescent employees in industry and trade with respect to daily and weekly working hours and rest time, as well as overtime and work at night and on Sundays. Thus, adolescents may not be employed in overtime work until they have attained their sixteenth birthday. Adolescents may not be employed at night and on Sundays. Exceptions may be authorized in the interests of occupational vocational education.

### **Minimum age for marriage**

**60.** Liechtenstein's Marriage Age (LGBl. 1974 No. 20) establishes the legal age of marriage. In order to contract marriage, the bridegroom must have attained the age of 20 and the bride the age of 18. In exceptional cases, the courts can, however, with the permission of the legal guardian, declare a bride or bridegroom ready for marriage. If the legal guardian refuses permission without valid reason, the court can grant it at the request of one of the couple.

**61.** In order to eliminate the unequal treatment of women and men with respect to the legal age of marriage, the Government has submitted to the Landtag an application for revision of the Marriage Act.

### **Minimum age for criminal responsibility**

**231.** In Liechtenstein, persons under the age of 14 are not competent to stand trial, and may not be held accountable before the criminal courts for their actions. Criminal offences by persons who have reached the age of 14 but not yet the age of 18 fall under the provisions of the Juvenile Court Act. Persons who have attained the age of 18 but not yet the age of 20 are regarded under civil law as minors, but are nevertheless competent to stand trial. Under the terms of the Penal Code, their minority is taken into account as a special mitigating circumstance.

## **LITHUANIA**

**Source: CRC/C/11/Add. 21, 24 November 1998**

### **School-leaving age**

**23.** In Lithuania, very often the notions of "children of pre-school age (1–6 years of age) and "children of school age" are used. Article 41 of the Constitution of the Republic of Lithuania established compulsory education for persons under the age of 16. The same is established in article 21 of the Law on Education and Resolution No. 889 of 4 August 1997 of the Government of the Republic of Lithuania "On the Procedure of Registration of Children of School Age under the Age of 16".

### **Minimum age of employment**

**28.** Article 4 of the Law on Employment Contract of the Republic of Lithuania, singles out minors below 14 years of age, minors from 14 to 16 years of age, and under-aged persons who are 16 years of age and older. Said law stipulates that permanent residents of Lithuania who are 16 years of age may be legally employed. Only those persons who have reached the age of 14 may be employed for the types of work listed in a special document. Under-aged persons from 14 to 16 years of age may be employed if that does not interfere with their school studies and only with a written consent submitted by school authorities, or one of the parents, or another person who is bringing up the child. Article 35 of the same law contains restrictions on the termination of an employment contract with pregnant women or women who have children below 3 years of age.

**29.** Sub-chapter 1, chapter 6, of the Law on Labour Protection of the Republic of Lithuania regulates the work of minors. In this law minors are considered to be persons from 14 to 18 years of age. Article 58 contains provisions similar to those of article 4 of the Law on Employment Contract; article 59 prohibits persons under 18 years of age performing hazardous work; article 60 provides for the rest time for persons under 16 years of age and persons from 16 to 18 years of age; article 61 prohibits persons under 18 years of age working at night, on days off, on holidays, and overtime; article 41 provides for shortened work hours for persons from 14 to 16 and from 16 and 18 years of age.

**252.** Employers must draw up and keep a list of employees under 18 and guarantee safe working conditions for them. This list must be made available to a labour inspector upon request. By resolution No. 1055 of 11 September 1996, the Government of the Republic of Lithuania approved conditions of work and employment procedures for minors from 13 to 14, from 14 to 16 and from 16 to 18 years of age, and a list of jobs that persons under 18 are not allowed to perform and the hazardous elements that these persons have to be protected from. The Government also approved a list of jobs that may be performed by minors from 13 to 14 years of age.

### **Minimum age for marriage**

Information unavailable

### **Minimum age for criminal responsibility**

**285.** Article 11 of the Criminal Code establishes that persons who were 16 years of age prior to committing a crime are subject to criminal responsibility. However, for some crimes persons are held liable from the age of 14. These are malicious actions which may cause a train accident, murder, malicious injury which had an adverse effect on health, rape, malicious hooliganism, possession of drugs, firearms, ammunition or explosives, theft, robbery, malicious destruction of or damage to property under aggravating circumstances. Criminal proceedings

may not be instituted or, if instituted, must be terminated against a person, who prior to the moment of committing an offence posing danger to the public, was below the age of 16 (in some cases 14).

## LUXEMBOURG

Source: CRC/C/41/Add. 2, 11 April 1997

### School-leaving age

**93.** The Schools Act of 12 August 1912 introduced compulsory schooling, requiring nine consecutive years' compulsory attendance from the start of primary education. For most children compulsory schooling ends at the age of 15.

### Minimum age of employment

**95.** It is forbidden to employ children under 15 years of age in work of any nature, except:

(a) Work in technical or vocational schools, provided that it is of an essentially educational nature, that its purpose is not commercial gain, that it is approved and controlled by the competent public authorities, and that the work is not harmful, prejudicial or hazardous for the child;

(b) Assistance rendered in the household by children who are members of the family, provided that the work is not harmful, prejudicial or hazardous for the child. Legitimate and legitimized children, adopted children, and children the beneficiary of whose services assumes lasting responsibility for them are considered members of the family;

(c) Participation by children in public events for artistic, scientific or educational purposes. On a request by the organizers of the event accompanied by a written authorization from the child's father, mother and guardian, an individual authorization may be issued by the Minister of National Education following an opinion of the Director of the Inspectorate of Labour and Mines. The event must not be detrimental to the children's health and morals or harmful to their education. The children must be at least six years old. The events may not take place after 11 p.m.

**96.** It is forbidden to employ young people under the age of 18 in work that:

(a) is not commensurate with the young person's degree of development;

(b) calls for disproportionate effort on the part of the young person;

(c) risks harming the young person's physical or mental health, whether by virtue of the products to be handled, of the type of work to be done, or of the ambient conditions in the place of work.

### Minimum age for marriage

**98.** Males under 18 years of age and females under 16 years of age are not permitted to enter into a marriage contract. In no circumstances may a minor marry without the consent of the parents or legal representative. In the event of a refusal by the legal representative(s), the circuit court may, at the request of the State Procurator, authorize the marriage if he considers the refusal unjustifiable.

### Minimum age for criminal responsibility

**717.** It must be pointed out first of all that for the moment Luxembourg's legislation contains no provisions consistent with article 40, paragraph 3 (b), of the Convention for dealing with children suspected or convicted of infringing the criminal law without recourse to judicial proceedings.

**718.** On the other hand, article 2 of the Protection of Young People Act of 10 August 1992 states that "a minor aged under 18 years at the time of the facts who is alleged to have committed a violation of the criminal law shall not be brought before a criminal court but before a juvenile court, which shall order with respect to the minor one of the measures of custody, protection or education specified in article 1". However, according to article 32 of this Act, "if the minor was aged at least 16 years at the time when he committed the offence, the Public Prosecutor's Office, if it considers a measure of custody, protection or education to be insufficient, request authorization from the juvenile court judge to follow the normal procedures in the ordinary courts. The juvenile court judge shall rule on the request by making an order, giving an explanation of his reasons but without ruling on the facts. The decision granting or denying such authorization shall be notified to the minor, his parents, guardian or other persons having custody of the minor...". An appeal against the decision may be submitted to the juvenile appeals court by the Public Prosecutor's Office, the minor, his parents, guardian or other persons having custody of him. The time limit for such appeals is 10 days (art. 34). A juvenile court may also decline to hear the case of a minor aged under 16 years which has been brought before it and remit the case to the Public Prosecutor's Office so that proceedings may be taken against the minor in accordance with the normal procedures in the ordinary courts, if the juvenile court considers the measures available to it to be insufficient (art. 32).

## MADAGASCAR

Source: CRC/C/70/Add.18, 25 March 2003

### School-leaving age

**244.** Ministerial Decree No. 3949/87 of 2 September 1987 deals only with the minimum age (6) and the maximum age (16) of admission to a State school providing basic education.

**936.** [...] article 23 recalls that “every child shall have the right to education and training under the responsibility of the parents and based on respect for their freedom of choice. Every adolescent shall be entitled to vocational training.”

**937.** According to articles 24 and 25, the State organizes public education which is free and accessible to all and recognizes the right to private education. Primary education is compulsory for all.

### Minimum age of employment

**1131.** The Labour Code governs workers whose labour contracts, of whatever kind, are enforceable in Madagascar. Accordingly, all employees, whatever their status or sector of activity, are subject to the provisions of the Code (art. 1). Minor children helping their fathers to work are not workers within the meaning of the Labour Code (art. 1, para. 4). The minimum age of employment is 14 years. Before that age children may not be employed in any enterprise, even as apprentices, without authorization by the labour inspector, who will take a decision on the basis of local conditions: the work must not endanger the health of children or their normal development (art. 100).

**1135.** Employment of women, and a fortiori children, in night work is prohibited, including in factories, plants, mines and quarries, yards, workshops and outbuildings. However, a derogation may be authorized by the Minister of Labour, following investigation by the competent labour inspector into conditions of employment.

### Minimum age for marriage

**219.** The age of marriage is 18. According to article 5 of Ordinance No. 62-089 of 1 October 1962, on marriage, “Minor, within the meaning of the present text, means a child below the age of 18.”

**223.** Nevertheless, in accordance with articles 101 et seq. of Act No. 63-022 of 20 November 1963 on filiation, adoption, rejection and guardianship, minors acquire full legal capacity on marriage.

**234.** One question that has been asked is how married children under 18 years of age are considered with respect to the age of majority, given the fact that boys may marry at 17 and girls at 14, or even earlier, provided that there are serious grounds and on dispensation from the president of the court situated in the place where the ceremony is to be held (Ordinance on marriage, art. 3).

**235.** Are such “children” protected under the Convention? The answer can be found in article 107 of the Act of 20 November 1963, which provides that full legal capacity (that is, majority) shall be granted to any minor on marriage. Under article 1 of the Convention, “a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”.

### Minimum age for criminal responsibility

**220.** According to article 4 of Ordinance No. 62-038 of 13 September 1962, on the protection of children, “The age of criminal liability is 18 [and] proof of minority shall be provided either through a court ruling on the date of birth or by physical examination, which may take the place of a birth certificate or a court ruling.”

**246.** Juvenile offenders have additional legal protection under Ordinance No. 62-038 of 19 September 1962.

According to articles 35 et seq. of this Ordinance:

- Minors under 13 years of age are exempt from all criminal liability and no criminal sentence may be passed on them (art. 35);
- In respect of a minor between 13 and 16 years of age, the juvenile court or the juvenile criminal court shall consider the question of criminal liability;
- If the minor is held to be criminally responsible, age shall automatically be an extenuating circumstance and the sentence passed on the child may not exceed half the penalty that would have been incurred had he or she attained the age of majority;
- If, on the other hand, the child is not held liable, the juvenile court or the juvenile criminal court shall order educational measures or the return of the child to his or her family (art. 36);
- In respect of a minor between 16 and 18 years of age, the provisions of article 36 shall apply; the juvenile court shall, however, have the authority to disregard age as an extenuating circumstance, in a special substantiated ruling.

**School-leaving age**

67. Section 25 of the Constitution grants every person the right to education and stipulates that primary education shall consist of at least five years. This provision which establishes education as a right, falls short of the requirement in section 13 (f) of the Constitution which requires primary education to be both compulsory and free. There is therefore no maximum age stipulated for compulsory education.

**Minimum age of employment**

61. The minimum age of employment for children is specified in the Employment of Women, Young Persons and Children Act. This Act distinguishes between a child and a young person. It describes a child as a person under the age of 12 years and prohibits employment of such child at night or in any public or private industrial undertaking. By implication the law permits employment of children below 12 years in other areas, like domestic work.

63. The law does not protect children of below the age of 12 years from regular employment. The emphasis is on protection from working at night and heavy tasks. There is therefore employment of young children in lighter work and in domestic work. The Act also allows employment of young children. [...]

333. The relevant statute on child labour is the Employment of Children and Young Persons Act. The Act restricts the employment of children and specifies the contractual conditions for the employment of children. The Act provides that there should be no written contracts for children under 12 years. It also provides that a child must not be employed to work at night and that neither a child nor a young person must be employed in heavy work. The Act defines a child as a person under 12 years of age and a young person as a person between 12 and 14 years.

334. There are three exceptions to these restrictions. The first is that a child or a young person may work as long as the employment contract is not in written form. The second is that work in a family business is allowed. The last is that children and young persons are allowed to work in agriculture. However, the illegal child labour in tea and tobacco estates has been of concern to trade unions and educationists. Further, Malawi, in 1999 ratified the International Convention on the Prohibition and Elimination of the Worst Forms of Child Labour. The Act is consequently under review, coordinated by the Ministry of Labour.

**Minimum age for marriage**

64. The Constitution, under section 22, provides that the minimum legal age for marriage is 18 years for all persons. The Constitution further requires that persons between the age of 15 and 18 years should only marry with the consent of parents or guardians.

65. The constitutional provision differs from the provisions of the 1903 Marriage Act, which governs statutory marriages. Section 19 of the Marriage Act stipulates that a person under 21 years is a minor and can only enter into marriage with the written consent of his parents or guardians.

66. In practice, it is common in the rural areas of Southern and Central Regions for girls of age 15 years and below to enter into marriage. This is mainly due to the cultural practices prevailing in these two regions. For example, during initiation rites girls as young as 10 years are prepared for possible marriages. It is difficult to stop this practice, partly because the law does not expressly prohibit marriages of children below 15 years old. The Constitution merely states that the State should discourage such marriages.

**Minimum age for criminal responsibility**

343. The age of criminal responsibility for the child in Malawi is seven years. The Penal Code stipulates that any person under this age cannot be criminally liable for any act or omission. Although this is the legal age of criminal responsibility, it is felt that it is too low and that there is need to put the age up to between 10 and 12 years. In practice, however, there is no record of a child of such a young age being taken to court. Further, the Law Commission has taken this issue up and is to look at this age.

## MALDIVES

Source: CRC/C/8/Add. 37, 24 July 1997; CRC/C/8/Add. 33, 5 August 1996

### School-leaving age

From CRC/C/8/Add.37 of 24 July 1997

**93.** The national education system is currently a mix of traditional institutions (Edhuruge's, Kiyavaage's, Makthab's and Madhurasas) and modern schools, although the former, traditional system is being slowly assimilated into the modern system. The primary education system is a five-year cycle which children enter at age 6. The sixth and seventh year is the Middle School and is part of the seven-year extended basic education, which defines the minimum educational attainment for all children by the year 2000.

**95.** Schooling is provided free in the government schools (although there are also private institutions) and, whilst it is not compulsory in law, children are encouraged to attend school until the age of 16, and more than 95 per cent of primary-school-aged children are enrolled in a school. [...]

### Minimum age of employment

From CRC/C/8/Add.37 of 24 July 1997

**27.** Legal minimum ages established for specific purposes include: The Law on the Protection of the Rights of the Child (Law No. 9/91) prohibits any child who is below 16 years being employed, for gain, at a place where persons are employed for gain.

### Minimum age for marriage

From CRC/C/8/Add.37 of 24 July 1997

**27.** Legal minimum ages established for specific purposes include:

There is an unwritten rule that marriage before the age of 15 should be prohibited and, under Law 9/91, section 21, parents are advised to discourage marriage before the age of 16. Early marriages continue to occur in Maldives, particularly in the outlying atolls.

### Minimum age for criminal responsibility

From CRC/C/8/Add.37 of 24 July 1997

**27.** Legal minimum ages established for specific purposes include:

Regarding criminal liability, Maldivian law regards a person over 15 years as criminally responsible. Children under 15 are not charged with offences, unless the offence is murder, use and trafficking of drugs, major theft and fornication or religious offences;

**103.** Presidential decree No. 67/90 directs government authorities not to charge persons under 15 years of age for offences, stating that "small children" (up to 15 years) will suffer from psychological problems if they are prosecuted, taken to court and punished. [...]

**104.** However there are exceptions, related to the commission of very serious crime, which in Maldivian law includes homicide, adultery, drug abuse and major theft. Every child, over the age of 7 years, who commits one of these offences is prosecuted and faces court proceedings and punishment. Presidential decree 67/90 instructs that such cases be closed appropriately by such authorities, by house arrest, so far as it is permitted by law.

**105.** Robbery, disloyalty and stealing also attract special attention, under Ministry of Justice Circular 4/88 (6.4.88), and children under 16 years of age face prosecution and punishment for these crimes. Punishment is dictated as house arrest for a period of not more than one year.

## MALI

Source: CRC/C/3/Add. 53, 8 September 1997

### School-leaving age

**142.** [...] the Constitution, [...] establishes the right to education, and Decree No. 314 [...] compulsory schooling for all Malian children [...]

### Minimum age of employment

**31.** Social legislation prohibits "employing women and children in work for which they are not strong enough, which involves danger or which, because of its nature and the conditions in which it is performed, may be contrary to moral standards". The enabling act contains detailed provisions on work prohibited to children and the age limits for employing a child for a particular task. The minimum age for employment is 14 years, but the enforcement of legislation in this regard is very difficult because of the country's economic situation: the informal sector hires young people for work which is not always authorized by law. There are also some apprenticeship traditions which involve the employment of children. This explains Mali's reservation to article 32 of the Convention.

**168.** National legislation includes article L.187 of the Labour Code, which stipulates the following: “Children cannot be employed in any enterprise, even as apprentices, before the age of 14, except under a written derogation issued by the Ministry of Labour on the basis of the local circumstances and the tasks which they might be asked to perform”. This article would be in conformity with article 32 of the Convention on the Rights of the Child if it included regulations governing work schedules and penalties. It is worth noting that efforts are being made by both State and community bodies to organize the informal sector, in which many children and young people work.

#### **Minimum age for marriage**

**28.** [...] The Marriage and Guardianship Code indirectly sets the age of majority at 21 years for boys and 18 years for girls. A boy may thus legally contract marriage in an independent way at age 21 and a girl, at age 18. “A boy who has not reached the age of 21 and a girl who has not reached the age of 18 may not contract marriage without the consent of their parents” (art. 11 of the Marriage and Guardianship Code).

**29.** However, the law allows a boy aged 18 years and a girl aged 15 years to marry with the consent of their parents. Article 4, paragraph 1, and article 11 of the Marriage and Guardianship Code read: “A boy who has not reached the age of 18 and a girl who has not reached the age of 15 may not contract marriage ...” and “A boy who has not reached the age of 21 and a girl who has not reached the age of 18 may not contract marriage without the consent of their parents”.

#### **Minimum age for criminal responsibility**

**164.** Act N. 87-98/ANRM of 9 February 1987 on the criminal responsibility of minors and the establishment of juvenile courts contains detailed rules governing the administration of criminal justice for minors, who are divided into two categories: (a) minors under 13 years of age, whom the law regards as having no criminal responsibility whatever; and (b) minors from 13 to 18 years of age, who may be regarded as criminally responsible if the court finds that they have understood the consequences of their acts.

## **MALTA**

**Source: CRC/C/3/Add. 56, 3 September 1998**

#### **School-leaving age**

**241.** By way of elaborating the principles on education mentioned in the Constitution, the Education Act of 1988 (Act XXIV) postulates at the very outset (arts. 1 and 4) that “It is the right of every citizen of the Republic of Malta to receive education and instruction without any distinction of age, sex, belief or economic means,” and “It is the right of every parent of a minor to give his decision with regard to any matter concerning the education which the minor is to receive.” Consequently the Act further provides that the State is bound to: (a) Provide education to all children between 5 and 16 years of age; / The period of compulsory education may by regulation be further extended for certain courses of training./

#### **Minimum age of employment**

**300.** Child labour is prohibited under both the Constitution and the Education Act (sect. 43). Young people between 16 years (which is the maximum age for compulsory school attendance) and 18 years of age are generally engaged on a contract of service or on an agreement of apprenticeship. At law the latter does not constitute a contract of service. A contract of service is one which binds a person to render labour to an employer in return for wages (Conditions of Employment (Regulations) Act (CERA) 1952, sect. 2). The minimum age for admission to employment is 16 years. [...]

**301.** Regulations on the Protection of Young Persons lay down that children under 15 cannot be employed, on contract or otherwise. The same applies to young persons of compulsory school age, unless such employment is covered by an exemption issued under the Education Act. Where young persons aged between 15 and 18 are employed, provided an exemption is granted, regulations require that these persons are to be properly trained for the work assigned, and that health and safety hazards be taken into account. Young persons cannot be employed at any time between 10 p.m. and 7 a.m. This does not apply in respect of approved training schemes or apprenticeships or educational, cultural or sports activities. The Regulations do not apply to hotels or catering establishments, provided the young worker is allowed not less than 12 consecutive hours' rest within any period of 24 hours, and not less than 2 days' rest each week, including a Sunday.

**Minimum age for marriage**

40. Children in Malta reach majority at the age of 18 years (section 157 of the Civil Code). It has been so since the Civil Code was first enacted. But there are cases where a child is vested with adult responsibility at an earlier age, namely:

(a) On contracting marriage at the age of not earlier than 16 (and when parental authority ceases in his/her regard);

**Minimum age for criminal responsibility**

294. Criminal proceedings against children under 9 years of age are not pursued. Children are exempt from criminal responsibility for any act or omission (Criminal Code, sect. 35). Children under 14 years of age are also exempt from criminal responsibility for any act or omission done without mischievous intent. The court may, however, bind over the parents to watch over the conduct of the child. If the offence is punishable with a fine, the court may order the parents to pay the fine (sect. 35). Children under the age of 14 but over the age of 9 who commit an offence with mischievous intent are punished with reprimand or a fine (sect. 36). If the offender is 14 but not yet 18 years of age the punishment applicable to the offence shall be diminished by one or two degrees (sect. 37). [...]

**MARSHALL ISLANDS**

Source: CRC/C/28/Add. 12, 18 November 1998

**School-leaving age**

11. Under the Education Act 1991, section 320, attendance at a public or nonpublic school is required of all children between the ages of 6 and 14, or until graduation from primary school (i.e. the eight grade). [...]

**Minimum age of employment**

12. Employment. Marshall Islands labour laws do not regulate the employment of children. Other than establishing a minimum wage of \$2.00 per hour, the labour laws only control and limit the use of nonresident (i.e. alien) workers. [...]

**Minimum age for marriage**

14. Under the Births, Deaths and Marriages Registration Act 1988, to contract a valid marriage the male must not be less than 18 years of age and the female not less than 16 years of age. Where the female is at least 16 years of age but less than 18 years of age, one of her parents or guardians must consent to her marriage. The different minimum marriage age for men and women reflects perceived differences in physiological and psychological development between males and females. However, as noted above, the law regarding the minimum age for marriage is often ignored.

**Minimum age for criminal responsibility**

19. Pursuant to the Criminal Code, section 107, children under the age of 10 years are conclusively presumed to be incapable of committing any crime; and children between the ages of 10 and 14 years are conclusively presumed to be incapable of committing any crime, except crimes of murder and rape. In murder and rape cases, the presumption is rebuttable.

**MAURITANIA**

Source: CRC/C/8/Add. 42, 10 January 2001

**School-leaving age**

227. As to its compulsory nature, Act No.75-023 of 20 January 1975 provides in article 3 that: "Subject to places being available, basic public education is compulsory."

**Minimum age of employment**

22. Article 1 of Book II, First Title, Chapter I, of the Labour Code sets the minimum age for admission to employment at 14 years. Below that age children may be admitted as employees or apprentices only with a waiver granted by an order of the Minister of Labour, on the advice of the National Labour Council and having regard for the local circumstances and the tasks that may be required of them.

### **Minimum age for marriage**

20. There is no legal minimum age for consent to marriage. The minimum age for marriage is the nubile age.

### **Minimum age for criminal responsibility**

25. Article 61 of the Mauritanian Criminal Code states that: "When the accused is under 16 years of age and it is determined that he acted without discernment, he shall be acquitted." In that case Mauritanian law provides for the juvenile to be handed over to his parents or to an honourable citizen who will care for him for the number of years specified in the judgement.

26. Article 61 of the Criminal Code sets forth the principle of an excuse on the ground of minority: if it is determined that the minor acted with discernment, the following penalties shall be imposed: "If he has incurred the penalty of a term of hard labour or imprisonment, he shall be sentenced to imprisonment for a period equal to at least a third and at most a half of the term to which he would otherwise have been liable under one of those penalties; If he has incurred a deprivation of civil rights, he shall be sentenced to a prison term of from one to five years."

27. The criminal law provides that a juvenile under the age of 16, with no accomplices over that age, who is charged with crimes other than those which the law punishes by the death penalty, hard labour for life or imprisonment, shall be tried by the correctional courts.

295. The Mauritanian Code of Criminal Procedure provides for uniform treatment of adult and juvenile delinquents. While it guarantees the fundamental principles of justice (rights of defence, presumption of innocence, equality), it makes no provision for special treatment for juveniles. [...]

296. The Government is also in the process of drawing up a criminal code and a code of criminal procedure specific to juveniles. These two draft codes, based on the Convention, are already well advanced.

## **MEXICO**

Source: CRC/C/65/Add.6, 17 August 1998; CRC/C/3/Add. 11, 10 February 1993

### **School-leaving age**

*From CRC/C/3/Add. 11 of 10 February 1993*

187. Section VI [of Article 3 of the Constitution] states that "Primary education shall be obligatory.", and section VII establishes that "All education imparted by the State shall be free." Furthermore, the National Agreement for the Modernization of Education stipulates that as from the 1992–1993 school year secondary education too shall be compulsory and free.

189. Thereinafter, Article 31, section I stresses that it is the duty of every Mexican "to compel his children or wards under fifteen years of age to attend either private or public schools, in order that they may receive basic primary education."

209. Primary education is a public service enshrined in the Constitution, which fosters a harmonious education in pupils between 6 and 14 years of age, through learning experiences enabling them to acquire the skills needed for their development in society. [...]

### **Minimum age of employment**

*From CRC/C/65/Add. 6 of 17 August 1998*

147. The Constitution of the United Mexican States and the Federal Labour Act constitute a legal framework which defines clearly the concept of labour relation and the circumstances and legal conditions under which children may work. They also define child workers as adolescents aged over 14 and under 18 who render their services on a personal basis for an employer.

148. Nobody is unaware of the necessity which induces children to venture into the informal market of the economy, in which there are no legal labour relations and the authorities are not competent to intervene.

149. The legal definition covers only minors who engage in formal work, and the labour legislation does not apply to minors who work independently or those who earn their living as street vendors, car washers, windscreen washers, etc., or to other minors not covered by the labour laws derived from article 123.A of the Constitution since they are not subject to a labour relation from the legal standpoint.

154. Section II of paragraph A of article 123 of the Constitution prohibits children under 16 from performing unhealthy or hazardous work, night work in industry, and any work after 10 p.m. Article 175 of the Federal Labour Act bans night work in industry both for children under 16 and for those under 18.

155. This article specifically prohibits children under 16 from performing the following work: work in premises supplying intoxicating liquors for immediate consumption; work which may affect their morals or good habits; work involving travel, except when authorized by the Labour Inspectorate; underground or submarine work;

hazardous or unhealthy work; work which is beyond their strength or may impede or retard their normal physical development; and work in non-industrial establishments after 10 p.m.

**156.** In accordance with this legislation, the Ministry has established the following requirements for authorizing children over 14 but under 16 to take a job:

- Completion of their secondary education when possible, except when their studies are incompatible with the work to be performed (FLA, art. 22);
- Written consent of their parents or legal representative for them to work;
- Satisfactory medical check to confirm their capacity to work.

**157.** Children aged over 16 but under 18 may offer their services freely; in this case the Federal Labour Inspectorate issues a certificate confirming their capacity to work and specifying the prohibition on their employment in night work in industry (FLA, art.2).

**158.** The types of work open to children fall into three categories:

- Work in the branches of industry and business activities under federal jurisdiction indicated in article 123, paragraph A, section XXXI, of the Constitution and article 527 of the Federal Labour Act;
- Formal work in an activity not covered by the preceding paragraph: work in warehouses, service enterprises, shops, etc., when the labour laws are enforced by the labour authorities of the federative entities; and
- Work performed on a personal and direct basis in the informal sector without any worker-employer relation. In this case the benefits and protective measures established by the Federal Labour Act do not apply.

#### **Minimum age for marriage**

*From CRC/C/3/Add. 11 of 10 February 1993*

**19.** They [minors] may marry at the age of 14 in the case of females and 16 in the case of males; however, the consent of the persons exercising parental authority is required. In the absence of such persons, the guardian – or, if there is no guardian, the Family Court of the minor's place of residence – will grant consent (article 148, 149 and 150 of the Civil Code)

#### **Minimum age for criminal responsibility**

*From CRC/C/65/Add. 6 of 17 August 1998*

**265.** Lastly, one vitally important factor affecting this group of children is the diversity of upper age limits with respect to both welfare and criminal issues. Since according to the Convention on the Rights of the Child a person is a minor up to the age of 18, as mentioned in the first section of this report, an attempt is currently being made to unify the limits in order to bring the legislation of the Federation and the states into line with each other, as in the case of children victims of crime, and establish a uniform minimum age of criminal responsibility for the whole country.

## **MICRONESIA (Federated States of)**

**Source: CRC/C/28/Add. 5, 17 June 1996**

#### **School-leaving age**

**52.** 40 FSMC (Federated States of Micronesia Code) § 104, Education, requires school attendance of all children between the ages of 6 and 14, or until graduation from elementary school by the eighth grade. It is a criminal offence for parents to permit their child's absence from school. All elementary education is provided free of charge.

#### **Minimum age of employment**

**324.** Currently, there are no laws in the FSM which address the issue of child labour.

**325.** In the FSM, the issue of child labour has not been a known problem. Child labour of an exploitative nature does not exist in the FSM. What does exist is that children are expected to perform daily chores around the home. These chores include cleaning in and around the house, working in the gardens, fishing, child care for younger relatives and other day-to-day domestic activities. Some children are also expected to help with the operations of small family owned businesses if their families have one.

**328.** Since there are no laws in the FSM that deal with child labour it is currently impossible for the Government to protect children in the FSM from being exploited as a labour source. It is, however, a crime to prevent a child under the age of 15 from attending school.

#### **Minimum age for marriage**

**47.** The minimum age of marriage is controlled by the individual states and generally requires the male to be 18 years of age and the female 16 years of age. If the female is less than 16 years old she must obtain the permission of one parent. Customary marriage is recognized.

### **Minimum age for criminal responsibility**

44. 12 FSMC § 1101 mandates that in all criminal cases involving child offenders under the age of 18, the courts shall adopt a flexible procedure for resolving such cases. An offender 16 years or older may, however, be treated in all respects as an adult if the physical and mental maturity so justifies. If detention is necessary, children are kept apart from adult offenders.

## **MONACO**

**Source: CRC/C/28/Add. 15, 4 July 2000**

### **School-leaving age**

22. Children must attend school from age 6 to age 16 inclusive (Act No. 826 of 14 August 1967). Primary and secondary education is free (Constitution, art. 27).

### **Minimum age of employment**

23. Children may enter employment as soon as they complete their compulsory schooling, i.e. from the age of 16. An exception is made for children working under the direct supervision of their mother or father in establishments employing family members only (Minimum Employment Age Act (No. 719) of 27 December 1961).

### **Minimum age for marriage**

30. Under article 117 of the Civil Code, men under the age of 18 and women under the age of 15 may not enter into marriage. Nevertheless, the Prince may grant exemption from this age requirement when compelling grounds exist.

31. The consent of both spouses is necessary for a marriage to take place (Civil Code, art. 116). Furthermore, the consent of either parent or, in some cases, of an ascendant, the Family Council or the guardianship judge, is required before a minor may enter into marriage (Civil Code, arts. 118–122).

### **Minimum age for criminal responsibility**

37. The age of criminal liability is 18 years. Thereafter, young persons may be tried and sentenced as adults. Children aged under 13 are not criminally liable, and hence cannot be convicted under criminal law. For minors aged between 13 and 18, the penalty for a serious indictable offence may not exceed 20 years' imprisonment. The penalty for a lesser indictable offence must be no more than half the sentence that would have been imposed on an adult over 18 (Criminal Code, art. 46).

## **MOROCCO**

**Source: CRC/C/93/Add.3, 12 February 2003**

### **School-leaving age**

162. [...] Other actions contemplated by the Government, especially in the field of basic education, include raising the compulsory schooling age to the age of 16.

456. The education policy is based on well-established legal and constitutional principles as follows:

- The right of everyone to education (art. 13 of the Constitution);
- The obligation of the State to provide education for every Moroccan child from age 7 to 13 (Royal Decree of November 1963 on Compulsory Education);
- Increasing the period of compulsory education to nine years (Education Reform Decrees of 1985);

### **Minimum age of employment**

160. [...] As pointed out in the initial report, the minimum age for employment is 12 [...]

161. The Government has taken the following measures to adapt the legal age to the requirements of the Convention:

(d) The minimum age for employment has been raised to 15, following the ratification by Morocco of ILO Convention No. 138;

615. On the legal level, it is noted that in addition to the laws governing labour relations addressed in the initial report, the legal age for employment of children has been raised in the Labour Code to 15 in line with provisions of ILO Convention No. 138, which was ratified by Morocco on 19 March 1999 and will enter into force on 6 January 2001. It may be pointed out that steps have been already taken to ratify ILO Convention No. 182 to combat the most serious forms of child labour.

**Minimum age for marriage**

168. Non-discrimination is the rule; any exception to the rule is specified in the law, and is meant to safeguard the best interests of the child. Examples are found in the difference in the mandated minimum age for marriage, which is 15 for females and 18 for males.

**Minimum age for criminal responsibility**

160. The Criminal Code defines a minor in terms of three age groups:

(a) A minor under the age of 12, who cannot be criminally liable because of immaturity, as stipulated in article 138 of the Penal Code;

(b) A minor between the ages of 12 and 16, whose liability is limited because of incomplete maturity and who can be subject only to protection or rehabilitation measures, as defined in article 516 of the Criminal Procedure Code, or to mitigated punishment as defined in article 517 therein;

(c) A delinquent person at or above the age of 16: the law allows for the treatment of a suspect between the ages of 16 and 18 as a minor if the judicial body so decides, with proper justification.

161. The Government has taken the following measures to adapt the legal age to the requirements of the Convention:

(a) According to a new draft Penal Code and a new Criminal Procedure Code, the age for legal criminal responsibility will be raised to 18; [...]

**MOZAMBIQUE**

Source: CRC/C/41/Add. 11, 14 May 2001

**School-leaving age**

60. Given the impact of the war and its destruction of the school network and the general structure of the country's education system, under the new education policies it has been decided that mandatory school attendance is an objective to be achieved gradually. The Council of Ministers shall determine the rate of implementation, in the light of the country's socio-economic development. Consequently, there is no rigid determination of ages for mandatory school attendance. It is however stipulated that the legal age for admission to basic primary education is six years. The State tries to encourage the registration of school-age children and their continuation throughout the seven classes that make up basic education.

**Minimum age of employment**

569. The right of Mozambican citizens to work, regardless of their sex, is based on the Constitution, in particular articles 88 and 51. As regards ordinary legislation, it is important to note the principles established in Law 8/98 of 20 July, the Labour Law. Article 79 of this law forbids employers from employing minors under 15 years of age, except in cases of derogation determined jointly by the Ministers of Labour, Health and Education, and with the authorization of their legal representatives. This legal provision allows minors aged between 12 and 15 to work under special conditions. Under the terms of the General Statute of Civil Servants (Decree No. 14/87), the minimum age for admission to the civil service is 18.

**Minimum age for marriage**

63. The marital age is 18, although boys aged 16 and girls aged 14 can be allowed to marry if they have the consent of their parents or guardian, or through "emancipation". The definition of the minimum age for marriage is affected by the traditional and religious environment that influences many marriages in the country. In general, marital age is related to the concepts of child and adult and marriage can thus take place at ages lower than those stipulated by law [...]

**Minimum age for criminal responsibility**

550. As regards criminal protection measures under ordinary legislation, of relevance are the principles established in the Penal Code, particularly the principle established in article 42, paragraph 1, according to which children under 16 years old are not criminally liable. This legal provision means that no person aged under 16 can be subjected to criminal liability, that is, the person may not be subject to penal measures depriving him/her of his/her liberty.

## MYANMAR

Source: CRC/C/8/Add. 9, 18 September 1995

### School-leaving age

98. Legal context:

(a) The State Law and Order Restoration Council enacted the Child Law (Law No. 9/93) on 14 July 1993. Section 20(a) of the Child Law states that every child shall: (a) have opportunities of acquiring education; (b) have the right to acquire free basic education (primary level) at schools opened by the State. Section 20(b) of the Child Law states that the Ministry of Education shall: (a) have an objective of implementing the system of free and compulsory primary education; (b) lay down and carry out measures as may be necessary for regular attendance at schools and the reduction of untimely drop-out rates; (c) make arrangements for literacy of children who are unable for various reasons to attend schools opened by the State;

101 (b). The 1973 Union of Myanmar Basic Education Law, chapter 5 (c) relating to the duties of the Basic Education Council, prescribes compulsory basic education of children at an appropriate time and up to a suitable stage of learning as one of its specific tasks.

### Minimum age of employment

43. Section 2 of the Oilfield (Labour and Welfare) Act provides that a child is a person below the age of 15, and a minor is defined as a person between the age of 15 and 18. Section 3 (1) of the Mines Act defines that a child is a person who has not completed his fifteenth year.

110 (b). Section 24 (a) of the Child Law states that every child has:

(i) The right to engage in work in accordance with law and of his own volition;

(ii) The right to employment, rest and leisure and other rights prescribed by law. Section 24 (b) states that the Ministry of Labour shall protect and safeguard in accordance with the law to ensure the safety of children employees at the place of work and prevention of any infringement or loss of their rights.

(c) Section 65 (a) of the Child law prohibits employing or permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child's moral character.

### Minimum age for marriage

Information unavailable

### Minimum age for criminal responsibility

45. Concerning the offences committed by a child, section 28 (a) of the Child Law states that a child under 7 years and under 12 years of age who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion is exempted from penal action.

## The NETHERLANDS

Source: CRC/C/117/Add.1, 5 June 2003; CRC/C/51/Add. 1, 24 July 1997

### School-leaving age

From CRC/C/117/Add.1 of 5 June 2003

198. Under the Compulsory Education Act, children must attend school full-time between their fifth and sixteenth birthdays (although they may attend as soon as they reach the age of 4, and 97 per cent in fact do so). They must continue to attend part time until their seventeenth birthday.[...]

From CRC/C/51/Add. 1 of 24 July 1997

258. Pupils aged 5 to 16 are obliged to attend school by law in the Netherlands. This obligation includes a duty to register at a school and to visit school regularly. The obligation is regulated in the Compulsory Education Act (*Leerplichtwet*) 1969. The full obligation starts on the first day of the month following that in which a child reaches the age of 5 and generally ends in the school year in which it attains the age of 16. Thereafter there is a partial attendance obligation: namely two days a week. Young people who have concluded an apprenticeship agreement are obliged to attend school one day a week. The partial attendance obligation lasts until the end of the school year in which the pupil reaches the age of 17.

### Minimum age of employment

From CRC/C/117/Add.1 of 5 June 2003

261. As announced in the Netherlands initial report, the Working Conditions Decree has now come into effect. The Netherlands also has a new Working Conditions Act. The Decree has fewer prescriptive and proscriptive provisions than the old regulations in the 1919 Factories Act or the Working Conditions Act. It does, however, contain an absolute ban on certain activities for children under 18, besides defining certain kinds of work that

16- and 17-year-olds can only do under expert supervision, and that cannot be done at all by children under 16 years of age.

*From CRC/C/51/Add. 1 of 24 July 1997*

**23.** Under the Civil Code a person aged 16 or over has been able to enter into an employment contract without the consent of his or her parents since 1 April 1997. However, a child is obliged by law to attend school until the age of 17. [...]

**358.** In general the forms of labour referred to in article 32 are prohibited in the Netherlands. Indeed, the basic principle of Dutch legislation is that child labour is prohibited. This is evident in section 3:2, subsection 1, of the Working Hours Act (*Arbeidstijdenwet*) (Act of 23 November 1995 containing provisions regulating work and rest periods). This section provides that the person responsible for a child should ensure that a child under the age of 16 does not perform work. The same Act makes a number of exceptions, which are discussed below. [...]

**360.** The Working Hours Act referred to above took the place of the Factories Act on 1 January 1996. This has brought about a slight relaxation of the rules. The prohibition of child labour is now regulated in section 3:2 of the Working Hours Act. This Act defines a “child” as a person under the age of 16 and defines work as including the activities of a child in performance of a contract. Exceptions to the prohibition of child labour exist. These are:

(a) Work not performed during school time:

(i) Work as part of an alternative sanction imposed by a judge on a child aged 12 or over;

(ii) Non-industrial work of a light nature performed by a child aged 13 or over;

(iii) Work consisting of the delivery of morning papers by a child aged 15 or over.

(b) Work of a light nature performed by a child aged 14 or over in so far as this work is performed in addition to or in connection with education.

**362.** Under section 3.3 of the Act, exemptions may be granted “in respect of the performance by a child of work consisting of participation in any show of a cultural, scientific, educational or artistic nature, in fashion shows or in audio, visual or audiovisual recordings and other comparable non-industrial work of a light nature”. [...] The policy rules distinguish between the age categories of under 7 years and 7–13 years. The distinction concerns:

(a) The different work and rest periods for the two age groups and the days on which children may take part in performances, the number of performances per unit of time and the conditions on which they may take part in performances;

(b) The “prior work” (i.e. the rehearsals);

(c) The conditions attached to the exemption.

#### **Minimum age for marriage**

*From CRC/C/51/Add. 1 of 24 July 1997*

**19.** The age at which a person can lawfully enter into a marriage is uniformly fixed at 18 for both men and women. This age requirement, which is the same as the age of legal capacity, does not apply if a man and a woman are both aged 16 or over and the woman lodges a doctor's statement that she is pregnant or if a child has already been born to the parties concerned. In this situation priority is given to the manifest wish of the prospective spouses to raise their child together. It is also possible to obtain a marriage licence at a younger age on “serious grounds”. In such cases the main consideration is whether the prospective spouses are actually capable of taking responsibility for raising the child.

#### **Minimum age for criminal responsibility**

*From CRC/C/117/Add.1 of 5 June 2003*

**245.** Children under 12 years of age who commit minor offences such as vandalism, theft, illegally setting off fireworks and rowdy behaviour may be given a brief corrective assignment. Parental consent is required. The aim is to provide a voluntary aid, free of obligations, to help parents and carers correct their child's behaviour. A “Stop” assignment is not a statutory sanction; this would be impossible, since children under 12 years of age cannot be prosecuted. The point of the assignment is to make it clear to the child, in an appropriate manner, that criminal behaviour is unacceptable. The assignment may consist of an interview, writing an essay, answering the questions on a form, or apologizing to the injured party. The assignment may on no account involve any kind of work. If a child is considered eligible for a “Stop” assignment, the police will suggest it to the parents, making it clear that participation is voluntary.

*From CRC/C/51/Add. 1 of 24 July 1997*

**25.** Young people who have not yet reached the age of 12 years when they commit an offence (i.e. a criminal offence) may not be prosecuted. This means that in appropriate circumstances a child may be arrested and asked by an investigating officer to give his or her name. The child may also be questioned and searched and his or her possessions may be confiscated. More far-reaching measures such as police custody and remand in custody are not possible. In such

cases the public prosecutor does not have a right of prosecution. If charges should be brought, the court is required to hold that the case is inadmissible.

## **NETHERLANDS ANTILLES**

Source: CRC/C/61/Add. 4, 4 October 2001

### **School-leaving age**

41. Compulsory education in the Netherlands Antilles ends at the age of 15. [...]

215. The National Ordinance on School Attendance applies to minors between 6 and 15 years old.

### **Minimum age of employment**

287. Child labour in the Netherlands Antilles is prohibited by law. Article 15 of the 1952 Labour Regulation (Arbeidsregeling) prohibits work done by children (i.e. children under the age of 14) in exchange for wages or payment or otherwise. There are some exceptions in which these children may work, for example: (a) In or for the benefit of the family in which the child is being raised; (b) In schools, work camps or approved schools, provided these activities are of an educational nature and are not in the first instance intended to generate a profit.

288. Moreover, article 16 of the 1952 Labour Regulation states that children who have reached the age of 12 and who have completed primary school may work, provided these activities are necessary for the acquisition of a trade or profession or if the nature of the activity requires it to be carried out by children. Also, these activities may not be physically or mentally demanding or dangerous.

289. In the Netherlands Antilles, juveniles between the ages of 14 and 18 are covered by certain prohibitions. They are not allowed to engage in night work (between 7 p.m. and 7 a.m.) or in work of a dangerous nature (art. 17, 1952 Labour Regulation). [...]

### **Minimum age for marriage**

45. The legal age for marriage for boys is 18 and for girls 15 (art. 78 BWNA). Under the NBWNA, it will be 18 for both sexes. This requirement does not apply if both are aged 16 or over and the woman can produce a doctor's certificate stating that she is pregnant or has already given birth to a child. Under the BWNA, legitimate minors may not marry without their parents permission; illegitimate minors may not marry without the permission of their natural parents (art. 84 BWNA). Article 91 of the BWNA states that until the age of 23, legitimate children must seek permission from their parents before marrying, provided the latter are competent to exercise parental authority at the time of the marriage.

### **Minimum age for criminal responsibility**

49. Young people who have not yet reached the age of 12 when they commit an offence (i.e. a criminal offence) may not be prosecuted. [...]

## **NEW ZEALAND**

Source: CRC/C/93/Add.4, 12 March 2003; CRC/C/28/Add. 3, 12 October 1995

### **School-leaving age**

*From CRC/C/93/Add.4 of 12 March 2003*

753. Schooling is compulsory for children between the age of six and 16 years. Every person between the age of five and 19 who is not a foreign student is entitled to free enrolment and education at a state school. [...]

*From CRC/C/28/Add. 3 of 12 October 1995*

23. In New Zealand, schooling is compulsory for everybody between their sixth and sixteenth birthday, but it is possible to leave school earlier, with the permission of the school principal (and on application from the parent). The school-leaving age is to be raised to 17 with effect from 1 January 1998. Full primary and secondary education is available from the age of 5, the upper limit being 19 years of age.

### **Minimum age of employment**

*From CRC/C/93/Add.4 of 12 March 2003*

24. (ii) The protection of children under labour law. New Zealand has reserved the right not to legislate further or take additional measures because existing law adequately protects the rights of the child provided for in article 32(1). The Committee raised related concerns about the fact that New Zealand does not have:

- a comprehensive policy to deal with child labour

- a basic minimum age of admission to employment, or a range of minimum ages for different types of work and working conditions.

The New Zealand Government does not consider all forms of employment for children are harmful. New Zealand society has a long established tradition of children being employed in part-time and holiday work (such as picking fruit and delivering newspapers). The employment of young people encourages them to develop skills and foster an attitude of independence for their own and the society's benefit. A number of current initiatives and existing protections cover children and young people who work. However, in recognition of children's vulnerability and special needs in the workplace and in response to the Committee's concerns, by September 2001 the New Zealand Government will clarify the minimum age requirements under UNCROC and assess what steps would need to be taken to remove this reservation.

**250.** [...] Employment legislation does not provide any specific definition of a child (young people have the same employment rights as other employees). There are, however, age limits for types of employment prescribed in the Education Act 1989 requiring that children under 16 cannot be employed during school hours. [...]

**939.** The Initial Report stated that regulations were being drafted to re-introduce and extend provisions relating to minimum ages for certain types of work and working conditions. Previous provisions had gone into abeyance when the HSE Act came into effect on 1 April 1993. The Health and Safety in Employment Regulations actually came into effect on 2 October 1995, after the Initial Report was written, but before it was submitted. The aim of the new regulations is to ensure that young people do not work in dangerous places or do dangerous work, and are not otherwise present in places where dangerous work takes place. The regulations therefore prohibit:

- employment of persons under 15 years of age in manufacturing, forestry, construction, or in any other area where the work taking place is likely to harm their health and safety
- the presence of people under 15 years of age in any area in a place of work where manufacturing work, forestry work, construction work, or other work which is likely to harm their health and safety is taking place, unless they are under the direct supervision of an adult
- persons under 15 years of age being employed to work with machinery or to drive or ride on any heavy vehicle, including tractors and implements being towed by vehicles
- persons under 15 years of age being required to lift any weight or perform any other task likely to injure their health
- employment of persons under 16 years of age between the hours of 10.00pm and 6.00am.

**940.** The new regulations covering bullet points one, three, four and five above only apply to employees. They do not apply to any young people who may be engaged to do work on contract. However, the regulation covering bullet point two applies to all young people, whether they are working in or simply visiting a workplace.

*From CRC/C/28/Add. 3 of 12 October 1995*

**368.** New Zealand made a reservation in relation to article 32 of the Convention at the time of ratification. The Government considers that the rights of the child provided for in article 32 (1) are adequately protected by its existing law. It therefore reserved the right not to legislate further or to take additional measures as may be envisaged in article 32 (2).

**369.** While New Zealand law does not specifically provide a minimum age for admission to employment, further legislation is not considered necessary in view of the range of protections and entitlements available. The employment of children under the age of 16 is constrained under section 30 of the Education Act 1989 which prohibits: the employment of a child aged less than 16 within school hours or if the employment then prevents or interferes with the child's attendance at school; the employment of a child aged less than 16, where the child is enrolled at a correspondence school, where the employment interferes with the child's ability to do the work of the course; and the employment of a child aged less than 16, where the child has been granted a certificate of exemption by the Secretary for Education, where the employment interferes with the child's ability to be taught as well and regularly as in a registered school. Parents and/or employers can be prosecuted and fined up to \$1,000 for breaching these provisions.

#### **Minimum age for marriage**

*From CRC/C/28/Add. 3 of 12 October 1995*

**19.** [...] The Marriage Act 1955 uses the term "minor" to specify the age at which a person under 20 years may marry with parental consent (at age 16 years). [...]

#### **Minimum age for criminal responsibility**

*From CRC/C/93/Add.4 of 12 March 2003*

**248.** Paragraphs 29 to 31 of the Initial Report set out the age of criminal liability in New Zealand. New Zealanders have debated whether the age limits for prosecution of criminal offences should be lowered. However, there has been no law change and minimum ages have remained the same throughout the reporting period.

*From CRC/C/28/Add. 3 of 12 October 1995*

**29.** New Zealand law provides limits on the age at which criminal liability can be placed upon children. No person under 10 years of age can be convicted of an offence (sect. 21 of the Crimes Act 1961). A child between the ages of 10 and 14 can only be prosecuted for murder, manslaughter, or a minor traffic offence and only if the child knew that the act or omission was wrong or that it was contrary to the law (sect. 22 of the Crimes Act 1961 and sect. 272 of the Children, Young Persons and Their Families Act 1989).

## **NICARAGUA**

**Source: CRC/C/65/Add. 14, 30 March 1999; CRC/C/65/Add. 4, 4 June 1998; CRC/C/3/Add. 25, 9 March 1994**

### **School-leaving age**

*From CRC/C/3/Add. 25 of 9 March 1994*

**35.** Basic education is compulsory and free for all minors up to the end of the primary level. Parents, employers or other persons with responsibility for children who place obstacles in the way of basic education incur penalties (see annex I).

### **Minimum age of employment**

*From CRC/C/65/Add. 4 of 4 June 1998*

**242.** Nicaragua has ratified ILO Convention No. 138 Concerning Minimum Age for Admission to Employment, by Decree No. 729 of 19 May 1981, which establishes a commitment to pursue a national policy that will ensure effective abolition of child labour and gradually raise the minimum age for admission to employment. [...]

**243.** Nicaraguan legislation provides in this respect for a minimum age of admission to employment of fourteen years when the parents are present, and it is only at sixteen adolescents have the legal capacity to enter into labour contracts.

### **Minimum age for marriage**

*From CRC/C/65/Add. 4 of 4 June 1998*

**165(d).** For marriage, the Civil Code establishes that males of 15 years and females of 14 years may contract matrimony with the authorization of their parents, and males of 21 years and females of 18 years without their parents' authorization.

### **Minimum age for criminal responsibility**

*From CRC/C/65/Add. 14 of 30 March 1999*

**72.** The specialized criminal justice system will be applied solely to adolescents, i.e. to all persons over 13 and under 18 years of age.

## **NIGER**

**Source: CRC/C/3/Add. 29/Rev.1, 17 October 2001**

### **School-leaving age**

**273.** The Constitution is complemented by legislative and regulatory instruments (decrees, laws, orders) which constitute the legal framework for education. Act No. 98-12 of 1 June 1998, which sets out the aims of the education system, states that formal education is a means of acquiring education and vocational training in a school setting. The Act sets forth the right of the child to education and the obligation of the State to make primary education compulsory and free.

**274.** Thus, article 2 of the Act states that education is compulsory for every citizen of Niger without discrimination on the basis of sex, race or religion. Education is compulsory from 4 to 16 years of age. No child, boy or girl, can be taken out of or excluded from the education system for any reason whatsoever before the age of 16 years.

### **Minimum age of employment**

**30.** Child labour is governed by Ordinance No. 96-039 of 29 June 1996 instituting the Labour Code of the Republic of Niger. The Ordinance includes protective mechanisms for children. Its provisions strictly prohibit night work by children, employment of children under 14 years of age and employment of children to perform work that is recognized as beyond their strength. Niger has ratified the International Labour Organization (ILO) Minimum Age Convention (No. 138).

**Minimum age for marriage**

15. The Mandel Decree of 13 July 1939 sets the age of marriage at 14 for girls and 16 for boys.

18. Custom does not provide for an age of majority. The stage at which certain communities begin to marry their children is puberty. In such cases the age varies from 9 to 16 years for girls and from 14 to 18 years for boys.

22. Article 144 of the Civil Code prohibits marriage before the age of 18 for boys and 15 for girls. However, it provides that consent from ascendants shall be necessary for marriages between minors.

23. It should be noted that the Civil Code is virtually never applied in Niger due to the existence of two other sources of law, one in the official sphere (Act No. 62-11 of 16 March 1962 on the organization of the justice system) and the other in the practical sphere (Muslim law).

24. Regarding official law, article 51 of the above-mentioned Act states that matters relating to marriage are governed by custom.

**Minimum age for criminal responsibility**

38. Article 45 of the Penal Code states that minors under 13 years of age do not have criminal liability. Minors from 13 to 18 who have committed an offence shall be acquitted if it can be proved that they acted without due discernment. If they acted with discernment, their penalty shall be reduced.

**NORWAY**

Source: CRC/C/70/Add. 2, 12 November 1998; CRC/C/8/Add. 7, 12 October 1993

**School-leaving age**

*From CRC/C/70/Add. 2 of 12 November 1998*

285. The Norwegian school system has undergone two major reforms since the initial report: REFORM 94 and REFORM 97, which are described below.

286. Primary and lower secondary education is compulsory, and all children are entitled to education free of charge. [...]

288. From 1997, children are required to attend school for 10 years (REFORM 97), commencing the calendar year they reach the age of 6.

**Minimum age of employment**

*From CRC/C/70/Add. 2 of 12 November 1998*

68. Norway has adopted and is following the provisions of ILO Convention No. 138, the Minimum Age Convention (1973), and Recommendation No. 146 concerning this Convention.

*From CRC/C/8/Add. 7 of 12 October 1993*

60. Section 34 of the Working Environment Act of 4 February 1977 No. 4 states that children under the age of 15 or children subject to compulsory schooling according to the Primary and Lower Secondary Education Act may not as a rule engage in paid work. There are exemptions to this rule and a general condition in this respect is that the work must not adversely affect the health, development or schooling of the child in question.

61. Starting at 15 years of age, the child may engage in ordinary paid (full-time) work and manage the money he has earned (cf. sections 32 and 33 of the Guardianship Act). The guardian may, however, repudiate such a work agreement if necessary due to the welfare or the upbringing of the child.

62. The Working Environment Act also contains provisions regarding working hours for employees under the age of 18. Regulations laid down pursuant to the Act contain provisions concerning hazardous work for such employees.

**Minimum age for marriage**

*From CRC/C/8/Add. 7 of 12 October 1993*

81. A child under 18 years of age may not marry without the permission of the person(s) who has/have the parental responsibility and the County Governor.

**Minimum age for criminal responsibility**

*From CRC/C/70/Add. 2 of 12 November 1998*

365. The age of criminal responsibility in Norway is 15 years. [...]

## OMAN

Source: CRC/C/78/Add. 1, 18 July 2000

### School-leaving age

Information unavailable

### Minimum age of employment

52. Employment of children younger than 13 years is strictly prohibited. Moreover, children cannot be employed on night shifts (6 p.m. to 6 a.m.), in difficult or inappropriate work or required to work overtime, during weekends, or on holidays. Employment of minors in certain occupations is prohibited (chap. 6, Omani labour law issued by Royal Decree No. 34/73 as amended).

### Minimum age for marriage

49. Among the provisions contained in the Personal Law is the stipulation, mentioned above, that the age of marriage shall not be less than 18 years (sect. 7) for both males and females. The judge may permit a marriage by a person under 18 with proof that this is in the minor's interest (sect. 10/C).

### Minimum age for criminal responsibility

53. Criminal responsibility begins at the age of nine years (sect. 104, Omani Penal Law), but a minor between 9 and 13 years of age may not be deprived of his freedom and may only be kept in a penitentiary designated by the judge up to his eighteenth birthday. Judges have the discretion to sentence a minor to a penitentiary (sect. 105).

## PAKISTAN

Source: CRC/C/65/Add.21, 11 April 2003

### School-leaving age

62. In the Province of Punjab, which is the largest province with more than half the population of the country, education has been made compulsory for children between the ages of 5 and 10. The other provinces are expected to promulgate similar laws. This means that a child for the purposes of compulsory education is anyone who is below 10 (subject to the minimum age of 5).

279. Legal measures: The Punjab Government has promulgated an act entitled "Punjab Compulsory Primary Education Act 1994". This act defines a child as a person, whose age at the beginning of the school year is not less than 5 years or more than 10 years. Normally primary education in Pakistan means seven years of education. The Act makes non-compliance by parents/guardians punishable with a fine. The NWFP<sup>6</sup> is in the final stages of promulgating such an act, whereas the other two provinces are working on this issue.

### Minimum age of employment

58. The Constitution of Pakistan, Article 11 (3), lays down that no child below the age of 14 years shall be engaged in any factory or mine or any hazardous employment.

59. In the Employment of Children Act, 1991, section 2 (iii) (Annex 7, Appendix XVI) a child is a person who is less than 14 years of age. An adolescent under this act is a person who has completed his fourteenth year, but not the eighteenth year. The Act attempts to regulate the conditions of work for children and to prohibit their employment in certain occupations. It attempts to bring uniformity in the age of employment of minors in various trades and also provides for the setting up of a National Committee on the Rights of the Child (sect. 5).

60. Pledging of labour and bonded labour. The Children (Pledging of Labour) Act, 1933 (Annex 7, Appendix XIV) defines a child as a person who is 15 years of age. This law prohibits the making of all such agreements as would result in the pledging of the labour of children. It also bans the employment of those children whose labour had been pledged. This has been supplemented by the Bonded Labour System (Abolition) Act 1992. Furthermore, Pakistan is giving serious consideration to ratifying the new ILO Convention (No. 182) on the Elimination of the Worst Forms of Child Labour.

396. Economic exploitation in terms of the provisions of the CRC, the labour laws of Pakistan and the International Programme on the Elimination of Child Labour (IPEC) Memorandum of Understanding signed by ILO and Pakistan means work performed by underage children, work of a hazardous or exploitative nature that is likely to interfere with the child's education or is harmful to his or her health, his or her mental, spiritual, moral and social development. It covers children between the ages of 5 and 14, for whom working is unlawful, and those above 14, for whom it is permitted.

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<sup>6</sup> North-West Frontier Province

### **Minimum age for marriage**

**55.** The meaning of “child” for the purposes of marriage is governed by the Child Marriage Restraint Act, 1929 (Annex 7, Appendix XVII). According to this act, a child is a person who, if a male, is under 18 years of age and, if a female is under 16 years of age (sect. 2 (a)). A “child marriage”, under the Act, means a marriage any of the contracting parties to which is a child (sect. 2 (b)). The Act aims to ban child marriages. If such a marriage takes place, the parties are to be punished with imprisonment or with fine or with both. Persons performing the contract or directing it are to be punished in the same way.

**108.** Where the marriage of a young girl is arranged by her guardian, she can repudiate the marriage on the attainment of puberty. This provision of Islamic law is called the option of puberty and is incorporated in the Dissolution of Muslim Marriages Act, 1939 (Annex 19) as section 2 (vii) and provides an additional ground to a woman on the basis of which she can have her marriage dissolved.

### **Minimum age for criminal responsibility**

**47.** The Pakistan Penal Code, 1860 (PPC) declares that nothing is an offence that is done by a child under seven years of age (sect. 82). A child above the age of 7 years and under 12 years of age can commit an offence, under the PPC, if such child has sufficient maturity of understanding to judge the nature and consequences of his act (sect. 83). Mental maturity influences the court in the fixation of penalty. Under the new section 299 of the PPC, an “adult” is a person who has attained the age of 18 years and a “minor” is a person who is not an adult. The child who can have criminal responsibility under this law, then, is a minor who has attained maturity of understanding, and his age may extend from 7 to 18 years.

**368.** Age of criminal responsibility. The Government of Pakistan has recently promulgated Juvenile Justice System Ordinance, 2000, wherein the age of a child has been raised to 18 years. Being a federal law, it will override the provincial laws and thus the age of criminal responsibility of juvenile delinquents will be harmonized with the provisions set forth in the Outlines. Earlier, the Pakistan Penal Code laid down the age of criminal responsibility as 7 years, with an added provision that a child between the age of 7 and 12 “who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion” shall not be held criminally responsible. This determination, however, rested upon the court.

## **PALAU**

**Source: CRC/C/51/Add. 3, 23 March 2000**

### **School-leaving age**

**210.** For many years, the Palau Government has made available to all children free and compulsory education until the age of 14 or eighth grade graduation, whichever occurred earlier (Constitution, art. 6.4). [...] the law was recently amended to require compulsory schooling from age 5 (kindergarten) extending through age 17 or high school graduation. This law became effective in the 1997/98 school year. [...]

### **Minimum age of employment**

**36.** There is disparity with respect to employment in that Palauan law sets no minimum age for wage employment (as required by Convention article 32). As there are no known or suspected cases of children within Palau subjected to economical exploitation, this disparity can be addressed in due course in the context of a proposed Uniform Labour Act. [...]

### **Minimum age for marriage**

**36.** [...] There is also a disparity with respect to marriage in that Palauan law does not regulate the age of marriage for citizens and customary child marriages, although rare, occur occasionally. Since marriage is regulated primarily by custom rather than by statute, this issue is best addressed through education and counselling.

### **Minimum age for criminal responsibility**

**234.** Special protection. Additional rights and special protections under Palau law include:

- Presumption of innocence if the accused is insane at the time of the offence (PNC Title 17.105);
- Presumption of innocence for children under 10; partial presumption of innocence for children aged 10–14 years (PNC 17.106) [...]

## PANAMA

Source: CRC/C/8/Add. 28, 28 September 1995

### School-leaving age

68. With regard to the end of compulsory education, article 91 of the Constitution stipulates that: "Article 91: Public education shall be free at all pre-university levels. Primary-level or basic general education shall be compulsory." [...]

### Minimum age of employment

69. On the question of the employment of minors, articles 83, 101, 117, 118, 119, 120 and 122 of the Labour Code state the following:

"Article 83: Any person over the age of 14 may enter into a work contract, subject to the restrictions established in this Code."

### Minimum age for marriage

71. Article 94 of the Civil Code mentions four cases or situations in which marriage is forbidden, the first of which is of relevance to this report:

"Article 94: Marriage is forbidden: (1) To any minor under 18 years of age without the prior and explicit consent of the person exercising parental authority or guardianship over him or her".

### Minimum age for criminal responsibility

74. Articles 4 and 13 of Act No. 24 of 19 February 1951, under which the Juvenile Court was established, state as follows:

"Article 4: The Juvenile Court alone shall hear the following cases if they involve minors under 18 years of age:

(a) Cases of basic behavioural problems, infringements of laws, decrees or regulations which entail criminal responsibility or carry a correctional penalty, or cases of neglect, indigence, ill-treatment, exploitation, corruption or physical or mental disability."...

"Article 13: As from the date of promulgation of this Act, no criminal proceedings shall be instituted against any person who was not 18 years of age at the time when the offence was committed. A minor charged with an ordinary offence shall be brought before the Juvenile Court and shall be assigned, subsequent to the procedures established by this Act, to a preventive regime of education and discipline, according to the circumstances of the case as provided for in the preceding article."

## PAPUA NEW GUINEA

Source: CRC/C/28/Add.20, 21 July 2003

### School-leaving age

92. Education is neither universal or compulsory in Papua New Guinea, therefore the law does not specify a legal age of entry to school or an age at which children are permitted to leave school. Officially, children are eligible to enrol at 7. However, due to the problems many children have in accessing education, they usually do not enrol until 8 or 9 years of age. Some commence school as late as 15 years old. The biggest problem then is to get children into school and to keep them in school. However, at this stage they are free to leave whenever they choose. Trying to stay in school is a much bigger issue for most Papua New Guinean children and their parents, rather than trying to leave early.

### Minimum age of employment

93. In the Employment Act (sect. 103, 3), persons under 16 shall not be employed outside the home. Exceptions are made for a child of 11-16 years, if the employer obtains a medical certificate to certify the child fit for that type of employment or the written consent of parent or guardian. In addition, the employer must prove that employment is outside of school hours or not prejudicial to the child's education. A child of 14 or 15 years of age may be employed, except in industrial undertakings and the fishing industry, where it can be demonstrated that he is no longer attending school. There is no real ability to police these laws in Papua New Guinea. Furthermore, the issue of schooling is not so relevant when so few children have access to education beyond 12 to 14 years of age.

383. There is no effective State regulation of the employment of children, especially the labour of children who are informally adopted into the home they call family and made to feel indebted, but are actually trapped into long hours of work, lack of rest and leisure, lack of freedom of mobility and association, deprived of the right to education, and sometimes even of the right to medical treatment.

### **Minimum age for marriage**

**79.** One of the common determining criteria applied to males is the ability to independently and successfully make gardens, build a house and hunt, i.e. be able to live by their own means and provide for a family. A young man able to satisfy these criteria is for all intents and purposes an adult. In some cases this could be achieved at 14 years of age or less. In the eyes of the community, the onset of menarche renders the female child ready for marriage. Thus parents and the community may accept marriage of children at the age of 14-15, even though the Criminal Code makes it unlawful.

**80.** The Constitution, domestic law and the Convention are not yet meaningful in the lives of many rural children. Prevailing “traditional acceptance” regarding the age of marriage and other issues relating to the protection of the child make both domestic law and the Convention insignificant in the lives of children in many remote and traditional villages. This fact poses serious problems, even though it is considered to be a temporary situation.

**91.** In the Marriage Act (chap. 280, sect. 1), a minor is a person below the age of 21 years. Marriageable age for males is 18. Marriageable age for females is 16 years. In exceptional and unusual circumstances, following an inquiry into the relevant facts and circumstances, males of 16 and females of 14 may obtain authorization from a judge or magistrate to marry a particular person of marriageable age. [...]

### **Minimum age for criminal responsibility**

**86.** A legal “minor” is a person under the age of 18. In the Child Welfare Act (276, sect. 1) a “child” means a boy or girl under the age of 16 years. In the Juvenile Courts Act (sect. 2) an “infant” means a person aged less than 7 years. A “juvenile” is interpreted as a person aged not less than 7 years, and less than 18 years. A child over 7 years therefore assumes legal culpability. The court requires that under the age of 10 years, the prosecution must strictly prove age. Under the Criminal Code (sect. 30) a juvenile under the age of 14 is not considered criminally responsible for any act or omission unless it is proven that at the time of the act of the omission he had the capacity to understand not to act. A juvenile between 7 and 14 years of age is not considered fully responsible for an act unless the Court is satisfied that the child fully understood the law at the time a crime was committed.

## **PARAGUAY**

**Source: CRC/C/65/Add. 12, 15 March 2001**

### **School-leaving age**

**178.** According to the Constitution, compulsory education ends at age 12. [...]

**179.** Since the initiation of the Education Reform in 1993 basic education has been for a period of nine years, from age six to 15.

**182.** Article 29 [of the draft Children's Code] (“On compulsory enrolment and attendance”) states: “It shall be compulsory for children and adolescents to enrol in and attend pre-primary and primary school. Their parents or other legally responsible persons shall be responsible for compliance with this obligation”.

**813.** The Education Reform is one of the main focuses of public-sector social policy; it has so far been implemented as far as the sixth grade of primary, for the process is a gradual one; the intention is to extend the reforms to the first three years of secondary, which currently form part of basic education. The Reform implies [...] nine years of compulsory free basic education (instead of six years) [...]

### **Minimum age of employment**

**1152.** Article 90 of the Constitution (“On child labour”) states: “Priority shall be given to the rights of child workers in order to ensure their normal physical, mental and moral development”.

The Labour Code

“Article 120. Children aged under 15 years but over 12 years may work in enterprises, preferably enterprises employing members of the employer's family, provided that, by its nature or owing to the conditions under which it is performed, the work is not hazardous to the children's life, health or morals. Work in public or private vocational schools shall also be permitted, provided that it is performed for the purpose of vocational training or is approved and monitored by the competent authority.

Article 186. A juvenile judge may authorize a child aged 12 or over to work, except in the cases mentioned in the preceding articles, when this is essential for the child's own maintenance or the maintenance of his parents or persons dependent on him and the work is compatible with his physical and mental development and natural aptitudes. Children aged under 12 years shall be authorized to work in the cases specified in article 6 of this Code.

**1161.** In accordance with the provisions of international instruments, Paraguay promulgated its Labour Code by Act No. 213 of 30 October 1993; it was amended and extended by Act No. 496 of 22 August 1995. The Code states that the minimum age for admission to employment is under 15 years and over 12 years.

**1153.** Although these pieces of legislation are supposed to regulate child labour, the reality is different. It is typical for poor children aged under 10 to work; from a very early age such children work at various jobs, initially as (unpaid) family helpers and gradually becoming involved in production work and/or work at the lower levels of the labour market.

#### **Minimum age for marriage**

**227.** Paraguay's legislation makes no distinction between the sexes with respect to marriage and sexual consent, as already pointed out in answer to question 11 in the list of questions. As required by article 2 of the Convention, the Civil Code as partially amended by Act No. 1/92 states: "Persons between the ages of 16 and 20 years shall require the consent of their parents or guardians for contracting marriage. If one of the parents is incapacitated, the consent of the other shall suffice. If both parents are incapacitated or have lost parental authority, the juvenile guardianship court shall decide". The Civil Code also stipulates that children aged under 16 may not marry except by special dispensation in exceptional circumstances from age 14 by decision of the juvenile guardianship court. The measures for application of this provision of the Convention are still not satisfactory in practice, usually owing to ignorance of them but also for cultural reasons, including extremely authoritarian attitudes surviving from earlier times, not to mention political, social and economic factors.

#### **Minimum age for criminal responsibility**

**198.** According to article 18 of the current Criminal Code, the age of criminal responsibility is 14 years.

Similarly, the new Criminal Code, which enters into force on 1 November 1998, states that "a person who has not attained the age of 14 years shall be exempt from criminal responsibility".

**199.** Article 219 of the Juvenile Code states: "Minors under the age of 14 years may not be prosecuted. If such a minor is charged with an unlawful act, he may not be tried or punished by an ordinary court. All such cases shall be heard by a juvenile court, and the rules contained in this Code shall apply".

## **PERU**

**Source: CRC/C/65/Add. 8, 3 August 1998**

#### **School-leaving age**

**152.** Compulsory schooling in Peru includes early, primary and secondary education, all of which are guaranteed by the State. The age of completion of compulsory schooling is between 6 and 18.

#### **Minimum age of employment**

**141.** The minimum ages established by Peruvian legislation vary as follows, depending on the context:

(b) *Acceptance of employment or work:* Article 54 of CNA expressly establishes that the minimum age for authorization to work is 12 and, in the case of dangerous activities, 14, 15 or 16 depending on the activity and amount of danger involved.

**153.** As stated above, there are legal regulations governing work by adolescents between the ages of 12 and 18. Since these ages include the period of obligatory schooling, article 19 of the Children's and Adolescents' Code establishes that: "The State guarantees the provision of special school arrangements and schedules to permit regular attendance by children and adolescents who work ...". It also indicates that it is the responsibility of the directors of education centres to ensure that work does not affect performance or school attendance; they are obliged to report regularly on the performance and attendance of students who work.

**154.** Indeed, one of the requirements for issuing a work authorization for an adolescent is that the work must not affect regular attendance at school (CNA art. 57). In addition, persons who employ adolescents (either in regular work or as an unpaid domestic or family worker) are obliged to make arrangements for their regular school attendance.

#### **Minimum age for marriage**

Information unavailable

#### **Minimum age for criminal responsibility**

**141.** The minimum ages established by Peruvian legislation vary as follows, depending on the context:

(f) *Criminal liability:* In Peru, criminal liability is acquired at the age of 18. Juveniles under 18 and over 12 are not liable to prosecution but possess criminal liability. This means that adolescents (over 12 but under 18) bear

different criminal liability from that of adults for the consequences of their actions; if their actions are categorized as being unlawful and blameworthy, they give rise to what is called a crime, misdemeanor or felony. While the criminal laws are the point of reference both for adults and for persons under 18 years of age, the concept of liability differs substantially in so far as liability to prosecution is concerned. The three basic differences concern: procedures; duration and type of punishment, which for adults differ from the duration and type of rehabilitative measures applied to adolescents; and physical location where the measure is imposed.

**142.** Children under 12 are not liable to prosecution and do not possess criminal liability. A child under 12 years of age who commits a punishable act (if duly proven) should be the subject not of a rehabilitative measure but of a protective measure. If the same act is committed by an adolescent, it may constitute a criminal offence.

## **POLAND**

**Source: CRC/C/70/Add. 12, 6 February 2002**

### **School-leaving age**

**58.** [...] Moreover, the Constitution contains a catalogue of basic civil rights and freedoms (articles 30 to 76), including regulations directly affecting children's rights. Mention should be made above all of:

- Article 70, paragraphs 1 and 2, concerning the right to education, compulsory education until the age of 18 and free education in public schools. [...]

**280.** In Poland, the right of children to schooling free of charge is guaranteed by the Constitution (article 70). The principles according to which the education system functions are spelt out in the Law of 7 September 1990 on the Education System (Legislative Gazette of 1991, No. 67, item 329, as amended). In accordance with this Law:

- The cornerstone of education is the eight-form primary school which is compulsory (article 315); [...]

**281.** The school network comprises:

- General compulsory primary schools for children and adolescents aged 7 to 15; [...]

### **Minimum age of employment**

**69. (4)** The regulations under section 9 of the Labour Code establish a uniform category of juvenile employees and specify a separate system of protective regulations for that group. According to the legal definition contained in article 190, paragraph 1, of the Labour Code, a working minor is someone who has attained 15 years of age but is under the age of 18. Such a person may be employed on condition that he/she:

- Has completed at least primary school;

- Presents a medical certificate stating that a given job does not pose a health threat.

**73.** Exceptional cases of employment of minors who have not completed primary school and are under the age of 15 are specified in the directives issued by the Minister of Labour and Social Policy on 29 May 1996 (Legislative Gazette No. 62, item 291).

**74.** Where a legal representative submits the appropriate application, the above directives permit the employment of a minor who has not completed primary school for the purpose of job training, on condition that a medical certificate is presented stating the lack of contraindications for such employment in the following situations:

- Where a minor is not subject to compulsory schooling requirements or has been released from that obligation by the Superintendent of Schools;

- Where a minor over 15 years of age who is subject to compulsory education requirements is permitted by his or her primary school principal to fulfil the schooling requirement outside of school or is assigned by the principal to a job-training class.

**76.** In accordance with the above-mentioned directives, the employment of a minor who is over 14 but under 15 is permissible at the official request of the minor's legal representative but may involve only a minor who has completed primary school and received a positive recommendation from the psychological counselling office and a medical doctor. A job contract may be concluded with such an individual solely for the purpose of vocational training.

### **Minimum age for marriage**

**85. (6)** [...] Since the entry into force on 15 November 1998 of the Law of 24 July 1998 which amends the Family and Guardianship Code, the Code of Civil Procedure, the Law on Documents of the Registrar's Office, the Law on the Relationship of the State to the Catholic Church in the Republic of Poland and certain other laws (Legislative Gazette No. 117, item 757), couples may be married by a clergyman (if the formal requirements set down in article 1 of the Family and Guardianship Code are fulfilled). The minimum marriageable age for both men and women has been set at 18. But a family court may allow a woman who has attained 16 years of age to marry (article 10, paragraph 1, of the Family and Guardianship Code).

### **Minimum age for criminal responsibility**

**90.** The age of criminal responsibility is 17 years, an age limit laid down both in the 1969 Penal Code and in article 10, paragraph 1, of the new Penal Code of 2 August 1997. Both legal enactments envisage a special case of criminal responsibility of minors for certain kinds of particularly heinous crimes, but they maintain objective premises. The 1969 Penal Code sets the age limit in such cases at 16 (article 9, paragraph 2); the new Code lowers the age to 15 (article 10, paragraph 2). The above-mentioned age limits constitute the minimum age at which an offender may be sentenced to incarceration. Offenders under that age are held responsible for punishable acts as minors in accordance with the Law of 26 November 1982 on Procedure in Cases Involving Minors.

**360.** There are, however, no clearly defined lower age limits as regards responsibility for violating criminal law, because where evidence of corruption of a minor exists (including the commission of prohibited acts, i.e. breaches of criminal law as interpreted by the Convention), juveniles under the age of 13 may be held responsible. In practice, the age of 10 is accepted as such a limit.

## **PORTUGAL Source: CRC/C/65/Add. 11, 26 February 2001; CRC/C/3/Add. 30, 16 September 1994**

### **School-leaving age**

*From CRC/C/65/Add. 11 of 26 February 2001*

**382.** Basic education – which we also call primary education – is compulsory and free for all children. It lasts for nine years, beginning at the age of 6 and continuing until the age of 15, and is organized in three cycles of three years each.

### **Minimum age of employment**

*From CRC/C/65/Add. 11 of 26 February 2001*

**511.** Although the legal framework mentioned in the initial report (paras. 218 ff.) remains valid, it must be emphasized that the Portuguese Constitution explicitly prohibits school-age children from working. The recent revision of the Constitution, referred to throughout the present report, refers to that prohibition not only as a means of guaranteeing the right to an education, but also as a general norm for the protection of children.

**512.** That prohibition, which since 1986 had been included in the section on cultural rights and is now contained in the section on social rights, has had a major impact, given that there have been nine years of compulsory schooling since 1986 (law 46/86 of 14 October 1986), since 1 January 1997 it has not been possible to employ anyone under age 16.

*From CRC/C/3/Add. 30 of 16 September 1994*

**15.** [...] In addition, the minimum age for admission to employment is, in principle, 16; in certain special cases – mentioned in chapter VIII, section C, paragraph 219 – minors can be admitted to employment from the age of 15 or even 14, provided that the employment involves “light work”. Dangerous occupations are prohibited for young people under 18 years of age.

**219.** Decree-Law No. 396/91 raises the age of admission to employment, which had previously been 14 years. This change is aimed at bringing Portuguese legislation into line with the legislation in most of the countries of the European Community and create the conditions needed for ratification of International Labour Organisation Convention No. 138 of 1973. The minimum age for admission to employment is 16 years for young people who have not completed their nine years' compulsory schooling (see paras. 150 and 151). Children having completed their nine-year school requirement can work from age 15 onwards. Fourteen-year olds are exceptionally permitted to “perform light work”, provided they have completed their compulsory schooling. No labour contract concluded with children under 16 years of age is valid without written permission from their legal representatives.

### **Minimum age for marriage**

*From CRC/C/3/Add. 30 of 16 September 1994*

**16.** [...] The marriageable age, both for men and for women, is also 16 (Civil Code, art. 1601, para. (a)). However, the marriage of persons under 18 years of age requires the consent either of both parents exercising parental authority or of a guardian, or, in default of the latter, a court decision. Marriage results in the minor coming of age in the legal sense, this being the only form of coming of age for minors currently recognized under Portuguese law.

### **Minimum age for criminal responsibility**

*From CRC/C/65/Add. 11 of 26 February 2001*

**452.** Like current legislation, the draft reform plan is based on the principle of exemption of minors under the age of 16 from criminal liability. Thus one cannot, strictly speaking, refer to a “presumption of innocence”, since up to the age of 16 minors are never considered “guilty” of any offence against the Penal Code committed by them. The Commission asserts, however, that that does not mean that proof of any illicit acts ascribed to a child need not be obtained. On the contrary, proof of the facts is considered to be an essential condition for any decision on the measures to be taken.

*From CRC/C/3/Add. 30 of 16 September 1994*

**182.** Under Portuguese law, minors under the age of 16 are exempt from criminal liability. If they commit an offence which, were it perpetrated by an adult, would be treated as a crime, they are subject to the provisions of the Act on the Organization of Care for Minors (OTM), the current version of which was approved by Decree-Law No. 314/78 of 27 October 1978.

**192.** Strictly speaking, there is no age-limit below which children are presumed not to have legal capacity to infringe criminal law. There exists, however, as has been said, an age (16 years) below which children are considered not to be criminally liable for any crimes they may commit. That being said, when a child commits an offence, “guardianship measures” may be set in motion, regardless of the child's age.

## **QATAR**

**Source: CRC/C/51/Add. 5 Add. 2, 11 January 2001**

### **School-leaving age**

Information unavailable

### **Minimum age of employment**

**189.** Article 41 of the Qatari Labour Act of 1962 prohibits the employment of juveniles without special permission from the Minister for Civil Service Affairs with the approval of the Minister of Education.

**190.** Under the Act, it is prohibited to employ children from sunset to sunrise, on days of rest or official holidays or for more than the normal working hours.

### **Minimum age for marriage**

Information unavailable

### **Minimum age for criminal responsibility**

**21.** The Penal Code sets the age of criminal responsibility as follows:

1. There shall be no criminal responsibility for any act perpetrated by a minor under seven years of age;
2. If the minor is over seven but under 18 years of age, he shall not be held criminally responsible unless he is sufficiently mature in awareness to judge the nature or consequences of the act which he perpetrates. The Penal Code makes no distinction between girls and boys in regard to the age of criminal responsibility.

**28.** [...] Article 7 of the Juveniles Act No. 1 of 1994 provides that: “Any person who has not attained the age of seven full years shall not be held responsible for his acts.”

## **REPUBLIC OF KOREA**

**Source: CRC/C/70/Add.14, 26 June 2002**

### **School-leaving age**

**35.** The Framework Act on Education (art. 8, para. 1) designates nine years' compulsory schooling - six years in elementary and three years in middle school. Children in compulsory schooling are defined as “persons under 15”.

### **Minimum age of employment**

**34.** Article 32, paragraph 5, of the Constitution contains special protection of the employment of “young persons”; its concrete protections are explained in the Labour Standards Act. The Labour Standards Act provides that a person under 18 may not be employed in a number of occupations in order to guarantee the right of child to education. A person under 15 years - increased from 13 in the revision of the Labour Standards Act in March 1997 - is prohibited from working in order to guarantee the opportunity for compulsory education. However, those with written permission to work issued by the Minister of Labour may be employed doing light work which is not detrimental to their health, growth, or schooling.

**216.** To protect school-aged children, it is provided that no child below 15 shall be employed at any job except for those who have obtained an employment authorization certificate from the Ministry of Labour (Labour Standards Act, art. 62). Jobs for which an employment authorization certificate may not be given are waiters in restaurants or bars, incineration jobs, slaughtering, operating elevators and others detrimental to health (Labour Standards Act, art. 62 and its Enforcement Decree, art. 33) and underground work (Labour Standards Act, art. 70), like at smelting furnaces (Labour Standards Act, art. 63 and its Enforcement Decree, art. 37).

**Minimum age for marriage**

**37.** The Civil Act regulates that a boy who reached his full 18 years of age and a girl of her full 16 years of age may marry with his/her parents' or guardians' consent. If a minor gets married, he/she is deemed to have reached the age of majority and is granted legal capacity, independent from parental authority or guardianship. The difference in the age requirement for marriage between men and women is in line with the gap in biological and mental development. [...]

**Minimum age for criminal responsibility**

**36.** Children committing crimes before they are 14 years may not be sentenced under the Criminal Act. A young offender less than 20 receives special treatment under the Juvenile Act. This aims to return juveniles to society by providing correction and guidance, not by punishment.

**196.** The Criminal Procedure Act (art. 9) provides that a minor offender, who has not attained 14 years of age is not subject to criminal punishment. The Juvenile Act (art. 4, para. 1) provides that juveniles over the age of 12 but less than 14 have committed acts which are contrary to the criminal laws and decrees are tried as protection cases by the Juvenile Department.

**Republic of MOLDOVA**

**Source: CRC/C/28/Add. 19, 3 May 2002**

**School-leaving age**

**89.** In accordance with Law No. 547 on Education, of 21 July 1995, the compulsory education period is nine years. Obligatory attendance of school ceases at the end of the school year when the student reaches the age of 16 (art. 9).

**Minimum age of employment**

**95.** The Labour Code of the Republic of Moldova provides that employment of people under the age of 16 is not allowed. In exceptional cases, by mutual agreement with the union committee of the company, institution or organization, persons who have reached the age of 15 can be employed. For professional training of teenagers in production, individual work contracts may be drawn up with students of secondary professional technical professional and speciality schools for performance in their spare time of easy activities that do not cause damage to their health and education, if they have reached the age of 14, with their parents' or guardians' agreement (art. 181).

**Minimum age for marriage**

**88.** In accordance with the Marriage and Family Code, the minimum age for marriage is 18 for men and 16 for women. This age can be lowered, in exceptional cases, but by no more than two years (art. 16).

**Minimum age for criminal responsibility**

**106.** Criminal liability of minor persons is provided for by the current legal framework of the Republic of Moldova. Thus, article 10 of the Criminal Code establishes criminal liability for persons who, at the time the offence was committed, had reached the age of 16. Juveniles who have not reached the age of 14 bear no criminal liability.

**107.** Persons between 14 and 16 who commit a crime, are criminally liable only in cases of murder, intentional harm to bodily integrity causing damage to health, rape, theft, robbery, serious theft of private property, for serious and exceptionally serious hooliganism, intentional destruction or deterioration of private property, theft of drugs, weapons, ammunition or explosives, as well as for intentional acts that can cause a train derailment.

## ROMANIA

Source: CRC/C/65/Add. 19, 5 July 2002

### School-leaving age

**53(d).** The general length of compulsory schooling is eight grades. The starting age for primary school is 7, or 6 upon the request of the child's parents or legal guardians, according to article 20, paragraphs 2 and 3, of the Education Law No. 84/1994. Attendance of the eight-grade system is no longer compulsory after the age of 16 (Law No. 84/1995, art. 6).

### Minimum age of employment

**53(e).** Article 45 of the Romanian Constitution stipulates that children under 15 cannot be employed. Between the ages of 15 and 16, the law recognizes the child's partial capacity to work which results in a restricted capacity to be employed; this can be done only upon prior approval of the child's parents or legal guardians, and only for activities that are appropriate for the child's physical development, skills and knowledge. A doctor's advice is another prerequisite for the employment of a child in this category. Children over 16 can conclude a labour contract without the approval of their parents or legal guardians. In this case, children will exert on their own the rights and duties deriving from their labour contracts and will be entitled to dispose of the amounts earned as a result of their work. The legislation currently in force contains provisions that grant special protection to children in their labour conditions (number of working hours, holidays, etc.), and it contains measures (including penal ones) that can be taken when those provisions are violated.

### Minimum age for marriage

**53(f).** The Family Code stipulates the following ages when a person can get married: males can be married only after the age of 18, while females can be married only after 16. For well-founded reasons, approval can be granted for a young female to be married at the age of 15. The approval can be issued only by the competent authorities of the county governments (prefecture) and that of the municipality of Bucharest, and only based upon a certificate issued by a medical expert (article 4 of the Family Code). The law does not require parental consent for the marriage of their children, not even when the person to be married is a young female of 16 or 15. [...]

### Minimum age for criminal responsibility

**53(k).** Children under 14 shall not be held liable for penal offences. Children between 14 and 16 shall only be held liable if they are proved to have committed the offence wittingly (article 99 in the Penal Code), while children over 16 shall be held liable for the offences committed in all circumstances. [...]

## RUSSIAN FEDERATION

Source: CRC/C/65/Add. 5, 20 November 1998

### School-leaving age

**309.** Basic general education is compulsory until the pupil reaches 15 years of age. There is no legal minimum age for admission; the age of admission is set by the Statutes of the educational establishment. The maximum age for receipt of basic general education in a general school is set at 18 years, but that limit may be extended for children and adolescents with deviations in development and with (socially dangerous) deviant behaviour who are in educational and work establishments and in corrective labour establishments. [...]

### Minimum age of employment

**71.** Under current Russian legislation:

(e) Nobody less than 15 years old may be hired for work. It is permissible for a pupil who has reached 14 years of age to be hired for light work in his or her free time, with parental consent, provided that there is no risk of damage to the child's health and no disruption of education; the amount of time that may be worked is reduced for workers less than 18 years old; the employment of workers less than 18 years old on heavy work, on work under harmful or hazardous conditions, work underground or work the performance of which may damage moral development is prohibited (Labour Code of the Russian Federation);

**72.** The minimum age at which children may be hired for work coincides with their age of completion of compulsory schooling and is 15 years.

**448.** The Russian Federation is a party to the ILO conventions on child labour: No. 29 (Forced Labour Convention, 1930) and No. 138 (Minimum Age Convention, 1973).

### **Minimum age for marriage**

**71.** Under current Russian legislation:

(f) The minimum age for marriage is 18 years. Should there be valid reasons the local authorities may permit the marriage of individuals who have reached the age of 16. On the basis of the laws of members of the Russian Federation, marriage below the age of 16 years may be permitted as an exception (Family Code of the Russian Federation).

### **Minimum age for criminal responsibility**

**381.** The setting of the lower age limit for criminal responsibility is a specific feature of Russian criminal law. Under present-day conditions and having regard to historical and cultural features the 1996 Criminal Code set this limit in an alternative way. Individuals who have reached 16 years of age at the time of the perpetration of an offence have general criminal responsibility for all types of offence. Criminal responsibility commences at the age of 14 years for some types of offence, namely: murder, premeditated causing of grievous bodily harm, premeditated causing of moderately severe bodily harm, kidnapping, rape, indecent assault, theft, robbery, robbery with violence, extortion, taking and driving a car or other vehicle without the permission of the owner but without intent to steal, premeditated destruction of or damage to property with aggravating circumstances, terrorism, hostage taking, deliberately giving false information concerning an act of terrorism, hooliganism with aggravating circumstances, vandalism, misappropriation or extortion of a weapon, ammunition, explosives and explosive devices, misappropriation or extortion of narcotics or psychotropic substances, and rendering vehicles or means of communication unfit for use.

## **RWANDA**

**Source: CRC/C/70/Add.22, 8 October 2003**

### **School-leaving age**

**269.** In accordance with article 28 of the Convention, Rwandan legislation provides that primary education is compulsory and free of charge. Under article 27 of the Constitution of 10 June 1991, "Subject to the enforcement of article 24, paragraph 2, primary education shall be compulsory and free of charge, in accordance with the procedures established by law". [...]

**270.** This principle of the right to education, as set out in the Constitution, is given explicit expression in Law No. 14/1985 of 29 June 1985, amended by Law No. 48/91 of 25 October 1991 concerning the organization of primary, integrated rural and vocational, and secondary education. Article 2 of that Law provides that "Subject to the special provisions of the present law, primary education shall be free of charge and compulsory for all children domiciled in Rwandan territory without any discrimination, especially with respect to race, origin, clan, ethnic background, sex, colour, opinion, religion or social status". [...]

### Primary or basic education

**278.** This is for children aged 7 to 12 and lasts for six years. [...]

### **Minimum age of employment**

**347.** Article 24 of the Labour Code prohibits the employment of a person under the age of 18 without the express permission of the person exercising paternal authority over him. However, the Minister responsible for labour may authorize the exceptional and temporary employment of children under 14, in the light of circumstances particular to the profession or situation of the persons concerned. Article 61 of the Labour Code stipulates that no one may be taken on as an apprentice if his age is below that at which compulsory education ends or above that of legal majority, except with the express authorization of the Labour Office. However, Rwandan legislation is not explicit regarding the age at which compulsory education ends.

**348.** Whereas article 125 of the former Labour Code set the minimum age for access to employment at 14, the new Law of 1999 containing the Labour Code provides that children under the age of 16 may in no case work in an enterprise, even as apprentices. This law does, however, give the Minister in charge of labour the power to authorize the exceptional and temporary employment of children under 14, in the light of circumstances particular to the profession or situation of the persons concerned.

**350.** Currently, no legal text or regulation specifies the kinds of employment or work to which the legal minimum working age applies. However, the new law recently adopted by the National Assembly on revision of the Labour Code provides for determination of the kind of work and categories of enterprise prohibited to juveniles.

**351.** There are no specific provisions limited exceptions, particularly for:

(a) The circumstances in which children are authorized to work in schools or other establishments for general, vocational or technical education;

(b) The circumstances in which children under 14 would be authorized to be part of the staff of an establishment for general or vocational education (in accordance with the conditions laid down in article 6 of ILO Convention No.138);

(c) In addition, the Rwandan legislator has not yet defined the worst forms of child labour or the light work which adolescents from 13 to 15 years of age are authorized to do;

(d) Another major challenge lies in the fact that children work mostly in the informal sector, which is difficult for the appropriate services to monitor.

#### *Regulation of access to employment*

**352.** As has been emphasized above in this chapter, Rwandan labour legislation provides reasonable protection for the child against under-age labour and the worst forms of labour. However, legal exceptions tend to weaken this protection. For instance, the legislator has even specified exceptions to the minimum age of access to labour which conflict with the normal age at which compulsory education ends. Worse still, child labour in various sectors is a daily reality, and the departments responsible for applying the relevant provisions of the law do not have sufficient resources to counter this situation. In other words, there is a discrepancy between the rights recognized by law and practice. This is not due to any disregard of the rights of the child, but rather to the pressure of circumstances. In fact, what is at stake in almost all cases is the very survival of children and their disadvantaged families.

#### **Minimum age for marriage**

**88.** Article 171 of Law No. 42/1988 of 27 October 1998 stipulates that a man and a woman under 21 may not enter into marriage. It does, however, lay down an exception: for serious grounds, the Minister of Justice or his representative may grant special permission to marry younger.

#### **Minimum age for criminal responsibility**

**92.** The Rwandan Penal Code establishes penal majority at 14. However, in the best interests of the child, lesser penalties are laid down for offenders under 18. [...]

## **SAINT KITTS AND NEVIS**

**Source: CRC/C/3/Add. 51, 5 May 1997**

#### **School-leaving age**

**40.** The policies of the Government of SKN, for the most part, are in keeping with the principles outlined in the Convention. There is provision for compulsory education between the ages of 5 and 16 years.

#### **Minimum age of employment**

**13.** The legal age at which a child may undertake part-time or full-time employment is at the age of 16 years as provided in the Employment of Children (Restriction) Act.

#### **Minimum age for marriage**

**14.** [...] A person may enter into a marriage legally at 16 years of age without the consent of a parent or guardian as provided in the Marriage Act.

#### **Minimum age for criminal responsibility**

**16.** The age of criminal liability is eight years. In the words of section 3 of the Juvenile Act, "It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence"; it thereby incorporates the English common law rule *doli incapax*.

## **SAINT VINCENT and the GRENADINES**

**Source: CRC/C/28/Add. 18, 10 October 2001**

#### **School-leaving age**

**42.** There is no legal minimum age for the end of compulsory education in Saint Vincent and the Grenadines. The Education Act 1992 provides the framework for compulsory education to be instituted in the State.

#### **Minimum age of employment**

**37.** The Employment of Women, Young Persons and Children Act (cap. 148, sect. 2) states that no child shall be employed in any industrial undertaking or on ships. A child is defined as a person under the age of 14. There is a provision to the section which allows children under 14 to be employed in industrial undertakings which are carried out in recognized schools, as long as such work is approved and supervised by a public authority.

39. Exception is made by The Employment of Women, Young Persons and Children Act (cap. 148, sect. 8) to agricultural or horticultural work done by a child for his parents or guardians on the family land or garden outside of school hours and also to the participation of a child without fee or reward in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

41. The Employment of Women, Young Persons and Children Act (cap. 148, sect. 8) establishes that no child under the age of 14 years shall be employed and provides for exceptions to be made for certain types of employment. There is no specific provision for a higher age limit for employment which by its nature or the circumstances in which it is carried out is dangerous to the life, health or morals of the persons employed therein, as recommended by article 5 of the Minimum Age (Industry) Convention (Revised) 1937. The age limit for hazardous employment remains 14 years.

#### **Minimum age for marriage**

45. The Marriage Act (cap. 173, sect. 4) states that the minimum age for marriage for females is 15 and for males is 16.

#### **Minimum age for criminal responsibility**

34. The legal minimum age for criminal responsibility is eight years (Juveniles Act, cap. 168, sect. 3 and the Criminal Code, cap. 124, sect. 12).

## **SAN MARINO**

**Source: CRC/C/8/Add.46, 17 March 2003**

#### **School-leaving age**

19. Education is compulsory until the age of 16. Those having parental responsibilities or legal guardianship shall oversee the effective fulfillment of this obligation. To ensure the effective implementation of this provision, employers are not allowed to hire workers under the age of 18 or who have not been released from compulsory schooling. [...]

#### **Minimum age of employment**

102. As already mentioned, in San Marino the minimum age for admission to employment is 16 years. Exceptions are envisaged by law in case of summer jobs performed by minors who regularly attend school during winter.

#### **Minimum age for marriage**

14. [...] Article 4 of Law No. 49 of 26 April 1986, "Reform of Family Law", provides that minors cannot contract marriage unless a judge, after consulting the holders of parental responsibility, establishes that there are serious grounds for authorizing a minor of at least 16 years to marry. [...]

#### **Minimum age for criminal responsibility**

18. Article 10 of San Marino Penal Code sets forth that a child under the age of 12 cannot be charged with a crime. With regard to a minor who has reached the age of 12 but is less than 18, the judge, after having ascertained his/her mental capacity, shall sentence him/her to a reduced punishment. A mitigation of the punishment may also be granted to anyone who was under the age of 21 when committing the crime.

## **SAUDI ARABIA**

**Source: CRC/C/61/Add. 2, 29 March 2000**

#### **School-leaving age**

216. In accordance with chapter 2 of the Educational Policy Document, the period of schooling at the elementary stage is six years and is available to all children of school age.

229. The State has reaffirmed its capital role, as well as its educational policy, in the strategies of the five year development plans. The Sixth Development Plan states as follows:

Article 1 of the sixth strategic basis states that "Elementary education is mandatory for all boys and girls"; [...]

#### **Minimum age of employment**

36. The age of 18 years is defined as the minimum age for admission to employment in the public or private sectors. A child under 13 years of age is not allowed to work even with the consent of his legal guardian. In this regard, it should be noted that we very rarely find working children in the Kingdom under 13 years of age, except

within the framework of their family and under the supervision of their legal guardian, usually in non-strenuous work such as helping fathers in their shops.

**259.** Moreover, the Labour Code prohibits the employment of children under 13 years of age and restricts the working hours of children to six hours per day, during which a rest period must be granted. Children are not allowed to work for more than five consecutive hours, at night or in heavy or hazardous work.

**260.** The Code further stipulates that work is optional and not compulsory for children. It recognizes the right of the child to be protected from performing any work that is likely to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development. It also prescribes a severe penalty for anyone who employs a child under the age of thirteen. The Civil Service Regulations likewise specify a minimum age (18 years) for admission to employment.

#### **Minimum age for marriage**

**33.** In the social sphere, the regulations do not define a specific age for marriage, as Islamic law regulates this matter in a manner that ensures happiness for both spouses and prevents the countless social dangers inherent in delaying the age of marriage. In this context, it stipulates that a person wishing to marry must have the capacity therefor. This flexibility in Islamic law helps to close loopholes and safeguard the interests of both parties.

#### **Minimum age for criminal responsibility**

**31.** The legislation applicable in the Kingdom in respect of the definition of the child is as follows: [...]

(iii) From 10 to 15 years of age, the child shoulders some responsibility and the legal guardian provides guidance and discipline without harming the child. He is answerable, in an appropriate manner and in the presence of his legal guardian, for offences that he commits and his legal guardian is liable to make amends for his wrongdoing and has an obligation to take care of him. If punishment is required it takes the form of guidance, reprimand or placement in a social surveillance centre. The child is disciplined only in such a way as to ensure his or her proper conduct, without harming the child. [...]

## **SEYCHELLES**

**Source: CRC/C/3/Add. 64, 3 May 2002**

#### **School-leaving age**

**27.** The end of compulsory education is 15 years. This is specified in the Constitution by requiring the child to follow 10 years of schooling.

**359.** Education and the operation of schools in Seychelles is governed by the Education Act. Under this Act education is free to all students and is compulsory for all children up to the age of 16.

**363.** Primary education comprises six years of non fee-paying, compulsory education (P1-P6). It caters for children aged 5/6 years to 11/12 years.

**364.** Secondary education comprises four years of non fee-paying compulsory education (S1-S4). It caters for children aged 11/12 years to 15/16 years.

#### **Minimum age of employment**

**482.** The Seychelles Constitution recognizes the right of children and young persons to special protection in view of their immaturity and vulnerability. Article 31 protects children under the age of 15 years against economic exploitation and hazardous employment, subject to exceptions for children who are employed part time in light work prescribed by law, without harm to their health, morals or education.

**483.** The Employment Act goes even further. It is illegal under this statute to employ a child under the age of 15 years for any purpose whatsoever. It is illegal to employ any child between the ages of 15 and 16 for certain categories of hazardous work. The Constitution also provides for a higher minimum age of admission to employment with respect to occupations which the State regards as dangerous, unhealthy or likely to impair the normal development of a child. In addition, the Minister of Employment and Social Affairs is empowered under the statute to further limit the types of employment that are permissible for children between the ages of 15 and 16.

#### **Minimum age for marriage**

**27.** A child under the age of 18 requires parental consent in order to marry. In addition, no boy under the age of 18 years and no girl under the age of 15 may contract a civil marriage without the permission of a designated government official, currently the Minister (Civil Status Act, sect. 40). Furthermore, marriage of a girl between the age of 15 and 18 requires the consent of the parents.

### **Minimum age for criminal responsibility**

27. Under the Penal Code a child aged 7 is incapable of committing a crime, and a child between the ages of 7 and 12 will only be criminally liable if he/she understands that what he/she is doing is wrong.

## **SIERRA LEONE**

Source: CRC/C/3/Add. 43, 3 June 1996

### **School-leaving age**

77. The guiding principles of the National Education Policy are:

- (a) Each child should start formal education at age six;
- (c) Basic formal education should be nine years. It should be compulsory.

### **Minimum age of employment**

26. Part V of the Employers and Employed Act, Chapter 212 of the Laws of Sierra Leone, makes several provisions for the employment of children.

(c) Section 51 – Children who appear to be under the age of 12 years shall not be employed in any capacity whatsoever.

### **Minimum age for marriage**

29. Under customary law there is no minimum age of marriage as the girl child is given into marriage at a very tender age. In civil or Christian marriage, however, the minimum age is 18.

30. In section 2 of the Prevention of Cruelty to Children, Cap. 31 of the Laws of Sierra Leone, the word “child” has been defined to mean “a person under the age of sixteen years”. Notwithstanding this definition, a girl child is given into marriage under customary law when she is far below 16 years.

### **Minimum age for criminal responsibility**

33. A child below the age of 10 years is deemed to be incapable of committing a crime and therefore does not have any criminal liability. [...]

## **SINGAPORE**

Source: CRC/C/51/Add.8, 17 March 2003

### **School-leaving age**

417. Although Singapore currently does not practise compulsory education, education at the primary and secondary levels is almost universal.

419. In view of this, the Government has, after extensive discussions with community leaders, interest groups and members of the public, decided to make the six-year primary education in national schools compulsory with effect from January 2003, starting with the cohort entering primary 1 that year. The Compulsory Education (CE) Bill was passed by the Singapore Parliament in October 2000 to effect this change.

421. However, in view of the reality of the situation in Singapore, exemptions from CE are given to four categories of pupils. These categories are:

- (a) Pupils of madrasahs. [...]
- (b) Pupils of San Yu Adventist School. [...]
- (c) Children receiving home schooling. [...]
- (d) Children with special needs. [...]

424. [...] the number of pupils exempted from CE is very small. To a large degree, therefore, Singapore is meeting the requirements of article 28 (1) (a) of the Convention, although a reservation on it has been entered.

### **Minimum age of employment**

85. Singapore prohibits the employment of children below the age of 12 years. While a child or a young person is allowed to work under the law, Singapore’s labour legislation restricts the type of work the child or young person can engage in and the maximum hours he or she may be employed. A “child” may be employed in industrial work when such undertaking is one which only members of the same family are employed in, and as a workman on any vessel which is under the personal charge of the parent of the child (save for a child employed under an approved apprenticeship scheme). A “child” can only engage in light work in a non-industrial undertaking which is suited to his capacity. A “young person” may be employed in an industrial undertaking provided that the Commissioner of Labour is notified within 30 days from the date of employment. Children and young persons are not allowed to work:

- (a) In any occupation, place or working conditions injurious or likely to be injurious to their health; or in any service involving management of, or attendance to, machinery in motion; or in any service involving management of, or attendance to, or proximity to, any live electrical apparatus which is not effectively insulated; or in any underground work;
- (b) During the night between 11.00 p.m. and 6.00 a.m.;
- (c) On their rest days without the permission of the Commissioner of Labour;
- (d) More than three hours without a break of 30 minutes or six hours in any one day in the case of a child; and four hours without a break of 30 minutes or seven hours in any one day, inclusive of the period of school attendance (if he/she is attending school) in the case of a young person; and
- (e) Unless certified medically fit by a medical practitioner.

**510.** Singapore employment legislation grants protection to children up to the age of 16 which may not be in line with the Convention which envisages protection granted to children up to the age of 18 years. Singapore has entered a reservation on this article, stating that “the employment legislation of the Republic of Singapore prohibits the employment of children below 12 years old and gives special protection to working children between the ages of 12 years and below the age of 16 years. The Republic of Singapore reserves the right to apply article 32 subject to such employment legislation”. The current minimum age restriction on the employment of children and young persons in Singapore was set based on the duration of primary and secondary education in Singapore. Students complete their secondary education usually at 16 years. Those who do not wish to pursue further studies may thus join the labour force at 16 years. In practice, most youths between the ages of 16 to 18 years are either pursuing higher education or vocational training in technical institutes. Notwithstanding this, our employment legislation does provide for the protection of the child in respect of the maximum number of hours that he/she may work, working hours and types of work. The types of employment Singaporean children would likely be engaged in would be fast-food restaurants, clerical or other support services in offices or sales in department stores during the school holidays.

#### **Minimum age for marriage**

**88.** The Women’s Charter governs civil marriages in Singapore. The minimum legal age of marriage in Singapore is 18 years with parental consent. A person below 18 years of age wishing to get married has to apply for a Special Marriage Licence from the Minister of Community Development and Sports before he/she can marry. Any person above 18 years but below 21 years of age is required to furnish his/her parent’s/guardian’s written consent for marriage.

#### **Minimum age for criminal responsibility**

**92.** Section 82 of the Penal Code states that nothing is an offence which is done by a child under 7 years of age. The age of criminal responsibility therefore starts at 7 years of age. Though the age of criminal liability is 7 years, there are safeguards for children up to 12 years. Section 83 of the Penal Code qualifies that in the case of a child between 7 and 12 years, there would be no criminal responsibility if the child has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion. [...]

## **SLOVAKIA**

**Source: CRC/C/11/Add. 17, 17 August 1998**

#### **School-leaving age**

**14.** The compulsory primary education of a child commences at the beginning of the school year that comes after the date on which the child has attained the age of 6 and lasts 10 years. If, despite having attained the age of 6, the physical or mental capability of a child is inadequate, or should the child's legal representative, physician or director of a pre-school facility require so, the relevant authority of the State may postpone the commencement of primary education of such child by one school year. [...]

#### **Minimum age of employment**

**11.** Labour legislation uses the term “juvenile”. In the eyes of this particular branch of law, being a juvenile does not depend on whether a person is a minor from the civil law perspective. According to the Labour Code (Act No. 65/1965, as subsequently amended), juvenile workers are workers under the age of 18, who can only work under special conditions regulated by the Code.

**14.** [...] Albeit children have legal capacity for admission to employment from the age of 15, no child may be admitted to employment prior to the date of completing his/her (primary) compulsory education. If a person completes his/her compulsory education at a school for handicapped children below the age of 15, he/she acquires legal capacity for admission to employment upon completion of compulsory education but in no case earlier than at the age of 14 (sect. 11 of the Labour Code).

### **Minimum age for marriage**

9. Pursuant to section 13 of the Family Act (No. 94/1963 Coll., amended by Act No. 132/1982 Coll. and Act No. 234/1992 Coll.), “A minor may not enter into marriage. In exceptional cases, if it is in compliance with the social purpose of the wedlock and the reasons are material, the court may allow a minor who has attained the age of 16 to enter into marriage.” The judicial practice views the pregnancy of the intending spouse as a material reason. Without the permission of the court, the marriage is void and the courts shall proclaim it void even without being petitioned to do so (sect. 13, para. 1 of the Family Act). Paragraph 2 of the same Act stipulates that “no court shall render the marriage void and the marriage shall become legal if the husband, who entered into the marriage as a minor, has attained the age of 18 or the wife has become pregnant”. A marriage entered into by a minor below the age of 16 will legally never come into being.

### **Minimum age for criminal responsibility**

12. [...] According to section 11 of the Penal Code, the penal liability of a child is stipulated negatively: “Whoever has not attained the age of 15 at the time of committing an offence shall not be criminally liable”. Section 74, paragraph 1 of the Penal Code defines a “juvenile” as a “person who, at the time of committing an offence, has attained the age of 15 and is under the age of 18”. [...]

## **SLOVENIA**

Source: **CRC/C/70/Add.19, 18 June 2003; CRC/C/8/Add.25, 30 May 1995**

### **School-leaving age**

*From CRC/C/70/Add.19 of 18 June 2003*

214. The education system, which includes pre-school education, free primary education and equal access to secondary, higher and university education, as well as the regulation and funding of education, were described in the initial report.

*From CRC/C/8/Add.25 of 30 May 1995*

13. The right of children to education and training is determined in article 57 of the Constitution. Primary education is compulsory and is financed with public money. Under the Primary School Acts (1980, 1986), compulsory primary education lasts eight years, i.e. until the age of 15. As the Act also stipulates one year preparation for primary school, the length of compulsory primary education is actually nine years, starting at the age of six.

### **Minimum age of employment**

*From CRC/C/70/Add.19 of 18 June 2003*

286. This provision was explained in the initial report.

288. The new Employment Act, which is currently in parliamentary procedure, contains a special chapter on the protection of children, which is not defined in the legislation in force. The proposed Employment Act in this section regulates:

- The practical training of apprentices, and secondary school and university students within educational programmes;
- Labour conditions for children under 15;
- The application of certain security provisions of this Act to the above-stated cases, to temporary or occasional work by secondary school and university students over 15, and to volunteer apprenticeship.

289. Children under 15 are prohibited from working; only exceptionally are children allowed to participate in film-making and theatrical performances and in the preparation and display of works of art and other works from the areas of culture, sports and advertising activities against payment. Children over 13 may carry out light work for a maximum period of 30 days in any given calendar year, and other activities during school holidays, in the manner, within the scope and on condition that such work does not endanger their safety, health, morals or education. The types of light work are determined by executive regulations. Children may perform this work with the prior permission of the labour inspector; such permission is issued on the basis of an application made by the child's legal representative. The working hours of children under 15 who carry out light work during the summer holidays may not exceed 7 hours a day or 35 hours a week. The working hours for labour carried out by a child during the school year and outside the school timetable may not exceed 2 hours a day or 12 hours a week. Children are prohibited from doing night work between 8 p.m. and 6 a.m. Children must be guaranteed a daily rest period of 14 consecutive hours in each 24-hour period.

291. Young people may not carry out hard physical work that may endanger their health or have a harmful effect on their health or on their physical development, or cause psychological damage. The maximum working hours for a young worker are 8 hours a day or 40 hours a week, which means that young people may not be engaged in

overtime work. The rest period between two successive workdays must not be shorter than 12 hours. When workers under 18 work a minimum of 4.5 hours a day, they have the right to a 30-minute break. In contrast to the legislation in force, there is uniform prohibition of night work for all young people between 10 p.m. and 6 a.m. Exceptions may only be made in the event of force majeure, or when adult workers are not available, provided that during the three weeks following such night work young people are assured an appropriate rest period. The annual vacation for young people must, by reason of their age, be extended by seven days.

*From CRC/C/8/Add.25 of 30 May 1995*

151. The Law on Basic Rights in Employment (1989, 1990) determines in article 8 that a person may become employed if he/she has reached the age of 15 and if his/her general health permits it. The same age requirement applies to work under temporary service contracts (the Law on Labour Relations, 1990, 1991). For strenuous work, the age of 16 or 18 may be required or prescribed, or such work may be forbidden to young people altogether.

#### **Minimum age for marriage**

*From CRC/C/70/Add.19 of 18 June 2003*

62. [...] The provisions contained in the legislation on marriage and family relations, health care, education and training, employment, military service and penal legislation specify in detail the rights of children, depending on their age and maturity. These provisions were explained in the initial report.

*From CRC/C/8/Add.25 of 30 May 1995*

15. The legal age for marriage is 18 (the Law on Matrimony and Family Relationships, art. 18). Where good grounds exist, the Centre for Social Work may allow a person under age to marry.

#### **Minimum age for criminal responsibility**

*From CRC/C/70/Add.19 of 18 June 2003*

265. Children under the age of 14 continue to be considered unable to violate criminal law (14-16 = young minor, over 16 = older minor, from 18 = young adult). Children are dealt with by the social services, no criminal sanctions may be applied against them, and no educational or safety measures may be administered against them.

## **SOLOMON ISLANDS**

**Source: CRC/C/51/Add. 6, 12 July 2002**

#### **School-leaving age**

350. Education is neither universal nor compulsory in the Solomon Islands. The cost of providing education for all children is constrained by geographic, demographic and economic factors. The current policy, therefore, is to simply provide greater opportunity for access at all levels of education and to provide for a steady increase in the provision of education services.

#### **Minimum age of employment**

446. The Labour Act sets out minimum ages for admission to employment in various sectors of the economy: Section 84 of the Labour Act states, "no children under the age of 12 years shall be employed in any capacity whatsoever." Exceptions: children employed by or in the company of their parent or guardian in light work or agricultural/domestic or other forms of employment as may be approved by the Minister. [N.B. Children under 12 are not allowed to work in any capacity in the industrial or commercial sectors.]

#### **Minimum age for marriage**

66. The Islanders' Marriage Act (Cap 47) states that no marriage shall be celebrated unless each of the parties has attained 15 years of age. Also no Islander under the age of 18 (who is not a widow or widower) may be married without written consent of the father or, in his absence, the mother or, in her absence, the guardian. This and other laws have recently been reviewed and are in the process of revision by the Law Reform Commission.

475. Customary law is part of the law of the land as long as it does not violate the principles of humanity ensured by the Constitution. Although there has not yet been a case brought to court, potential does exist for legal conflict to arise between certain customary marriage practices and the constitutional protection of the right to personal liberty afforded to young females as citizens of this country.

476. In certain areas of the country, customary marriage practices may, for example, allow a female child of comparatively young age to be married to a person chosen by her parents, but against her own will. In such cases any potential advocate for the girl's interests might be deterred for several reasons. Persons who might help would not be welcome interfering in family affairs. Such persons may also be uninformed of the child's legal rights under the Constitution. Or an advocate may not be willing to disrupt the highly valued cohesion of the

community in such a circumstance. Though such hypothetical situations may or may not be uncommon, a legal case must be presented before the strength of the constitutional protection can be effectively measured.

#### **Minimum age for criminal responsibility**

**64.** Under the Penal Code, section 14, a person under the age of 8 years is not criminally responsible for any act or omission; therefore no child under the age of 8 years can be guilty of an offence. A child between the age of 8 and 12 years can be found guilty only if it can be proved that the child knows that what is committed is a crime.

## **SOUTH AFRICA**

**Source: CRC/C/51/Add. 2, 22 May 1999**

#### **School-leaving age**

**85.** The Constitution grants every person the right to a basic education. The South African Schools Act (1996) provides for compulsory education between the ages of 7 and 15.

#### **Minimum age of employment**

**81.** The minimum age of employment for children is specified in the Basic Conditions of Employment Act (1996) and the Child Care Act (1983). The Basic Conditions of Employment Act is being revised, and a new bill is presently being debated in Parliament. This strengthens provisions on the prohibition of child labour, as well as protecting children in employment between 15 and 18 years.

**82.** While there have been pressures from organized labour to increase the age in the bill to 16 years of age, Cabinet recently took a decision that it should remain at 15 years as this is the same as the school-leaving age.

**83.** A practical point of concern is the number of children who work who are below the minimum age specified in the present legislation. Additionally, there are reports of children being subjected to exploitative and hazardous work. At present, the child labour provision appears in the Child Care Act (1983) which is administered by the Department of Welfare. But, in 1996 responsibility for child labour issues was handed to the Department of Labour, because the Department of Welfare was unable to monitor child labour issues adequately and no resources for an inspectorate were available. There have allegedly been no prosecutions whatsoever instituted for violations of the child labour provision in the Child Care Act (1983). The new provisions will be enacted in the above-mentioned Basic Conditions of Employment Act, which will be enforced by the Department of Labour. In practice, though, it may not be easy to enforce the rules of employment.

**524.** The present Basic Conditions of Employment Act (1983) prohibits the employment of children under the age of 15. However, the Act makes no provision for enforcing this prohibition. This responsibility rests in the Child Care Act (1983). However, the Child Care Act (1983) does not make provision for inspectors, and the Department of Welfare does not have the capacity to undertake inspections.

**527.** South Africa has not ratified any of the existing International Labour Organization (ILO) Conventions on child labour, although the Department of Labour is in the process of discussing the ratification of Convention 138. South Africa is also part of the revision process of the proposed new ILO Convention.

#### **Minimum age for marriage**

**57.** Minors under the age of 21 require parental permission to marry. Where parents refuse consent, an application may be made to the High Court (as guardian of all minors). Further, if a boy below the age of 18 years, or a girl below the age of 15 years wishes to marry, not only parental consent, but also the permission of the Minister of Home Affairs must be obtained, unless the High Court has already given its consent. No girl below the age of 12 or boy below the age of 14 may marry.

#### **Minimum age for criminal responsibility**

**68.** Under common law, children are regarded as having criminal capacity at the age of 7 years, although between the ages of 7 and 14 there is a presumption that the child lacks criminal capacity. This presumption can be rebutted by the State if it is shown that the child knows the difference between right and wrong and has the ability to act in accordance with that knowledge.

**70.** In practice, the presumption that a 7- to 14-year-old lacks criminal capacity is fairly easily rebutted, and children under the age of 14 are often arrested and convicted of criminal offences. Children under the age of 14 are to be found serving sentences of imprisonment in South African prisons. In law, children of 14 and above have the same criminal capacity as that of an adult and can be sentenced to imprisonment.

## SPAIN

Source: CRC/C/70/Add. 9, 12 November 2001

### School-leaving age

**438.** According to the General Education (Organization) Act (1/1990 of 3 October), basic compulsory free education includes primary (art. 12) and the first four academic years of secondary, i.e. from age six to 16.

**1202.** Article 27, paragraph 1 of the Spanish Constitution proclaims the right of everyone to education. Paragraph 4 of the same article provides that “Elementary education is compulsory and free.”

### Minimum age of employment

**439.** According to articles 6 and 7 of Royal Decree 1/1995 of 24 March, which approved the amended text of the Workers' Statute Act, the minimum age of work is 16 years, subject to some exceptions discussed below. Thus the labour legislation does not allow children aged under 16 to work. However, the appearance of such children in public performances may be authorized by the labour authorities on an exceptional basis.

**471.** In Spanish law the minimum age of employment (16 years) is the same as the age of completion of compulsory education.

### Minimum age for marriage

**431.** Depending on their degree of maturity and subject to the law, minors aged 14 years or older may act in the following matters:

(a) They may marry, provided that a competent court, with just grounds and on the application of the party concerned, waives the age impediment (arts. 46.1 and 48, second para., of the Civil Code). Marriage produces the *de jure* emancipation of a minor (art. 316).

### Minimum age for criminal responsibility

**451.** [...] in the case of juvenile offenders Organizational Act 4/1992 of 5 June, amending the Act on the jurisdiction and procedures of the juvenile courts, stipulates 12 years as the minimum age of criminal responsibility.

**452.** Article 19 of the new Criminal Code, approved by Organizational Act 10/1995 of 23 November, raises the age of criminal responsibility to 18 years, the same as the age of civil majority. However, the entry into force of this article 19 was deferred until the adoption of the Organizational Act on the criminal responsibility of minors, which will address comprehensively and on an up-to-date basis all matters of juvenile justice, i.e. the criminal prosecution of offences committed by persons aged under 18 years.

**1436.** Provisionally, pending the approval of the Act to govern the penal responsibility of minors, the competence of the juvenile courts, in proceedings conducted by reason of an offence or misdemeanour presumed to have been committed by someone under 18 years of age, extends to children aged more than 12 and less than 16 years. If those same acts are presumed to have been committed by a child over 16 years of age, the ordinary penal jurisdiction will take charge, and the technical staff at the service of the juvenile courts will then be called in to prepare a report on the juvenile's psychological, educational and family situation, on his or her social background and, in general, any other circumstances that may have contributed to the act of which the juvenile is accused.

## SRI LANKA

Source: CRC/C/70/Add.17, 19 November 2002

### School-leaving age

**126.** National policies on education are underpinned by the Constitution and legislative enactments. The right to education is enshrined in the Constitution. Article 27 (2) of the Constitution commits the State to “complete eradication of illiteracy and assurance to all persons of the right to universal and equal access to education at all levels”.

**131.** Though the Education Ordinance provided for the introduction of regulations for making education compulsory for children between specified age limits, this provision was not brought into operation until recently. The impact of the ratification of the Convention on the Rights of the Child by the Government and the recommendations made by the President's Task Force referred to earlier culminated in the introduction of the compulsory school attendance regulation in 1988. The compulsory attendance regulations were promulgated by a Gazette Notification under the name and authority of the Minister of Education and Higher Education. According to the Gazette Notification every parent is required to send his/her child to a school if the child is not less than 5 and not more than 14 years. Every parent contravening the regulation will be guilty of an offence. It is envisaged that the upper age limit will eventually be extended to 16 years. Two committees have been appointed in each local administrative unit to ensure the implementation of compulsory attendance regulations.

### **Minimum age of employment**

**243.** The minimum age of employment of children as domestic labour was raised from 12 to 14 years by an amendment to the Women's, Young Person's and Children's Act, No. 47 of 1956, in December 1999. At present, the minimum age of employment in all sectors other than the plantation sector is 14 years. Action is being taken by the Government to raise the age of employment in the plantation sector from 10 to 14 years. Further, the Ministry of Labour has initiated action to make payment of compensation mandatory for violating the minimum employment age requirement.

### **Minimum age for marriage**

**37.** Sri Lanka, being a multi-ethnic, multireligious society, has certain personal laws which are applicable only to specified ethnic and religious groups and which defer from the general law. The minimum age of marriage under the general law is 18 years. The personal laws applicable to Kandians have been amended to raise the minimum age of marriage to 18 years. The personal laws applicable to Muslims do not specify a minimum age of marriage. In the context of the Sri Lankan society, uniformity in personal laws has to be achieved through demands originating in the relevant communities themselves.

### **Minimum age for criminal responsibility**

**232.** The Penal Code of Sri Lanka prescribes 8 years as the minimum age of criminal responsibility.

## **SUDAN**

**Source: CRC/C/65/Add. 17, 6 December 2001**

### **School-leaving age**

**34.** Promulgated in 1992, the Public Education Act specifies the different stages of education and provides for continuation of the basic stage for eight years instead of six. Basic education begins with the pre-school stage at the age of four, which means in principle that primary school enrolment takes place at the age of six. One of the educational policies adopted is to ensure that compulsory basic education is universally available by 2000, in which connection sovereign decrees were promulgated with a view to encouraging all families to enrol their children in school at the basic stage. Educational regulations were also issued, specifying six years as the age of school admission, although pupils may still be admitted up to the age of nine years. In other words, compulsory education ends at the age of 14 years for pupils admitted at six years of age and at the age of 16 years for pupils admitted at eight years of age.

**271.** [...] The State is endeavouring to introduce the basic stage countrywide with a view to gradually declaring it compulsory, beginning in 1998. Thus far, three states, which account for 20 per cent of the population, have declared education to be compulsory. [...]

### **Minimum age of employment**

**35.** [...] the Labour Act of 1997, [...] regulate[s] the method of admission to employment or work and cover hazardous work, part-time work and full-time work, as follows:

(a) The Act stipulates that children under 18 years of age are not permitted to work, with the exception of those employed in government-run training schools, in non-profit-making training workshops or in family-owned businesses in which only other family members are employed under supervision of the owner, and those employed under an industrial apprenticeship;

(b) The Act defines a "young person" as any individual under the age of 16 years;

(c) The Act prohibits the employment of young people in jobs which are hazardous or harmful to health or which are physically demanding and in jobs or occupations which are detrimental to their morals, pursuant to article 21 of the Labour Act of 1997;

(d) The Act stipulates that young people may not be employed at night between the hours of 8 p.m. and 6 a.m., nor may they work overtime or during official or weekly holidays or for longer than seven hours, a period which must be interspersed with one hour's rest with pay. Moreover, young people may not work for more than four hours continuously.

### **Minimum age for marriage**

**36.** Given that the basis of marriage is consent, article 34 of the Personal Status of Muslims Act of 1991 stipulates that a guardian may give a mature woman in marriage if she consents to the husband and to the dowry. Her statement of her maturity is accepted unless it is conspicuously false. Information has already been provided on how maturity is determined, namely on the attainment of puberty or the appearance of unmistakable physical signs. Article 40 of the Act nevertheless permits the marriage of a person of discretion; in accordance with

paragraph 2 of the article, discretion is acquired at 10 years of age. A 10-year-old male is therefore permitted to marry if it is demonstrated that the marriage is likely to be in his interest. A guardian may not, however, give a 10-year-old girl in marriage without the consent of the judge, which is based on the considerations of advantage and good reason, provided that the husband is suitable and the dowry equals that of the girl's peers.

**37.** The marriage of non-Muslims is regulated by the Marriage of Non-Muslims Act of 1926, article 10 of which stipulates that the competent court may invalidate a marriage entered into under the Act by a male under 15 years of age or a female under 13 years of age.

**38.** As for minors, the Act stipulates that their consent is required for marriage. Article 29 provides that if either one of the couple to be married is under 21 years of age and is not widowed or divorced, it is essential to obtain the written and signed consent of the father, or of the mother if the father is deceased, delinquent or outside the country, or of the guardian if both parents are deceased, delinquent or outside the country. In all cases, if the party in question has no parent or guardian resident in the Sudan who is qualified to consent to the marriage, the judge of the court may give his written consent if, after interviewing the couple, he is persuaded that the marriage is appropriate. In such cases, his consent has the same effect as the consent given by a father or mother. [...]

**54.** In accordance with the law, the basis for marriage is maturity, the definition of which is given in this report. In Sudanese law, there is no difference between girls and boys in regard to the legal marriageable age, which is 10 years. There is a difference, however, in that, for the marriage of a discerning young girl, the law additionally requires that the judge must give his permission, the husband must be deemed suitable and the dowry must equal that of her peers. This requirement is stipulated out of concern for girls and in order to prevent any form of exploitation.

#### **Minimum age for criminal responsibility**

**40.** Article 8 of the Sudanese Penal Code of 1991 stipulates that criminal responsibility applies only to persons who are legally obliged to fulfil the precepts of the law and also capable of exercising free choice. In regard to acts of minors, article 9 provides that a minor who has not attained maturity is not deemed to have perpetrated an offence. The measures of care and reform stipulated in the Code must, however, be applied in the case of all such persons over seven years of age, as the court deems fit. Accordingly:

(a) A person having attained seven years of age has no criminal responsibility;

(b) Article 3 stipulates that "a mature person" means any person showing the unmistakable physical signs of proof that he has reached puberty, which could apply to a person having attained 15 years of age. Any person having attained 18 years of age is considered mature, even if he shows no such signs of maturity;

(c) Pursuant to article 3, a child is not considered responsible for a criminal act, although he is subject to the measures of care stipulated in article 47, pursuant to which the court may apply such measures to a young suspect who was over 7 and under 18 years of age at the time of perpetration of the criminal offence, as well as reform measures intended to improve and correct behaviour.

## **SURINAME**

**Source: CRC/C/28/Add. 11, 23 September 1998**

#### **School-leaving age**

**15.** According to article 20 of the Compulsory School Attendance Act (Bulletin of Acts and Decrees 1960), parents or guardians have the obligation to have children between the ages of 7 and 12 years attend primary school on a regular basis, if the possibility for this exists.

**118.** There has been a Compulsory School Attendance Act in Suriname since 1870. The law itself does not make school attendance actually compulsory, but it does state that children between 7 and 12 years of age must be provided with the possibility to enjoy education.

#### **Minimum age of employment**

**157.** The Labour Act (Bulletin of Acts and Decrees No. 163, as amended by Bulletin 1983, No. 91) defines labour as all work in a business, with the exception of work performed by the head or manager of the business or his spouse and blood relatives in the first degree. The Act distinguishes between youthful persons and children. "Youthful persons" are defined as minors who are between the ages of 14 and 18 years; "children" are persons who have not yet reached the age of 14 years. Article 17 of the Labour Act prohibits the performance of labour by children inside or outside any business, irrespective of whether this takes place against wages or not. Violation of this provision can be punished with imprisonment of no more than one month or a fine of no more than Sf. 1,000. In cases in which the work has an educational nature, is not too heavy and does not have any commercial

purposes, the child is permitted to perform labour outside a business. Dispensation can be given by or on behalf of the Permanent Secretary of the Ministry of Labour, if this is in the interest of the child and at the request of the responsible person in the family.

#### **Minimum age for marriage**

**14.** [...] In the law of Suriname, a distinction is made between a marriage according to civil law and one contracted under the Asian Marriage Act. In order to enter into a civil marriage, the male partner must be at least 18 years of age and the female partner at least 15 years of age. According to the Asian Marriage Act, the age limit for the male partner is 15 years and for the female partner 13 years. Parental consent is required for both male and female partners up to the age of 30 years to enter into marriage according to civil law. [...]

#### **Minimum age for criminal responsibility**

**18.** A child who has committed a criminal offence before he has become 10 years of age shall not be prosecuted (art. 56, para. 1, of the Code of Criminal Procedure). [...]

## **SWEDEN**

**Source: CRC/C/65/Add. 3, 11 February 1998**

#### **School-leaving age**

**564.** All children domiciled in Sweden have to attend school, starting in the autumn term of the calendar year when a child is seven years old. The school starting age has been flexible since 1991, and a child can start school at the age of six if the custodian so requests and the municipality is able to provide a place. As of the 1997/98 school year, the municipalities must provide places for all children wishing to start school at the age of six. In the 1996/97 school year, 7.5 per cent of children starting school were aged six or under.

**565.** Compulsory schooling lasts for 9 years (10 years for special school pupils). It is normally completed in compulsory school, but can also be completed in an approved independent school, Saami school, special school or compulsory school for the intellectually handicapped. School ceases to be compulsory at the end of the spring term of the calendar year in which the child is 16 years old (17 years old for special school pupils). A pupil attending compulsory or special school who has not satisfactorily completed the final grade when the period of compulsory schooling ends but is judged capable of completing the education, shall be given the opportunity of doing so for up to two years after the end of the compulsory school period.

#### **Minimum age of employment**

**185.** Children may not enter into contracts for employment or other work without the guardian's consent. The child may personally cancel the agreement and, if the child is aged 16 or over, enter into an agreement concerning work of a similar nature without obtaining renewed consent. Special rules exist for the protection of minors at work. [...]

**744.** Concerning paragraph 2 (a), reference is made to the main rule of the Work Environment Act, which lays down that a minor may not be used for work before the calendar year in which he is 16 years of age or before he (or she) has completed his compulsory schooling. Before this, however, a minor may be employed on light work which cannot have a detrimental effect on his health, development or schooling. The Work Environment Act also contains a provision making 13 the minimum age for light work. The provisions of the Act also apply to minors engaged for work without being employees. Special provisions concerning minors were issued by the National Board of Occupational Safety and Health in 1996.

#### **Minimum age for marriage**

**207.** A person under the age of 18 may not marry without special permission. If the right of entering into matrimony is to be examined in accordance with foreign law, then, under the Act on Certain International Legal Relations Concerning Marriage and Guardianship, the rule is that permission from the county administrative board is required for a person aged under 15. Proposals put forward in 1987 provide for this rule to be amended in such a way that Swedish law will always apply to the examination of impediments to marriage. If so, permission will be required for all persons under the age of 18. This proposal is currently being studied at the Ministry of Justice.

### **Minimum age for criminal responsibility**

**188.** Children committing crimes before they are 15 years old may not be sentenced under the Penal Code. The municipal social welfare committee, however, must always be informed if children under 15 commit crimes or are questioned in connection with crimes. In certain cases, a criminal investigation may be started in spite of the person who committed the crime being under the age of 15. An investigation of this kind may be inaugurated if it will presumably have a bearing on deciding the need for social service measures relating to the child, if it is necessary in order to clarify whether a person aged 15 or over was implicated in the crime, if it is necessary in order to search for property obtained through the crime or if it is otherwise of particular importance that an investigation be conducted. If the child is aged under 12, an investigation may be started only if there are exceptional reasons for doing so.

## **SWITZERLAND**

**Source: CRC/C/78/Add. 3, 19 October 2001**

### **School-leaving age**

**504.** Beyond the institutional framework, inter-cantonal coordination took an important step forward in 1970, when an Inter-Cantonal Concordat was adopted “with the aim of developing education and harmonizing legislation in the various cantons”. To date, 25 out of the 26 cantons have signed the Concordat.

**505.** The signatory cantons committed themselves to harmonizing their education legislation with the following objectives, which have now been achieved:

Age of entry to compulsory education: six years of age by 30 June; entry may be brought forward or put back by four months;

Compulsory education: a minimum of nine years, with a minimum 38-week school year.

### **Minimum age of employment**

**689.** Under the LTr, LDT, ONM and ILO Convention No. 138, the minimum age of employment is set at 15 years. This limit applies to any job and any sector of activity (industry, crafts, commerce, business firms, agriculture, horticulture, fisheries, private households, etc.).

**695.** The Work Act permits a lowering of the minimum age for admission to employment (15 years) for the purpose of certain types of light work which may be performed as from the age of 13 (art. 30, supplemented by OLT 1, art. 59). As from the age of 14, young people may perform undetermined light work. The OLT 1 stipulates that the health and schooling of children must not suffer as a result of this work and that their morals must be safeguarded (art. 60). It should be emphasized that these provisions are in keeping with the requirements of ILO Convention No. 138 (art. 7). The LTr, in article 30 (2), permits the employment of children under 15 only in the context of cultural, artistic or sporting events and in publicity activities.

### **Minimum age for marriage**

**51.** As regards capacity to marry, a person may not contract marriage before the age of 18 (CC, art. 94), and the consent of the minor’s legal representative is required for betrothal (CC, art. 90 (2)).

### **Minimum age for criminal responsibility**

**59.** At the present time, the child may be subject to the special provisions of the Swiss Criminal Code (CP) concerning minors. Children of under 18 years of age are considered to be minors for the purposes of criminal law. In this case the special provisions concerning minors contained in articles 83–88 of the Criminal Code for children of 7 to 15 years of age and in articles 89–99 of the Criminal Code for adolescents of 15 to 18 years of age are applicable. The Criminal Code is not applicable to children of under seven. As mentioned above, on 21 September 1998 the Government submitted to Parliament the draft of a new federal act governing the criminal status of minors (P-CPMin) which states that the age of criminal responsibility is to be raised from 7 to 10 years (P-CPMin, art. 3).

**School-leaving age**

*From CRC/C/93/Add.2 of 18 October 2002*

**30.** Approval has been granted to extend the period of compulsory education up to the end of the preparatory stage. This will be known as basic education and will entail raising the age for the completion of compulsory education to 16 full Gregorian years. The arrangement will be put into effect as soon as the requisite financial resources become available.

**129.** Education is free of charge at all stages and compulsory at the primary stage.[...]

**143.** The Government lends great importance to the stage of primary education. The Syrian Constitution affirms that every child is entitled to an education and that education is compulsory and free of charge at the primary stage. Major efforts are being expended to implement the principle of education for all, as illustrated by the facts adduced hereunder.

(a) The Compulsory Education Act No. 35 of 1981 makes education compulsory for all Syrian children, boys and girls alike, who are aged between 6 and 12 years, and it requires their legal guardians to enroll their children in primary school (art. 2).

*From CRC/C/28/Add.2 of 14 February 1996*

**45.** Article 2 of the Compulsory Education Act No. 35 of 16 August 1981 stipulates: "All guardians of male and female Syrian children between 6 and 12 years of age have an obligation to enrol them in primary schools".

**Minimum age of employment**

*From CRC/C/93/Add.2 of 18 October 2002*

**32.** With regard to the link between the minimum age for employment and the age for the completion of compulsory education, and the effects thereof on the child's right to education, having due regard for the relevant international instruments in this connection, legislation had been enacted to prohibit the employment of young persons who are under 12 years of age (the Labour Code No. 91 of 1959, the Agricultural Relations Act No. 134 of 1985, Legislative Decree No. 13 of 3 April 1982, concerning the employment of children in the home, and the State Employment Statute No. 1 of 1985).

**222.** The Syrian Arab Republic is undertaking a study to raise the minimum age for the employment of minors to 15 years, in preparation for the ratification of the Worst Forms of Child Labour Convention, 1999 (No. 134).

*From CRC/C/28/Add.2 of 14 February 1996*

**39.** The age for admission to employment is legally set at 18 years in accordance with article 7 of the State Employment Statute. Any violation of this provision is punishable under the terms of Legislative Decree No. 13 of 3 April 1982.

**40.** The legislature left the question of the employment of juveniles under 12 years of age to the discretion of the Minister of Labour and the Office of the Prime Minister.

**41.** The Minister of Labour promulgated Ordinance No. 415 of 26 August 1959 specifying 17 occupations in which it is prohibited to employ juveniles under 15 years of age. These occupations include the soap, tallow, tanning, cotton ginning and sugar processing industries.

**42.** The Minister of Labour promulgated Ordinance No. 417 of 26 August 1959 specifying 50 occupations in which it is forbidden to employ juveniles under 17 years of age. These occupations include work underground, in foundries and in the lead and petroleum processing industries. It is also prohibited to employ them to carry, pull or push loads exceeding a certain weight. The Syrian legislature's purpose in setting these minimum ages for admission to employment was to regulate occupations which affect the physical development of children and juveniles, which lead to chronic occupational diseases or which involve the use of dangerous tools or machinery.

**43.** Under the terms of article 47 of the Agricultural Relations Act No. 134 of 1958, it is prohibited to employ male and female children under 12 years of age in agricultural work. Article 48 further stipulates that adolescents and young persons over 12 but under 18 years of age may be employed in agricultural work only with the consent of their legal guardians.

**44.** The Prime Minister promulgated Decision No. 3803 of 20 November 1985 approving the model rules of procedure for all public bodies subject to the provisions of the State Employment Statute No. 1 of 1985. The said rules emphasized a number of principles, including the following:

"Juvenile" means any male or female person under 12 years of age. It is prohibited to employ a person under 12 years of age in any occupation and persons under 15 years of age must not be employed in production work. It is prohibited to assign a juvenile to work on dangerous machinery and equipment (hoisting gear, tractors, electrical installations, etc.). The rules prohibit the employment of juveniles in a number of occupations, including cotton-

ginning, printing and mining, etc. The rules also prohibit the employment of juveniles between 15 and 18 years of age to carry, push or pull loads exceeding certain weight limits.

#### **Minimum age for marriage**

*From CRC/C/93/Add.2 of 18 October 2002*

**34.** In the past, the practice of early marriage adversely affected primary school attendance among girls and was a contributory factor in their failure to continue their education up to the secondary stage. However, this phenomenon is on the wane, and, according to the estimates produced by the 2000 Multiple Indicator Cluster Survey, the average marrying age for Syrian women has risen to 25.1 years. This is the result of the concerted efforts of the official and popular organizations, particularly the Women's General Federation.

*From CRC/C/28/Add.2 of 14 February 1996*

**37.** Syrian law makes a distinction between males and females in regard to marriageable age. Article 16 of the Personal Status Act stipulates: "The age of eligibility for marriage is 18 years in the case of young men and 17 years in the case of young women". Below this age, marriage may be authorized subject to the conditions laid down in article 18 of the Personal Status Act.

#### **Minimum age for criminal responsibility**

*From CRC/C/93/Add.2 of 18 October 2002*

**199.** Under the terms of the Juveniles Act, children begin to have legal responsibility after attaining the age of 7 years (art. 2) and cannot be held criminally liable until they have reached the age of 15 (art. 29). There is no sex-based discrimination in the definition of the age of responsibility.

**200.** Accordingly, the Juvenile Delinquents Act No. 18 of 20 March 1974 divides juveniles into the following distinct categories in respect of legal and criminal responsibility:

- (a) The first category refers to children who are incapable of discernment, meaning children who have not attained the age of 7 years and whom the law regards as being entirely absolved of responsibility for any act or offence which they commit, whether it takes the form of a contravention, misdemeanour or felony. Children of this age cannot be tried, prosecuted, arrested or interrogated, nor can general proceedings be taken against them;
- (b) The second category refers to adolescents from 7 to 15 years of age. They cannot be sentenced to penalties for acts committed, but may be subject to special reform measures, the purpose of which is to provide for the welfare and reform of the child and ensure that he or she is safely reintegrated into society upon release. [...]
- (c) The third category refers to adolescents who are aged between 15 and 18 years. Penalties are applied in respect of these juveniles only in one case, namely where they perpetrate a legally designated criminal offence. The penalties are lighter than those imposed on adults who commit the same offence. [...] Otherwise, if a juvenile over the age of 15 years commits a contravention or a misdemeanour, he or she is not liable to penalties, but only to reform and welfare measures.

*From CRC/C/28/Add.2 of 14 February 1996*

**34.** The legal principles embodied in Syrian law stipulate that a person who is incapable of acting with discretion does not bear civil or criminal responsibility for his acts. Article 165 of the Civil Code contains the following provision:

"1. A person is responsible for his unlawful acts if he commits them while capable of acting with discretion."

**35.** Article 2 of the Juvenile Delinquents Act further stipulates: "No juvenile shall be liable to criminal prosecution for an offence that he committed when he was under seven years of age".

**236.** The Juvenile Delinquents Act divides childhood into the following three stages:

- (a) The first stage of childhood, from birth to seven years of age. During this stage, the child bears no criminal responsibility (art. 2 of the Juvenile Delinquents Act).
- (b) The second stage of childhood, covering adolescents from 7 to 15 years of age. During this stage, although some legal proceedings may be instituted against them, the court cannot sentence them to any penalty whatsoever.
- (c) The third stage of childhood, covering juveniles from 15 to 18 years of age.

## **TAJIKISTAN**

**Source: CRC/C/28/Add. 14, 8 October 1998**

#### **School-leaving age**

**5.** The educational system in the Republic of Tajikistan is a composite system ensuring the continuity of educational programmes and State educational standards at various levels and in various orientations. The system guarantees compulsory basic general education and universally accessible general secondary education and provides for education at subsequent levels on a competitive basis.

7. In the Republic of Tajikistan there are children's pre-school institutions, primary and basic (nine-year) or complete secondary education schools, special boarding schools for children with limited abilities and for orphans and children left without parental care and support, and also institutions of further education. [...]

**Minimum age of employment**

82. The use of hired child labour is not permitted under the legislation in force. In exceptional cases, with the agreement of the parents and the commission on juvenile affairs of the local council, children aged 14 years or older may be allowed to work, but only as trainees performing uncomplicated work. Employing children under 18 years of age for work under harmful or arduous conditions is prohibited.

**Minimum age for marriage**

Information unavailable

**Minimum age for criminal responsibility**

Information unavailable

## **THAILAND**

**Source: CRC/C/11/Add.13, 30 September 1996**

**School-leaving age**

96. The Primary Education Act stipulates in its section 6:

“The guardian of a child who is approaching the age of 8 years is obliged to send the child to a primary school until the child approaches the age of 15 years unless the child has already graduated from the primary grade 6 or its equivalent as determined by the curriculum of the Ministry of Education.”

However, in practice, the child can enter a primary school before the age of 8 years and complete compulsory education before the age of 15 years. Each Provincial Primary Education Committee has the authority to allow children's guardians in their area to exercise this option. Most children do enter a primary school between 6 and 7 years of age and graduate from the compulsory primary grade 6 at the age of 11 or 12.

**Minimum age of employment**

113. The minimum age for admission to employment is 13 years of age. This law prohibiting the employment of children under 13 allows no exceptions. Those employing children under 13 will be considered in violation of the law.

436. The law states that employers may not employ children under the age of 13. They are also prohibited from employing children aged between 13 and 18 for 10 hazardous jobs.

**Minimum age for marriage**

106. The law stipulates that boys and girls must be at least 17 years old if they are to be married. This is because the law considers people aged 17 mature enough to start a new family. However, a court may allow an earlier marriage if there are reasonable grounds, e.g. religion.

**Minimum age for criminal responsibility**

82. The lowest age at which a person can be convicted of a criminal charge in Thailand under the country's Penal Code is given in chapter 4 on Criminal Responsibility, section 73: “A child below 7 years of age, who commits a criminal offence, is not liable to punishment”. This means that criminal responsibility begins when the child is older than 7 years old. Although this child cannot be punished until he is over 14 years of age.

## **The Former Yugoslav Republic of MACEDONIA**    **Source: CRC/C/8/Add. 36, 27 July 1997**

**School-leaving age**

188. In accordance with article 28 of the Convention, as mentioned earlier, the right to education of children results from the constitutionally guaranteed right to education. Education is equally accessible to all citizens. Primary education is compulsory and free of charge for all children from 7 to 15 years of age, and lasts eight years. Generally, all types of education have been, and still are free of charge, but the new legal regulations on secondary and university education foresee the possibility that school fees may be introduced under certain conditions.

**Minimum age of employment**

12. The Constitution stipulates that the minimum age limit for employment, is 15 years of age. According to the Family Act, minors under custody who have reached 15 years of age can be employed, without prior permission from the guardian, and can freely handle their salary, but they are obligated to contribute for their maintenance, upbringing and education. [...]

**Minimum age for marriage**

15. In accordance with the Family Act, persons who have not attained 18 years of age cannot enter into marriage. If a person who has not attained 18 years of age wishes to marry, the competent court, can in a non-contentious procedure, permit a person who has attained 16 years of age to enter into a marriage, provided that the court is of the opinion that the person possesses the physical and psychological maturity required for the performing rights and duties resulting from marriage. The court forms its opinion on the basis of the finding provided by a medical institution, as well as through the expert assistance provided by the Centre for Social Work. [...]

**Minimum age for criminal responsibility**

21. The Criminal Code of the Republic of Macedonia provides special treatment for juvenile criminal offenders. In this context, and in the criminal justice sense, all persons who have not attained 14 years of age at the moment of perpetrating a crime are entitled to the status of a child and cannot be charged with a crime. A juvenile may be subjected to correctional and safety measures if, at the time of committing the crime, he was under 14. Juveniles between 16 and 18 years of age can be legally responsible only for the most serious criminal offences, and can be sentenced to imprisonment. If during the proceedings it is proved that when the minor committed the criminal offence he was in fact under 14 years of age, then criminal proceedings are immediately halted, and the competent custody organ is duly informed.

**TOGO**

Source: CRC/C/3/Add. 42, 27 February 1996

**School-leaving age**

18. The legal minimum age for the end of compulsory education is 16, since, according to article 2 of the Ordinance of 6 May 1975 on education reform, education is compulsory between the ages of 2 and 15.

**Minimum age of employment**

103. Child labour is regulated, as we have already indicated, by the provisions of the Labour Code (art. 114), as well as by decision No. 884-55/LTLS of 28 October 1955 relating to female and child labour, and by decision No. 15/MTAS-FP of 6 December 1958 relating to child labour. These instruments prohibit the employment of a child aged less than 14 years in an enterprise, even as an apprentice. Furthermore, work performed by a child must not exceed his physical capacity or endanger his health, education or morals.

**Minimum age for marriage**

20. [...] The Togolese Individuals and Family Code sets the minimum age for a child's consent to marriage as the age of puberty, which is 17 for girls and 20 for boys (art. 43). Those ages are established on the basis of the age of civil majority, which is 21. In the future, it will be necessary to go back to the Mandel Decree of June 1939, which set the age of puberty as 14 for girls and 16 for boys, in view of the age of emancipation, which will be 16, and the age of majority, which will be 18.

**Minimum age for criminal responsibility**

24. The juvenile judge and juvenile court are judicial authorities with jurisdiction in cases involving offences committed by children under 13 years of age. The distinguishing characteristic of the court is that it is a specialized legal body in which the judge combines the functions of examining magistrate and sentencing judge. There is, thus, adequate protection of children, since, when a child commits an offence, the judge imposes a remedial, rather than a custodial, sentence. Moreover, sanctions are imposed only in exceptional cases and are always appropriate to the age and personality of the child (in the case of children over the age of 16).

## TRINIDAD AND TOBAGO

Source: CRC/C/11/Add. 10, 17 June 1996

### School-leaving age

27. As detailed in the Education Act, chapter 39:01, section 76 (1), the compulsory school age in Trinidad and Tobago is between 6 and 12 years of age and the penalty for contravention of this by parents is a summary offence with a small fine. However, the State provides education well beyond the 6 to 12 period, and in practice school age is 6 to 15 years, although shortage of facilities prevents this from being assured for all.

### Minimum age of employment

28. The Children Act, chapter 46:01, section 94, makes clear that it is an offence to employ a child under the age of 12, or for a guardian to mislead an employer as to the age of a child. The Children Act, chapter 46:01 91 and 93 further states that no child under 14 may be employed in a factory or any auxiliary business. There is also a prohibition against the employment of a child of under 14 in a public industrial undertaking or on board a vessel, except where the enterprise is a family concern involving only members of the child's own family. Where young persons under the age of 16 are employed in an industrial undertaking, including heavy industry, and industries where articles are manufactured, repaired or ornamented, the employer or ship's master must keep a register of such persons, which shall be produced on request for inspection by the police. The Children Act, chapter 46:01, Part V, maintains that until a person is 18, he may not be employed in an industrial undertaking at night, which means between 10 p.m. and 5 a.m., except in a family enterprise, or within other limited exceptions. Females, whether children or not, are also restricted in employment by the Employment of Women (Night Work) Act, chapter 88:12. This prevents women from being employed in industrial undertakings during any portion of a period of 11 consecutive hours from 10 p.m. to 5 a.m. The exceptions are industrial undertakings that employ only members of the same family, and women in managerial positions not ordinarily engaged in manual work.

### Minimum age for marriage

23. In Trinidad and Tobago, this is governed by both statutory law and the common law. Three different situations apply:

- (a) Under the Hindu Marriage Act, chapter 45:03, a girl may marry at age 14 and a boy at 18;
- (b) Under the Muslim Marriage and Divorce Act, chapter 45:02, a girl may marry at 12 and a boy at 16;
- (c) Under the common law, the ages are 12 for a girl and 14 for a boy. Parental consent is required for all marriages of minors except in respect of a Hindu girl who has attained the age of 16 years.

### Minimum age for criminal responsibility

29. The age below which a child is conclusively presumed to be unable to commit an offence is seven years under the common law. However, legislation raising the age of criminal responsibility to either 10 or 12 is being considered.

## TUNISIA

Source: CRC/C/83/Add. 1, 30 October 2001

### School-leaving age

494. The child's right to education is guaranteed by Act No. 91-65 of 29 July 1991 concerning the educational system. Schooling is compulsory and free between the ages of 6 and 16. Administrative measures have been put in place to ensure the exercise of this right. They provide for various levels of penalties which may be used against any parent who attempts to prevent a son or daughter from attending school. In addition, the State is required to guarantee an education to all persons of school age.

### Minimum age of employment

157. The minimum age for entry into the labour force in all sectors of activity regulated by the Labour Code (industrial, commercial, agricultural, etc.) is set at 16 years old as a general rule. This rule applies as much to full-time work as it does to part-time work. The age for entry into employment which by its nature or by the conditions in which it is carried out "is dangerous for the life, health or the morality of the persons engaged therein" is set at 18 years old (article 58 [new] of the Labour Code).

158. The age of admission for vocational training is 17 years. It is set at 15 years for apprenticeships.

**585.** Following Tunisia's ratification of ILO Convention concerning Minimum Age for Admission to Employment (by Act No. 95-62 of 10 July 1995), Act No. 96-62 of 15 July 1996 amending certain provisions of the Labour Code raised the general minimum age for admission to employment, in all activities regulated by the Code, to sixteen instead of fifteen.

**586.** Tunisian law provides for certain derogations from the minimum age for admission to employment; these are enshrined in the international labour laws, in particular ILO Convention No. 138. Thus, the age of admission is lowered to 13 years in agriculture and in non-agricultural and non-industrial activities provided certain strict conditions are met: the duties must be light and not harmful to the health and normal development of the children, and must not affect their school attendance and ability to study or their participation in vocational guidance or training approved by the competent public authorities (Labour Code, articles 55 (new) and 56(new)).

#### **Minimum age for marriage**

**135.** Article 5 of the Personal Status Code stipulates: ...“men under 20 years of age and women under 17 years of age cannot enter into a marriage contract. Below this age marriage cannot be contracted unless there is special authorization granted by the judge who will only do so for serious reasons and in the clear best interests of the two future spouses”.

**136.** The Tunisian Criminal Code, which ensures the child effective protection against sexual exploitation, does not authorize children to have sexual relations. Even marriage is subject to the authorization of the judge for boys and girls under 17 years and to the approval of the mother and father for a female child of over 17 years of age (article 5 of the Personal Status Code).

#### **Minimum age for criminal responsibility**

**142.** Article 68 of the Child Protection Code states that a child under 13 years of age is considered irrebuttably to be unable to have infringed the Criminal Code, this presumption becomes rebuttable for children aged from 13 to 15 years old. However, a criminal sentence can be applied to the child if this sentencing appears necessary for the child's rehabilitation. Article 99 of the Child Protection Code states that in this case “rehabilitation is undergone in a specialized establishment and if this should prove to be impossible, in a special block of the prison reserved for children”.

## **TURKEY**

**Source: CRC/C/51/Add. 4, 8 August 2000**

#### **School-leaving age**

**105.** The Turkish Law on Primary Education repeats the constitutional provision to the effect that primary education is compulsory and free for all citizens and declares the 6–14 age bracket as the compulsory primary education period.

#### **Minimum age of employment**

**108.** Under article 67 of the Labour Law, it is forbidden to employ children under 15 years of age, with the exception that employment in light work may be permitted to 13-year-old children if it will not adversely affect their health, school education or vocational training. On the other hand, 12 was set to be the lower age limit for working in article 173 of the General Law on Hygiene. Efforts are under way to deal with such discrepancies.

**109.** Similarly, according to article 59 (1) of the National Basic Education Law, children of primary school age but not attending an educational institution may not be employed with or without pay in any public or private enterprise or in any other institution. However, article 59(2) permits the employment of children attending a primary school, provided that the attendance is proven by documentary evidence and that the employment is outside of school hours.

**527.** According to the Labour Law (No. 1475), the minimum age for employment is defined as 15 as a rule and as 13 for exceptional light work. However, due to the fact that this provision is void in places where three people or more are employed, the minimum working age is 12, as specified in article 173 (1) of the Common Hygiene Law No. 1593.

### **Minimum age for marriage**

**87.** The Civil Code lays down the minimum age for getting married as 18. However, with the consent of the parents, this limit can be 17 years of age for males and 15 years of age for females. Irrespective of these limits, the judge may permit the marriage of a 15-year-old male with a 14-year-old female for important reasons and under exceptional circumstances under article 88 of the Code.

### **Minimum age for criminal responsibility**

**165.** Under the Turkish Penal Code, the age of transition to full penal liability is 18. Nevertheless, according to the Law on Juvenile Courts, the minimum age to stand before these courts is 15 years.

**480.** Article 11 of the Law on the Establishment, Duties and Procedures of Juvenile Courts states that No investigation can be made about and no sentence can be given to those who are younger than 11 years old at the time the crime is committed. However, if the crime requires an imprisonment sentence of more than one year or a heavier sentence, one of the measures specified in article 10 is applied. If sufficient measures will be taken by parents or persons liable for taking care of the child who is younger than 11 years old, other measures may not be applied by the court. Article 12 states that If the investigation carried out in accordance with article 20 on a child who has completed the aged of 11 but has not completed the age of 15 when the criminal act is committed does not require a sentence, one of the measures specified in article 10 may be applied by the court.

## **UGANDA**

**Source: CRC/C/3/Add. 40, 17 June 1996**

### **School-leaving age**

Information unavailable

### **Minimum age of employment**

**38(g)** The Employment Decree (1975) does not allow a person under 12 years to be employed except on light work. What constitutes light work was not defined.

**259.** The Employment Decree 1975 [...] prohibits children of certain ages from a variety of work situations. Those under 18 are prohibited from employment in dangerous and hazardous jobs, those under 17 are not supposed to work at night, while those under 16 are not to work underground. A person under 12 years should only be employed in light work as prescribed by the Minister of Labour.

### **Minimum age for marriage**

**38(d)** [...] Marriage can be contracted for a person under 21 years with the written consent of a parent (Marriage Act);

**38(e)** The Customary Marriages (Registration) Decree 16 of 1973 states that the minimum age of marriage is 16 years for males and 18 years for females;

**38(f)** The Marriage and Divorce of Mohammedans Act allows a minor to apply to have his or her marriage registered if the lawful guardian fails to apply for it. The Act does not define a minor and does not set the minimum age of marriage.

### **Minimum age for criminal responsibility**

**38(g)** At present a child from the age of 7 to 12 years is criminally liable if it can be proved that he/she knew the act was wrong and ought not have done it.

**237.** The draft bill for the Children's Statute has adequately addressed the administration of juvenile justice.

**242.** It has been proposed in the bill that the minimum age of criminal responsibility shall be 14 years. This is an increase of 7 years from the present lowest age of criminal responsibility which is 7 years. At 14 the child is at least capable of understanding the consequences of his or her action.

## **UKRAINE**

**Source: CRC/C/70/Add. 11, 18 May 2001**

### **School-leaving age**

**99.** The obligation to complete the 11 grades of general secondary education, i.e up to age 17, is stated in the Constitution (art. 53).

### **Minimum age of employment**

**99.** Children below the age of 16 may not be admitted to employment. With the consent of one of their parents or a surrogate parent, children aged 15 may be admitted to employment on an exceptional basis. For the purposes of training young people for productive work, students aged 14 or older in general education,

vocational-technical and secondary specialized schools may be employed in their free time to perform light work which does not harm their health or interrupt their schooling, subject to the consent of one of their parents or a surrogate parent (art. 188);

#### **Minimum age for marriage**

**99.** The minimum age of marriage is 18 for males and 17 for females. Marriage may be permitted at an earlier age in exceptional circumstances (Marriage and Family Code, art. 16).

#### **Minimum age for criminal responsibility**

**735.** The Criminal Code provides that persons who had reached the age of 16 before committing the crime in question may be held criminally responsible. Persons who commit a crime when aged 14 or 15 may be held criminally responsible only in particularly serious cases (art. 10).

## **UNITED ARAB EMIRATES**

**Source: CRC/C/78/Add. 2, 24 October 2001**

#### **School-leaving age**

**2.** [...] chapter II of the Constitution, entitled “Basic social and economic principles”, contains the following articles:

– Article 17: Education is a fundamental factor in social progress. Within the Federation, it shall be compulsory at the primary level and free of charge at all levels. [...]

**170.** All children at (pre-university) school age, regardless of their nationality, gender or religion, are entitled to enrol at government schools. There are separate schools for boys and girls. Education is free of charge and the schools provide the requisite books and stationery at nominal prices. The official age for enrolment at primary schools is 5.9 to 6 years and the primary stage of education lasts for six years.

#### **Minimum age of employment**

**4.** The functions of the ministries and the powers of ministers are regulated by Federal Act No. 1 of 1972, which stipulates as follows:

– Article 20 of the Labour Relations Regulatory Act No. 8 of 1980 prohibits the employment of juveniles of either sex who are under 15 years of age. [...]

#### **Minimum age for marriage**

Information unavailable

#### **Minimum age for criminal responsibility**

**97.** [...] article 6 of Federal Act No. 9 of 1976 concerning juvenile delinquents and vagrants stipulates that: “Criminal proceedings shall not be brought against a juvenile delinquent under seven years of age. However, in all cases, the investigating authorities or the courts may order educational or remedial measures appropriate to the juvenile’s situation if they deem such measures to be necessary.” The Act therefore sets the minimum age at 7 years, even if the juvenile is found to be capable of exercising discretion at a younger age. The Act also stipulates that, if a juvenile is found to have been incapable of distinguishing between right and wrong at the time of his commission of an act, the judge should not sentence him to any penalty whatsoever but should merely order appropriate educational and remedial measures.

## **UNITED KINGDOM OF GREAT BRITAIN and NORTHERN IRELAND**

**Source: CRC/C/83/Add. 3, 25 February 2002; CRC/C/11/Add. 1, 28 March 1994**

#### **School-leaving age**

*From CRC/C/11/Add. 1 of 28 March 1994*

**67.** The minimum school leaving age (MSLA) is generally around the child's sixteenth birthday. MSLA is defined as follows: “A child whose 16th birthday occurs between 1st September and the 31st January (both dates inclusive) shall be deemed to be of compulsory school age until the end of the spring term which includes such month of January. A child whose 16th birthday occurs between the 1st February and the 31st August (both dates inclusive) shall be deemed to be of compulsory school age until the Friday before the last Monday in May in that year”. In Northern Ireland, the upper limit of compulsory school age is reached a) For a person who attains the age of 16 between 1 September in any year and 1 July in the following year (both dates inclusive), on 30 June in

that following year; (b) For a person who attains the age of 16 between 2 July and 31 August in any year (both dates inclusive), on 30 June in the following year.

#### **Minimum age of employment**

*From CRC/C/83/Add. 3 of 25 February 2002*

**10.68.2** The law on children's employment, that is those under the minimum school leaving age, can now be outlined as follows.

**10.68.3** Children between age 13 and the minimum school leaving age may work:

- (a) For a maximum of 2 hours on schooldays;
- (b) For a maximum of 2 hours on Sundays;
- (c) For a maximum of 5 hours (if aged under 15) or 8 hours (if 15 or over) on Saturdays and weekdays during the school holidays, subject to an overall limit of 25 hours (under 15) or 35 hours (15 and over) a week in the school holidays.

**10.68.4** Children may not:

- (a) Do anything other than light work;
- (b) Work before they are 13 years of age;
- (c) Work for more than one hour before the start of school;
- (d) Work during school hours;
- (e) Work before 7.00 a.m. or after 7.00 p.m.;
- (f) Work for more than four hours without a break of at least one hour;
- (g) Work throughout the summer holidays; they must have a break of at least two weeks;
- (h) Work without an employment card issued by the local authority;
- (i) Work in any industrial undertaking, e.g. factory, building site, etc.;
- (j) Work in many occupations prohibited by local by-laws or in other legislation, e.g. in pubs or betting shops, or in any work which is likely to be harmful to their health, well-being or education;
- (k) Take part in certain theatrical or other performances or in professional sport or modelling without a licence issued by the local authority.

#### **Minimum age for marriage**

*From CRC/C/11/Add. 1 of 28 March 1994*

**71.** In England and Wales, 16, with parental consent. If parental consent is refused, a court may authorize the marriage. Getting married between the ages of 16 and 18 without parental consent or permission of a court does not invalidate the marriage but it is a criminal offence. In Northern Ireland similar provisions apply. In Scotland a marriage can be contracted at age 16 without parental consent.

#### **Minimum age for criminal responsibility**

*From CRC/C/83/Add. 3 of 25 February 2002*

*Scotland*

**2.11.1** [...] Although Scotland has a low age of criminal responsibility (8 years), the vast majority of Scottish children who offend are dealt with through the Children's Hearings system. Children under 16 years are only considered for prosecution in court for serious offences such as murder and rape; and even in such instances it is not automatic that prosecution will occur. Children in these categories can be referred to the Principal Reporter who has the statutory responsibility to decide whether to refer cases to a Children's Hearing. [...]

*England and Wales*

**10.24.1** Legislation in the Crime and Disorder Act has:

- (a) Abolished the rebuttable presumption of *doli incapax*, thereby ensuring that courts will be able to address offending behaviour by children between the ages of 10 and 14 at the earliest possible opportunity, and so nip that offending behaviour in the bud; [...]

**10.30.4** It is also important to emphasize that the abolition of the presumption of *doli incapax* does not affect the age of criminal responsibility in England and Wales, which remains at 10 years. The Government considers that this is an appropriate level, reflecting the need to protect the welfare of the youngest. However if children aged 10 or older start to behave in a criminal or anti-social way, the Government considers that we do them no favours to overlook this behaviour. It is in the interests of children and young people themselves to recognize and accept responsibility, and to receive assistance in tackling criminal behaviour.

*Northern Ireland*

**10.43.10** The Government believed that there was no reason for the law on *doli incapax* to be any different in Northern Ireland from that in England and Wales, and the rebuttable presumption of *doli incapax* was abolished in Northern Ireland in December 1998.

## UK (ISLE OF MAN)

Source: CRC/C/11/Add. 19, 8 May 1998

### School-leaving age

11. (d) The period of "compulsory school age" lasts from 5 years to 16 years; / Isle of Man Education Act 1949, sect. 65, Education (School Age) Act 1988, sect. 1./

### Minimum age of employment

11. (j) A child under 13 may not be employed (except by his parents in light agricultural or horticultural work). Restrictions apply to the employment of persons under 16 (e.g. as to hours of work); / Children and Young Persons Act 1969, sect. 15, Employment of Children Byelaws./

### Minimum age for marriage

11. (e) A child under 16 years is incapable of being married, and a child between 16 and 18 years may not lawfully be married without a parent's consent, unless the High Court dispenses with such consent; / Marriage Act 1984, sects. 2 and 3./

### Minimum age for criminal responsibility

11. (a) The age of criminal responsibility (under which a child cannot be convicted of a criminal offence) is 10 years; / Children and Young Persons Act 1966, sect. 45, Children and Young Persons Act 1969, sect. 12./

## UK (OVERSEAS TERRITORIES)

Source: CRC/C/41/Add. 9, 29 May 2000

### School-leaving age

19. Under the Education Ordinance 1989 of the Falkland Islands (as amended) a child is deemed to be of compulsory school age until the end of the school year in which he attains the age of 16 except that where he attains the age of 16 between the end of the preceding school year and the beginning of the first term of the new school year, he is deemed to have attained that age during the preceding school year. The school year ends at the end of the third term of that year (on approximately 20 December) and the new school year will begin during the first week in February (usually on the first Thursday of February).

### Minimum age of employment

172. The Falkland Islands comply fully with the provisions of all relevant ILO Conventions in relation to the employment of children, notwithstanding that they have not been applied. The Employment of Children Ordinance 1966 is the principal law regulating the employment of children. It contains a general prohibition of the employment of children under two years below the minimum school-leaving age and restricts the employment of children above the age of two years below the minimum school-leaving age and that age. The Ordinance provides that such children cannot:

- (a) Be employed until after school hours on any school day;
- (b) Be employed for more than two hours on any school day or on any Sunday;
- (c) Be employed before 7 a.m. or after 7 p.m. on any day; or
- (d) Be employed to lift, carry or move anything so heavy as to be likely to cause injury to them.

The Employment of Women, Young Persons and Children Ordinance 1967 prohibits the employment of such children in any industrial undertaking or on any ship. It also provides that a person under the age of 18 cannot generally be employed at night in an industrial undertaking or in any mine or quarry.

### Minimum age for marriage

23. A person of under 16 years cannot lawfully marry. A person of 16 years of age or more, but under the age of 18, can marry with parental consent, or the consent of a competent court.

### Minimum age for criminal responsibility

26. A child under the age of 10 cannot be prosecuted in respect of any offence. A child of 10 years but under 14 years can only be prosecuted if it is proved that the child knew what he or she was doing and that he or she knew that it was wrong.

## United Republic of TANZANIA

Source: CRC/C/8/Add. 14/Rev. 1, 25 September 2000

### School-leaving age

105. The Education Act of 1978 stipulates compulsory enrolment in primary education between the ages of 7 and 13 years.

107. In Zanzibar, primary education is compulsory according to the Education Act. No. 6 of 1982. Compulsory basic education constitutes 10 years of schooling: 7 years of primary education and 3 in junior secondary school.

### Minimum age of employment

102. In Zanzibar, no child under 12 years can be employed except in rural areas where children over 10 years can do light work, which includes some agricultural activities and domestic service.

358. Despite the existence of the Employment Ordinance (Cap. 366) which prohibits employment of children under 12 years of age, the law is not fully enforced due to lack of awareness of children's legal rights among the children, employers, and among the law enforcers. The law also contains contradictions with respect to the employment age, with different laws stating different ages. For instance, under the Employment Ordinance (Cap. 366) sect. 77, it is prohibited to employ a child under the apparent age of 12 years, the Education Act of 1978 indicates that compulsory schooling ends at 13 years; under the law of Contract Ordinance a child cannot enter into a contract. However, in actual fact, children have to work towards the survival of their families, but the kind of work carried out by them should not be exploitative or hazardous and should not in any way interfere with their education and rights to rest and recreation.

### Minimum age for marriage

88. [...] In marriage, the minimum age for marriage is 15 for girls and 18 for boys as per the Law of marriage Act 1971. The same Act states that a married woman at 15 years and above is no longer a child.

103. Islamic law seems to permit the marriage of individuals who have reached puberty, at which point they are considered to be adults.

104. It also seems to recognize the possibility that girl children may be married before they reach puberty and without their consent. A girl so married has the possibility of repudiating the marriage when she reaches adulthood.

### Minimum age for criminal responsibility

87. [...] The Penal Code states that a child has criminal capacity at the age of 12 years.

94. According to the Penal Code (Cap 16) a child of 7 years is not criminally responsible. However, between the ages of 7 and 14, there is a rebuttable presumption that this child was capable of knowing that what he did, or omitted to do, was wrong. In this regard such a child can be held criminally liable.

95. There is Sexual offences Special Provisions Act of April 1998, which, among other things, raises the age of criminal responsibility to 10 years. However, there are mixed feelings as regards the advantages and disadvantages of raising this age.

96. In Zanzibar, a person under the age of 12 is not criminally responsible for any act or omission, and a child between 12 and 14 is presumed not to have capacity unless the contrary is proved (Act No. 11 of 1986)

353. The Penal Code establishes a minimum age of criminal responsibility. Under section 14, which was recently amended to increase the relevant ages, a person under the age of 12 is not criminally responsible for any act or omission, and a child between 12 and 14 is presumed not to have capacity unless the contrary is proved.

## UZBEKISTAN

Source: CRC/C/41/Add. 8, 19 February 2001

### School-leaving age

225. Under Uzbek law, general secondary education – extending over a period of nine years, comprising grades 1–9 at school – ensures that children receive a thorough education in the principles of science, that their cognitive faculties are developed, that they acquire basic scholarship, scientific learning, and general cultural knowledge, that their spiritual and moral qualities are nourished on the basis of national and universal spiritual values, and that they develop vocational skills, a capacity for creative thought and an informed attitude to the surrounding world and to their choice of profession.

236. Compulsory secondary specialized and vocational education, extending for a period of three years after completion of general education, is a separate component in the Uzbek continuous education system. [...]

### **Minimum age of employment**

**314.** The Labour Code of the Republic of Uzbekistan, which entered into force in April 1996, sets 16 as the minimum age for admission to employment. As part of their preparation for employment, pupils and students aged 14 and over at general education schools, vocational technical colleges and secondary educational establishments are permitted, during after-study hours, to perform light work which poses no hazard to health. With the written consent of one parent or of a person acting in the parent's stead, young people may be admitted to employment from the age of 15.

### **Minimum age for marriage**

**69.** [...] Under the provisions of the Family Code of the Republic of Uzbekistan marriageable age is set for men at 18 and for women at 17 and in exceptional circumstances may be lowered, by decision of the hokimiyat, but by no more than one year.

### **Minimum age for criminal responsibility**

**291.** Under Uzbek law, persons who have attained the age of 13 may be held criminally liable, but only for the commission of premeditated murder in aggravating circumstances (article 97, second section). Criminal liability is engaged from the age of 14 for certain types of serious offences, and from the age of 16 for all other crimes. [...]

## **VANUATU**

**Source: CRC/C/28/Add. 8, 26 May 1997**

### **School-leaving age**

**31.** Six years of primary education are provided by government schools, Government-assisted schools with religious affiliation and private schools. Primary education is not compulsory but the Government since independence has strived to provide places for all school-age children. [...]

### **Minimum age of employment**

**101. (c)** Employment Act (Cap 160), section 38: no person under the age of 12 shall be employed in any capacity, except on light work suitable to his/her capability in an agricultural undertaking owned and managed by the family of which he or she is a member; section 39: a person under the age of 14 is not allowed to be employed except on light work of an agricultural or domestic character in which members of the employer's family are employed with him, or on agricultural light work carried on collectively by the local community; section 40: a person under the age of 15 is not allowed to work on any industrial undertaking except with the approval of the Commissioner of Labour or on a ship; section 41: no person under the age of 18 is allowed to work at night in any industrial undertaking; section 42: no person under the age of 18 is allowed to work on a ship unless certified by a medical practitioner that he is fit for such work; section 43: every employer in any industrial undertaking and every master of a ship shall keep a register of all persons under the age of 18 years employed in such undertaking or on the ship. Such register is open to inspection by the labour officer.

### **Minimum age for marriage**

**101. (d)** Control of Marriage Act (Cap 45): article 2 states that no person of the male sex being under the age of 18 years and no person of the female sex being under the age of 16 years may lawfully marry; article 3 states that no person under the age of 21 years may lawfully marry without the consent of his/her parents or guardians.

### **Minimum age for criminal responsibility**

**193.** The Penal Code (sect. 17 (1)) protects children under 10 years of age from responsibility for crime. It states that no child under the age of 10 years shall be capable of committing any criminal offence. A child of 10 years of age or over but under 14 years of age shall be presumed to be incapable of committing a criminal offence unless it is proved by evidence that he was able to distinguish between right and wrong and that he did so with respect to the offence with which he is charged. [...]

## **VENEZUELA**

**Source: CRC/C/3/Add. 54, 22 September 1997**

### **School-leaving age**

**49.** Compulsory schooling ends with the completion of basic education, which covers a period of at least nine years. Children up to the age of 15 may receive compulsory basic education only under the attendance system, in shifts from 7 a.m. to 6 p.m. Attendance at night is prohibited before that age. The purpose of this measure is to

ensure that a child's main activity is study. Compulsory basic education should be completed by 14, the age at which children are legally entitled to work.

#### **Minimum age of employment**

**204.** The general minimum age for obtaining employment or work is 14 years. After that age, a child is considered fit to work (art. 247 of the Organic Labour Act and art. 23 of the Minors' Protection Act). Between the ages of 14 and 16, the young person needs the authorization of his or her legal representative in order to sign a labour contract (art. 248 of the Organic Labour Act).

**208.** The law prohibits work before the age of 14 in any kind of activity, except where special authorization is given to work between the ages of 12 and 14, and the possibility of working in public performances, film, radio, television and advertising (art. 247 of the Organic Labour Act and art. 23 of the Minors' Protection Act).

**210.** There are two situations in which Venezuelan law permits work before the age of 14. Conversely, in certain circumstances, those over the age of 14, but under the age of 18 are not allowed to work, and, the law recognizes the possibility of raising the minimum age for certain occupations.

**211.** Under Venezuelan law, persons below the age of 14 and above the age of 12 may be allowed to work in "duly justified circumstances" and in "tasks appropriate to their physical condition" and provided that their education is guaranteed (art. 247, para. 1, of the Organic Labour Act). [...]

**212.** Those "below the age of 16" may be allowed to work in public performances, films, theatres, radio or television programmes or in commercial advertising (art. 251 of the Organic Labour Act and art. 26 of the Minors' Protection Act). This is an exception to the rule insofar as it also covers children below the age of 14, provided that there are no other age limits; that is to say, the law does not state from what age a child can work in these areas. [...]

#### **Minimum age for marriage**

**44.** Marriage is a free and voluntary act. For a marriage to take place, the woman must be at least 14 and the man 16 (art. 46 of the Civil Code). If the girl is pregnant and the boy acknowledges that he is the father, the minimum age provided for in article 46 of the Civil Code is waived (art. 62 of the Civil Code). Minors under 18 need parental permission to marry. Should the parents refuse it, the marriage may be authorized by the juvenile court (art. 59 of the Civil Code).

#### **Minimum age for criminal responsibility**

**54.** Criminal responsibility is acquired at the age of majority. Before the age of 18, the person is deemed to be exempt from criminality responsibility (art. 1 of the Minors' Protection Act).

## **VIETNAM**

Source: CRC/C/65 Add. 20, 5 July 2002; CRC/C/3/Add.4, 22 October 1992

#### **School-leaving age**

*From CRC/C/3/Add.4 of 22 October 1992*

**63(f).** The Law on the Universalization of Primary Education states that children from 6 to 14 years of age shall receive primary education and complete it (i.e. complete fifth grade)

**188.** With respect to the Law on the Universalization of Primary Education: (a) Article 1 states that primary education (i.e. from first to fifth grade) is compulsory for every Vietnamese child between the ages of six and ten years.

#### **Minimum age of employment**

*From CRC/C/65/Add.20 of 5 July 2002*

**245.** The Labour Code 1994, article 6, states that "A labourer must be at least 15 full years old, have the ability to work, and have a labour contract"; article 119, section 1, stipulates: "A juvenile labourer is one who is under 18 years of age"; section 2 of this article stipulates: "It is strictly forbidden to misuse the labour of minors"; article 120 stipulates: "It is forbidden to employ children below 15 years of age, except in some occupations designated by MOLISA"; article 121 stipulates: "An employer is allowed to employ minors only for jobs suited to a minor's health in order to protect the development of their physical and intellectual conditions as well as their personality, and has the responsibility to take care of the minor labourers' work, salary, health and education during their working process. It is strictly forbidden to use minors in hard or dangerous jobs or in work which requires frequent contact with noxious substances named in the list provided by MOLISA and MOH". Government Decree No. 38/CP of 1996 stipulates the administrative sanctions for violations of labour legislation.

**Minimum age for marriage**

*From CRC/C/3/Add.4 of 22 October 1992*

**63(b).** The Law on Marriage and the Family states that the minimum ages for marriage are 20 years for men and 18 years for women. [...]

**Minimum age for criminal responsibility**

*From CRC/C/65/Add.20 of 5 July 2002*

**234.** In the penal procedures, only children of 14 full years of age and above can be criminally indicted or accused.

**YEMEN**

**Source: CRC/C/70/Add. 1, 23 July 1998; CRC/C/8/Add. 20, 6 June 1995**

**School-leaving age**

*From CRC/C/70/Add. 1 of 23 July 1998*

**152.** The Republic of Yemen applies the principle of equal opportunities in regard to education, which is free and compulsory. Article 32 of the Constitution stipulates that the State, together with society, must contribute to the provision of education, which is a prerequisite for social development and progress. Article 53 further stipulates that all citizens have a right to education which the State must safeguard, in accordance with the law, by establishing various educational institutions and making basic education free. [...]

*From CRC/C/8/Add. 20 of 6 June 1995*

**13.** Article 37 affirms that:

“education is a right of all citizens guaranteed by the State in accordance with the law through the establishment of various schools and cultural and educational institutions. Education at the primary stage shall be compulsory [...]

**62.** The principle of compulsory education has not been applied for various reasons, including:

- (i) The inability of schools to absorb everyone of school age, particularly in rural and remote areas;
- (ii) Social opposition to application of the principle of compulsory education, since families need child labour, particularly in rural areas;
- (iii) The lack of equal educational opportunities for children who work to support themselves at other times.

**Minimum age of employment**

*From CRC/C/70/Add. 1 of 23 July 1998*

**87.** Within the overall framework of Yemeni law and legislation, care is taken to protect children from exploitation. The Labour Act grants children the right to work and to benefit from employment opportunities under special terms and conditions, which effectively ensure that they will not be exploited. The general provisions of the Social Assistance Act also cater for the psychological and material welfare of families, and particularly of children, in order to protect them from need, destitution and economic exploitation.

**106.** The Labour Act No. 5 of 1995 regulates the employment of young persons by laying down a series of rules that ensure the requisite protection for young persons entering the labour market and enable them to exercise all their rights.

*From CRC/C/8/Add. 20 of 6 June 1995*

**28.** Article 19 of the Basic Labour Code (Act No. 141 of 1978) promulgated at Aden prohibits the employment of young persons up to 16 years of age who have not completed their basic education unless special approval is granted by the Minister after each case has been considered on its merits in the light of a special social study and report.

**Minimum age for marriage**

*From CRC/C/70/Add. 1 of 23 July 1998*

**6. (c)** The Personal Status Act. Article 15 of this Act sets the minimum age for marriage at 15 years in the case of both males and females. [...]

**Minimum age for criminal responsibility**

*From CRC/C/70/Add. 1 of 23 July 1998*

**6. (f)** The Penal Code. With regard to criminal responsibility, this Code stipulates that a child under seven years of age who commits an act constituting an offence is not liable to criminal prosecution. If the act is committed by a child over 7 but under 15 years of age, instead of the prescribed penalty the judge can impose only one of the measures provided for in the Juveniles Act. [...]

## ZAMBIA

Source: CRC/C/11/Add.25, 19 November 2002

### **School-leaving age**

88. There is no provision in the law for compulsory education in Zambia. However, it is government policy under the Basic Education Sub-sector Investment Programme (BESSIP) that nine years of basic education should be mandatory.

362. [...] Education is not compulsory, but once a child is enrolled in a school, it is the duty of every parent or guardian to ensure the child's regular attendance, which is stated in the Compulsory Attendance Regulation Statutory Instrument No. 118 of 1970. [...]

### **Minimum age of employment**

89. The Employment of Young Persons and Children Act, chapter 274, prohibits employment of children below age 14, unless the employment is an enterprise where members are of the same family.

### **Minimum age for marriage**

73. During the reporting process, the State party identified the following constraints and challenges in the existing legislation: [...]

(b) The Marriage Act, chapter 50, does not cover marriages contracted under customary law. The latter permits child marriages and, thus, circumvents the protective provisions of the Marriage Act;

91. The Marriage Act, chapter 50, stipulates that any person below 21 years requires written consent of a parent or guardian before a marriage is contracted. However, customary law allows the contracting of marriage after attainment of puberty subject to parental consent.

### **Minimum age for criminal responsibility**

82. According to the Penal Code, chapter 87, a child below 8 years is not criminally responsible for his or her actions. The criterion of puberty is not used in criminal law.