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Commissioners
Productivity Commission
PO Box 80
Belconnen ACT 2616
Email: consumer@pc.gov.au

Dear Sir / Madam

Inquiry into the consumer policy framework in Australia — submission

The National Children's and Youth Law Centre thanks the Productivity Commission (“**Commission**”) for the opportunity to contribute to its Inquiry. We have considered the extent to which national consumer policy provides a framework for children and young people as consumers in Australia.

Our submission to the inquiry is attached.

We would welcome the opportunity to support our submission with evidence at hearings or through other methods developed for the Inquiry.

Yours sincerely

James McDougall
Director

A National Children's and Youth Law Centre

The National Children's and Youth Law Centre ("NCYLC") is a Community Legal Centre working for and with Australia's children and young people to promote and protect their rights and interests. It was established in 1993 with the support of the University of New South Wales, the University of Sydney, the Public Interest Advocacy Centre and the (then) Australian Youth Foundation. Since its inception in 1993 NCYLC has made over 160 public submissions on a range of issues affecting children and young people and has responded to more than 150,000 enquiries by or on behalf of children and young people throughout Australia.

B Children as consumers

Rights based approach

In order to address children's needs as consumers in conjunction with the needs of other groups in society, a framework is required by which to assess the effectiveness of current laws and policies. NCYLC submits that universally accepted human rights standards provide a clear normative framework against which one can best assess existing national laws and policies with respect to children.¹

The core international standards for children are explicitly set out in the United Nations Convention on the Rights of the Child ("CROC"). CROC has been adopted and ratified by Australia (in 1990) and now represents the most widely ratified international instrument. It therefore can be said to provide a universally accepted rights-based framework for addressing the needs of children in respect to laws and public policy including children as consumers.

Assessing existing policies and law that affect children from a rights-based perspective is not a novel idea.² The mainstreaming of human rights considerations in legislative and policy evaluation processes is increasingly common since the UN Secretary General Kofi Annan's directive in 1997.³ NCYLC submits that a rights-based approach to consumer law and children is beneficial because:

- it ensures the integration and inclusion of an otherwise marginalised group (children) in policy-making and evaluation; and
- it does not demand uniformity of outcomes but creates a principles-based approach which ensures that the individuality, differing maturity levels and best interests of each child is recognised and considered.

A rights based approach also recognises that consumer rights are *interdependent* and *indivisible* from all other rights to which children are entitled. In other words, consumer laws and policies should be seen as part of a holistic framework for the promotion and protection of children's rights and interests.

¹ J Tobin "Beyond the Supermarket Shelf: Using a Rights Based Approach to Address Children's Health Needs" (2006) 14 *The International Journal of Children's Rights* 275 at 279.

² See, for eg, J Tobin *ibid*.

³ Secretary-General's "A Programme for Reform" (14 July 1997); See also Vienna Declaration on Human Rights and Program of Action A/CONF.157/23 (12 July 1993)



Promoting and understanding children’s consumer rights involves considering the:

- right not to be discriminated against (article 2)
- right of a child to have their best interests considered (article 3)
- right of a child to express their own view in accordance with their age and maturity (article 12)
- right of a child to receive and have access to information (article 13)
- right of a child to education (article 28)
- right of a child to participate in cultural life (article 31)
- right of a child to be protected from economic exploitation (article 32)
- right of a child to be protected from all forms of exploitation (article 36).

Finally, a rights based approach requires that we are all accountable for respecting, protecting and promoting children’s rights. In respect of children’s rights, CROC imposes responsibility for realising children’s rights not only on the State but on parents or legal guardians – see for example, article 5 (direction and guidance) and 18(1) (upbringing and development). In the context of the consumer debate, a rights based approach therefore requires the active involvement of the State, parents and the wider community in the promotion and protection of children’s consumer rights.

The current Australian consumer policy framework (the framework)

Currently, Australia has a confused approach to consumer policy consisting of Commonwealth and State legislation, various industry regulations and non-regulatory measures such as voluntary industry codes of conduct and consumer education campaigns. There are significant gaps in this approach, particularly with regards to the lack of policy and legislation directly aimed at assisting, protecting and empowering young consumers.

This situation was highlighted almost 10 years ago by the Australian Law Reform Commission (“ALRC”) in their joint report with the Human Rights and Equal Opportunity Commission (“HREOC”), *Seen and Heard: priority for children in the legal process*.⁴ The report recognised that children are vulnerable customers who are susceptible to aggressive selling techniques, scams and inappropriate trading practices.⁵ This vulnerability, coupled with lack of knowledge regarding rights and methods of enforcing these rights places young people in a particularly precarious situation as consumers:

“the major barrier to children taking advantage of their consumer rights is that they generally do not know they have those rights. Even if they do know they have rights, children may not understand how to enforce them or may not feel confident about pursuing a remedy. Young people have told us that it is very difficult to seek redress for poor treatment by service providers because no-one listens to their complaints.”⁶

⁴ Australian Law Reform Commission (ALRC) & Human Rights and Equal Opportunity Commission (HREOC), Report No 84, “Seen and heard: priority for children in the legal process”, 1997.

⁵ See ALRC & HREOC Report above, chapter 11.

⁶ See ALRC & HREOC Report above, para 11.6



The Report included 16 recommendations to improve the position of young consumers in Australia including:

- the implementation of *national* education strategies in *all* Australian infants, primary and secondary schools and in TAFEs⁷;
- information about remedies under the Trade Practices Act and Fair Trading legislation should be included in the national education strategies⁸; and
- organisations should take the needs of children into account when developing complaints schemes, codes of conduct and consumer charters.⁹

Ten years have now past since this report. Although we have seen the development of several initiatives, to date the approach has been inconsistent and erratic. It is important that young consumers do not become a regulatory afterthought – but are considered to be important participants in Australia’s consumer market. To achieve this, a national and uniformed approach must be taken to ensure that young people are educated and given the opportunity to be informed consumers who are confident to enforce their rights.

Why Australian consumer law and policy must assist and empower young consumers

Young Australians play a vital role in the Australian market. In 2002, they represented a \$4 billion a year commercial market¹⁰. In particular, children aged between 7-14 years of age in Australia have been recorded as having a combined income of \$1.3 billion a year (pocket money, birthday gifts and so on) of which they spend \$471 million¹¹.

Despite this market share, the overwhelming conclusion of government and independent reviews (and the experience of NCYLC) is that young people often have limited knowledge of basic consumer rights, consumer services and complaint mechanisms.

This lack of awareness represents a significant problem for young consumers and the general community on a number of grounds. Firstly, young consumers will not always remain as “young” consumers – with time, they will become the adult population, representing a far greater proportion of Australia’s commercial market. It is important, therefore, that consumer education and awareness begins early in a child’s life so that a solid foundation exists for adulthood.

Secondly, research indicates that inadequate consumer and financial literacy amongst young people is a major contributing factor to the increasing problem of youth debt that is emerging in Australia.¹²

⁷ See ALRC & HREOC Report above, Recommendation 51.

⁸ See ALRC & HREOC Report above, Recommendation 53.

⁹ See ALRC & HREOC Report above, Recommendation 56.

¹⁰ Colmar Brunton Social Research, *Consumer Issues & Youth : A Research Report Into Best Practice In Consumer Education Targeting Young Australians*. Canberra, Commonwealth Consumer Affairs Advisory Council, 2002 - http://www.consumersonline.gov.au/downloads/youth_jul2002.pdf at page 6

¹¹ “Twisting the Tweens”, S Brook, Media, The Australian, 15-21/05/03 page 4.

¹² See for example “Youth Debt – A Research Report”, Dangar Research prepared for the Officer of Fair Trading, November 2003, page 1.



A report commissioned by the NSW Office of Fair Trading in November 2003 found that amongst the sample surveyed, on average the estimated debt for young people under 18 years of age was \$3,300 and for 18-24 year olds, it was \$5,830.¹³

Not only is youth debt a problem faced by many young people now, but in some cases, it will be a problem that will haunt them for much of their adult life with bad credit ratings and financial scars carried from their youth.

Thirdly, children and adolescents exert an enormous influence over their parent's spending. According to a research conducted in 2003 across 15 countries, close to 80% of all brands purchased by parents are controlled by their children as well as 67% of all car purchases¹⁴. This ability to have such an enormous influence over the consumer market, is just another reason why it is crucial that young people have a better understanding of consumer issues and practices so that they can make well informed decisions independently, and as part of their family.

¹³ See above at page 19.

¹⁴ "How tweens are taking over", www.news.bbc.co.uk. A report on the Brand Child Project, author Martin Linstrom, March 2003.



Submissions

To promote social justice, as well as to ensure that the next generation of adult Australians are capable of making well-informed decisions as consumers, it is important to assist and educate vulnerable consumers such as children to ensure that they are aware of their consumer rights.

NCYLC submits that the need to protect young consumers can be effectively met through a two pronged approach consisting of generic initiatives on education that provide scope for discretion in application, complemented by more targeted methods that address particular additional disadvantages and barriers to access.

The generic approach to education addresses the status of children and adolescents as vulnerable consumers because of their age and inexperience but allows for developing capacity that can be different for each individual child. More targeted approaches are then also required to address issues such as language, culture, disability and location. These approaches may be developed consistently with those for the wider adult community.

NCYLC makes the following submissions in respect of national consumer policy:

1. There must be a commitment to implementing a national and uniform consumer education strategy that teaches young consumers about their rights and the types of complaint mechanisms that are available for them. Children are consumers in their own right, but they also have an enormous influence on the consumer choices and knowledge base of their parents and family. Therefore educating children about consumer issues will have immediate as well as long-term benefits to society. The implementation of such a scheme is consistent with the recommendations made by the “*Seen and Heard*” Report.
2. Teaching young consumers about their rights and how to deal with purchasing (mobile phones, car and insurance) is important. So is learning how to avoid and deal with debt. So is the development of skills in emotional intelligence for self-awareness about spending habits. All consumers but particularly young consumers tend to see brand names as an emotional tool to confer social status and secure peer acceptance¹⁵.
3. Complaint mechanisms need to be developed for and in consultation with young people. Young people do not use or trust adult complaint mechanisms. It is important that a policy framework includes mechanisms that can be used by young people so that their complaints will be taken seriously. The lack of feedback from young consumers limits our own awareness about the operation and effectiveness of consumer laws.
4. Laws and policies that directly empower and protect young consumers need to be uniformly implemented and enforced. A national consumer policy framework should recognise the important, yet precarious position of young people. This framework must operate on several levels – teaching young consumers about their rights and implementing controls that curb the way children are unfairly targeted as inexperienced consumers.

¹⁵ See above S Brook at p 5.



C Particular issues

National Educational Strategies

The level of consumer education in all States and Territory schools presently lacks uniformity and is insufficient to properly educate young consumers of their rights. This is evident by the fact that many young consumers are unaware of consumer regulation and complaint mechanisms, often fall victim to intense youth targeted advertising techniques and the complexities of standard contracts.

The experience of NCYLC, illustrated by the emails we receive from young people, also indicates that many don't know and understand consumer laws and their contractual and legal rights as consumers. This is particularly the case with contractual, warranty, refund and payment issues. Examples include:

“on the docket it said my credit of \$10 would expire on [x] but they took all that I hadn't used in 10 days! I haven't gotten around to complaining and I am afraid its too late – what can I do? I'd like my money back.” [14 year old female]

“I bought a mobile phone and had it for only a month when the screen on it cracked...the phone company will not cover it under warranty because its called physical damage...Im wanting to know whether I have the right to pursue this further with the phone company.” [17 year old female]

However, consumer issues for young people are, in our experience, not limited to the context of mobile phones. These issues extend to lack of understanding of general contractual terms and obligations, purchase and refund issues, repairs and replacements, misleading and deceptive practices and scams.

As previously discussed, the 1997 “*Seen and Heard*” Report recommended the implementation of national consumer education strategies in *all* Australian infants, primary and secondary schools and in TAFEs, including educating young people about the remedies under the Trade Practices Act and Fair Trading legislation.

Close to 10 years after the recommendation was made, a limited national child education strategy has finally been developed. In May 2005, the Ministerial Council on Education, Employment, Training & Youth Affairs (MCEETYA) set up the Financial Literacy Foundation (the Foundation). The Foundation played a key role in the development of the National Consumer and Financial Literacy Framework which was endorsed by the Australian Education Systems Officials Committee on 4 November 2005. Through this framework, it is intended that all Australian school children will have access to financial literacy education in their compulsory school years. However, financial literacy is only one aspect of effective consumer protection.

The framework will not be adopted by the school curriculum of all states and territories until 2008. NCYLC is encouraged by the development of this national strategy. However it is just that – a framework – and requires the implementation in each school and educational institutio. It remains to be seen how the framework will be incorporated into school curriculum, what is its content and to what extent it is effective to build skills and knowledge.



For example, while it is true that children in year 9 are to learn that “Australian consumers are protected by legislation” under the new curriculum, it is unclear to what extent they will learn how to protect their rights contained in this legislation and the mechanisms available to them. This practical knowledge is undoubtedly more critical in the ‘real’ consumer world than the legal theory.

It is also vitally important that teachers receive the proper training and resources to enable them to effectively teach their students about consumer and financial issues. In their 2003 report reviewing the financial literacy in schools, ASIC found that:

“whilst there are opportunities for teaching financial literacy skills, it is not a formal course of study in any jurisdiction and there is no systematic approach to its teaching. At present not all students will be exposed to financial literacy teaching and no course covers all aspects of financial literacy...in terms of resources, the researchers found that there are few up-to-date resources.”¹⁶

This initiative must be part of a uniform national approach to ensure that all schools, city, regional and country receive adequate training and resources, without which could jeopardise the incorporation of this framework in their curriculum.

A comprehensive consumer education strategy must also work beyond the classroom. Online resources and community development of strategies and methods targeted at particular barriers faced by young consumers are also required.

Co-ordinated Response

In order for initiatives to be developed, implemented and successful in protecting the rights of young Australian consumers, a nationally co-ordinated response is required. For too long, consumer issues have been considered in a fragmented framework – with issues often divided and shifted from government department to department with no one taking responsibility for the subject as a whole.

This has resulted in patchy and uncoordinated responses to the problems raised. Their impact and success has been limited. In order to stop the shifting of responsibility, NCYLC submits that one centralised and national body should take the lead with regards to consumer issues. An example of the success of this strategy can be seen in the campaign developed by the Australian Consumer Fraud Taskforce to protect consumers against scams, known as “SCAMwatch”. Perhaps the Australian Competition & Consumer Commission could be given a clearer legislative mandate to assume the coordinating role that such initiatives require.

There is also an important role that the Standing Committee of Officials of Consumer Affairs (SCOCA) could play in ensuring the national implementation of consumer and literacy education in all Australian schools.

Ultimately greater coordination and cooperation is required at a national level that crosses jurisdictional and departmental boundaries to provide for the development and implementation of national consumer policy and strategies.

¹⁶ “Financial Literacy in Schools”, ASIC Discussion Paper, June 2003 p 7.



Complaint Mechanisms

An important aspect of being an Australian consumer is the knowledge, ability and confidence to complain about unfair consumer practices and experiences. However, research indicates that young people rarely complain or officially comment on their experience as consumers.¹⁷ This fact cannot and should not be the basis upon which one concludes that young people are not affected or concerned by consumer issues. Nor can we conclude that this lack of complaints is indicative of a system that operates effectively to protect the rights of young consumers.

Rather, it is the experience of NCYLC that young people are not only unsure of their rights, but even if they knew these rights, they are unaware or uncertain about the mechanisms by which they can enforce them. This is evident in many of the emails NCYLC receives from young people with consumer related issues who often write “*what can I do?*” or “*I don’t know what to do about this*”. This is supported by the research of the Australian Law Reform Commission who concluded that:

“Even if they do know they have rights, children may not understand how to enforce them or may not feel confident about pursuing a remedy...Children do not often make complaints about consumer services or follow them through. The inquiry therefore considers it essential that complaints mechanisms are complemented by regulatory requirements and educational initiatives that effectively safeguard child consumers.”¹⁸

Similarly, in a report prepared for the Commonwealth Consumer Affairs Advisory Council in 2002, it was stated that:

“Few youth in focus groups had ever complained or raised a dispute about a purchase. Complaining and asserting one’s rights as a consumer is not top-of-mind as a reasonable response, but other reasons including fear of being perceived as being too assertive, unwillingness to go through the “hassle”, or a belief that their complaints would not be taken seriously.”¹⁹

This report found that terms such as the Ombudsman and other basic formal consumer complain resolution options had very low recognition among young people. Moreover, only a few young consumers involved in the study had ever complained or raised a dispute about a purchase.

The findings of the report are indicative of the failure to have effective complaint mechanisms for young consumers. It also reflects the lack of confidence that young consumers have that their complaints will be taken seriously. There is no legislation, policy or training in place that specifically deals with the issue of young consumer complaints and how they should be handled.

As an example, there is nothing on the Australian Competition and Consumer Commission (ACCC) website that is specifically made for informing young consumers about how to make a consumer complaint or how their complaints will be dealt with.

¹⁷ See ALRC & HREOC Report above, at par 11.7

¹⁸ See ALRC & HREOC Report above at 11.6-11.7

¹⁹ See above note 10.



On a more positive note, the Australian Banking Industry Ombudsman (ABIO) and the Telecommunications Industry Ombudsman (TIO) have published bulletins that focus on issues that affect young people e.g. banks, credit cards, mobile phones, contracts and debts. The bulletins are aimed for young people and explain how the Ombudsman can help. The bulletins are a good start in the development of resources to raise awareness amongst young consumers. However, while the bulletins are available for download online and can be ordered for free, they are not distributed and not widely publicised.

The responsibility cannot fall solely on the shoulders of the policy and lawmakers. The “*Seen and Heard*” Report recognised this, calling on organisations to take the needs of children into account when developing complaints schemes.²⁰

If the evidence overwhelmingly supports the conclusion that young consumers do not use adult complaint mechanisms (which is undoubtedly the case) it is important that Government and Industry bodies think seriously about ways to improve access and education of complaint mechanisms better suited to young people. This requires research and national consultation with the youth sector and young people themselves to implement complaint mechanisms that young people will trust and actually use.

D Case Study: Mobile phones

The use of mobile plans by young Australians provides a good context in which many of the consumer issues facing young people can accurately be assessed. Young Australians have integrated mobile phones into their lifestyle. In a report released by Senator Ian Campbell in 2002 titled “Mobile Phone Top Young People’s Consumer Issues: National Report”, it was found that:

- mobile phones rank as probably the most important product for young people; and
- mobile phone symbolises freedom, growing up and “must haves” for teenagers wanting to keep with social acceptance.²¹

However, due to the proliferation of standard-form contracts with most mobile phone companies, many young consumers have fallen victim to the complexity of contracts and are getting entangled with debts.

In a national study titled, “Mobile Matters: Young People and Mobile Phones”, conducted by the Communications Law Centre and Victoria University in 1999²², a total of 750 young mobile users were surveyed across metropolitan and regional Victoria and NSW and it was found that 18% of the respondents have difficulties paying their normal bills and 7% struggling to pay their bills. It was also found that 18% of the respondents did not understand their mobile contracts.

²⁰ See ALRC & HREOC Report above, recommendation 56.

²¹ <http://www.treasurer.gov.au/parlsec/content/pressreleases/2002/033.asp>, 23 July 2002.

²² <http://www.dcita.gov.au/crf/paper99/funston.html>

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E Case Study: Youth Debt

Whereas traditionally debt was a term predominantly associated with the adult consumer population, the evidence of the growing rate of youth debt is nothing short of alarming. For example, during 2002/2003 over 6000 people were declared bankrupt in New South Wales. Of these 6000, 465 people were under the age of 25.²³ A 2003 report prepared for the Office of Fair Trading also found that 55% of surveyed young people say they have either been in debt themselves or know someone who has – with approximately 10 % of under 18 year olds having experienced debt that has caused them some grief according to their own or their parents’ assessment of the situation.²⁴

In terms of debt associated with mobile phones, a study conducted in 2003 in NSW found that 20% of young mobile phone owners aged below 18 admitted phone debt caused them major problems and fewer than 10% knew where to go for help with debt. It also found that 40% of young people had received monthly bills for more than \$200 and 4% had received bills for more than \$1500. Also more than 10% of the children involved in the study said that they spent more than 50% of their income on phone bills.

Debt is equally a problem for young mobile phone users over the age of 18. In a 2003 study conducted by Margaret Griffiths and Bill Renwick of the University of Newcastle²⁵, it was found that mobile phone debts was the highest for the 18-24 age group, with a third of those who sought help with debt saying that it was their primary source of debt and a further 20% describing it as secondary.

Young people require even greater consumer protection in light of the advances in technology and emerging ‘extras’ that are becoming a popular pushing point of mobile phone providers and retailers. In a joint bulletin of the Telecommunications Industry Ombudsman and the Banking and Financial Services Ombudsman considering the problematic nature of mobile phones for young people, they commented:

“Mobile phones enable you to “buy” a range of services over the phone. You can download ringtones, wallpapers, logos and even songs and videos. You can use your phone to vote on television programs and to sign up to text chat services. But these services are often charges at higher than normal rates and can be very expensive. It is easy to get into debt very quickly without realising it until your phone bill arrives.”

These services are particularly problematic for young consumers, especially given that advertisers are directly targeting the younger mobile population, and the services are often related to youth products or television programs aimed at a similar audience. The instant gratification without the need to have money in your wallet (or in the bank) presents a financial trap for young people who are not as experienced or educated in financial planning and management.

²³ NSW Office of Fair Trading: http://www.soapcreative.com/solutions/youthdebt/page_3.html

²⁴ See above, note 12 at page 8.

²⁵ Margaret Griffiths and Bill Renwick (2003) Misfortune or Mismanagement: A Study of Consumer Debt Issues, p 12.



NCYLC submits that mobile phones and youth debt issues are a good example of the dire need for better policy to protect the interests of vulnerable consumers such as young people. There could be national legislation and/or industry-specific regulations in place to protect the vulnerability of young consumers and curb the growing problem of youth debt. In the example of mobile phones, attention ought to be paid to the way standard-contracts affect young consumers to ensure that they understand the contract, are aware of the consequences of signing the contract, and are well-informed about the dangers of the additional ‘extras’ that can quickly and unwittingly result in massive mobile bills being accrued.

This is a responsibility that must be shared – it is the responsibility of the Government to regulate, schools to educate and the industry to develop good practices that recognise and protect the vulnerability of Australia’s young consumers.

National Children’s and Youth Law Centre



Appendix A

Extracts of CROC referred to in the submission

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order, or of public health or morals.

Article 28

1. States 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.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

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. States 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 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.