

2010

U.S. DEPARTMENT OF LABOR'S BUREAU OF INTERNATIONAL LABOR AFFAIRS

U.S. Department of Labor's 2010 Findings on the Worst Forms of Child Labor



REPORT REQUIRED BY THE TRADE AND DEVELOPMENT ACT OF 2000

2010





SECRETARY OF LABOR
WASHINGTON

SEP 30 2011

The Honorable Joseph R. Biden
The Vice President of the United States
Washington, DC 20500

Dear Mr. Vice President 

The enclosed report, titled *The Department of Labor's 2010 Findings on-the Worst Forms of Child Labor*, is submitted in accordance with section 504 of the Trade Act of 1974 as amended (19 U.S.C. 2464). The report describes the efforts of 144 countries, non-independent countries, and territories to meet commitments to eliminate the worst forms of child labor. We hope this report is useful to the Congress.

Sincerely,



HILDA L. SOLIS
Secretary of Labor

Enclosure

cc: The Honorable Harry Reid, Senate Majority Leader
The Honorable Mitch McConnell, Senate Minority Leader



SECRETARY OF LABOR
WASHINGTON


SEP 30 2011

The Honorable John Boehner
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

The enclosed report, titled *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*, is submitted in accordance with section 504 of the Trade Act of 1974 as amended (19 U.S.C. 2464). The report describes the efforts of 144 countries, non-independent countries, and territories to meet commitments to eliminate the worst forms of child labor. We hope this report is useful to the Congress.

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HILDA L. SOLIS
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Enclosure

cc: The Honorable Nancy Pelosi, House Minority Leader



A Voice for Vulnerable
Children: The 10th Edition
of the U.S. Department of
Labor's Findings on the
Worst Forms of Child Labor





Foreword	xi	Equatorial Guinea	265
Acknowledgements	xiii	Eritrea	270
Acronyms	xv	Ethiopia	276
Introduction	xvii	Fiji	286
Children's Work and Education Statistics:		Gabon	293
Sources and Definitions	xxxix	Gambia	300
Glossary of Terms	xlii	Georgia	306
Afghanistan	3	Ghana	312
Albania	10	Grenada	323
Algeria	17	Guatemala	326
Angola	22	Guinea	333
Argentina	30	Guinea-Bissau	343
Armenia	36	Guyana	349
Azerbaijan	41	Haiti	355
Bahrain	47	Honduras	362
Bangladesh	52	India	367
Barbados	58	Indonesia	378
Belize	62	Iraq	386
Benin	67	Jamaica	391
Bhutan	76	Jordan	398
Bolivia	81	Kazakhstan	405
Bosnia and Herzegovina	91	Kenya	411
Botswana	97	Kiribati	422
Brazil	103	Kosovo	425
Burkina Faso	114	Kyrgyz Republic	430
Burundi	125	Lebanon	435
Cambodia	130	Lesotho	442
Cameroon	137	Liberia	448
Cape Verde	146	Macedonia	454
Central African Republic	151	Madagascar	459
Chad	158	Malawi	467
Chile	167	Maldives	475
Colombia	173	Mali	480
Comoros	185	Mauritania	490
Congo, Democratic Republic of the	189	Mauritius	497
Congo, Republic of	198	Moldova	503
Costa Rica	203	Mongolia	509
Côte d'Ivoire	209	Montenegro	516
Croatia	218	Morocco	520
Djibouti	223	Mozambique	526
Dominica	228	Namibia	536
Dominican Republic	231	Nepal	544
Ecuador	241	Nicaragua	552
Egypt	249	Niger	561
El Salvador	256	Nigeria	571

Oman	581	Suriname	705
Pakistan	585	Swaziland	710
Panama	595	Tanzania	718
Papua New Guinea	552	Thailand	730
Paraguay	607	Timor-Leste	738
Peru	614	Togo	742
Philippines	620	Tonga	751
Russia	629	Trinidad and Tobago	755
Rwanda	634	Tunisia	759
Saint Kitts and Nevis	642	Turkey	763
Saint Lucia	645	Tuvalu	769
Saint Vincent and the Grenadines	649	Uganda	774
Samoa	652	Ukraine	782
São Tomé and Príncipe	656	Uruguay	788
Senegal	660	Uzbekistan	792
Serbia	669	Vanuatu	798
Seychelles	673	Venezuela	802
Sierra Leone	677	Yemen	807
Solomon Islands	684	Zambia	814
Somalia	688	Zimbabwe	823
South Africa	692	Non-Independent Countries and Territories	828
Sri Lanka	699		

SECRETARY OF LABOR
WASHINGTON, D.C. 20210

A century ago this year, 146 seamstresses jumped to their deaths from the upper story windows of the Triangle Shirtwaist Factory in New York City to avoid a fire that engulfed the building. The seamstresses – including some children – worked long hours for low wages under wretched and unsanitary sweatshop conditions. The factory owners had locked the fire-escape doors, sealing their fate. A young social worker named Frances Perkins happened to witness this horrifying event. It was the catalyst that started her career as an activist on behalf of workers, culminating in a 12-year appointment as President Franklin D. Roosevelt’s Secretary of Labor.

I am honored to have the same job she once held. Like her, I had my own galvanizing moment involving a sweatshop. Seventy-five Thai immigrants were freed in 1995 from a factory in the city of El Monte, California, part of the district I represented in the California State Senate. They were forced to work, eat and sleep in the factory. The employer confiscated their passports and kept them like slaves. Threatened with violence to themselves or their families, the workers hunched over sewing machines in a dimly-lit building bound by barbed wire, sewing brand-name clothing for less than \$2 per hour. Most of them were women.

I met them shortly after they were freed and heard their stories. At that moment, the unthinkable became real for me: sweatshops are not a thing of the past. They persist both here in the United States and around the world.

Even more disturbingly, in many countries, the victims of such workplace exploitation include children. The International Labor Organization estimates that 12.3 million people are trapped in forced labor worldwide. Approximately 215 million children are working as child laborers, of which about 115 million participate in hazardous labor. As a signatory to the ILO Convention 182, the United States is working to eliminate dangerous child labor here at home and worldwide.

The U.S. Department of Labor’s Bureau of International Labor Affairs (ILAB) works to combat child labor and forced labor globally through research, reporting, awareness-raising and technical cooperation. In addition to the Department’s *Findings on the Worst Forms of Child Labor*, ILAB is also releasing its third *List of Goods Produced by Child Labor or Forced Labor* as mandated by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005. In publishing these reports, our goal is to increase awareness of this problem among governments, industry and consumers. It is our hope that greater awareness will result in meaningful action to help make child labor a thing of the past.

On the domestic front, I have also made enforcement of the Fair Labor Standards Act, including its child labor provisions, a top priority. The Department added 350 investigators to the Wage and Hour Division’s (WHD) staff; issued regulations increasing protection for young workers in dangerous non-agricultural jobs; and proposed regulatory changes to further protect children in the agriculture sector. In addition, in 2010, WHD conducted a campaign of targeted investigations to determine whether children were working illegally in agriculture. When violations were found, we issued stiff fines under our new, tougher penalty structure.

Internationally, I am proud of ILAB's engagement in technical cooperation projects to combat child labor in nearly 80 countries. In March, I traveled to El Salvador to join the Salvadoran First Lady and Minister of Labor in launching a new project to assist children in disadvantaged Salvadoran communities. The project will provide child care for preschoolers, quality education for school-aged children and job training for youth. Beneficiaries will gain new skills, job placement services and technical help to start small businesses. In addition, the project will work to connect the households of these children to El Salvador's social protection programs and help vulnerable households to improve their livelihoods so that the children can attend school rather than being put to work. The Department of Labor will contribute \$10 million over the next four years to support this cutting edge initiative.

Over the past decade, much has been accomplished in the fight against the worst forms of child labor. However progress has been uneven. This year thousands honored the memory of the victims of the Triangle Shirtwaist Factory fire with a march, speeches, the reading of their names and flowers placed at the site by schoolchildren. It was a powerful reminder of our history, how far we have come and what we still must do. For me, the mission is as clear today as it was for Frances Perkins. We must work to be a nation that protects the rights, health and safety of our workers and our children.



HILDA L. SOLIS
Secretary of Labor
September 30, 2011

THIS report was prepared under the direction of Sandra Polaski, Deputy Under Secretary for International Affairs; Marcia Eugenio, Director of the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT); and Kevin Willcutts, Deputy Director, OCFT. Coordination of the report was by Charita Castro, Tina McCarter, Brandie Sasser and Leyla Strotkamp. The writing, editing, and research were done by OCFT and other Bureau of International Labor Affairs (ILAB) staff: Sean Barna, Wendy Blanpied, Kathryn Chinnock, Katie Cook, Atta Cudjoe, Kusuma Cunningham, Chris Dearing, Chandra DeNap, Mary Francis, Diantha Garms, Sharon Heller, Misty Heggeness, Karina Jackson, Maureen Jaffe, Malaika Jeter, Marie Ledan, Eileen Muirragui, Sarah Newsome, Kimberly Parekh, Angela Peltzer, Karrie Peterson, Rachel Phillips-Rigby, Tanya Rasa, Laura Recchie, Amy Ritualo, Brandie Sasser, Samantha Schasberger, Leyla Strotkamp, Chanda Uluca, Pilar Velasquez, Cara Vileno, Bogdan Vitas, Patrick White and Liz Wolkomir.

Other personnel who made major contributions, including those from ILAB, the Office of the Assistant Secretary for Policy, and the Office of the Solicitor include Jay Berman, Matthew Bernt, Chris Camillo, Carly Cohen, Sonia Firpi, Alexa Gunter, Jonathan Hammer, Tandra Leonard, Matthew Levin, Nicholas Levintow, Carol Pier, Carlos Quintana, Ingris Ramos, Kathy Schalch, Sherry Smith and Stephanie Swirsky.

This report was published by ILAB. Copies of this and other reports in ILAB's child labor series may be obtained by contacting the Office of Child Labor, Forced Labor and Human Trafficking, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S-5317, Washington, DC 20210. Telephone: (202) 693-4843; Fax: (202) 693-4830; e-mail: GlobalKids@dol.gov. The reports are also available on the Internet at: <http://www.dol.gov/ilab/>. Comments on the reports are also welcomed and may be submitted to the e-mail listed above.

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AGOA	African Growth and Opportunity Act
ASEAN	Association of Southeast Asian Nations
ATPA	Andean Trade Preference Act
ATPDEA	Andean Trade Promotion and Drug Eradication Act
CAFTA-DR	Central America-Dominican Republic Free Trade Agreement
CBTPA	Caribbean Basin Trade Partnership Act
CEACR	International Labor Organization Committee of Experts on the Application of Conventions and Recommendations
CRC	Convention on the Rights of the Child
EAPCCO	Eastern Africa Police Chiefs Cooperation Organization
ECOWAS	Economic Community of West African States
ECCAS	Economic Community of Central African States
ECPAT	End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes
EU	European Union
GSP	Generalized System of Preferences
OCFT	Office of Child Labor, Forced Labor and Human Trafficking
IDB	Inter-American Development Bank
ILO	International Labor Organization
ILO Convention 138	International Labor Organization, Convention No. 138: Minimum Age for Admission to Employment
ILO Convention 182	International Labor Organization, Convention No. 182: Worst Forms of Child Labor
ILO-IPEC	International Labor Organization, International Program on the Elimination of Child Labor
IMF	International Monetary Fund
IOM	International Organization for Migration
MERCOSUR	Common Market of the South (America); members include Argentina, Brazil, Paraguay, Uruguay, and Venezuela
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
OAS	Organization of American States
OSCE	Organization for Security and Cooperation in Europe
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime
PRSP	Poverty Reduction Strategy Paper
SIMPOC	Statistical Information and Monitoring Program on Child Labor
UCW	Understanding Children's Work
UN	United Nations

UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USDHS	U.S. Department of Homeland Security
USDOL	U.S. Department of Labor
USDOS	U.S. Department of State
USDOJ	U.S. Department of Justice
USHHS	U.S. Department of Health and Human Services
WFP	World Food Program
WHO	World Health Organization
\$	U.S. dollar





Mandate

THE U.S. Department of Labor (USDOL) has prepared this 10th annual report on the *Findings on the Worst Forms of Child Labor* in accordance with the Trade and Development Act of 2000 (TDA).¹ The TDA expanded country eligibility criteria for several preferential tariff programs to include the requirement that the beneficiary countries implement their commitments to eliminate the worst forms of child labor.² The expanded country eligibility criteria apply to the following trade preference programs: the Generalized System of Preferences (GSP) program, enacted by the Trade Act of 1974; the Africa Growth and Opportunity Act (AGOA); the U.S.-Caribbean Basin Trade Partnership Act (CBTPA); and the Andean Trade Preference Act/Andean Trade Promotion and Drug Eradication Act (ATPA/ATPDEA).³

1. *P.L. 106-200 (May 16, 2000)*; available from <http://uscode.house.gov/download/pls/19C12.txt>.

2. 19 USC sections 2462(b), 2464.

3. *Ibid.*, section 2462(b)(2)(H). See also *Africa Growth and Opportunity Act, U.S. Code 19, section 2466a*. See also *U.S.-Caribbean Basin Trade Partnership Act, U.S. Code 19, section 2703*. See also *Andean Trade Preference Act/Andean Trade Promotion and Drug Eradication Act, U.S. Code 19, section 3203*.

The TDA mandated the Secretary of Labor to report on each “beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor.”⁴ The Bureau of International Labor Affairs (ILAB) of USDOL carries out this responsibility.

Overview

COUNTRY COVERAGE

This report contains information on the worst forms of child labor and efforts to eliminate this exploitation in 125 independent countries and a summary report on 19 non-independent countries and territories designated as GSP beneficiaries and/or beneficiaries of trade preferences under the AGOA, CBTPA and ATPA/ATPDEA. In addition, the report includes information on former GSP recipients that have negotiated free trade agreements with the United States.⁵

4. 19 USC sections 2462(b), 2464.

5. *Sec. Rept. 111-66, Departments of Labor, Health and Human Services and Education and Related Agencies Appropriation Bill, 2010, (2009)*.

POPULATION COVERED

In undertaking research on the “worst forms of child labor,” ILAB relied on the definition of a child in the TDA, which is the same definition contained in ILO Convention 182 (ILO C. 182). The TDA and ILO C. 182 define a “child” to be a person under the age of 18.

REPORTING PERIOD

Information in the profiles focuses on the period from January 2010 through December 2010, but also includes any important developments from January 2011 through July 2011 where information is available.

NATURE OF EMPLOYMENT

The report focuses exclusively on the worst forms of child labor. The definition of the “worst forms child labor” is found in the TDA and is the same as that contained in ILO C. 182.⁶ It includes: (a) All forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes; (c) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.⁷ The work referred to in subparagraph (d) is determined by the laws, regulations or competent authority of the country involved.⁸

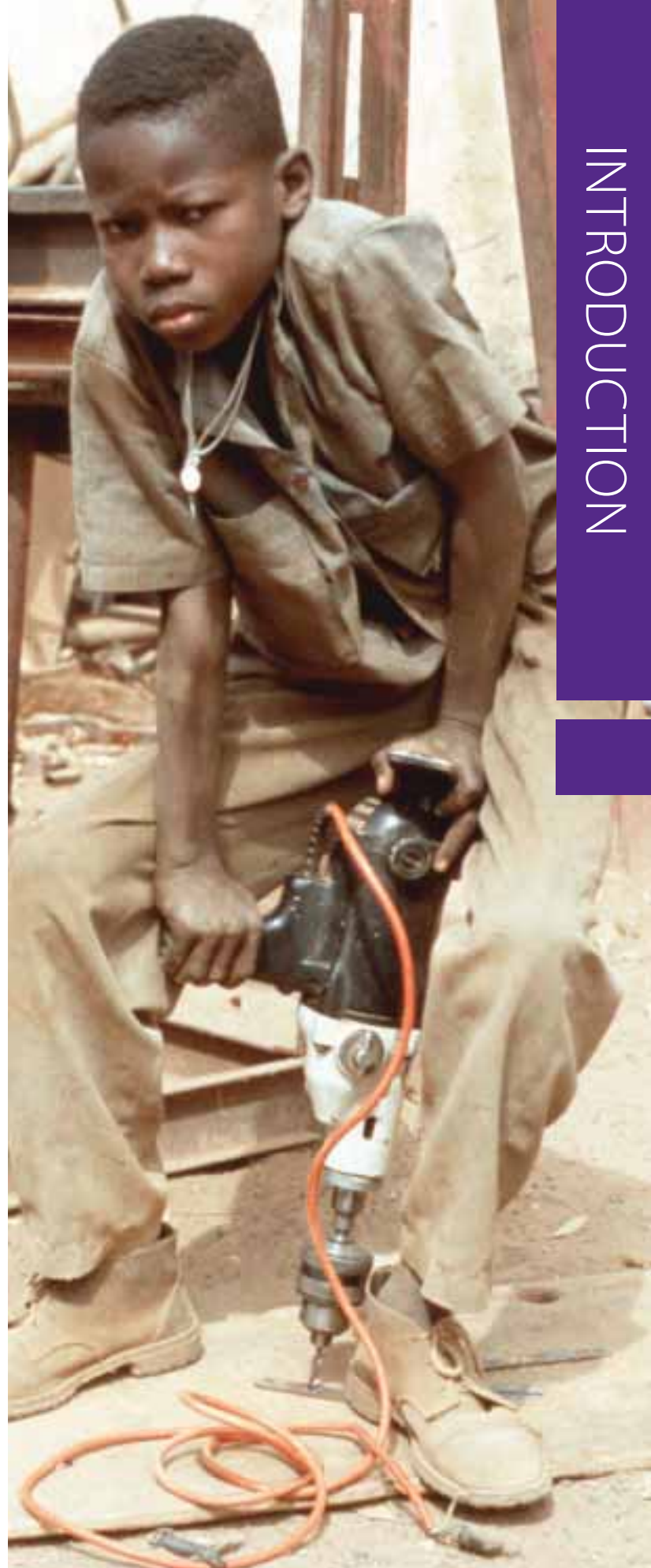
Hazardous Work

The work covered by subparagraph (d) is commonly referred to as “hazardous work”. As noted above, individual governments determine the work activities and processes considered “hazardous” for children. The ILO recommends that development of this list of activities

6. The report does consider the establishment of a minimum age for work to be the basic legal foundation for a strong legal framework against the worst forms of child labor. It is noted that neither the TDA nor ILO C. 182 call for the establishment of a minimum age for work. Rather ILO Convention 138 calls for such a provision.

7. 19 USC sections 2462(b), 2464.

8. ILOLEX Database of International Labour Standards, *C182 Worst Forms of Child Labour Convention, 1999*, accessed April 8, 2009; available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.



be undertaken by governments after consultation with workers' and employers' organizations.⁹ Acknowledging the national obligation to determine the scope of "hazardous work" under ILO C. 182, ILAB identified each country's statutory and regulatory provisions defining hazardous work and the specific activities deemed improper for children to undertake. However, in many countries such provisions were found to be limited, ill-defined or non-existent, and in other cases, research found no information on whether provisions existed or not. To allow for a reliable and complete report, ILAB has employed the ILO R. 190 guidelines to adjudge the types of work deemed to be worst forms of child labor under Article 3(d) of ILO C. 182. The guidelines indicate that the following types of work should generally be considered harmful to children: "(a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer." Therefore, the "worst forms of child labor" noted in this report include work that ILAB has deemed to be work that is likely to harm the health, safety or morals of children under Article 3(d) of ILO C. 182.

The ILO includes children's work on farms owned or operated by their families when considering the application of ILO C. 182 and ILO Convention 138 (ILO C. 138).¹⁰ Accordingly, this report reflects the ILO's broad vision on this issue and does not distinguish the size or

9. See ILO C. 182, Art. 4. ILO Recommendation 190 (ILO R. 190) lays out guidelines for development of these lists. ILO Recommendations are legal instruments drawn up by ILO constituents, namely governments, workers and employers, regarding labor rights. A recommendation is non-binding and provides guidance to member countries on the relevant subject matter. See C190 (ILO R. 190), Arts. 3-4.

10. See ILO CEACR: Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Senegal (ratification: 1999) Submitted 2008 available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21908&chapter=9&query=%28C182%29+%40ref+%2B+%23YEAR%3E2005%2Bfarm&highlight=on&querytype=bool&context=0>. See also "Family Farms and Child Labor" ILO-IPEC. Web. http://www.ilo.org/public/english/region/asro/bangkok/download/background/decla/cl07_info3.pdf. See also ILO CEACR: Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Georgia (ratification: 1996) Published: 2011, available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See below for a description of how ILO C. 138 is applied in the "Laws and Regulations on the Worst Forms of Child Labor" sections of the country profiles.

nature of farms in its discussion of the worst forms of child labor in agriculture.¹¹

COUNTRY PROFILES

ILAB organized the country profiles to track the types of efforts that the congressional TDA Conference Committee report indicated the President should consider when determining whether a country has met its obligations under the GSP program.¹² Each country profile contains an introductory "highlights" paragraph that notes major progress during the reporting period and remaining problems; a table with child labor statistics; five text sections that describe the problem and different aspects of government efforts to address it; a table of information on relevant laws and ratification of international instruments; and a set of suggested actions. Each of these sections is described in detail below.

Highlights

Each country profile begins with a paragraph that highlights the country's most significant efforts to combat the worst forms of child labor, major gaps in its efforts and the most pressing problems facing the country with regard to worst forms of child labor. Where possible, we note the most common worst forms of child labor in the country and describe any case in which the government itself is involved in the use of worst forms of child labor.

Statistical Table

Approximately 80 country profiles include a statistical table on the percent of working children, school attendance rate and the percent of children who combine school and work. For a smaller set of profiles, data on children's work by sector is provided. These data are based on surveys carried out by the ILO and other organizations. The age and methodologies of the original surveys vary and in some cases the surveys may not reflect the true magnitude of the child labor problem in a country. For some profiles, data are unavailable from the sources used in this report. For more information on this table, see the section Children's Work and Education Statistics: Sources and Definitions.

11. It is important to note that in negotiating ILO C. 182, ILO employer members stated that the language of Article 3(d) "should not require governments to intervene in situations in which children worked for their parents on bona fide family farms or holdings." The Worker Vice-Chairperson clarified that any such understanding should encompass only those farms "that did not interfere with children's schooling and which were truly within a protected family environment." International Labor Conference, 87 Session, *Report of the Committee on Child Labor*, 172-173 (statements by Employer and Worker Vice-Chairpersons).

12. H. Rept. 106-606, Trade and Development Act of 2000, (2000).



Section 1: Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

The first section of each country profile provides, to the extent available, a comprehensive picture of the worst forms of child labor in the country, beginning with a discussion of the most common forms of labor. It provides information about the nature and conditions of the work when such information was available.

Section 2: Laws and Regulations on the Worst Forms of Child Labor

The second section of each profile provides information on two criteria established in the TDA Conference Committee report: “1) whether the country has adequate laws and regulations proscribing the worst forms of child labor” and “2) whether the country has adequate laws and regulations for the implementation and enforcement of such measures...” Accordingly, this section describes a country’s legal framework in regard to the worst forms of child labor and assesses the adequacy of that legal framework by comparing it, in general, to the standards called for in the TDA. Since the TDA uses the definition

of the worst forms of child labor contained in ILO C.182, this section focuses on comparing the country’s legal framework to the standards embodied in that Convention. In this section, ILAB focuses on legal protections against the worst forms of child labor that actually exist or are prevalent in a country. For example, if a country does not have a problem with the use of children in illicit activities, the report does not focus on comparing laws on this issue against international standards.

For such protections, ILAB considered whether laws were comprehensive in their prohibitions of all variations of a particular worst form. For example, in regard to prostitution, the report assesses whether countries prohibit the use, procuring and selling of a child for prostitution.

In line with the ILO Committee of Experts on the Application of Conventions and Recommendations, ILAB considered any law that could be used to prohibit the worst forms of child labor to constitute accordance with international standards.

With these general parameters in mind, most reports contain some combination of the following assessments. In regard to forced child labor, ILAB assessed whether forced child labor, debt bondage and/or child slavery exists in the country and whether the laws comprehensively prohibited all manifestations of the problem. In regard to child trafficking, ILAB determined whether children were trafficked internationally and/or domestically and for what purposes and then judged the adequacy of existing legal protections.¹³ In all cases in which countries maintain a military force, ILAB assessed whether the minimum age for military recruitment was 18. In countries where there is an ongoing armed conflict, ILAB also examined whether the law prohibits forced or voluntary recruitment of children by the armed forces, as well as other armed groups.

On the issue of commercial sexual exploitation of children, if child prostitution existed in the country, ILAB assessed whether the law prohibits recruitment, use, sale of and benefiting from the proceeds of child prostitution.

13. Since the focus of each profile is on worst forms of child labor in that particular country, information about the purposes of trafficking out of the country is not always included. Such information would be included in the receiving country's profile.

If child pornography was a problem, ILAB examined whether laws prohibit the production, distribution/sale of, benefiting from and possession of child pornography. If research suggested the use of children by adults for illicit activities such as drug trafficking or forced begging, ILAB assessed whether the law prohibits the use of a child in such activities.

Using ILO R. 190 as a guide, ILAB also determined the kinds of hazardous work children perform or are at risk of engaging in for each country. ILAB then applied international standards to the country's legal framework to determine whether adequate protections existed.

Because the standards in ILO C. 138 provide a foundation for protections against the worst forms of child labor, ILAB used the standards embodied in that convention to assess each country's minimum age for admission to work and the age through which education is compulsory. ILO C. 138 establishes that countries should set a minimum age for work of 15, or 14 for countries with lesser-developed economies. According to ILO C. 138, the minimum age for work shall not be less than the age of compulsory education. ILAB recognizes that



the Convention calls upon member states to avoid the establishment of a minimum age for work lower than the compulsory school age. However, the opposite situation—in which the minimum age for compulsory schooling is lower than the minimum age for work—should also be avoided. It is possible that a low (or no) compulsory school age may encourage children below the legal age of employment to work since they are not required to attend school. Because such work is illegal, it may be more hidden from public view than other forms of work, thus increasing the possibility of exploitation through involvement in hazardous work or other worst forms of child labor. Therefore, the section notes when a country's minimum age for compulsory education falls below the minimum age for employment.

Finally, this section includes information on the country's adopted education and child labor laws and policies and a table on selected international conventions the country has ratified. The conventions include ILO C. 138 and 182 and the UN Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). A checkmark indicates the country's ratification, acceptance, accession or succession to the instrument, given that these actions have the same legal effect regarding the substantive obligations of the instruments as ratification.¹⁴

Section 3: Institutional Mechanisms for Coordination and Enforcement

The third section of each profile provides information on institutions charged with coordinating efforts and enforcing laws governing the worst forms of child labor in the country. It addresses the third indicator for assessing a country's child labor efforts included in the TDA Conference Committee report: "3) whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor."

ILAB identified two distinct concepts in the criteria to use to assess country efforts. The first refers to whether the

country has "formal institutional mechanisms." Although the Conference Committee report speaks only to whether such mechanisms are in place in regard to investigation and complaints of the worst forms of child labor, ILO C. 182 Article 5 states that "Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention." ILAB applied this concept to all provisions of the Convention, not just enforcement. However, since the term "monitor" is often associated with enforcement, ILAB uses the term "coordinate" for this function. The second concept ILAB analyzed was whether or not the country has mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor. Because ILO C. 182 discusses enforcement to only a limited extent, other international standards and practice were also considered as general guidelines, including those from ILO Conventions 81 and 129 on Labour Inspection and Labour Inspection in Agriculture respectively. To the extent possible, ILAB assessed whether the country had:

- Established labor inspection systems.
- Employed a sufficient number of inspectors to enforce the country's laws and regulations.
- Provided sufficient funding and resources to enforce laws and regulations.
- Provided training to inspectors.
- Established processes for information sharing among enforcement authorities.
- Created a mechanism for filing complaints.
- Targeted inspections to areas in which the worst forms of child labor were believed to occur and conducted inspections with sufficient frequency.
- Prosecuted child labor violations.
- Published information on inspections.

In most cases, ILAB did not have sufficient information to determine whether numbers of inspectors were sufficient in the country.¹⁵ Given the lack of information, ILAB was cautious in its assessment of the adequate number of inspectors. Only in cases in which the number of inspectors was extremely small relative to the population

14. For more information on country ratification of these instruments, see the UN Treaty Collection, Chapter IV: *Human Rights*, available at <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

15. The ILO has discussed the difficulties in establishing benchmarks for what constitute sufficient numbers of inspectors and the need for a comprehensive approach to labor law enforcement. See http://www.ilo.org/ilc/ILCSessions/100thSession/reports/reports-submitted/WCMS_153918/lang-en/index.htm and http://www.ilo.org/labadmin/info/lang-en/WCMS_141079/index.htm



did ILAB make findings of insufficiency.¹⁶ Although ILO Conventions focus on labor laws, the worst forms of child labor encompass activities such as child prostitution that are generally covered by criminal laws. Therefore, the report also assessed the same criteria in regard to criminal law enforcement.

Section 4: Government Policies on the Worst Forms of Child Labor

The fourth section of the profiles provides information on the TDA Conference Committee report criteria: “whether the country has a comprehensive policy for the elimination of the worst forms of child labor.” This section describes a country’s policies and plans to combat the worst forms of child labor.

ILAB used the framework provided in R. 190, Art 15(f), which illustrates measures that countries might

16. Specifically, ILAB made findings that numbers of inspectors were insufficient in cases in which a country with a population of several million had only a handful of inspectors.

take to combat the worst forms of child labor, such as “encouraging the development of policies by undertakings to promote the aims of the Convention.” In ILO C. 182 and in comments from the ILO Committee of Experts, the terms “programs” and “plans of action” are often used interchangeably. Indeed, it is difficult to distinguish in some cases between a policy, a plan and a program. For purposes of the TDA, a policy on worst forms of child labor is defined as a framework that lays out general principles that are intended to guide a government’s actions on child labor. Although policies may call for the passage of new laws and the establishment of new programs, for purposes of the TDA, whether laws are adopted or programs are implemented is discussed in the Laws and Regulations on Child Labor section or Social Programs to Eliminate or Prevent the Worst Forms of Child Labor section, respectively.

Specifically, ILAB assessed whether governments had:

- Established specific child labor policies, any related development policies that explicitly incorporate the issue of child labor or any related development policies

that do not explicitly target child labor but that could impact the problem (ILAB determined that, because so few governments distinguish between worst forms of child labor and child labor in general when establishing policies, any policy on child labor, whether targeted to worst forms of child labor or not, would be discussed).

- Established policies that included specific action plans, assigned responsibilities, established goals and set timetables.
- Implemented its established policies.

Section 5: Social Programs to Prevent and Eliminate the Worst Forms of Child Labor

This section responds to the Conference Committee report criteria that calls for a consideration of “whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor and assist in the removal of children engaged in the worst forms of child labor.” Due to the redesign of the TDA report last year, this section of last year’s report discussed child labor programs implemented since 2001. This year the section discusses only those programs implemented during the reporting period.

As in the section on policies, this section describes both programs focused on worst forms of child labor and on all forms of child labor, since countries often do not distinguish between the two in child labor programs. Also as in the policies section, this section discusses programs that focus on child labor specifically, as well as programs that address poverty, education and other related matters that could have a beneficial impact on child labor, whether or not that was the specific focus.

ILAB generally considered international organization-implemented efforts to be government efforts, because they can only be carried out with consent of the government and such efforts are sometimes considered part of national budgets.

ILAB applied standards embodied in Articles 6 and 7 of ILO C. 182 to assess country programs to combat the worst forms of child labor. ILO R. 190 was also used in determining the kinds of efforts governments might make, such as giving special attention to girls, providing training to employers and workers and raising awareness. With this in mind, ILAB assessed whether governments had:

- Participated in any programs to combat child labor, including programs aimed at directly preventing and withdrawing children from child labor.
- Implemented programs sufficient to combat the scope and magnitude of the child labor problem.
- Targeted at-risk populations.
- Implemented programs successfully and sustainably.

Suggested Actions

The last section of each country profile is a set of suggested actions. These suggested actions consist of steps countries can take to more fully address the worst forms of child labor.

Issues of Note

Education is discussed in this report to a greater extent than in previous years. There are many factors that impact a household’s decision to send a child to school or to work. One of these factors is the financial cost of education which may include income foregone in exchange for time spent in school, as well as direct school expenses. An important step governments can take to address the financial burden of schooling is to establish free education. Each country profile notes whether, by law, countries have established free and compulsory primary education. However, even when education is free by law other barriers may remain. The profiles reference some of these additional barriers that may impede access. These barriers may include financial costs associated with illegal school fees, transportation and materials.

Other major barriers may include lack of physical proximity to schools and violence and abuse in classrooms. Most countries in the report have one or more of these education-access barriers. A lack of available information, however, limits the discussion of these issues for some countries. In these cases, we note that the profile’s discussion is incomplete.

In many cases, school attendance is heavily influenced by the nature and intensity of work. More hours allocated to work may result in fewer hours spent in school.¹⁷ Research indicates that quality of education also affects the amount

17. Federico Blanco Allais and Frank Hagemann, *Child Labour and Education: Evidence from SIMPOC Surveys*, International Labour Organization, Geneva, June 2008, 7; available from <http://www.ilo.org/ippecinfo/product/download.do?type=document&id=8390>.

of schooling families choose.¹⁸ For example, in Mexico, where a large number of children work and attend school simultaneously, evidence shows quality of education is valued by parents in instances where they observe improvements in their child's learning achievement. In these cases, parents are likely to significantly increase the child's involvement in education by reducing the child's involvement in work.¹⁹ It may be difficult to separate issues of education access and quality, as high quality education may encourage families to overcome access barriers, while poor quality may exacerbate them. In this report, ILAB chose to limit its discussion of education to the issue of access.

Despite ILAB's best efforts to cover relevant topics as comprehensively as possible, the report cannot cover several important issues that may affect children's involvement in the worst forms of child labor. The report focuses on aspects of governments' efforts that are most likely to have a direct impact on the problem. Therefore, most of the discussion focuses on laws, coordination and enforcement efforts and policies and programs explicitly targeted at child labor. The report discusses programs to combat poverty and promote education that may contribute to the elimination of the worst forms of child labor, while noting the need for further research on the impact of these efforts.

The report also excludes infrastructure projects, health programs, and related policies and programs, which support children's school attendance because it is more difficult to assess their direct impact on child labor.²⁰

The reports also did not examine the impact that corruption may have on children's involvement in the worst forms of child labor, particularly as it relates to enforcement of laws covering the worst forms of child labor. While some corruption is likely to exist in many countries, including the United States, specific, credible evidence of its impact is extremely limited. (Global

attention to the issue of human trafficking has made information on corruption among law enforcement and other officials working on this specific issue somewhat more available.) Since an informed discussion of the problem was beyond the scope of this report, discussions of corruption have been excluded from the country profiles.

Methods

DATA COLLECTION AND SOURCES OF DATA

Information was gathered for this report through desk research and limited field work. Desk research consisted of an extensive review of mostly online materials produced by a variety of sources including ILAB, other U.S. Government agencies, foreign governments, international organizations, NGOs, U.S. Government-funded technical assistance and field research projects, academic research, independent research, media and others. Examples of sources used include the latest editions available of country laws relevant to child labor, ILO-IPEC SIMPOC and other national level child labor surveys, NGO reports on child labor in various countries and ILO Committee of Experts direct requests and observations.²¹

The U.S. Department of State and U.S. embassies and consulates abroad provided important information by gathering data from contacts, conducting site visits and reviewing local media sources. A request for information from the public was published in the *Federal Register* and a copy of the request was mailed to the Washington embassies of countries covered in the report.²² Data was also collected through site visits to certain countries covered in the report, which included additional collection of documents as well as key informant interviews.

18. UNESCO, *Education for All - Global Monitoring Report: The Quality Imperative* 2005, 40-78; available from http://www.unesco.org/education/gmr_download/chapter2.pdf.

19. Furio C. Rosati and Mariacristina Rossi, *The Impact of School Quality on Child Labour and School Attendance: The Case of CONAFE Compensatory Education Program*, January 2007; available from http://siteresources.worldbank.org/EDUCATION/Resources/278200-1121703274255/1439264-1171379341729/SessionI_FurioRosati3.pdf. It is important to note that Mexico is a middle-income country and additional work in low-income countries is needed to make this a generalization.

20. Edward Miguel and Michael Kremer, "Worms: Identifying Impacts on Education and Health in the Presence of Treatment Externalities," *Econometrica* 72, no. 1 (2004), 159-217. See also Abdul Latif Jameel Poverty Action Lab, *Primary School Deworming in Kenya* [online] n.d. [cited November 7, 2010]; available from <http://www.povertyactionlab.org/evaluation/primary-school-deworming-kenya>.

21. The ILO CEACR examines and makes two types of comments upon the application of international labour standards. Direct requests contain technical comments or questions raised by the application of a particular convention by a state. These requests are sent directly to governments. Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. For more information, see <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang--en/index.htm>.

22. A copy of the request was also sent to the Permanent Mission of the Kingdom of Bhutan to the United Nations in New York. Countries with no embassy in the U.S. were not sent copies of the request. See U.S. Department of Labor, "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," *Federal Register*, Volume 76, Number 79 (April 25, 2011); available from <http://www.gpoaccess.gov/fr/index.html>.

ANALYSIS OF INFORMATION

The existence of child labor, particularly the worst forms of child labor, often involves violations of laws and regulations, including serious criminal violations in some egregious cases. Information on child labor may be intentionally suppressed. The victims of the worst forms of child labor may be too vulnerable or politically weak to claim their rights or even communicate their situations. These factors make information on the worst forms of child labor often difficult to obtain. Therefore, in order to compile a credible and comprehensive report, ILAB used the following criteria to assess information.

1. *Nature of information.* Whether the information about child labor and government efforts to combat it gathered from research, public submissions, or other sources is relevant and probative and meets the definitions of the worst forms of child labor and government efforts as used in this report. (See Glossary for definitions.) Specific evidence of government efforts was preferred where it was available.
2. *Date of information.* Whether the information about child labor is no more than 5 years old at the time of receipt by ILAB. More current information was given priority; ILAB used sources published during the reporting period to the extent possible. Information older than 5 years was generally not considered.

However, in the case of child labor statistics, certain factors contribute to less frequent generation of new data.²³ Because government and other efforts to address exploitative child labor take time to have an impact on national level rates of child labor, children's involvement in such activities does not change dramatically from year to year. Child labor surveys are carried out infrequently in part because the child labor picture does not change frequently (although there have been recent increases in the number of surveys carried out). In order to present an overall picture of children's work in as many countries as possible, ILAB used data for some countries that were up to 10 years old (2000) at the time compilation of this report began. For more information on statistics used in the report, see the Child Labor and Education Statistics: Sources and Definitions section.²⁴

23. This report uses statistics on children's work because statistics on the worst forms of child labor are difficult to collect and not widely available.

24. Another exception to this general 5-year age standard can be found in the last section of the report, in which some programs older than five years may be discussed. Please see the section "Section 5: Social Programs to Prevent and Eliminate the worst forms of child labor" for a discussion of this topic.

3. *Source of information.* Whether the information, either from primary or secondary sources, is from a source whose methodology, prior publications, degree of familiarity and experience with international labor standards and/or reputation for accuracy and objectivity, warrants a determination that it is relevant and probative.
4. *Extent of corroboration.* The extent to which the information about the use of child labor is corroborated by other sources.

ILAB used only sources that met more than two of the above criteria when making findings about gaps in government efforts.

LIMITATIONS

While improving, data on the worst forms of child labor and government efforts to remediate are uneven. A lack of information may create an impression that a country has less serious problems with the worst forms of child labor than it has in reality. At the same time, the lack of information in some cases may create the impression that a government is doing less than it should, when it may be that information on existing efforts was unavailable. Although countries with open and available information may sometimes appear to have larger problems relative to other countries, this may not be the case. In fact, countries that make information collection on child labor a priority are in a better position to eliminate the problem than those countries where such information is suppressed, because they can target their policies and programs for maximum impact.

Although information was requested from the public, including through requests to governments covered in the report, only 10 out of the 125 countries and 19 non-independent countries and territories submitted information in response. In addition, since in-country data collection was conducted only in a small subset of countries, lack of access to in-country sources of information may also impact the reporting.

Due to the inability to travel to each country covered in the report, ILAB relies on the Internet to gather primary and secondary sources of information. For countries where Web access and technology is limited, there may be less information available online. Countries with more closed government processes and less civil society participation may also have less information readily available.



Most of ILAB’s online research was conducted in English; however, some research was conducted in Spanish, French and to a limited extent, Portuguese. Materials written in other languages were generally not reviewed.

When ILAB was unable to find information about the major topics of discussion, including the content of important laws or enforcement efforts, this was noted.

The Year in Review:

A FOCUS ON HAZARDOUS CHILD LABOR

Every hour of every day, children around the world are engaged in work that exposes them to serious risks. Children work in agriculture, often applying chemicals and using sharp tools made for adult hands. They scavenge in garbage dumps, risking cuts from broken glass, and contaminated needles. Others labor in mines deep underground, or as porters bent under heavy loads or in countless dark and badly-ventilated workshops. The list goes on and on. These children often suffer injuries and illnesses that can last a lifetime, stunt their development,

and heap additional burdens on families already struggling to meet everyday needs.

Since the 1999 adoption of ILO C. 182 on the Worst Forms of Child Labor, much public attention has focused on worst forms such as child slavery, commercial sexual exploitation, child trafficking and the use of children in armed conflict. Yet hazardous work – the most prevalent worst form of child labor – has received less public attention. The ILO estimates that approximately 115 million children, or 54 percent of child laborers 5 to 17 years, were engaged in hazardous work in 2008.²⁵

Child welfare advocates, academic researchers and policy makers have been working on this issue for some time,²⁶ and today greater coherence and collaboration among international partners is beginning to emerge. The result is a renewed commitment to address the economic challenges and health impacts of children engaging in hazardous work. For example, ILO and WHO jointly

25. *Children in hazardous work: What we know, what we need to do.* Geneva: 2011; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=17035>.
 26. Forastieri, V. (2002). *Children at Work: Health and Safety Risks* (Second ed.). Geneva: International Labour Organization. See Also Parker, David. *Child Labour: A Public Health Perspective.* Oxford: Oxford University Press, 2010.

chair a Technical Committee on Young Workers and Child Labor, which has facilitated greater dialogue and coordinated planning on research and policy.²⁷

On June 2, 2011, USDOL partnered with the U.S. National Institute for Occupational Safety and Health, ILO and WHO to hold the U.S. national event in anticipation of the World Day Against Child Labor. The central theme of the event and of World Day was hazardous work. The event underscored the importance of addressing hazardous work as a crucial part of efforts to meet the global target of eliminating the worst forms of child labor by 2016.²⁸ To coincide with the World Day event, the ILO released a new report, *Children in Hazardous Work: What We Know, What We Need to Do*, which presents the current knowledge base on the topic and describes successful practices that have the potential to be replicated and significantly scaled up.²⁹ The report also focuses on identifying key gaps in research as well as policy solutions to protect children.³⁰

DEFINITION OF HAZARDOUS WORK

ILO C. 182 prohibits “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.” The Convention does not provide a list of the types of work that fit this description or are considered “hazardous,” but rather leaves this decision to the discretion of individual countries. Article 4 of the Convention requires ratifying countries to determine their own “hazardous list” after conducting national consultations with worker and employer organizations.³¹

ILO R. 190 provides guidance to help countries develop their lists of prohibited hazardous work. As noted above, it advises that a variety of situations should be considered hazardous for children, such as work underground, under water, at dangerous heights or in confined spaces or work with dangerous machinery, equipment and tools, or that involves the manual handling or transport of heavy loads.³²

27. International Labor Organization, *Accelerating Action against Child Labor: ILO Global Report on Child Labor 2010* (Geneva) 2010, vii.

28. ILO. *Children in hazardous work: What we know, what we need to do*. Geneva: 2011; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=17035>.

29. International Labor Organization, *Children in hazardous work: What we know, what we need to do*. (Geneva) 2011.

30. ILO. *Children in hazardous work: What we know, what we need to do*. Geneva: 2011; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=17035>.

31. ILO Convention 182 Worst Forms of Child Labour Convention.

32. ILO Recommendation 190 Worst Forms of Child Labor Recommendation, 1999.

As part of their efforts to implement ILO C. 182, an encouraging number of countries have developed hazardous work lists or reviewed existing prohibitions on hazardous work for comprehensiveness. Of the 183 countries that have ratified the Convention, 108 have drawn up such a list. An additional 47 countries are working on a list, while 28 countries either have only general prohibitions in place or have no list at all.³³ Although the majority of countries now have lists, the ILO has pointed out some deficiencies in them. Some are out of date and no longer address risks stemming from where children work and what tasks they perform; others include only the obvious targets such as mining but leave out sectors such as agriculture and domestic work, where children’s work is hazardous but common and accepted and therefore politically difficult to regulate.³⁴ For these reasons, it is essential for countries to periodically review and revise their hazardous work lists.

STATISTICS ON HAZARDOUS WORK

The ILO estimates that the number of children engaged in hazardous work declined by 10 percent between 2004 and 2008, falling from an estimated 128 million to 115 million. However, this positive trend did not extend across all age groups. While hazardous work declined by 30 percent among 5 to 14 year-olds, the number of 15 to 17 year-olds engaged in such work actually increased by 20 percent, from an estimated 52 million to 62 million children.³⁵

The number of girls engaged in hazardous work declined by 24 percent, however, the total number of boys in hazardous work decreased by only a fraction of a percentage, and the number of older boys in hazardous work actually increased. The regional incidence of hazardous work mirrors that of child labor overall, with the greatest number of children in hazardous work in Asia (over 48 million) but the highest incidence occurring in Africa (some 15 percent of the total child population).³⁶

Children engage in hazardous work in a variety of sectors. The highest percentage of children in hazardous work (59 percent) is in agriculture, which includes farming, fishing, forestry, livestock herding and aquaculture. This compares with 30 percent in the service sector, followed by 11

33. *Children in hazardous work*, 43 and Appendix I.

34. *Children in hazardous work*, 41-42.

35. International Labor Organization, *Accelerating Action against Child Labor: ILO Global Report on Child Labor 2010* (Geneva) 2010, 8.

36. International Labor Organization, *Children in hazardous work: What We Know, What We Need to Do* (Geneva) 2011, 8.

percent in industry. Given the large number of children working in agriculture, combined with high rates of injury and illness among children working in the sector, the ILO has made this sector a high priority for action.³⁷

PUBLIC HEALTH CONCERNS

Academics and policy makers contend that hazardous child labor is a public health issue that deserves more focused attention.³⁸ They cite a growing body of evidence that children and adolescent workers are especially susceptible to being injured or killed. While little research has been done on injury and illness rates among children in developing countries, studies from the United States and Europe have shown that injury and death rates among young workers are significantly higher than among adult workers.³⁹ For example, data collected in the United States show that the rate of on-the-job injuries among children from 15 to 17 years of age is almost twice that of workers 25 years and older.⁴⁰

Children's bodies are biologically different from those of adults and react differently to hazards and risks. For example, children's thinner skin more easily absorbs toxins and their brains more easily absorb and retain heavy metals such as lead and mercury. Children breathe faster and more deeply than adults, which means that they inhale more dust and airborne particles. These and many more characteristics of children's developing bodies make them more vulnerable than adults to occupational risks and hazards. Children in hazardous work are also less likely to recognize and complain about risks they face on the job. They may be more likely to push themselves to work beyond their physical capacity to please their employer and avoid appearing incompetent.⁴¹

In all sectors, working long hours is one of the most common hazards for children, posing the risk of extra stress and fatigue, both mental and physical. This alone is harmful and can also lead to increased injury rates.

The longer-term impact of children's hazardous work on their health and well-being is often not known, but there is some data on this issue. Empirical evidence shows that occupational exposure to pesticides can have serious

health effects and is particularly hazardous for children.⁴² Children working in agriculture come into contact with pesticides in various ways, including by applying them, often without protective gear, by working in fields still wet from spraying, and by being sprayed or dusted with pesticides others are applying.⁴³ A study of young farm workers (ages 10 to 18) in Brazil linked pesticide exposure to motor and attention deficits, with the strongest effects manifested among the youngest children.⁴⁴ A similar study of adolescent agricultural workers in the United States showed that these children, performed significantly worse in attention, memory and visual motor functions than children not working in agriculture.⁴⁵

FUTURE ACTIONS TO REDUCE HAZARDOUS WORK FOR CHILDREN

More research and directed interventions are needed to protect children from hazardous work. Governments, worker and employer organizations and civil society must take collective and effective action to remove children from work that can harm them. This means removing children below the legal working age from work, and removing older children from hazards. Occupational safety and health interventions such as re-engineering processes or equipment, or implementing other hazard controls may be necessary to protect young workers from on-the-job hazards. However, if special protective devices are needed for children, then this may indicate that the work should not be performed by a child.

Scientific research on occupational safety and health hazards for children working in developing countries is limited. Research on occupational safety and health interventions to reduce hazards for children is also scarce. In January 2011, the ILO organized a meeting of researchers in Turin, Italy to discuss the current knowledge base on hazardous child labor and recommend additional research that will fill information gaps on the health consequences of hazardous child labor. Such information will assist countries in their development and revision of hazardous work lists and guide workers and employers in specific occupations and industries as to the proper action to take with respect to young workers.

37. Children in hazardous work, 9.

38. Parker, David. *Child Labour: A Public Health Perspective*. Oxford: Oxford University Press, 2010; available from <http://www.publichealthreports.org/archives/issuecontents.cfm?Volume=120&Issue=6> and <http://www.ijoh.com/index.php/ijoh/issue/view/76>.

39. *Child Labour: A Public Health Perspective*, 586-589

40. *Children in hazardous work*, 10.

41. *Children in hazardous work*, 13-15.

42. *Children in hazardous work*, 15-16

43. *Children in hazardous work*, 21-22

44. D.A. Eckerman et al.: "Age related effects of pesticide exposure on neurobehavioral performance of adolescent farm workers in Brazil", in *Neurotoxicology and Teratology* (2007), Vol. 29, No. 1, pp. 164-175.

45. Graczyk, Halshka, "Child Labor and Occupational Health: Assessing our Current Knowledge Base," December 2010, 12-14.

2011 Department of Labor Trade and Development Act Report Highlights

HAZARDOUS CHILD LABOR: HIGHLIGHTS AND GAPS

The international community recognized the importance of addressing hazardous child labor during this year's World Day Against Child Labor. Likewise, individual governments covered in this report have recognized the seriousness of this issue and have taken steps to combat the problem. There are many actions that are being undertaken around the world to eliminate hazardous work and some of these are discussed in the country profiles.

Some countries strengthened their legal framework to prohibit children from engaging in hazardous labor. Afghanistan and Sierra Leone laid the groundwork for this by ratifying ILO C. 182, while Ghana did so by ratifying ILO C. 138. As called for in ILO C. 182, the Governments of Croatia, Morocco and Sri Lanka approved new and/or expanded upon existing lists of hazardous occupations prohibited to children.

Other countries demonstrated their commitment by adopting policies and implementing programs to combat hazardous child labor. In 2010, the Government of Jamaica created a National Plan of Action against Child Labor that specifically targets hazardous work, including work in agriculture. During the reporting period, Uganda and Cambodia continued to participate in ILAB-funded projects targeting children for withdrawal and prevention from hazardous work in agriculture and other sectors.

Unfortunately, some countries have lagged in responding. Some lack a minimum age for hazardous work and more than a third of the 183 countries that ratified ILO C.182 still have no list defining hazardous work prohibited to children.⁴⁶ Still more countries lack well-resourced mechanisms for monitoring and enforcing prohibitions on hazardous child labor. Throughout the report ILAB has highlighted efforts to protect children

46. International Labor Organization, *Children in hazardous work: What we know, what we need to do* (Geneva) 2011, 43 and Appendix I.



from hazardous work while drawing attention to gaps that leave children vulnerable. It is our hope that the 2010 report will encourage both the international community and individual governments to step up efforts to end hazardous children's work.

In addition to hazardous child labor and efforts to eradicate it, we call attention to other trends that emerge from the country profiles. We describe good practices and innovations in law, enforcement, policy and social programs and then discuss some of the most common gaps where further action is needed.

HIGHLIGHTS IN THE AREA OF LAWS

Establishing a clear, strong legal framework is a crucial foundation for countries' efforts to prevent and eliminate the worst forms of child labor. In 2010, numerous countries strengthened their laws and stiffened the penalties for violating them. The Governments of Kenya and Kyrgyz Republic established new constitutions specifically prohibiting the worst forms of child labor. The Government of Oman took the final legal steps to bar children from camel racing by raising by the minimum age for jockeys to 18. The Government of Argentina raised the legal minimum age for employment from 14 to 16 and restricted children age 16 to 18 from working at night. Burkina Faso protected children in the formal and informal sectors by expanding its labor laws to include all persons who receive remuneration for work, regardless of the type of activity or the person's legal status.

Kenya passed the Counter Trafficking in Persons Act, to protect trafficking victims. It prohibits the recruitment, transport, transfer or harboring persons, including children, for forced labor, and lays out appropriate penalties for offenses. During the reporting period, Kazakhstan amended its criminal code to strengthen provisions against using children for the production of pornography or in prostitution. In 2010, Tuvalu adopted legislation that forbids the trafficking of children into and within Tuvalu for any purpose and protects trafficking victims from criminal prosecution.

Laws making education compulsory up to the minimum age for employment offer children an alternative to working as well as needed knowledge and skills for the future. In March of 2010, Guinea Bissau passed a law raising the mandatory school attendance from sixth grade to ninth grade to mirror the country's minimum age for employment.

HIGHLIGHTS IN THE AREA OF COORDINATION AND ENFORCEMENT

ILO C. 182 and R. 190 urge countries to establish mechanisms to monitor and coordinate efforts to combat the worst forms of child labor. There are a growing number of countries that have established such coordinating mechanisms across government agencies. In 2010, the Government of Suriname established the National Commission for the Eradication of Child Labour (NCECL). The NCECL is charged with formulating a national policy to eliminate child labor, developing programs that target indigenous children and establishing a list of hazardous work prohibited for children. The Government of India established a Core Group on Child Labour. It is composed of eight Indian ministries and discusses and coordinates existing social protection schemes to reduce child labor.

Since 2009, the Government of Indonesia has expanded efforts to combat child labor and tailored these to the specific needs of communities by decentralizing the implementation of child labor programs. During the reporting period, an increasing number of provincial and district level committees developed and began implementing plans to address child labor.

During the reporting period, governments also took steps to improve enforcement of child labor laws. The Government of Timor Leste doubled the number of labor inspectors employed by the Ministry of Labor and Solidarity, enhancing the Ministry's capacity to monitor and enforce child labor laws. The Government of Jordan increased child labor inspections, hosted trainings and undertook two nationwide child labor inspection campaigns in 2010. In a targeted effort, the Government of Ecuador executed an inter-agency agreement between the Ministry of Mines and Energy and the Ministry of Labor Relations (MRL) to enable labor inspectors to enforce child labor laws in mining activities and impose sanctions for violations. The MRL also conducted inspections in more than 10,000 households to enforce labor laws on domestic service.

The Government of Brazil bolstered its capacity to enforce child labor laws through better labor inspection policies and coordination. It began requiring labor inspectors to give immediate priority to cases of child labor and submit inspection reports within a maximum of 10 days. If inspectors find children engaged in commercial

sexual exploitation, domestic work or other child labor activities outside labor inspector jurisdiction, they must report the cases to local council guardianships, which then work with the appropriate authorities to conduct investigations. In addition, the Brazilian Government and the ILO published a report on best practices in labor inspections to combat child labor. This inspection strategy combines planning of labor inspections, specific protocols to be followed during inspections, prevention activities, publication of results, interagency coordination, timely resolution of cases and collection of fines.

In 2010, the Government of Russia intensified its efforts to monitor and combat child pornography, initiating several prosecutions of individuals suspected of producing and disseminating child pornography. It also continued to operate two centers dedicated to receiving information on Internet sources providing illegal content, including child pornography. In Colombia, the National Institute for Family Welfare established a hotline to report cases of child commercial sexual exploitation and trafficking.

Bangladesh used an innovative approach for monitoring during 2010. The Government established 42 community-based workplace surveillance groups (CWSGs) in Dhaka. The CWSGs are comprised of community volunteers who are responsible for monitoring workplaces in four zones and reporting any child labor violations in the formal or informal sectors to the appropriate government authority.

HIGHLIGHTS IN THE AREA OF POLICY

Policies and plans to prevent and eliminate worst forms of child labor provide roadmaps for action. Albania, Bangladesh, Burkina Faso, Cape Verde, Cote d'Ivoire, Ghana, Guinea Bissau, Jamaica, Moldova, Mozambique, Paraguay, Sao Tome, Solomon Islands, Sri Lanka and Timor Leste established policies and plans to eliminate the worst forms of child labor. The plans include ratifying the CRC optional protocols, raising minimum age for employment and achieving universal primary education. To achieve these goals governments plan to collect data, build institutional capacity and create mechanisms to coordinate and enforce child protection laws and policies.

In 2011, Guinea Bissau, Mozambique, Sao Tome and other Portuguese speaking countries approved four target strategies to combat child labor. These include the exchange of information and experience; awareness-raising campaigns; use of statistical methodologies to collect

child labor data; and technical cooperation and training. Other governments developed sector specific policies. The Governments of Cote d'Ivoire and Ghana signed the Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol and its accompanying Framework, renewing and extending their commitment to reduce the worst forms of child labor in the cocoa sector.

Other countries in 2010 took the important step of integrating child labor concerns into broader child protection, poverty alleviation and policy frameworks. The causes of child labor are complex and closely linked to lack of education and poverty, so meaningful solutions must dovetail with strategies to combat these related problems. Furthermore, such mainstreaming efforts often raise the profile of child labor issues, resulting in better budgetary support and more broad-based remediation. For example, the Government of Turkey issued the Rural Development Plan (2010-2013), prepared by the Ministry of Agriculture and Rural Affairs. The plan addresses child labor in agriculture and focuses specifically on seasonal migrant labor. The Government of India is tackling child labor through a "Convergence Model" strategy, which integrates a range of social protection schemes to aid families of child laborers and to help prevent and withdraw children from hazardous child labor.

HIGHLIGHTS IN THE AREA OF SOCIAL PROGRAMS

Many governments implemented programs for children vulnerable to worst forms of child labor in 2010. Some programs provided protection services to victims of the worst forms of child labor. The Government of Senegal continued to operate the Ginndi Center, which provides shelter and counseling for children, including street children and children formerly involved in organized begging. During the reporting period, the Center assisted 2,536 children, including 786 victims of forced begging.

Some governments implemented programs to provide vocational training to at-risk youth and former victims of the worst forms of child labor. This year, the Government of Burkina Faso took over the funding of 23 training centers for returned trafficking victims that were previously co-funded with UNICEF. These centers provide literacy and domestic skills training. In the West Bank, the Palestinian Authority monitored families who received social assistance through the Ministry of Social Affairs to ensure that their children remained in school and completed the mandated minimum education. The

Palestinian Authority runs 13 vocational centers for school dropouts that help reduce the risk of economic exploitation of children. In 2010, the centers trained a total of 1,000 youth throughout the West Bank and Gaza.

Other countries have improved vulnerable children's access to education. For the most vulnerable populations, education subsidies and school feeding programs provide the incentive needed for parents to send children to school and keep them out of work. The Governments of Brazil and Indonesia have pioneered such programs, and Kenya, South Africa and the Philippines continued to carry out similar efforts. In 2010, the Government of Zambia started a pilot cash transfer program to assist over 10,000 families on the condition that parents send their children to school rather than work.

The Government of El Salvador implemented the "Solidarity Communities" program, a conditional cash transfer program that supplements household income and provides basic social services to vulnerable families in the poorest municipalities. In 2010, the Government began participating in an ILAB-funded project to combat child labor that will link to and build upon Solidarity Communities and other social protection programs.

Many governments are addressing worst forms of child labor in specific sectors. These initiatives range in size and scope from small programs to sector-wide efforts, sometimes involving international industry groups and donors. In 2010, the Government of Kazakhstan worked with private companies to address child labor in tobacco farming. The Government of Ghana increased remediation efforts to combat the worst forms of child labor in cocoa. The Government of Thailand participated in an ILAB funded \$9 million project in the shrimp and seafood processing industry. The Government of Ecuador has rescued more than 2,000 children by carrying out a national program to combat child labor in landfills. As a result, at the end of 2010, the Government indicated that it has almost completely eradicated child labor from landfills.

The individual country reports describe numerous other examples of programs, policies and other efforts by governments to address the worst forms of child labor. However, the reports also call attention to problems, including gaps in legislation, poor enforcement, weak mechanisms for monitoring and ineffective or absent policies and programs.

The U.S. Experience

The experience of USDOL teaches us in the United States that preventing exploitation of children in the worst forms of child labor requires ongoing effort and vigilance. Like children everywhere, children in the United States can learn valuable skills from work that is appropriate for their level of development. Yet they can also fall victim to exploitation in the worst forms of child labor.

A large portion of working children in the United States work on farms, in part because children are permitted to work at a younger age in agriculture than in other sectors. In 2009, an estimated 1.03 million children and adolescents under age 20 resided on farms in the United States and approximately half of them performed farm work. An additional 230,000 children and adolescents were hired to work on U.S. farms.⁴⁷ Many children perform agricultural work that does not violate U.S. law or international standards, but there are incidents in which children conduct work that jeopardize their health and safety.

On average, 113 youth under age 20 die annually from farm-related injuries, with youth aged 16-19 years suffering the highest share of deaths (34 percent). An estimated 3,400 youth were injured performing farm work in 2009.⁴⁸ In some cases, children's education is also compromised. Children of seasonal farmworkers migrate with their families, changing schools or missing school altogether for extended periods of time. Some migrant children care for siblings and perform household chores while their parents are in the fields, rather than attending school.⁴⁹

The nature of agricultural employment, including its short seasonal duration, remote locations and mobility of the work, poses challenges for U.S. labor law enforcement efforts, as it does for labor inspectors in many other countries. USDOL's Wage and Hour Division (WHD) is the agency responsible for protecting youth working in agriculture. It does this through investigations and outreach to farmers, farm labor contractors, workers, parents, teachers, federal agencies and others who provide services to farm workers.

47. NIOSH, *Agricultural Safety*, [online] May 20, 2011 [cited August 1, 2011]; available from <http://www.cdc.gov/niosh/topics/aginjury/>.

48. NIOSH, *Agricultural Safety*

49. Patricia Leigh Brown, "Itinerant Life Weighs on Farmworkers' Children," *New York Times* (New York), March 20, 2011; available from http://www.nytimes.com/2011/03/13/us/13salinas.html?_r=1&scp=1&sq=%22itinerant%20life%20weighs%20on%20farmworkers%22&st=cse.

In 2010, WHD implemented a farm labor enforcement program focusing on the harvesting of blueberries in New Jersey, North Carolina and Michigan. Before the harvest season began, the relevant WHD District Offices issued press releases announcing that WHD was committed to ensuring that agricultural employers understood their responsibilities and that agricultural workers understood their rights. In addition, WHD conducted education and outreach to the blueberry industry in each of these states.

When the harvest began, WHD investigators were out in the fields. As blueberry crews moved from one state to the next, WHD offices in these states shared information on investigations. Offices also shared bilingual investigators to protect the rights of Spanish and Haitian-Creole speaking workers. Significantly, employers took observable and important steps to ensure that children were not working in the fields. No child labor violations were found at the farms investigated in North Carolina and New Jersey and only one farm in Michigan was found to be violating child labor regulations. And while wage, hour and other labor law violations were not eradicated, they were significantly diminished. WHD has also inspected other agricultural sectors in which compliance needs to be strengthened. In June 2011, WHD fined three strawberry farms a total of \$73,000 for employing children as young as 6 as pickers. Due to the severity of the child labor violations, the agency invoked the “hot goods” provision of the Fair Labor Standards Act (FLSA), which precludes the farmers from shipping the strawberries that were produced in violation of the child labor laws. All three employers took immediate steps to come into compliance by removing the underage workers, signing consent judgments permanently enjoining them from violating the FLSA in the future, and requiring them to attend training conducted by the WHD for the next three years.

Other U.S. Government agencies also work on behalf of children working in agriculture. The Department of Education’s Migrant Education Program provides health care, summer school and tutoring for about 600,000 migrant children nationwide.⁵⁰ The National Institute for Occupational Safety and Health (NIOSH), in partnership with the National Children’s Center for Rural and Agricultural Health and Safety, developed the North American Guidelines for Children’s Agricultural

Tasks (NAGCAT). The NAGCAT provides information on children’s physical, mental and psychosocial abilities in relation to the requirements of specific types of farm work. These guidelines have proven effective in reducing child agricultural injuries.⁵¹

Agriculture is not the only sector of the U.S. economy that employs children. Children working in other industries also face work-related accidents and deaths. In 2009, 359 workers under age 24 died from work-related injuries, including 27 deaths of youth under age 8.⁵² From 1998 to 2007, U.S. hospitals annually treated an average of 795,000 non-fatal injuries in workers under age 24. Workers under age 24 were twice as likely to need emergency-room care for occupational injuries as workers over age 25.⁵³ (Data includes workers in both agricultural and non-agricultural sectors. Data on injuries is not available for children under age 18.)

WHD is committed to ensuring that U.S. child labor laws are strictly enforced. Every onsite investigation has a child labor component. Child labor complaints, although not numerous, are given the highest priority within the agency. The FLSA establishes an 18-year minimum age for non-agricultural occupations that the Secretary of Labor declares to be particularly hazardous or detrimental to children’s health or wellbeing. There are currently 17 Hazardous Occupation Orders, which include a partial or total ban on the occupations or industries they cover. In May 2008, the U.S. Congress dramatically increased the maximum civil money penalty (CMP) for violations that cause the death of a minor employee under age 18. Congress raised the maximum CMP from \$11,000 to \$50,000 and gave WHD authority to double CMPs up to \$100,000 where violations are willful or repeated. On September 2, 2011, USDOL published a Notice of Proposed Rulemaking requesting public comment on proposals to strengthen the protections for young hired farm workers by updating and adding to the agricultural hazardous occupation orders. USDOL also proposes to add two new nonagricultural hazardous occupations orders.⁵⁴

50. US Department of Education, *Migrant Education -- Basic State Formula Grants*, [November 16, 2009 [cited August 1, 2011]; available from <http://www2.ed.gov/programs/mep/index.html>. See also Brown, “Itinerant Life Weighs on Farmworkers’ Children.”

51. NIOSH, “Guidelines for Children’s Agricultural Tasks and Demonstrate Effectiveness”, [cdc.gov](http://www.cdc.gov), [online], 2011 [cited August 2, 2011]; available from <http://www.cdc.gov/niOSH/docs/2011-129/>.

52. NIOSH, *Young Workers Safety and Health*, [online] May 25, 2011 [cited August 1, 2011]; available from <http://www.cdc.gov/niOSH/topics/youth/>.

53. NIOSH, *Young Workers Safety and Health*.

54. U.S. Department of Labor, “Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations—Civil Money Penalties,” *Federal Register*, Volume 76, Number 171 (September 2, 2011); available from <http://www.gpoaccess.gov/fr/index.html>.

USDOL's YouthRules! Web site at <http://www.youthrules.dol.gov> educates employers, young workers, educators and parents about child labor, the jobs minors may perform and the hours they may work. A WHD toll-free helpline is also available (866-4US-WAGE, or 487-9243) to provide information about child labor laws.

Children in the U.S. are also exploited in criminal worst forms of child labor, such as prostitution and trafficking. In November 2010 the FBI, its local and state law enforcement partners and the National Center for Missing and Exploited Children (NCMEC) concluded Operation Cross Country V, a three-day national enforcement action as part of the Innocence Lost National Initiative. The operation included enforcement actions in 40 cities across 34 FBI divisions around the country and led to the recovery of 69 children who were being victimized through prostitution. Nearly 885 individuals, including 99 pimps, were arrested on state and local charges. During fiscal year 2009 (the most recent information available), United States Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) made over 1,400 arrests as part of Operation Predator, which targets child pornographers, child sex tourists and facilitators, human smugglers and traffickers of minors, criminal aliens convicted of offenses against minors and those deported for child exploitation offenses who have returned illegally.⁵⁵ During fiscal year 2010, ICE investigations resulted in 32 convictions for human trafficking.⁵⁶ The FBI's Civil Rights Unit (CRU) oversees the Human Trafficking subprogram and coordinates with Special Agents, Legal Attachés and the Organized Crime and Crimes Against Children Units (CACU) to identify cases of human trafficking. FBI agents in the CRU coordinate with agents in the Organized Crime Unit and CACU, for example, to ensure that cases initially identified as smuggling cases, Internet crimes against children and/or sex tourism are also identified for potential human trafficking elements. In Fiscal Year 2010, the CRU rescued 13 victims of child trafficking and dismantled 14 trafficking organizations.⁵⁷

The U.S. Government initiated new efforts in 2010 to combat these worst forms of child labor. The Attorney General announced a national Human Trafficking

Enhanced Enforcement Initiative to coordinate anti-trafficking efforts by creating teams of prosecutors and agents from United States Department of Justice, USDOL and USDHS. Also in 2010, USDHS launched a steering committee for a "Blue Campaign" that coordinates awareness-raising, victim protection services and prosecution efforts across its own agencies and in partnership with NGOs and the private sector to address trafficking in persons. USDOL's WHD contributes to the fight against human trafficking through efforts such as investigating low-wage, high-risk industries, training inspectors on trafficking issues and providing job training to victims and persons at risk of victimization.⁵⁸

ADDRESSING GAPS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Despite some progress in combating the worst forms of child labor much more remains to be done. Each country profile in this report identifies areas where governments can improve their performance and includes suggested actions that governments can take to help reduce the worst forms of child labor.

One egregious problem requiring urgent attention is the use of children in forced labor, including forced child soldiering. In some cases, rebel and insurgent groups beyond government control recruit and use child soldiers, and in some cases government-supported forces do this as well. Rebel and insurgent groups have recruited and used children in conflict during the period covered by this report in Afghanistan, Central African Republic, Chad, Colombia, Cote d'Ivoire, the Democratic Republic of the Congo, Ethiopia, India, Iraq, Lebanon, Nepal, Pakistan, Peru, Philippines, Somalia, Thailand and Yemen.

Reporting indicates that children are recruited into and used in the Afghan National Security Forces, including the Afghan National Police. In 2010, an unknown number of children remained in the Chadian National Army, though more recent reports indicate the Government of Chad has ended child recruitment and demobilized any children identified in its ranks. In Colombia, reports state that children are recruited and used as informants by members of the National Armed Forces in contravention of military policy. According to a report of the UN Human Rights Council, children in Cote d'Ivoire were forced into soldiering by both militias and armed groups

55. Ibid., 45. See also U.S. Department of Homeland Security, *Fact Sheet: Operation Predator - Targeting child exploitation and sexual crimes*, [November 19, 2008]; available from <http://www.ice.gov/news/library/factsheets/predator.htm>.

56. Ibid.

57. U.S. Attorney General, *DRAFT: Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons*, Fiscal Year 2010, Washington, DC, 2011.

58. ILAB Wage and Hour Division, *The Role of WHD in Combating Human Trafficking*.

after that country's 2010 political crisis and the violence that ensued. Poorly integrated elements of the Congolese National Army continue to abduct and forcibly recruit children for armed conflict in the Democratic Republic of Congo. In Somalia, children continue to be recruited by the Transitional Federal Government's armed forces. Government-allied tribes have used children as soldiers in conflicts in northwest Yemen as well.

Other governments continue to use children in forced labor activities. Evidence shows that the Government of Uzbekistan has not eliminated municipal authorities' use of children to harvest cotton. Emerging evidence indicates that members of the military in the Democratic Republic of Congo are forcing children to mine for cassiterite and coltan. Government-sponsored forced child labor is an aberration. Many more governments had gaps in their efforts to address the worst forms of child labor, some of which are highlighted below.

GAPS IN THE AREA OF LAWS AND REGULATIONS

In accordance with ILO standards, member states have a responsibility to create a basic minimum age for employment along with clear definition of the types of hazardous work that all children are prohibited from performing. Some countries fail to specify an age at which hazardous work may be performed, while other countries allow work that has been determined to be hazardous to be performed by children below 18, which fails to meet the standard set in ILO C. 182.⁵⁹ Another common gap is the lack of a clear definition of what constitutes hazardous work. Without such a definition, legal prohibitions against employing children in hazardous work cannot be effectively enforced.

Another common problem is the lack of comprehensive legislation. While a few countries still lack basic legislation like a minimum age for employment, the more common scenario is that laws are ambiguous or include exclusions and caveats that make them confusing to adhere to and even more difficult to enforce.

Much of the work that children do is often not covered by legislation. For example, the majority of the world's

child laborers work in agriculture, yet in many countries agriculture is not covered under child or general labor laws. Child domestic servants are also vulnerable, because they work in private homes which usually fall outside the jurisdiction of labor laws. In all of these cases, the legal framework needs to be amended to ensure that children are protected from exploitation.

The country reports also point to gaps in criminal laws against worst forms of child labor. For example, some countries prohibit the prostitution of girls but are silent on the prostitution of boys. Some criminal laws prohibit the prostitution of children 16 and under, though under international standards children should be protected up to the age of 18. Some countries lack legal prohibitions against using children in armed conflict.

Providing free, compulsory education is an important tool to prevent and eliminate the worst forms of child labor and several country profiles note the need to amend education laws. Some countries permit children to stop attending school when they are too young to begin working legally. This can increase their risk of entering into the worst forms of child labor. Many countries that mandate school attendance, fail to make it free. While providing free, compulsory education may be a significant financial investment, it provides an enormous benefit to children of poor families, many of whom do not attend school because the cost is prohibitive. Those from poor families who do attend school may engage in the worst forms of child labor anyway in order to pay for school fees, uniforms, books and supplies.

Finally, in a number of countries that have drafted legislation to protect child workers, such laws remained in draft form for years, stalled at various levels of the legislative process. Throughout the country reports we encourage these governments to finalize comprehensive legislation to protect children from the worst forms of child labor.

GAPS IN THE AREA OF COORDINATION AND ENFORCEMENT

Laws without enforcement have little impact. While some countries made progress in enforcing their child labor laws, this is an area where much work remains to be done. Many countries are seriously lacking in their capacity to effectively enforce their laws against worst forms of child labor. Many labor inspectorates are chronically

59. Although ILO C. 138 provides for exceptions in which countries may establish 16 as the minimum age for some forms of hazardous work when appropriate measures are taken to protect the health and safety of young persons, ILAB used 18 as the standard for this report, in line with the basic provision of the Convention.

understaffed and lack the resources, including vehicles, needed to conduct inspections on an adequate scale to identify and deter violations. Enforcement officials are often in need of training on applicable laws and how to identify cases of worst forms of child labor.

Another gap frequently cited in the 2010 report is the lack of coordination across the various entities responsible for implementing and enforcing laws. The monitoring and enforcement of child labor laws are large tasks and in almost every case they are handled by a variety of agencies, including labor ministries, law enforcement and social welfare departments. Without coordination it is difficult for countries to maximize the impact of their efforts.

A lack of information can stall enforcement efforts and prevent countries from demonstrating progress. Many countries do not collect data or report on enforcement. Whatever the reasons for this lack of transparency, it denies citizens valuable information they may need to effect change and limits a government's capacity to make progress.

GAPS IN THE AREA OF POLICY

Many countries demonstrate their commitment to eradicating child labor through national policies explicitly targeting the problem. However many have failed to implement these policies. Carrying out policies and action plans requires governments to allocate resources, assign responsibilities and make a real and ongoing commitment to progress.

Although some countries might not have national policies explicitly focused on eradicating child labor, many have policies in place to encourage educational achievement and promote economic development. ILAB commends these governments for their efforts to help alleviate the root causes of child labor, while encouraging them to recognize that working children and their families deserve particular attention when implementing such policies.

Assessing the impact of these policies on child labor is an important step towards achieving and demonstrating

progress. There is a growing knowledge base worldwide on child labor, including the worst forms of child labor, and countries interested in conducting such research can draw upon tested methodologies and models. ILAB encourages countries to take steps to assess the impact of their efforts to help determine future policies.

GAPS IN THE AREA OF SOCIAL PROGRAMS

The most commonly cited gap in programs to address worst forms of child labor is insufficient scope and coverage. Many countries have implemented programs to prevent and eliminate the worst forms of child labor, often with donor assistance, but they typically are not of sufficient scale to satisfy existing needs and cover all sectors where children are exploited. Some countries' programs may target trafficking, for example, while ignoring more pervasive child labor in agriculture.

Another gap is an insufficient effort to raise public awareness on worst forms of child labor. Families and communities do not always understand the severe risks faced by children lured into unregulated domestic service or into lucrative-sounding jobs in capital cities or wealthier countries. These circumstances leave children vulnerable to being physically abused, trafficked into prostitution or forced into other forms of labor that profoundly harm them.

Finally, although larger-scale social and economic programs are an essential part of efforts to combat the worst forms of child labor, there is a need to better understand this relationship. Because poverty is one of the main causes of child labor, addressing these linked issues together is crucial to successfully lifting children and families out of this cycle.

In addition to highlighting critical gaps, the country profiles also include specific suggestions for future action. It is the goal of ILAB that these suggested actions will serve as a way forward as countries take steps to address the worst forms of child labor in their particular context.



APPROXIMATELY 80 country profiles in this report include a statistical table with data on the percent of children who work, school attendance rate and the percent of children who combine school and work. For a smaller set of profiles, the number of children who work and percent of children who work by sector is provided in a chart in each profile.

This section describes the sources and provides definitions for these data. This section also discusses some of the strengths and weaknesses of these data. While in a few cases more current sources of data may be available than those used here, the report uses the most reliable, standardized sources available to date to allow for cross-country comparisons. Because reliable child labor surveys are not available for many countries, USDOL uses statistics in some cases as old as 10 years as of the writing of this report (2000). In the event that data did not exist from the sources described below, no other reliable and publicly available source of data exists for a country, or data existed but had not been analyzed to allow for cross-country comparisons, the report concludes that the statistics are “unavailable.”

WORKING CHILDREN

Many of the profiles in this report present data on the percentage of children counted as working in the country in question. The percentage of children counted as working is the share of all children within a given age group that reported working in market activities. The number of children counted as working is also presented when available. Data presented in the current report may differ from data that were presented in previous reports because more updated data have become available.

Data are from the UCW project⁶⁰ analysis of primarily four survey types: (1) ILO’s SIMPOC surveys; (2) UNICEF’s Multiple Indicator Cluster Surveys (MICS); (3) World Bank-sponsored surveys, including Living Standards Measurement Surveys (LSMS), Priority Surveys, and others; and (4) other types of survey instruments including Labor Force Surveys (LFS) and Demographic and Health Surveys (DHS). The first three

⁶⁰ As part of broader efforts toward sustainable solutions to child labor, the ILO, UNICEF, and World Bank initiated the inter-agency UCW project in December 2000. The project is guided by the Oslo Agenda for Action, which laid out the priorities for the international community in the fight against child labor. For further information, see the project Web site at: www.ucw-project.org.

survey programs are commonly recognized as being the primary sources for data on children’s work and child labor and, therefore, generally received priority over all other available data sources.⁶¹

Every effort was made to include the most recent, reliable, and available data source among the four survey types. In countries where a SIMPOC, MICS, or World Bank-sponsored survey did not exist or the data were not available for analysis by the UCW project, other reliable and publicly available sources of micro-data were analyzed and presented in the report. The age and methodologies of the original surveys vary and in some cases the surveys may not reflect the true magnitude of the child labor problem in a country.

In general, when research reports refer to children’s work they define work as “economic activity.” Economic activity is defined by the ILO as “the production of economic goods and services as defined by the United Nations system of national accounts and balances during a specified time-reference period.”⁶² Economic activities can further be broken down into market and non-market activities. Market activities are those activities that lead to the production of goods and services that are primarily intended for sale or are sold on the market. Non-market activities are those activities that lead to the production of goods primarily for household final consumption. Non-market economic activities include, for example, bottling; dressmaking and tailoring; and the production of butter, cheese, or flour for the household’s own consumption. Non-market activities are typically excluded from current child labor surveys altogether or are not measured in enough detail to enable their full inclusion in an estimate of economic activity. For these reasons, the statistics on working children presented in this report generally represent children involved in market activities.

However, according to UCW researchers, typical child labor surveys do not collect enough detailed information on children’s activities to accurately measure economic activity.⁶³ This sentiment was echoed in December 2008 at the 18th ILO International Conference of

⁶¹ A.R. Ritualo, C. Castro, and S. Gormly, “Measuring Child Labor: Implications for Policy and Program Design,” *Comparative Labor Law and Policy* 24, no. 401 (2003).

⁶² ILO, *Current International Recommendations on Labour Statistics: 2000 Edition*, Geneva, 2000.

⁶³ L. Guarcello, S. Lyon, F.C. Rosati, and C. Valdivia, *Towards statistical standards for children’s non economic work: A discussion based on household survey data*, UCW project, Rome, 2005.

Labor Statisticians. A resolution was adopted at the conference that provides new guidelines for governments on collecting child labor data. Specifically, the guidance indicates that countries may choose to use a broad framework to measure children's work and child labor that encompasses unpaid household services; or that countries may use a narrower definition of children's work that excludes such services, as long as the definition used is clearly specified.⁶⁴ This resolution will likely lead to the collection of more comparable data on children's involvement in non-market activities in the future.

In analyzing the data from the above-mentioned surveys, UCW attempted to apply a standard definition of children's work. Although UNICEF MICS and ILO SIMPOC reports, for example, each use a different definition of work (as of the writing of this report, MICS survey reports include household chores in their definition of work while SIMPOC reports do not), to the extent possible UCW applied a common definition of work to the micro-data described. To date, this has resulted in the individual analysis of more than 80 data sets.

While every attempt was made to present a standardized child work statistic, there are differences across surveys that have the potential to affect the comparability of statistics across countries. Some of these differences are explained in greater detail here but in general include differing age groups, questionnaire content and wording, purpose of the survey, sample design, non-sampling errors, and year of data collection.

In general, data are presented for children 5 to 14, but some of the profiles present a work statistic for children 6 to 14, 7 to 14, or 10 to 14 depending on the age categories used in the original survey. The wording of work-related questions may also impact results. For example, the question on work in these surveys usually refers to work in the past 7 days; however, some surveys may refer to work activities in the past 12 months and are therefore likely to capture a higher proportion of working children than surveys with 7 day timeframes. The purpose of the survey—whether the survey is designed specifically to measure children's work and child labor

⁶⁴ ILO, *Report of the Conference: 18th International Conference of Labour Statisticians*, Geneva, 24 November-5 December 2008, 2009; available from http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/---stat/documents/meetingdocument/wcms_101467.pdf.

(SIMPOC surveys) or to measure the impact of poverty reduction programs (World Bank's LSMS)—may affect estimates of children's work. In addition, sample design may impact survey results. For example, children's work is often geographically clustered and SIMPOC surveys are designed to capture children's work in such geographic areas. As a result, estimates of working children based on SIMPOC data are typically higher when compared to estimates based on LSMS surveys, which do not use the same sample design.⁶⁵ The ILO and UCW continue to investigate the effects of these survey differences on estimates of children's work.

When such information is available, country profiles also include the industry in which children reportedly work. For some surveys, industry of work was not reported by the entire sample of working children. Therefore, the distribution of children working by industry (i.e., agriculture, service, and manufacturing) represents children with non-missing data for industry of work.

PERCENT OF CHILDREN ATTENDING SCHOOL

The percentage of children attending school is the share of all children within a specified age group that reported attending school. The UCW project data described above in the section "Working Children" are used to develop country-specific school attendance statistics. In general, the age group for which attendance statistics are calculated is for children 5 to 14 years. In some cases, however, different age categories are used, usually ranging from 6 to 14 years or 7 to 14 years.

PERCENT OF CHILDREN COMBINING SCHOOL AND WORK

The percentage of children who combine school and work is the share of all children within a specified age group that report both working and attending school. The UCW project data described above in the section "Working Children" are used to develop country-specific statistics on children combining school and work. The age group for which these statistics are calculated is usually for children 7 to 14 years.

⁶⁵ ILO-IPEC, *Every Child Counts: New Global Estimates on Child Labour*, Geneva, April 2002, 38. See also A.R. Ritualo, C. Castro, and S. Gormly, "Measuring Child Labor: Implications for Policy and Program Design."

BASIC EDUCATION

Basic education comprises both formal schooling (primary and sometimes lower secondary) as well as a wide variety of non-formal and informal public and private educational activities offered to meet the defined basic learning needs of groups of people of all ages.

Source: UNESCO, *Education for All: Year 2000 Assessment: Glossary* [CD-ROM], Paris: 2001.

BONDED LABOR

Bonded labor or debt bondage is “the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined,” as defined in the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).

Bonded labor typically occurs when a person who needs a loan and has no security to offer pledges his/her labor, or that of someone under his/her control, as a security for a loan. In some cases, the interest on the loan may be so high that it cannot be paid. In others, it may be deemed that the bonded individual’s work repays the interest on the loan but not the principal. Thus, the loan is inherited and perpetuated, and becomes an inter-generational debt.

Bonded labor is identified as one of the worst forms of child labor in ILO Convention 182.

Source: United Nations, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, (September 7, 1956); available from <http://www.ilo.org/public/english/comp/child/standards/supcons.htm>. See also U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. I: The Use of Child Labor in U.S. Manufactured and Mined Imports* (Washington, DC: USDOL, 1994), 18. See also ILO-IPEC, *Child Labour: A Textbook for University Students, Appendix 2: Glossary*, (Geneva: ILO, 2004), 287. See also ILO Convention No. 182, *Worst Forms of Child Labor*, (1999); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

CHILD

A person less than 18 years of age.

Source: ILO Convention No. 182, *Worst Forms of Child Labour*, (1999); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

CHILD DOMESTIC SERVANTS

Child domestic servants, also referred to as child domestic workers or domestics, are children who work in other people’s households doing domestic chores, caring for children, and running errands, among other tasks. Child domestics sometimes have live-in arrangements, whereby they live in their employer’s household and work full-time in exchange for room, board, care, and sometimes remuneration. Child domestic service is mainly done by young girls, who are often subjected to sexual, physical, and verbal abuse.

Source: UNICEF, “Child Domestic Work,” *Innocenti Digest 5* (1999), 2. See also ILO-IPEC, *Child Labour: A Textbook for University Students, Appendix 2: Glossary*, 287, (Geneva: ILO, 2004).

CHILD LABOR EDUCATION INITIATIVE

Between fiscal years 2001-2010, the U.S. Congress appropriated a total of \$269 million to USDOL for a Child Labor Education Initiative program to support international efforts to eliminate child labor through programs that will improve access to education in international areas with a high rate of abusive child labor.

Source: U.S. Department of Labor, Bureau of International Labor Affairs, *International Technical Cooperation*, [online, accessed November 11, 2010]; available from <http://www.dol.gov/ilab/programs/ocft/iclctc.htm>.

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Based on the 1996 Declaration and Agenda for Action of the First World Congress against the Commercial Sexual Exploitation of Children, commercial sexual exploitation of children (CSEC) is defined as “sexual abuse by the adult and remuneration in cash or kind to

the child or third person or persons.” The remuneration dynamic distinguishes CSEC from the sexual abuse of a child where commercial gain is absent, although sexual exploitation is also abuse. CSEC includes—

- Prostitution in the streets or indoors, in such places as brothels, discotheques, massage parlors, bars, hotels, and restaurants, among others;
- Child sex tourism;
- The production, promotion, and distribution of pornography involving children;
- The use of children in sex shows (public or private).

ILO Convention 182 prohibits the sale and trafficking of children and the use, procuring, or offering of a child for prostitution for the production of pornography or for pornographic performances.

Source: *Declaration and Agenda for Action of the First World Congress against the Commercial Sexual Exploitation of Children*, Stockholm, August 27-31, 1996, available from http://www.csecworldcongress.org/PDF/en/Stockholm/Outome_documents/Stockholm%20Declaration%201996_EN.pdf. UNICEF, *Child Protection Information Sheet: Commercial Sexual Exploitation* (May 2006), available from http://www.unicef.org/protection/files/Sexual_Exploitation.pdf. See also ECPAT International, *CSEC Definitions*, available from <http://www.ecpat.net/eng/CSEC/definitions/csec.htm>. See also ILO Convention No. 182, *Worst Forms of Child Labor*, (June 17, 1999); available from <http://www.ilo.org/public/english/standards/ipecc/ratification/convention/text.htm>. Additional definitional aspects above provided by ILO-IPEC.

COMPULSORY EDUCATION

Compulsory education refers to the number of years or the age span during which children and youth are legally obliged to attend school.

Source: UNESCO, *Education for All: Year 2000 Assessment: Glossary* [CD-ROM], Paris: 2001.

CONVENTION ON THE RIGHTS OF THE CHILD

The Convention on the Rights of the Child spells out basic rights of children, such as the right to survival; to develop to the fullest; to protection from harmful influences, abuse, and exploitation; and to participate fully in family, cultural, and social life. The Convention protects children’s rights by setting standards in health care,

education and legal, civil, and social services. According to Article 32 of the Convention, children have the right “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.”

Source: *UN Convention on the Rights of the Child*; available from <http://www2.ohchr.org/english/>.

EDUCATION FOR ALL

In 1990, delegates from more than 155 countries convened in Jomtien, Thailand to create strategies for addressing the issues of education, literacy, and poverty reduction. Using the Universal Declaration of Human Rights as a basis for their work, participants established a set of goals to provide all children, especially girls, with the right to an education and to improve adult literacy around the world. The result was the World Declaration on Education for All (EFA). This declaration called for countries, by the end of the decade, to meet the basic learning needs of all children and adults, provide universal access to education for all, create equity in education for women and other underserved groups, focus on actual learning acquisition, broaden the types of educational opportunities available to people, and create better learning environments for students.

In April 2000, delegates gathered again for the World Education Forum in Dakar, Senegal. After reviewing the data gathered, it was clear that much more progress would be needed to achieve EFA. These delegates, from 164 countries, adopted the Dakar Framework for Action and renewed and strengthened their commitment to the achievement of quality basic education for all by the year 2015. The World Education Forum adopted six major goals for education to be achieved within 15 years, including the attainment of Universal Primary Education and gender equality, improving literacy and educational quality, and increasing life-skills and early childhood education programs.

Source: UNESCO, *The World Conference on Education for All, Jomtien, Thailand* (March 5-9, 1990), [conference proceedings]; available from http://www.unesco.org/education/efa/ed_for_all/background/world_conference_jomtien.shtml. See also UNESCO, *World Education Forum, Dakar, Senegal* (April 2000), [conference proceedings]; available from <http://>

www.unesco.org/education/efa/wef_2000/index.shtml. See also UNESCO, *Education for All: Meeting Our Collective Commitments*, Text adopted by the World Education Forum Dakar, Senegal, April 26-28, 2000, available from http://www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml.

FORCED LABOR

Forced labor is defined in ILO Convention 29 as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” In practice, it is the enslavement of workers through the threat or use of coercion, and it is primarily found among the most economically vulnerable members of society.

Forced or compulsory labor is identified as one of the worst forms of child labor in ILO Convention 182.

Source: ILO Convention 29, *Forced Labour*, (1930); available from <http://www.ilo.org/public/english/dialogue/actrav/enviro/backgrnd/ilohrcon.htm>. See also ILO Convention 182, *Worst Forms of Child Labour*, (1999); available from <http://www.ilo.org/public/english/standards/ipec/ratification/convention/text.htm>.

FORMAL EDUCATION

The system of formalized transmission of knowledge and values operating within a given society, usually provided through state-sponsored schools.

Source: ILO-IPEC, *Child Labour: A Textbook for University Students, Appendix 2: Glossary*, 288. (Geneva: ILO, 2004).

ILO CONVENTION 138: MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

ILO Convention 138 was adopted in 1973 and serves as the principal ILO standard on child labor. Under Article 2(3) of ILO Convention 138, Minimum Age for Admission to Employment, the minimum age of admission into employment or work in any occupation “shall not be less than the age of completion of compulsory schooling, and, in any case, shall not be less than fifteen.” Countries whose economy and educational facilities are insufficiently developed may initially specify a minimum legal working age of 14 when ratifying the convention. Additionally, under Article 7(1), “National laws or regulations may permit the employment or work of

persons 13 to 15 years of age on light work which is—(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.” Countries that specify a minimum legal working age of 14 years may permit light work for persons 12 to 14 years.

Source: ILO Convention No. 138, *Minimum Age for Admission to Employment*, (1973); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

HAZARDOUS CHILD LABOR

Article 3(d) of ILO Convention 182 provides a general definition of what is commonly referred to as “hazardous child labor:” “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.” The work referred to in subparagraph (d) is to be determined by the laws, regulations, or competent authority of the country involved. For the purposes of this report, USDOL has employed the ILO Recommendation 190 guidelines to adjudge the types of work deemed to be worst forms of child labor under Article 3(d) of ILO Convention 182. The Recommendation advises that the following situations should be considered hazardous for children: “(a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.”

Source: ILO Convention No. 182, *Worst Forms of Child Labour*, (1999); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

ILO CONVENTION 182: WORST FORMS OF CHILD LABOR

ILO Convention 182 was adopted in 1999. It commits ratifying nations to take immediate action to secure the prohibition and elimination of the worst forms of child

labor. Under Article 3 of the Convention, the worst forms of child labor comprise—

- (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (b) The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic purposes;
- (c) The use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

Among other actions, ILO Convention 182 requires ratifying nations to remove children from abusive child labor and provide them with rehabilitation, social reintegration, and access to free basic education and vocational training; consult with employer and worker organizations to create appropriate mechanisms to monitor implementation of the Convention; take into account the special vulnerability of girls; and provide assistance and/or cooperate with efforts of other members to implement the Convention.

Source: ILO Convention No. 182, *Worst Forms of Child Labour*, (1999); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

ILO-IPEC: INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR

In 1992, ILO created IPEC to work toward the progressive elimination of child labor by strengthening national capacities to address child labor problems, and by creating a worldwide movement to combat it. Although ILO-IPEC aims to address all forms of child labor, its focus is on the elimination of the worst forms of child labor.

Countries participating in ILO-IPEC usually sign a MOU outlining the development and implementation of ILO-IPEC activities and the efforts to be undertaken by governments to progressively eradicate child labor. ILO-IPEC National Program Steering Committees are

then established with the participation of governments, industry and labor representatives, and experienced NGOs. ILO-IPEC provides technical assistance to governments, but most of the direct action programs for children are carried out by local NGOs and workers' and employers' organizations. ILO-IPEC activities include awareness raising about child labor problems; capacity building for government agencies and statistical organizations; advice and support for direct action projects to withdraw working children from the workplace; and assistance to governments in drawing up national policies and legislation.

Between fiscal years 1995-2010, the U.S. Congress appropriated \$451.1 million to USDOL to support ILO-IPEC projects.

Source: ILO-IPEC, *What is IPEC: IPEC at a Glance*; available from: <http://www.ilo.org/public/english/standards/ipec/about/implementation/ipec.htm>. See also ILO, *IPEC Action Against Child Labour: Highlights 2006*, Geneva, February 2007, 10 and 29; available from http://www.ilo.org/iloroot/docstore/ipec/prod/eng/20070228_Implementationreport_en_Web.pdf. See also *IPEC's Strategy to Eliminate Child Labour*; available from http://www.ilo.org/public/english/standards/ipec/publ/download/factsheets/fs_ipecstrategy_0303.pdf. See also U.S. Department of Labor, Bureau of International Labor Affairs, *International Technical Cooperation*, [online]; available from <http://www.dol.gov/ilab/programs/ocft/iclctc.htm>.

ILO RECOMMENDATION 190: WORST FORMS OF CHILD LABOR

ILO Recommendation 190 supplements the provisions of ILO Convention 182 and provides guidance to ratifying countries regarding its implementation. The Recommendation describes populations in need of specific attention regarding the worst forms of child labor, such as girls and children involved in hidden forms of work. It further provides guidelines to assist countries in determining the kinds of hazardous work that should be considered worst forms and thus prohibited to children. Finally, Recommendation 190 provides guidance regarding specific steps countries that have ratified Convention 182 should take in order to combat the worst forms of child labor, such as the collection and exchange of data on both the problem and best practices to address it; passage and enforcement of laws that penalize violations with criminal penalties; awareness raising about the problem; establishment of policies against the worst forms

of child labor; and international cooperation through technical, legal, and other forms of assistance.

Source: ILO Recommendation 190, *Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor* (1999); available from. <http://www.ilo.org/ilolex/english/convdisp2.htm>.

INFORMAL SECTOR

Definitions of the informal sector vary widely. In general, the informal sector refers to areas of economic activity that are largely unregulated and not subject to labor legislation. A more precise description of the informal sector by ILO suggests “these units typically operate at a low level of organization, with little or no division between labor and capital as factors of production and on a small scale.” Furthermore, where labor relations exist, interactions are not based on contracts or formal arrangements; rather they are grounded on casual employment, kinship, and personal or social relations. Because employers in the informal sector are not accountable for complying with occupational safety measures, children who work in “hazardous” or “ultra-hazardous” settings likely run the risk of injury without any social protections. For this reason, households may be reluctant to indicate work by children in the informal sector, which can increase the probability of underreporting. In addition, because businesses in the informal sector are not usually included in official statistics, children working in informal sector enterprises do not show up in labor force activity rates.

Source: ILO, *Informal Sector: Who are they?* [online] 2000; available from <http://www.ilo.org/public/english/employment/skills/informal/who.htm>. See also ILO, proceedings of the 15th International Conference of Labor Statisticians, (Geneva, Switzerland, January 19-28, 1993). See also U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. I: The Use of Child Labor in U.S. Manufactured and Mined Imports* (Washington, DC: 1994), 2.

LIGHT WORK

This report uses the definition of light work as established in ILO Convention 138, Minimum Age for Admission to Employment. Under Article 7(1) of the convention, “National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is—(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their

attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.” Countries that have specified a minimum legal working age of 14 years may permit the employment or work of persons 12 to 14 years of age on light work as defined in Article 7(1).

Source: ILO Convention No. 138, *Minimum Age for Employment*, (1973), Article 3; available from. <http://www.ilo.org/ilolex/english/convdisp2.htm>.

MINIMUM AGE OF WORK

The minimum age of work is the age at which a child can enter into work. ILO Convention 138 states that the minimum age for admission to employment should not be less than the age of completion of compulsory schooling and should not be less than 15 years (14 for developing countries).

Source: ILO-IPEC, *Child Labour: A Textbook for University Students, Appendix 2: Glossary*, 290. (Geneva: ILO, 2004).

NON-FORMAL EDUCATION

Any organized educational activity outside the established formal school system—whether operating separately or as an important feature of some broader activity—that is intended to serve identifiable learning objectives. Non-formal or transitional education programs can enable former child workers to “catch up” or be “mainstreamed” with their peers who began their schooling at the appropriate age. However, there should always be a strong link between such rehabilitation programs and the formal education system, since the latter will ensure opportunities for further education and employment.

Source: ILO-IPEC, *Child Labour: A Textbook for University Students, Appendix 2: Glossary*, 290. (Geneva: ILO, 2004).

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

This optional protocol, adopted in 2000, addresses and commits ratifying countries to take action against the involvement of children in armed conflict, which is a worst form of child labor per ILO Convention 182, Article 3(a).

Source: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; available from <http://www2.ohchr.org/english/law/crc-conflict.htm>.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY

This optional protocol, adopted in 2000, addresses and commits ratifying countries to take action against the commercial sexual exploitation of children, which is a worst form of child labor per ILO Convention 182, Article 3(b).

Source: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography; available from <http://www2.ohchr.org/english/law/crc-sale.htm>.

POVERTY REDUCTION STRATEGY PAPER

A PRSP is a document written by the government of a developing country with the participation of civil society to serve as the basis for concessional lending from the World Bank and IMF, as well as debt relief under the World Bank's Highly Indebted Poor Countries Initiative. A PRSP should measure poverty in the country, identify goals for reducing poverty, and create a spending and policy program for reaching those goals. A PRSP should also ensure that a country's macroeconomic, structural, and social policies are consistent with the objectives of poverty reduction and social development. A new PRSP must be written every three years in order to continue receiving assistance from International Financial Institutions such as the World Bank.

Source: World Bank, *Overview of Poverty Reduction Strategies*, [online]; available from <http://www.worldbank.org/poverty/strategies/overview.htm>.

PRIMARY EDUCATION

Primary education, sometimes called elementary education, refers to school usually beginning at 5 or 7 years of age and covering about six years of full-time schooling. In countries with compulsory education laws, primary education generally constitutes the first (and sometimes only) cycle of compulsory education.

Source: UNESCO, *Education for All: Year 2000 Assessment: Glossary* [CD-ROM], Paris: 2001.

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (PALERMO PROTOCOL)

The Palermo Protocol, as the protocol supplementing the United Nations Convention against Transnational Organized Crime is commonly known, covers trafficking of children, also delineated as a worst form under ILO Convention 182, Article 3(a).

Source: UNODC, *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto*, 2004, 41; available from <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

RATIFICATION

Ratification is a serious undertaking by a State formally accepting the terms of an international agreement, thereby becoming legally bound to apply it. Other ways of becoming bound to an international agreement include acceptance, approval, accession, signature, or an exchange of notes.

In order to ratify an agreement, a country must, if necessary, adopt new laws and regulations or modify the existing legislation and practice to support the agreement, and formally deposit the instruments of ratification with the appropriate depositary. (In the case of ILO Conventions, ratifications must be registered with the Director-General of the ILO International Labor Office.)

For certain international agreements that require ratification, signing an agreement or enacting an agreement into domestic law by Congress, or a similar state organ, does not mean that the international agreement has been ratified. Signing an international agreement serves as a preliminary endorsement, albeit a formality, as signatories are not bound by the terms of the international agreement or in any way committed to proceed to the final step of ratification. However, a signatory is obliged to refrain from acts which would defeat the object and purpose of the international

agreement, unless it makes its intention not to become a party to the international agreement clear. Similarly, appropriate state entities may signal approval of an international agreement, but that is only one of the requisite steps on the path toward official ratification. The final step requires that the instruments of ratification be submitted to the depositary.

In the case of ILO conventions, ILO procedures provide the option to ratify or not ratify a convention, but do not include the option to sign a convention as a preliminary endorsement. Generally, an ILO convention comes into force in a ratifying country 12 months after the government has deposited the requisite instrument of ratification. This grace period provides ILO members time to enact or modify legislation to comply with the convention before it comes into force.

Source: ILO, *How International Labour Standards are created*, [online]; available from http://www.ilo.org/global/What_we_do/InternationalLabourStandards/Introduction/creation/lang-en/index.htm. See also UNICEF, *The Process: From Signature to Ratification* [online]; available from <http://www.unicef.org/crc/process.htm>. See also ILO Convention No. 138, *Minimum Age for Admission to Employment*, Article 11; available from <http://www.ilo.org/ilolex/english/convdisp2.htm>. See also ILO Convention No. 182, *Worst Forms of Child Labor*, Article 9; available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

TIMEBOUND PROGRAM

ILO Convention 182 calls for timebound measures to eliminate the worst forms of child labor. Timebound Programs were spearheaded by ILO-IPEC and are carried out by governments with support from the UN organization. The programs aim to prevent and eliminate all incidences of the worst forms of child labor in a country within a defined period.

Source: ILO-IPEC, *Eliminating the Worst Forms of Child Labor: An Integrated and Time-Bound Approach: A Guide for Governments, Employers, Workers, Donors, and other Stakeholders*, Geneva, April 2001, 3. See also ILO, *IPEC Action Against Child Labour 2008: Highlights*, Geneva, February 2009; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=9471>.

TRAFFICKING OF CHILDREN

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children provides a commonly accepted definition of human trafficking. It states: “(a) ‘trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs....” It goes on to state: “(c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this Article....”

The trafficking of children is identified as a worst form of child labor in ILO Convention 182.

Source: UNODC, *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto*, 2004, 41; available from <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>. See also ILO Convention No. 182, *Worst Forms of Child Labor* (1999); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

WORST FORMS OF CHILD LABOR

See “ILO Convention 182: Worst Forms of Child Labor.”





Afghanistan

The Government of Afghanistan has strengthened its legal framework against child labor by ratifying ILO Conventions 138 and 182. However, Afghanistan has not defined hazardous occupations and working conditions prohibited for children and has not developed any mechanisms to enforce laws to combat exploitative child labor. Many children continue to engage in exploitative work in agriculture. Some are employed in the Afghan National Security Forces (ANSF), including the Afghan National Police (ANP), and non-State armed forces.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Afghanistan are engaged in the worst forms of child labor,¹ including agricultural work and child soldiering.² Children working in agriculture may be exposed to such dangers as applying pesticides, using dangerous machinery and tools and transporting heavy loads. Some children cultivate poppies for opium production.³ Children also raise livestock or shepherd animals, risking injury from animals and falling. Those who raise livestock are subject to physical abuse and sexual harassment from the animals' owners.⁴

Children engage in hazardous and exploitative work in home-based carpet weaving with their families. They work long hours with unsafe working equipment, carry heavy loads and breathe hazardous chemicals and wool dust.⁵ They work in brick factories for long hours in extreme heat or cold, under unhygienic conditions and in polluted environments. Some of these children labor in conditions of debt bondage.⁶ Children work as

auto mechanics and as welders and blacksmiths in metal workshops. Those occupations expose them to occupational injuries, such as cuts and burns.⁷ They may be found working in construction sites.⁸ Children also gather, distribute and sell firewood, making them vulnerable to animal attacks, falls, car accidents and abuse from landowners. These children may also be subject to smuggling.⁹ Children work in coal mining and family-run gem mining operations.¹⁰ In urban areas, some children belong to begging gangs or engage in street vending.¹¹ Children working on the streets are exposed to many dangers, including severe weather, vehicle accidents and criminal elements.¹² Children work as domestic servants, which may require them to work long hours, perform dangerous activities and may endure physical and sexual exploitation.¹³

Children are used in activities related to narcotics, including opium smuggling.¹⁴ Children join the ANSF, including the ANP.¹⁵ Research has not found clear evidence regarding the role of children in these State armed groups. Non-State armed

groups, such as Haqqani Network, Hezb-i-Islamic, Tora Bora Front, Jamat Sunat al-Dawa Salfia and the Taliban, recruit child soldiers, and the Taliban reportedly uses children as suicide bombers.¹⁶ Armed groups also reportedly use children, especially boys, in *baccha baazi* (“boy play”). These children are required to dance for them and are often sexually exploited.¹⁷

Afghanistan is a source and destination country for trafficking. Trafficking within Afghanistan is more prevalent than transnational trafficking.¹⁸ Afghan children are internally trafficked for forced labor, including debt bondage, work in the brick and carpet industries, forced begging, sexual exploitation and child soldiering.¹⁹ Boys are trafficked to Iran and Pakistan for sexual exploitation, paramilitary training and drug smuggling.²⁰ Afghan girls are trafficked internationally for prostitution. Girls from other countries are trafficked to Afghanistan.²¹ Research found limited evidence on the nature of trafficking by age and gender for Afghans and foreigners.

The reporting period marked Afghanistan’s most insecure year since the fall of the Taliban.²² This situation led to grave violations against children, including the recruitment and use of children in armed conflict, the killing and maiming of children in attacks or combat and attacks on schools.²³ These conditions make it more difficult for children to access school on a regular basis and access to schools is challenging. While enrollment has risen over the years, there are massive gender and geographic disparities.²⁴ Only one quarter of all school buildings are classified as “useable”.²⁵ Some schools are too distant for children to attend and most schools are overcrowded, often serving two to three shifts of students per day.²⁶ The lack of access to adequate education makes children particularly vulnerable to child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code set the minimum age for employment, including hazardous employment, at 18.²⁷ A child may work as an apprentice at age 14. Children between ages 15 and 18 may engage in light work 35 hours per week.²⁸

The Labor Code prohibits the recruitment of children younger than age 18 for work that is harmful to their health or causes physical damage or disability.²⁹ However, the Labor Code does not prescribe penalties for child labor violations.³⁰ In addition, the Government of Afghanistan has not defined hazardous working conditions and occupations prohibited for children.³¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	For 7 yrs
	Free Public Education	Yes

The Labor Code covers both contracted and permanent workers in the government, NGOs, international organizations and the private sector. The Labor Code specifies that workers who are not employed by these entities fall under the responsibility of the Ministry of Labor, Social Affairs, Martyrs and Disabled (MOLSAMD).³²

The Constitution prohibits forced labor.³³ The Government of Afghanistan's Decree of the President of the Islamic Republic of Afghanistan Concerning the Enforcement of the Law on Combating Abduction and Human Trafficking specifically prohibits trafficking in persons, both domestic and internationally.³⁴ The law prescribes stronger penalties for child trafficking.³⁵

The legal age for military service in the Afghan National Army (ANA) and for service in the ANP is 18. There is no compulsory recruitment in either the ANA or the ANP.³⁶

During the reporting period, the Government of Afghanistan ratified ILO Conventions 138 and 182.³⁷

According to the Constitution, children and adults in Afghanistan are entitled to free education through the bachelor's level.³⁸ Children in Afghanistan are required to attend four years of primary school and three years of secondary school, approximately until age 13.³⁹

Institutional Mechanisms for Coordination and Enforcement

MOLSAMD is the lead agency responsible for coordinating overall government efforts to address child labor.⁴⁰ In addition, there is an inter-ministerial commission to address exploitative child labor, but research revealed no further information about this commission.⁴¹ The Government also participates in the Child Protection Action Network (CPAN), which is comprised of all levels of government, NGOs and UN agencies. CPAN employs limited personnel at the national, provincial and district levels.⁴² CPAN monitors child rights violations, including cases of hazardous child labor, in 28 provinces.⁴³

Afghanistan has two coordinating mechanisms to address the issue of children and armed conflict. First, the Government of Afghanistan, led by the Ministry of Foreign Affairs (MFA), participates in a UN-led Task Force on Children and Armed

Conflict. The Task Force consists of UNICEF, United Nations Assistance Mission in Afghanistan, the Office of the Commissioner for Human Rights, UNODC, Office for the Coordination of Humanitarian Affairs, UNHCR, WHO, the Afghan Independent Human Rights Commission and two NGOs. Its purpose is to prevent the recruitment and use of child soldiers.⁴⁴ During the reporting period, the Government of Afghanistan established an Inter-ministerial Steering Committee on Children and Armed Conflict. The Steering Committee has representatives from the MFA, the National Directorate of Security and the ministries of Defense, Interior, Justice, Health, Social Affairs, Women's Affairs and Education.⁴⁵ In general, the UN-led Task Force is responsible for monitoring the outcomes of the Inter-ministerial Task Force on Children and Armed Conflict.⁴⁶

MOLSAMD is responsible for enforcing the Labor Code, including laws to combat child labor. It employs 20 inspectors to cover the country's 34 provinces.⁴⁷ Research did not reveal the number of inspections and violations found during the reporting period.⁴⁸

The Ministry of Interior (MOI) coordinates the reporting and investigation of all trafficking victims. The MOI has an anti-trafficking in persons unit, which employs seven officers dedicated to investigating trafficking in persons. The Attorney General's Office is responsible for all trafficking in persons prosecutions.⁴⁹ MFA takes the lead on all international trafficking cases and the action plan to combat the under-age recruitment of children in the armed forces.⁵⁰ The MOI is responsible for enforcing laws related to hazardous child labor, forced child labor, child trafficking and child sexual exploitation.⁵¹ The Government, with NGO and international support, has trained some members of the ANP to identify and arrest traffickers.⁵² MOI reported 46 cases of child sex trafficking and 72 arrests.⁵³ All cases were reported to the Attorney General's Office for prosecution.⁵⁴ No further information has been provided about the outcome of these cases.

Government Policies on the Worst Forms of Child Labor

In January 2011, the Government of Afghanistan and the UN signed an agreement in which the country pledged to protect children affected by armed conflict and to prevent the recruitment of minors into the national armed forces.⁵⁵ The agreement, through the form of an Action Plan, will be implemented by the Government's Inter-ministerial Steering Committee on Children and Armed Conflict and monitored by the UN's Task Force on Children and Armed Conflict and UNICEF, but it has yet to gain Cabinet approval. The Action Plan also includes measures against the sexual exploitation of children in armed conflict.⁵⁶

Few children in Afghanistan have formal birth registrations, especially in rural areas.⁵⁷ This creates problems in monitoring and enforcing laws, such as the minimum age for employment and military recruitment. However, the recent January 2011 Action Plan on Children and Armed Conflict is attempting to address this issue by strengthening birth registration and age verification measures and investigating perpetrators of under-age recruitment.⁵⁸

The Ministry of Women's Affairs (MOWA) addresses child trafficking through policy and advocacy.⁵⁹

The Government of Afghanistan's Ministry of Education's National Education Strategic Plan establishes goals to improve access to and the quality of education.⁶⁰ The question of whether this plan has an impact on child labor does not appear to have been addressed.⁶¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

MOLSAMD is currently implementing a \$24 million four-year social protection program from 2009 to 2013, funded by the European Commission, which aims to combat child labor through the provision of vocational training, family reintegration, schooling and literacy training.⁶² Between 2009 and 2010, 38,848 children benefited from different activities, including outreach, recreational, vocational, health and hygiene activities.⁶³ MOLSAMD, through a provincial-level youth department and a district-level youth committee, is currently implementing a UNICEF-funded project for child laborers in the brick kiln sector in Jalalabad.⁶⁴

The UN Task Force on Children and Armed Conflict held briefings on children and armed conflict for local governments and NGO groups in regional locations throughout the country. The Task Force provided a three-day workshop on monitoring and reporting with 27 NGO partners and representatives.⁶⁵ Although the Government disseminates information to prevent children from being used in armed conflict, research has not identified rehabilitation and reintegration programs for such children.

MOWA provided free legal services to trafficking victims.⁶⁶ MOWA and MOI provided referrals for child trafficking victims to NGO-run shelters that provide free basic treatment. However, these ministries only provide referrals and do not have funding to provide their own services for child trafficking victims.⁶⁷ During the reporting period, MOLSAMD took over two IOM-funded shelters intended for trafficking victims.⁶⁸ However, there appeared to be no shelters for male trafficking victims. Some younger boys are placed in shelters with women, but older boys are often sent to detention centers.⁶⁹

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Afghanistan:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Code to specify penalties for labor violations, including child labor violations.
- Designate hazardous working conditions and occupations prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Track the number of child labor inspections and child labor violations.

IN THE AREA OF POLICIES:

- Assess whether the National Education Strategic Plan has an impact on child labor.
- The Cabinet should approve and implement the Action Plan on Children and Armed Conflict.

IN THE AREA OF PROGRAMS:

- Expand government- and NGO-run shelters to provide services to all children, including older male child trafficking victims.
- Implement programs to address the worst forms of child labor in armed conflict.

¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

² Afghanistan Independent Human Rights Commission, *An Overview on Situation of Child Labour in Afghanistan Research Report*, 2006. See also U.S. Embassy- Kabul, *reporting, January 26, 2011*. See also U.S. Department of State, “Afghanistan,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/documents/organization/160445.pdf>. See also Macro International, *Child Labor in Afghanistan*, Calverton, MD, February 8, 2008.

³ U.S. Department of State, “Country Reports- 2010: Afghanistan.” See also Integrated Regional Information Networks, “Afghanistan: Students Play Truant to Work in Helmand’s Poppy Fields,” IRINnews.org, [online], March 18, 2008 [cited January 21, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=77346>.

⁴ Afghanistan Research and Evaluation Unit, *Factors Influencing Decisions to Use Child Labour: A Case Study of Poor Households in Herat*, August 2008.

⁵ U.S. Department of State, “Country Reports- 2010: Afghanistan.” See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in*

Afghanistan. See also Altai Consulting, *A Rapid Assessment on Child Labour in Kabul*, Kabul, January 2008. See also Macro International, *Child Labor in Afghanistan*. See also Afghanistan Research and Evaluation Unit, *Factors Influencing Decisions to Use Child Labour: A Case Study of Poor Households in Herat*.

⁶ U.S. Department of State, “Country Reports- 2010: Afghanistan.” See also Altai Consulting, *A Rapid Assessment on Child Labour in Kabul*. See also Integrated Regional Information Networks, “Afghanistan: Thousands of Child Labourers in Eastern Province Deprived of Education,” IRINnews.org, [online], [cited January 21, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=72709>. See also Integrated Regional Information Networks, “Afghanistan: Children Work in Brick Factories to Help Pay Off Family Debts,” IRINnews.org, [online], April 8, 2008 [cited January 21, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=77662>.

⁷ Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*. See also Altai Consulting, *A Rapid Assessment on Child Labour in Kabul*. See also U.S. Embassy- Kabul, *reporting, January 23, 2009*. See also U.S. Embassy- Kabul, *reporting, March 15, 2010a*. See also U.S. Embassy- Kabul official, E-mail communication to USDOL official, June 28, 2011.

⁸ U.S. Embassy- Kabul, *reporting, January 26, 2011*.

⁹ Afghanistan Research and Evaluation Unit, *Factors Influencing Decisions to Use Child Labour: A Case Study of Poor Households in Herat*.

¹⁰ U.S. Department of State, “Country Reports- 2010:

Afghanistan.” See also Integrated Regional Information Networks, “Afghanistan: Risking One’s Health for a Pittance”, IRINnews.org, [online], May 26, 2009 [cited January 21, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=84551>. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010a.

¹¹ Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*. See also Altai Consulting, *A Rapid Assessment on Child Labour in Kabul*. See also Macro International, *Child Labor in Afghanistan*. See also U.S. Embassy- Kabul, *reporting*, January 23, 2009. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010a. See also U.S. Embassy- Kabul, *reporting*, January 26, 2011. See also Lyse Doucet, “The Harsh Lives of Kabul’s Street Children”, BBC.co.uk, [online], May 24, 2010 [cited January 20, 2011]; available from <http://news.bbc.co.uk/2/hi/programmes/newsnight/8700905.stm>. See also U.S. Department of State, “Country Reports- 2010: Afghanistan.”

¹² Altai Consulting, *A Rapid Assessment on Child Labour in Kabul*. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*. See also Macro International, *Child Labor in Afghanistan*.

¹³ U.S. Department of State, “Country Reports- 2010: Afghanistan.” See also U.S. Embassy- Kabul, *reporting*, January 23, 2009. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010a.

¹⁴ Aliev Iskander and Mirzojalal Shohjamlov, “Tajik Law Opens Window for Young Afghan Drug Smugglers”, [online], April 4, 2010 [cited January 21, 2011]; available from http://www.rferl.org/content/Tajik_Law_Opens_Window_For_Young_Afghan_Drug_Smugglers/2002156.html. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010a.

¹⁵ United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict to Afghanistan*, February 20-26, 2010. See also U.S. Embassy- Kabul, *reporting*, March 2, 2011. See also U.S. Embassy- Kabul official, E-mail communication, June 28, 2011. See also Integrated Regional Information Networks, “Afghanistan: Fears Over Child Recruitment, Abuse by Pro-Government Militias”, IRINnews.org, [online], January 20, 2011 [cited January 21, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=91676>. See also U.S. Department of State, “Country Reports- 2010: Afghanistan.”

¹⁶ United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict to Afghanistan*. See also Integrated Regional Information Networks, “Fears Over Child Recruitment”. See also U.S. Embassy- Kabul, *reporting*, March 2, 2011. See also Coalition to Stop the Use of Child Soldiers, “Afghanistan,” in *Child Soldiers Global Report 2008*, London, 2008; available

from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

¹⁷ U.S. Department of State, “Country Reports- 2010: Afghanistan.” See also United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict to Afghanistan*. See also U.S. Embassy- Kabul, *reporting*, March 2, 2011. See also Integrated Regional Information Networks, “Fears Over Child Recruitment”.

¹⁸ U.S. Embassy- Kabul, *reporting*, March 2, 2011.

¹⁹ Ibid. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010b. See also U.S. Embassy- Kabul official, E-mail communication to USDOL official, March 21, 2011.

²⁰ U.S. Embassy- Kabul, *reporting*, March 15, 2010b. See also U.S. Embassy- Kabul, *reporting*, March 2, 2011.

²¹ U.S. Embassy- Kabul, *reporting*, March 15, 2010b. See also U.S. Embassy- Kabul, *reporting*, March 2, 2011. See also U.S. Department of State, “Afghanistan,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

²² United Nations Security Council, *Report of the Secretary General on Children and Armed Conflict in Afghanistan*, February 3, 2011.

²³ Ibid.

²⁴ NGO Group for the Convention on the Rights of the Child, *Initial Periodic Report of State Party Examination in 2011: Afghanistan*, prepared by Government of Afghanistan, pursuant to 56th Session of the Committee on the Rights of the Child, January 17 - February 4, 2011. See also Government of Afghanistan, *National Education Strategic Plan for Afghanistan*, Ministry of Education, 2007.

²⁵ Government of Afghanistan, *National Education Strategic Plan for Afghanistan*.

²⁶ U.S. Embassy- Kabul official, E-mail communication, June 28, 2011.

²⁷ Government of Afghanistan, *Labour Code*, (January 2008); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=AFG&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. See also U.S. Embassy- Kabul official, E-mail communication, March 21, 2011.

²⁸ Government of Afghanistan, *Labour Code*. See also U.S. Embassy- Kabul, *reporting*, January 23, 2009. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010a.

²⁹ Government of Afghanistan, *Labour Code*. See also U.S. Embassy- Kabul, *reporting*, February 18, 2009.

³⁰ U.S. Embassy- Kabul official, E-mail communication, March 21, 2011. See also U.S. Embassy- Kabul, *reporting*, January 26, 2011.

- ³¹ U.S. Embassy- Kabul, *reporting, January 26, 2011.*
- ³² Government of Afghanistan, *Labour Code.*
- ³³ Government of Afghanistan, *Constitution, (2004).*
- ³⁴ U.S. Embassy- Kabul, *reporting, March 15, 2010b.*
- ³⁵ Government of Afghanistan, *Decree of the President of Islamic Republic of Afghanistan Concerning the Enforcement of the Law on Combating Abduction and Human Trafficking, (2008).*
- ³⁶ Coalition to Stop the Use of Child Soldiers, “Global Report 2008- Afghanistan.” See also U.S. Embassy- Kabul official, E-mail communication to USDOL official, March 2, 2011.
- ³⁷ ILO, *C182 Worst Forms of Child Labour Convention, 1999, (April 7, 2010).* See also ILO, *C138 Minimum Age Convention, 1973, (April 7, 2010).*
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- ³⁹ U.S. Department of State, “Country Reports- 2010: Afghanistan.”
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- ⁴¹ U.S. Embassy- Kabul, *reporting, March 15, 2010a.*
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- ⁴³ Afghanistan Research and Evaluation Unit, “Confronting Child Labour in Afghanistan Workshop Proceedings” (paper presented at the Confronting Child Labour in Afghanistan Workshop Proceedings, Kabul, July 21, 2009).
- ⁴⁴ U.S. Embassy- Kabul, *reporting, January 26, 2011.* See also U.S. Embassy- Kabul official, E-mail communication, March 21, 2011.
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- ⁴⁶ U.S. Embassy- Kabul official, E-mail communication, March 21, 2011.
- ⁴⁷ U.S. Embassy- Kabul, *reporting, March 15, 2010a.*
- ⁴⁸ U.S. Embassy- Kabul, *reporting, January 26, 2011.*
- ⁴⁹ U.S. Embassy- Kabul, *reporting, March 2, 2011.*
- ⁵⁰ Ibid.
- ⁵¹ U.S. Embassy- Kabul, *reporting, March 15, 2010a.*
- ⁵² U.S. Embassy- Kabul, *reporting, March 15, 2010b.* See also U.S. Embassy- Kabul official, E-mail communication, June 28, 2011.
- ⁵³ U.S. Embassy- Kabul, *reporting, January 26, 2011.*
- ⁵⁴ Ibid.
- ⁵⁵ UN News Center, “Ban Calls for Greater Efforts to Tackle Child Rights Violations in Afghanistan”, UN.org, [online], February 14, 2011 [cited March 30, 2011]; available from <http://www.un.org/apps/news/story.asp?NewsID=37533&Cr=afghan&Cr1>.
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- ⁵⁷ Altai Consulting, *A Rapid Assessment on Child Labour in Kabul.*
- ⁵⁸ U.S. Embassy- Kabul, *reporting, March 2, 2011.*
- ⁵⁹ U.S. Embassy- Kabul, *reporting, March 2, 2011.*
- ⁶⁰ Government of Afghanistan, *National Education Strategic Plan for Afghanistan.*
- ⁶¹ Amanda Sim, *Confronting Child Labour in Afghanistan, Kabul, 2009.*
- ⁶² U.S. Embassy- Kabul, *reporting, January 23, 2009.*
- ⁶³ European Union, “EU-funded Social Protection Unit will Help MOLSAMD to Provide Services to Vulnerable Persons”, Delegation of the European Union to Afghanistan, [online], February 16, 2011 [cited February 16, 2011]; available from http://www.eeas.europa.eu/delegations/afghanistan/press_corner/all_news/news/2011/20110202_01_en.htm.
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- ⁶⁵ United Nations Security Council, *Report of the Secretary General on Children and Armed Conflict, 2011.*
- ⁶⁶ U.S. Embassy- Kabul, *reporting, January 26, 2011.*
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Albania

The Government of Albania approved a National Roadmap and passed legislation that outlines concrete steps to achieve the elimination of the worst forms of child labor by 2016. Though some protections exist for children in the Albanian Labor Code, these are only applicable to employment through a contract. Many working children, such as agricultural workers, are not covered by a contract. Children, primarily Roma, continue to be exploited in street work and forced begging.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	19.0
Attending School	5-14 yrs.	91.0
Combining Work and School	7-14 yrs.	20.5



Prevalence and Distribution of the Worst Forms of Child Labor

Children in Albania are engaged in the worst forms of child labor,⁷⁰ including in street work and forced begging, in some cases.⁷¹ Street children work as vendors, vehicle washers and shoe-shiners, as well as drug runners. Adults exploit children as forced beggars, requiring them to be on the streets and go door-to-door.⁷² Some children may work long hours, often late into the night. Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.⁷³

Children in Albania are employed in the textile, garment and footwear industries. Some are employed directly in factories, where they are exposed to heavy machinery and chemicals; however, the majority work in home-based operations, where they work long hours and suffer from impaired vision due to poorly lit work areas.⁷⁴






Children also work in the agricultural sector and in mines, where they are exposed to chemicals, carrying heavy loads and injuries from tools.⁷⁵ Children work in the construction sector using dangerous equipment that exposes them to risk of injuries.⁷⁶ There is evidence that in the construction and service sectors children suffer from exhaustion caused by long working hours.⁷⁷

Children in Albania, mainly girls, are trafficked for commercial sexual exploitation and labor, including forced begging. Albania is primarily a country of origin for children trafficked abroad to Greece, Macedonia and Kosovo.⁷⁸ In addition, children are trafficked within Albania to large cities, tourist sites, border points and ports.⁷⁹

Research indicates that ethnic minority children from the Roma and Egyptian communities make up the majority of street children and trafficking victims. Traditionally, these communities have suffered from pervasive marginalization and discrimination, which contribute to their acute poverty and difficulty accessing social services.⁸⁰

Laws and Regulations on Child Labor

In February 2010, the Government enacted a law on Occupational Safety and Health at Work. The law defines children/minors as a group that should be protected against occupational harm.⁸¹ It prohibits children from work that exposes them to harmful or toxic agents and to radiation, work that involves the risk of accidents, work conditions that push them beyond their physical or psychological capacity and work that exposes them to extreme heat or cold, noise or vibration.⁸²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

In November 2010, the Government adopted the Law for Protection of Children (LPC). The law stipulates that children have the right to protection against all forms of violence and economic exploitation and establishes a State agency for the Protection on the Rights of Children.⁸³ In addition, the law institutes mechanisms for collaboration among central authorities, local authorities and human rights civil society organizations.⁸⁴

The Albanian Labor Code establishes the minimum age for work at 16.⁸⁵ Children ages 16

and 17 are restricted from work performed at night and work deemed harmful to their health or growth. The law sets the age for hazardous work at 18 and contains a list of jobs considered hazardous for children younger than that age.⁸⁶

During school breaks, children between ages 16 and 18 may be employed in what the Council of Ministers defines as “easy jobs.” The Council of Ministers sets certain rules for the maximum duration and conditions of these jobs.⁸⁷ The safeguards for children in the Labor Code do not apply to “family jobs carried out by family members” that share the same household.⁸⁸ This exemption fails to protect children working with their families from dangerous forms of child labor. The Labor Code is only applicable to employment through a contract; however, many working children, such as agricultural workers, are not covered by a contract.⁸⁹

The Constitution and the Labor Code prohibit forced or compulsory labor by any person, except in special circumstances, such as military service.⁹⁰ The Criminal Code identifies forced child begging and inciting minors to criminal activity as a criminal offense.⁹¹

Albanian law prohibits trafficking in persons for all purposes.⁹² During the reporting period, a law went into effect requiring the Government to fund shelters that house trafficking victims.⁹³ In January 2010, the Law on Social Assistance and Services was amended to provide trafficking victims with economic assistance after they leave the shelters.⁹⁴

The Criminal Code prohibits soliciting, mediating or receiving financial gains from prostitution. Higher penalties are imposed in cases where the offense is committed against a minor.⁹⁵ The Code was recently amended to include the prohibition of the production, distribution and publication of pornography using minors.⁹⁶

The minimum age for voluntary military service is 18, and 19 for compulsory recruitment.⁹⁷

Albania provides nine years of free and compulsory education; however, the costs of school supplies and classroom resources are prohibitive for many families.⁹⁸ Research indicates that marginalized groups, namely Roma communities, are often excluded from the Albanian education system.⁹⁹ The lack of civil registration and the lost income from leaving work serve as barriers to children's participation in school.¹⁰⁰ Recent data from the Open Society Institute illustrates that less than half of Roma children of primary school age attend and that only one quarter graduate from primary school.¹⁰¹

Institutional Mechanisms for Coordination and Enforcement

Chaired by the Minister of Labor, Social Affairs and Equal Opportunities, the National Steering Committee (NSC) for the Program on the Elimination of Child Labor oversees the integration of child labor issues into national policy.¹⁰² As mandated by the LPC, the Government created a Child Protection Unit (CPU) within the Ministry of Labor, Social Affairs, and Equal Opportunities (MLSAEO) during the reporting period.¹⁰³ The new CPU has a specialist who is responsible for monitoring child labor and the Child Labor Monitoring System.¹⁰⁴

Within the MLSEAO, the Labor Inspectorate State Social Service and the Albanian State Police are responsible for enforcing laws related to hazardous child labor.¹⁰⁵ The quality of child labor inspections is compromised by the lack of office space and means of transport for the inspectors.¹⁰⁶

During the reporting period, each of the Labor Inspectorate's 100 inspectors conducted approximately 15 labor inspections per month, covering all labor issues.¹⁰⁷ The Government reported 296 cases of child labor violations in enterprises; however, only nine penalties resulted. Lack of information about the violations and subsequent actions taken make it difficult to assess whether this application of penalties was sufficient.¹⁰⁸

The Office of the National Coordinator for the Fight Against Trafficking in Human Beings (NCAT), headed by a Deputy Minister of the Interior, is responsible for coordinating all anti-trafficking efforts in Albania.¹⁰⁹ This office publishes a public report on the state of human trafficking in Albania twice a year.¹¹⁰ Regional Anti-trafficking Committees identify priorities and coordinate action on child trafficking at the regional level.¹¹¹ The Ministry of Interior's General Directorate of Police is responsible for enforcing child trafficking laws at the local and regional levels. The Serious Crimes Prosecution Office (SCPO) has nationwide jurisdiction over all trafficking cases.¹¹²

The Government sponsored 16 trainings for law enforcement officers in 2010. Topics included National Referral Mechanism (NRM) guidelines on the identification of trafficking victims, interviewing techniques, criminal intelligence analysis and the protection of children.¹¹³

The NRM is a collaborative mechanism through which government and civil society organizations coordinate the protection, identification, referral, housing (in some cases) and rehabilitation of trafficking victims.¹¹⁴ Between January and June 2010, the Government used the NRM to refer 64 victims of trafficking and 27 persons at risk of trafficking to residential centers for protection and rehabilitation; however, the number of child victims is unknown.¹¹⁵ The NRM suffers from a lack of coordination, communication and effective implementation among its signatories.¹¹⁶ In addition, while the NRM broadly addresses the needs of all victims of trafficking, it fails to have a strategy that focuses solely on the unique protective needs of children.¹¹⁷

In 2010, the SCPO office registered 28 cases of human trafficking. Six of the cases were related to the trafficking of minors and two of those cases went to trial.¹¹⁸ Information on the outcome of the tried cases is unavailable.

Government Policies on the Worst Forms of Child Labor

The Albanian National Roadmap (ANR), approved by the MOLSAEO during the reporting period, outlines concrete steps to achieve the elimination of the worst forms of child labor in Albania by 2016. Five Local Action Plans for the ANR's implementation have been adopted and are focused on law enforcement, education and vocational training, social protection and employment, capacity building, enhancing stakeholder collaboration and awareness raising.¹¹⁹

The National Strategy for the Fight against Child Trafficking and the Protection of Child Victims of Trafficking (NSCT) (2008-2010) was the policy framework during the period that identified and defined action plans and delegated responsibilities to assist child trafficking victims.¹²⁰ It emphasized the identification of child trafficking cases and the provision of preventive, protective and rehabilitative services to victims.¹²¹ The NSCT also included a database for maintaining records of individual trafficking cases.

The National Strategy and Action Plan for Children (2005-2010) improved its monitoring of child trafficking cases. In addition, it enhanced mechanisms to protect data related to child trafficking and labor cases, which could put victims in grave danger if data ended up in the traffickers' hands.¹²² The National Strategy for Development of Social Services (2005-2010) improved the coverage of social protection programs and services for working children.¹²³

The Government continued to implement the National Action Plan for the Decade of Roma Inclusion (DRI) (2005-2015) in Albania, which strives to improve access to and quality of social services for Roma communities.¹²⁴ The DRI is an initiative of 12 European countries to improve the socioeconomic status and social inclusion of the Roma minority across the region.¹²⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The recent passage of the LPC institutionalized child protection safety schemes at the local level through municipal child protection units (MCPU) tasked with implementing provisions of the law. The chief tasks of these units include monitoring the situation of high-risk children and families, coordinating protection and referral activities at the local level, and identifying and managing individual cases.¹²⁶ Due to the novelty of the MCPUs, social workers and educators have limited knowledge and capacity on effective child protection strategies.¹²⁷

The MLSEAO is standardizing the practices and documentation of child trafficking service providers.¹²⁸ During the reporting period, the NCAT coordinated the provision of free vocational training to 38 victims of trafficking (both boys and girls), and 92 victims of trafficking were reintegrated and obtained employment.¹²⁹ The Government-supported Coalition against Child Trafficking (BKTF) runs a National Campaign against the Exploitation of Children Used for Begging. Their message informs citizens and tourists that giving money to begging street children encourages further exploitation of these children.¹³⁰ The Decade of Roma Inclusion strategy supports economic measures to assist Roma families, an example of which is the Roma Education Fund, which provided free textbooks and educational materials, scholarships and curriculum reform during the reporting period.¹³¹

The Government and the UNDP implemented several activities on Roma empowerment during the reporting period. These activities included training Roma communities on civil registration, and community mediation on child protection and education.¹³² Despite the success of these and other Roma programs, evidence suggests that the most vulnerable Roma do not access social services that might prevent children's involvement in the worst forms of child labor.

With technical support from ILO-IPEC/SIMPOC, and financial support from USDOL, the Government's National Institute of Statistics implemented a Child Labor Survey and developed a database on child labor during the reporting period.¹³³ Although survey data were not available

for analysis in this report, the survey analyzed the economic activities of 8,690 urban and rural households, including children engaged in exploitative labor in the formal and informal sectors.¹³⁴

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Albania:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to protect children working with their families from the worst forms of child labor.
- Amend the Labor Code to include children who fall outside of contract work, such as street children and agriculture workers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make labor inspection findings public information.
- Provide inspectors with the tools needed to effectively carry out their tasks, such as transportation and office facilities.
- Strengthen implementation of the NRM to enhance victim protection services.
- Develop and implement an NRM for child trafficking victims.
- Disaggregate, publish and publicly disseminate statistics on child trafficking.

IN THE AREA OF SOCIAL PROGRAMS:

- Build the capacity and knowledge of child protection strategies among stakeholders at the municipal and local levels.
- Conduct research on the characteristics of Roma children who access Government social services versus Roma children who do not in order to better address risk factors for the worst forms of child labor.

⁷⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided is from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁷¹ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Albania*, April 28 and 30, 2010, 6.

⁷² Mario Project, *Exploitation of Albanian Children in Street Situations in Kosovo*, Observation Report, December 2010, 9.

⁷³ *Ibid.*, 9-10.

⁷⁴ International Trade Union Confederation, *Albania: Keeping Children in School*, June 2007, 3.

⁷⁵ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Albania*, 6. See also U.S. Department of State, "Albania," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.

⁷⁶ U.S. Embassy- Tirana, *reporting, January 31, 2011*. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Albania*, 6. See also U.S. Embassy- Tirana, *reporting, February 16, 2010*.

- ⁷⁷ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Albania*, 6.
- ⁷⁸ Sonila Danaj, *Situational Analysis Report on Child Trafficking in Albania*, situational analysis 2008, 17. See also U.S. Department of State, “Country Reports- 2010: Albania.”
- ⁷⁹ Danaj, *Situational Analysis Report on Child Trafficking in Albania*, 4 and 17.
- ⁸⁰ Ibid., 16. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Albania*, 6. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Albania (ratification: 2001) Published: 2011*, February 25, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also Laura Brownlees, *Children Speak Out: Trafficking Risk and Resilience in Southeastern Europe*, 2007, 19.
- ⁸¹ ILO-IPEC, *Support for Policy Level and Up-scaling Activities for Combating Child Labour in Central and Eastern Europe (1 January 2010-31 December 2010)*, 2011, 3.
- ⁸² Ibid., 3.
- ⁸³ U.S. Embassy- Tirana, *reporting, January 31, 2011*.
- ⁸⁴ Ibid.
- ⁸⁵ ILO NATLEX National Labor Law Database, *Code of Labor of the Republic of Albania*, May 25, 2011, article 98; available from http://www.mpcs.gov.al/dpshb/images/stories/files/kodet/3.3.1._Labour_Code_of_Albania.pdf.
- ⁸⁶ Ibid., article 99.
- ⁸⁷ Ibid., articles 98, 99. See also Government of Albania, *Sixth National Report on the Implementation of the Revised European Social Charter*, October 12, 2010, 2.
- ⁸⁸ ILO NATLEX National Labor Law Database, *Code of Labor of the Republic of Albania*, article 5.
- ⁸⁹ ILO Committee of Experts, *Individual Didrect Request Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Albania (Ratification: 2001) Submitted: 2006*, February 25, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18854&chapter=9&query=Albania%40ref&highlight=&querytype=bool&context=0>.
- ⁹⁰ Ibid.
- ⁹¹ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Albania*, 6.
- ⁹² Republic of Albania- National Coordinator on Combating Trafficking in Persons, *Report on the Implementation of the National Strategy on Combating Trafficking in Persons: January-June 2010*, Tirana September 2010.
- ⁹³ Organization for Security and Co-operation in Europe Presence in Albania, *Report to the Head of the OSCE Presence in Albania to the OSCE Permanent Council*, September 2, 2010, 4.
- ⁹⁴ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Albania (ratification: 2001) Published: 2011*.
- ⁹⁵ ILO Committee of Experts, *Individual Didrect Request C182: Albania (2006)*.
- ⁹⁶ Centro Informazione e Educazione Allo Sviluppo (CIES), *Research Report on Trafficking Situation in Albania* June 2008, 24.
- ⁹⁷ Coalition to Stop the Use of Child Soldiers, “Albania “ in *Child Soliders Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/albania>.
- ⁹⁸ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Albania*, 5.
- ⁹⁹ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Albania (ratification: 2001) Published: 2011*.
- ¹⁰⁰ Government of Albania, *Sixth National Report on the Implementation of the Revised European Social Charter*.
- ¹⁰¹ Soros, *International Comparative Data Set on Roma Education*, 2008.
- ¹⁰² U.S. Embassy- Tirana, *reporting, January 31, 2011*.
- ¹⁰³ Government of Albania, *Sixth National Report on the Implementation of the Revised European Social Charter*. See also ILO-IPEC, *Support for Policy Level and Up-scaling Activities*.
- ¹⁰⁴ ILO, *Albania Decent Work Country Programme Document: 2008-2010*, 2010; available from http://www.ilo.org/public/english/region/eurpro/budapest/download/dwcp/dwcp_albania.pdf. See also ILO-IPEC, *Support for Policy Level and Up-scaling Activities*.
- ¹⁰⁵ U.S. Embassy- Tirana, *reporting, January 31, 2011*.
- ¹⁰⁶ Ibid.
- ¹⁰⁷ Ibid.
- ¹⁰⁸ Ibid.
- ¹⁰⁹ Republic of Albania- National Coordinator on Combating Trafficking in Persons, *Report on the Implementation of the National Strategy*. See also Different and Equal, *Study on the Social-Economic Reintegration of Victims of Trafficking in Albania*, June 2009, 20.
- ¹¹⁰ U.S. Embassy- Tirana, *reporting, March 8, 2011*.
- ¹¹¹ Republic of Albania- National Coordinator on Combating Trafficking in Persons, *Report on the*

Implementation of the National Strategy. See also Republic of Albania- National Coordinator on Combating Trafficking in Persons, *Short-term Priorities for the Prevention and Fight Against Trafficking in Human Beings and Some of the Main Achievements in 2006, 2007*.

¹¹² Republic of Albania- National Coordinator on Combating Trafficking in Persons, *National Strategy for the Fight Against Child Trafficking and the Protection of Child Victims of Trafficking: 2008-2010*, 2008.

¹¹³ U.S. Embassy- Tirana, *reporting, March 8, 2011*.

¹¹⁴ Republic of Albania- National Coordinator on Combating Trafficking in Persons, *Short-term Priorities for the Prevention and Fight Against Trafficking in Human Beings and Some of the Main Achievements in 2006*. See also Republic of Albania- National Coordinator on Combating Trafficking in Persons, *National Strategy for the Fight Against Child Trafficking and the Protection of Child Victims of Trafficking: 2008-2010*, 12.

¹¹⁵ Republic of Albania- National Coordinator on Combating Trafficking in Persons, *National Strategy for the Fight Against Child Trafficking and the Protection of Child Victims of Trafficking: 2008-2010*, 12.

¹¹⁶ U.S. Embassy- Tirana, *reporting, March 8, 2011*. See also Republic of Albania- National Coordinator on Combating Trafficking in Persons, *Report on the Implementation of the National Strategy*.

¹¹⁷ Terre des Hommes, “Winter Newsletter (November 2010- February 2011)”, 2011.

¹¹⁸ Republic of Albania- National Coordinator on Combating Trafficking in Persons, *Report on the Implementation of the National Strategy*.

¹¹⁹ ILO-IPEC, *Support for Policy Level and Up-scaling Activities*.

¹²⁰ Republic of Albania- National Coordinator on Combating Trafficking in Persons, *National Strategy for the Fight Against Child Trafficking and the Protection of Child Victims of Trafficking: 2008-2010*.

¹²¹ Arben Tabaku and Sarah Stephens, *The State of Efforts in Albania to Combat Trafficking of Persons: 2007-2008*, October 2008, 30-31.

¹²² Enkeleida Tahiraj, *Children in Albania: A Briefing on Issues Concerning Children*, Briefing, Femijet Sot Centre, January 2008. See also U.S. Embassy- Tirana, *reporting, January 31, 2011*.

¹²³ U.S. Embassy- Tirana, *reporting, January 31, 2011*.

¹²⁴ UNDP, *The Role of Civil Society in Promoting Social Inclusion and Equal Treatment* (2010), Powerpoint Presentation.

¹²⁵ Open Society Roma Initiatives, *Decade of Roma Inclusion: 2005-2015- About*, [online] 2011 [cited April 27, 2011]; available from www.romadecade.org/about.

¹²⁶ Republic of Albania- National Coordinator on Combating Trafficking in Persons, *National Strategy for the Fight Against Child Trafficking and the Protection of Child Victims of Trafficking: 2008-2010*. See also Terre des Hommes, “Albania: The Law for the Protection of the Rights of the Child is Approved”, tdh-childprotection.org, [online], November 5, 2010 [cited May 26, 2011]; available from <http://tdh-childprotection.org/news/the-law-for-the-protection-of-the-rights-of-the-child-is-approved>. See also Terre des Hommes, “Delegation in Albania Holds its Annual Planning Meeting”, tdh-childprotection.org, [online], February 2, 2011 [cited February 7, 2011]; available from <http://tdh-childprotection.org/news/terre-des-hommes-albania-delegation-holds-its-annual-planning-meeting>.

¹²⁷ Terre des Hommes, “Winter Newsletter (November 2010- February 2011)”.

¹²⁸ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Albania (ratification: 2001) Published: 2011*.

¹²⁹ Ibid.

¹³⁰ All Against Child Trafficking (BKTF), *BKTF Publications: Evaluation of Anti-forced Begging Campaign*, [Online] 2011 [cited February 8, 2011]; available from <http://www.bktf-coalition.org/publications.htm>.

¹³¹ Roma Education Fund, *Closing the Gap in Educational Outcomes Between Roma and Non-Roma*, [online] 2011 [cited April 27, 2011]; available from <http://www.romaeducationfund.hu/ref-one-page>.

¹³² UNDP, *The Role of Civil Society in Promoting Social Inclusion and Equal Treatment*. See also Republic of Albania- National Coordinator on Combating Trafficking in Persons, *Report on the Implementation of the National Strategy*.

¹³³ ILO-IPEC, *Support for Policy Level and Up-scaling Activities*.

¹³⁴ ILO-IPEC, “National Steering Committee Endorses the ILO/IPEC Hand Over Strategy,” *ILO Newsletter*, no. 24 (February 2010); available from http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ippec_albania_newsletter_02_10.pdf.

Algeria

The Government of Algeria recently adopted new legislation criminalizing all forms of trafficking, with increased penalties for offenders who traffic minors. The Government has yet to adopt a child protection law, drafted in 2007, that includes a hazardous work list. Algeria lacks adequate statistics on the prevalence and nature of the worst forms of child labor; however, children in Algeria are known to engage in the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Algeria are reportedly engaged in the worst forms of child labor.¹³⁵ Algerian children work in the construction sector and mechanic shops, where they face health and safety risks from work with heavy, motorized equipment and harmful materials.¹³⁶ Children work on the streets as vendors and messengers, exposing them to multiple dangers including severe weather, vehicle accidents and criminal elements.¹³⁷ Algerian children also work in agriculture where they may perform dangerous tasks such as operating heavy machinery and tools, transporting heavy loads and applying harmful pesticides.¹³⁸

Children also work as domestic servants.¹³⁹ Child domestic labor commonly involves long hours and may expose children to physical and sexual exploitation by their employer.¹⁴⁰

Laws and Regulations on the Worst Forms of Child Labor

Algeria's Labor Code sets the minimum age for employment at 16 but permits apprenticeships at age 15 under the authorization of a legal guardian.¹⁴¹ The Ministry of Labor and Social Welfare may also grant permission for children under age 16 to work in certain fixed-term temporary jobs.¹⁴² Article 15 of Algeria's Labor Code prohibits minors from participating in dangerous, unhealthy or harmful work or in work that may jeopardize their morality.¹⁴³ However the Code fails to define a minor or to establish hazardous occupations prohibited to minors.¹⁴⁴ The Code also only covers contract-based employment and thus would not apply to informal work arrangements more likely to involve children.¹⁴⁵

Education is compulsory to age 16.¹⁴⁶

In 2007, the Ministry of Justice announced that it had drafted a child protection law that would include strict clauses regarding the employment

of children under age 16 and a hazardous work list; however, as of this reporting period, the parliament has not yet adopted the legislation.¹⁴⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	16
	Free Public Education	16

The Algerian Constitution prohibits forced labor, and the Penal Code explicitly forbids forced or bonded child labor.¹⁴⁸ All forms of trafficking in persons are outlawed, and the trafficking of children is an aggravated offense.¹⁴⁹ Algeria’s Penal Code bars the use or recruitment of minors under age 19 for prostitution, and pornography is prohibited.¹⁵⁰

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Algeria has an established coordinating mechanism to combat the worst forms of child labor. The draft child protection law would, if passed, establish a National Delegate for the Protection of Children.¹⁵¹

The Ministry of Labor and Social Welfare leads the Government’s efforts to investigate child

labor cases and enforce minimum age laws.¹⁵² The Ministry conducts some surprise inspections of public sector enterprises. Most inspectors are concentrated in urban areas, although more hazardous child labor is found in rural areas.¹⁵³

The Ministry of Interior’s National and Border Police and the Ministry of Defense’s *gendarmerie* police force have law enforcement responsibilities relating to child trafficking violations.¹⁵⁴ The Ministry of Justice is charged with bringing trafficking cases through the criminal justice system; however, the Government has yet to prosecute any trafficking cases.¹⁵⁵

The Ministry of Labor and Social Welfare’s Intersectoral Commission Relative to the Prevention of and Fight Against Child Labor coordinates the Government’s actions to prevent and eliminate child labor.¹⁵⁶ However, research found no information suggesting that this committee was active during the reporting period.

The Government of Algeria has not made enforcement statistics available, or indicated that such statistics are collected.

Government Policies on the Worst Forms of Child Labor

The Algerian Government has not established a policy on child labor; however, other policies exist that may affect the problem. Algeria guarantees free education through the secondary level and has articulated steps to achieve universal education access through a National Action Plan (2008–2015). This plan, which addresses child development in general, recognizes child labor as a potential barrier to education access and enumerates Algeria’s legal protections for young workers.¹⁵⁷ The Agency for Family and Women’s Affairs has a child protection strategy for 2009–2012.¹⁵⁸ Research has not identified this policy’s objectives or possible impact on child labor. The question of whether these policies have an impact on child labor does not appear to have been considered.

Aside from these broad child welfare policies, research has not identified any policies specifically intended to reduce or prevent the worst forms of child labor. There is no policy or action plan on child trafficking.¹⁵⁹ Research found no evidence that the Government of Algeria has systematic data collection and analysis regarding the prevalence and nature of the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Many of Algeria's programmatic efforts are undertaken with the assistance of UNICEF,¹⁶⁰ and the sustainability of these programs over the

long term is unknown. The Ministry of Labor and the Ministry of National Education continue to implement awareness-raising campaigns on child labor.¹⁶¹ The Ministry of National Solidarity provides grants and school supplies to low-income families to encourage school attendance.¹⁶² The question of whether this program has an impact on child labor does not appear to have been explored.

Research has not identified any social programs supported by the Government to address specific worst forms of child labor or provide services to children engaged in informal work not governed by the Labor Code.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Algeria

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt the child protection law drafted by the Ministry of Justice to establish a list of hazardous occupations forbidden to all children, making sure to include a definition for "child."
- Establish 18 as the minimum age for hazardous work in the Labor Code.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating body to combat the worst forms of child labor such as the National Delegate for the Protection of Children envisioned by the draft child protection law.
- Ensure that child labor laws are effectively enforced in all geographic areas and sectors.
- Make publicly available enforcement statistics regarding the worst forms of child labor.

IN THE AREA OF GOVERNMENT POLICIES ON CHILD LABOR:

- Systematically collect, analyze and make available data on the prevalence and nature of the worst forms of child labor.
- Develop child labor-focused policies that address all relevant worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Integrate more activities that specifically address the worst forms of child labor into the agendas of relevant Ministries, for long-term sustainability of program efforts.
- Assess the impact that existing programs may have on child labor.
- Institute programs to address the worst forms of child labor in the informal sector, to ensure services are provided to children not covered by the protections of the Labor Code.

¹³⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹³⁶ Lofti Mérad, “Actualités: Selon une enquête de la FOREM en Algérie, entre 250,000 et 300,000 enfants travaillent”, *Le Soir d’Algérie*, [online], June 13, 2006 [cited February 16, 2011]; available from <http://www.lesoirdalgerie.com/articles/2006/06/13/article.php?sid=39659&cid=2>

¹³⁷ *Ibid.* See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Algeria (ratification: 2001) Submitted: 2008*, February 2011, clause b(1); available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21859&chapter=9&query=%28C182%29+%40ref+%2B+%28Algeria%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Department of State, “Algeria,” in *Country Reports on Human Rights Practices - 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154458.htm>.

¹³⁸ Mérad, “Actualités”. See also U.S. Department of State, “Country Reports- 2010: Algeria,” section 7d.

¹³⁹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Algeria, CRC/C/15/Add.269*, Geneva, October 12, 2005; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/\\$FILE/G0544259.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/d2316598f6190c4fc12570200049bd8d/$FILE/G0544259.pdf). See also ILO Committee of Experts, *Individual Direct Request C182: Algeria (2008)*.

¹⁴⁰ ILO Committee of Experts, *Individual Direct Request C182: Algeria (2008)*.

¹⁴¹ Government of Algeria, “Algerie: Loi no. 90-11 du 21 avril 1990 relative aux relations de Travail,” (January 11, 1997), chapter 2, article 15; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/9557/64805/F97DZA01.htm>. See also Government of Algeria, *Loi no. 81-07 du 27 juin 1981 relative à l’apprentissage*, (1981), articles 10, 12; available from <http://www.fnac-dz.org/juridique/Document3.pdf>.

¹⁴² UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the*

Convention. Second periodic reports of States’ parties due in 2000: Algeria, CRC/C/93/Add.7, Geneva, March 3, 2005, section 94(e); available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fef289cbac5d9292c12570180052d60d/\\$FILE/G0540613.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fef289cbac5d9292c12570180052d60d/$FILE/G0540613.pdf).

¹⁴³ Government of Algeria, “Relative aux relations de Travail,” chapter 2, article 15.

¹⁴⁴ Government of Algeria, *Droit du travail*; available from <http://lexalgeria.free.fr/travail.htm>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Algeria (ratification: 2001) Submitted: 2009*, February 2011; available from <http://www.ilo.org/ilolex/english/index.htm>.

¹⁴⁵ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Algeria (ratification: 1984) Published: 2007*, February 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9483&chapter=6&query=%28C138%29+%40ref+%2B+%28Algeria%29+%40ref&highlight=&querytype=bool&context=0>.

¹⁴⁶ U.S. Department of State, “Country Reports- 2010: Algeria,” section 6.

¹⁴⁷ U.S. Embassy- Algiers, *reporting, April 26, 2010*. See also U.S. Embassy- Algiers official, E-mail communication to USDOL official, May 17, 2011.

¹⁴⁸ Library of Congress, *Algeria- Prohibition of Forced Labor*, April 2011. See also U.S. Embassy- Algiers, *reporting, April 8, 2009*.

¹⁴⁹ U.S. Embassy- Algiers, *reporting, April 26, 2010*.

¹⁵⁰ U.S. Embassy- Algiers, *reporting, April 8, 2009*. See also U.S. Department of State, “Country Reports- 2010: Algeria,” section 6.

¹⁵¹ U.S. Embassy- Algiers, *reporting, April 26, 2010*.

¹⁵² U.S. Embassy- Algiers, *reporting, February 6, 2011*.

¹⁵³ U.S. Embassy- Algiers, *reporting, April 26, 2010*.

¹⁵⁴ *Ibid.*

¹⁵⁵ U.S. Embassy- Algiers, *reporting, February 17, 2011*.

¹⁵⁶ Government of Algeria, *Décision n° 006 du 16 mars 2003 portant création, composition et fonctionnement de la commission intersectorielle relative à la prévention et à la lutte contre le travail des enfants*, (2003).

¹⁵⁷ ILO Committee of Experts, *Individual Direct Request C182: Algeria (2009)*. See also U.S. Embassy- Algiers, *reporting, April 26, 2010*. See also U.S. Embassy- Algiers, *reporting, April 8, 2009*.

¹⁵⁸ U.S. Embassy- Algiers, *reporting, April 26, 2010*.

¹⁵⁹ U.S. Department of State, “Algeria,” in *Trafficking in Persons Report- 2010* Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142981.pdf>.

¹⁶⁰ U.S. Embassy- Algiers, *reporting, April 26, 2010*.

¹⁶¹ U.S. Embassy- Algiers official, E-mail communication, May 17, 2011.

¹⁶² ILO Committee of Experts, *Individual Direct Request C182: Algeria (2009)*. See also Ministry of Education of Algeria, *Rapport national. L'éducation pour l'inclusion: La voie de l'avenir*, November 2008; available from http://www.ibe.unesco.org/National_Reports/ICE_2008/algeria_NR08_fr.pdf. See also U.S. Embassy- Algiers, *reporting, April 26, 2010*.

Angola

The Government continues to participate in programs to combat the worst forms of child labor. However, a wide variety of the worst forms of child labor persists, and children engaged in street work and agriculture continues to be a problem. Significant gaps remain in the legal framework and law enforcement efforts, including unclear lines of statutory and delegated authority.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	25.7*
Attending School	5-14 yrs.	65.4
Combining Work and School	7-14 yrs.	22.1

* Population of working children: 694,458



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Angola are engaged in the worst forms of child labor, including agriculture and street work.¹⁶³

Children working in agriculture are known to apply chemicals, use machinery and dangerous tools and carry heavy loads. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of bananas and pineapples.¹⁶⁴ Children also work in animal herding and fishing.¹⁶⁵

Some children in rural areas work in artisanal diamond mining.¹⁶⁶ Children are also reportedly working in charcoal and in forced child labor in the production of rice.¹⁶⁷

In urban areas, children work as mechanic's assistants, construction workers, beauticians, barbers and welders.¹⁶⁸ Children in Huambo work in informal markets lifting loads, cooking and selling goods such as meat, used clothing and alcoholic beverages. Children performing this work risk exposure to extreme elements, physical

injuries and skin burns.¹⁶⁹ Street children engage in begging, prostitution, car washing and the sale of goods.¹⁷⁰ These children are exposed to the sun and heat, poor air quality, heavy vehicular traffic, raw sewage and criminal and gang activity.¹⁷¹

Children in Luanda also work as domestic servants.¹⁷² Children working as domestic servants are at risk of long working hours and exposure to physical and sexual exploitation by their employers.






In border areas and ports, children unload and transport goods.¹⁷³ Children are forced to act as couriers in illegal cross-border trade between Angola and Namibia in order to avoid import fees.¹⁷⁴ Children are used in the sale and transport of illegal drugs and are victims of sexual exploitation.¹⁷⁵ Children are also recruited by criminal gangs.¹⁷⁶

Angola is a source and destination country for trafficking in children.¹⁷⁷ Children are trafficked for work in agriculture, domestic labor and commercial sexual exploitation.¹⁷⁸ Angolan

children are trafficked to Brazil, the Democratic Republic of the Congo (DRC), Namibia, South Africa and Europe—primarily Portugal—to perform a wide variety of work.¹⁷⁹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14.¹⁸⁰ Law No. 13 of 2001 establishes free and compulsory basic education, but does not set a specific age for such education.¹⁸¹ The lack of a specific age for compulsory education makes children younger than age 14 vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum legal age for work.¹⁸² In addition, school fees and a lack of school infrastructure and teaching materials deter children from attending school. In some cases, schools request voluntary payment from parents for improvements, and adolescents share classrooms with small children.¹⁸³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	No
	Free Public Education	Yes

The Labor Code allows children between ages 14 and 16 to work with consent from their guardians.

However, such consent is not required if the child is married or otherwise deemed an adult.¹⁸⁴ It allows minors to perform light work but does not establish the ages at which they can do so, the activities allowed, the maximum number of hours they can work or the conditions of work.¹⁸⁵ During the reporting period, the Government of Angola established a list of hazardous work prohibited for minors that includes 56 activities and materials, such as fireworks production, stone mining, animal slaughter and leather production, brick and paper making and pornography as well as the use of toxic substances such as sulfuric acid, ammonia, dyes and bitumen.¹⁸⁶ The ILO Committee of Experts has pointed out that although the Labor Code prohibits minors from engaging in hazardous work, it does not clearly set the minimum age for hazardous work.¹⁸⁷

The Constitution of Angola prohibits forced labor, trafficking and slavery.¹⁸⁸ The Constitution forbids the extradition of Angolan nationals, which may hamper regional efforts to prosecute Angolan nationals involved in international trafficking.¹⁸⁹ Although the Government of Angola has not formally approved a new Penal Code, it follows the regulations established in the draft code, which prohibits the sale of a child younger than age 14, commercial sexual exploitation of children, trafficking of children for sexual purposes and the use of children younger than age 18 in pornography.¹⁹⁰ The Government has established a Tourism Code to combat commercial sexual exploitation.¹⁹¹

The minimum age for recruitment and enlistment in the armed forces is 16.¹⁹²

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Assistance and Social Reintegration (MINARS) and the National Children's Institute (INAC) coordinate government policies to protect the rights of children, while the National Council of Children (CNAC) monitors their implementation.¹⁹³ The

CNAC is led by MINARS and includes the INAC, 15 other ministries and 18 representatives from civil society organizations. It has its own budget and a network of provincial and municipal councils of children.¹⁹⁴ However, the UN Committee on the Rights of the Child (CRC) is concerned about the transparency in the selection of civil society representatives.¹⁹⁵

While the Ministry of Public Administration, Employment and Social Security (MAPESS) is responsible for the enforcement of labor laws, it has neither the authority nor the structure to ensure compliance.¹⁹⁶ Labor inspectors conducted joint operations with provincial governments, health inspectors, tax authorities, social services providers and financial authorities, but there is no information available on how these operations are conducted or their results.¹⁹⁷ Although the INAC, the ombudsman and the Ministry of Family and Women's Affairs receive complaints related to child labor, it is not clear whether these complaints are investigated by labor inspectors.¹⁹⁸ There is no information available on the number of labor inspectors or inspections performed during the reporting period. In 2010, MAPESS received a budget of \$910 million, but there is no information available about how much was dedicated to labor inspections.¹⁹⁹ Furthermore, the ILO Committee of Experts has expressed concerns about the remuneration gaps and working conditions among inspection staff.²⁰⁰ Between 2009 and 2010, ILO, with funding from the Government of Norway, carried out a multi-country initiative to strengthen labor inspectorates which included Angola. As part of this initiative, officials from MAPESS participated in an international seminar on labor inspection good practices and a study visit in Brazil to learn about its experience in labor inspections.²⁰¹

The Courts for Minors enforce child protection legislation, which seeks to prevent children from violence, including child labor and prostitution.²⁰²

However, there is no information available about activities to combat child labor carried out by the courts.

The Ministry of the Interior enforces criminal laws related to trafficking.²⁰³ During the reporting period, the Government, in partnership with IOM, provided training to 487 law enforcement officials.²⁰⁴ In 2010, the INAC reported seven cases of child trafficking in the province of Zaire. Four of the victims were children from the DRC who were reunited with their families. No investigations or prosecutions were conducted.²⁰⁵

Government Policies on the Worst Forms of Child Labor

The 11 Commitments for Angolan Children is the main policy to protect children's rights, which includes combating poverty, protecting children from exploitation and providing education to every child.²⁰⁶ The Government has established the National Strategy to Prevent and Mitigate Violence against Children to guide government efforts to address violence against children.²⁰⁷ The Government of Angola adopted a national policy to provide free birth registration for children younger than age 5 and free identification cards for children up to age 11, so that they can enroll in school, can have access to social services and are less likely to be at risk of human trafficking. According to the CRC, progress on birth registration has not been significant since 2002, and there is no guarantee that children age 5 and older can be registered because of lack of human and financial resources.²⁰⁸

The Government has incorporated child labor and education issues into some of its broader development policies. The Angolan Poverty Reduction Strategy recognizes that a leading cause of poverty is a lack of access to basic services, such as education. An estimated 34 percent of children younger than age 11 have never attended school.²⁰⁹

The Government cites the lack of human resources and insufficient schools as the main obstacles to providing education. The strategy also recognizes that children drop out of school to help their families meet their basic needs.²¹⁰ To improve the education system and expand access to education, the Government has developed the National Education for All plan and increased budget allocations for education.²¹¹ However, the CRC and UNICEF have pointed out that the funding is inadequate. Although the Government allocates 30 percent of its budget to social programs, only 5 percent of that budget is assigned to education.²¹²

In March 2011, Angola and other members of the Community of Portuguese-Speaking Countries approved four target areas where they will focus efforts to combat child labor, which include the exchange of information and experiences, awareness-raising campaigns, the use of statistical methodologies to collect child labor data and technical cooperation and training.²¹³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

To implement the 11 Commitments for Angolan Children policy, the Government has carried out a public campaign to raise awareness of the commitments among local governments, civil society organizations and religious and traditional leaders; to coordinate activities through the INAC; and to ensure that local governments include child-related issues in their plans and allocate the corresponding funding.²¹⁴ In 2008, the Government launched the System of Indicators for Angolan Children to track the implementation of the 11 commitments; however, it has not been fully developed due to a lack of resources.²¹⁵ During the reporting period, the INAC continued to disseminate the 11 Commitments for Angolan Children across the country and carried out awareness-raising campaigns to combat child labor in street work.²¹⁶ The Government released

the results of the national well-being survey conducted in 2008, which includes general information about child labor.²¹⁷

To combat child labor, the Government of Angola provides microcredit opportunities to families, helps families keep their children in school while they migrate with cattle herds and offers job training for youth. The Government also provides free meals for school children.²¹⁸

The Government operates a hotline in Luanda to receive reports of child trafficking. In 2010, the Government expanded the hotline to the province of Benguela during the African Cup of Nations soccer tournament.²¹⁹ During the reporting period, it ran an anti-trafficking awareness-raising campaign during the preparations for the tournament. The Government partners with civil society organizations to assist victims of trafficking in 18 provinces through child protection networks at the local level.²²⁰

During the reporting period, the Government of Angola participated in a 3-year, \$3.5 million USDOL-funded project to eliminate the worst forms of child labor in the province of Benguela and the city of Luanda. This initiative conducted a baseline study on child labor; trained more than 650 teachers; provided educational and school materials to teachers and children; and withdrew 2,653 children and prevented 4,767 children from child labor in agriculture, herding and charcoal making.²²¹ In 2010, USDOL began to fund a 2-year, \$500,000 project to strengthen the capacity of Lusophone countries in Africa, including Angola, to combat child labor, which will complement a South-South initiative funded by the Government of Brazil.²²²

In addition, the Government participates in a 4-year, \$14.75 million project funded by the European Union to combat child labor through education in 11 countries.²²³

Angola receives support from international donors to improve access to education for vulnerable children. In 2010, UNICEF, the Nelson Mandela Foundation and the Hamburg Society launched Schools for Africa Phase II, which seeks to benefit 8 million children in 11 African countries.

In Angola, Schools for Africa Phase I benefited 54,000 teachers and 2,430,000 children and rebuilt 383 schools.²²⁴ UNICEF works in partnership with the Government to identify and assist undocumented children.²²⁵

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Angola:

IN THE AREA OF LAWS AND REGULATIONS:

- Make education compulsory through age 14.
- Establish conditions, maximum number of hours and type of activities under which children age 14 and younger can perform light work.
- Clarify the minimum age for hazardous work.
- Formally approve the draft Penal Code and consider—
 - Increasing penalties for commercial sexual exploitation of children.
 - Establishing penalties for the use of children older than age 16 in pornography.
 - Prohibiting all forms of trafficking of children.
- Raise the minimum age for military recruitment and enlistment to 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Modernize and strengthen the labor inspection system, including providing adequate remuneration to inspection staff.
- Provide information on budget allocations for child labor enforcement activities.
- Ensure that complaints related to child labor are investigated by relevant government agencies.
- Establish coordination mechanisms between all bodies performing investigations and inspections of law violations related to child labor.
- Establish clear lines of authority to enforce each provision of the Labor and Penal Codes that address a worst form of child labor.
- Investigate and prosecute trafficking cases when victims are identified.

IN THE AREA OF POLICIES:

- Use the results of the national well-being survey to consider the targeting of existing social programs.
- Accelerate child birth registration and identification processes to facilitate school enrollment, provide social services to vulnerable children and reduce children's risk of being trafficked.
- Expand government efforts to provide access to education.

IN THE AREA OF SOCIAL PROGRAMS:

- Provide funds to ensure the implementation of the 11 Commitments for Angolan Children and the System of Indicators for Angolan Children monitoring system.
- Conduct research on the worst forms of child labor.
- Develop and implement programs that target children engaged in agriculture, street work, domestic service, mining and forced labor, including cross-border child couriers.

¹⁶³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section. See also U.S. Embassy- Luanda, *reporting, February 16, 2011*.

¹⁶⁴ Interactive Social Analysis, *Onjoi: Baseline Study on Child Labor and Education in Benguela*, Luanda, April 2008, 14-15, 19.

¹⁶⁵ *Ibid.*, 15. See also ICF Macro, *Children Working in Luanda, Angola*, Washington, DC, 2008, 38.

¹⁶⁶ U.S. Embassy- Luanda, *reporting, February 16, 2011*. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties due in 2008: Angola*, prepared by Government of Angola, pursuant to Article 44 of the Convention on the Rights of the Child, February 26, 2010, 87; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.AGO.2-4.doc>.

¹⁶⁷ Interactive Social Analysis, *Onjoi: Baseline Study on Child Labor and Education in Benguela*, 15. See also Voice of America, "Angola: Trabalho Infantil em Plantações Chinesas", VOA, [online], December 15, 2010 [cited January 27, 2011]; available from http://www.voanews.com/portuguese/news/12_15_angola_china_childlabour_voanews-111943619.html. See also Voice of America, "UNICEF Denuncia Exploração de Menores em Angola", VOA, [online], December 24, 2010 [cited January 27, 2011]; available from http://www.voanews.com/portuguese/news/12_24_2010_unicef_angola_labor_minors-112425824.html.

¹⁶⁸ ICF Macro, *Children Working in Luanda, Angola*, 37-38.

¹⁶⁹ João Constantino, "Trabalho infantil é estimulado pelos pais," *Jornal de Angola*, October 15, 2010; available from [Trabalho infantil é estimulado pelos pais](http://www.trabalho.gov.ao). See also Interactive Social Analysis, *Onjoi: Baseline Study on Child Labor and Education in Benguela*, 19. See also Televisão Pública de Angola, *Trabalho infantil, ameaça futuro das crianças no Huambo*, [online] October 22, 2010 [cited March 3, 2011]; available from <http://www.tpa.ao/artigo.aspx?sid=364c7c92-bbc7-4435-ad22-96dafa4e3bd1&cntx=0oSx2DUI%2BV%2FYVdJP4uoQ8UAGY%2FjM8vVH9DrgFCHYKY9gGr80kPm0BBA8N%2FGA%2BaQ3>.

¹⁷⁰ ICF Macro, *Children Working in Luanda, Angola*, 38. See also U.S. Department of State, "Angola," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 5b; available from <http://www.state.gov/g/drl/rls/afdr/2010/af/129722.htm>. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Angola*, 87. See also Clare Ignatowski, Cristina Rodrigues, and Ramon Balestino, *Youth Assessment in Angola*, USAID, March 31, 2006, 10; available from <http://www.usaid.gov/ao/youthassessment.pdf>.

¹⁷¹ ICF Macro, *Children Working in Luanda, Angola*, 110-111. See also Interactive Social Analysis, *Onjoi: Baseline Study on Child Labor and Education in Benguela*, 19.

¹⁷² ICF Macro, *Children Working in Luanda, Angola*, 39-40. See also U.S. Department of State, "Country Reports- 2010: Angola," section 7d.

¹⁷³ U.S. Embassy- Luanda, *reporting, February 22, 2011*.

¹⁷⁴ U.S. Department of State, "Angola (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/164453.pdf>. See also U.S. Embassy- Luanda, *reporting, March 2, 2010*.

¹⁷⁵ U.S. Department of State, "Country Reports- 2010: Angola," section 7d. See also Tomás Manuel, "Casos de violência contra menores estão a aumentar no Kwanza-Sul," *Jornal de Angola*, December 11, 2010; available from http://jornaldeangola.sapo.ao/14/13/casos_de_violencia_contra_menores_estao_a_aumentar_no_kwanza-sul.

¹⁷⁶ ILO, *The Worst Forms of Child Labor in Conflict and Post Conflict Settings: Results from a Research Project*, International Training Centre, Turin, 2010, 9; available from http://training.itcilo.org/ils/ils_childlabour/training_materials/English/Brochure%20CL%20In%20conflict_EN.pdf. See also U.S. Embassy- Luanda, *reporting, February 22, 2011*.

¹⁷⁷ U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Angola*, 34.

¹⁷⁸ U.S. Embassy- Luanda, *reporting, February 22, 2011*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Angola."

¹⁷⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Angola." See also U.S. Embassy- Luanda, *reporting, February 22, 2011*.

¹⁸⁰ Government of Angola, *Lei Geral do Trabalho de Angola*, (June 2, 2010), article 282; available from http://www.angolanainternet.ao/portalempresas/images/documentos/lei_geral_trabalho.pdf.

¹⁸¹ Government of Angola, *Lei de Bases do Sistema de Educação*, Lei N.º 13/01, (December 31, 2001), articles 7-8; available from <http://www.inide.angoladigital.net/pdf/>

LEIdeBASES%20do%20novo%20Sistema%20de%20ensino.pdf.

¹⁸² ILO, *The Worst Forms of Child Labor in Conflict and Post Conflict Settings*, 9.

¹⁸³ Ibid.

¹⁸⁴ Government of Angola, *Lei Geral do Trabalho de Angola*, articles 11, 25, 282. See also U.S. Embassy- Luanda, *reporting*, May 14, 2010.

¹⁸⁵ Government of Angola, *Lei Geral do Trabalho de Angola*, article 283.

¹⁸⁶ Government of Angola, *Trabalhos Proibidos e Condiçãodos a Menores e Lista de Ocupações e Proibidas às Mulheres*, (December 24, 2010).

¹⁸⁷ Government of Angola, *Lei Geral do Trabalho de Angola*, article 284. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Angola (ratification: 2001) Published: 2011, March 2, 2011*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=12686&chapter=6&query=Angola%40ref&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Angola (ratification: 2001) Submitted: 2011, May 24, 2011*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=27006&chapter=9&query=Angola%40ref&highlight=&querytype=bool&context=0>.

¹⁸⁸ Government of Angola, *Constituição da República de Angola*, (January 21, 2010), article 60; available from <http://www.comissaoconstitucional.ao/pdfs/constituicao-da-republica-de-angola.pdf>.

¹⁸⁹ U.S. Embassy- Luanda, *reporting*, March 2, 2010.

¹⁹⁰ Government of Angola, *Anteprojecto de Código Penal*, articles 157, 165, 176, 182; available from <http://www.governo.gov.ao/LegislacaoD.aspx?Codigo=76>.

¹⁹¹ UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Angola*, October 11, 2010, 15; available from <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-AGO-CO-2-4.doc>

¹⁹² Government of Angola, *Anteprojecto de Código Penal*, (2006), article 371; available from <http://www.governo.gov.ao/LegislacaoD.aspx?Codigo=76>.

¹⁹³ UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Angola*, 11.

¹⁹⁴ Ibid., 10.

¹⁹⁵ UN Committee on the Rights of the Child, *Consideration of reports. Concluding observations: Angola*, 2-3.

¹⁹⁶ ILO Committee of Experts, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Angola (ratification: 1976) Published: 2009, March 2, 2011 2009*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10521&chapter=6&query=Angola%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Luanda, *reporting*, March 2, 2010.

¹⁹⁷ ILO Committee of Experts, *Individual Observation C81: Angola (2009)*. See also U.S. Embassy- Luanda, *reporting*, February 16, 2011.

¹⁹⁸ ILO Committee of Experts, *Individual Observation C81: Angola (2009)*.

¹⁹⁹ U.S. Embassy- Luanda, *reporting*, February 16, 2011.

²⁰⁰ ILO Committee of Experts, *Individual Direct Request concerning Labour Inspection Convention, 1947 (No. 81) Angola (ratification: 1976) Submitted: 2010, February 22, 2011 2010*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24072&chapter=9&query=Angola%40ref&highlight=&querytype=bool&context=0>.

²⁰¹ ILO, *Norwegian Projects on Labour Inspection*, [online] [cited March 3, 2011]; available from http://www.ilo.org/labadmin/what/projects/lang--en/WCMS_116963/index.htm. See also ILO, *International Seminar on Labour Inspection Good Practices*, [online] 2010 [cited March 3, 2011]; available from http://www.ilo.org/labadmin/what/events/lang--en/docName--WCMS_150167/index.htm.

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²⁰³ U.S. Embassy- Luanda, *reporting*, February 22, 2011. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Angola.”

²⁰⁴ U.S. Embassy- Luanda, *reporting*, February 22, 2011.

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²⁰⁷ UN Committee on the Rights of the Child, *Consideration of reports. Concluding observations: Angola*, 3. See also

ILO-IPEC, *Supporting Actions to Meet the 2015 Targets to Eliminate the Worst Forms of Child Labour in Lusophone Countries in Africa through Knowledge, Awareness Raising and South-South Cooperation*, 2011, 4.

²⁰⁸ UN Committee on the Rights of the Child, *Consideration of reports. Concluding observations: Angola*, 7. See also Helma Reis, “Representante da UNICEF elogia apoios às crianças,” *Jornal de Angola*, January 13, 2011; available from http://jornaldeangola.sapo.ao/27/0/representante_da_unicef_elogia_apoios_as_crianças.

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²¹⁰ *Ibid.*, 33.

²¹¹ UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Angola*, 67-68.

²¹² Reis, “Representante da UNICEF elogia apoios às crianças.” See also UN Committee on the Rights of the Child, *Consideration of reports. Concluding observations: Angola*, para 59.

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²¹⁴ Ministry of Assistance and Social Reintegration and National Council for Children, *Estratégia de Divulgação dos 11 Compromissos*, 3, 13-16; available from http://cns2009forum.bligoo.com/media/users/10/512353/files/23110/Estrat_gia_de_divulga_o_dos_11_compromissos_pela_crian_a.pdf.

²¹⁵ UN Committee on the Rights of the Child, *Consideration of reports. Concluding observations: Angola*, 4.

²¹⁶ “Conselho Nacional da Criança faz balanço.”

²¹⁷ Angolan Ministry of Planning, *Inquérito Integrado Sobre o Bem-Estar da População (IBEP) 2008-09*, 2010, 5; available from http://cns2009forum.bligoo.com/media/users/4/211695/files/23110/Grelha_de_Indicadores_IBEP_2010.pdf.

²¹⁸ U.S. Embassy- Luanda, *reporting, February 16, 2011*.

²¹⁹ U.S. Embassy- Luanda, *reporting, February 22, 2011*. See also “Lançado projecto SOS Criança,” *Jornal de Angola*, January 10, 2010; available from http://jornaldeangola.sapo.ao/14/8/lancado_projecto_sos_crianca. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Angola*, 58.

²²⁰ U.S. Embassy- Luanda, *reporting, February 22, 2011*. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Angola*, 34.

²²¹ Christian Children’s Fund and World Learning for International Development, *ONJOI: Education to Prevent Child Labor in Angola*, Final Technical Report, September 25, 2010, 4-5, 9.

²²² ILO-IPEC, *Supporting Actions to Meet the 2015 Targets*.

²²³ ILO-IPEC official, E-mail communication to USDOL official, April 20, 2011. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, June 2008; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=8511>.

²²⁴ UNICEF, *Schools for Africa: Transforming Lives through Education*, [online] [cited April 25, 2011]; available from http://www.schoolsforafrica.com/results/31_resultsbycountry.htm.

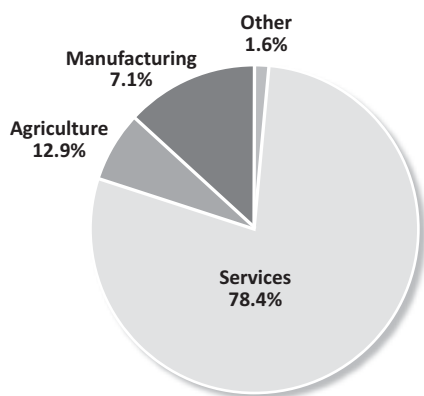
²²⁵ UNICEF, Angola: Background.

Argentina

Argentina has integrated the issue of child labor into national education, social and anti-poverty programs, and has mechanisms for monitoring the incidence of the worst forms of child labor. However, gaps in legislation on the worst forms of child labor remain and social programs could be expanded to combat child labor in the agricultural sector, commercial sexual exploitation, and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	11.0
Attending School	5-14 yrs.	97.2
Combining Work and School	7-14 yrs.	12.3



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Argentina engage in the worst forms of child labor.²²⁶ In the agricultural and urban informal sectors they may work long hours, perform arduous tasks, and be exposed to dangerous situations.²²⁷ In rural areas, some children work on farms producing blueberries, cotton, garlic, grapes, olives, strawberries, tobacco, tomatoes, and yerba mate. Some may handle pesticides without proper protection. Forced child labor has also been found in the production of corn, onions, peppers, and tomatoes in agriculture camps.²²⁸ Although evidence is limited, the worst




forms of child labor are reportedly used in the production of flowers, jojoba, lemons, onions, potatoes, raspberries and sugarcane, as well as cables, fireworks, footwear, and matches.²²⁹ In urban areas, some children engage in domestic service, which may make them vulnerable to physical and sexual abuse. Children work as street performers, shoe shiners, car washers, and collectors and sorters of trash for recycling where they are vulnerable to vehicle accidents, severe weather, and criminal elements.²³⁰ Some children work in mining and construction, where they are exposed to dangerous heavy machinery and toxic chemicals.²³¹

Children also face commercial sexual exploitation in Argentina. The Government of Argentina and other sources have found that child pornography is a problem.²³² Incidents of child sex tourism have occurred particularly in Buenos Aires and the triborder area with Brazil and Paraguay.

Paraguayan children have reportedly been trafficked to Argentina for the purpose of sexual exploitation.²³³ Bolivian children have reportedly been victims of forced labor in the production of garments in Argentina.²³⁴ Children have been recruited for illicit activities, such as drug trafficking.²³⁵

Laws and Regulations on the Worst Forms of Child Labor

Argentina’s Law 26.390 raised the legal minimum age for employment from 14 to 16, effective May 2010.²³⁶ The law specifically prohibits the employment of children younger than age 16 in

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

domestic service, and prohibits children ages 16 to 18 from working between the hours of 8:00 p.m.

and 6:00 a.m.²³⁷ However, work in manufacturing is authorized until 10:00 p.m., exposing children between ages 16 and 18 to the risks involved in night work.²³⁸ Argentina has not adopted a comprehensive list of hazardous work prohibited for children.²³⁹

Argentine Law 26.364 prohibits forced or compulsory labor.²⁴⁰ Argentine law sets the minimum age for volunteering for the Argentine Armed Forces at 18.²⁴¹ The Penal Code criminalizes facilitating, promoting, or benefitting economically from child prostitution.²⁴² The Penal Code also prohibits the use of children in pornographic shows and the production, publication, and distribution of child pornography. However, it does not criminalize the possession of child pornography for personal use.²⁴³ Argentine Law 23.727 prohibits the use of children in illicit activities.²⁴⁴

Law 26.364 prohibits trafficking in persons both domestically and internationally for the purposes of forced labor or sexual exploitation.²⁴⁵

Education is compulsory until the end of secondary school, approximately age 18.²⁴⁶

Institutional Mechanisms for Coordination and Enforcement

The Government of Argentina has established both national and provincial mechanisms for monitoring child labor issues. The Ministry of Labor chairs the National Commission for the Eradication of Child Labor (CONAETI), which is responsible for national-level coordination on child labor. CONAETI is comprised of representatives from the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of the Economy, and the Ministry of Education, among others.²⁴⁷ Provincial governments operate Provincial Commissions for the Prevention and Eradication of Child Labor.²⁴⁸ In addition, the Office for Rescue and Caring of Victims of Trafficking, within the Ministry of

Justice, Security and Human Rights, coordinates government anti-trafficking efforts.

The national Ministry of Labor and provincial labor ministries are responsible for enforcing child labor laws.²⁴⁹ During the reporting period, CONAETI trained provincial labor authorities on child labor.²⁵⁰ Information was not available on the number of child labor inspectors employed or the number of inspections carried out, the sectors in which they were carried out, or sanctions imposed as a result.

The Special Unit for the Eradication of Sexual Exploitation of Children and Adolescents within the Ministry of Justice, Security and Human Rights enforces laws against the commercial sexual exploitation of children.²⁵¹ The Special Prosecutors' Office for Investigation of Kidnapping and Trafficking in Persons Crimes coordinates trafficking investigations nationally.²⁵² A 24-hour hotline is available to report child trafficking and the city of Buenos Aires operates a hotline to report cases of forced labor and labor exploitation. In addition, the National Institute against Discrimination, Xenophobia and Racism maintains a hotline to report sexual or labor exploitation.²⁵³ Child labor complaints can be registered through the CONAETI Web site.²⁵⁴

During the reporting period, authorities conducted 376 raids on suspected brothels and sweatshops, an increase from 256 in the previous period.²⁵⁵ Eighty-one minors were identified through the raids and referred to the Ministry of Social Development for assistance.²⁵⁶

Government Policies on the Worst Forms of Child Labor

CONAETI is implementing Argentina's National Plan to Combat Child Labor, which calls for actions to address child labor, including awareness-raising, inter-institutional collaboration, stronger inspection mechanisms, and a national program for the prevention and eradication of child labor in rural and urban

settings.²⁵⁷ To support the plan, the Ministry of Labor has established a Child Labor Monitoring Office, with offices in the provinces, to collect statistics on the incidence of child labor.²⁵⁸

Argentina continued its participation in the MERCOSUR's *Niñosur* (Southern Child) initiative and the Regional Action Group for the Americas. *Niñosur* aims to defend the rights of children and adolescents in the region by raising awareness about the commercial sexual exploitation of children, improving country legal frameworks, and exchanging best practices.²⁵⁹ During the reporting period, MERCOSUR member countries met to exchange good practices of systems to protect children and adolescents from commercial sexual exploitation as part of the *Niñosur* initiative.²⁶⁰ Argentina is a member of the Joint Regional Group for the Americas, which conducts prevention and awareness-raising campaigns whose members include Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay, and Venezuela.²⁶¹

The Government of Argentina, along with the General Workers' Confederation and the Argentine Industry Association, has in place a memorandum of understanding with the ILO to implement its Decent Work initiative, which includes efforts to prevent and eradicate child labor.²⁶²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government continued to implement programs to combat child labor through direct services to children and families, awareness-raising, and capacity building during the reporting period. The Ministry of Labor continued to implement the *Jefes de Hogar* (Heads of Household) program, a cash transfer and employment training program which targets vulnerable and unemployed populations with at least one child younger than age 18 by improving employability and providing scholarships.²⁶³ However, the question of whether these programs

have an impact on child labor does not appear to have been addressed.

In 2009, the Government established another cash transfer program, the *Asignación Universal por Hijo* (Universal Child Allowance program), which provides a monthly cash transfer to unemployed populations and workers in the informal economy contingent on fulfilling health and education requirements for their children. Almost 3.4 million children benefit from this program.²⁶⁴

CONAETI has an agreement in place with the Network of Businesses against Child Labor in which 71 businesses are committed to efforts to prevent hiring children in their operations or those of their subcontractors. Businesses represented include agricultural and agrochemical companies, service industry companies, supermarket chains, pharmaceutical companies, and soft drink companies.²⁶⁵ During the reporting period, the Network of Businesses against Child Labor continued operating *Jardines de Cosecha* (Harvest Gardens), which provided seven daycare centers for children in tobacco-producing zones.²⁶⁶

The Government of Argentina also participated in projects funded by international donors. For example, the IDB funded a \$225,000 project for the Prevention and Eradication of Child Labor in Migrant Families. The project targeted families engaged in garbage scavenging, providing them with services and regularizing their immigration status.²⁶⁷ The IDB is also funding a \$1.15 million regional project to combat the trafficking and sexual exploitation of children in Argentina, Brazil, Paraguay, and Uruguay. The project aims to strengthen local organizations that work in prevention, detection, and victim assistance.²⁶⁸ In addition, the Government continued to participate in a 4-year \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.²⁶⁹

The Government of Argentina has undertaken a variety of efforts to combat child labor, integrating the issue into social and anti-poverty policies, and collaborating with private industry to create corporate social responsibility initiatives. However, current social programs do not reach many children working in the agriculture and urban informal sectors.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Argentina:

IN THE AREA OF LAWS AND REGULATIONS:

- Create a list of hazardous occupations prohibited for children.
- Expand prohibition on night work to children working in manufacturing
- Prohibit the possession of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make information publicly available on the number of child labor inspectors, the number of inspections, the sectors in which inspections are carried out, and sanctions imposed as a result.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact that social programs, such as the Heads of Household program, may have on reducing the worst forms of child labor.
- Expand programs that address child labor in agriculture.
- Develop programs targeted at child labor in urban informal work.

²²⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²²⁷ CONAETI, *Trabajo infantil urbano*, [online] [cited May 7, 2010]; available from http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm. See also CONAETI, *Trabajo infantil rural*, [online] [cited May 7, 2010]; available from http://www.trabajo.gov.ar/conaeti/que_es/rural.htm.

²²⁸ Ministry of Labor, Employment, and Social Security, *Por una niñez sin trabajo infantil*, 2005, 48-50; available from http://www.pronino.com.ar/futuro_hoy/Archivos-de-programa/Materiales-de-trabajo/Materiales-de-trabajo/poruna_ninessiministrabajo-infantil.pdf. See also Desde Mendoza, "El Drama de los Niños Ajeros", *Página 12*, [online], 2009 [cited May 7, 2010]; available from <http://www.pagina12.com.ar/diario/sociedad/3-120138-2009-02-18.html>. See also "Cuatro detenidos por trabajo esclavo," *Página 12*, February 19, 2011; available from <http://www.pagina12.com.ar/diario/sociedad/3-162656-2011-02-19.html>. See also Horacio Verbitsky, "Una vida nueva," *Página 12*, January 2, 2011; available from <http://www.pagina12.com.ar/diario/elpais/1-159715-2011-01-02.html>.

²²⁹ CONAETI, *Trabajo infantil rural*. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 49-50.

²³⁰ Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 51-53.

²³¹ *Ibid.*, 50.

²³² CONAETI, *Trabajo infantil urbano*. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55. See also U.S. Department of State, "Argentina," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.

²³³ U.S. Department of State, "Argentina (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55. See also ILO

and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005, 49-54; available from <http://oimconosur.org/archivos/descarga.php?id=../imagenes/archivos/75.pdf&name=La%20trata%20de%20personas%20en%20el%20Paraguay>. See also U.S. Department of State, "Country Reports- 2010: Argentina," section 6.

²³⁴ Ignacio Arana Araya, "Prolifera la exportación de trabajo esclavo boliviano," *El Mercurio* (Santiago), August 27, 2006; available from <http://www.sindicatomercosul.com.br/noticia02.asp?noticia=33144>. See also José Maggi, *Allanaron un taller textil ilegal con inmigrantes extranjeros*, [online] [cited May 7, 2010]; available from <http://www.pagina12.com.ar/diario/suplementos/rosario/9-12618-2008-03-06.html>. See also Tanja Bastia, *Child Trafficking or Teenage Migration? Bolivian Migrants in Argentina*, IOM, Oxford, 2005, 65-66; available from http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf. See also Eduardo Videla, "Otro eslabón en la cadena de la trata," *Página 12*, March 25, 2010; available from <http://www.pagina12.com.ar/diario/sociedad/3-142617-2010-03-25.html>.

²³⁵ Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55.

²³⁶ *Prohibición del Trabajo Infantil y Protección del Trabajo Adolescente*, 26.390, (June 4, 2008), articles 2 and 23; available from <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141792/norma.htm>.

²³⁷ *Ibid.*, article 9.

²³⁸ *Ibid.*

²³⁹ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001)*, [online] 2007 [cited May 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20407&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0>.

²⁴⁰ *Prevención y Sanción de la Trata de Personas y Asistencia a sus Víctimas*, 26.364, (April 29, 2008), article 4; available from http://www.migraciones.gov.ar/pagina4/espanol/pdf/normativas/ley_26364.pdf.

²⁴¹ *Ley del Servicio Militar Voluntario*, (1994), article 8; available from <http://www.resdal.org.ar/Archivo/d000000a.htm>.

²⁴² *Código Penal*, Law 25.087, (May 7, 1999), articles 5-8; available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/55000-59999/57556/norma.htm>. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001)*, [online] 2009 [cited June 6, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23471&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0>.

- ²⁴³ *Código Penal*, Law 26.364, article 2. See also ILO Committee of Experts, *Individual Direct Request C182: Argentina* (2007).
- ²⁴⁴ *Tenencia y Tráfico de Estupefacientes*, Ley 23.727, (October 11, 1989); available from http://www.cicad.oas.org/Lavado_Activos/ESP/LeyesLavado/Argentina/Ley23.737AR.doc.
- ²⁴⁵ *Código Penal*, Law 26.364, article 11.
- ²⁴⁶ *Ley de Educación Nacional*, 26.206, (2006), article 16; available from http://www.me.gov.ar/doc_pdf/ley_de_educ_nac.pdf.
- ²⁴⁷ U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010, para C1.
- ²⁴⁸ *Ibid.*
- ²⁴⁹ *Ibid.* See also U.S. Department of State, “Country Reports- 2010: Argentina,” section 7d.
- ²⁵⁰ U.S. Department of State, “Country Reports- 2010: Argentina,” section 7d.
- ²⁵¹ Government of Argentina, *Explotación Infantil*, [online] [cited January 26, 2011]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/explotacion.htm>.
- ²⁵² U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010.
- ²⁵³ *Ibid.* See also U.S. Embassy- Buenos Aires, *reporting*, March 15, 2010.
- ²⁵⁴ U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010.
- ²⁵⁵ *Ibid.* See also U.S. Embassy- Buenos Aires, *reporting*, March 15, 2011. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Argentina.”
- ²⁵⁶ U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010.
- ²⁵⁷ CONAETI, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 2006; available from <http://www.trabajo.gov.ar/conaeti/actividades/files/PlanNacCONAETI.pdf>.
- ²⁵⁸ Government of Argentina, *¿Qué es el Observatorio de Trabajo Infantil y Adolescente?*, [online] [cited July 13, 2010]; available from <http://www.trabajo.gov.ar/left/estadisticas/otia/index.asp>. See also Government of Argentina, *Avances en el sistema de información sobre el trabajo infantil en Argentina*, [online] April 30, 2010 [cited July 13, 2010]; available from <http://www.trabajo.gov.ar/left/estadisticas/DocumentosSUBWEB/area1/documentos/pp%20observatorio.ppt#301,1,Avances en el sistema de información sobre trabajo infantil en Argentina>.
- ²⁵⁹ Niño Sur, *Quiénes Participan*, Niño Sur, [online] [cited March 24, 2011]; available from <http://www.ninosur.com/index2.asp?id=124>. See also Niño Sur, *Explotación sexual Infantil. Trata, Tráfico y Venta*, [online] [cited March 24, 2011]; available from <http://www.ninosur.com/index2.asp?id=126>.
- ²⁶⁰ Niño Sur, *Actividades*, Niño Sur, [online] [cited March 24, 2011]; available from <http://www.ninosur.com/index3.asp?id=123>.
- ²⁶¹ Grupo de Acción Regional de las Américas, *Quiénes Somos*, [online] 2010 [cited March 28, 2011]; available from http://www.grupodeaccionregional.org/index.php?option=com_content&view=article&id=52%3Aquien es-somos&catid=38&Itemid=73&lang=es.
- ²⁶² ILO, La Unión Industrial Argentina, Confederación General de Trabajo, and Ministerio de Trabajo, Employment, and Social Security, *Memorandum de Entendimiento para la Puesta en Marcha en la República Argentina del Programa de Trabajo Decente*, 2008; available from <http://www.oit.org.ar/documentos/MoU%20y%20PTDP.pdf>.
- ²⁶³ Argentine Ministry of Labor official, E-mail communication to USDOL official, February 3, 2010. See also Ministry of Labor, *Programa Jefes de Hogar*, [online] 2011 [cited June 6, 2011]; available from <http://www.trabajo.gov.ar/jefesdehogar/>. See also U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010.
- ²⁶⁴ Administración Nacional de la Seguridad Social, *Asignación Universal por Hijo: Preguntas Frecuentes*, [online] 2009 [cited July 14, 2011]; available from http://www.anses.gov.ar/AAFF_HIJO2/preguntas_frecuentes.php. See also World Bank, *Argentina/World Bank: Social Protection Programs Expand to Benefit Children*, [March 10, 2011 [cited July 22, 2011]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/ARGENTINAEEXTN/0,,contentMDK:22855005~menuPK:50003484~pagePK:2865066~piPK:2865079~theSitePK:316024,00.html>.
- ²⁶⁵ Government of Argentina, *Al Convenio 59/07 entre el Ministerio de Trabajo, Empleo y Seguridad Social, la Comisión Nacional para la Erradicación del Trabajo Infantil (CONAETI) y Empresas y Entidades Comprometidas con la Prevención y Erradicación del Trabajo Infantil*, 2007; available from http://www.trabajo.gov.ar/downloads/conaeti/convenio_protocolo-adicional02.pdf. See also CONAETI, “Red de Empresas contra el Trabajo Infantil”, 2007; available from <http://www.trabajo.gov.ar/conaeti/institucional/infantil.html>.
- ²⁶⁶ U.S. Embassy- Buenos Aires, *reporting*, March 16, 2011.
- ²⁶⁷ IDB, *Prevention and Eradication of Child Labour in Migrant Families*, [online] 2009 [cited January 29, 2009]; available from <http://www.iadb.org/projects/Project.cfm?project=AR-T1031&Language=English#>, *ibid*, *ibid*, *ibid*.
- ²⁶⁸ IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] 2009 [cited January 29, 2009]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266>.
- ²⁶⁹ ILO-IPEC official, E-mail communication to USDOL official, April 15, 2011.

Armenia

The Government of Armenia has strengthened its legal framework to combat child trafficking by substantially increasing penalties for this crime. However significant gaps remain in the legal, enforcement, and policy frameworks as well as programs to address the worst forms of child labor. For instance, the Armenian State Labor Inspectorate does not conduct child labor inspections. Children continue to engage in the worst forms of child labor, particularly in agriculture and forced begging.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable








Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Armenia are engaged in the worst forms of child labor,²⁷⁰ including agriculture in rural areas and in construction and other hard manual labor in the urban areas.²⁷¹ Children engaged in agricultural work may be exposed to potentially dangerous machinery and tools, carrying heavy loads.²⁷² Rural children also work as shepherds for various livestock, which exposes them to infectious diseases from contact with animals.²⁷³ In cities, children engage in construction, manual labor, portering, and gathering scrap metal, all of which may result in injuries.²⁷⁴

Some children are also exploited in prostitution. There are reports of children being trafficked to the United Arab Emirates for sexual exploitation.²⁷⁵ Reports indicate that there appears to be a reduction in children being engaged in forced begging in Armenia due to increased police monitoring and police awareness.²⁷⁶

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16. However, children between ages 14 and 16 may work for limited hours if they have an employment agreement with written consent from a parent or legal guardian.²⁷⁷ The Labor Code prohibits children younger than age 18 from engaging in heavy lifting or work that is considered harmful.²⁷⁸ A 2005 governmental decree defines a list of work that qualifies as heavy and harmful for children under 18.²⁷⁹ The Criminal Code was amended in March of 2011 and several articles were introduced that show the Government of Armenia has strengthened its legal policy framework to protect children against worst forms of child labor. Articles 262, 132.2 and Article 165 all help to strengthen enforcement against crimes involving minors.²⁸⁰ The Code is stronger and allows for stricter sentencing of crimes against minors and against those involved in the trafficking of minors. The Code prohibits using children in criminal activities such as

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

prostitution and begging, as well as vagrancy and the production or dissemination of child pornography.²⁸¹ Armenia's Constitution prohibits forced labor.²⁸² The Criminal Code also prohibits and outlines penalties for crimes related to forced labor, trafficking in persons (including harboring, transferring and kidnapping), and sexually exploiting minors.²⁸³ If the victim of trafficking is a minor, that fact is considered an aggravating circumstance making the crime punishable by stricter penalties.²⁸⁴ The Armenian Criminal Procedural Code provides for protection of victims and witnesses involved in criminal court proceedings, including in cases involving the trafficking of children.²⁸⁵ However, prosecutors say implementing the provisions of the Criminal Procedural Code is difficult due to the lack of a witness protection mechanism.²⁸⁶

The Criminal Code was amended to exempt trafficking victims from criminal prosecution for crimes of minor and medium severity committed as a direct result of being trafficked.²⁸⁷

The Government of Armenia guarantees free schooling for all children. Education is

compulsory until the age of 16. Primary and secondary education for grades 1 through 12 is free.²⁸⁸ However, access to education is an issue, for children from very poor families. The main barriers to accessing education are tuition fees requested by teachers and the cost of learning materials.²⁸⁹ In part due to these costs, absenteeism and drop-out rates are also double the national average for children from very poor families.²⁹⁰

Institutional Mechanisms for Coordination and Enforcement

An inter-agency National Committee for Child Protection, headed by the Minister of Labor and Social Affairs (MOLSA), was formed to ensure the protection of children's rights.²⁹¹ One of the objectives of the committee is to assist in addressing the social problems of vulnerable children, which should include those susceptible to involvement in the worst forms of child labor.²⁹²

The Armenian State Labor Inspectorate (SLI), a unit of MOLSA, is responsible for enforcing labor laws, including child labor laws.²⁹³ On a regional level, Departments for Protection of Family, Women and Children's Rights within the ten regional governors' offices are charged with providing direction on children's rights issues, including the worst forms of child labor. However, according to UNICEF, these departments are not sufficiently funded, do not collaborate effectively with other agencies, and have insufficient monitoring and data collection processes.²⁹⁴ The SLI employs 140 to 150 labor inspectors to cover the entire country, which is insufficient for making proactive investigations to identify exploitative child labor, according to a SLI official.²⁹⁵ There were no child labor inspections carried out in 2009 or in earlier years.²⁹⁶

The Government of Armenia's Council to Combat Human Trafficking, headed by the Deputy Prime Minister, works at the ministerial level to coordinate government efforts to combat human trafficking, including that of children.²⁹⁷ An inter-agency group, chaired by the head of

the International Organizations Department at the Foreign Ministry, assumes the coordination responsibility to work with other governments. The two organizations meet on a regular basis.²⁹⁸

The Anti-Trafficking-in-Persons (TIP) Unit under the Department to Combat Organized Crime of the National Police, has six police agents (detectives), who perform operational/initial investigations of TIP cases. The Main Investigatory Department of the National Police, has 10 investigators to handle drug trafficking and human trafficking cases including child trafficking. The Prosecutor General's office has a separate department to oversee investigations of crimes against persons, and also this is the only official body that prosecutes TIP cases in Armenia. There are seven prosecutors employed by this department. According to a senior government official, the division had an insufficient amount of resources and inspectors.²⁹⁹ During 2010 the Police investigated 11 cases of trafficking related crimes as defined by the Criminal Code which included three underage victims.³⁰⁰ Cases investigated and prosecuted vary from charges of engagement in prostitution, and facilitating prostitution (Articles 261 and Article 262, respectively) and involvement of a child into antisocial activities (Article 166).³⁰¹ It also includes recruitment, transportation, transfer, harboring for the purpose of exploitation and engagement of persons in prostitution or other forms of sexual exploitation, forced labor or services, or slavery or practices similar to slavery (Articles 261, 132 and 132.1 respectively).³⁰²

The crimes in which the minors were involved included theft, banditry, illegal turnover of drugs, and theft of ammunition. In 2010 the police also investigated and sent to court a trafficking case involving the forced prostitution of a minor girl.³⁰³

The Juvenile Police and the Child Support Center Foundation collaborate to prevent the use of children in illicit activities. There is no formal training of police on the use of children in illicit activities, such as begging.³⁰⁴ The Juvenile Police has 280 investigators who mainly investigate

crimes committed by children, but they also investigate adults who engage children in crime. In 2010 the court sentenced the former deputy director of a special school for children with behavioral problems to nine years imprisonment for forcing students to beg.³⁰⁵

The Child Support Center Foundation maintains a hotline for child protection and investigated two complaints of children coerced into robbery.³⁰⁶

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for the Protection of the Rights of the Child 2004-2015 in Armenia formally included a plan for the prevention of the worst forms of child labor and the trafficking of children for commercial sexual exploitation. It also established the elimination of exploitative child labor and child trafficking as priorities.³⁰⁷

UNICEF has worked with the Government to develop a program for 2010-2015, aimed in part at identifying and responding to child exploitation as well as creating a comprehensive policy framework for protecting vulnerable children.³⁰⁸

There have been no studies to sufficiently assess the worst forms of child labor in Armenia. This would help inform policy as well as help focus antipoverty programs to help combat worst forms of child labor in Armenia.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Armenia has participated in several donor funded anti-poverty initiatives to help the most vulnerable populations. During the reporting period, the World Bank announced that it will support a \$25 million poverty alleviation program to improve agriculture productivity and social safety nets for rural communities in Armenia.

The United Nations Development Assistance Framework (UNDAF) work plan for Armenia for the period between 2010 and 2015 has a strong focus on vocational training and technical

assistance for developing youth centered programs targeted at the most vulnerable youth.³⁰⁹

USAID is focusing on employment and training for youth and parents and preschool services for children in the most vulnerable communities in Armenia.³¹⁰ In 2010, through different assistance

programs, the U.S. Government allocated \$2.4 million to education and social services and \$5.1 million to agriculture development for poor families.³¹¹ The impact these programs may have on the worst forms of child labor does not appear to have been assessed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Armenia:

IN THE AREA OF LAWS:

- Address the barriers to education for very poor families
- Address the plight of children engaged in the urban informal sector in construction and other forms of hard manual labor

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen the coordinating mechanism to combat the worst forms of child labor.
- Increase the funding, facilities, and training to officials who record and investigate child labor violations.
- Provide additional training and resources to police and other law enforcement officials to investigate and prosecute crimes including trafficking and sexual exploitation of children.

IN THE AREA OF POLICIES:

- Initiate studies to sufficiently assess the worst forms of child labor in Armenia.
- Strengthen policies related to the worst forms of child labor in agriculture and in construction in the urban informal sector as well as other forms of hard manual labor.

IN THE AREA OF PROGRAMS:

- Create programs to specifically address the needs of children in the worst forms of child labor, such as children engaged in the agricultural and urban informal sectors

²⁷⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁷¹ U.S. Department of State, “Armenia,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 4, 2011; available from <http://www.state.gov/documents/organization/160447.pdf>.

²⁷² U.S. Department of State, “Armenia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/>

drl/rls/hrrpt/2009/eur/136018.htm. See also UNICEF, *Child Labor in the Republic of Armenia*, Yerevan, 2008, 8; available from www.unicef.org/ceecis/ChildLabourENG_FINAL.pdf. Available from: www.unicef.org/ceecis/ChildLabourENG_FINAL.pdf. See also Haiyan Hua, “School Wastage Study Focusing on Student Absenteeism in Armenia,” *UNICEF* (2008); available from http://www.unicef.org/armenia/School_Wastage_Study.pdf, *ibid.*

²⁷³ UNICEF, *Child Labour in the Republic of Armenia*, 8, 32, 37.

²⁷⁴ *Ibid.*, 8, 32. See also U.S. Department of State, “Country Reports- 2010: Armenia,” Section 7d.

²⁷⁵ Mira Antonyan, *Child Trafficking Phenomenon in Armenia: Study in the Scope of Awareness of Targeted Children and Public*, Armenian Association of Social Workers, February 16, 2010; available from <http://www.stopchildtrafficking.am/files/eng/PIN%20anti%20child%20trafficking%20report%202010.pdf>. See also U.S. Department

of State, “Armenia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136018.htm>.

²⁷⁶ U.S. Embassy - Yerevan, *Reporting*, February 5, 2010, 9.

²⁷⁷ Republic of Armenia, *Labor Code of the Republic of Armenia*, (Adopted November 9, 2004, amended June 2, 2010), Article 15, 17; available from http://www.ilo.org/public/english/dialogue/ifpdial/info/national/armenia.htm#_Toc143935025.

²⁷⁸ *Ibid.*, Article 257.

²⁷⁹ Government of Armenia, *Decree On approving the list of works that are considered as heavy and harmful for persons under 18 years, pregnant women, and women caring for children up to one year*, (December 29, 2005); available from http://www.coe.int/t/dghl/monitoring/socialcharter/reporting/statereports/Armenia3_en.pdf.

²⁸⁰ US Department of State, *Trafficking in Persons Report: Armenia*, June 27, 2011. See also Republic of Armenia, *Criminal Code*, (April 18, 2003), Article 132.2, 165, 262; available from <http://www.legislationline.org/documents/section/criminal-codes>, *ibid.*

²⁸¹ Republic of Armenia, *Criminal Code*, Article 166, 166.1.

²⁸² Republic of Armenia, *Constitution of the Republic of Armenia*, (Adopted July 5, 1995, amended November 25, 2005); available from <http://www.concourt.am/english/constitutions/index.htm>.

²⁸³ Republic of Armenia, *Criminal Code*. See also Human Rights Report, *Country Reports on Human Rights Practices 2009: Armenia*, Washington DC March 11, 2010, section 6; available from www.state.gov/g/drl/rls/hrrpt/2010/.

²⁸⁴ Republic of Armenia, *Criminal Code*.

²⁸⁵ Republic of Armenia, *Criminal Procedural Code of the Republic of Armenia*, (Adopted July 1, 1999); available from <http://legislationline.org/download/action/download/id/1656/file/7b41931f4d887e18084d413f1a27.htm/preview>.

²⁸⁶ U.S. Department of State, *Trafficking in Persons Report: Armenia*, 2011,; available from www.state.gov/g/tip/rls/tiprpt/2011/.

²⁸⁷ Republic of Armenia, *Criminal Code*, articles 132, 132.2. See also U.S. Department of State, *Armenia (Tier 2) Trafficking in Persons Report- 2010*, pursuant to Trafficking in Persons Report- 2010, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

²⁸⁸ Republic of Armenia, *The Law on Education of the Republic of Armenia*, (Adopted April 14, 1999), article 18 (amended July 10, 2009). 2009, article 18; available from http://www.gov.am/u_files/file/kron/G1043744.pdf.

²⁸⁹ UNICEF, *Child Labour in the Republic of Armenia*. See also World Bank, *Social Sectors and Poverty in Armenia From Equity in Access to Equity in Quality* 2006; available from

http://web.worldbank.org/archive/website01022A/WEB/IMAGES/ARMPA_HE.PDF.

²⁹⁰ UNICEF, *Child Labour in the Republic of Armenia*.

²⁹¹ U.S. Embassy- Yerevan, *reporting*, February 5, 2010, 2C I.

²⁹² Government of Armenia, *Decree On creation of the National Committee on Protection of Children*,; available from http://www.coe.int/t/dghl/monitoring/socialcharter/reporting/statereports/Armenia5_en.pdf.

²⁹³ ILO, *Armenia*, [online] 2009 [cited March 31, 2010]; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114933/index.htm. See also Republic of Armenia, *Constitution of the Republic of Armenia*.

²⁹⁴ Josi Salem-Pickarts, *Evaluation of the Child Protection Programme in Armenia*, UNICEF, Yerevan, September 2007, 26; available from www.unicef.org/ceecis/Printing_Josi_Report_ENG.doc.

²⁹⁵ U.S. Embassy- Yerevan, *reporting, February 5, 2010*.

²⁹⁶ *Ibid.*, 2C II.

²⁹⁷ *Ibid.*

²⁹⁸ *Ibid, ibid.*, Section 2 (2) page 5.

²⁹⁹ *Ibid.*, 6.

³⁰⁰ U.S. Department of State, *Trafficking in Persons Report: Armenia*.

³⁰¹ U.S. Embassy Yerevan, *Reporting*, 2011.

³⁰² *Ibid.*

³⁰³ U.S. Embassy - Yerevan, *reporting, February 5, 2010*.

³⁰⁴ U.S. Embassy- Yerevan, *reporting, February 5, 2010*, Yerevan US Embassy, *Reporting*, , 2010.

³⁰⁵ U.S. Embassy Yerevan, *Reporting*.

³⁰⁶ U.S. Embassy- Yerevan, *reporting, February 5, 2010*, 9, *ibid.*

³⁰⁷ UNICEF, “National Plan of Action of the Republic of Armenia for the Protection of the Rights of the Child 2004-2015,” (2005); available from <http://www.unicef.org/armenia/NPAeng.pdf>.

³⁰⁸ UNICEF, *Summary Results Matrix: Government of Armenia - UNICEF Country Programme, 2010-2015*, January 4, 2009; available from http://www.unicef.org/about/execboard/files/Armenia_SRM.For_Submission.01.04.pdf.

³⁰⁹ United Nations Development Programme, *United Nations Development Assistance Framework 2010-2015* 2010; available from <http://www.undg.org/docs/11090/UNDAF-Armenia-2010-2015-ENG.pdf>.

³¹⁰ USAID, *Social Protection*, [2010 [cited March 25, 2011]; available from <http://armenia.usaid.gov/en/node/274>.

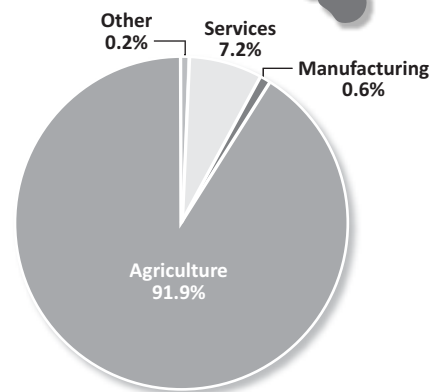
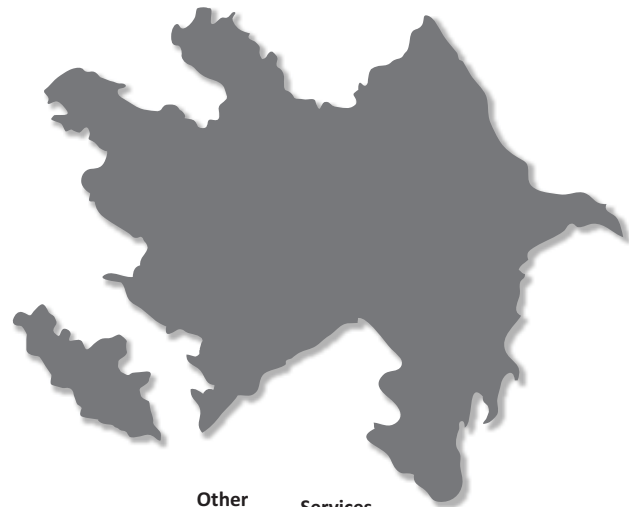
³¹¹ U.S. Government, *Foreign Assistance*, [2011 [cited March 25 2011]; available from <http://foreignassistance.gov/>.

Azerbaijan

The Government of Azerbaijan has improved its legal and policy framework to address child trafficking. Trafficking continues, as does the risk of exploitive child labor in agriculture. The country's Poverty Reduction Strategy and Decent Work Country Program both have cited the need for a national action plan specifically for child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Azerbaijan are engaged in the worst forms of child labor,³¹² including in agriculture and as victims vulnerable to trafficking for forced labor, street work, begging and prostitution.³¹³ Cotton production has drastically declined over the past decade,³¹⁴ and although children can be found in the sector, reports suggest the number of child laborers in cotton has also declined.³¹⁵ Children are reportedly working in the production of tea and tobacco.³¹⁶ Tobacco production has, however, also declined significantly.³¹⁷ Those children still working in agriculture may work long hours, in extreme temperatures and with dangerous tools and pesticides. Children working in these agricultural sectors carry heavy loads and risk injury, illnesses, animal attacks and insect bites.³¹⁸

In urban centers, street children work loading and unloading goods, street vending, washing cars and

begging.³¹⁹ Street children work long hours and are exposed to violence, humiliation and abuse, extreme temperatures and drug use. They are also vulnerable to prostitution and trafficking.³²⁰

Azerbaijan is a source country for children trafficked for forced labor and prostitution internationally. Children are also trafficked internally for prostitution and forced labor, including forced begging.³²¹

A 2005 survey found that approximately 67.6 percent of working children ages 5 to 17 are engaged in hazardous labor.³²² More recent data is unavailable.

Laws and Regulations on the Worst Forms of Child Labor

Article 249 of the Labor Code prohibits the employment of children under age 15; at this age, a

child may enter into an employment contract with parental approval.³²³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

The Labor Code prohibits children under 18 from working in hazardous conditions and identifies specific work and industries barred for children. These include working with toxic substances, underground, at night, in mines, in night clubs, bars, casinos or other businesses that serve alcohol.³²⁴ Article 91 of the Labor Code prohibits children under age 16 from working more than 24 hours per week. Children ages 16 and 17 may not work more than 36 hours per week.³²⁵

The Family Code also prohibits children’s work, making it illegal to enter into an employment contract with children under age 15.³²⁶ It also provides additional workplace health and safety regulations for children.³²⁷

The Law of the Republic of Azerbaijan on the Rights of the Child (Article 28) ensures the social protection of children from all kinds of child exploitation and hazardous labor. It states that all the various social, legal, economic, medical and educational means available should be used for this purpose.³²⁸

Article 35 of the Constitution prohibits forced labor but provides for exceptions during terms of armed service, states of emergency and martial law.³²⁹ Article 106 of the Criminal Code prohibits slavery and provides stricter minimum penalties for cases involving child slavery and human trafficking.³³⁰

Article 171 of the Criminal Code establishes penalties for involving a child in prostitution. Articles 243 and 244, respectively, prohibit the coercion of a person into prostitution and the maintenance of a brothel.³³¹

Azerbaijan has a law specifically prohibiting trafficking in persons, which establishes prevention and protection mechanisms, including special measures for children under age 18.³³² In addition, Article 173 of the Criminal Code establishes penalties for the sale or purchase of a child.³³³

By law, education is compulsory, free and universal until age 17. However, families with limited resources sometimes prioritize education for male children and keep girls home working in household chores.³³⁴

The age of conscription to the military is 18. However, children who are 17 may volunteer for active military service or enter a cadet military school with parental approval.³³⁵

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Protection, Ministry of Internal Affairs, and the State Committee on Families, Children and Women’s Issues work separately in their individual areas of expertise, namely, enforcing workplace standards, prosecuting illicit activities and trafficking and protecting children’s rights.³³⁶ Research found no evidence of a mechanism for coordinating efforts to combat the worst forms of child labor.

The State Labor Inspectorate within the Ministry of Labor and Social Protection is responsible

for enforcing the country's child labor laws.³³⁷ The Ministry reports employing 230 labor inspectors.³³⁸ In 2009 inspectors found 62 cases of violations involving the employment of children between ages 15 and 18 but no instances of children employed under age 15. In 2010, the Ministry improved labor inspection quality by providing multiple training and consultation opportunities to its staff with international organizations like the World Bank.³³⁹

The 2005 Law on Trafficking in Persons establishes responsibility for the coordination of trafficking efforts. This is handled by the National Coordinator in the Ministry of Internal Affairs within the auspices of the National Action Plan to Combat Trafficking.³⁴⁰

The Ministry of Internal Affairs is responsible for enforcing trafficking laws and investigating trafficking violations.³⁴¹ According to the Ministry of Internal Affairs, 80 trafficking investigations and four investigations of child trafficking were conducted in 2009.³⁴² The Government prosecuted 76 trafficking cases during 2009 and convicted 62 trafficking offenders as of February 2010.³⁴³ No information is available on how many of these cases or convictions involved the trafficking of children.

Government Policies on the Worst Forms of Child Labor

The National Action Plan for Combating Human Trafficking aims to improve the coordination of activities, the effectiveness of the prosecution and the protection and rehabilitation of victims.³⁴⁴ In addition, the Government has established a National Action Plan on the Protection of Human Rights. The plan addresses commitments made by the Government as a signatory to the UN Convention on the Rights of the Child and includes efforts to combat trafficking.³⁴⁵

The United Nations Development Assistance Framework (UNDAF) (2011-2015) includes efforts to improve identification, referral and legal support services for victims of trafficking as well as building capacity judiciary and law enforcement personnel. However, unlike the previous UNDAF, it does not address other worst forms of child labor.³⁴⁶

The Poverty Reduction Strategy (PRS), adopted in September 2008, includes child labor efforts to improve social protection for the most vulnerable populations. While programs may not have been implemented yet, the strategy calls for researching, preparing and implementing a national action plan on child labor.³⁴⁷ The strategy also calls for developing a national action plan on abandoned and street children.³⁴⁸ In addition, the PRS includes a plan to improve efforts to make schools better and more accessible.³⁴⁹ However, the question of what impact these efforts have on reducing the worst forms of child labor has not been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Following the National Action Plan on Combating Human Trafficking, government authorities have undertaken a number of programs, sometimes in cooperation with international organizations. These programs investigate, prosecute and prevent trafficking. They include public awareness campaigns in 58 cities and regions throughout the country.³⁵⁰ They also make provisions for protection and rehabilitation of trafficking victims, including providing shelters.³⁵¹ Programs to prevent the worst forms of child labor primarily address human trafficking. Research has found limited evidence of government funding programs to address child labor in agriculture or other sectors. However, the Government supports and finances a campaign to increase public awareness of child labor issues via the National Confederation of Entrepreneurs.³⁵²

Finally, the Government has implemented social protection and education programs, including a cash transfer program for very poor households. As of early 2008, the program had reached more

than 80,000 families.³⁵³ The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Azerbaijan:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish coordination and monitoring mechanisms to combat the worst forms of child labor.
- Increase inspections to identify child labor violations in sectors in which children commonly work.
- Report data on child-specific trafficking cases.

IN THE AREA OF GOVERNMENT POLICIES:

- Assess the impact that policies, such as the Poverty Reduction Strategy and the Decent Work Country Program, may have on addressing the worst forms of child labor.
- Implement the recommendations of the Poverty Reduction Strategy to conduct research and develop and implement a national plan of action to combat child labor.
- Address UNDAF recommendations concerning coordination and monitoring of street children, child labor and trafficking.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Consider targeting programs specifically to children in the worst forms of child labor and their families.
- Assess the impact that social protection and education programs may have on addressing the worst forms of child labor.

³¹² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children are from 2005. Data on recent trends in school attendance are unavailable. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

³¹³ ILO-IPEC and State Statistical Committee of Azerbaijan, *Working children in Azerbaijan: The analysis of child labour and laboring children surveys 2005*, September 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8152>. See also UNICEF, *UNICEF Azerbaijan overview: Key challenges for children*, [online] [cited August

25, 2011]; available from http://www.unicef.org/azerbaijan/overview_2206.html. See also U.S. Embassy- Baku, *reporting, January 27, 2011*.

³¹⁴ State Statistical Committee of the Republic of Azerbaijan, *Crop Production*, 1.20, 2011; available from <http://azstat.org/statinfo/agriculture/en/1.20.xls>.

³¹⁵ U.S. Embassy- Baku, *reporting, July 28, 2011*. See also U.S. Embassy- Baku official, E-mail communication to USDOL official, November 15, 2010.

³¹⁶ National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic, *Report on Fact Finding Mission to the Tea and Tobacco Producing Regions of Azerbaijan Republic, 2007*; available from https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_tea_en.pdf. See also National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic and ILO, *Study on child labor on cotton plantations in 8 regions of Azerbaijan, 2005*; available from https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_cotton_en.pdf. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.

³¹⁷ Azerbaijan, *Crop Production*.

- ³¹⁸ National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic, *Report on Fact Finding Mission to the Tea and Tobacco Producing Regions*. See also National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic and ILO, *Study on child labor on cotton plantations*. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ³¹⁹ UNICEF, *UNICEF Azerbaijan overview*. See also UNICEF, *The Child Protection System in Azerbaijan: Situation Analysis*, 2005; available from http://ceecis.org/child_protection/PDF/Azesyst05.pdf.
- ³²⁰ UNICEF, *UNICEF Azerbaijan overview*. See also UNICEF, *The Child Protection System in Azerbaijan*.
- ³²¹ U.S. Department of State, "Azerbaijan," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.
- ³²² ILO-IPEC and State Statistical Committee of Azerbaijan, *Working children in Azerbaijan*.
- ³²³ Embassy of the Republic of Azerbaijan, *Information of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan*, submitted in response to U.S. Department of Labor request for information on "Child labor, forced labor, and forced or indentured child labor in the production of goods in foreign countries and efforts by certain countries to eliminate the worst forms of child labor", Washington, DC, April 21, 2009; available from <http://www.dol.gov/ilab/programs/ocft/FR20100224/Azerbaijan/Azerbaijan.pdf>.
- ³²⁴ Ibid.
- ³²⁵ Ibid.
- ³²⁶ Radio Free Europe, "Azerbaijani Lawmakers Tighten Child Labor Law", Radio Free Europe, [online], December 6, 2009 [cited April 26, 2011]; available from http://www.rferl.org/content/Azerbaijani_Parliament_Passes_Child_Labor_Law/1896514.html. See also U.S. Embassy- Baku, *reporting, January 27, 2011*.
- ³²⁷ U.S. Embassy- Baku, *reporting, January 27, 2011*.
- ³²⁸ Government of Azerbaijan, *Response to the Relevant Questions of U.S. Department of Labor Request for Information*, June 15, 2011.
- ³²⁹ Government of Azerbaijan, *Constitution of the Azerbaijan Republic*, (November 12, 1995); available from http://www.servat.unibe.ch/icl/aj00000_.html.
- ³³⁰ Government of Azerbaijan, *Criminal Code of the Azerbaijan Republic*, (September 1, 2000); available from <http://www.unhcr.org/refworld/docid/4417f82d4.html>.
- ³³¹ Ibid. See also Government of Azerbaijan, *Response to the Relevant Questions of U.S. Department of Labor Request for Information*.
- ³³² Government of Azerbaijan, *Law of the Republic of Azerbaijan on Trafficking in Persons*, (August 5, 2005); available from <http://www.unhcr.org/refworld/docid/4417f1214.html>.
- ³³³ Government of Azerbaijan, *Criminal Code*.
- ³³⁴ U.S. Department of State, "Azerbaijan," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.
- ³³⁵ Government of Azerbaijan, *Criminal Code*.
- ³³⁶ U.S. Embassy- Baku, *reporting, January 27, 2011*.
- ³³⁷ Embassy of the Republic of Azerbaijan, *Information of the Ministry of Labor and Social Protection of Population*.
- ³³⁸ U.S. Embassy- Baku, *reporting, January 27, 2011*.
- ³³⁹ U.S. Embassy- Baku, *reporting, July 28, 2011*.
- ³⁴⁰ Government of Azerbaijan, *Law on Trafficking in Persons*.
- ³⁴¹ Ibid.
- ³⁴² U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ³⁴³ U.S. Department of State, "Trafficking in Persons Report- 2010: Azerbaijan."
- ³⁴⁴ United Nations Committee Against Torture, *Consideration of reports submitted by the States parties under article 19 of the Convention*, 43rd Session, Geneva, 2010; available from http://www.bayefsky.com/summary/azerbaijan_cat_c_sr909_2009.pdf.
- ³⁴⁵ Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *The role of the ombudsman in combating trafficking in human beings (pursuant to the 2009 Human Dimension Implementation Meeting)*, Warsaw, September 28 to October 9, 2009; available from <http://www.osce.org/odih/39068>.
- ³⁴⁶ UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2011-2015*, Baku, December 16, 2009; available from http://planipolis.iiep.unesco.org/upload/Azerbaijan_UNDAF_2011-2015.pdf. See also UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2005-2009*, UNDAF, May 2004; available from <http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan%20UNDAF%202005-2009.pdf>.
- ³⁴⁷ Government of Azerbaijan, *State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015*, Baku, September 15, 2008; available from <http://www.cled.az/pdf/others/Azerbaijan%20Poverty%20Program%20for%202008-2015.pdf>.
- ³⁴⁸ Ibid.
- ³⁴⁹ Ibid.

³⁵⁰ U.S. Department of State, “Trafficking in Persons Report-2010: Azerbaijan.”

³⁵¹ Rashad Huseynov, “Sheltering victims: Azerbaijan searches for solutions,” *OSCE Magazine*, no. 4 (December 2008); available from <http://www.osce.org/files/documents/c/0/35067.pdf>. See also Sonya Yee, “Eva Biaudet: Rights of victims are paramount in fight against human trafficking (Interview with the special representative and co-ordinator for combating trafficking in human beings),” *OSCE Magazine*, no. 4 (December 2008); available from <http://www.osce.org/files/documents/c/0/35067.pdf>.

³⁵² U.S. Embassy- Baku, *reporting*, July 28, 2011.

³⁵³ World Bank, *Project Information Document Appraisal Stage: Social Protection Development*, Washington, DC, April 29, 2008; available from http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&siteName=WDS&entityID=000333037_20080508035604.

Bahrain

Although the problem does not appear widespread, some children in Bahrain are engaged in the worst forms of child labor. The Government supports a number of shelters to assist children who have been exploited in trafficking, commercial sexual exploitation or street begging. Gaps in the legal framework regarding hazardous work and domestic service remain, and there is no evidence of programs to reach out to child domestic servants.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although there is no evidence to suggest that the problem is widespread, some children in Bahrain are engaged in the worst forms of child labor.³⁵⁴

Children are trafficked to Bahrain for work as domestic servants.³⁵⁵ Child domestic labor may involve long hours of work and may expose children to mental and physical abuse from their employers. Children are also trafficked for commercial sexual exploitation.³⁵⁶ There have been reports that children are sometimes involved in begging on the streets,³⁵⁷ which commonly involves hazards such as severe weather, accidents caused by proximity to automobiles and vulnerability to criminal elements.

Children in Bahrain work in family-run businesses, although there is no evidence to determine if such work constitutes the worst forms of child labor.³⁵⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for work at 14 and the minimum age for hazardous work at 16.³⁵⁹ Children ages 14 to 16 must obtain authorization to work from the Ministry of Labor (MOL) and must complete a medical examination prior to employment.³⁶⁰ The Government has stated that, in practice, work permits are only issued for persons younger than age 15 in cases of apprenticeships and work during summer holidays.³⁶¹

The requirements to obtain medical examination and authorization from MOL prior to work are waived for minors ages 14 to 16 working in enterprises that only employ family members.³⁶² The Government reports that work by children on family farms is almost nonexistent.³⁶³ The lack of preauthorization requirements for children working with their families may expose children working in other types of family businesses to hazardous situations.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	15
	Free Public Education	Yes

Ministerial Order No. 6 outlines a list of 25 types of hazardous work that minors younger than age 16 are prohibited from performing.³⁶⁴ The Government continues to consider changes to the Labor Law to increase the minimum age for hazardous work to 18. However, the current minimum age for hazardous work is below the age recommended in international standards.³⁶⁵

The Labor Law explicitly exempts domestic and agricultural workers from all provisions in the law.³⁶⁶ Ministerial Order No. 21 of 1994 stipulates that the conditions of employment for non-Bahraini workers must be in writing and conform to the specifications of a model contract. The order includes a model contract specifically designed for domestic servants, some of whom are non-Bahraini children.³⁶⁷ However, the Labor Law, Ministerial Order No. 23 of 1976, explicitly exempts domestic servants and agricultural workers from all provisions in the law, and the ILO Committee of Experts has noted that this exemption may leave such workers unprotected.³⁶⁸ It is unclear whether Ministerial Order No. 21 of

1994 carries the full force of the law for domestic servants.

The Vagrancy Act of 2007 prohibits adults from inciting children to beg.³⁶⁹

The Constitution prohibits forced labor.³⁷⁰ The minimum age for military service is 18.³⁷¹ The 2008 Law to Combat Trafficking in Persons prohibits all forms of trafficking, including trafficking of children, for the purposes of prostitution or any other forms of commercial sexual exploitation, forced labor or slavery.³⁷² The Penal Code prohibits inciting a child to engage in “immorality,” which has been interpreted to cover pornography. It also prohibits prostitution as well as operating a brothel or using the services of a child prostitute.³⁷³ The code further states that any person who relies on prostitution or immorality for his or her livelihood will be punished with imprisonment. While penalizing adults who profit from child prostitution and pornography, this prohibition, in theory, may enable prosecution of children for involvement in such activities.³⁷⁴

The Constitution mandates free and compulsory basic education.³⁷⁵ Education is free up to age 12 and compulsory to age 15.³⁷⁶ The Government may impose fines in cases of truancy.³⁷⁷ Since education is not free for children between ages 12 and 15, children in some families may be pushed into the worst forms of child labor.

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Bahrain has established a National Committee on Childhood under the authority of the Ministry of Social Development, research found no evidence of a government agency or other body tasked with coordinating government efforts to combat child labor.³⁷⁸ However, the Government has established agencies to address trafficking. The Ministry of Foreign Affairs heads a committee to coordinate trafficking policies.³⁷⁹

MOL and the Labor Market Regulatory Authority have responsibilities for enforcing child labor laws. These agencies have systems in place for sharing information on child labor cases, including referring cases to the judiciary when warranted.³⁸⁰ MOL inspectors enforce child labor laws.³⁸¹ Some inspectors from the Labor Market Regulatory Authority also perform inspections, particularly concerning foreigners' work permits and working situations.³⁸² There are 43 MOL labor inspectors who investigate violations of the labor laws, including child labor.³⁸³ Labor inspectors have been trained on international child labor standards by ILO.³⁸⁴

The Ministry of the Interior is the lead agency responsible for enforcing criminal laws against the worst forms of child labor, such as those against trafficking and commercial sexual exploitation of children. The ministry coordinates actions with the Ministry of Social Development and the Public Prosecutor, as needed.³⁸⁵ These agencies have processes in place for sharing information on such cases.³⁸⁶ During the reporting period, there were at least two cases in which child victims of trafficking were sent to shelters and criminal investigations were initiated.³⁸⁷ The Ministry of the Interior's Criminal Investigation Directorate oversees a 10-person unit that investigates potential cases of trafficking and commercial sexual exploitation.³⁸⁸ During the reporting period, two cases of trafficking of minors were prosecuted, resulting in convictions for several traffickers.³⁸⁹

Government Policies on the Worst Forms of Child Labor

The Government has stated that the worst forms of child labor are not a significant problem in the country and, therefore, it has not allocated resources to develop a national action plan to combat child labor.³⁹⁰ There is no evidence that the government has participated in specific research to determine to what extent children are engaged in

the worst forms of child labor. Furthermore, while there is currently no evidence of a widespread problem, there have been reports of children engaged in the worst forms of child labor in domestic service, commercial sexual exploitation and begging, and there is no policy or plan to address these issues.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government funds an NGO-run shelter, Dar Al Aman, which provides services for victims of trafficking, labor exploitation and commercial sexual exploitation, including children.³⁹¹ The shelter provides legal, medical and psychological services.³⁹² The Government also supports the Bahrain Child Protection Center, which provides treatment and counseling to victims of sexual exploitation.³⁹³ Under the Vagrancy Act, the Ministry of Social Development established the Social Welfare Dignity Home, which provides services to homeless persons and beggars, including children.³⁹⁴

The Government participates in two USDOS-funded programs to combat trafficking.³⁹⁵ One aims to raise awareness of the problem and build the capacity of government and other officials.³⁹⁶ The second is a regional project that seeks to encourage cooperation between relevant actors, such as trade unions and government officials, to combat trafficking from India and Sri Lanka to Bahrain and Qatar.³⁹⁷

The Ministry of Social Development also supports a mobile library for children.³⁹⁸ The impact of such a program on the worst forms of child labor does not appear to have been assessed. Furthermore, despite the programs described here, research found no evidence of outreach programs specifically aimed at protecting the rights of children involved in domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bahrain:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact revisions to the Labor Law to increase the minimum age for hazardous work to 18 and ensure that these provisions apply to children in family businesses.
- Adopt legislation to provide protections for children engaged in domestic service.
- Amend the Penal Code to ensure that children exploited in prostitution and pornography are not treated as criminals.
- Adopt legislation to provide free basic education to children up to age 15.

IN THE AREA OF POLICY:

- Conduct research to determine the scope of children's involvement in the worst forms of child labor in Bahrain.
- Develop a national plan of action to address the worst forms of child labor in domestic service, commercial sexual exploitation and begging.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact that the mobile library program has on the worst forms of child labor in Bahrain.
- Develop outreach programs to protect the rights of children involved in domestic service.

³⁵⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³⁵⁵ Sigma Huda, *Expert on Trafficking in Persons Ends Visit to Bahrain*, Press release, November 1, 2006; available from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=3009&LangID=E>.

³⁵⁶ U.S. Department of State, “Bahrain,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160073.pdf>. See also Habib Toumi, “Bahrain, Thailand bust international trafficking rings,” [online], June 19, 2010 [cited February 21, 2011]; available from <http://gulfnnews.com/news/gulf/bahrain/bahrain-thailand-bust-international-trafficking-rings-1.643192>. See also Rasha Al Qahtani, “Police break up girl trafficking ring,” *Gulf Daily News*, [online], July 29, 2010 [cited February 19, 2011]; available from <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=283318>. See also Geoffrey Bew, “Trafficking Horror Revealed,” *Gulf Daily News*, [online],

January 28, 2006 [cited February 19, 2011].

³⁵⁷ UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention: Second and third periodic reports of States parties due in 1999: Bahrain*, prepared by Government of Bahrain, pursuant to Article 44 of the Convention on the Rights of the Child, March 25, 2010, para 352.

³⁵⁸ U.S. Department of State, “Country Reports- 2010: Bahrain,” section 7d.

³⁵⁹ Government of Bahrain, *Labour Law for the Private Sector, as amended*, No. 23, (June 16, 1976), articles 50-51; available from <http://www.mol.gov.bh/MOL/En/Legislations/ListArticles.aspx?ChnlNm=Chapter%20One&ChnlDspl=The+Labour+Law+for+the+Private+Sector&ChnlPrnt=Labour+Law&ChnlPDspl=Labour+Law>. See also ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Bahrain (ratification: 2001)* 2009 2008; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23480&chapter=9&query=%28C182%29+%40ref+%2B+%28Bahrain%29+%40ref&highlight=&querytype=bool&context=0>.

³⁶⁰ Government of Bahrain, *Labour Law for the Private Sector*, articles 51, 58.

³⁶¹ UN Committee on the Rights of the Child, *Second and third periodic reports of States Parties: Bahrain*, 501.

- ³⁶² Government of Bahrain, *Labour Law for the Private Sector*, article 58.
- ³⁶³ UN Committee on the Rights of the Child, *Second and third periodic reports of States Parties: Bahrain*.
- ³⁶⁴ ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Bahrain (ratification: 2001)*
- ³⁶⁵ Ibid.
- ³⁶⁶ Government of Bahrain, *Labour Law for the Private Sector*, article 2.
- ³⁶⁷ ILO NATLEX National Labor Law Database, *Order No. 21 of 1994 of the Ministry of Labour and Social Affairs, to specify the conditions and procedures to be observed in contracts concluded by employers with intermediaries for the procurement of non-Bahraini labour from abroad*, June 2, 2011; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=40272.
- ³⁶⁸ Government of Bahrain, *Labour Law for the Private Sector*, article 2. See also U.S. Embassy- Manama, *reporting, March 3, 2010*. See also ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Bahrain (ratification: 2001)*
- ³⁶⁹ UN Committee on the Rights of the Child, *Second and third periodic reports of States Parties: Bahrain*, 502-503.
- ³⁷⁰ Government of Bahrain, *Constitution*, (2002), article 13; available from http://www.servat.unibe.ch/icl/ba00000_.html.
- ³⁷¹ U.S. Embassy- Manama, *reporting, February 1, 2010*.
- ³⁷² U.S. Department of State, “Bahrain,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also Government of Bahrain, *Fighting and Combating Trafficking in persons*.
- ³⁷³ Government of Bahrain, *Penal Code and its Amendments*, articles 324-329; available from <http://www.moj.gov.bh/en/default.asp?action=article&id=939>. See also U.S. Embassy- Manama, e-mail communication, March 30, 2011.
- ³⁷⁴ Government of Bahrain, *Penal Code*, articles 324-326. See also U.S. Embassy- Manama, e-mail communication, March 30, 2011.
- ³⁷⁵ Government of Bahrain, *Constitution*. See also U.S. Embassy- Manama, *reporting, February 14, 2011*.
- ³⁷⁶ U.S. Department of State, “Country Reports- 2010: Bahrain,” section 6. See also UN Committee on the Rights of the Child, *Second and third periodic reports of States Parties: Bahrain*, 358.
- ³⁷⁷ International Bureau for Children’s Rights, *Making Children’s Rights Work: Country Profile on Bahrain*, approximately 2006, 6.
- ³⁷⁸ UN Committee on the Rights of the Child, *Second and third periodic reports of States Parties: Bahrain*, para 1.
- ³⁷⁹ U.S. Embassy- Manama, *reporting, March 3, 2010*.
- ³⁸⁰ U.S. Embassy- Manama, *reporting, February 14, 2011*.
- ³⁸¹ U.S. Department of State, “Country Reports- 2010: Bahrain,” section 7d.
- ³⁸² U.S. Embassy- Manama, *reporting, February 1, 2010*. See also U.S. Embassy- Manama, e-mail communication, March 30, 2011.
- ³⁸³ U.S. Department of State, “Country Reports- 2010: Bahrain,” section 7d. See also U.S. Embassy- Manama, *reporting, February 1, 2010*.
- ³⁸⁴ U.S. Embassy- Manama, *reporting, February 14, 2011*.
- ³⁸⁵ U.S. Embassy- Manama, e-mail communication, March 30, 2011.
- ³⁸⁶ U.S. Embassy- Manama, *reporting, February 14, 2011*.
- ³⁸⁷ Ibid.
- ³⁸⁸ Ibid.
- ³⁸⁹ Ibid.
- ³⁹⁰ ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Bahrain (ratification: 2001)*
- ³⁹¹ U.S. Embassy- Manama, *reporting, March 3, 2010*. See also U.S. Embassy- Manama, e-mail communication, March 30, 2011, para 6.
- ³⁹² U.S. Embassy- Manama, *reporting, March 3, 2010*.
- ³⁹³ UN Committee on the Rights of the Child, *Second and third periodic reports of States Parties: Bahrain*, 508.
- ³⁹⁴ Ibid., 503.
- ³⁹⁵ U.S. Department of State, “Trafficking in Persons Projects by Region and Country,” 2010; available from <http://www.state.gov/g/tip/rls/other/2010/143270.htm>.
- ³⁹⁶ IOM, *Bahrain*, [online] January 2010 [cited February 22, 2011]; available from <http://www.iom.int/jahia/Jahia/bahrain>.
- ³⁹⁷ U.S. Department of State, “Trafficking in Persons Projects by Region and Country.”
- ³⁹⁸ U.S. Embassy- Manama, e-mail communication, March 30, 2011.

Bangladesh

The Government of Bangladesh approved its National Child Labor Eradication Policy which aims to develop and harmonize programs and policies to combat the worst forms of child labor. However, gaps remain in child labor legislation and enforcement. Children continue to perform dangerous work in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.6
Attending School	5-14 yrs.	76.9
Combining Work and School	7-14 yrs.	10.1



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bangladesh are engaged in the worst forms of child labor,³⁹⁹ primarily in agriculture, domestic service and manufacturing.⁴⁰⁰ Children working in agriculture perform a variety of tasks and may be exposed to risks such as dangerous machinery and tools, harmful pesticides and heavy loads. Among other things, children are found harvesting jute and may also be found cultivating rice in rural areas.⁴⁰¹

According to a survey by the ILO in 2006, more than 421,000 children, mostly girls, work as domestic servants in private households in Bangladesh.⁴⁰² Some child domestics work in exploitative conditions⁴⁰³ and are vulnerable to abuse, including sexual abuse.⁴⁰⁴

According to the Bangladesh Bureau of Statistics, children engage in dangerous work that includes welding, carpentry, rickshaw pulling and automobile repair.⁴⁰⁵ Children work drying fish and milling spices which exposes them to harmful chemicals, dangerous machines that can cut off

their fingers and long hours of work in the hot sun.⁴⁰⁶

Children are also involved in the production of salt, soap, matches, bricks, cigarettes, footwear, steel furniture, glass, leather, poultry, ornaments, metals and textiles.⁴⁰⁷ While producing these goods, they face dangers that may include working with hazardous chemicals and sharp objects in cramped conditions with low lighting for long hours. Children collect and process shrimp, which has led to urinary tract infections, back injuries, repetitive strain, muscle inflammation, fungal infections and diarrhea.⁴⁰⁸ Children also work dismantling large ships into smaller pieces.⁴⁰⁹ Children lack the physical strength necessary for ship breaking and risk exposure to hazardous chemicals.⁴¹⁰ Children reportedly also work in the worst forms of child labor in the production of jewelry, plastic and rubber.⁴¹¹




Children are also found working on the streets, garbage picking, vending, begging and portering.⁴¹² They may face multiple dangers including severe weather, vehicle accidents and criminal elements. Children working in hotels and

restaurants face long working hours and potential abuse.⁴¹³

Bangladeshi children are exploited in the commercial sex industry; some are trafficked internally and to India for sexual exploitation.⁴¹⁴ Boys and girls, often those living on the streets, are exploited in illicit activities, including smuggling and trading arms and drugs.⁴¹⁵

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work at 14 and the minimum age for hazardous work at 18.⁴¹⁶ The Labor Code allows certain exceptions, permitting children age 12 to 13 to perform light work, but it restricts the kinds of

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	10
	Free Public Education	Yes

work they can do. It also limits the hours children ages 14 to 18 can work.⁴¹⁷ However, the Labor Code excludes large swaths of the economy in which children work including agriculture and home-based work. Additionally, the law does not define occupations or sectors that are hazardous in nature.⁴¹⁸

Labor Code prohibits parents or guardians from pledging their children’s work in exchange for a payment or benefit and the Penal Code prohibits compulsory labor and the.⁴¹⁹ Those who violate the law are subject to penalties which include imprisonment.⁴²⁰

The Women and Children’s Repression Prevention Act of 2000 (Amended 2003) criminalizes the trafficking of children and establishes strict penalties and fines for violators.⁴²¹ The Penal Code of 1860 criminalizes the prostitution of girls under age 18, in contrast to the Children’s Act of 1974, which only criminalizes the prostitution of girls under age 16.⁴²² The conflicting age thresholds may leave girls ages 16 to 17 vulnerable to exploitation and may cause problems for effective enforcement and prosecution. In addition, both laws fail to protect boys from child prostitution.

While the law establishes that education is free and compulsory in Bangladesh, children are not required to attend school after they reach age 10. Although education is, free, in practice, the costs of teacher fees, books and uniforms are prohibitive for many families; therefore, children are not sent to school.⁴²³ Additionally, the low minimum age for compulsory education makes children particularly vulnerable to the worst forms of child labor as children are not required to be in school after age 10 but are not legally permitted to work either.

Institutional Mechanisms for Coordination and Enforcement

The Government of Bangladesh has established a Child Labor Unit in the Ministry of Labor and Employment (MOLE) to monitor, coordinate and supervise child labor programs.⁴²⁴

An interministerial anti-trafficking committee oversees national efforts to combat human trafficking. This committee, chaired by the Ministry of Home Affairs (MOHA), monitors trafficking issues.⁴²⁵

The Office of the Chief Inspectorate of the Department of Factories and Establishments

under MOLE is responsible for enforcing labor laws, including child labor provisions.⁴²⁶ The ministry has approximately 50 inspectors.⁴²⁷ The inspectors work from 31 offices across the country and each one conducts from five to one hundred monthly inspections.⁴²⁸ Government officials reported that inspections did not discover any child labor violations during the reporting period.⁴²⁹ Due to its limitations, the Government of Bangladesh indicated that the inspection system is not able to work effectively to prevent child labor.⁴³⁰

In 2010, the city of Dhaka established 42 community-based workplace surveillance groups (CWSGs) which monitor workplaces in four zones to ensure hazardous child labor does not exist in these communities.⁴³¹ The CWSGs are comprised of community volunteers and are responsible for reporting any child labor violations in the formal and informal sectors to the appropriate government authority. This type of monitoring system exists only in the city of Dhaka, which limits the coverage of child labor violations.⁴³²

MOHA is the lead agency designated to enforce the country's forced labor and anti-trafficking laws.⁴³³ MOHA maintains an anti-trafficking police unit in each of Bangladesh's 64 districts and provides trafficking training to police officers and other public officials.⁴³⁴ MOHA also maintains a special anti trafficking of human beings unit comprised of 12 police officers charged with investigating all forms of trafficking.⁴³⁵ During the reporting period, MOHA rescued 41 child victims from trafficking situations.⁴³⁶

Government Policies on the Worst Forms of Child Labor

In March 2010, the Government of Bangladesh established a policy framework for the elimination of the worst forms of child labor through approval of the National Child Labor Eradication Policy 2010.⁴³⁷ The policy serves as a guiding instrument for the formulation of future laws and policies regarding child labor. The policy also calls for the formation of a National Child Labor Welfare

Council to monitor the child labor situation at a national level in conjunction with the Child Labor Unit, the entity responsible for monitoring child labor elimination programs.⁴³⁸

The Third National Plan of Action for Children (2005-2010) commits the Government to carry out a variety of tasks to eliminate the worst forms of child labor, with a particular focus on child domestic workers, migrants, refugees and other vulnerable groups. The commitments include introducing regulations, ensuring working children's access to education and strengthening the labor inspectorate.⁴³⁹ The Government's Poverty Reduction Strategy Paper (PRSP) includes a strategic goal to protect child laborers and eliminate the worst forms of child labor. The three-year 2009 PRSP seeks to accomplish this through raising awareness of child labor, drafting minimum wage and other protective standards, creating a child-friendly code of conduct for employers and improving educational opportunities for working children.⁴⁴⁰ The trafficking in persons is mentioned as an ancillary item in a number of government policies including the PRSP and the Third National Plan of Action for Children.⁴⁴¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

UNICEF continued to collaborate closely with the Government to implement the second phase of a project to set up education centers that provide nonformal education and livelihood skills to more than 350,000 working children and adolescents.⁴⁴² The Government is also supporting the third phase of a project that targets 30,000 child laborers from withdrawal from hazardous job through non-formal education and skills development programs.⁴⁴³

The Government is also participating in a \$10 million Netherlands-funded project that aims to prevent and eliminate the worst forms of child labor in the informal economy in Dhaka and a European Commission-funded project that

includes the provision of market-based skills training for child laborers.⁴⁴⁴ The Government lacks special social programs for working children in rural areas, specifically in agriculture. Additionally, the Government participates in USDOL-funded ILO-IPEC project to conduct a national child labor survey.⁴⁴⁵

To combat child trafficking, the Government is participating in a USAID-funded project that builds the capacity of the police to identify and prosecute traffickers, expand public awareness on trafficking and provide services to trafficking victims.⁴⁴⁶ Additionally, the Government supports

nine shelters for women and children who have experienced violence, including trafficking, and is participating in a Danish International Development Agency-funded child helpline service.⁴⁴⁷

The Government supports approximately 30 social safety net programs that serve the poor.⁴⁴⁸ In 2010, the Government initiated the Employment Generation Program for the Poorest which provides short-term employment for the rural poor.⁴⁴⁹ The question of whether this program, or other social safety net programs, has an impact on child labor does not appear to have been studied.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bangladesh:

IN THE AREAS OF LAWS AND REGULATIONS:

- Develop and approve a list of hazardous work prohibited for children.
- Raise the compulsory education age to 14, the established minimum age for work.
- Amend the law to protect children working in family enterprises and home-based work.
- Amend and harmonize the Penal Code and the Children's Act to include protections against prostitution for all children (including boys) under age 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Examine changes that need to be made to labor inspection procedures to better enforce child labor laws and protect against exploitative child labor.
- Expand the CWSGs to cover locations outside of Dhaka.

IN THE AREA OF SOCIAL PROGRAMS:

- Commit funding and expand the scope of social programs to adequately assist the large number of children engaged in or at risk of the worst forms of child labor in rural areas.
- Assess the impact that existing social safety net programs may have on addressing child labor.

³⁹⁹ The statistics in the chart to the left are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and children combining school and work are from 2006. Data on school attendance is from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this section, which may or may not include the worst forms of child labor. For more information on

sources used, the definition of working children, and other indicators used in this report, please see the "Data Sources and Definitions" section.

⁴⁰⁰ U.S. Embassy - Dhaka, *reporting, March 28, 2011*, 1, 2. See also U.S. Department of State, "Bangladesh" in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160056.pdf>. See also ILO Labour Office- Dhaka, *Baseline Survey on Child Domestic Labour (CDL) in Bangladesh*, December 2006, xiv, 4; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=4647>.

- ⁴⁰¹ Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh*, Dhaka, July 2006, 20, 94, 95, 168.
- ⁴⁰² ILO Labour Office- Dhaka, *Baseline Survey on Child Domestic Labour (CDL) in Bangladesh*, xiv.
- ⁴⁰³ Ibid., xiv, 4. See also International Research on Working Children, *The Worst Forms of Child Labour in Asia: Main Findings from Bangladesh and Nepal*, 2010, 59; available from http://www.childlabour.net/documents/worstformsAsiaproject/WOFAS%20presentatie%20samenvatting_2010.pdf.
- ⁴⁰⁴ U.S. Department of State, “Country Reports- 2010: Bangladesh,” section 7d. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Bangladesh (ratification: 2001)*, online, 2005; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=8259&chapter=6&query=%28Bangladesh%29+%40ref&highlight=&querytype=bool&context=0>. See also International Research on Working Children, *The Worst Forms of Child Labour in Asia*, 59.
- ⁴⁰⁵ Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh*, Dhaka, July 2006. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 2.
- ⁴⁰⁶ Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 2. See also Habibur Rahman Bhuiyan Md. Nurul Huda Bhuyian, Matior Rahim, Kabir Ahmed, K.M. Formuzul Haque, Md. Tariqul Hassan and Md. Nazrul Islam Bhuiyan., *Screening of Organochlorine Insecticides (DDT and Heptachlor) in Dry Fish Available in Bangladesh*, July 29 2008, 115; available from <http://www.banglajol.info/index.php/BJP/article/viewFile/997/1096>.
- ⁴⁰⁷ U.S. Department of State, “Country Reports- 2010: Bangladesh,” section 7d. See also Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*, 20, 94, 95, 168. See also U.S. Embassy - Dhaka, *reporting, May 2, 2009*, question 2d.
- ⁴⁰⁸ Solidarity Center, *The True Cost of Shrimp*, Washington, DC, January 2008, 29, 30; available from http://www.solidaritycenter.org/files/pubs_True_Cost_of_Shrimp.pdf. See also Siddarth Kara, *On the Trail of Child Labor in Bangladesh*, [online] 2010 [cited March 14, 2011]; available from <http://www.cnn.com/2010/WORLD/asiapcf/08/03/kara.human.traffic.india/index.html>.
- ⁴⁰⁹ International Federation for Human Rights, *Childbreaking Yards*, Paris, 2008, 5, 17, 15; available from <http://www.fidh.org/IMG/pdf/bgukreport.pdf>. See also Sandy Tolan, *Babu's Story: A Child Worker in the Shipyards of Bangladesh*, [June 18, 2009 [cited March 21, 2011]; available from http://www.huffingtonpost.com/sandy-tolan/babus-story-a-child-worke_b_217670.html. See also U.S. Department of State, “Country Reports- 2010: Bangladesh,” section 7d.
- ⁴¹⁰ International Federation for Human Rights, *Childbreaking Yards*, 5, 17, 15. See also Tolan, *Babu's Story*.
- ⁴¹¹ Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*, 20, 95.
- ⁴¹² U.S. Department of State, “Country Reports- 2010: Bangladesh,” section 7d. See also Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*, 95. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 1. See also Daily Star, *Child Labour Unabated*, [June 12, 2010 [cited March 14, 2011]]; available from <http://www.thedailystar.net/story.php?nid=142371>.
- ⁴¹³ U.S. Department of State, “Country Reports- 2010: Bangladesh,” section 7d. See also Bangladesh Bureau of Statistics, *Baseline Survey for Determining Hazardous Child Labour*, 95. See also U.S. Embassy - Dhaka, *reporting, February 23, 2010*, 1. See also Daily Star, *Child Labour Unabated*.
- ⁴¹⁴ Bangladesh Bureau of Statistics, *Report on Commercial Sexual Exploitation of Children Pilot Survey 2008*, Dhaka, August 2009, preface. See also U.S. Department of State, “Bangladesh (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010, 75; available from <http://www.state.gov/documents/organization/142981.pdf>.
- ⁴¹⁵ Coalition to Stop the Use of Child Soldiers, “Bangladesh,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also ECPAT International, *South Asia Regional Consultation on Prostitution of Boys*, press release, Dhaka, June 8-9, 2006.
- ⁴¹⁶ U.S. Embassy - Dhaka, *reporting, March 28, 2011*, 3.
- ⁴¹⁷ Ibid., 3. See also Government of Bangladesh, *Labour Code, 2006* (June 2, 2006), Chapter III, Article 41.
- ⁴¹⁸ Government of Bangladesh, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (February 24, 2010) “Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor”, Dhaka, April 8, 2010, 3. See also Ministry of Labour and Employment, *National Child Labour Eradication Policy 2010*, Dhaka, March 2010. See also ILO, *Report on the Review of The Decent Work Country Programme: Bangladesh 2006 - 2009*, 2011, 10; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_150632.pdf.
- ⁴¹⁹ Government of Bangladesh, *Penal Code*, Act No. XLV, (1860); available from http://supremecourt.gov.bd/act_files/act_11.html. See also U.S. Embassy - Dhaka, *reporting, May 2, 2009*, 2.

- ⁴²⁰ Government of Bangladesh, *Penal Code*. See also U.S. Embassy - Dhaka, *reporting*, May 2, 2009, 2.
- ⁴²¹ Government of Bangladesh, *Suppression of Violence against Women and Children Act*, Act. No. VIII, (2000), article 6. See also U.S. Embassy - Dhaka, *reporting*, May 2, 2009, 2.
- ⁴²² Government of Bangladesh, *Penal Code*, article 366a. See also Government of Bangladesh, *The Children Act*, Act No. XXXIX (1974), article 42; available from http://www.law.yale.edu/rcw/rcw/jurisdictions/assc/bangladesh/Bang_Child_Act_and_Rules.htm. See also U.S. Embassy - Dhaka, *reporting*, May 2, 2009, 2.
- ⁴²³ U.S. Department of State, "Country Reports- 2010: Bangladesh," section 6. See also Bangladesh Bureau of Education Informaiton and Statistics and Bangladesh Ministry of Women and Children Affairs, *Report on Primary Education in Bangladesh: Challenges and Successes*, May 19, 2005, 11, 12; available from ih.stanford.edu/.../Primary%20Education%20in%20Bangladesh.pdf
- ⁴²⁴ UNICEF ILO, and UNESCO,, *Child Labour and Education in Bangladesh: Evidence and Policy Recommendations*, 2008; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_107508.pdf.
- ⁴²⁵ U.S. Department of State, "Trafficking in Persons Report- 2010: Bangladesh," 77.
- ⁴²⁶ U.S. Embassy - Dhaka, *reporting*, March 28, 2011, 5.
- ⁴²⁷ *Ibid.*, 5.
- ⁴²⁸ *Ibid.*, 5.
- ⁴²⁹ *Ibid.*, 6.
- ⁴³⁰ Government of Bangladesh, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (April 25, 2011) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," Washington, May 12, 2011, 6.
- ⁴³¹ ILO, *Community-based Workplace Surveillance Group on Child Labour Launched*, November 10, 2010; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/event/wcms_151209.pdf.
- ⁴³² ILO-IPEC Official, E-mail communication to USDOL Official, May 19, 2011.
- ⁴³³ U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 4. See also U.S. Embassy - Dhaka, *reporting*, March 28, 2011, 4, 5.
- ⁴³⁴ Ministry of Home Affairs, *Bangladesh Country Report on Combating Trafficking in Women and Children*, Dhaka, February 15, 2007, 3-4; available from http://www.mfa.go.th/fhpworkshop/doc/bestpractices/Bangladesh_country_report.pdf. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Bangladesh," 76.
- ⁴³⁵ U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 4, 7. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Bangladesh," 76.
- ⁴³⁶ U.S. Embassy - Dhaka, *reporting*, March 28, 2011, 7.
- ⁴³⁷ Ministry of Labour and Employment, *Child Labor Policy*. See also Government of Bangladesh, *Written Communication, submitted in response to U.S. Department of Labor Federal Register Notice*, 3.
- ⁴³⁸ Ministry of Labour and Employment, *Child Labor Policy*, 3, 16.
- ⁴³⁹ U.S. Embassy- Dhaka, *reporting*, February 5, 2009. See also U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 9. See also Government of Bangladesh, *National Plan of Action for Children 2005 - 2010: Bangladesh*, Dhaka, 2005, 67-69, 72.
- ⁴⁴⁰ U.S. Embassy - Dhaka, *reporting*, February 23, 2010, 10. See also U.S. Embassy - Dhaka, *reporting*, March 28, 2011, 9.
- ⁴⁴¹ Government of Bangladesh, *NPA for Children*.
- ⁴⁴² UNICEF, *Basic Education for Hard-to-Reach Urban Working Children*, [online] 2008 [cited March 23, 2011]; available from http://www.unicef.org/bangladesh/Education_for_Working_Children_%28BEHTRUWC%29.pdf. See also U.S. Embassy - Dhaka, *reporting*, March 28, 2011, 10.
- ⁴⁴³ Government of Bangladesh, *Federal Register Notice response (2011)*, Annex A.
- ⁴⁴⁴ ILO-IPEC, "Urban Informal Economy (UIE) Project of Support to the National Time Bound Programme towards the Elimination of Worst Forms of Child Labor in Bangladesh Project Summary," (2010). See also U.S. Embassy - Dhaka, *reporting*, March 28, 2011, 10.
- ⁴⁴⁵ ILO-IPEC, *Expanding the evidence base and reinforcing policy research for scaling-up and accelerating action again child labour*, Project Document, Geneva, 2010, 4, 5.
- ⁴⁴⁶ Winrock International, *Actions for Combating Trafficking-in-Persons Project Summary*, 2008; available from <http://actbd.org/doc/Leaflet%20ACT%20Bangladesh%20FINAL.pdf>.
- ⁴⁴⁷ U.S. Department of State, "Trafficking in Persons Report- 2010: Bangladesh," 76. See also Child Helpline International, *Recommendations to the UN Committee on the Rights of the Child*, 2009; available from http://www.crin.org/docs/Bangladesh_CHI_NGO_Report.doc.
- ⁴⁴⁸ World Bank, *Social Protection in Bangladesh: Overview*, [February 26, 2010 [cited March 21, 2011]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/0,,contentMDK:22181729~pagePK:146736~piPK:146830~theSitePK:223547,00.html>.
- ⁴⁴⁹ Chinadaily, *Bangladesh Starts Employment Generation for Extreme Poor*, [January 21, 2010 [cited March 22, 2011]; available from http://www.chinadaily.com.cn/world/2010-01/21/content_9358496.htm.

Barbados

The Government of Barbados has a National Committee on Child Labor that is responsible for coordinating efforts to combat child labor. Although Barbados does not appear to have a significant child labor problem, some children are victims of commercial sexual exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






Children in Barbados may be engaged in the worst forms of child labor,⁴⁵⁰ namely as victims of commercial sexual exploitation.⁴⁵¹

Laws and Regulations on the Worst Forms of Child Labor

The Employment (Miscellaneous Provisions) Act sets the minimum employment age at 16 for certain sectors including mines, quarries, manufacturing, construction and demolition work. Other sectors, particularly agriculture, are not covered.⁴⁵²

The Employment (Miscellaneous Provisions) Act also prohibits children under age 18 from engaging in any work likely to harm their safety, health or morals. However, the Act does not specify the types of work this prohibition refers to and research found no indication of such a list elsewhere in the country's laws or regulations.⁴⁵³

The Constitution prohibits forced and compulsory labor.⁴⁵⁴ No specific prohibition on the trafficking of children exists, but several other laws may be used protect children from trafficking and sexual

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

exploitation.⁴⁵⁵ The Offenses Against the Person Act protects children under age 16 from being trafficked from Barbados to other places for employment but does not cover children from age 16 to age 18. The same act penalizes slavery, including importing and exporting a person as a slave.⁴⁵⁶ The Sexual Offences Act makes it a

crime to take a person away or detain a person for sexual relations.⁴⁵⁷ The Protection of Children Act makes it a crime to take or allow others to take indecent photographs of a child under 18.⁴⁵⁸ In 2010 Parliament passed the Transnational Crime (Prevention and Control) Act to enforce protocols such as the 2000 UN protocol to prevent, suppress and punish trafficking in persons, including children.⁴⁵⁹

Education is free and compulsory to age 16.⁴⁶⁰

Institutional Mechanisms for Coordination and Enforcement

The National Committee on Child Labor is responsible for coordinating efforts to abolish child labor in the country.⁴⁶¹

Child labor subcommittees exist to support interagency cooperation to harmonize legislation, develop a child-labor survey instrument and implement educational and mass media program on child labor.⁴⁶²

The Ministry of Labor is responsible for enforcing child labor laws.⁴⁶³ It has 22 inspectors to investigate possible violations of the Employment Act. During the reporting period, no child labor inspections were conducted and no cases of child labor violations were reported.⁴⁶⁴

The Royal Barbados Police Force has taken the lead in investigating trafficking complaints.⁴⁶⁵

Government Policies on the Worst Forms of Child Labor

While the worst forms of child labor do not appear to be a significant problem in Barbados, the Government does not have a policy framework to combat commercial sexual exploitation of children.⁴⁶⁶

The Government has recognized the need to conduct research and analysis to obtain more detailed information on the worst forms of child labor.⁴⁶⁷ Moreover, the Government has acknowledged specifically that commercial sexual exploitation of children is a concern although the full extent of the problem is unknown.⁴⁶⁸ However, the Government does not appear to have undertaken such research.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Ministry of Social Care, Constituency Empowerment and Community Development announced a new poverty-reduction program designed to address seven aspects of family life, including employment and education.⁴⁶⁹ The Government also has a school meal program.⁴⁷⁰ The question of whether these programs have an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Barbados:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend minimum age provisions to apply to all sectors of economic activity, including agriculture.
- Develop and adopt a list of occupations and activities considered hazardous and likely to jeopardize the health, safety or morals of young persons.
- Amend the Offences Against the Person Act to protect children to age 18 from being trafficked.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conducting inspections to prevent worst forms of child labor, especially commercial sexual exploitation of children

IN THE AREA OF POLICIES:

- Conduct a comprehensive study to update and assess the nature and extent of the worst forms of child labor, especially the commercial sexual exploitation of children.
- Use the results of the study to develop a national plan of action to address the worst forms of child labor, especially the commercial sexual exploitation of children.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor, especially commercial sexual exploitation of children.

⁴⁵⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁵¹ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, section 1. See also U.S. Department of State, “Barbados,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142979.pdf>. See also Government of Barbados- Ministry of Labour, *FAQs About Child Labour*, [online] 2009 [cited February 1, 2011]; available from <http://labour.caribyte.com/child-labour-faqs>.

⁴⁵² Government of Barbados, *Employment (miscellaneous Provisions) Act*, (March 24, 1977), articles 2 and 10; available from [http://www.caricomlaw.org/docs/Employment%20\(Miscellaneous%20Provisions\).pdf](http://www.caricomlaw.org/docs/Employment%20(Miscellaneous%20Provisions).pdf).

⁴⁵³ *Ibid.*, article 8. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Barbados (ratification: 2000) Submitted: 2010*, [online] [cited February 1, 2011],

para 3; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Comoros (ratification: 2004) Submitted: 2010*, February 16, 2011, para 5; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁴⁵⁴ Government of Barbados, *Constitution*, No. 1455, (1966), article 14; available from <http://pdba.georgetown.edu/Constitutions/Barbados/barbados66.html#ch3>.

⁴⁵⁵ ILO Committee of Experts, *Individual Direct Request C182: Barbados (2010)*, para 1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Barbados.”

⁴⁵⁶ Government of Barbados, *Offences Against the Person*, (1994), article 35-3; available from <http://www.caricomlaw.org/docs/Offences%20Against%20the%20Person.pdf>.

⁴⁵⁷ Government of Barbados, *Sexual Offences*, (1992), articles 13, 17; available from <http://www2.ohchr.org/english/bodies/hrc/docs/ngos/lgbti2.pdf>. See also Clive Pegus, *A Review of Child Labour Laws of Barbados - A Guide to Legislative Reform*, June 2005, 34; available from http://www.unicef.org/lac/spbarbados/Legal/national/Barbados/Other/review-child-labour-laws-barbados_ILO_2005.pdf.

⁴⁵⁸ Government of Barbados- Ministry of Labour, *FAQs About Child Labour*, article 3. See also Pegus, *A Review of Child Labour Laws of Barbados - A Guide to Legislative Reform*, 34-35.

⁴⁵⁹ U.S. Embassy- Bridgetown official, E-mail communication to USDOL official, July 22, 2011. See also Government of Barbados, *Transnational Organized Crime (Prevention and Control) Act*, (2010), articles 2 and 13; available from [http://www.barbadosfiu.gov.bb/pdf/Transnational%20Organized%20Crime%20\(Prevention%20and%20Control\)%20Act.pdf](http://www.barbadosfiu.gov.bb/pdf/Transnational%20Organized%20Crime%20(Prevention%20and%20Control)%20Act.pdf).

⁴⁶⁰ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, sections 1 and 2e.

⁴⁶¹ Ministry of Labor-Government of Barbados, *Child Labour*, [online] n.d. [cited February 2, 2011]; available from <http://labour.caribyte.com/child-labour>. See also Pegus, *A Review of Child Labour Laws of Barbados - A Guide to Legislative Reform*, 22, 24.

⁴⁶² Ministry of Labor-Government of Barbados, *Child Labour*.

⁴⁶³ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, section 3-d(1). See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Barbados (ratification: 2000) Submitted: 2009*, [online] [cited February 1, 2011], para 5; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁴⁶⁴ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, sections 3-d(3) and 3-d(6).

⁴⁶⁵ U.S. Department of State, “Trafficking in Persons Report-2010: Barbados.” See also U.S. Embassy- Bridgetown, *reporting*, February 8, 2010, section 2D-I.

⁴⁶⁶ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, section 3-f(1).

⁴⁶⁷ Government of Barbados, *Child Labour Media Campaign Launched This Morning*, Press Release, June 13, 2008; available from <http://www.gov.bb/portal/page/portal/GISMEDIA%20CENTRENEWS%20MANAGEMENT/News%20Archive/Child%20Labour%20Media%20Campaign%20Launched%20this%20Morning>. See also Government of Barbados- Ministry of Labour, “Child Labour in Barbados - A Hidden Problem”, labour.caribyte.com, [online], May 14, 2006 [cited February 1, 2011]; available from <http://labour.caribyte.com/news/7>.

⁴⁶⁸ Government of Barbados, *Child Labour Media Campaign (Press Release)*. See also Government of Barbados- Ministry of Labour, *FAQs About Child Labour*.

⁴⁶⁹ Tanya Lightbourne, “Poverty alleviation through ISEE Bridge Programme”, *The Barbados Advocate*, [online], July 27, 2010 [cited April 6, 2011]; available from <http://www.barbadosadvocate.com/newsitem.asp?more=local&NewsID=11648>. See also Tanya Lightbourne, “I.S.E.E. Bridge Programme Coming”, *The Barbados Advocate*, [online], March 30, 2011 [cited April 6, 2011]; available from <http://www.barbadosadvocate.com/newsitem.asp?more=All%20Stories&NewsID=16694>.

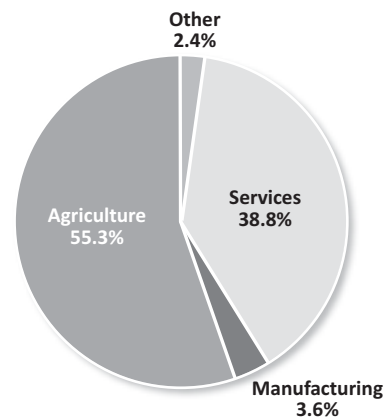
⁴⁷⁰ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, section 3-g(2).

Belize

The Government has implemented programs to address child trafficking and commercial sexual exploitation of children. However, children continue to be exploited in prostitution and many children work in risky situations in agriculture. Limited information on the Government's enforcement efforts can be reported.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.3
Attending School	5-14 yrs.	93.2
Combining Work and School	7-14 yrs.	6.2



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor




Some children in Belize are engaged in the worst forms of child labor,⁴⁷¹ including in agriculture and commercial sexual exploitation.⁴⁷² Recent data on the worst forms of child labor and child labor in general in Belize are anecdotal. The Government of Belize and NGOs report anecdotally that children of migrant workers help their parents during the harvest period to increase family income.⁴⁷³ Children in rural areas are also reported to work in agriculture after school, on weekends and during vacations.⁴⁷⁴ Children reportedly are working in the harvesting of bananas and citrus products.⁴⁷⁵ Work in agriculture commonly involves hazardous activities such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Children in urban areas are found working on the streets shining shoes and vending food, crafts and other small items.⁴⁷⁶ Children working on the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements. Children in Belize are also involved in commercial sexual exploitation and trafficking.⁴⁷⁷ Poverty impedes children's access to basic services, including education.⁴⁷⁸ Poor families are known to push their school-aged daughters to provide sexual favors in exchange for gifts and money, which is sometimes used to cover expenses associated with schooling.⁴⁷⁹ Children of both sexes are involved in prostitution, including sex tourism—an emerging problem in Belize.⁴⁸⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act of Belize sets the minimum age for work at 14 and children ages 12 to 13 may engage

in non-industrial jobs and other light work. It also specifically prohibits the employment of children under age 15 in maritime jobs.⁴⁸¹ The Families and Children Act prohibits the employment of children under age 18 in hazardous work, and the National Child Labor Policy identifies a list of hazardous occupations prohibited for young workers.⁴⁸² However, it is unclear if this list would be enforceable as a law. Education is free and compulsory through age 14.⁴⁸³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Constitution prohibits forced labor.⁴⁸⁴ Belizean law also prohibits the voluntary or compulsory recruitment of children under age 18 into military service.⁴⁸⁵

The Trafficking in Persons Prohibition Act of 2003 bans the trafficking of all persons, including children.⁴⁸⁶ The Criminal Code prohibits sex with a female under age 14, and it prohibits the production or sales of “obscene” publications.⁴⁸⁷ The Education Act compels school authorities to ensure that students are not exposed to pornography at school, and the Families and Children Act designates the Minister to make

regulations and assess penalties to prohibit child pornography.⁴⁸⁸ The Criminal Code also prohibits the procurement or attempted procurement of a female under age 18 for the purpose of sex. However, the prohibition is significantly weakened by the fact that it does not apply to persons considered “a common prostitute or of known immoral character.”⁴⁸⁹ This exception may be used as a mechanism to deny protection to some females, including girls under 18. In addition, the Criminal Code does not extend explicitly the same protections from prostitution to boys.⁴⁹⁰

Institutional Mechanisms for Coordination and Enforcement

Belize’s National Child Labor Committee (NCLC) consists of 15 government and civil society members. The NCLC advocates for legislation and policy action to more fully prohibit the worst forms of child labor and achieve effective prosecution of such acts.⁴⁹¹ During 2010, the NCLC trained committee members on child labor issues, outlined roles and responsibilities and worked to improve coordination among ministries to address child labor issues.⁴⁹²

The Ministry of Labor is responsible for enforcing child labor laws.⁴⁹³ In 2010, the Ministry of Labor employed 14 labor inspectors and eight employment officers. These inspectors enforce all labor laws and conduct workplace inspections.⁴⁹⁴ In December 2010, the Ministry provided training to all labor inspectors and employment officers on issues relating to the worst forms of child labor and child exploitation.⁴⁹⁵

The Department of Human Services of the Ministry of Human Development and Social Transformation, the Belize Police Department, and the Immigration Department investigate suspected cases of child trafficking and commercial sexual exploitation and enforce relevant laws.⁴⁹⁶ The Police Department, through the Sexual Offences and the Family Violence units, also investigates reports of other crimes, including the worst forms of child labor.⁴⁹⁷

The Belize Police Department and the Department of Human Services are the agencies primarily responsible for the enforcement related to child trafficking, the commercial sexual exploitation of children, and the use of children in illicit activities.⁴⁹⁸ The inter-ministerial committee for Anti-Trafficking in Persons has conducted intervention programs to assist child victims and those at risk of commercial sexual exploitation.⁴⁹⁹ In 2010, the Government of Belize and the Ministry of Human Development provided training on trafficking and the commercial sexual exploitation of children to more than 300 government personnel, prosecutors, police officers, customs officers and immigration officials.⁵⁰⁰ No convictions related to the commercial exploitation of children were reported in 2010, and several cases were postponed to 2011.⁵⁰¹ Research uncovered no other information on violations or enforcement of laws prohibiting the worst forms of child labor.

The Ministry of Education supports a policy to ensure children stay in school through the Education and Training Act of 2010. This act authorizes School Community Liaison Officers to visit homes and inquire about the school attendance of children who are of the compulsory school age.⁵⁰² The officers are also authorized to enforce the provisions within the act and prosecute those in violation.⁵⁰³ However, it is unclear if the impact of this education policy on child labor has been assessed.

Government Policies on the Worst Forms of Child Labor

The NCLC implements the Government's National Child Labor Policy, which provides guidance and direction regarding the elimination of all forms of child labor, especially the worst forms. The policy seeks a multi-sectoral approach to combat exploitative child labor through consultations between governmental agencies, NGOs and other relevant organizations.⁵⁰⁴

The National Plan of Action for Children and Adolescents (2004–2015) aims to protect children from trafficking, commercial sexual exploitation and other worst forms of child labor. The plan identifies priority areas, including education and training, awareness raising, victim protection and legislation and enforcement.⁵⁰⁵

Under auspices of the plan, the Government has worked with the tourism industry to advance a code of conduct in an effort to eliminate child sex tourism.⁵⁰⁶ Public service announcements in multiple languages and posters have been distributed by the government in a campaign against trafficking.⁵⁰⁷

The Government of Belize also supports local NGOs that contribute to the objectives of the National Plan of Action. It has donated land and the use of building space and has provided funding to organizations that protect victims of child trafficking, sexual exploitation and other worst forms of child labor.⁵⁰⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Belize collaborates with local and international NGOs to promote awareness of and reduce demand for the commercial exploitation of children.⁵⁰⁹

The Government of Belize provides subsidies to families in southern Belize conditioned upon children completing primary school, which has resulted in increased school enrollment in those areas.⁵¹⁰ The Government also supports a nationwide program that provides subsidies to families with primary school-aged children conditioned upon their school attendance.⁵¹¹

Research has not identified any Government programs specifically designed to address the worst forms of child labor in agriculture and street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Belize:

IN THE AREA OF LAW AND REGULATIONS:

- Clarify if the list of hazardous occupations prohibited to youth is enforceable as a law.
- Amend existing laws on prostitution to extend protections to all boys and girls.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that information regarding the enforcement efforts involving the worst forms of child labor, including—the number of complaints, investigations, convictions, and penalties—is publicly available.
- Assess the impact of the education policy requiring school attendance of children up to age 14.

IN THE AREA OF POLICIES:

- Conduct nation-wide research to better determine the extent and nature of the worst forms of child labor in Belize and assess the need for additional policies and enforcement efforts to combat them.

IN THE AREA OF PROGRAMS:

- Develop and implement new programs aimed at eliminating the worst forms of child labor in agriculture and street work.

⁴⁷¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁷² UNICEF MICS UCW analysis of ILO SIMPOC, and World Bank Surveys., *Child Economic Activity and School Attendance Rates*, March 1, 2007. See also ILO, *The Commercial Sexual Exploitation of Children and Adolescents in Belize*, San José, 2006, 13; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=7186>. See also U.S. Department of State, "Belize (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁴⁷³ The Ministry of Labor, UNICEF's office in Belize, and the NGO Youth Enhancement Services all believe due to anecdotal evidence that the prevalence of child labor in Belize is low and that most of the children who work do so

part-time or seasonally. See also U.S. Embassy- Belmopan, *reporting, March 9, 2010*. See also U.S. Embassy- Belmopan, *reporting, November 5, 2010*.

⁴⁷⁴ U.S. Embassy- Belmopan, *reporting, January 30, 2009*.

⁴⁷⁵ U.S. Embassy- Belmopan, *reporting, March 9, 2010, 3*. See also U.S. Embassy- Belmopan, *reporting, January 30, 2009*.

⁴⁷⁶ U.S. Department of State, "Belize," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136101.htm>.

⁴⁷⁷ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Belize (ratification: 2000) Submitted: 2010*, [online] [cited February 18, 2011]; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Belize."

⁴⁷⁸ ILO, *The Commercial Sexual Exploitation of Children and Adolescents in Belize*, 53.

⁴⁷⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Belize." See also ILO, *The Commercial Sexual Exploitation of Children and Adolescents in Belize*, 53. See also U.S. Department of State, "Country Reports- 2009: Belize."

⁴⁸⁰ U.S. Embassy- Belmopan, *reporting, March 19, 2010, 9*. See also ILO, *The Commercial Sexual Exploitation of Children and Adolescents in Belize*, 13-14.

⁴⁸¹ Government of Belize, *Labour Act, Revised*, (December 31, 2000), articles 164-170; available from <http://www.belizelaw.org/lawadmin/index2.html>.

⁴⁸² Government of Belize, *Families and Children Act, Revised Edition*, (December 31, 2000), chapter 173, article 7; available from <http://www.belizelaw.org/lawadmin/index2.html>. See also U.S. Embassy- Belmopan, *reporting, February 18, 2011*. See also U.S. Department of State, “Belize,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154494.htm>.

⁴⁸³ Government of Belize, *Education Act*, (December 31, 2000); available from <http://www.belizelaw.org/lawadmin/index2.html>. See also UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed June 6, 2011; available from <http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx>. See also U.S. Embassy- Belmopan, *reporting, March 9, 2010*.

⁴⁸⁴ Government of Belize, *The Constitution of Belize, Revised Edition*, December 31, 2000, chapter 4, part II, article 8(2); available from <http://www.belizelaw.org/lawadmin/index2.html>.

⁴⁸⁵ Government of Belize, *Defence Act, Revised Edition*, (December 31, 2000), chapter 135, part IV, article 16(2); available from <http://www.belizelaw.org/lawadmin/index2.html>.

⁴⁸⁶ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Belize (ratification: 2000) Submitted: 2010*. See also U.S. Department of State, “Trafficking in Persons Report-2010: Belize.”

⁴⁸⁷ Government of Belize, *Criminal Code*, (December 31, 2000), chapter 101, articles 47 and 323; available from <http://www.belizelaw.org/lawadmin/index2.html>.

⁴⁸⁸ Government of Belize, *Families and Children Act of Belize*, article 154. See also Government of Belize, *Education Act of Belize*, article 26.

⁴⁸⁹ Government of Belize, *Criminal Code of Belize*, chapter 101, article 50.

⁴⁹⁰ *ibid.*, chapter 101, article 47. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Belize (ratification: 2000) Submitted: 2010*.

⁴⁹¹ U.S. Embassy- Belmopan, *reporting, February 18, 2011*. See also U.S. Embassy- Belmopan, *reporting, March 9, 2010*.

⁴⁹² U.S. Embassy- Belmopan, *reporting, February 18, 2011*.

⁴⁹³ *Ibid.*

⁴⁹⁴ *Ibid.* See also U.S. Embassy- Belmopan, *reporting, March 9, 2010*.

⁴⁹⁵ U.S. Embassy- Belmopan, *reporting, February 18, 2011*.

⁴⁹⁶ *Ibid.* See also U.S. Embassy- Belmopan, *reporting, March 19, 2010*.

⁴⁹⁷ U.S. Embassy- Belmopan, *reporting, March 9, 2010*.

⁴⁹⁸ *Ibid.*

⁴⁹⁹ *Ibid.*

⁵⁰⁰ U.S. Embassy- Belmopan, *reporting, February 18, 2011*. See also U.S. Embassy- Belmopan official, E-mail communication to USDOL official, June 11, 2011.

⁵⁰¹ U.S. Embassy- Belmopan, *reporting, February 18, 2011*.

⁵⁰² Government of Belize, *Education and Training Act of 2010*, (April 14, 2010), articles 61-65; available from <http://planipolis.iiep.unesco.org/upload/Belize/Belize-education-and-training-act-2010.pdf>. See also U.S. Embassy- Belmopan, *reporting, February 18, 2011*.

⁵⁰³ Government of Belize, *Education and Training Act of Belize*, articles 61-65.

⁵⁰⁴ U.S. Embassy- Belmopan, *reporting, March 9, 2010*. See also U.S. Embassy- Belmopan, *reporting, February 18, 2011*.

⁵⁰⁵ U.S. Embassy- Belmopan, *reporting, February 18, 2011*.

⁵⁰⁶ U.S. Embassy- Belmopan, *reporting, March 19, 2010*. See also U.S. Embassy- Belmopan, *reporting, February 18, 2011*.

⁵⁰⁷ U.S. Department of State, “Trafficking in Persons Report-2010: Belize.”

⁵⁰⁸ U.S. Embassy- Belmopan, *reporting, March 9, 2010*.

⁵⁰⁹ U.S. Embassy- Belmopan, *reporting, March 19, 2010*. See also U.S. Embassy- Belmopan, *reporting, February 18, 2011*. See also U.S. Embassy- Belmopan official.

⁵¹⁰ U.S. Embassy- Belmopan, *reporting, February 18, 2011*.

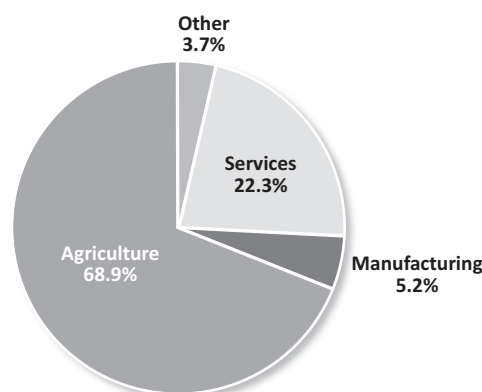
⁵¹¹ U.S. Embassy- Belmopan official.

Benin

Benin has enacted comprehensive laws to protect children from trafficking and greatly increased funding for the enforcement of child labor laws; however, child trafficking and child domestic labor continue. Benin permits domestic work for children ages 12 to 13, allows children to stop attending school before they are old enough to work and lacks the capability to enforce laws and regulations necessary to eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.2
Attending School	5-14 yrs.	59.2
Combining Work and School	7-14 yrs.	1.4



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Benin are engaged in the worst forms of child labor,⁵¹² including in domestic service or as victims of trafficking for labor and commercial sexual exploitation.⁵¹³ Through the system of “vidomegon,” girls are sent to work as domestic servants in exchange for housing. These girls may be as young as age 7.⁵¹⁴ Income generated from these arrangements is shared between the children’s host and natural families.⁵¹⁵ While such arrangements are generally voluntary between the families, children frequently work long hours, receive insufficient food and are vulnerable to sexual exploitation.⁵¹⁶ Children, including those already working as child domestic servants, also work in markets.⁵¹⁷ Children in these circumstances may work up to 17-hour days. They are subject to verbal and physical abuse, including being beaten with sticks.⁵¹⁸

Although trafficking in Benin is primarily conducted internally, Benin is also a source, transit and destination country for trafficked children.⁵¹⁹ Children are trafficked within Benin for the purpose of domestic servitude, commercial sexual exploitation and labor on farms, in stone quarries and in markets.⁵²⁰ Children are trafficked from Benin to other West African countries to work in quarries, fishing and agriculture, including in the production of cocoa. Children are also trafficked from Benin for commercial sexual exploitation and domestic work.⁵²¹ Beninese children trafficked abroad are known to endure sexual and physical abuse, including flagellation, burns, malnourishment and abuse leading to death.⁵²² Children from Togo, Cote d’Ivoire, Burkina Faso, Senegal and Niger are trafficked to Benin for the purpose of exploitation in domestic servitude, commercial sexual exploitation and agriculture.⁵²³ Children work on farms producing cotton, where they often work long hours, are underpaid and

may be subject to physical abuse.⁵²⁴ Children also reportedly labor in the production of cashews.⁵²⁵ Some children working in agriculture are engaged in forced labor.⁵²⁶

Children, including street children, are engaged in commercial sexual exploitation.⁵²⁷ Children are sexually exploited by people from all strata of society, including bar owners, sailors, teachers and members of the defense forces.⁵²⁸ Reportedly, child sex-tourism also occurs in Benin.⁵²⁹

Children work in construction, the transportation industry and as street vendors.⁵³⁰ They also work in fishing.⁵³¹ Children’s work in fishing may expose them to risks such as drowning. Children work in mines and quarries.⁵³² They also crush stone into gravel. Children who crush stone into gravel are subject to long hours, physical injuries and hazards, including exposure to dynamite and falling rocks.⁵³³

Access to quality education is a critical component in preventing the economic exploitation of children.⁵³⁴ Access to education in Benin may be impeded by costs such as school-related construction, school books and uniforms.⁵³⁵ Additionally, school children are subjected to verbal, physical, psychological and sexual abuse at school. Abuses range from beatings with sticks, whips or belts, to sexual abuse by teachers who may demand sex for grades.⁵³⁶ School-based violence may discourage families from accessing education for their children.⁵³⁷ Access to education is also impeded by a lack of birth registration.⁵³⁸ Forty percent of Beninese children remain unregistered. Unable to prove citizenship, some children may be denied services such as education.⁵³⁹

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for work in Benin is 14. Children between ages 12 and 14 may perform domestic work and temporary or seasonal light work if it does not interfere with their schooling.⁵⁴⁰ The law prohibits workers under

age 16 from performing certain types of work, including transporting heavy loads, working in slaughterhouses and operating certain types of machinery.⁵⁴¹ The law also sets limitations on work performed by youth ages 16–18.⁵⁴² An expanded list of hazardous work prohibited for children was passed in January 2011. The law prohibits children under age 18 from hazardous work in areas such as mining, domestic service, agriculture and stone crushing.⁵⁴³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Primary school is free and compulsory in Benin.⁵⁴⁴ However, some parents have to pay tuition if their schools have insufficient funds.⁵⁴⁵ Beninese children are only required to attend school through primary school (approximately age 11), while the minimum age for children to work is 14.⁵⁴⁶ This standard makes children ages 12 to 14 vulnerable to the worst forms of child labor as they are not required to be in school but are below the minimum age to work.

The law expressly forbids the trafficking of children and provides penalties for those who are involved in the trafficking of children.⁵⁴⁷ The law also forbids movement of children within

Benin by prohibiting the separation of children from their parents without consent from local authorities.⁵⁴⁸ Benin also has three enabling decrees to regulate travel of minors within and across Benin's borders.⁵⁴⁹

The Penal Code prohibits the involvement with or facilitation of child prostitution, but child pornography is not prohibited in Benin.⁵⁵⁰ The use of children in armed conflicts is banned.⁵⁵¹

In 2009, the Government adopted the first volume of the Child Code, a compilation of existing legislation related to children's rights, education, protection, labor and health. The Code's second volume, containing a bill on child protection and amendments pertaining to offences committed regarding minors, is pending adoption by the National Assembly.⁵⁵²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Benin has established a coordinating mechanism to combat the worst forms of child labor. The Ministry of Family and National Solidarity (MFNS) implements the government's overall policy to improve children's welfare and leads government efforts to ensure children's rights.⁵⁵³ The MFNS chairs the National Monitoring and Coordination Working Group for Child Protection (CNSCPE), a technical agency that serves as a task force and comprises five technical committees, including a committee for trafficking and exploitation.⁵⁵⁴ The CNSCPE meets on a quarterly basis and is comprised of members from sector-based ministries, NGO networks, international technical and financial partners and bilateral partners. Each committee has an action plan and proposes activities to CNSCPE.⁵⁵⁵

The Ministry of Labor and Civil Service is responsible for enforcing labor laws in the formal sector.⁵⁵⁶ The Government of Benin employs 126 labor agents throughout 12 departments to regulate the formal labor sector, including child labor. Inspectors can impose sanctions and order

payment for labor violations.⁵⁵⁷ The number of inspections conducted during the reporting period is unavailable. The majority of labor inspectors work in urban areas. Focusing on urban areas may leave children in rural areas, such as those involved in agricultural labor, unprotected.⁵⁵⁸ The Government budgeted \$204,500 for the Ministry of Labor and Civil Services to conduct child labor inspections in its 2010 budget.⁵⁵⁹ This represents a budget increase of 230 percent from the previous reporting period.⁵⁶⁰

The Brigade of Protection of Minors (the Brigade), under the Criminal Police Department, is the lead agency responsible for the protection of minors, including child trafficking, child labor and the commercial sexual exploitation of children.⁵⁶¹ The Brigade collaborates with the Ministries of Family, Social Protection and Solidarity, Foreign Affairs and Labor.⁵⁶² A lack of resources, including a lack of office and transportation facilities, limits the Brigade's effective enforcement of child protection laws.⁵⁶³ During the reporting period, the police investigated 5 cases of child labor and 44 cases of trafficking; 14 of the trafficking cases were referred to court.⁵⁶⁴ Although the status of these cases is unknown, trafficking sentences handed down in the past have ranged from 3 months to 1 year. These sentences are well below the 20-year maximum provided for by law.⁵⁶⁵

Government Policies on the Worst Forms of Child Labor

Benin has a National Policy and Action Plan for Child Protection.⁵⁶⁶ It also has a National Action Plan to Combat and Eradicate Child Trafficking and Labor. However, neither action plan has been funded.⁵⁶⁷

Under the coordination of the joint Benin and Nigeria Committee to Combat Child Trafficking, the governments of Nigeria and Benin developed a 2009–2010 Action Plan to reinforce border security measures and to repatriate the victims of trafficking.⁵⁶⁸ Child victims are not repatriated unless a safe reinsertion program, such as schooling, vocational training or an

apprenticeship, has been arranged in advance. Victims may not be incarcerated or fined for unlawful acts committed as a direct result of being trafficked.⁵⁶⁹

The Growth Strategy for Poverty Reduction, launched in 2007 to meet the Millennium Development Goals, includes goals that would impact child labor such as free, universal primary education; better education quality and higher retention at the secondary level; and vocational training and microfinance for youth and women to help them transition into the labor market. It also calls for activities to protect children from abuse and to link them with appropriate social services.⁵⁷⁰ The Government outlined specific actions to be taken to achieve these goals and has initiated many of them.⁵⁷¹ The Government has also implemented the *Plan Decennal de Development du Sector de l'Education*, a 10-year education strategy that started in 2006. The Plan includes components to combat poverty and to improve access to primary education, especially for females.⁵⁷² Nevertheless, the ILO Committee of Experts continues to express concern at the low school attendance rate at the primary and secondary levels. Higher participation in education would reduce the likelihood that children under 14 are engaged in exploitative work.⁵⁷³ Additionally, the impact of these plans and policies on the worst forms of child labor has not been assessed

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has implemented a second anti-child trafficking project (2007–2011) that aims to improve children's living conditions and respect for children's rights.⁵⁷⁴ The Government runs a transit facility for trafficking victims that has the capacity to harbor 160 children.⁵⁷⁵ In addition, there is a system that refers trafficking victims to NGO shelters.⁵⁷⁶ Benin has 1,529 grassroots committees in 33 local governments to monitor for child trafficking networks and to provide community reintegration assistance for victims.⁵⁷⁷ It has made efforts to provide more comprehensive

access to birth registration by conducting a study to better understand constraints surrounding birth registration and by implementing a nationwide program to issue birth certificates and register births to all citizens.⁵⁷⁸

During the reporting period, the Government of Benin undertook periodic trafficking awareness campaigns and a nationwide child labor awareness campaign.⁵⁷⁹ The Government also conducted child protection capacity building and awareness trainings for officials and agencies responsible for enforcing child labor laws.⁵⁸⁰ Benin hosted information exchange conferences for Beninese child protection officers and parliamentarians to exchange information on enforcement efforts with surrounding countries.⁵⁸¹

Benin participated in two ILO-IPEC projects. One was a Francophone Africa project that provided education and safe apprenticeships as an alternative to the worst forms of child labor for children and youth.⁵⁸² The other was a global project that supported the global action plan to end child labor by 2016.⁵⁸³ Benin also partnered with UNICEF to implement community kindergartens in remote areas of Benin and to provide income-generating opportunities for parents, train teachers, build latrines and provide supplies for schools.⁵⁸⁴

During the reporting period, the Government participated in three USAID-funded projects to improve the education system, including a 4-year, \$6.3 million project to improve teacher training and performance; a 4-year, \$5.75 million project to improve access to girl's education; and the Ambassador's Scholarship Program, which provided 1,300 Beninese students with school scholarship funds.⁵⁸⁵

Benin also participated in two global USDOL-funded projects: the global projects consisted of a 5-year, \$1.5 million project that provided funds for SIMPOC national child labor surveys and a 4-year, \$4 million global project that provided training to government representatives, NGOs, trade unions and employer organizations in preparation for the launch of the National Action Plan for Child

Labor.⁵⁸⁶ Benin participated in a 4-year, \$7.95 million regional project and a 3-year, \$5 million regional project funded by USDOL, both of which assisted member countries of ECOWAS to combat the worst forms of child labor by strengthening and enforcing child labor laws and national action plans and by developing child labor monitoring systems. The projects target mining and quarrying in Benin as well as cross-border trafficking of Beninese children to Nigeria.⁵⁸⁷ The projects also assist the governments of Benin and Nigeria to implement the 2005 MOU on trafficking, working with the joint Benin/Nigeria Committee to Implement the Annual Action Plan called for under the MOU.⁵⁸⁸

The Government collects child labor data at the central and provincial levels on 14 areas pertaining to child welfare.⁵⁸⁹ The Government uses this data to issue a scoreboard on children's vulnerability in Benin and to provide information on child protection through a website and quarterly newsletters.⁵⁹⁰

Existing Government programs do not target some of the most common worst forms of child labor in Benin, particularly children engaged in domestic service, child sexual exploitation, quarrying and agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Benin:

IN THE AREA OF LAWS AND REGULATIONS:

- Restrict domestic service for children under age 18.
- Raise the age of compulsory education so it is consistent with the minimum age for employment.
- Ensure all children have access to free primary education as guaranteed by law.
- Adopt the second volume of the Child Code to bring into force additional protections for children.
- Create and adopt laws to prohibit child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Collect, analyze and publish statistics on child labor inspections to better target enforcement efforts.
- Reconsider budgetary priorities with a view toward providing more resources to enforcement investigation, including by providing appropriate facilities and transportation assets.
- Ensure labor inspectors adequately monitor rural areas and the informal sector for child labor.
- Establish a specific coordinating mechanism to combat the worst forms of child labor.
- Ensure offenders of trafficking laws receive appropriate penalties for their crimes.

IN THE AREA OF POLICY:

- Implement the National Action Plan for Child Protection and the National Action Plan to Combat and Eradicate Child Trafficking and Labor.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools.
- Assess the impact that existing policies may have on addressing the worst forms of child labor in Benin.

IN THE AREA OF SOCIAL PROGRAMS:

- Institute programs to address the worst forms of child labor in domestic service, commercial sexual exploitation, stone quarries and agriculture, and monitor progress through the use of the ChildPro database.
- Implement birth registration campaigns to increase children's access to education.

⁵¹² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided is from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵¹³ Confédération Syndicale Internationale, *Normes Fondamentales du Travail Internationalement Reconnues au Bénin, au Burkina Faso, et au Mali*, Geneva, October 4-6, 2010, 8. See also ECPAT, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Benin*, 2007, 12; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-BENIN.pdf. See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006, 11, 12, 29, 52; available from http://www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf. See also ILO, *La Traite des Enfants a des fins d'exploitation de leur Travail au Benin (Lutrena)*, Geneva, 2006, 23, 24, 30.

⁵¹⁴ Jonathan Blagbrough, *They Respect their Animals More: Voices of Child Domestic Workers*, Anti-Slavery, 2007, 2, 3, 9; available from http://www.antislavery.org/includes/documents/cm_docs/2009/t/they_respect_their_animals_more_08.pdf. See also UN Economic and Social Council, *Summary Record of the 10th Meeting*, Fortieth session, Committee on Economic, Social and Cultural Rights, Geneva, May 5, 2008, 5, 8; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>. See also UN Committee on the Rights of the Child, *Consideration of reports submitted by states parties under Article 44 of the Convention: Concluding observations: Benin*, 43rd session, October 20, 2006, 19; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Benin (ratification: 2001) Submitted: 2009*, January 20, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23476&chapter=9&query=Benin%40ref&highlight=&querytype=bool&content=0>. See also U.S. Department of State, "Benin," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 6, 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2010>. See also ECPAT, *Global Monitoring Report*, 12.

⁵¹⁵ U.S. Department of State, "Country Reports- 2010: Benin."

⁵¹⁶ Ibid. See also Blagbrough, *They Respect their Animals More*, 16, 21. See also ECPAT and The Body Shop, *Stop Sex Trafficking of Children and Young People*, 2009, 23; available from http://www.ecpat.net/EI/Publications/Trafficking/Full_Report_Global_Child_Trafficking_for_Sexual_Purposes.pdf. See also ECPAT, *Global Monitoring Report*, 12.

⁵¹⁷ Blagbrough, *They Respect their Animals More*, 14, 16, 21. See also France 24, *Reportage-Benin: Exploitation Enfants* (2007), YouTube Video. See also Swiss Contact, *Vocational Training as a Tool Against Trafficking*, [online] [cited April 1, 2011]; available from http://www.swisscontact.ch/english/pages/PR_Dn/PR/Dn/102.php.

⁵¹⁸ Blagbrough, *They Respect their Animals More*, 14, 16, 21. See also France 24, *Reportage-Benin: Exploitation Enfants*.

⁵¹⁹ Karin Brown, "Child Trafficking in Benin, West Africa," *Beyond Intractability*, March 2010. See also ECPAT, *Global Monitoring Report*, 11. See also USAID, *Trafficking in Persons: USAID's Response*, March 2006, 10; available from http://pdf.usaid.gov/pdf_docs/PDACH052.pdf. See also Republique de Benin and Cercle International pour la Promotion de la Creation, *Etude Sur la Traite des Enfants a des Fins d'Exploitation Sexuelle*, May 2009, xii-1, 22, 23, 29; available from <http://www.cnsce.net/documents/EtudesRapports/Rapport%20final%20Etude%20sur%20la%20traite%20des%20enfants%20Version%20Finale.pdf>. See also Blagbrough, *They Respect their Animals More*, 3. See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, 11-12. See also ILO, *La Traite des Enfants a des fins d'exploitation de leur Travail au Benin (Lutrena)*, 23, 24, 30, 31.

⁵²⁰ ECPAT and The Body Shop, *Stop Sex Trafficking of Children and Young People*, 20. See also ECPAT, *Global Monitoring Report*, 12. See also Brown, "Child Trafficking in Benin, West Africa." See also Ministère de la Famille et d'Enfant et UNICEF, *Etude Nationale sur la Traite des Enfants*, November 2007, 33. See also France 24, *Reportage-Benin: Exploitation Enfants*. See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, 11, 52. See also U.S. Department of State, "Benin," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁵²¹ Ministère de la Famille et d'Enfant et UNICEF, *Etude Nationale sur la Traite des Enfants*, 5, 35, 37. See also Michael Fleshman, «How Scourge of Human Trafficking Ensnarers Hundreds of Thousands from Poor Nations,» *Business Daily*, December 7, 2009; available from <http://www.businessdailyafrica.com/-/539546/818350/-/item/2/-/a9idexz/-/index.html>. See also Republique de Benin and Cercle International pour la Promotion de la Creation, *Etude Sur la Traite des Enfants a des Fins d'Exploitation Sexuelle*, xiii, xiv, 22. See also Michael Fleshman, «Africa Fights the 'People Trade': Scourge of Human Trafficking Ensnarers

Hundreds of Thousands,» *Africa Renewal Online*, October 2009; available from <http://webcache.googleusercontent.com/search?q=cache:3AQOZLR44ewJ:www.un.org/ecosocdev/geninfo/afrec/vol23no3/233-people-trade.htm+22Benin%22+and+22gravel%22+and+22trafficking%22&cd=8&hl=en&ct=clnk&gl=us>. See also Terre des Hommes, *Little Hands of the Stone Quarries*, 2005, 7, 8, 10, 11; available from www.tdh.ch. See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, 12. See also Blagbrough, *They Respect their Animals More*, 3, 10, 11. See also U.S. Department of State, “Benin (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.unhcr.org/refworld/country,,,ANNUALREPORT,BEN,,4a4214cd28,0.html>.

⁵²² Republique de Benin and Cercle International pour la Promotion de la Creation, *Etude Sur la Traite des Enfants a des Fins d’Exploitation Sexuelle*, xiv, 39. See also AFP, «Benin’s Child Slaves Working Nigeria’s Quarries,» *Agence France-Presse* (Abeokuta), December 11, 2007; available from <http://afp.google.com/article/ALeqM5h8Vu3tVLkIcdHpsij-Qk5Rw2sBRw>. See also Fleshman, “Africa Fights the ‘People Trade’: Scourge of Human Trafficking Ensnarers Hundreds of Thousands.” See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, 12, 48. See also Terre des Hommes, *Little Hands of the Stone Quarries*.

⁵²³ Ministère de la Famille et d’Enfant et UNICEF, *Etude Nationale sur la Traite des Enfants*, 24-25. See also Blagbrough, *They Respect their Animals More*, 3. See also Republique de Benin and Cercle International pour la Promotion de la Creation, *Etude Sur la Traite des Enfants a des Fins d’Exploitation Sexuelle*, 22. See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, 11. See also U.S. Department of State, “Benin,” in *Country Report on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119016.htm>. See also UN Committee on the Rights of the Child, *Concluding observations*, para 71.

⁵²⁴ Albertine de Lange, *Going to Kompienga- A Study on Child Labour Migration and Trafficking in Burkina Faso’s South-Eastern Cotton Sector*, August 2006, 23-81.

⁵²⁵ U.S. Embassy- Cotonou official, E-mail communication to USDOL official, February 8, 2011.

⁵²⁶ ILO-IPEC, *Tackling Hazardous Child Labour in Agriculture: Guidance on Policy and Practice*, 2009; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=2799>.

⁵²⁷ Confédération Syndicale Internationale, *Normes Fondamentale du Travail Internationalement Reconnues au Bénin, au Burkina Faso, et au Mali*, 8. See also ECPAT, *Global Monitoring Report*, 11-15. See also UNODC, *Measures to*

Combat Trafficking in Human Beings in Benin, Nigeria and Togo, 11-12. See also U.S. Department of State, “Country Reports- 2010: Benin,” section 6. See also Republique de Benin and Cercle International pour la Promotion de la Creation, *Etude Sur la Traite des Enfants a des Fins d’Exploitation Sexuelle*, 29.

⁵²⁸ ECPAT, *Global Monitoring Report*, 11-12.

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⁵³⁰ U.S. Department of State, “Country Reports- 2010: Benin,” section 7d.

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⁵³² Confédération Syndicale Internationale, *Normes Fondamentale du Travail Internationalement Reconnues au Bénin, au Burkina Faso, et au Mali*, 7. See also U.S. Embassy- Cotonou, *reporting*, July 29, 2008.

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⁵⁴² U.S. Embassy- Cotonou official, Letter to USDOL official, March 25, 2010.

⁵⁴³ Government of Benin, *Decret No 2011-029 de Janvier 2011*, (2011).

⁵⁴⁴ UN Economic and Social Council, *Summary Record of the 10th Meeting*. See also Government of Benin, *Constitution de la Republique du Benin*, (December 11, 1990); available from http://www.chr.up.ac.za/images/files/documents/ahrdd/benin/benin_constitution_english.pdf.

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⁵⁴⁸ *Ibid.*, articles 7-8.

⁵⁴⁹ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 2.5.

⁵⁵⁰ *Ibid.*, section 2.4. See also U.S. Department of State, “Country Reports- 2010: Benin.”

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⁵⁵² U.S. Embassy- Cotonou, *reporting, April 22, 2009*.

⁵⁵³ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 3.1.

⁵⁵⁴ U.S. Embassy- Cotonou, *reporting, February 1, 2010*, section F. See also U.S. Embassy- Cotonou official, E-mail communication to USDOL official, August 9, 2010. See also U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 3.1. See also U.S. Embassy- Cotonou, *reporting, April 22, 2009*.

⁵⁵⁵ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 3.1. See also U.S. Embassy- Cotonou, *reporting, February 25, 2011*, para 2.

⁵⁵⁶ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 4.1.

⁵⁵⁷ U.S. Embassy- Cotonou, *reporting, February 1, 2010*, section E.

⁵⁵⁸ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, sections 4.1, 4.3. See also U.S. Department of State, “Country Reports- 2010: Benin,” section 7d.

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⁵⁶¹ UNODC, *Global Report on Trafficking in Persons, 2009*, 78; available from http://www.unodc.org/documents/human-trafficking/Country_profiles/West_Central_Africa.pdf. See also U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 4.1.

⁵⁶² UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, 78.

⁵⁶³ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 5.2. See also U.S. Embassy- Cotonou, *reporting, February 25, 2011*, 8C.

⁵⁶⁴ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 5.3. See also U.S. Embassy- Cotonou, *reporting, February 25, 2011*, 8D, 9E.

⁵⁶⁵ Freedom House, *Freedom in the World 2010- Benin*, May 3, 2010; available from <http://www.unhcr.org/refworld/docid/4c0ceb04c.html>.

⁵⁶⁶ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 6.1.

⁵⁶⁷ *Ibid.*, sections 6.1, 6.3. See also UN Committee on the Rights of the Child, *Concluding observations*, 4.

⁵⁶⁸ U.S. Embassy- Cotonou, *reporting, February 25, 2011*, 9G. See also U.S. Embassy- Cotonou, *reporting, February 1, 2010*.

⁵⁶⁹ U.S. Department of State, “Trafficking in Persons Report- 2009: Benin.”

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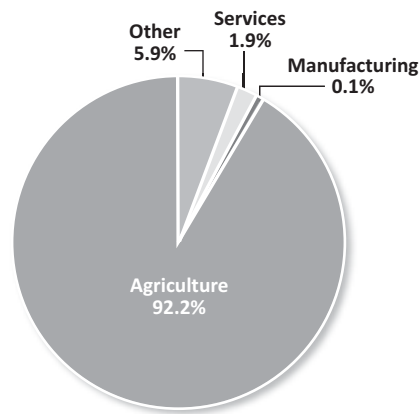
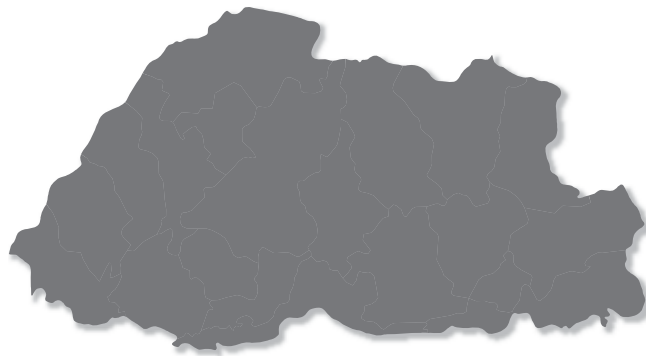
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- ⁵⁷² Government of Benin, *Plan Decennal de Development du Sector de l'Education 2006-2015*, 2006, 21, 38; available from http://planipolis.iiep.unesco.org/upload/Benin/Benin_PDDE_T1_T2_CMEF.pdf.
- ⁵⁷³ ILO Committee of Experts, *Individual Direct Request C138: Benin (2009)*, article 2. See also Brown, "Child Trafficking in Benin, West Africa." See also UNESCO, *Education: Child Workers*.
- ⁵⁷⁴ U.S. Embassy- Cotonou, *reporting, April 22, 2009*.
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- ⁵⁷⁸ U.S. Embassy- Cotonou, *reporting, February 25, 2011*, 8E.
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- ⁵⁸⁰ U.S. Embassy- Cotonou, *reporting, December 6, 2010*, section 7.1. See also U.S. Embassy- Cotonou, *reporting, February 25, 2011*, 9F.
- ⁵⁸¹ U.S. Embassy- Cotonou, *reporting, February 25, 2011*, 11E, 11J.
- ⁵⁸² ILO-IPEC, *La Formation Professionnelle et L'Apprentissage: Une Alternative au Travail Precoce et aux Pires Formes de Travail des Enfants en Afrique Francophone*, 2010; available from <http://www.ilo.org/ipeceinfo/product/viewProduct.do?productId=9330>. See also ILO-IPEC, *IPEC Actions Against Child Labour: Highlights 2010*, 2011, 60; available from <http://www.ilo.org/ipeceinfo/product/viewProduct.do?productId=15735>.
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- ⁵⁸⁶ USDOL, *OCFT Global Project Status*, 2011. See also USDOS official, E-mail communication to USDOL official, February 16, 2011.
- ⁵⁸⁷ USDOL, *Eliminating the Worst Forms of Child Labor in West Africa by Strengthening Sub-Regional Cooperation through ECOWAS II*, Project Document, 2010, vii. See also USDOL, *Eliminating the Worst Forms of Child Labor in West Africa by Strengthening Sub-Regional Cooperation through ECOWAS*, Technical Cooperation Project Summary, 2010.
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Bhutan

The Government of Bhutan took an initial step toward addressing the problem of child labor during 2010 by holding a seminar to discuss the issue. However, children continue to engage in the worst forms of child labor in agriculture and domestic service. The Government has yet to fully establish policies and programs to address worst forms of child labor in these sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	19.6
Attending School	5-14 yrs.	69.0
Combining Work and School	10-14 yrs.	0.3



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bhutan are engaged in the worst forms of child labor,⁵⁹¹ especially in agriculture and domestic service.⁵⁹² Children in agriculture often work long hours, use dangerous tools, work unsupervised in dangerous environments and perform physically difficult tasks. Girls are more likely to be employed as child domestic workers in homes where they may be subjected to abuse and exploitation.⁵⁹³

Some children in Bhutan work in unregulated activities such as rag picking.⁵⁹⁴ Others are involved in construction and mining or quarrying, sectors in which their health may be endangered through long working hours and in which they face an increased likelihood of accidents and physical harm from dangerous machinery and tools.⁵⁹⁵ Urban children sometimes work as street vendors.⁵⁹⁶ Children working on the streets may

be involved in vehicle accidents or exposed to dangers including severe weather and criminal elements.






Girls younger than age 18 are also reported to be involved in commercial sexual exploitation.⁵⁹⁷

Laws and Regulations on the Worst Forms of Child Labor

The 2007 Labor and Employment Act of Bhutan sets the minimum age for work at age 18. However, children ages 13 to 17 can work provided they are not exposed to physical harm, dangerous machinery or an unhealthy working environment.⁵⁹⁸ This exception appears to effectively lower the legal working age to 13, which is below the international standard of 14.

The Regulation on Acceptable Forms of Child Labor outlines the list of work prohibited for

those younger than age 18.⁵⁹⁹ Domestic service is not prohibited under the regulation, and does not appear to be addressed elsewhere in the legal framework.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

The Penal Code stipulates that anyone who subjects a child to economic exploitation or hazardous work will be guilty of child abuse, a misdemeanor carrying a minimum punishment of one year imprisonment.⁶⁰⁰

The Labor and Employment Act of Bhutan also protects children younger than age 18 from forced or compulsory labor, trafficking, use in armed conflict, prostitution, pornography, use by adults in illicit drug-related activities and any labor that endangers their health, safety or morals.⁶⁰¹ The Penal Code prohibits commercial sexual exploitation and trafficking of children for prostitution and lays out penalties for these offenses.⁶⁰²

There is no age to which education is compulsory.⁶⁰³ The lack of standards in this area

may increase the risk of children's involvement in the worst forms of child labor as young children are not required to be in school but are unable to legally work. Education is offered free by the government, but some children may have trouble accessing educational services due to informal fees. For example, children often have to pay enrollment fees and contribute to the school feeding program.⁶⁰⁴

Institutional Mechanisms for Coordination and Enforcement

The National Commission for Women and Children (NCWC) is the lead agency to coordinating the promotion and protection of women and children.⁶⁰⁵ The NCWC monitors issues of child labor nationwide.⁶⁰⁶ The NCWC includes representatives from government agencies, law enforcement, the judiciary, civil society, media and business.⁶⁰⁷

The Department of Labor investigates child labor during routine and special inspections of workplaces. The Ministry of Labor and Human Resources is empowered to investigate child labor complaints and require employers to comply with child labor laws throughout the country.⁶⁰⁸ Its Labor Protection Division is responsible for public awareness and enforcement of labor laws. Labor inspectors are based in Thimpu and in two regional offices.⁶⁰⁹ The ministry has 4 labor inspectors in Thimpu and 2 inspectors in each region of Bhutan; it has requested 37 more labor inspectors over the next four years.⁶¹⁰ The labor inspectors investigate general working conditions, including child labor violations.⁶¹¹ There is no information on the number of labor inspections, their findings, or resulting actions taken.

Child labor laws are also enforced by the Home Ministry's Royal Bhutan Police.⁶¹² The police's Woman and Child Protection Unit (WCPU) protects the rights of children and women in Bhutan. The WCPU also provides

counseling services and refers victims to NGOs for assistance.⁶¹³ There is no information on the number of criminal worst forms of child labor investigations, prosecutions or victims assisted.

Government Policies on the Worst Forms of Child Labor

The Government's Tenth Five Year Plan (2008-2012) addresses the issues of poverty reduction and education. The plan proposes reducing poverty through income and employment generation, expanding rural access to markets and improving living conditions for the rural poor.⁶¹⁴ It also aims to increase school enrollment by establishing and improving local primary schools.⁶¹⁵ The question of whether this policy has an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In October 2010, the NCWC took an initial step toward addressing the issue of child labor by holding a seminar to discuss the problem. Representatives from the Ministries of Home and Cultural Affairs, Labor and Human Resources, Education and Health as well as the police, NGOs and student leaders were in attendance, and the participants compiled a list of recommendations that included developing awareness campaigns, compiling data and developing a child labor hotline to report cases of exploitation.⁶¹⁶

The NCWC manages a program called Project Hope, which provides residential shelters for

children at risk of exploitative child labor.⁶¹⁷

This program does not appear to be sufficient to provide services to many of the children vulnerable to or involved in the worst forms of child labor in Bhutan, such as those involved in agriculture, domestic labor, construction, rag picking, and mining and quarrying.

A number of projects address issues of poverty reduction and education not specifically targeted to child laborers. During 2010, the UNDP worked with the Ministry of Agriculture and Forests on a \$267,550 project to enhance rural income and livelihoods. The project mobilized communities into microenterprise groups and provided cash loans as well as start-up supplies.⁶¹⁸

UNICEF works with the Government on education issues by providing nonformal education, printing textbooks and assisting with the establishment of new schools.⁶¹⁹ The question of whether these programs have an impact on child labor does not appear to have been addressed.

Children must have proof of birth registration to attend school. However, those born in remote areas and those born to ethnic minorities are less likely to be registered.⁶²⁰ As a result, and despite the efforts described above, some children are denied access to education. Furthermore, children of Nepali descent are unable to receive an education in their native language.⁶²¹ Research found no evidence of programs to address the need for improved birth registrations and for education in the Nepali language.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bhutan:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Law to comply with international standards of minimum age for work.
- Enact laws to provide protections for children working in domestic service.
- Make primary education compulsory to ensure children are attending school and are therefore less vulnerable to the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publish data on the number of labor investigations, child labor violations, criminal cases of the worst forms of child labor and child victims assisted.
- Monitor schools to ensure that children are not required to pay informal educational fees.

IN THE AREA OF POLICY:

- Assess the impact that the Tenth Five Year Plan may have on child labor.

IN THE AREA OF PROGRAMS:

- Expand social programs for children at risk of engaging in child labor to target children who work in agriculture, domestic labor, construction, rag picking and mining and quarrying.
- Assess the impact that existing programs may have on child labor.
- Assist rural families to apply for birth registration as a precursor to school enrollment.
- Provide educational services in Nepali to encourage Nepali children to attend school and not enter into the worst forms of child labor.

⁵⁹¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁹² UNICEF, *Situation of Child Labour in Bhutan, 2010*, 4. See also UNICEF, *A Situation Analysis of Children and Women in Bhutan*, National Commission for Women and Children, Thimphu, 2006, 69; available from http://www.ncwcbhutan.org/ncwc/publications/SITAN_Bhutan-2006.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under*

Article 44 of the Convention: Convention on the Rights of the Child: Second Periodic Reports of States Parties due in 1997: Bhutan, March 21, 2007; available from <http://www.unhcr.org/refworld/country,,CRC,,BTN,,46d411e02,0.html>. See also Lucky Wangmo, "When Children Abandon Books to Earn a Living", *Business Bhutan*, [online], January 20, 2010 [cited May 11, 2011]; available from <http://www.apfanews.com/human-rights-monitor/when-children-abandon-books-to-earn-a-living/>.

⁵⁹³ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1997: Bhutan*. See also U.S. Department of State, "Bhutan," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7.d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

⁵⁹⁴ UNICEF, *Situation of Child Labour in Bhutan*, 17.

⁵⁹⁵ *Ibid.*, 17 and 31.

⁵⁹⁶ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1997: Bhutan*, para. 406.

⁵⁹⁷ *Ibid.*, para. 433.

⁵⁹⁸ *Labour and Employment Act of Bhutan 2007*, (2007), para. 170-171; available from <http://www.molhr.gov.bt/labouract.pdf>. See also UNICEF, *Situation of Child Labour in Bhutan*, 29.

⁵⁹⁹ *Regulation: Acceptable Forms of Child Labour*, (November 10, 2009), 2; available from <http://labournet.molhr.gov.bt>.

⁶⁰⁰ Bhutan Embassy- New Delhi official, Letter to U.S. Embassy- New Dehli official, June 8, 2009.

⁶⁰¹ *Labour and Employment Act of Bhutan 2007*, para. 6 and 9.

⁶⁰² *Penal Code of Bhutan*; available from www.asianlii.org/bt/legis/laws/pcob2004145.

⁶⁰³ U.S. Department of State, “Country Reports- 2010: Bhutan,” section 6.

⁶⁰⁴ U.S. Department of State, “Bhutan,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136086.htm>. See also UNICEF, *Analysis of Children and Women in Bhutan*, 48-49.

⁶⁰⁵ UNICEF, *Situation of Child Labour in Bhutan*, 3.

⁶⁰⁶ U.S. Embassy- New Dehli, *reporting, April 1, 2009*.

⁶⁰⁷ UN Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the seventh periodic report: Bhutan*, CEDAW/C/BTN/Q/7/Add.1, Geneva, May 10, 2009, 10.

⁶⁰⁸ Bhutan Embassy- New Delhi official, Letter, March 15, 2009.

⁶⁰⁹ US Embassy- New Delhi official, E-mail communication to USDOL official, June 29, 2011.

⁶¹⁰ *Ibid.*

⁶¹¹ Bhutan Embassy- New Delhi official, Letter, March 15, 2009.

⁶¹² U.S. Embassy- New Delhi, *reporting, April 1, 2009*.

⁶¹³ UN Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions*, 9.

⁶¹⁴ Gross National Happiness Commission, *Tenth Five Year Plan 2008-2013*, 2009, 24; available from <https://max.omb.gov/maxportal/home.do>.

⁶¹⁵ *Ibid.*, 109-110.

⁶¹⁶ National Commission for Women and Children, *Report of the Seminar on Child Labour*, Serbithang, Bhutan, October 6, 2010.

⁶¹⁷ Lucky Wangmo, “When Children Abandon Books to Earn a Living”.

⁶¹⁸ Tarayana Foundation and Ministry of Agriculture and forests, *Best Practices for the Project for Enhancing Rural Income and Livelihoods Through Sustainable Agricultural Development and Micro-Enterprise in Bhutan*, Thimphu, Bhutan, December 2010, v-1; available from <http://www.undp.org/bt/Best-Practices-for-the-Project-for-Enhancing-Rural-Income-and-Livelihoods.htm>.

⁶¹⁹ UNICEF, *Getting out of the gloom*, [online] [cited April 1, 2011]; available from www.unicef.org/bhutan/nonform.htm. See also UNICEF, *Second chance at literacy*, [online] [cited April 1, 2011]; available from www.unicef.org/bhutan/educat.htm. See also UNICEF, *Shortening the long trek to school*, [online] [cited April 1, 2011]; available from www.unicef.org/bhutan/commsch.htm.

⁶²⁰ U.S. Department of State, “Country Reports- 2010: Bhutan,” section 6.

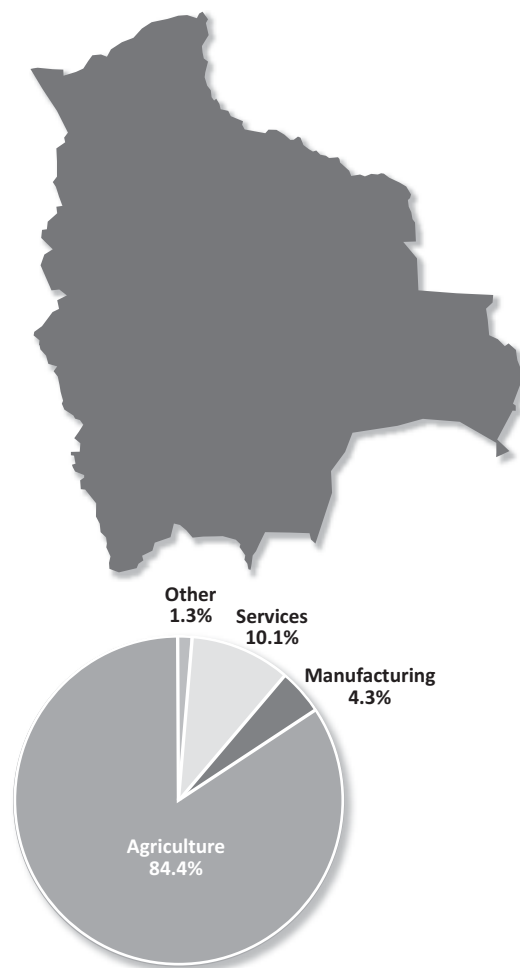
⁶²¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Bhutan*, October 8, 2008, para. 62; available from <http://www.unhcr.org/refworld/country,,CRC,,BTN,,48f7164c2,0.html>.

Bolivia

The Government of Bolivia has strengthened its legal and policy framework to address the worst forms of child labor, particularly in the sugar cane sector. However, hazardous child labor continues to exist, especially in the agricultural sector and among indigenous children. Although enforcement efforts have improved, gaps remain in the enforcement of child labor laws. Social programs that address the worst forms of child labor have been established but may be too limited to address the full scope of the problem.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	22.0
Attending School	6-14 yrs.	94.6
Combining Work and School	7-14 yrs.	19.7



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bolivia are engaged in the worst forms of child labor,⁶²² including in agriculture and as victims of commercial sexual exploitation. Indigenous children are particularly vulnerable to the worst forms of child labor.⁶²³ Children work in the production of sugarcane and Brazil nuts, especially in the departments of Pando, Beni, Santa Cruz, and Tarija.⁶²⁴ Children's work in agriculture commonly involves using potentially dangerous tools such as machetes, carrying heavy loads, working long hours and applying harmful pesticides.⁶²⁵ Children often work alongside their families in the harvesting of these crops. Many of these workers become indebted to their employers and are forced to work as long as the debt exists, often for long periods of time or even

across generations.⁶²⁶ Many indigenous Guaraní families live in debt bondage and work on ranches, including cattle ranches, in the Chaco region.⁶²⁷

Children also work in gold, silver, tin and zinc mines; here they work long hours, often in enclosed spaces, and are exposed to dangerous tools and chemicals.⁶²⁸ Children also work as street vendors, shoe shiners and transportation assistants, exposed to multiple dangers, including severe weather and are at risk of involvement in criminal elements and vehicle accidents.⁶²⁹ Additionally, underage children work in construction, which may require working long hours, carrying heavy loads or using dangerous tools and machinery.⁶³⁰ Children reportedly are exposed to the worst forms of child labor in the production of peanuts, corn, cotton and bricks.⁶³¹

Some Bolivian children migrate with their families to work in Chile in markets and in agriculture.⁶³² Children are also used to transport drugs in the border areas with Chile and Peru.⁶³³ Some Bolivian children are sent from rural to urban areas to work for higher-income families as domestic servants, or *criaditos*, in circumstances that often amount to indentured servitude.⁶³⁴

The commercial sexual exploitation of children, including child prostitution, is a problem in Bolivia, particularly in the Chapare region and in urban areas, including Santa Cruz, La Paz, El Alto and Cochabamba.⁶³⁵

Through organized networks, Paraguayan children are trafficked from Paraguay to Santa Cruz and La Paz for the purpose of commercial sexual exploitation.⁶³⁶ The internal trafficking of Bolivian children for the purposes of prostitution, domestic service, mining and agricultural labor, particularly on sugarcane and Brazil nut plantations, also occurs.⁶³⁷ Bolivian children are also trafficked to neighboring countries for forced labor.⁶³⁸ Bolivian families reportedly sell or rent their children to work in agriculture and mining in Peru.⁶³⁹ There have also been reports of Bolivian children forced into the production of garments in Argentina.⁶⁴⁰

Laws and Regulations on the Worst Forms of Child Labor

The Child and Adolescent Code sets the minimum age for employment at age 14.⁶⁴¹ Apprenticeships for children ages 12 to 14 are permitted with some restrictions.⁶⁴² Children through age 17 must have the permission of their parents or government authorities to work.⁶⁴³ The law prohibits children through age 17 from taking part in hazardous activities such as carrying excessive loads, working underground, working with pesticides and other chemicals, working at night and working in the harvesting of cotton, Brazil nuts or sugarcane. The law also requires employers to grant time off to adolescent workers who have not completed their primary or secondary education so that they may attend school during normal school hours.⁶⁴⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

The Constitution sets the compulsory school age at 17 and establishes the right to free primary education.⁶⁴⁵ The new Avelino Siñani-Elizardo Pérez Education Law, which was approved on December 21, 2010, aims to guarantee equal educational opportunities for all, including for children who are behind in school due to work.⁶⁴⁶

Bolivia’s Constitution prohibits forced or exploitative child labor, compulsory labor and any kind of labor without fair compensation.⁶⁴⁷ The minimum age for compulsory military service for males is 18.⁶⁴⁸

On November 8, 2010, the Bolivian Parliament passed the new Law for the Legal Protection of Children and Adolescents, which modified several articles of the Criminal Code and increased sanctions for child labor and trafficking offenses.⁶⁴⁹ The Law Against Trafficking in Persons and Other Related Crimes specifically prohibits child pornography and trafficking of minors for the purpose of prostitution and exploitation in illegal activities.⁶⁵⁰

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (MOL) is responsible for developing policies concerning child labor and leads an inter-institutional commission to coordinate the various agencies and other entities involved in child labor issues.⁶⁵¹ The commission includes several ministries and various NGOs, and coordination among them has been a problem.⁶⁵² Additionally, the meetings are reported to be infrequent.⁶⁵³ The MOL also has a mandate to coordinate and develop policies to eradicate any form of servitude, and its Fundamental Rights Unit has the specific responsibility to protect indigenous people and eradicate forced labor.⁶⁵⁴

The MOL is responsible for enforcing child labor laws and employs 36 inspectors who investigate labor complaints countrywide. These inspectors only respond to complaints and do not proactively inspect other workplaces.⁶⁵⁵ Inspectors have encountered obstacles in gaining access to plantations in the Chaco region where there is forced labor of entire families.⁶⁵⁶ Four inspectors are dedicated to investigating child labor violations in the areas identified by the government to have pervasive child labor. These include the sugarcane regions of Santa Cruz and Tarija-Bermejo as well as Riberalta and Potosí.⁶⁵⁷ The MOL has developed a guide and conducted trainings on child labor for all labor inspectors throughout the country.⁶⁵⁸

The MOL has the authority to fine violators and to send cases to labor courts, which are responsible for enforcing penalties.⁶⁵⁹ The MOL may also send cases to one of the 194 municipal Defender of Children and Adolescence offices that protect children's rights and interests.⁶⁶⁰ Statistics on hazardous child labor—such as the number and nature of offenses, investigations conducted, prosecutions, and penalties applied—are limited.⁶⁶¹ The four child labor inspectors conducted 90 inspections in 2009 and found violations in 10 percent of the cases, which are still unresolved.⁶⁶² Information on 2010 inspections is not available.

Trafficking for sexual and labor exploitation is addressed by the Government's Special Police Investigative Units (SIU) and prosecutors.⁶⁶³ Currently, there are eight SIUs with 44 Bolivian National Police (BNP) investigators, and each city has prosecutors responsible for pursuing trafficking cases.⁶⁶⁴ In 2010, four new SIU offices were opened on the borders with Argentina, Brazil, and Peru to focus on cross-border trafficking.⁶⁶⁵ During the reporting period, 55 BNP investigators and prosecutors received training on trafficking issues.⁶⁶⁶ The SIU and BNP maintain telephone hotlines for the public to report child trafficking or the commercial sexual exploitation of children.⁶⁶⁷ Bolivian police have been conducting raids on brothels and other sites to rescue child victims of prostitution.⁶⁶⁸

In 2010, 459 trafficking cases were initiated, 275 cases investigated, 184 cases dismissed, 55 in trial, and 129 closed by pleas or convictions.⁶⁶⁹ However, the statistics are not disaggregated to distinguish between children and adults.⁶⁷⁰

Government Policies on the Worst Forms of Child Labor

The Government of Bolivia's policy framework to address child labor was the National Plan for the Progressive Eradication of Child Labor (2000–2010). The plan identified mining, sugarcane harvesting, commercial sexual exploitation and domestic service as priority areas in combating exploitative child labor.⁶⁷¹ However, a new plan has not been established.

The MOL has undertaken a consultative process regarding child labor by indigenous children to inform its policy development. The consultative process has raised awareness within a number of indigenous communities, created a better understanding of the perceptions of child labor among indigenous groups and encouraged participatory decision-making to address child labor.⁶⁷²

Bolivia's National Development Plan (2006–2010) and poverty reduction strategy supported the goals and implementation of the National Plan for the Progressive Eradication of Child Labor through the coordination of government agencies and projects.⁶⁷³ In addition, the strategies outlined in the National Program for Decent Work in Bolivia and the UN Development Assistance Framework (2008–2012) support efforts to eliminate the worst forms of child labor and to reduce poverty.⁶⁷⁴ The 2008 Education for All (EFA) Global Monitoring Report published by UNESCO indicates that Bolivia will likely attain the EFA goal of universal primary enrollment by 2015.⁶⁷⁵ However, secondary school attendance rates are low and many children are behind in school due to work.⁶⁷⁶

The Government of Bolivia created a Transitional Plan for the Guaraní Communities that involved several national ministries and addressed the forced labor of Guaraní families in the Chaco region. The Transitional Plan supported agrarian land reform and the development of economic alternatives for Guaraní families, as outlined in the National Development Plan.⁶⁷⁷ Under the Transitional Plan, the Bolivian Government pursued a birth registration campaign, which resulted in identity documents for 2,500 Guaraní families.⁶⁷⁸ However, international experts on indigenous rights issues have reported that the implementation of this Transitional Plan has been slow and that a more decentralized plan is needed.⁶⁷⁹

The Government of Bolivia and other MERCOSUR countries are carrying out the Southern Child (*Niño Sur*) initiative to defend the rights of children and adolescents in the region. The initiative includes public campaigns against commercial sexual exploitation, trafficking, and child labor; mutual technical assistance in raising domestic legal frameworks to international standards on those issues; and the exchange of best practices related to victim protection and assistance.⁶⁸⁰ During the reporting period,

MERCOSUR member countries met to exchange good practices in systems to protect children and adolescents from commercial sexual exploitation as part of the Southern Child initiative.⁶⁸¹

Bolivia's Secretariat of Tourism is a member of the Joint Regional Group for the Americas.⁶⁸² The Joint Group, whose members also include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay and Venezuela, conducts prevention and awareness-raising campaigns to combat the commercial sexual exploitation of children in Latin America.⁶⁸³ The Government of Bolivia also has a bilateral agreement with Chile to combat the worst forms of child labor, with a particular focus on child trafficking in the border areas.⁶⁸⁴ As part of the implementation of this agreement, Bolivia and Chile hosted workshops during 2010 to exchange good practices on preventing the worst forms of child labor, particularly child trafficking.⁶⁸⁵ However, similar agreements have not been made with the Governments of Argentina, Paraguay and Peru.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The National Commission for the Progressive Eradication of Child Labor implements action programs dedicated to addressing child labor in mining, sugarcane, and urban work.⁶⁸⁶ The Government supports efforts to eliminate child labor in mines through awareness-raising, increasing educational opportunities and providing economic alternatives to families.⁶⁸⁷ The Government also works in collaboration with UNICEF to promote an educational strategy to benefit more than 3,000 girls and boys and their families who work in the sugarcane areas of Santa Cruz.⁶⁸⁸

A government cash subsidy program called *Bono Juancito Pinto* for all primary school students reportedly has contributed to increased rates of school attendance.⁶⁸⁹ In 2009, the program received \$50 million from the Government, and

approximately 2 million students participated in the program.⁶⁹⁰ It does not appear that research has been conducted on the impact of this program on child labor.

The Government participated in a 3-year USDOL-funded \$3.4 million project to improve access to basic education for working children in Bolivia. The project ended in December 2010 and withdrew or prevented 5,413 children from exploitative labor in Santa Cruz and Chuquisaca.⁶⁹¹ A new 4-year USDOL-funded \$6 million project began in December 2011. This project will build upon the achievements of the previous project, extend the educational program developed therein to additional communities and offer services aimed to improve household livelihoods.⁶⁹² The project is also working in collaboration with the Ministry of Education to extend to the national level an accelerated learning program, Leveling (*Nivelación*), that assists children who are behind in school due to work.⁶⁹³ However, this program has not yet been adopted at the national level.

In addition, the Government participates in a 4-year USDOL-funded \$6.75 million regional project to promote collaboration across four countries (Bolivia, Brazil, Ecuador and Paraguay) to combat the worst forms of child labor among the most socially excluded populations, including children of indigenous and Afro-descent.⁶⁹⁴ The project, which began in 2009, aims to rescue 6,600 children from the worst forms of child

labor through education interventions in the four countries. The project is also conducting capacity-building of government and civil society organizations, raising awareness and conducting research.⁶⁹⁵

The Government also participates in a 4-year, \$8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁶⁹⁶ A 1-year \$219,000 project funded by the Government of Brazil contributes to the development of national policies and programs to eliminate the worst forms of child labor in Bolivia.⁶⁹⁷

The Government has made efforts to increase public awareness of trafficking through education campaigns for school children and working with NGOs and international organizations on prevention activities.⁶⁹⁸ The municipal Defender of Children and Adolescents offices assist victims of trafficking, often in cooperation with NGOs.⁶⁹⁹

Despite these efforts, current programs do not appear to be sufficient to address the extent of the worst forms of child labor in Bolivia, particularly in the production of Brazil nuts, forced labor in the Chaco region and in urban work. In addition, several hundred thousand Bolivian citizens, many indigenous, lack identifying documents, which precludes access to basic social services and increases vulnerability to exploitation.⁷⁰⁰

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bolivia:

IN THE AREA OF LEGISLATION:

- Amend legislation to prohibit children under 14 from apprenticeships.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve coordination of the Inter-institutional Commission, including the frequency of meetings.
- Extend labor inspections to additional workplaces.
- Regularly report statistics on child labor, including the number of investigations, prosecutions, sentences and penalties applied.

IN THE AREA OF POLICIES:

- Establish and implement a new National Plan for the Progressive Eradication of Child Labor.
- Develop and implement a new Inter-ministerial Transitional Plan for the Guaraní Communities that promotes local governance.
- Pursue and implement joint agreements with the Governments of Argentina, Peru and Paraguay to address the high prevalence of the worst forms of child labor and child trafficking in the border areas.
- Develop national policies to support the new Avelino Siñani-Elizardo Pérez Education Law that guarantees equal educational opportunities for all, including for children who are behind in school due to work.

IN THE AREA OF PROGRAMS:

- Assess the impact of the Bono Juancito Pinto subsidy program on child labor.
- Adopt at the national level the accelerated learning program, Leveling (Nivelación), which supports the new education law and helps children who are behind in school due to work.
- Expand social programs to address the worst forms of child labor in areas where the incidence of hazardous child labor is high, particularly in the production of Brazil nuts, in forced labor in the Chaco region, and in urban work.
- Expand efforts to ensure all persons, including indigenous citizens, receive identity documents to reduce vulnerability to trafficking and other forms of exploitation.

⁶²² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2002. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁶²³ Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas (Compilación de documentos de trabajo)*, Cartagena, 2010, 58, 60, 62, 66, 93; available from http://white.oit.org.pe/ipecc/documentos/publi_encuentro_final.pdf. See also U.S. Department of State, "Bolivia," in *Country Reports on Human Rights Practices-2010*, Washington, DC, April 8, 2011, sections 5 and 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154495.htm>. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*, [online] 2009 [cited May 5, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11106&chapter=6&query=%28C182%29+%40ref+%2B+%28bolivia%29+%40ref&highlight=&querytype=bool&context=0>.

⁶²⁴ U.S. Department of State, “Country Reports- 2010: Bolivia,” section 7d. See also Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas*, 58. See also Mauricio Carrasco Ayala, “Bolivia: 15 mil familias indígenas esclavizadas en la explotación de castaña,” *Argentina Indy Media* (2005); available from <http://argentina.indymedia.org/news/2005/10/342536.php>. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*. See also Laura Baas, *Child Labour on Sugar Cane Plantations in Bolivia: A Worst Form of Child Labour*, IREWOC, Amsterdam, January 2009, 25-26; available from http://www.childlabour.net/documents/ruralproject/Rural%20CL_Bolivia%20Zafra_Laura_final.pdf. See also Government of Bolivia, *Niños, niñas y adolescentes castañeros: entre la necesidad, la explotación y la esperanza*, prepared by Ministerio de Trabajo Empleo, y Previsión Social, 2009. See also Government of Bolivia, *Sin Tiempo para soñar: Situación de los niños, niñas, adolescentes y sus familias en la zafra y el beneficiado de la castaña*, La Paz, 2009. See also UNICEF, *Trabajo Infantil en Bolivia*, [[cited June 21, 2011]; available from http://www.unicef.org/bolivia/proteccion_17111.htm.

⁶²⁵ ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*. See also Government of Bolivia, *Niños, niñas y adolescentes castañeros: entre la necesidad, la explotación y la esperanza*. See also Government of Bolivia, *Sin Tiempo para soñar*.

⁶²⁶ Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas*, 62. See also Andres Schipani, “Bitter lives of Bolivia’s child workers,” *BBC News* (2009); available from <http://news.bbc.co.uk/2/hi/americas/8285751.stm>. See also U.S. Department of State, “Country Reports- 2010: Bolivia,” sections 7c and 7d. See also Government of Bolivia, *Niños, niñas y adolescentes castañeros: entre la necesidad, la explotación y la esperanza*, 9. See also Government of Bolivia, *Sin Tiempo para soñar*.

⁶²⁷ ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*. See also Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas*, 62. See also UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 2009, 4 and 15; available from http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Bolivia_ES.pdf. See also Government of Bolivia, *Plan Interministerial Transitorio 2007-2008 para el pueblo Guaraní*, 2007, 3. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*. See also Inter-American Commission on Human Rights, *Captive Communities: Situation of the Guaraní Indigenous People and Contemporary Forms of Slavery in the Bolivian Chaco*, December 24, 2009, 24-30 and 35; available from www.cidh.org.

⁶²⁸ Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas*, 60. See also Sara Shahriari, “Child Miners in Bolivia,” March 23, 2010; available from <http://www.globalpost.com/dispatch/bolivia/100316/bolivia-children-mines>. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*. See also U.S. Department of State, “Country Reports- 2010: Bolivia,” section 7d.

⁶²⁹ ILO-IPEC and Instituto Nacional de Estadística de Bolivia, *Magnitud y Características del Trabajo Infantil en Bolivia: Informe Nacional 2008*, 2010, 156-157; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=14835>. See also U.S. Department of State, “Country Reports- 2010: Bolivia,” section 7d. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010.

⁶³⁰ ILO-IPEC and Instituto Nacional de Estadística de Bolivia, *Magnitud y Características del Trabajo Infantil en Bolivia: Informe Nacional 2008*, 82-83. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 1999 (núm. 182) Bolivia (ratificación: 2003) Submitted 2008*; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

⁶³¹ ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 1999 (núm. 182) Bolivia (ratificación: 2003) Submitted 2008*. See also Ministry of Education official, Interview with USDOL official, February 15, 2011. See also Ministry of Labor official, Interview with USDOL official, February 14, 2011. See also Inter-American Commission on Human Rights, *Captive Communities: Situation of the Guaraní Indigenous People and Contemporary Forms of Slavery in the Bolivian Chaco*, 35. See also Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas*, 60. See also U.S. Department of State, “Country Reports- 2010: Bolivia,” section 7c.

⁶³² U.S. Embassy- Santiago, *reporting*, February 13, 2009.

⁶³³ U.S. Embassy- Santiago, *reporting*, February 25, 2010.

⁶³⁴ U.S. Department of State, “Country Reports- 2010: Bolivia,” section 7d. See also Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas*, 66. See also UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 20-21.

⁶³⁵ U.S. Embassy- La Paz, *reporting*, March 14, 2011. See also CIES, Interview with USDOL official, February 15, 2011. See also Government of Bolivia, *Investigación estadística sobre la trata de personas en las ciudades de La Paz y El Alto*, Ministerio de Justicia, OAS, IOM, La Paz, 2007, 35.

⁶³⁶ Martha Casal Cacharrón, *Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia*, ILO-IPEC,

Asunción, 2007, 84; available from http://white.oit.org.pe/ipecc/documentos/verdades_desafios_py.pdf.

⁶³⁷ U.S. Department of State, “Country Reports- 2010: Bolivia,” section 5. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*. See also U.S. Department of State, “Bolivia (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also Government of Bolivia, *Investigación estadística sobre la trata de personas en las ciudades de La Paz y El Alto*.

⁶³⁸ U.S. Department of State, “Country Reports- 2010: Bolivia,” section 5. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Bolivia.”

⁶³⁹ U.S. Embassy- La Paz, *reporting*, February 18, 2010.

⁶⁴⁰ Ismael Bermúdez, “Trabajo esclavo: dicen que las marcas son responsables igual que los talleres,” *Clarín* (Buenos Aires), September 13, 2006. See also Tanja Bastia, *Child Trafficking or Teenage Migration? Bolivian Migrants in Argentina*, IOM, Oxford, 2005, 65-66; available from http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf. See also Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas*, 93.

⁶⁴¹ Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, Ley No. 2026, (October 27, 1999), article 126; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55837/68387/S99BOL01.htm>. See also Government of Bolivia, *Ley General de Trabajo*, (December 8, 1942), article 8; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/46218/65057/S92BOL01.htm#t4c6>.

⁶⁴² Government of Bolivia, *Ley General de Trabajo*, articles 28-30 and 58. See also U.S. Department of State, “Country Reports- 2010: Bolivia,” section 7d. See also ILO Committee of Experts, *Observation, Minimum Age Convention 1973 (No. 138) Bolivia (ratificación: 1997) Submitted 2009*; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

⁶⁴³ Government of Bolivia, *Ley General de Trabajo*, article 8.

⁶⁴⁴ Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, 134, 146, 147.

⁶⁴⁵ Government of Bolivia, *Nueva Constitución Política del Estado*, (October 2008), articles 78 and 81; available from <http://www.presidencia.gob.bo/download/constitucion.pdf>.

⁶⁴⁶ Government of Bolivia, *Ley de Educación*: Avelino Sinai-Elizardo Perez.

⁶⁴⁷ Government of Bolivia, *Nueva Constitución Política del Estado*, articles 46 and 61. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010.

⁶⁴⁸ Government of Bolivia, *Nueva Constitución Política del Estado*, articles 108 and 144. See also Coalition to Stop the Use of Child Soldiers, “Bolivia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=26>.

⁶⁴⁹ *Ley 054: Ley de la Protección Legal de Niños, Niñas, y Adolescentes*, (November 8, 2010), articles 14 and 24; available from <http://bolivia.infoleyes.com/shownorm.php?id=2493>. See also U.S. Embassy- La Paz, *reporting*, December 22, 2010.

⁶⁵⁰ Government of Bolivia, *Ley 3325: Trata y Trafico de Personas y Otros Delitos Relacionados*, (January 18, 2006), articles 1 and 2; available from <http://bolivia.infoleyes.com/shownorm.php?id=1773>.

⁶⁵¹ U.S. Embassy- La Paz, *reporting*, February 1, 2010.

⁶⁵² *Ibid.* See also USDOL official, Trip notes, May 18-28, 2010.

⁶⁵³ USDOL official, Trip notes, May 18-28, 2010.

⁶⁵⁴ ILO Committee of Experts, *Direct Request, Forced Labour Convention, 1930 (No. 29) Bolivia (ratification: 2005)*, [online] 2009 [cited May 5, 2011]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

⁶⁵⁵ U.S. Embassy- La Paz, *reporting*, December 22, 2010. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010.

⁶⁵⁶ UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*.

⁶⁵⁷ ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*. See also U.S. Embassy- La Paz, *reporting*, December 22, 2010. See also Ministry of Labor official, Interview, February 14, 2011.

⁶⁵⁸ Government of Bolivia, *Inspección del trabajo infantil y adolescente en Bolivia; Guía para la acción de Jefes e Inspectores del Ministerio de Trabajo, Empleo y Previsión Social*, prepared by Empleo y Previsión Social Ministerio de Trabajo, 2009. See also ILO-IPEC, “*Stop Child Labor in Agriculture*”: *Combating the worst forms of child labor through horizontal cooperation in South America*, Technical Progress Report, Geneva, March 2010, 2.

⁶⁵⁹ U.S. Embassy- La Paz, *reporting*, February 1, 2010.

⁶⁶⁰ U.S. Department of State, “Country Reports- 2010: Bolivia,” section 5. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010.

⁶⁶¹ ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003) Published: 2009*.

⁶⁶² U.S. Embassy- La Paz, *reporting*, February 1, 2010.

⁶⁶³ *Ibid.*

⁶⁶⁴ U.S. Embassy- La Paz, *reporting*, December 22, 2010.

- ⁶⁶⁵ Ibid.
- ⁶⁶⁶ Ibid.
- ⁶⁶⁷ U.S. Embassy- La Paz, *reporting, February 1, 2010*.
- ⁶⁶⁸ U.S. Department of State, “Trafficking in Persons Report-2010: Bolivia.”
- ⁶⁶⁹ U.S. Embassy- La Paz, *reporting, December 22, 2010*.
- ⁶⁷⁰ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*, [online] 2009 [cited May 5, 2011]; available from <http://www.ilo.org/ilolex/>.
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- ⁶⁷⁶ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Bolivia (ratification: 2003)*. See also Laura Baas, *Child Labour on Sugar Cane Plantations in Bolivia*, 25. See also Desarrollo y Autogestión, *Final Technical Progress Report: Combating Exploitive Child Labor through Education in Bolivia*, Santa Cruz, March 2011.
- ⁶⁷⁷ Government of Bolivia, *Plan Interministerial Transitorio 2007-2008 para el pueblo Guaraní*.
- ⁶⁷⁸ Ministry of Labor official, Interview, February 14, 2011.
- ⁶⁷⁹ UN Permanent Forum on Indigenous Issues, *Misión a Bolivia: Informe y Recomendaciones*, 5, 24 and 30.
- ⁶⁸⁰ CRIN, *MERCOSUR*, [online] [cited June 17, 2011]; available from <http://www.crin.org/espanol/RM/mercosur.asp>. See also Government of Argentina, *Iniciativa Niñ@SUR*, [online] [cited June 17, 2011]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/ninosur.htm>. See also Comité Argentino de Seguimiento y Aplicación de la Convención Internacional de los Derechos del Niño, *La Iniciativa Niñosur, una Instancia Regional que se Afirma* [online] April 2008 [cited June 17, 2011]; available from http://www.casacidn.org.ar/news_abril/nota1.html.
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- ⁶⁸³ Grupo de Acción Regional, *Grupo de acción regional de las Américas*.
- ⁶⁸⁴ U.S. Embassy- Santiago, *reporting, February 13, 2009*. See also U.S. Embassy- Santiago, *reporting, February 7, 2011*.
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- ⁶⁹¹ Desarrollo y Autogestión, *Combating Exploitive Child Labor through Education in Bolivia: Cooperative Agreement*,

Washington, D.C., September 2007. See also Desarrollo y Autogestión, *Combating Exploitive Child Labor through Education in Bolivia: Final Technical Progress Report*. March 2011.

⁶⁹² Desarrollo y Autogestión, *Cooperative Agreement: Combating Exploitive Child Labor through Education in Bolivia*, March 2010.

⁶⁹³ Ibid.

⁶⁹⁴ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Project Document, 2009. See also ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Cooperative Agreement, 2009.

⁶⁹⁵ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Cooperative Agreement. See also ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Project Document.

⁶⁹⁶ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Project Document.

⁶⁹⁷ ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.

⁶⁹⁸ Ibid.

⁶⁹⁹ U.S. Department of State, “Bolivia (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm>

⁷⁰⁰ U.S. Department of State, “Country Reports- 2010: Bolivia,” section 2. See also Encuentro Latinoamericano, *Niñez Indígena en América Latina: Situación y perspectivas*, 71. See also ILO Committee of Experts, *Direct Request, Tribal Peoples Convention, 1989 (No. 169) Bolivia (ratification: 1991) Submitted 2010*, [online] 2010 [cited June 17, 2011]; available from <http://www.ilo.org/ilolex/>.

Bosnia and Herzegovina

The Government of Bosnia and Herzegovina continued to make significant efforts to combat trafficking in 2010. The exploitative use of child labor in begging and pick-pocketing rings remains a problem. Significant gaps remain in the knowledge base on these issues and in the Government's programs to address them.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.9
Attending School	5-14 yrs.	83.7
Combining Work and School	7-14 yrs.	10.6



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bosnia and Herzegovina are engaged in the worst forms of child labor,⁷⁰¹ including in forced begging and pickpocketing.⁷⁰² There are reports of organized groups trafficking mainly ethnic Roma children and forcing them to beg and pickpocket.⁷⁰³ Reports from UNICEF and the country's Roma leaders indicate that a large percentage of Roma children do not attend school. Many of these children are under the age of 14 and live or work in the streets.⁷⁰⁴ Children working on the streets may be exposed to severe weather, traffic accidents, and criminal elements.

Other worst forms of child labor in Bosnia and Herzegovina include the trafficking of children, particularly girls, for commercial sexual exploitation.⁷⁰⁵


There are also reports of child pornography being produced in Bosnia and Herzegovina,⁷⁰⁶ although research has not revealed the magnitude of the problem.

Laws and Regulations on the Worst Forms of Child Labor

The state of Bosnia and Herzegovina consists of the Federation of Bosnia and Herzegovina (FBiH), Republika Srpska (RS), and Brcko District (BD), a self-governing territory.⁷⁰⁷ Laws at both the state level and component entity level regulate issues related to the worst forms of child labor, with primary responsibility for labor laws being at the entity level.⁷⁰⁸

The Labor Codes of FBiH, RS, and BD set the minimum age for work at 15. Minors ages 15 to 18 are prohibited from working at night or performing work that endangers their health or development. FBiH, RS, and BD law prohibit hard labor, working underground, underwater, and other jobs that would risk the life, health or psychological development of minors.⁷⁰⁹ However, research found no evidence that entity-level governments have lists of specific forms of hazardous work prohibited to minors.

The Constitution prohibits forced or compulsory labor.⁷¹⁰ The Bosnia and Herzegovina Criminal Code dictates prison terms for actions that place or keep a minor in slavery.⁷¹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The FBiH, RS, and BD Criminal Codes prohibit prostitution and penalize the production and distribution of child pornography.⁷¹² The Bosnia and Herzegovina Criminal Code prohibits trafficking in persons for the purpose of sex and labor exploitation.⁷¹³ In practice, this also includes forcing children to beg.⁷¹⁴ The Bosnia and Herzegovina Criminal Code outlaws hiring a prostitute outside of the state where one resides or is a citizen.⁷¹⁵

Education in Bosnia is free and compulsory through age 15.⁷¹⁶ However, even though authorities provided textbooks, meal allowances, and transportation to Roma children, poverty, verbal harassment, and language obstacles still prevented children from attending or caused some children to drop out of school.⁷¹⁷

The Bosnia and Herzegovina Defense Reform Law ended conscription, and voluntary recruitment is not permitted for anyone under the age of 18.⁷¹⁸

Institutional Mechanisms for Coordination and Enforcement

Research identified no information to indicate that the Government of Bosnia and Herzegovina has established mechanisms at the state or entity level for coordinating efforts to combat child labor.⁷¹⁹

Various institutions at the entity level, however, are responsible for enforcement of labor laws, including those on child labor. The FBiH Ministry of Labor and Social Policy, the RS Ministry of Labor and Veterans, and the BD Administrative Support Department oversee and enforce the Labor Codes of their respective jurisdictions.⁷²⁰ There are 118 labor inspectors for FBiH, RS, and BD. Officials in these ministries have reported that these numbers are adequate and report that they have sufficient resources to carry out inspections.⁷²¹ Labor inspectors are trained to detect child labor violations; however, child labor is not common in the formal sector. During the reporting period, there were no identified cases of child labor law violations.⁷²²

The Government of Bosnia and Herzegovina appears to have established a number of mechanisms to coordinate efforts to combat human trafficking.⁷²³ The Office of the State Coordinator for Anti-trafficking, within the Bosnia and Herzegovina Ministry of Security (MOS), plays the lead role in anti-trafficking efforts at the state level, and a nationwide Inter-Ministerial Working Group to Combat Trafficking, which includes a number of agencies, also exists. At the state level, the Ministries of Interior, Health, Labor, and Education are involved with anti-trafficking efforts, along with prosecutors at the state, entity and local levels.⁷²⁴

The Government continued to make efforts to improve cooperation and coordination between entities involved in combating trafficking. It made improvements in its data collection on trafficking cases through the nationwide Anti-Trafficking Strike Force.⁷²⁵ The Anti-Trafficking Strike Force is chaired by the chief state prosecutor. It includes prosecutors, financial investigators, and police who target trafficking and illegal migration.⁷²⁶

The Bosnia and Herzegovina State Prosecutor's Office has exclusive jurisdiction over trafficking cases under state level law, and can decide which cases to prosecute at the state level and which to send to the entity level.⁷²⁷

During 2010, 24 out of 37 trafficking victims documented by the Government of Bosnia and Herzegovina were minors.⁷²⁸ During 2009, the last year for which information is available, authorities investigated 21 cases, prosecuted 16 cases, and convicted 16 trafficking offenders.⁷²⁹ Research has not revealed how many of these cases involved child victims of trafficking.

In 2010, police conducted several large-scale raids against organized forced begging rings. As a result, the police rescued 15 children engaged in forced begging and placed them in government-funded shelters.⁷³⁰

The State Coordinator's Office coordinates trafficking victim protection efforts among NGOs, law enforcement, and government institutions.⁷³¹ It also identifies and registers trafficking victims and refers them to NGO service providers.⁷³²

Government Policies on the Worst Forms of Child Labor

The Government of Bosnia and Herzegovina has policies to address human trafficking and socio-economic inclusion of the Roma population, but

there is no evidence of an over-arching policy framework for the elimination of the worst forms of child labor.⁷³³

The trafficking of children for commercial sexual exploitation or forced labor is addressed in the Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina for 2008-2012. This plan is based on three pillars: prevention, protection of trafficking victims, and prosecution of traffickers.⁷³⁴ The goals include: 1) lowering the risk of trafficking among vulnerable categories; 2) advancing the procedure for identifying trafficking victims; 3) ensuring timely and adequate assistance to victims and witnesses of human trafficking; and 4) strengthening the criminal policy for acts of human trafficking and increasing the number of convictions and sentences. The Government continued to implement this plan during the reporting period.⁷³⁵

The Government is also participating in an international initiative aimed at helping Roma populations that could benefit Roma children living and working in the streets. The Decade for Roma Inclusion (2005-2015) is an initiative of 12 European countries to improve the socioeconomic status and social inclusion of the Roma minority across the region.⁷³⁶ Action plans for employment, health, and housing have been developed. No evidence was identified to determine the impact of this initiative on Roma children involved in the worst forms of child labor. Roma organizations, in coordination with relevant Government agencies, intend to develop an Action Plan to combat the problem of child begging, but it appears that the plan has not yet been completed.⁷³⁷

The Government does not collect reliable data on children being forced to engage in begging, pickpocketing or prostitution. This impairs its ability to formulate and implement effective policies to address these problems.⁷³⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During 2010, the Government continued to cooperate with the IOM to implement anti-trafficking assistance, training, and prevention programs.⁷³⁹

The Government of Bosnia and Herzegovina funded six local NGOs that provided shelter and medical and psychological assistance to victims of trafficking, both foreign and domestic. It continued to fund the operation of an NGO anti-trafficking hotline.⁷⁴⁰ The Government developed a manual on preventing child trafficking that it subsequently distributed to police, prosecutors and health-care officials.⁷⁴¹

The Ministry of Human Rights and Refugees, in cooperation with local Roma NGOs, spent \$2.1 million on programs focused on Roma housing, education, employment, health care and social inclusion.⁷⁴² Research has not revealed the impact that this effort has had in reducing the challenges faced by street children.

Aside from these important initiatives against child trafficking, research has identified limited social programs by the Government of Bosnia and Herzegovina to assist street children involved in forced begging and pickpocketing.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Bosnia and Herzegovina:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend entity-level laws to include comprehensive prohibitions against specific hazardous activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish coordinating mechanisms at the state and entity level to combat all worst forms of child labor.

IN THE AREA OF POLICY:

- Assess the impact that policies addressing the social inclusion of the Roma population have on the worst forms of child labor.
- Collaborate with Roma organizations to formulate an Action Plan to combat the problem of child begging.
- Collect reliable data on children engaged in begging, pickpocketing, and prostitution, to enable policymakers to identify problems more accurately and to address them more effectively.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact of efforts by the Ministry of Human Rights and Refugees that target housing, education, employment, health care, and social inclusion for Roma children involved in the worst forms of child labor in Bosnia and Herzegovina.
- Institute programs to assist street children and address children's involvement in begging and pickpocketing rings.

⁷⁰¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁷⁰² U.S. Embassy- Sarajevo, *reporting, February 17, 2011*.

⁷⁰³ Ibid. See also U.S. Department of State, "Bosnia and Herzegovina," in *Country Reports on Human Rights Practices-2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154416.htm>.

⁷⁰⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Bosnia and Herzegovina*, CRC/C/15/Add.260, Geneva, September 21, 2005; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/\\$FILE/G0544039.DOC](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/$FILE/G0544039.DOC). See also U.S. Department of State, "Country Reports- 2010: Bosnia and Herzegovina."

⁷⁰⁵ U.S. Department of State, "Bosnia and Herzegovina," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142981.pdf>.

⁷⁰⁶ "Bosnian police seize 2 million child porn photos," *USA Today*, (Sarajevo), March 21, 2011; available from http://www.usatoday.com/news/world/2011-03-21-bosnia-child-pornography_N.htm.

⁷⁰⁷ U.S. Department of State, *Background Note: Bosnia and Herzegovina*, [online] January 2011 [cited April 18, 2011]; available from <http://www.state.gov/r/pa/ei/bgn/2868.htm>.

⁷⁰⁸ Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina*, article II, section 3c, and article III, section 3, (December 14, 1995); available from http://www.ohr.int/print/?content_id=372.

⁷⁰⁹ Government of Bosnia and Herzegovina, *Labor Law of the Federation of Bosnia and Herzegovina*, articles 15, 36, 51; available from (hard copy on file). See also Government of Bosnia and Herzegovina, *Labor Law of the Republic of Serbia*, articles 14, 45, 46, 69; available from (hard copy on file). See also Government of Bosnia and Herzegovina, *Labor Law of the Brcko District*, articles 10, 28, 41; available from (hard copy on file).

⁷¹⁰ Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina*.

⁷¹¹ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina*, article 185, section 5; available from <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc>.

⁷¹² Government of Bosnia and Herzegovina, *Criminal Code of the Federation of Bosnia and Herzegovina*, articles 210, 211; available from (hard copy on file). See also Government of Bosnia and Herzegovina, *Criminal Code of the Republic of Serbia*, articles 198, 199, 200; available from (hard copy on file). See also Government of Bosnia and Herzegovina, *Criminal Code of the Brcko District*, article 186, 207, 208; available from (hard copy on file).

⁷¹³ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina*.

⁷¹⁴ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina*. See also U.S. Embassy- Sarajevo official, e-mail communication, August 9, 2010.

⁷¹⁵ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina*.

⁷¹⁶ UNESCO, *Education for All Global Monitoring Report*, 2010; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>. See also U.S. Department of State, "Country Reports- 2010: Bosnia and Herzegovina."

⁷¹⁷ U.S. Department of State, "Country Reports- 2010: Bosnia and Herzegovina."

⁷¹⁸ Coalition to Stop the Use of Child Soldiers, "Bosnia and Herzegovina," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁷¹⁹ U.S. Embassy- Sarajevo, *reporting, February 17, 2011*.

⁷²⁰ Council of Europe, *Bosnia and Herzegovina: Administrative organisation*, 2010; available from <http://www.coe.int/t/dg3/socialpolicies/socialsecurity/Source/MissceoChart2010/BiH-Chart-2010.doc>.

⁷²¹ U.S. Embassy- Sarajevo, *reporting, February 17, 2011*.

⁷²² Ibid.

⁷²³ Ibid.

⁷²⁴ Ibid.

⁷²⁵ U.S. Department of State, *Trafficking in Persons Interim Assessment: Bosnia and Herzegovina*, April 5, 2011; available from <http://www.state.gov/g/tip/rls/reports/2011/160017.htm>.

⁷²⁶ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*.

⁷²⁷ Ibid.

⁷²⁸ U.S. Embassy- Sarajevo official, e-mail communication, June 3, 2011.

⁷²⁹ U.S. Department of State, “Trafficking in Persons Report-2010: Bosnia and Herzegovina.”

⁷³⁰ U.S. Embassy- Sarajevo official, e-mail communication, June 3, 2011.

⁷³¹ U.S. Embassy- Sarajevo, *reporting, February 26, 2010.*

⁷³² U.S. Department of State, “Trafficking in Persons Report-2010: Bosnia and Herzegovina.”

⁷³³ U.S. Embassy- Sarajevo, *reporting, February 17, 2011.*

⁷³⁴ *Ibid.*

⁷³⁵ *Ibid.*

⁷³⁶ *Ibid.*

⁷³⁷ *Ibid.*

⁷³⁸ *Ibid.*

⁷³⁹ IOM, *Bosnia and Herzegovina*, [online] July 2010 [cited May 6, 2011]; available from <http://www.iom.int/jahia/Jahia/bosnia-and-herzegovina>.

⁷⁴⁰ U.S. Department of State, “Trafficking in Persons Report-2010: Bosnia and Herzegovina.”

⁷⁴¹ *Ibid.*

⁷⁴² U.S. Embassy- Sarajevo, *reporting, February 17, 2011.*

Botswana

The Government of Botswana designed institutional and policy frameworks to combat the worst forms of child labor and supported programs with NGOs to stop trafficking in children. However, unsafe child labor continues to exist in livestock herding in the rural areas and domestic service in urban centers. Lack of enforcement may reflect gaps in the country's legal framework and its capacity to implement the policies it has designed.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Botswana are engaged in the worst forms of child labor,⁷⁴³ including livestock herding and domestic work. In Botswana, children often work for little or no pay as herd boys on family cattle posts.⁷⁴⁴ Boys manage herds of livestock in isolated areas for days without proper food and shelter.⁷⁴⁵

Children, especially girls, work in domestic service. Parents from rural areas send their children to the city to live with wealthier families and work as domestic servants.⁷⁴⁶ These children may work long hours and face physical and sexual abuse from their employers.


Children in Botswana also work in agriculture,⁷⁴⁷ and perform unsafe tasks such as using dangerous machines and tools, carrying heavy loads and applying harmful pesticides.

Botswana is a source, transit and destination country for children trafficked for the purposes of forced labor and sexual exploitation.⁷⁴⁸ Child prostitution takes place at truck stops and transit points in large towns in Botswana.⁷⁴⁹ HIV and AIDS in Botswana often impoverish families and push children into the worst forms of child labor,⁷⁵⁰ with those orphaned by HIV/AIDS being the most susceptible to trafficking.⁷⁵¹

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at 14.⁷⁵² The law forbids employers from using “young workers,” defined as children ages 14 to 18, when the nature of the job or the conditions under which it is carried out might endanger the life or health of a child.⁷⁵³ Family members may employ their own children if they do not attend school. They must be at least age 14, work for 30 hours a week or less and perform light work that is not harmful to their health or

development. The law does not define hazardous or light work more specifically nor does it establish a list of hazardous occupations prohibited to children.⁷⁵⁴ The law also lacks protections for children involved in domestic work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Government of Botswana does not have a law specifically prohibiting trafficking in persons.⁷⁵⁵ However, the Penal Code and the Criminal Procedure and Evidence Act punish persons for kidnapping, child stealing, abduction and slavery, including those who “traffic or deal in slaves.”⁷⁵⁶ These laws also punish the offense of rape, indecent assault and defilement of a person younger than age 16. Also prohibited is the procurement of a girl for prostitution, but this prohibition does not apply to boys.⁷⁵⁷ Child pornography is a criminal offense in Botswana.⁷⁵⁸ The law specifically protects adopted children from being exploited for labor and orphans from being coerced into prostitution.⁷⁵⁹ The Employment Act prohibits forced labor.⁷⁶⁰

There is no compulsory education law in Botswana, though basic education is free at the

primary levels.⁷⁶¹ The lack of such a law may increase the risk of children’s involvement in the worst forms of child labor.

Military service is voluntary, and the Botswana Defense Force Act prohibits recruitment officers from enlisting persons younger than age 18.⁷⁶²

Institutional Mechanisms for Coordination and Enforcement

The Government has created an Advisory Committee on Child Labor, which includes representatives from government agencies, various NGOs, workers’ federations and employers’ organizations. The Advisory Committee facilitates the oversight of child labor issues among all stakeholders.⁷⁶³ There is no information as to what this Advisory Committee does with regard to child labor coordination.

The Ministry of Labor and Home Affairs (MOLHA) has the overall responsibility of enforcing child labor laws and policies. The Commissioner of Labor within MOLHA is tasked with investigating workplaces that are suspected of violating child labor laws.⁷⁶⁴ The Labor Inspection Unit within MOLHA is charged with enforcing the Employment Act, which includes those provisions related to the employment of children within the scope of its labor inspections.⁷⁶⁵ The Commissioner of Labor is authorized to end employment relationships involving children.⁷⁶⁶ However, MOLHA did not conduct any inspections or monitoring visits nor were any fines issued for child labor violations during the reporting period.⁷⁶⁷ The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws at the local levels.⁷⁶⁸ Research found no evidence of the Labor Inspection Unit conducting any inspections in the rural areas of Botswana, where most child labor occurs.

The Botswana Police Service, joined by the Department of Immigration and Citizenship, MOLHA, the Ministry of Social Services and the

Directorate of Intelligence and Security, lead the Government's efforts to combat trafficking of persons.⁷⁶⁹ Interagency cooperation on trafficking is informal at present, but the Government of Botswana has plans to create a formal trafficking in person task force.⁷⁷⁰ Law enforcement and immigration officials receive training in anti-trafficking methods.⁷⁷¹ However, there were no prosecutions or convictions for human trafficking violations during the reporting period.⁷⁷² The Botswana Police Service continued its cooperation with the South African police force to stem the flow of human trafficking.⁷⁷³

Government Policies on the Worst Forms of Child Labor

In February 2008, the Government of Botswana drafted a National Action Plan for the elimination of the worst forms of child labor. The plan's action items include addressing legislation and policy gaps, raising awareness, designing programs better targeted to address child labor and providing training for relevant stakeholders and implementers.⁷⁷⁴

The Government of Botswana has addressed child labor in other policy frameworks. The National Plan of Action for Children (2006-2016) seeks to promote the rights of children through education, training, health and nutrition.⁷⁷⁵ Although the Government provides free basic education for all children, incidental fees in the form of donations, transportation to and from school and other fees mean that basic education is not necessarily free.⁷⁷⁶ Although, Botswana's net enrollment rate for children has consistently been above 85 percent,⁷⁷⁷ such fees may hinder families from sending their children to school and push children into the worst forms of child labor.

The Ministry of Education's Revised National Policy on Education aims to increase enrollment and retention of working children and those at risk of child labor.⁷⁷⁸ Strategies include harmonizing the Children's Act with labor laws; raising public awareness of child labor as a

barrier to inclusive education and strengthening existing out-reach programs.⁷⁷⁹ The Presidential Task Group on Long Term Vision for Botswana produced another strategy, *Vision 2016*, which acknowledges that parents intentionally choose not to send their children to school.⁷⁸⁰ The strategy proposes providing universal access to school and helping improve families' socioeconomic conditions so that children in poor and rural areas are no longer viewed as essential sources of labor and income.

The UN Development Assistance Framework for Botswana (2010-2016) includes the goal of reducing child labor to help create a protective and supportive environment for children.⁷⁸¹ The Botswana National Youth Policy addresses issues affecting youth, such as abuse of young people and the high number of young people who are not in school.⁷⁸²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Botswana's Central Statistic office included a children's activities module in the 2006/07 national Labor Force Survey, but statistics on child work and schooling still are not available.⁷⁸³

The Government of Botswana endorsed a National Action Plan for the elimination of child labor under the regional project Towards the Elimination of the Worst Forms of Child Labor, Phase II (TECL II), a USDOL-funded project that aims to combat the worst forms of child labor in the southern African countries of Botswana, Namibia and South Africa.⁷⁸⁴ In Botswana, the project targets children working in agriculture, with special focus on providing educational services and mitigating the impact of HIV/AIDS. The goal of TECL II is to mainstream child labor issues into the legislative and policy frameworks and withdraw and prevent 2,100 children from engaging in the worst forms of child labor in Botswana.⁷⁸⁵

The Government of Botswana continued its partnership with ILO in the Decent Work Country Program (DWCP) Agenda 2007-2015 for the Southern Africa subregion.⁷⁸⁶ The DWCP for the subregion is part of a broader action plan to eliminate the worst forms of child labor in Africa by 2016.⁷⁸⁷

The Government has instituted a stay-in-school program, in which educators and social workers collaborate to help keep children in school by explaining the importance of a child's education to parents.⁷⁸⁸

During the reporting period, the Government of Botswana, in partnership with the Bill and Melinda Gates Foundation, received additional funding of \$60 million from the Merck Company Foundation in support of Botswana's African Comprehensive HIV/AIDS Partnership program.⁷⁸⁹ The program is part of the Government of Botswana's new prevention efforts targeting youth, pregnant women and nursing

mothers to prevent mother to child transmission of HIV.⁷⁹⁰ Limited and indirect efforts were also made by the Government to reduce the demand for commercial sex acts, largely through a broad HIV/AIDS awareness campaign.⁷⁹¹ The Government of Botswana, in partnership with Baylor International Pediatric AIDS Initiative, provides care and treatment to HIV-infected infants and children. The Teens Club, formed through this initiative in 2005 with only 23 teenagers, had over 400 members at the beginning of 2010 and expects to reach 1,000 youth in 2012.⁷⁹²

The Government, through its ministries and in partnership with Childline, UNICEF and other NGOs, conducted a national campaign on child trafficking.⁷⁹³ The Government also made additional efforts to prevent trafficking in and through Botswana by placing anti-trafficking education posters at all its borders and including trafficking awareness segments in some of its law enforcement training sessions.⁷⁹⁴

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Botswana:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor laws to
 - Specifically define light work and identify the types of hazardous work prohibited for children.
 - Extend protection to all children working in the worst forms of child labor in domestic service and prostitution in accordance with international standards, regardless of gender.
 - Provide penalties for trafficking in persons violations.
 - Establish a compulsory age for education in line with the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to monitor child labor and anti-trafficking efforts.
- Ensure enforcement of child labor laws by conducting labor inspections, including in rural communities.

IN THE AREA OF POLICIES AND PROGRAMS:

- Reconcile the various plans addressing child labor in order to prioritize action items, identify funding and implement the most urgent goals.
- Analyze and release results of the 2006/7 Labor Force Survey module on child work activities.
- Ensure free education for all children by addressing the various fees associated with attending school.

⁷⁴³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁷⁴⁴ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland: Report for the WTO General Council Review of the Trade Policies of Botswana, Lesotho, Namibia, South Africa and Swaziland*, Geneva, November 4-6, 2009; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf. See also Gale Ngakane, *Child Labour Exists in Botswana-student teacher*, [online] 2008 [cited December 19, 2008]; available from www.mmegi.bw. See also UNICEF, *Digital Diarist Tsholofelo Selufaro speaks about child labor in Botswana*, April 15, 2008; available from http://www.unicef.org/people/botswana_43551.html?q=printme.

⁷⁴⁵ Ibid.

⁷⁴⁶ U.S. Department of State, “Botswana,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards*.

⁷⁴⁷ U.S. Embassy- Gaborone, *reporting, January 20, 2009*, section 4. para 4

⁷⁴⁸ U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana.”

⁷⁴⁹ U.S. Embassy- Gaborone, *reporting, February 15, 2011*, para 4 (B).

⁷⁵⁰ Eva Procek, *Discussion Document on Child Labor in Botswana*, Botswana Ministry of Labor and Social Security, International Labor Organization (ILO) and Programme Towards the Elimination of the Worst Forms of Child Labor (TECL), October 2006.

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⁷⁵² Government of Botswana, *Employment Act*, (1982); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/842/64792/E82BWA01.htm>. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Botswana*

(*ratification: 1997*) Submitted: 2007, March 5, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20095&chapter=9&query=Botswana%40ref&highlight=&querytype=bool&context=0>.

⁷⁵³ Government of Botswana, *Employment Act*.

⁷⁵⁴ U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 6

⁷⁵⁵ U.S. Embassy- Gaborone, *reporting, March 24, 2010*, para 3 (A).

⁷⁵⁶ UN International covenant on civil and political rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Initial report of States parties due in 2001 Botswana*, CCPR/C/BWA/1, May 2, 2007; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/415/11/PDF/G0741511.pdf?OpenElement>. See also U.S. Department of State, “Botswana,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135939.htm>.

⁷⁵⁷ Government of Botswana, *Criminal Procedure and Evidence Act*, (1939), paras 142, 146, 147; available from <http://www.laws.gov.bw/Docs/Principal/Volume2/Chapter8/Chpt8-02%20Criminal%20Procedure%20and%20Evidence.pdf>.

⁷⁵⁸ U.S. Department of State, “Country Reports- 2009: Botswana.”

⁷⁵⁹ U.S. Embassy- Gaborone, *reporting, January 20, 2009*. See also U.S. Department of State, “Botswana,” in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78720.htm>.

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⁷⁶¹ Right to Education Project, *National Law and policies on minimum ages - Botswana*, 2004; available from <http://www.right-to-education.org/country-node/311/country-minimum>. See also Katarina Tomasevski, *The State of the Right to Education Worldwide. Free or Fee: 2006 Global Report*, Copenhagen, August 2006; available from http://www.katarinatomasevski.com/images/Global_Report.pdf.

⁷⁶² Government of Botswana, *Botswana Defence Force*, 23, (1977), article 17; available from <http://www.laws.gov.bw/Docs/Principal/Volume3/Chapter21/Chpt21-05%20Botswana%20Defence%20Force.pdf>.

⁷⁶³ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*. See also U.S. Department of State, “Country Reports- 2006: Botswana.”

⁷⁶⁴ U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 4. See also U.S. Department of State, “Botswana,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/118987.htm>.

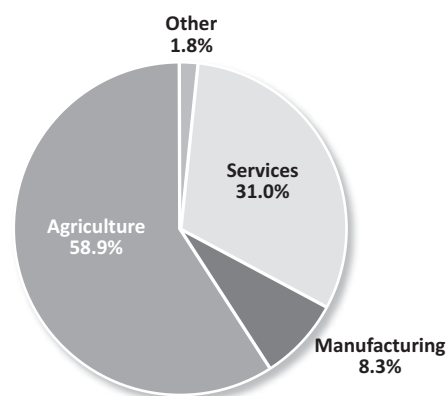
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- ⁷⁶⁹ U.S. Embassy- Gaborone, *reporting, February 15, 2011*, para 8
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Brazil

The Government of Brazil continued to strengthen child labor law enforcement, monitoring systems and policy and programs. In 2010, it began to implement the Second National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents. Despite significant progress, the worst forms of child labor continue to exist, particularly in agriculture and street work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.2
Attending School	5-14 yrs.	96.5
Combining Work and School	7-14 yrs.	6.4



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Brazil are engaged in the worst forms of child labor, mainly in agriculture and street work.⁷⁹⁵ The majority of them work in agriculture, particularly in the northeastern region.⁷⁹⁶ Such children often work in hazardous conditions, laboring long hours, using dangerous tools and are exposed to the elements, pesticides and unsanitary conditions.⁷⁹⁷ Children are engaged in the production of coffee, sugarcane, corn, pineapple, rice, manioc, sisal, tobacco, lime, cocoa and tomatoes. They also work in cattle ranching and animal slaughter and are victims of forced labor in cattle ranching.⁷⁹⁸ Children produce charcoal, ceramics, and bricks; mine stones; and break rocks into gravel.⁷⁹⁹ Reportedly, children work under forced labor conditions in the production of cocoa, lime and strawberries.⁸⁰⁰

In urban areas, children perform hazardous work in construction, car repair, garbage scavenging and recycling and in the production of leather, furniture and footwear. They work long hours and are exposed to the elements, toxic substances and physical injuries.⁸⁰¹ A 2010 study found more than 23,000 predominantly male children working on the streets in 75 cities.⁸⁰²

Some children in Brazil work in hazardous labor as domestic servants, sometimes in isolation and for more than 40 hours per week.⁸⁰³ Children and adolescents are also engaged in prostitution and sex tourism, including along highways, at truck stops and bus stations and in brothels near mining settlements in the Amazon region.⁸⁰⁴ Children are reportedly engaged in pornography. Children are trafficked internally and internationally for the purposes of commercial sexual exploitation and

forced labor.⁸⁰⁵ Children are sometimes recruited into criminal gangs to work in the drug trade.⁸⁰⁶

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Code set the minimum age for work at 16. The Labor Code and Decree No. 6481 of 2008 prohibit hazardous work, including domestic work, for children under age 18.⁸⁰⁷ Decree No. 6481 lists 93 hazardous activities from which children are barred. It also prohibits the use of children in the sale of alcoholic beverages and illegal drugs.⁸⁰⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

The Penal Code penalizes commercial sexual exploitation, forced labor and trafficking in persons, including for the purpose of sexual exploitation and labor exploitation. The Statute of the Child and Adolescent prohibits child pornography.⁸⁰⁹ Law 11.343 of 2006 punishes individuals who involve, or attempt to involve, children in drug trafficking-related activities.⁸¹⁰ In December 2010, the National Immigration

Council established legislation that grants permanent visa status to foreign victims of human trafficking.⁸¹¹

The minimum age for recruitment and enlistment in the armed forces is 18.⁸¹² The Constitution establishes free and compulsory education through age 17.⁸¹³

Institutional Mechanisms for Coordination and Enforcement

The National Council for the Rights of Children and Adolescents (CONANDA) is the national body that coordinates policies to protect children’s rights and monitors their implementation.⁸¹⁴ The National Committee for the Elimination of Child Labor leads the implementation of the National Plan for the Prevention and Elimination of Child Labor and the Protection of Working Adolescents. It is coordinated by the Ministry of Labor and Employment (MTE) and includes 17 government agencies along with representatives from trade unions, business associations and civil society organizations.⁸¹⁵ The Intersectoral Committee to Combat Sexual Violence against Children and Adolescents monitors the implementation of the National Plan to Combat Sexual Violence against Children and is led by the Presidential Office’s Secretariat of Human Rights (SDH).⁸¹⁶ The National Advisory Group monitors and evaluates the implementation of the First National Plan to Combat Trafficking in Persons (2008–2010), which is coordinated by the Ministry of Justice (MJ).⁸¹⁷ In 2010, MJ established a working group to review the National Plan and coordinate the development of a new plan.⁸¹⁸

The MTE conducts labor inspections, enforces child labor laws and monitors child labor. Its 3,038 labor inspectors work in all 26 States.⁸¹⁹ In 2010, it carried out 57,258 labor inspections, removed 5,617 children engaged in child labor and imposed fines of \$4.3 million. The MTE regularly trains inspectors on child labor issues.⁸²⁰

To strengthen labor inspections and coordinate activities with other law-enforcement agencies, the MTE requires that labor inspectors give immediate priority to cases of child labor. Inspectors have a maximum of 10 days to submit information about inspection results, which is available on the online monitoring system, Information System on Child Labor Hotspots (SITI). If MTE labor inspectors find children engaged in commercial sexual exploitation, domestic work or other prohibited activities, they must report these cases to the local council guardianships, which will work with the Federal Labor Prosecutor's Office (MPT) and the police to conduct investigations.⁸²¹

The MPT also prosecutes child labor violations.⁸²² It works through the 24 prosecutors of the National Committee to Combat Child Labor. It carries out awareness-raising campaigns, organizes public hearings on child labor cases and monitors the implementation of the National Program for the Eradication of Child Labor.⁸²³

In 2010, the MTE established new guidelines for labor inspections to improve coordination and maximize resources. All labor inspections are now planned by regional offices, based on MTE's goals, analysis of labor market data and available human and financial resources.⁸²⁴ During the reporting period, the MTE, along with the ILO, published a report on best practices in labor inspections to combat child labor. It highlights the strategy developed over the past 15 years. This inspection strategy combines planning of labor inspections, specific protocols to be followed during inspections, prevention activities, publication of results on SITI, interagency coordination and timely resolution of cases and collection of fines.⁸²⁵

To investigate and combat forced labor, including forced child labor, the MTE has a special mobile unit composed of labor inspectors, the Federal Police (FP) and federal labor prosecutors. In 2010, the unit inspected 305 worksites and rescued 2,617 workers, including children, from forced labor

conditions.⁸²⁶ In addition, FP investigated 323 cases of forced labor and 177 forced labor lawsuits were filed in Brazilian courts.⁸²⁷

To enforce laws against the trafficking and commercial sexual exploitation of children, SDH coordinates a hotline, *Dial 100*, that directs complaints to appropriate institutions for follow-up.⁸²⁸ In 2010, *Dial 100* received more than 29,000 complaints.⁸²⁹ *Safernet Brasil* receives online complaints about child pornography; in 2010, it received more than 20,000 online complaints.⁸³⁰

During the reporting period, the FP and the Federal Prosecutor's Office (MP) carried out operations to combat human trafficking. The FP conducted 74 investigations, and the MP filed charges against 26 individuals in four cases, which resulted in nine convictions with sentences between 4 and 11 years, including community service and fines. In addition, 13 individuals are currently on trial or awaiting trial for human trafficking.⁸³¹ No information is available about how many of these cases were related to child trafficking.

In 2010, the Government continued to establish a comprehensive monitoring system to collect information on cases of the worst forms of child labor, including child trafficking, pornography and forced labor, at the federal, state and municipal levels.⁸³²

Government Policies on the Worst Forms of Child Labor

The National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents and the National Program to Eliminate Child Labor (PETI) guide government efforts to combat child labor.⁸³³ In 2010, the Government of Brazil began to implement the Second National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents, which prioritizes the worst

forms, cultural patterns that perpetuate child labor, and occupational and safety risks of working youth.⁸³⁴

The National Plan to Combat Sexual Violence against Children and Adolescents lays out the strategy to combat sexual violence and commercial sexual exploitation. The National Policy and Program to Combat Trafficking in Persons are the principal policy instruments for combating human trafficking.⁸³⁵

The Government has included child labor in the National Plan to Promote and Protect the Rights of Children and Adolescents for Family and Community Life and the Social Agenda for Children and Adolescents.⁸³⁶ It has mainstreamed child labor into its National Development Plan (PPA) (2008–2011), the National Education Plan (PNE), and National Human Rights Program.⁸³⁷ During the reporting period, the Government established the National Decent Work Agenda (2011–2015), which includes the elimination of forced labor and child labor among its goals.⁸³⁸ The National Policy and Decennial Plan for the Human Rights of Children, also adopted in 2010, is a comprehensive policy that includes the elimination of child labor as one of its strategic objectives.⁸³⁹

In 2010, the Government released the results of the 2009 National Household Survey (PNAD), which indicates that the Government continues to reduce the rate of child labor and rescue thousands of children from child labor.⁸⁴⁰ However, the survey does not provide information about children engaged in drug trafficking, child victims of forced labor or indigenous child labor.

During the reporting period, the State of Matto Grosso established a plan to combat child labor and the city of Sao Paulo approved a policy to combat the worst forms of child labor that includes provision of integrated services to children and families.⁸⁴¹

The PNAD determined that more than 3,200 municipalities in Brazil carry out actions to combat child labor.⁸⁴² However, Brazil does not have a monitoring system to track the implementation of child labor policies, which could be used to identify needed technical assistance for local communities and to share best practices.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government's key program to combat child labor is PETI, a conditional cash-transfer program aimed at families with working children who commit to keep their children in school and out of work.⁸⁴³ PETI is currently carried out in more than 3,500 municipalities, and more than 820,000 children have benefited.⁸⁴⁴ In 2010, the Brazilian Congress allocated approximately \$200 million to PETI.⁸⁴⁵

PETI is part of the Single Social Assistance System (SUAS), which comprises the main social protection programs funded and implemented by federal, state and municipal governments.⁸⁴⁶ In 2010, the Ministry of Social Development and Combating Hunger (MSD) announced the creation of more than 3,200 social assistance centers throughout the country to assist vulnerable populations.⁸⁴⁷

To combat poverty, the Government of Brazil has established a separate program, *Bolsa Familia*, a conditional cash-transfer program that supplements family income. One of the conditions for families to participate in this program is that children under 18 must attend school regularly.⁸⁴⁸ More than 12 million families participate in the program. In 2010, *Bolsa Familia* had a budget of more than \$840 million.⁸⁴⁹

The MSD coordinates the implementation of PETI and *Bolsa Familia* and monitors family and child beneficiaries through the Single Registry Social Programs (*CadÚnico*).⁸⁵⁰

Although PETI and *Bolsa Familia* have reduced child labor in Brazil, challenges remain. Research has found that some vulnerable families continue to value children's work over education.⁸⁵¹ PETI and *Bolsa Familia* beneficiaries are not fully complying with program requirements; research conducted in the State of Sao Paulo in 2009 found that of the 5,615 beneficiary children who participated in the study, 67 percent were working while going to school.⁸⁵² Due to PETI's decentralization, local communities are responsible for its implementation; however, they do not have the resources to monitor school attendance or provide after-school programs, particularly in the northeastern region.⁸⁵³

The Government of Brazil implements the National Program to Combat Sexual Violence against Children and Adolescents, the National Program to Combat Trafficking in Persons and the Second Plan to Combat Forced Labor. During the reporting period, the Government carried out national campaigns to prevent the commercial sexual exploitation of children, human trafficking and forced labor, and it assisted victims of such practices.⁸⁵⁴

The Government of Brazil participates in child labor projects funded by USDOL, including a 4-year, \$6.5 million project to combat the worst forms of child labor in 10 States that ended in June 2010.⁸⁵⁵ That project provided technical assistance to the MTE to set up its monitoring system (SITI); helped the Ministry of Health to develop training on child labor for health professionals; identified good practices and lessons learned from Brazil's experience in combating child labor; and supported awareness-raising activities such as the Red Card against Child Labor campaign. It also rescued more than 10,800 children from domestic service, commercial sexual exploitation and hazardous work in agriculture and the informal sector.⁸⁵⁶ The Government currently participates in a 4-year, \$4.9 million USDOL project that supports the State of Bahia in becoming the first state free of child labor. This initiative is being carried out in 18 municipalities and provides

educational services to 14,000 Afro-descendent children.⁸⁵⁷ The Government participates in a 4-year, \$6.75 million regional project that promotes South-South cooperation among Brazil, Ecuador, Bolivia and Paraguay to combat child labor. The project aims to rescue 6,600 children from exploitative work.⁸⁵⁸ Brazil also receives funding and technical support from other international donors and organizations to combat child labor, forced labor, commercial sexual exploitation of children and human trafficking.⁸⁵⁹

During the reporting period, the Government began to participate in a new initiative to combat forced labor funded by USDOS, which raises awareness of labor law violations, strengthens the capacity of the private sector to combat forced labor and increases knowledge of how to prevent forced labor throughout supply chains.⁸⁶⁰

In 2010, the Governments of Brazil, Haiti and the United States and the ILO signed an agreement to combat child labor in Haiti.⁸⁶¹ The Government of Brazil continues to support the implementation of the Decent Work Agenda in Latin America and Africa, which includes a child-labor component. Brazil funds ILO-IPEC initiatives to combat child labor in Latin America and Portuguese-speaking African countries through the exchange of best practices.⁸⁶² The Brazilian Government participates in other regional initiatives to combat child labor such as MERCOSUR's Southern Child Initiative and the Joint Regional Group for the Americas. Southern Child aims to improve legal frameworks and promotes awareness and the exchange of best practices to combat commercial sexual exploitation.⁸⁶³ The Joint Group, which includes Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname and Uruguay, conducts prevention campaigns to eliminate child sex tourism. As part of these initiatives, during the reporting period, Mercosur member-countries met to exchange best practices in social protection systems for children and adolescents, and country members of the Joint Group continued to raise awareness of child sex tourism.⁸⁶⁴

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Brazil:

IN THE AREA OF POLICIES:

- Develop a monitoring system to track the implementation of child labor policies.
- Carry out more research on the worst forms of child labor, particularly with regard to children engaged in drug trafficking, child victims of forced labor and indigenous child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand awareness-raising initiatives and establish a communications strategy to address cultural factors that contribute to the worst forms of child labor.
- Support local governments in the implementation of PETI with resources for effective monitoring.
- Continue expanding the coverage of PETI and *Bolsa Família* programs in areas with high rates of child labor and ensure that family beneficiaries comply with program requirements to keep children in schools and out of work.

⁷⁹⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2009. Data on children combining working and schooling are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁷⁹⁶ Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios 2009*, September 2010, 68-69; available from http://www.ibge.gov.br/home/estatistica/populacao/trabalhoerendimento/pnad2009/pnad_sintese_2009.pdf. See also Agência Brasil, *Nordeste é a região com maior número de crianças e adolescentes que trabalham*, [online] September 17, 2010 [cited April 25, 2011]; available from <http://noticias.uol.com.br/empregos/ultimas-noticias/2010/09/17/nordeste-e-a-regiao-com-maior-numero-de-criancas-e-adolescentes-que-trabalham.jhtm>.

⁷⁹⁷ Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios: Aspectos Complementares de Educação, Afazeres Domésticos e Trabalho Infantil 2006*, March 2008, 78 [cited April 25, 2011]; available from <http://www.ibge.gov.br/home/estatistica/>

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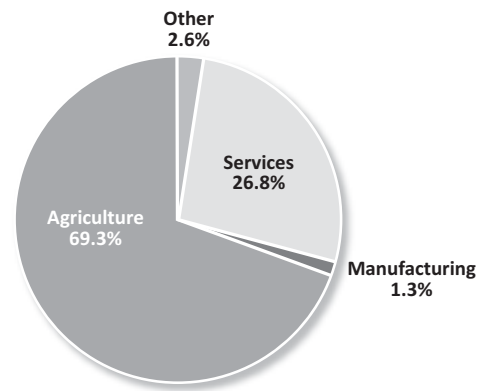
Burkina Faso

The Government of Burkina Faso increased its number of labor inspectors and implemented several social programs to combat the worst forms of child labor. Despite these efforts, wide-scale child labor in agriculture and livestock raising, which can involve hazardous work, still persists. Gaps remain in the enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	37.8*
Attending School	7-14 yrs.	43.4
Combining Work and School	7-14 yrs.	0.9

* Population of working children: 1,258,003



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Burkina Faso are engaged in the worst forms of child labor,⁸⁶⁵ particularly in agriculture and livestock-raising.⁸⁶⁶ Children herd goats, cattle and sheep.⁸⁶⁷ They also sow, weed and harvest crops. Some of these children are engaged in forced labor.⁸⁶⁸ Children involved in agriculture work long hours and may be exposed to dangerous activities and chemicals such as pesticides used on cotton farms.⁸⁶⁹ According to a UCW-SIMPOC study, the vast majority of working children in Burkina Faso are found doing work that includes a hazardous component.⁸⁷⁰

Children work in construction, quarries and mines, including gold mines.⁸⁷¹ In artisanal mines, children break rocks, risking injury from the shards. They work underground, risking injury from falling rocks. They also carry heavy loads and wash minerals, sometimes using harmful chemicals, including mercury.⁸⁷² Children working in artisanal mining are not provided

with protective gear. They often work 6 to 7 days a week for up to 14 hours per day, and many of these children receive only room and board as payment.⁸⁷³ They suffer from occupational illnesses, including respiratory conditions, muscular ailments and vision problems.⁸⁷⁴ In addition, these children are sometimes physically or sexually abused.⁸⁷⁵

Children are engaged in commercial sexual exploitation.⁸⁷⁶ Children, particularly girls, work as street vendors, or domestic servants, which may entail sexual exploitation.⁸⁷⁷

In Burkina Faso, it is traditional to send boys, called *talibes*, to Koranic teachers to receive education that may include vocational training or apprenticeship.⁸⁷⁸ While some boys receive lessons, others may be forced by their teachers to beg under hazardous conditions and surrender the money they have earned. They may also be required to work in the production of cotton, laboring 12 to 18 hours a day and performing hazardous work such as applying pesticides.⁸⁷⁹

Girls are also commonly used for forced begging.⁸⁸⁰ Similarly, a growing number of children as young as age 7 beg on the streets. Children working on the streets may be exposed to multiple dangers, including severe weather, vehicular accidents and criminal elements.⁸⁸¹






Burkina Faso is a destination, transit point, and source for children trafficked for forced labor and commercial sexual exploitation.⁸⁸² Children are primarily trafficked within Burkina Faso and from rural areas to urban areas. Such trafficked children work in domestic service, mines and quarries, commercial sexual exploitation and agriculture, including in the cultivation of cotton.⁸⁸³ Children from Burkina Faso are trafficked to Cote d'Ivoire, Mali or Niger.⁸⁸⁴ Boys from Burkina Faso are also trafficked to Mali and Côte d'Ivoire for forced labor in agriculture.⁸⁸⁵ Many boys trafficked to Côte d'Ivoire work in the cocoa sector. In this sector, children as young as age 9 are forced to perform dangerous work, often unpaid.⁸⁸⁶

In Burkina Faso, extensive flooding in 2009 and 2010 destroyed homes and harvests, increasing food insecurity that had already been exacerbated in 2008 by extremely high (riot-provoking) food prices.⁸⁸⁷ This followed several years of rising food prices and ruined harvests, which have caused parents to remove their children from schools, as they can no longer afford costs associated with education.⁸⁸⁸

Access to education is further hindered by overcrowded classrooms.⁸⁸⁹ In addition, currently, due to poverty, only one in three Burkinabe children has a registered birth certificate. Unable to prove citizenship, children may face barriers to state-sponsored education.⁸⁹⁰ Family interest in education is also hindered by children's exposure to severe physical and psychological violence in schools, including the risk of being sexually abused by teachers.⁸⁹¹ Access to safe and quality education is a critical component in preventing the economic exploitation of children.⁸⁹²

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of work at 16 and the minimum age for hazardous work at 18.⁸⁹³ The Government also has a list of prohibited hazardous activities.⁸⁹⁴ It includes 12 sectors such as quarrying, mining and certain agricultural activities like spreading chemical fertilizers and pesticides.⁸⁹⁵ However, some gaps remain in providing comprehensive protection for children. The 2008 Labor Code reestablished an exception to the minimum age for employment in light work without updating the previous regulation on light work.⁸⁹⁶ The previous regulation (a decree issued in 1954) authorized children age 12 and above to engage in domestic work or seasonal work such as farming.⁸⁹⁷ This exception increases the likelihood of children ages 12 to 15 working under hazardous conditions in agriculture or domestic service.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The legal protections in the Labor Code cover both the informal and the formal sector.⁸⁹⁸ Labor inspectors are specifically authorized to enter any location where they have reason to believe that

employees are working to conduct inspections, including surprise inspections.⁸⁹⁹

Education is compulsory until the age of 16.⁹⁰⁰ Although the law mandates free education through primary school, it does provide for exceptions, as students, even at the primary level, must pay registration fees and may be required to contribute to parent association funds.⁹⁰¹ These expenses can be prohibitive to families, especially those in rural areas.⁹⁰²

The Trafficking in Persons Law sets penalties for both the trafficking of children and other worst forms of child labor, including forcing a child to beg.⁹⁰³ The Penal Code also explicitly prohibits the debauchery or corruption of a minor.⁹⁰⁴ The recruitment, solicitation and offering of children for prostitution or pornography are outlawed by the Labor Code.⁹⁰⁵ The minimum age for voluntary recruitment into the military is 20, and there is no compulsory recruitment.⁹⁰⁶ In May 2008, Burkina Faso also ratified the African Charter on the Rights and Welfare of the Child, which includes provisions against child labor.⁹⁰⁷

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security has a directorate to combat child labor and the worst forms of child labor. The directorate develops and monitors policy on child labor and the worst forms of child labor.⁹⁰⁸ Burkina Faso also maintains a national steering committee against child labor as well as several other committees related to specific projects and programs.⁹⁰⁹ The Ministry of Social Action leads the nation's anti-trafficking efforts.⁹¹⁰ The Ministries of Labor and Social Security, Health, Justice, Foreign Affairs, Human Rights, Decentralization and Basic Education coordinate on anti-trafficking enforcement efforts under the lead of the Ministry of Social Action.⁹¹¹

The Ministries of Labor and Social Security, Justice and Social Action share responsibilities for the enforcement of hazardous or forced child labor laws.⁹¹² Several other mechanisms exist to coordinate efforts between agencies. Multiple coordination mechanisms have reportedly resulted in a cumbersome coordination process.⁹¹³ Social welfare services play a role in monitoring informal labor such as begging and street children. Street children are encouraged by social workers to go to social assistance centers that provide food, clothing and technical training.⁹¹⁴ Each region in Burkina Faso also has a labor inspector who coordinates labor issues.⁹¹⁵

During the reporting period, the Government employed approximately 170 labor inspectors, representing a 43 percent increase in inspectors from the previous reporting period. However, inspectors lack the facilities, transportation and fuel needed to effectively carry out inspections.⁹¹⁶ Additionally, the ILO Committee of Experts finds that the labor inspectorate would need to be adapted in order to conduct inspections in the agricultural sector in which many children are working in hazardous and forced conditions.⁹¹⁷ Despite these constraints, labor inspectors carried out 1,736 labor inspections during the reporting period, although the number of child labor violations found is unavailable.⁹¹⁸ During the reporting period, labor inspectors received two trainings on child labor law enforcement.⁹¹⁹

The Ministries of Security and Social Action, with the Morals Brigade of the National Police, share responsibility for the enforcement of laws pertaining to criminal investigations for the worst forms of child labor. This includes investigations into the commercial sexual exploitation of children, trafficking, child labor and drug-related crimes.⁹²⁰ Burkina Faso made efforts to identify and rescue trafficked children during the reporting period.⁹²¹ Interpol provided a three-day training for Burkinabe police officers, which resulted in a police operation that rescued 177 children

working in the gold mining industry, including 103 victims of child trafficking.⁹²² The rescued children were either returned to their families or taken into care by social services.⁹²³ Of the rescued children, 120 received socioeconomic reintegration assistance.⁹²⁴ In total, Burkina Faso officials intercepted 660 trafficked children throughout the reporting period. The majority of these children were trafficked internally.⁹²⁵ Despite the large number of known child trafficking victims, the Government conducted only 24 trafficking-related investigations during the reporting period. Two of the 24 cases were acquitted, 3 were dismissed for lack of evidence and the remaining 19 cases remain under investigation.⁹²⁶ The United Nations Committee on the Rights of the Child indicates police do not exhibit a systematic effort to identify trafficking victims.⁹²⁷ Additionally, in previous years, judges have suspended the sentences of convicted traffickers or did not apply the penalties established by the Trafficking in Persons Law.⁹²⁸

Government Policies on the Worst Forms of Child Labor

As reported by the ILO's Committee of Experts, the Government of Burkina Faso has acknowledged that it lacks a national policy framework for the elimination of the worst forms of child labor.⁹²⁹ However, Burkina Faso is implementing a 5-year national action plan to combat the worst forms of child labor. The plan includes prevention, enforcement and rehabilitation components. The plan is in early stages of implementation and relies heavily on donors and civil society to realize its goals.⁹³⁰ Burkina Faso also has strategic guidelines for children's promotion, which serves as a national action plan for the survival, protection and development of children. However, this strategy has yet to be implemented.⁹³¹

Burkina Faso has a 4-year national program for orphans and vulnerable children, which focuses

partly on sexual exploitation and other worst forms of child labor.⁹³² In addition, a national action plan against trafficking in persons was adopted in 2007.⁹³³ The numerous coordination mechanisms established by the various plans reportedly result in a cumbersome process.⁹³⁴

In March 2008, the Government of Burkina Faso adopted a national employment policy and action plan, with provisions linking this plan to the fight against exploitative child labor.⁹³⁵ Specific intended actions include providing training and apprenticeships for children working in mines, quarries, domestic service, agriculture and the informal sector, in order to remove them from the worst forms of child labor.⁹³⁶ Child labor concerns have also been explicitly incorporated into various other national level policies, including the United Nations Development Assistance Framework (UNDAF) (2006–2010), the National Poverty Reduction Strategy (2007–2011) and the Decent Work Country Program (2007–2015).⁹³⁷

Burkina Faso is also implementing a 10-year Plan for Basic Education (PDDEB), which focuses on providing quality primary education to all.⁹³⁸ Although access to education is still a problem in Burkina Faso, the Government has consistently worked to better the education system through this policy, building new schools and training up to 3,000 teachers per year since 2006.⁹³⁹ The plan, which ends this year, has been credited with greatly improving the education sector, including providing free primary education.⁹⁴⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Burkina Faso implemented several initiatives to combat trafficking throughout the reporting period. It participated in an IOM program to standardize the trafficking national referral system and to identify, return and reintegrate minors identified as trafficking victims throughout the region.⁹⁴¹ In cooperation with

various local and international organizations, the Government conducted sensitization programs and held workshops, conferences and seminars focused on exploitative child labor and the prevention, protection, rehabilitation and reintegration of child trafficking victims. It also promoted local surveillance committees throughout the country to combat child trafficking.⁹⁴² The Government continued its countertrafficking outreach campaign by distributing copies of anti-trafficking legislation to pertinent officials.⁹⁴³ Government-run media broadcast anti-trafficking and anti-child labor films, skits and debates.⁹⁴⁴ The Government also implemented a program to provide assistance to boys living on the street in the main cities of Burkina Faso. However, protection under the program for street children was not extended to girls.⁹⁴⁵

Burkina Faso participated in two regional USDOL-funded projects, including a 4-year, \$7.95 million regional project and a 3-year, \$5 million regional project. Both assisted member countries of the ECOWAS to strengthen regional efforts to combat the worst forms of child labor.⁹⁴⁶

The Government implemented a \$5 million program to issue free birth certificates to Burkinabe citizens.⁹⁴⁷ It also participated in a 4-year, \$34 million World Food Program project, components of which promoted primary education. The program supported canteens in primary schools and literacy programs and

provided monthly dry rations to female students who met attendance rate requirements.⁹⁴⁸

Burkina Faso participated in a 3-year, \$22.5 million USAID-funded project that targeted girls' primary education. The project built classrooms and other education-related structures and ran awareness raising programs on the importance of education.⁹⁴⁹ The Government also participated in a 5-year, \$50 million project funded by the Canadian International Development Agency. Funding was provided to continue the implementation of the PDDEB.⁹⁵⁰

The Government provides training centers for returned trafficking victims. The centers provide literacy and domestic skills trainings.⁹⁵¹ During the reporting period, the Government took over funding of 23 transit centers that were previously co-funded with UNICEF. It also provided funding to orphanages that house children who are at risk of trafficking.⁹⁵² The Ministry of Labor and Social Security set up toll-free numbers to report cases of child labor and the commercial sexual exploitation of children.⁹⁵³ The Government also established a permanent data collection system on children in 2002, which is not yet operational.⁹⁵⁴ The Government of Burkina Faso has indicated that it would like to do more to combat trafficking but it is limited by a lack of resources.⁹⁵⁵

Research has not identified programs to combat children working in other prevalent forms of child labor, such as work in agriculture, street begging and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Burkina Faso:

IN THE AREA OF LAWS AND REGULATIONS:

- Update the 1954 decree to ensure children ages 12 to 15 are protected from hazardous conditions in domestic service and agriculture.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publicize detailed information on the numbers of prosecutions, convictions and sentences for the worst forms of child labor.
- Increase labor inspectors' resources for all agencies involved in enforcing child labor laws.
- Establish one coordinating mechanism that maintains a central database for all government agencies involved in enforcement efforts on the worst forms of child labor.
- Establish and implement a systematic method for identifying victims of trafficking and other worst forms of child labor.
- Provide judges with training on the Trafficking in Persons Law so they are better able to understand and enforce trafficking laws and to ensure perpetrators are punished in accordance with the law.

IN THE AREA OF POLICIES:

- Streamline coordination of policies related to the worst forms of child labor and allocate sufficient resources to implement national action plans.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools, perhaps by renewing and expanding the PDDEB.
- Implement the Strategic Guidelines for Children's Promotion.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand and improve programs to prevent children from hazardous and forced labor in agriculture, begging and commercial sexual exploitation.
- Provide the resources necessary to make the data collection system operational.
- Expand programs for street children to extend services to girls.
- Implement birth registration campaigns to increase children's access to education.

⁸⁶⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011*. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working

children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁸⁶⁶ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Burkina Faso (ratification: 1999) Submitted: 2009, February 5, 2011, article 2, para 1*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23225&chapter=9&query=Burkina+Faso%40ref&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *Individual Observation concerning Labour Inspection (Agriculture) Convention, 1969 (No. 129) Burkina Faso (ratification: 1974) Published: 2009, February 5, 2011*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=1>

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⁸⁶⁷ de Lange, *Deprived Children and Education*, 51-53.

⁸⁶⁸ U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also Albertine de Lange, "Going to Kompienga" A Study on Child Labour Migration and Trafficking in Burkina Faso's South-Eastern Cotton Sector, International Research on Working Children, 2006, 6, 17, 23, 26-28; available from <http://www.childlabour.net/documents/traffickingproject/albertinedelangetraffickingburkina.pdf>. See also Mamadou Kologo, *Exploitation des Garibous dans les Champs de Coton*, [online] [cited January 28, 2011]; available from <http://www.maisonesperance.com/index.php?post/2009/06/Exploitation-des-Garibous-dans-les-champs-de-Coton>. See also Y. Diallo, *Les Activites des Enfants en Afrique Subsaharienne: Les Enseignements des Enquetes sur le Travail des Enfants en Afrique de l'Ouest*, July 2008, 9, 11. See also de Lange, *Deprived Children and Education*, 51. See also U.S. Department of State, "Burkina Faso," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 7c, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010>.

⁸⁶⁹ de Lange, *A Study on Child Labour Migration and Trafficking in Burkina Faso's South-Eastern Cotton Sector*, 26-27. See also Kologo, *Exploitation des Garibous dans les Champs de Coton*. See also Diallo, *Les Activites des Enfants en Afrique Subsaharienne*, 11, 27.

⁸⁷⁰ Diallo, *Les Activites des Enfants en Afrique Subsaharienne*, 11.

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Burundi

The Government of Burundi successfully completed the demobilization of child soldiers and provided them with short-term care and family reunification services. However, children continue to work in agriculture. Aside from child soldiering, there is little evidence of government programs or policy to combat the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	10.4*
Attending School	5-14 yrs.	61.7
Combining Work and School	7-14 yrs.	7.1

* Population of working children: 239,719



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Burundi are engaged in the worst forms of child labor,⁹⁵⁶ many of them in agriculture.⁹⁵⁷ Children in agriculture may be subject to using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Children also herd cattle and goats, which may expose them to the elements and force them to work with large or dangerous animals.⁹⁵⁸

In urban areas, children are employed as domestic servants.⁹⁵⁹ Children working in domestic service in Burundi are often isolated from the public and receive no remuneration for their work.⁹⁶⁰ Some employers seek to avoid paying their servants by accusing the children of criminal activity. Children have been incarcerated because of false accusations.⁹⁶¹ Children in domestic service may also be vulnerable to long working hours and physical and sexual exploitation by their employers.


Many children also work on the streets as porters.⁹⁶² They may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements. Children living and working in the streets are sometimes raped, including by older boys who coerce sexual activity in exchange for promising to “protect” their victims.⁹⁶³ Such sexual activity makes street children vulnerable to HIV/AIDS.⁹⁶⁴

The commercial sexual exploitation of children exists in Burundi.⁹⁶⁵ While little evidence exists of large-scale child prostitution, girls are sometimes pushed into prostitution by older women who initially offer free room and board, then force the children into prostitution to pay for their expenses. Male tourists also sexually exploit girls.⁹⁶⁶

Burundian children are trafficked internally for work in domestic service.⁹⁶⁷ Burundian girls are trafficked for commercial sexual exploitation to East Africa.⁹⁶⁸ Burundian children are trafficked into forced labor in Tanzania.⁹⁶⁹ Children are also lured under false promises or coerced into forced labor in domestic service or agriculture.⁹⁷⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 16.⁹⁷¹ As of 2009, a revised Penal Code sets the minimum age for hazardous work at 18. Persons who employ children under age 18 in hazardous labor may be punished with a fine and 3 to 5 years of penal servitude.⁹⁷² The Government maintains a list of occupations forbidden for children under age 18. It includes working with automobiles, working in slaughterhouses, mining minerals and serving alcohol.⁹⁷³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Burundi’s Penal Code criminalizes recruiting and using children under age 18 for child pornography or prostitution or profiting from such practices.⁹⁷⁴ The Penal Code also forbids trafficking children under age 18 as well as agreeing to or profiting from child trafficking.⁹⁷⁵ It is also illegal to use children in illicit activities, although there is no specific definition of illicit activities in the Penal Code.⁹⁷⁶

The Constitution prohibits forced labor.⁹⁷⁷ The Penal Code sets 18 as the minimum age for military recruitment and makes the military use of children under age 16 a war crime.⁹⁷⁸

Institutional Mechanisms for Coordination and Enforcement

At the local level, the Government’s Centers of Family Development are responsible for the coordination and implementation of policies on children, women and the family. The Committee on the Rights of the Child has expressed concern that the Centers do not cover all regions of the country.⁹⁷⁹ Research found no evidence that the Government of Burundi has established a mechanism for coordinating national efforts to combat the worst forms of child labor specifically.

The Ministry of Labor is responsible for enforcing all labor laws, including those on child labor. The Ministry uses criminal penalties, civil fines and court orders as mechanisms to enforce labor laws.⁹⁸⁰ The Ministry employs 12 inspectors to enforce all labor laws. This may be an inadequate number given Burundi has 17 provinces and a population of over 8 million.⁹⁸¹ Inspectors only initiate investigations in response to complaints, although a formal system has not been established to file such complaints.⁹⁸² During the reporting period, the Government did not conduct any child labor inspections, nor did the Government conduct any training for inspectors or other government officials on child labor law enforcement.⁹⁸³

The Brigade for the Protection of Women and Children within the National Police is responsible for enforcing criminal violations of the worst forms of child labor and is mandated to protect children from criminal influences and harm.⁹⁸⁴ The Brigade has 100 officers.⁹⁸⁵

Government Policies on the Worst Forms of Child Labor

The Ministry has a draft plan to eliminate all forms of child labor by 2025; however, this plan has not yet been adopted.⁹⁸⁶

Education in Burundi is free and compulsory until age 12.⁹⁸⁷ This standard makes children ages 12 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work. In addition, some children are prevented from enrolling in school because they do not have required birth certificates; the Government fails to register approximately 40 percent of all births.⁹⁸⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2009, the Government established the Municipal Council for Children and Youth (CMEJ), which aims to provide a network of services for street children, former child combatants and child trafficking victims.⁹⁸⁹ The CMEJ began to draft an action plan for its work in 2010.⁹⁹⁰

The Government relies primarily on NGOs to provide care and services for exploited children.⁹⁹¹

Programs to combat the worst forms of child labor are limited and do not comprehensively address the problem.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Burundi:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Penal Code to define illicit activities.
- Raise the age for free and compulsory education to 16, the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop a system for coordinating efforts specifically to combat the worst forms of child labor.
- Devote additional resources to enforcement, including increasing the number of inspectors, establishing a system for filing complaints and targeting investigations in sectors where a high prevalence of child labor exists.

IN THE AREA OF GOVERNMENT POLICIES:

- Adopt and implement the current draft plan of action for eliminating child labor by 2025.
- Assess and amend current practices for the registration of births and issuance of birth certificates to ensure all children are able to enroll in school.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs to address all of the worst forms of child labor in the country.

⁹⁵⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2000. Data on children combining work and school is from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁹⁵⁷ Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi (2nd Ed.)* (2008), 31, 55; available from http://www.oideb.org/pdf/guide_droits_enfant_burundi.pdf [hard copy on file]. See also U.S. Embassy- Bujumbura, *reporting, November 12, 2010*, 2. See also PANA, *Mobilisation contre le travail des enfants au Burundi, Mobilization against Child Labor in Burundi*, [online] October 6, 2008 [cited January 26, 2011]; available from http://www.arib.info/index.php?option=com_content&task=view&id=57&Itemid=65. See also ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Burundi (ratification: 2010) Published: 2010*, January 26, 2011, para 1; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.S. Department of State, "Burundi," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154334.htm>.

⁹⁵⁸ Human Rights Watch, *Paying the Price: Violations of the Rights of Children in Detention in Burundi*, New York, March 2007, 14; available from <http://www.hrw.org/en/reports/2007/03/14/paying-price>.

⁹⁵⁹ Ibid. See also Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi (2nd Ed.)*, 31.

⁹⁶⁰ Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi (2nd Ed.)*, 55.

⁹⁶¹ Human Rights Watch, *Burundi: Paying the Price*, 14.

⁹⁶² Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi (2nd Ed.)*, 55.

⁹⁶³ Integrated Regional Information Network, «Burundi: Sex and drugs leave Bujumbura's homeless at risk of HIV», IRINnews.org, [online], July 11, 2007 [cited January 25, 2011]; available from <http://www.plusnews.org/report.aspx?ReportId=73199>.

⁹⁶⁴ Ibid.

⁹⁶⁵ U.S. Department of State, «Country Reports- 2010: Burundi,» section 6.

⁹⁶⁶ U.S. Department of State, «Burundi,» in *Trafficking in Persons Report- 2010*, Washington, DC, June 15, 2010; available from <http://www.state.gov/documents/organization/142981.pdf>.

⁹⁶⁷ Ibid.

⁹⁶⁸ Ibid.

⁹⁶⁹ Ibid.

⁹⁷⁰ Ibid.

⁹⁷¹ Government of Burundi, *Décret loi no. 1/037 du 7 juillet 1993 portant révision du Code du travail*, (1993), 3, 127, and 128; available from http://www.ilo.org/dyn/natlex/natlex_browse.home.

⁹⁷² Government of Burundi, *Loi n° 1/05 du 22 avril 2009 portant révision du Code pénal*, 1/05, (April 22, 2009), articles 509 and 519; available from <http://www.senat.bi/spip.php?article960>.

⁹⁷³ Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi (2nd Ed.)*, 31.

⁹⁷⁴ Government of Burundi, *Code pénal*, article 515.

⁹⁷⁵ Ibid., articles 511 and 517.

⁹⁷⁶ Ibid., articles 509 and 515.

⁹⁷⁷ Government of Burundi, *Loi no 1/010 du 18 mars 2005 portant promulgation de la Constitution de la République du Burundi*, (March 18, 2005), article 26; available from http://www.wipo.int/wipolex/en/text.jsp?file_id=195947.

⁹⁷⁸ Ibid., article 45. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burundi (ratification: 2002) Published: 2010*, January 26, 2011, para 4; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.N. Secretary-General, *Report of the Secretary-General on Children and Armed Conflict in Burundi*, September 10, 2009, para 45; available from <http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html>.

⁹⁷⁹ U.N. Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Burundi*, CRC/C/BDI/CO/2, Geneva, October 1, 2010, 2-3; available from <http://www2.ohchr.org/english/bodies/crc/crcs55.htm>.

⁹⁸⁰ U.S. Department of State, "Country Reports- 2010: Burundi," section 7d.

⁹⁸¹ World Bank Projects Database, *Population*, accessed January 26, 2011; available from <http://www.worldbank.org>. See also U.S. Embassy- Bujumbura, *reporting, November 12, 2010*, 3.

⁹⁸² U.S. Department of State, “Country Reports- 2010: Burundi,” section 7d. See also U.S. Embassy- Bujumbura, *reporting, February 1, 2010, 2C-2E*.

⁹⁸³ U.S. Embassy- Bujumbura, *reporting, November 12, 2010, 3*.

⁹⁸⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Burundi.” See also U.S. Embassy- Bujumbura, *reporting, February 1, 2010, 2C-2E*.

⁹⁸⁵ U.S. Embassy- Bujumbura, *reporting, February 1, 2010, 2C-2E*.

⁹⁸⁶ U.S. Embassy- Bujumbura, *reporting, November 12, 2010, 4*.

⁹⁸⁷ U.S. Department of State, “Country Reports- 2010: Burundi,” section 6.

⁹⁸⁸ *Ibid.* See also U.N. Committee on the Rights of the Child, *Concluding Observations: Burundi, 7*.

⁹⁸⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Burundi.”

⁹⁹⁰ *Ibid.*

⁹⁹¹ U.S. Embassy- Bujumbura official, E-mail communication to USDOL official, March 28, 2011. See also U.S. Department of State, “Country Reports- 2010: Burundi,” section 6. See also UNODC, *Global Report on Trafficking in Persons*, February 2009, 110; available from http://www.unodc.org/documents/human-trafficking/Country_profiles/East_Africa.pdf.

Cambodia

In 2010, Cambodia targeted child labor elimination in its National Social Protection Strategy. However, children continue to engage in dangerous work in agriculture and are victims of trafficking for commercial sexual exploitation and labor. Additionally, gaps remain in Cambodia's enforcement framework due to a lack of resources for inspectors and investigators.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	Unavailable
Attending School	5 - 14 yrs.	Unavailable
Combining Work and School	7 - 14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Cambodia are engaged in the worst forms of child labor.⁹⁹² Many of these children work in agriculture, while some fall victim to trafficking for commercial sexual exploitation and labor.⁹⁹³ Children's work in agriculture commonly involves harmful activities, such as using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides, activities which are outlined on the list of hazardous child labor prohibited to those younger than age 18.⁹⁹⁴

Additionally, children work in a number of dangerous occupations, including fishing, portering, handicraft making, brick making and domestic service. Children reportedly work in the production of cassava, coal, gems and tobacco.⁹⁹⁵ Children also work in other hazardous activities, such as salt production,⁹⁹⁶ where they carry heavy loads, work long hours in the sun and suffer from cuts on their feet from the salt crystals.⁹⁹⁷

Children also work on the street as beggars, street vendors, shoe polishers and scavengers.⁹⁹⁸

Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.

Cambodia is a source and destination country for trafficking in children. Cambodian girls are trafficked to Thailand for forced labor in factories and domestic work and may be forced into prostitution.⁹⁹⁹ Cambodian boys and girls are trafficked to Thailand and Vietnam for begging, selling candy and flowers on the street and shining shoes.¹⁰⁰⁰ Girls are trafficked internally and from Vietnam for prostitution.¹⁰⁰¹ Girls who previously worked as child domestic laborers are particularly vulnerable to trafficking for commercial sexual exploitation.¹⁰⁰² Cambodia is also a destination country for child sex tourism.¹⁰⁰³

Education is free through grade nine but is not compulsory and significant barriers to accessing the education system still exist. In remote areas, children have to travel long distances to reach school and transportation is limited. This sometimes deters girls from attending due to safety concerns.¹⁰⁰⁴ Because teacher salaries are low, instructors often charge extra fees to students for exams, snacks and even class time.¹⁰⁰⁵ These

informal fees can make the cost of education prohibitive for poor children, who are the most vulnerable to worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Cambodian Labor Law sets the minimum age for employment at 15.¹⁰⁰⁶ Children younger than age 18 are barred from hazardous work according to a 2004 declaration issued by the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation.¹⁰⁰⁷ The declaration lists 38 types of hazardous work, including working underground; lifting, carrying or moving heavy loads; deep-sea and off-shore fishing; working near furnaces or kilns used to manufacture glass ceramics or bricks; and handling and spraying pesticides and herbicides.¹⁰⁰⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Children as young as age 12 are permitted to perform domestic labor as long as the work is not hazardous to their health, safety or morals and does not involve any type of hazardous work specifically prohibited.¹⁰⁰⁹

While the legal framework provides some protections against the worst forms of child labor, the Labor Law does not prohibit hazardous work in family-based agriculture or family businesses.¹⁰¹⁰ Additionally, the lack of a compulsory school age in Cambodia leaves children vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work.

Forced or compulsory labor is outlawed in Section 5 of the Cambodian Labor Law.¹⁰¹¹ The Constitution prohibits prostitution and the buying and selling of human beings.¹⁰¹² The Law on the Suppression of Human Trafficking and Sexual Exploitation defines trafficking crimes, criminalizes child prostitution as well as sexual and indecent acts with minors and specifies fines and prison terms.¹⁰¹³ In December 2010, Cambodia enacted a Penal Code that explicitly prohibits child trafficking, child pornography, child prostitution and the use of children in other illicit activities.¹⁰¹⁴ However, the Code allows for judicial discretion in sentencing;¹⁰¹⁵ however, the impact of this discretion on sanctions for worst forms of child labor violations is not yet clear.

Children are not prohibited from crossing the border with Thailand with strangers or unaccompanied and do not need to show identification.¹⁰¹⁶ This leaves children in the border regions vulnerable to trafficking. The minimum age for conscription into military service is 18.¹⁰¹⁷

Institutional Mechanisms for Coordination and Enforcement

The Cambodian National Council for Children (CNCC) and its subcommittee for child labor are the main coordinating institutions on child labor issues at the national level.¹⁰¹⁸ The CNCC subcommittee on child labor includes all concerned ministries, businesses, trade unions and NGOs and coordinates projects and programs with national policy on child labor.¹⁰¹⁹ The Provincial Committees on the Protection of Child

Rights and Provincial Committees on Child Labor coordinate efforts to address child labor at the provincial level.¹⁰²⁰

The National Committee on Suppression of Human Trafficking, Smuggling and Labor and Sexual Exploitation focuses on coordinating policymaking efforts in these areas. The Committee includes 18 representatives from all government ministries.¹⁰²¹ In 2010, the Committee's Secretariat released the country's first National Trafficking in Persons Report and produced an action plan for anti-trafficking efforts in 2011.¹⁰²²

The Ministry of Labor and Vocational Training (MOLVT) and the provincial labor departments are responsible for enforcing the child-related provisions of the Cambodian Labor Law.¹⁰²³ The MOLVT has 12 inspectors dedicated to child labor in Phnom Penh and 27 child labor inspection officials at municipal and provincial levels.¹⁰²⁴ Reportedly, inspectors lack a sufficient budget for transportation, fuel and other necessities to carry out inspections.¹⁰²⁵ The Government does not officially release data on the number of child labor inspections or the number of children assisted.¹⁰²⁶

Laws against trafficking, child sexual exploitation and illicit activities are enforced by the Ministry of the Interior and 24 municipal and provincial anti-human trafficking and juvenile protection offices.¹⁰²⁷ There are approximately 210 anti-human trafficking police officers at the national level.¹⁰²⁸ During the reporting period, the Government partnered with NGOs to train 1,500 police on human trafficking.¹⁰²⁹ Complaints of human trafficking can be filed through nine anti-trafficking hotlines.¹⁰³⁰

In 2010, Cambodian police arrested 80 people suspected of human trafficking violations. Of these perpetrators, 78 were tried and 38 convicted of their crimes.¹⁰³¹ Anti-human trafficking police, military police and Phnom Penh municipal police rescued 686 trafficking victims, 197 of

which were younger than age 18.¹⁰³² Trafficking victims were referred to local NGOs to receive social services.¹⁰³³ Trafficking investigators reportedly lack vehicles as well as other equipment essential for investigation such as cameras and computers.¹⁰³⁴

Government Policies on the Worst Forms of Child Labor

The National Plan of Action on the Elimination of the Worst Forms of Child Labor 2008-2012 (NPA-WFCL) aims to reduce the percentage of working children ages 5 to 17 from an estimated 13 percent in 2005 to 8 percent by 2015 and to eradicate the worst forms of child labor by 2016.¹⁰³⁵

The NPA-WFCL addresses all worst forms of child labor and lays out the specific sectors, regions and activities in which these worst forms may be found.¹⁰³⁶ The Plan reflects the list of prohibited hazardous work through its list of priority sectors, including quarrying, brick making, portering, rubber plantation work, salt production, fishing and mining. Domestic service is also listed as a priority although it is not universally prohibited for children younger than age 18.¹⁰³⁷ The NPA-WFCL also includes a matrix of outputs, activities, implementing agencies, resources and indicators to articulate how the Government will achieve its objectives in areas including research, policy, enforcement, social mobilization, education, protection, prevention and withdrawal.¹⁰³⁸

In September 2010, the Ministry of Education, Youth and Sport published the Education Strategic Plan 2009-2013. The Plan addresses access to education and targets marginalized groups, including child laborers, for entry into primary education.¹⁰³⁹ The Plan also highlights the need for vocational and life skills training for youth, to enhance youth productivity.¹⁰⁴⁰ This policy uses vocational training as a development strategy for marginalized youth, including child laborers.¹⁰⁴¹

The issue of child labor has also been incorporated into other key development policies. The

Cambodia Millennium Development Goals have also adopted the NPA-WFCL objective of decreasing the share of children working to 8 percent by 2015.¹⁰⁴² In June 2010, a draft National Social Protection Strategy was finalized, establishing social safety nets for poor children and mothers in an effort to eliminate child labor.¹⁰⁴³ The strategy was adopted by the Cabinet on March 18, 2011.¹⁰⁴⁴ The ILO Decent Work Country Program, endorsed by the MOLVT, highlights child labor issues and outlines a framework for enhancing policies, laws and enforcement mechanisms to protect children.¹⁰⁴⁵ In addition, the MOLVT's First Occupational Safety and Health Master Plan (2009-2013) includes eliminating hazardous child labor as one of its six priorities.¹⁰⁴⁶

The Ministry of Social Affairs implements the Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking. The policy includes guidelines to improve the treatment of victims and mandates training of officials.¹⁰⁴⁷ The Policy specifically lists children among those identified as victims of trafficking in Cambodia.¹⁰⁴⁸

Along with Burma, China, Laos, Thailand and Vietnam, Cambodia is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking. The members had a Sub-Regional Plan of Action for 2008-2010 and monitored achievement annually against established targets and indicators of progress.¹⁰⁴⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During 2010, the Government participated in a 4-year, \$4 million, USDOL-funded program to withdraw 3,750 children and prevent 4,500 children from the worst forms of child labor in subsistence and commercial agriculture and fishing by providing direct education services.¹⁰⁵⁰ The project works on several of the objectives laid out by the NPA-WFCL, including research,

policy development, legislation and enforcement, advocacy and education.¹⁰⁵¹ The Provincial Agriculture Offices assisted the project in training families of child laborers on alternative income generation activities, such as chicken raising, fish culture and vegetable gardening. Labor inspectors helped build the capacity of the project's child labor monitoring committees by training them on labor laws, education policies and safe migration guidelines.¹⁰⁵²

The Government also participated in a 4-year, \$4.3 million, USDOL-funded project to develop national capacity to end the worst forms of child labor, which runs through 2012. The sectors targeted include child trafficking and child labor in fishing, brick making, salt mining and portering. Its objective is to withdraw 7,200 children and prevent 3,800 children in 15 provinces from the worst forms of child labor.¹⁰⁵³ During the reporting period, project staff worked with the Government to include child labor issues in the National Social Protection Strategy.¹⁰⁵⁴

The Government also worked with national radio and television stations to present awareness raising messages about child labor and addressed the issue at high-profile events throughout 2010.¹⁰⁵⁵

In an effort to eliminate trafficking in persons, the Government participates in several programs funded by USDOS. These projects provide victim assistance, including shelter and psychosocial support.¹⁰⁵⁶ They also build the capacity of local police and strengthen protection networks between human rights organizations, government ministries and local stakeholders.¹⁰⁵⁷

Education and poverty reduction are also addressed through a number of donor-funded initiatives that may indirectly reduce child labor. The Government participates in a 5-year, \$10 million, USAID-funded project to enhance access to education, targeting 202 primary schools and 101 lower secondary schools. The project provides improvement grants to schools for scholarships,

latrines and equipment including computer and science labs.¹⁰⁵⁸ The Ministry of Agriculture, Forestry and Fisheries participates in a United Nations food security and income generation program that aims to reduce poverty by training and supporting farmers' organizations to improve livelihoods.¹⁰⁵⁹ Research was not available to show the impact of these education and poverty reduction programs.

Although the Government has made extensive efforts to eliminate the worst forms of child labor through social programs, these efforts rely primarily on international donor funding and thus are at risk of being unsustainable.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Cambodia:

IN THE AREA OF LAWS AND REGULATIONS:

- Institute and enforce a compulsory education age.
- Enact laws to protect children from dangerous work in non-commercial and family agriculture and family businesses.
- Remove exceptions from the Labor Law that allow children as young as age 12 to work in domestic service.
- Enact laws that require children crossing the border with Thailand to travel with a parent to reduce their vulnerability to traffickers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct routine inspections of industries in which hazardous child labor is known to occur.
- Provide adequate resources for the enforcement of child labor laws.

IN THE AREA OF PROGRAMS:

- Increase support to social programs combating child labor and work to achieve sustainability.
- Assess the impact that existing poverty alleviation and education programs may have on child labor.

⁹⁹² Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁹⁹³ U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1. See also U.S. Department of State, "Cambodia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from www.state.gov/g/drl/rls/hrrpt/2009/eap/135988.htm.

⁹⁹⁴ Government of Cambodia, *Prakas on the Prohibition of Hazardous Child Labor*, Prakas No. 106, (April 28, 2004).

⁹⁹⁵ U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1. See also U.S. Embassy- Phnom Penh, *reporting, February 8, 2011*, para 1. See also A. Cruz and L. Ratana, *Understanding Children's Work in Cambodia: Mapping & Costing Current Programmes Targeting the Worst Forms of Child Labour (Working Paper)*, UCW, Rome, November 2007, 6; available from http://www-wds.worldbank.org/servlet/main?menuPK=64187510&pagePK=64193027&piPK=64187937&theSitePK=523679&entityID=000333038_20080606013812. See also Crossroads to Development, *Research Report of Hazardous Child Labor in Cassava Production in Kampong Cham Province*, Winrock International, Cambodia, April 2009, vii. See also Crossroads to Development, *Research Report of Hazardous Child Labor in Tobacco production in Kampong Cham Province*, Winrock International, Cambodia, April 2009, viii.

- ⁹⁹⁶ Cruz and Ratana, *Understanding Children's Work*, 20.
- ⁹⁹⁷ *Ibid.*, 20.
- ⁹⁹⁸ U.S. Embassy- Phnom Penh, *reporting, February 8, 2011*, para 1. See also U.S. Embassy- Phnom Penh, *reporting, January 29, 2010*, 1.
- ⁹⁹⁹ U.S. Embassy- Phnom Penh, *reporting, February 24, 2010*, 3, 5. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 2. See also U.S. Embassy- Phnom Penh, *reporting, February 18, 2011*, para 2B.
- ¹⁰⁰⁰ U.S. Embassy- Phnom Penh, *reporting, February 18, 2011*, para 2C. See also U.S. Department of State, "Cambodia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142759.htm. See also U.S. Embassy- Phnom Penh, *reporting, February 24, 2010*, 3, 5. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 5.
- ¹⁰⁰¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Cambodia." See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 3.
- ¹⁰⁰² U.S. Embassy- Phnom Penh, *reporting, February 18, 2011*, para 2C.
- ¹⁰⁰³ U.S. Department of State, "Trafficking in Persons Report- 2010: Cambodia."
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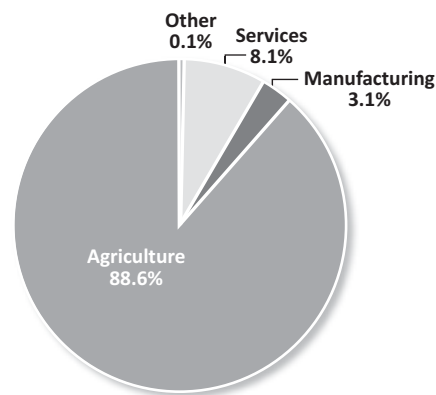
Cameroon

In 2010, the Government of Cameroon enacted Law No. 2010/12, which prohibits child pornography, and developed a strategy to implement its Trafficking in Persons Action Plan. However, the Government has not adopted comprehensive policies on the worst forms of child labor, and there are significant gaps in the enforcement of its child labor laws. This may contribute to children's continued work in the worst forms of child labor, especially in cocoa production.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	36.5
Attending School	5 - 14 yrs.	80.4
Combining Work and School	10 - 14 yrs.	7.6



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Cameroon are engaged in the worst forms of child labor, many of them working in agriculture in the production of goods such as cocoa.¹⁰⁶⁰ Children also reportedly work to produce bananas, coffee, palm oil, rubber and tea.¹⁰⁶¹ Many children working on farms, especially in the production of cocoa, handle pesticides and sharp tools, till soil and transport heavy loads.¹⁰⁶² Reports also suggest that children raise livestock, such as cattle, risking injury and exposure to long hours and the elements.¹⁰⁶³

Children, primarily girls, work as domestic servants, which may require them to work long hours and expose them to physical and sexual exploitation.¹⁰⁶⁴ Although the extent of the problem is unknown, there are reports that children work in artisanal gold mines and quarries, carrying sand and breaking stones.¹⁰⁶⁵

In the urban informal sector, children carry luggage, sell goods such as cigarettes and water and drive commercial motorcycles. They usually drive without the proper license and frequently cause accidents.¹⁰⁶⁶ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements. Such children are also at risk of being accused of practicing witchcraft and may be beaten, burned or killed.¹⁰⁶⁷ To a lesser degree, some displaced or street children who live in cities such as Yaoundé and Douala transport drugs and risk being recruited into gangs.¹⁰⁶⁸

Children in Cameroon are also forced to beg. In Cameroon, especially in the northern region, it is a tradition to send boys to Koranic teachers to receive education.¹⁰⁶⁹ While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned.¹⁰⁷⁰


Girls are vulnerable to commercial sexual exploitation.¹⁰⁷¹ Some children are exploited in commercial sex tourism in coastal towns such as Kribi and may engage in the production of pornography.¹⁰⁷² Hereditary servitude reportedly persists in northern regions of Cameroon.¹⁰⁷³

Child trafficking is also a problem. Most trafficking occurs internally and is most prevalent in the Northwest region and may be linked to the customary practice of sending a child to a relative or friend for school.¹⁰⁷⁴ Children are trafficked for commercial sexual exploitation and forced labor as domestic servants and in restaurants, bars and on tea plantations.¹⁰⁷⁵ Children are also trafficked to work on cocoa farms and on the streets.¹⁰⁷⁶ Internationally, children are trafficked to Cameroon from West and Central Africa for forced labor in street vending, agriculture, fishing and spare-parts shops. Cameroon also serves as a transit country for children trafficked between Gabon and Nigeria.¹⁰⁷⁷

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 14, and Law No. 017 sets the minimum age for hazardous work at 18.¹⁰⁷⁸ The Government does not provide protection to children working in nonindustrial undertakings, such as agriculture, domestic service and street vending, even though many children are known to work in these sectors.¹⁰⁷⁹ Children are not permitted to work underground, in restaurants, hotels, or bars or in any job that exceeds their physical capacity or is longer than 8 hours a day in the industrial sector.¹⁰⁸⁰ However, work underwater and at dangerous heights, which are activities often performed by children who fish or harvest bananas, are not deemed by law to be hazardous activities for children.¹⁰⁸¹

Children are required to attend school until age 11. This standard makes children ages 11 to 14 particularly vulnerable to the worst forms of child

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

labor as they are not required to be in school and are below the minimum age for work.¹⁰⁸² Presidential Decree No. 2001/041 establishes the right to free education. However, in practice, additional school fees and the costs of books and uniforms are prohibitive for many families.¹⁰⁸³

The Constitution and Law No. 15 prohibit slavery and servitude, and Law No. 15 provides penalties for those found to be in violation of the law.¹⁰⁸⁴ Law No. 15 also prohibits child trafficking.¹⁰⁸⁵ The Penal Code prohibits forced labor, slavery and the procurement of prostitutes or sharing the profits from another person's prostitution.¹⁰⁸⁶ During the reporting period, the Government enacted Law No. 2010/12, Related to Cyber Security and Cybercrime in Cameroon, which prohibits electronic forms of child pornography.¹⁰⁸⁷ Cameroon has not criminalized the use of children for illicit activities, which is a documented worst form of child labor in Cameroon.¹⁰⁸⁸ Military service is not compulsory, and the minimum age for voluntary recruitment is 18. Children younger than age 18 can participate in military service with parental consent.¹⁰⁸⁹

Institutional Mechanisms for Coordination and Enforcement

The interagency Consultative Committee to Implement the ILO-IPEC West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor (WACAP) project is authorized to coordinate efforts to combat child labor in Cameroon.¹⁰⁹⁰

This committee was established under a USDOL-funded project with ILO-IPEC and is composed of the Ministries of Labor and Social Insurance, Social Affairs, Justice, External Relations, Women and Family Promotion, Territorial Administration and Decentralization and Tourism, as well as the Secretariat of State of Defense, the General Delegation for National Security and the Customs Services for both seaports and airports.¹⁰⁹¹

However, the Consultative Committee to Implement the ILO-IPEC/WACAP project has not met for several years.¹⁰⁹²

In 2010, the Government established an inter-ministerial committee to coordinate government efforts to combat trafficking in persons, including training stakeholders, proposing legislation and ratifying international instruments. Chaired by the Secretary General of the Office of the Prime Minister, the committee launched its activities by approving Cameroon's strategy to implement its Trafficking in Persons Action Plan.¹⁰⁹³ The Government has also created within the General Delegation for National Security, a "vice squad," which is a police division established to coordinate efforts to combat sex trafficking.¹⁰⁹⁴

The Ministry of Labor and Social Insurance leads efforts to enforce child labor laws.¹⁰⁹⁵ Its 58 labor inspectors check registered businesses only, whereas child labor is more common in unregistered enterprises, including agriculture. Enforcement efforts may therefore leave children unprotected.¹⁰⁹⁶ Other agencies also play a role in child labor law enforcement, as well as in criminal law enforcement. The National Commission on Human Rights and Freedoms is charged with

investigating human rights abuses, and the Minors Brigade is responsible for investigating the use of children in hazardous work and trafficking.¹⁰⁹⁷

The vice squad also investigates the trafficking and sexual exploitation of children, while the police, *gendarmes* (a military body charged with police duties among civilian populations) and border officials help combat the worst forms of child labor nationwide.¹⁰⁹⁸ Reportedly, the above agencies routinely lack transportation and fuel to conduct investigations.¹⁰⁹⁹

In Cameroon, complaints about hazardous child labor may be initiated by the victim or officials from the Ministry of Labor and Social Insurance and may be reported to a local ministry representative or law enforcement officer. Once a complaint is filed, an investigation is conducted by the Ministry of Labor and Social Insurance. Minor offenses are settled at the ministerial level, and serious offenses are handled by the prosecutor's office.¹¹⁰⁰

The Government of Cameroon does not generally offer training directly to officials responsible for enforcing child labor laws. However, during the reporting period, the National Commission on Human Rights and Freedoms and national and international NGOs provided specialized training on how to identify trafficking victims to some of its law enforcement officers and magistrates.¹¹⁰¹

According to the Ministry of Labor and Social Insurance, during the reporting period, complaints were received of child labor violations, and inspections were conducted in sectors where children work. However, the Government was not able to provide the precise number of complaints or investigations nor was it able to confirm whether penalties for violations, such as fines, were collected.¹¹⁰² In the Northwest, Center, and Southwest regions, 21 trafficking investigations were conducted, 172 children were removed from trafficking situations, and three traffickers were charged and placed in pretrial detention.¹¹⁰³

Government Policies on the Worst Forms of Child Labor

In 2010, the Government of Cameroon launched its strategy to implement its Trafficking in Persons Action Plan and seek removal from USDOS's Trafficking in Persons Tier 2 Watch List.¹¹⁰⁴ This plan outlines efforts to prosecute and convict trafficking offenders, educate law enforcement personnel and social workers on the laws against child trafficking, develop and enact legislation prohibiting the trafficking of adults, train enforcement personnel to use the human trafficking database and investigate reports of hereditary servant abuse.¹¹⁰⁵ The Government's 2011 budget includes \$40,000 for the Prime Minister's Office to implement this strategy. However, it does not address all relevant worst forms of child labor or include a concrete timeline.¹¹⁰⁶ The Government has drafted a National Plan of Action to Combat Child Labor and Trafficking in Children. However, the Government has yet to ratify or officially approve this plan.¹¹⁰⁷

The Government has included child labor concerns in relevant development agendas and key social policy documents, including the recently adopted National Policy Framework Document for the Full Development of the Young Child (2009), which charts needed action in health, education and protection covering 10 programs.¹¹⁰⁸ Cameroon also included child labor concerns in its PRSP, although this policy does not have budgets or detailed action plans related to the worst forms of child labor.¹¹⁰⁹ The Government continued to appoint Child Parliamentarians to provide recommendations on issues related to children, including child labor.¹¹¹⁰ The question of whether these policies have an impact on child labor does not appear to have been addressed.

During the reporting period, Cameroon also took steps to combat the use of child soldiers by signing the N'Djamena Declaration. This declaration notes the intent to eliminate the practice of child soldiers, provide services to victims, prosecute

recruiters and establish national and cross-border monitoring mechanisms.¹¹¹¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Government continued to support efforts to eliminate the use of child labor on cocoa farms by participating in the 5-year Phase II Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation and the international cocoa industry. STCP is a public-private partnership that promotes sustainable tree crop systems, including coffee, cocoa and cashews and contains a component to prevent and eliminate the worst forms of child labor on farms.¹¹¹² The Government also concluded a regional ILO-IPEC project to eliminate exploitative child labor in the cocoa sector and participated in a regional project to develop a National Action Plan on the Worst Forms of Child Labor, which was funded by the Government of Italy for \$1 million from January 2008 to June 2011.¹¹¹³

Cameroon continued to implement its 2008-2012 cooperative agreement to protect and provide services to child trafficking victims.¹¹¹⁴ The Government also participated in the USDOS-funded anti-trafficking in children program in the Northwest, Center, and Southwest regions, which provided rehabilitation support to trafficking victims and training to 90 law enforcement officers, judges, social workers, shelter staff and community leaders.¹¹¹⁵ The Committee for Justice and Peace of the Episcopal Conference also provided anti-trafficking training to law enforcement officers and magistrates.¹¹¹⁶ In February 2011, the Government, in partnership with UNICEF, launched an awareness-raising campaign on the trafficking and sexual exploitation of children. As part of this effort, the Government distributed pamphlets and posters with anti-trafficking messages in schools.¹¹¹⁷

During the reporting period, the Government continued its ongoing program to provide

shelter and educational and reintegration services to children living and working on the streets in Maroua, Douala and Yaoundé.¹¹¹⁸ The Government also participated in a 4-year, USDOL-funded, \$3.7 million global project to collect data on child labor.¹¹¹⁹

Despite the initiatives described here, Cameroon's social programs do not address all sectors where children work and are limited in the northern regions, which have the highest child labor participation rates.¹¹²⁰

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Cameroon:

IN THE AREA OF LAWS AND REGULATIONS:

- Provide legal protection to children working in nonindustrial undertakings.
- Prohibit dangerous activities such as work underwater and at dangerous heights and enact legislation to prohibit the use, procuring or offering of children for illicit activities.
- Raise the age for compulsory education to 14, the established minimum age for work.
- Implement Presidential Decree No. 2001/041, which establishes free education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the Consultative Committee to Implement the ILO-IPEC/WACAP project and General Delegation of National Security meet regularly.
- Increase the number of labor inspectors to ensure the inspection of unregistered enterprises and allocate more resources to the Ministry of Labor and Social Insurance.
- Gather and make publicly available information about child labor investigations and enforcement.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all relevant worst forms of child labor, including agriculture, domestic service and mining.
- Formally adopt and implement the National Plan of Action to Combat Child Labor and Trafficking in Children.
- Assess the impact that existing policies may have on addressing child labor, including the National Policy Framework Document for the Full Development of the Young Child and the PRSP.
- Include a concrete timeline in the strategy to implement the Trafficking in Persons Action Plan and to seek removal from the Trafficking in Persons Tier 2 Watch List.

IN THE AREA OF PROGRAMS:

- Develop social protection programs that assist children working in the worst forms of child labor in sectors such as agriculture and domestic service and expand existing programs to the northern region.

¹⁰⁶⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2001-2011. Data on working children and school attendance are from 2007. Data on children combining working and schooling are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also International Labour Organization, *Rooting out child labour from cocoa farms- Paper No. 3: Sharing experiences*, Geneva, 2007, 20; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=6444>. See also Club du Sahel et de l'Afrique de l'Ouest, *Travail des enfants dans les plantations ouest-africaines de cacao*, Paris, February 15, 2009, 18, 22; available from <http://www.oecd.org/dataoecd/32/15/42358247.pdf>. See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, Institut National de la Statistique, 2007, 2-3.

¹⁰⁶¹ U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 2. See also American Bar Association official, Interview with USDOL consultant, October 7, 2008. See also U.S. Embassy- Yaounde, *reporting, June 16, 2008*, para 1, 6-11.

¹⁰⁶² U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 2. See also Club du Sahel et de l'Afrique de l'Ouest, *Travail des enfants dans les plantations ouest-africaines de cacao*, 22.

¹⁰⁶³ U.S. Embassy- Yaounde official, E-mail communication to USDOL official, February 10, 2011. See also John Mkup, "Keeping children in school in North of Cameroon", unicef.org, [online], July 10, 2009 [cited December 27, 2010]; available from http://www.unicef.org/wcaro/2009_3300.html. See also U.S. Embassy - Yaounde official, E-mail communication to USDOL official, January 28, 2011. See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, 2-3.

¹⁰⁶⁴ Rodrigue Nganzi, "Travail domestique: Bamenda, championne de l'exploitation des enfants", cameroon-info.net, [online], June 16, 2010 [cited January 10, 2011]; available from <http://www.cameroon-info.net/stories/0,26822,@,travail-domestique-bamenda-championne-de-l-exploitation-des-enfants.html>. See also Ministry of Labor official, Interview with USDOL official, September 15 and 25, 2008. See also Institut National de la Statistique, *Suivi de la situation des enfants et des femmes*,

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¹⁰⁶⁵ Bernard Bangda, "Cameroon: Child labour in gold mines drains children out of school", africa-info.org, [online], April 2, 2010 [cited January 5, 2011]; available from http://africa-info.org/ang/index.php?option=com_content&view=article&id=235:cameroon-child-labour-in-gold-mines-drains-children-out-of-school&catid=38:society. See also U.S. Embassy- Yaounde official, E-mail communication, February 10, 2011. See also Ministry of Labor official, Interview, September 15 and 25, 2008. See also American Bar Association official, Interview with, October 7, 2008. See also U.S. Department of State, "Cameroon," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 08, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

¹⁰⁶⁶ U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 3. See also Ministry of Labor official, Interview, September 15 and 25, 2008. See also Nkumu Fed Fed official, Interview with USDOL consultant, September 18, 2008. See also Rabiatur Ibrahim Danpullo, *The Socio-Legal Perspective of Child Protection in Cameroon*, Presses Universitaires d'Afrique, Yaounde, 2008, 57-58; available from [hard copy on file].

¹⁰⁶⁷ Integrated Regional Information Networks, "Rights: Child witchcraft allegations on the rise", IRINnews.org, [online], July 16, 2010 [cited January 4, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=89858>. See also U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 3. See also Nkumu Fed Fed official, Interview, September 18, 2008. See also Essola, *Présentation MINAS a l'Atelier de Réflexion sur la Traite, le Trafic et l'exploitation du Travail Domestique des Enfants au Cameroun*, 4-5.

¹⁰⁶⁸ International Trade Union Confederation, *Internationally-Recognized Core Labour Standards in Gabon and Cameroon: Report for the WTO General Council Review of the Trade Policies of Gabon and Cameroon*, Geneva, October 2 and 4 2007, 8; available from <http://allafrica.com/download/resource/main/main/idadts/00011387:a962075f5c2b7752e23f24e9ea4f8d88.pdf>. See also Integrated Regional Information Networks, "Cameroon: Bringing street children back home", IRINnews.org, [online], July 29, 2009 [cited December 27, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=85492>.

¹⁰⁶⁹ IOM, "Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM", iom.int, [online], 2006 [cited February 2, 2011]; available from <http://iom.int/jahia/Jahia/media/news-releases/newsArticleAF/cache/offo>

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¹⁰⁷⁰ Association Enfants, Interview, September 22, 2008. See also IOM, “Traditional Practices Being Abused”. See also U.S. Department of State, “Country Reports- 2010: Cameroon,” section 7d.

¹⁰⁷¹ Blaise Nzupiap Bwafo, “Plus de 6000 Enfants Exploitees Sexuellement Par An”, cameroon-info.net, [online], December 7, 2010 [cited January 18, 2011]; available from <http://www.cameroon-info.net/stories/0,27651,@,cameroun-plus-de-6000-enfants-exploitees-sexuellement-par-an.html>. See also Marie Therese Mengue, *Commercial Sexual Exploitation of Children in Cameroon*, Association Enfants, Jeunes et Avenir (ASSEJA), 8, 29. See also Red Cross Cameroon official, Interview with USDOL consultant, September 12, 2008. See also Idriss Linge, “Trafic des enfants: Le silence complice de la societe et l’administration”, journalducameroun.com, [online], July 20, 2010 [cited March 3, 2011]; available from <http://www.camnews24.net/fr/societe/cameroun/6912-traffic-des-enfants-le-silence-complice-de-la-societe-et-ladministration>.

¹⁰⁷² Essola, *Présentation MINAS a l’Atelier de Réflexion sur la Traite, le Trafic et l’exploitation du Travail Domestique des Enfants au Cameroun*, 4. See also Nkumu Fed Fed official, Interview, September 18, 2008. See also Ministry of Tourism - Yaounde official Interview with USDOL consultant, January 30, 2009, 66.

¹⁰⁷³ U.S. Department of State, “Country Reports- 2010: Cameroon,” section 7c.

¹⁰⁷⁴ ILO-IPEC, *La Traite des Enfants aux Fins d’Exploitation de leur Travail au Cameroun*, Geneva, 2005, 35; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=5170>. See also Danpullo, *The Socio-Legal Perspective of Child Protection in Cameroon*, 50.

¹⁰⁷⁵ U.S. Department of State, “Cameroon,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2010; available from <http://www.state.gov/documents/organization/123357.pdf>. See also International Trade Union Confederation, *Internationally-Recognized Core Labour Standards*, 10.

¹⁰⁷⁶ International Trade Union Confederation, *Internationally-Recognized Core Labour Standards*, 10. See also U.S. Embassy- Yaounde, *reporting, February 15, 2011*, para 2.c.

¹⁰⁷⁷ Integrated Regional Information Networks, “Nigeria: Trafficking convictions up but progress slow”, IRINnews.org, [online], March 15, 2010 [cited January 4, 2011]; available from <http://www.irinnews.org/Report>.

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¹⁰⁷⁸ Government of Cameroon, *Relatif au Travail des Enfants*, Arrête No 17, (May 27, 1969), article 1, 4-21. See also Government of Cameroon, *Labour Code*, Public Law Number 92/007, (August 14, 1992), section 86; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31629/64867/E92CMR01.htm>.

¹⁰⁷⁹ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Cameroon (ratification: 2001) Published: 2009*, December 27, 2010; available from <http://www.ilo.org/ilolex/english/ilolex.htm>. See also Government of Cameroon, *Relatif au Travail des Enfants*, article 5. See also Government of Cameroon, *Labour Code*, section 87(2). See also Government of Cameroon, *Etude sur le travail des enfants au Cameroun*, 2-3.

¹⁰⁸⁰ Government of Cameroon, *Relatif au Travail des Enfants*, article 1-21. See also Government of Cameroon, *Labour Code*, section 80, 82, 86.

¹⁰⁸¹ Government of Cameroon, *Relatif au Travail des Enfants*, article 1-21. See also Government of Cameroon, *Labour Code*, section 86.

¹⁰⁸² UNESCO, *EFA Global Monitoring Report: Reaching the marginalized*, Oxford University Press, Paris, 2010, 336; available from <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>. See also U.S. Embassy - Yaounde official, E-mail communication to USDOL official, February 14, 2011.

¹⁰⁸³ U.S. Embassy - Yaounde official, E-mail communication, February 14, 2011. See also Hervé Villard Njiélé, “Cameroun: Rentrée scolaire - L’école primaire publique toujours payante”, allafrica.com, [online], August 31, 2010 [cited February 22, 2011]; available from <http://fr.allafrica.com/stories/printable/201008310502.html>. See also U.S. Department of State, “Country Reports- 2010: Cameroon,” section 6.

¹⁰⁸⁴ Government of Cameroon, *Law relating to the Fight against Child Trafficking and Slavery*, Public Law Number 2005/015, (December 29, 2005), chapter I, II. See also Government of Cameroon, *Constitution of the Republic of Cameroon*, Public Law Number 96-06, (January 18, 1996), article 4; available from <http://confinder.richmond.edu/admin/docs/Cameroon.pdf>.

¹⁰⁸⁵ Government of Cameroon, *Law relating to the Fight against Child Trafficking and Slavery*, chapter I(2),II(4)

¹⁰⁸⁶ The Protection Project, *Cameroon*, pursuant to Human Rights Report on Trafficking in Persons, especially Women and Children- 2005 2005; available from <http://www.protectionproject.org>. See also Government of Cameroon, *Response to FRN*, April 30, 2008.

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¹⁰⁸⁸ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Cameroon (ratification: 2002) Published: 2009*, December 27, 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

¹⁰⁸⁹ Coalition to Stop the Use of Child Soldiers, “Cameroon,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

¹⁰⁹⁰ U.S. Embassy - Yaounde, *reporting, February 26, 2010*, para 22-23. See also U.S. Embassy - Yaounde official, E-mail communication to USDOL official, November 24, 2010.

¹⁰⁹¹ U.S. Embassy - Yaounde, *reporting, February 26, 2010*, para 9, 22-23.

¹⁰⁹² U.S. Embassy - Yaounde official, E-mail communication, February 14, 2011.

¹⁰⁹³ Ibid. See also U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 10.

¹⁰⁹⁴ U.S. Embassy - Yaounde official, E-mail communication, November 24, 2010. See also U.S. Embassy - Yaounde, *reporting, February 26, 2010*, para 22-23.

¹⁰⁹⁵ International Trade Union Confederation, *Internationally-Recognized Core Labour Standards*, 9. See also U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 11.

¹⁰⁹⁶ International Trade Union Confederation, *Internationally-Recognized Core Labour Standards*, 9. See also U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 13.

¹⁰⁹⁷ U.S. Embassy - Yaounde official, E-mail communication, February 14, 2011. See also United Nations, *International covenant on civil and political rights: Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant*, CCPR/C/CMR/4 May 11, 2009, 75; available from <http://www.unhcr.org/refworld/pdfid/4a891ec10.pdf>.

¹⁰⁹⁸ U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 23.

¹⁰⁹⁹ Ibid., para 14, 24.

¹¹⁰⁰ Ibid., para 12.

¹¹⁰¹ Ibid., para 25.

¹¹⁰² Ibid., para 16-20.

¹¹⁰³ Ibid., para 26, 28.

¹¹⁰⁴ Government of Cameroon, *Cameroon's Strategy to Implement its Trafficking in Persons (“TIP”) Action Plan and to Seek Removal from the TIP Tier 2 Watch List*, November, 2010. See also U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 31-33.

¹¹⁰⁵ Government of Cameroon, *Cameroon's Strategy to Implement its Trafficking in Persons (“TIP”) Action Plan and to Seek Removal from the TIP Tier 2 Watch List*. See also U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 31-33.

¹¹⁰⁶ Government of Cameroon, *Cameroon's Strategy to Implement its Trafficking in Persons (“TIP”) Action Plan and to Seek Removal from the TIP Tier 2 Watch List*. See also U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 31-33. See also U.S. Embassy- Yaounde, E-mail communication to USDOL official, June 30, 2011.

¹¹⁰⁷ United Nations, *Committee on the Rights of the Child - Fifty-third session: Consideration of reports submitted by States parties under article 44 of the Convention - Concluding Observations: Cameroon*, February 18, 2010, 19; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/407/35/PDF/G1040735.pdf?OpenElement>. See also U.S. Embassy - Yaounde official, E-mail communication, February 14, 2011. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, February 26, 2009.

¹¹⁰⁸ UN Office of the High Commissioner for Human Rights, *Committee on Rights of Child Examines Report of Cameroon*, Press Release, January 14, 2010, 1; available from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9718&LangID=E>.

¹¹⁰⁹ IMF, *Cameroon: Poverty Reduction Strategy Paper-Progress Report*, Washington, DC, January 2008, 31, 49, 52; available from http://preventionweb.net/files/9317_cameroon.pdf.

¹¹¹⁰ Ministry of Social Affairs, Interview with USDOL consultant, January 30, February 3 and 5, 2009.

¹¹¹¹ Salma Zulfiqar and Hector Calderon, “N’Djamena Declaration adopted”, [unicef.org](http://www.unicef.org), [online], June 11, 2010 [cited January 27, 2011]; available from http://www.unicef.org/infobycountry/chad_53966.html?q=printme. See also U.S. Embassy- Yaounde official, E-mail communication, February 10, 2011.

¹¹¹² International Institute of Tropical Agriculture, *The Sustainable Tree Crops Program (STCP)*, Phase II Program Document, March 31, 2007; available from http://www.trecrops.org/synopsis_STCP_Core_Program.pdf. See also

World Cocoa Foundation, *Sustainable Tree Crops Program - Cameroon*, [online] [cited January 7, 2011]; available from http://www.worldcocoafoundation.org/what-we-do/current-programs/STCPCameroon_Summary.asp.

¹¹¹³ ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010. See also ILO-IPEC official, E-mail communication to USDOL official, April 20, 2011.

¹¹¹⁴ Essola, *Présentation MINAS a l'Atelier de Réflexion sur la Traite, le Trafic et l'exploitation du Travail Domestique des Enfants au Cameroun*, 9. See also Ministry of Social Affairs, Interview, January 30, February 3 and 5, 2009.

¹¹¹⁵ U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 25-26, 36.

¹¹¹⁶ *Ibid.*, para 25-26. See also U.S. Department of State, *USG TIP Projects with Funds Obligated in FY 2009*, [online] [cited January 7, 2011]; available from <http://www.state.gov/documents/organization/137460.pdf>.

¹¹¹⁷ U.S. Embassy- Yaounde, *reporting, February 15, 2011*, para 6.a.

¹¹¹⁸ Integrated Regional Information Networks, “Bringing street children back home”. See also U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 36. See also Nkeze Mbonwoh, “Cameroon: Minister Bakang Mbock Prepares Homes for Street Children”, *allafrica.com*, [online], February 23, 2010 [cited January 5, 2011]; available from <http://allafrica.com/stories/201002230416.html>. See also U.S. Embassy- Yaounde official, E-mail communication to USDOL official, March 9, 2010.

¹¹¹⁹ ILO-IPEC, *Enhancing national capacity in child labour data collection, analysis and dissemination through technical assistance to surveys, research and training*, Project Document, Geneva, September 14, 2006, 1-2.

¹¹²⁰ U.S. Embassy- Yaounde, *reporting, January 28, 2011*, para 38. See also Laurent Ndjanyou and Sebastien Djienouassi, *Characteristics and Determinants of Child Labour in Cameroon, CSAE Conference: Economic Development in Africa*, Oxford, March 21-23, 2010, 10-11; available from <http://www.csaе.ox.ac.uk/conferences/2010-EDiA/papers/491-Djienouassi.pdf>.

Cape Verde

The Government of Cape Verde provides some legal protections to prevent children from engaging in the worst forms of child labor and has developed child labor-focused social programs. However, the Government has not developed a coordinating mechanism to combat the worst forms of child labor. Children continue to engage in the worst forms of child labor, including street work and prostitution.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10 - 14 yrs.	3.2*
Attending School	5 - 14 yrs.	90.1
Combining Work and School	7 - 14 yrs.	Unavailable

* Population of working children: 2,392



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Cape Verde are engaged in the worst forms of child labor,¹¹²¹ including street work and prostitution.¹¹²² Children typically engage in street work in Cape Verde's urban centers selling water and food products, washing cars and begging.¹¹²³ Children working on the streets may be exposed to dangers such as severe weather, accidents caused by proximity to automobiles and vulnerability to criminal elements.

Children in Cape Verde also work in domestic service.¹¹²⁴ Domestic labor frequently involves long hours and may expose children to physical and sexual abuse from their employers.

In rural areas, children work in agriculture, fishing and animal husbandry.¹¹²⁵ Children reportedly work cutting sugarcane.¹¹²⁶ Children's engagement in agriculture may involve using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Fishing can expose children to many risks, such as drowning and severe weather conditions. Involvement in animal

husbandry may expose children to risks, such as disease and injury.

Children also work as trash pickers in dumps and transport garbage and human waste.¹¹²⁷

Some children are known to work as assistants in mechanics and carpentry workshops and on construction sites.¹¹²⁸

Child prostitution is a problem in Cape Verde.¹¹²⁹ Children have reported engaging in sexual activity with adults in exchange for money and, less frequently, clothing. Some children also work as escorts, receiving monetary compensation for going on dates with adults.¹¹³⁰

Some Cape Verdean children also work peddling drugs for adults, including marijuana.¹¹³¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 15, but allows children as young as age 14 to work for artistic and musical purposes. Such work

must not compromise their school attendance, health or development, and their employer must receive approval from the Ministry of Labor.¹¹³² On February 7, 2011, the Government ratified ILO Convention 138 on the Minimum Age for Work.¹¹³³ The Labor Code prohibits hazardous work for those younger than age 18; however, it does not provide a list of hazardous occupations.¹¹³⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

The Labor Code also prohibits forced or compulsory labor.¹¹³⁵ The compulsory recruitment age for the armed forces is 18; however, children may voluntarily join at age 17.¹¹³⁶

Both the Penal and Labor Codes prohibit child trafficking.¹¹³⁷ The Penal Code criminalizes the advancing, supporting or facilitating of a minor younger than age 16 for prostitution. The Penal Code also bans the use of a minor younger than age 14 for pornographic purposes.¹¹³⁸ The Penal Code does not protect children ages 16 to 17 from exploitation in prostitution or children ages 14 to 17 from exploitation in pornography. Further,

Cape Verde law does not specifically prohibit the use of a child by an adult for illicit activities, such as drug trafficking.¹¹³⁹

By law, children are required to attend school until age 11.¹¹⁴⁰ This standard makes children ages 11 to 14 particularly vulnerable to the worst forms of child labor, as they are not required to be in school and are not legally permitted to work.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Cape Verde has established a coordinating mechanism to combat the worst forms of child labor.

The General Inspector for Labor is the principal agency responsible for enforcing child labor laws.¹¹⁴¹ During the reporting period, 1,003 labor inspections were performed across sectors, and no child labor violations were reported.¹¹⁴²

The Ministry of Justice leads several other agencies, including the Ministry of Internal Administration, the Judicial Police (PJ) and the National Police (PN), in efforts to combat human trafficking and prosecute criminal violations of child labor laws.¹¹⁴³ The PJ employs approximately 150 officers and the PN about 1,500 officers.¹¹⁴⁴

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for the Elimination of Child Labor (2007-2011) prioritizes the eradication of worst forms of child labor.¹¹⁴⁵ The plan outlines specific objectives, including data collection, institutional capacity building and enhancement of measures to prevent, protect and remove children from involvement in child labor. It aims to engage multiple stakeholders, such as government agencies, workers' organizations and child workers and their families, in efforts to achieve these goals.¹¹⁴⁶

The National Action Plan for Human and Citizenship Rights targets human rights violations, including those impacting children and adolescents. For example, the policy explicitly proposes the development of mechanisms to identify cases of forced labor involving children younger than age 14 and programs to remove children from those situations.¹¹⁴⁷ However, it is unclear whether there are mechanisms to address forced labor cases involving children ages 14 to 17.

The Government maintains a policy of free and universal primary education for children ages 6 to 12. In addition, it provides free secondary education for children in the lowest income families.¹¹⁴⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Cape Verde is participating in a 4-country, regional project to combat the worst forms of child labor.¹¹⁴⁹ The program is funded by a \$5.2 million grant from the Government of Spain. During the reporting period, the Government also implemented several information campaigns about child labor and hosted a seminar about the country's child labor situation for labor union leaders and members of the National Labor Union of Cape Verde.¹¹⁵⁰ The Cape Verde Institute for the Child and Adolescent (ICCA) runs a sensitization campaign to raise public awareness about child labor problems through posters, pamphlets, newsletters and calendars.¹¹⁵¹ The ICCA also operates a shelter for homeless and abandoned children with the goal of keeping them off the streets.¹¹⁵² The question of whether this shelter has an impact on child labor does not appear to have been addressed.

The Government continues to participate in a 3-year, \$7.9 million regional project funded by

USDOL. The program is designed to strengthen ECOWAS' Child Policy and Strategic Plan of Action and to develop programs focusing on child trafficking as it pertains to the strategic plan.¹¹⁵³ In December 2010, the Government began participating in a second USDOL-funded regional project. The \$5 million, 3-year program is meant to expand and extend the work of the initial project.¹¹⁵⁴

During the reporting period, the Government began participating in a USDOL-funded program to combat the worst forms of child labor in five lusophone countries in Africa. The 2-year, \$500,000 project aims to foster information sharing between Brazil and target lusophone countries about best practices for eliminating the worst forms of child labor. Additionally, the program will provide technical assistance and guidance for countries to develop or refine national action plans on child labor.¹¹⁵⁵

The Government is participating in the One Programme *Au Cap-Vert* 2008-2010, which aims to accelerate economic growth, promote competitiveness, create productive employment and fight poverty. It includes subprograms to improve the quality of early childhood and primary education and to support efforts by national and community-based institutions to ensure the wellbeing of children.¹¹⁵⁶

The question of whether the One Programme and its subprograms have an impact on child labor does not appear to have been addressed. Further, existing government programs are not sufficient to reach all children involved in the worst forms of child labor, particularly those engaged in street work, domestic service, agriculture, prostitution and drug peddling.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Cape Verde:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to include a list of hazardous occupations for children.
- Amend the Penal Code to protect all children younger than age 18 from exploitation in prostitution and pornography.
- Amend the law to prohibit the use of children for illicit activities, including drug trafficking.
- Raise the age of compulsory education to be equal to or higher than the minimum age for employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Ensure that all children younger than age 18 in situations of forced labor are targeted in relevant policies.

IN THE AREA OF PROGRAMS:

- Assess the impact the One Programme and its subprograms may have on child labor.
- Develop new and expand existing programs to reach more children involved in the worst forms of child labor, particularly those engaged in street work, domestic service, agriculture, prostitution and drug peddling.

¹¹²¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2001-2002. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹¹²² Gabriel Fernandes, Jose Pina Delgado, Liriam Tiujo Delgado, and Orlando Borja, *A Crianca E O Trabalho: Um estudo juridico-sociologico*, Ministerio do Trabalho, Familia e Solidariedade and Instituto Cabo-verdiano da Crianca e do Adolescente, Praia, June 2007, 28, 29, 52.

¹¹²³ Ibid., 28, 29. See also Government of Cape Verde official, Letter to USDOL official, March 11, 2010. See also Lorenzo I. Bordonaro, *From home to the street: Children's street-ward migration in Cape Verde*, Centro em Rede de Investigacao em Antropologia, Lisbon, 2010; available from http://www.cria.org.pt/index.php?option=com_docman&task=doc_download&gid=4&Itemid=92&lang=pt. See also U.S. Department of State, "Cape Verde," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.

¹¹²⁴ U.S. Embassy- Praia, *reporting, January 27, 2011*, 8. See also Fernandes, Delgado, Delgado, and Borja, *A Crianca e o Trabalho*, 28. See also Government of Cape Verde official, Letter, March 11, 2010.

¹¹²⁵ Portal da Ilha do Fogo, "Trabalho Infantil em Cabo Verde acontece mais no seio da familia", FOGO.cv, [online], June 14, 2010 [cited January 31, 2011]; available from http://www.fogo.cv/index.php?option=com_content&task=view&id=2724&Itemid=50. See also Fernandes, Delgado, Delgado, and Borja, *A Crianca e o Trabalho*, 28. See also Government of Cape Verde official, Letter, March 11, 2010. See also U.S. Department of State, "Country Reports- 2010: Cape Verde," section 7d.

¹¹²⁶ Fernandes, Delgado, Delgado, and Borja, *A Crianca e o Trabalho*, 28.

¹¹²⁷ Ibid., 28, 29. See also Government of Cape Verde official, Letter, March 11, 2010.

¹¹²⁸ Fernandes, Delgado, Delgado, and Borja, *A Crianca e o Trabalho*, 28. See also Government of Cape Verde official, Letter, March 11, 2010.

- ¹¹²⁹ Childs Rights Information Network, *Cape Verde-Children's Rights References in the Universal Periodic Review*, October 12, 2008; available from <http://www.crin.org/resources/infodetail.asp?id=19584>. See also Fernandes, Delgado, Delgado, and Borja, *A Crianca e o Trabalho*, 52-53.
- ¹¹³⁰ Fernandes, Delgado, Delgado, and Borja, *A Crianca e o Trabalho*, 52-53. See also IOL Diario, "Cape Verde: crianas abusadas e correios de droga", IOL Diario, [online], November 28, 2007 [cited January 31, 2011]; available from http://diario.iol.pt/noticia.html?id=885713&div_id=4071.
- ¹¹³¹ Fernandes, Delgado, Delgado, and Borja, *A Crianca e o Trabalho*, 53. See also Bordonaro, *From home to the street*, 12.
- ¹¹³² Government of Cape Verde, *Boletim Oficial Suplemento*, 5/2007, (October 16, 2007), articles 261, 264; available from http://www.incv.gov.cv/_publicacoes/geral/B8F21256-A9FC-6EE6-1783F491658675BF19102007024653.pdf.
- ¹¹³³ ILOLEX, *Ratifications: Cape Verde*, [online] [cited May 17, 2011]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.
- ¹¹³⁴ Government of Cape Verde, *Boletim Oficial Suplemento*, article 264.
- ¹¹³⁵ *Ibid.*, article 14.
- ¹¹³⁶ Coalition to Stop the Use of Child Soldiers, "Republic of Cape Verde," in *Child Soldiers Global Report 2008*, London, 2008, 86; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also U.S. Embassy-Praia, *reporting, January 27, 2011*, 4b.
- ¹¹³⁷ U.S. Embassy- Praia, *reporting, January 21, 2009*, 1a. See also U.S. Embassy- Praia, *reporting, January 27, 2011*, 4a.
- ¹¹³⁸ Government of Cape Verde, *Código Penal de Cabo Verde*, (2004), articles 148, 150; available from http://www.wipo.int/lea/en/text_pdf.jsp?lang=PT&id=6073.
- ¹¹³⁹ U.S. Embassy- Praia, *reporting, January 27, 2011*, 4c, 4e.
- ¹¹⁴⁰ U.S. Department of State, "Country Reports- 2010: Cape Verde," section 6.
- ¹¹⁴¹ U.S. Embassy- Praia, *reporting, January 27, 2011*, 4.1.
- ¹¹⁴² *Ibid.*, 4.6.
- ¹¹⁴³ U.S. Embassy- Praia, *reporting, March 26, 2010*, 3b.
- ¹¹⁴⁴ U.S. Embassy- Praia, *reporting, January 27, 2011*, 4.3.
- ¹¹⁴⁵ Gabriel Fernandes, Jose Pina Delgado, Liriam Tiujo Delgado, and Orlando Borja, *Plano de accao para a eliminacao do trabalho infantil*, Ministerio do Trabalho, Familia e Solidariedade and Instituto Cabo-verdiano da Crianca e do Adolescente, Praia, June 2007, 38.
- ¹¹⁴⁶ *Ibid.*, 38.
- ¹¹⁴⁷ Government of Cape Verde official, Letter, March 11, 2010.
- ¹¹⁴⁸ U.S. Department of State, "Country Reports- 2010: Cape Verde," section 6.
- ¹¹⁴⁹ ILO-IPEC official, E-mail communication to USDOL official, April 20, 2011.
- ¹¹⁵⁰ Portal da Ilha do Fogo, "Trabalho Infantil em Cabo Verde". See also ASemana, "UNTC-CS debate trabalho infantil em Cabo Verde", ASemana, [online], November 11, 2010 [cited January 31, 2011]; available from <http://www.asemana.publ.cv/spip.php?article58077&ak=1>.
- ¹¹⁵¹ Government of Cape Verde official, Letter, March 11, 2010.
- ¹¹⁵² U.S. Embassy- Praia, *reporting, February 3, 2010*, 2E.2.
- ¹¹⁵³ ILO-IPEC, *Eliminating the Worst Forms of Child Labour in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS*, Project Document, Geneva, September 3, 2010, i, vii-viii.
- ¹¹⁵⁴ ILO-IPEC, *Eliminating the Worst Forms of Child Labour in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS-II*, Project Document, Geneva, December 20, 2010, i, vi.
- ¹¹⁵⁵ ILO-IPEC, *Supporting Actions to Meet the 2015 Targets to Eliminate the Worst Forms of Child Labor in Lusophone Countries in Africa*, Technical Cooperation Project Summary, Geneva, December 2010.
- ¹¹⁵⁶ United Nations, *The One Programme au Cap-Vert 2008-2010*, New York, 2007; available from <http://www.un.cv/files/OneProgrammeinCapeVerde2008-2011-English.pdf>.

Central African Republic



The Government of the Central African Republic is implementing a National Action Plan to Combat Child Sexual Abuse and Exploitation, as well as related programs, such as the National Action Plan for Education and a National Poverty Reduction Strategy. However, the worst forms of child labor continue to exist in the Central African Republic, where children work in the streets and are still present in armed militias. There is little evidence to suggest that laws prohibiting the worst forms of child labor are enforced.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	51.1*
Attending School	5 - 14 yrs.	53.9
Combining Work and School	7 - 14 yrs.	33.4

* Population of working children: 602,932

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Central African Republic (CAR) are engaged in the worst forms of child labor,¹¹⁵⁷ many of them vending and begging on the street or being used as child soldiers in non-State militias.¹¹⁵⁸ The high rate of orphanhood, including from HIV/AIDS, is partly responsible for the displacement of many of these children to the streets.¹¹⁵⁹ According to the Ministry of Family and Social Affairs, 3,000 children in Bangui live and work in the streets.¹¹⁶⁰ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.

Children, including street children, abandoned children and those dwelling in urban areas, are also exploited in prostitution.¹¹⁶¹ Some children traffic drugs.¹¹⁶² Children have also been forced to work as porters, carrying stolen goods for criminal groups.¹¹⁶³

Due to protracted conflict, spill-over violence from neighboring countries and rebel groups, the Government of CAR has little control over regions outside of the capital.¹¹⁶⁴ In some cases, villages have formed self-defense groups to protect themselves from attacks from various factions, ranging from rebel groups and bandits to government troops.¹¹⁶⁵ Children are sometimes recruited by some of these self-defense groups. Children are also abducted for forced labor and/or soldiering by rebel groups, such as the Lord's Resistance Army (LRA), a Ugandan rebel force that has moved into CAR, and are reported to still exist within one or more of the indigenous rebel groups—the *Union des Forces Démocratiques pour le Rassemblement, L'Armée Populaire pour la Restauration de la République et la Démocratie, Convention des Patriotes pour la Justice et la Paix, Forces Démocratiques Populaires de Centrafrique, or Mouvement des Libérateurs Centrafricains pour la Justice*.¹¹⁶⁶ Children abducted by the LRA work as child soldiers, sex slaves and spies.¹¹⁶⁷ The

LRA has trafficked children to and from Sudan, Democratic Republic of the Congo and Uganda for work and child soldiering.¹¹⁶⁸ Children have been forced to terrorize their own communities and kill or mutilate civilians.¹¹⁶⁹

Children also work in gold and diamond mines, transporting and washing gravel, digging pits and carrying heavy loads.¹¹⁷⁰

Children are engaged in dangerous work in fishing and agriculture. Although evidence is limited, there is reason to believe that children are engaged in work on coffee, cassava and peanut farms under conditions that amount to the worst forms of child labor.¹¹⁷¹ Children’s work in agriculture commonly involves carrying heavy loads and applying potentially harmful pesticides. Fishing commonly involves exposure to waterborne diseases and drowning. Children from indigenous groups, such as the *Baaka* (Pygmy), are forced into agricultural labor and domestic service.¹¹⁷²

Children work as domestic servants.¹¹⁷³ Some domestic work involves long hours, dangerous activities and exposure to physical and sexual exploitation.

CAR is a source and destination country for trafficked children.¹¹⁷⁴ Along with children trafficked by the LRA, children are trafficked internally for commercial sexual exploitation, domestic service, work in agriculture, restaurants and markets, and mining, including diamond mines.¹¹⁷⁵ Children are trafficked into and out of the country for similar purposes.¹¹⁷⁶

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14.¹¹⁷⁷ However, children who are at least age 12 may engage in light work in some forms of agriculture or domestic service.¹¹⁷⁸ Research did not identify which activities are

allowed under this exception. Children younger than age 18 are prohibited from working between 10 p.m. and 5 a.m. and from performing certain kinds of work, including work in mines. The law protects children from performing work that involves carrying heavy loads but only applies to children younger than age 14.¹¹⁷⁹ The Government has not issued a more specific list of prohibited hazardous work.¹¹⁸⁰ The Labor Code does not apply to self-employed workers, including children.¹¹⁸¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Mining Code prohibits the employment of children in mining.¹¹⁸²

The minimum age for compulsory or voluntary recruitment into the Government Armed Forces in CAR is 18.¹¹⁸³

The Labor Code prohibits the procurement or offering of a child for illicit activities, including the production and trafficking of drugs, and it prohibits the procurement or offering of a child for prostitution and the production of

pornography.¹¹⁸⁴ The Labor Code also prohibits all forms of slavery, forced labor and bonded labor. It also bans forced or compulsory recruitment of children in armed conflict.¹¹⁸⁵

The Penal Code prohibits the procurement of persons of any age for sexual purposes, including assisting in or profiting from prostitution.¹¹⁸⁶ The Penal Code prohibits human trafficking.¹¹⁸⁷

Institutional Mechanisms for Coordination and Enforcement

In November 2010, the Government began the process to create the National Council for the Protection of Children, which is charged with coordinating policy and strategy to protect children.¹¹⁸⁸ Committees of the Council will address the worst forms of child labor, including commercial sexual exploitation and child soldiers. The Prime Minister signed the decree to establish the Council in April 2011.¹¹⁸⁹ The Council will convene once member ministries and organizations have named their representatives.¹¹⁹⁰

The Ministry of Civil Servants, Labor and Social Security is charged with monitoring and enforcing laws related to forced and hazardous child labor.¹¹⁹¹ However, as noted by the ILO Committee of Experts, there has not been a labor administrator to coordinate efforts since 1999.¹¹⁹²

The Ministry of Civil Service and Labor employs 73 labor inspectors in the Labor Inspection Unit.¹¹⁹³ A 2008 study—the latest year where information is available—sponsored by the Ministry with help from UNICEF concluded that inspections are not conducted in a manner that effectively prevents child labor. There is no system in place for the Ministry to track child labor complaints.¹¹⁹⁴ In addition, inspectors are not provided with transportation funds.¹¹⁹⁵ Information on whether any child labor inspections took place during the reporting period is unavailable.

The Ministry of Justice, in coordination with security forces, is responsible for the oversight and investigation of the commercial sexual exploitation of children, child trafficking and the use of children in illicit activities. However, the ministry does not have sufficient office facilities and transportation to carry out inspections.¹¹⁹⁶ It is unclear whether there are specific officers dedicated to trafficking or other worst forms of child labor.¹¹⁹⁷ The Government does not have a means for identifying victims of trafficking and was unable to provide data on the number of arrests and prosecutions of those involved in using children in trafficking, commercial sexual exploitation or other illicit activities.¹¹⁹⁸

In January 2010, a Senior Gendarmerie was tasked by the Deputy Minister of Defense to investigate reports of child soldiers in self-defense militias.¹¹⁹⁹ However, there is no available information on the result of this investigation.

Government Policies on the Worst Forms of Child Labor

The Government has a National Action Plan to Combat Child Sexual Abuse and Exploitation, which includes measures to address sex trafficking. The Government also has a separate Action Plan designed to combat trafficking in persons, including child trafficking.¹²⁰⁰

The Government is also implementing related policies, such as the National Action Plan for Education and the National Poverty Reduction Strategy.¹²⁰¹ An evaluation of whether the National Action Plan for Education has an impact on the worst forms of child labor does not appear to have been conducted.

Education is compulsory for six years until age 15. Tuition is free, but students must pay for their own supplies, books and transportation.¹²⁰² The cost of these associated fees may be prohibitive for some students and may increase the risk of children's involvement in the worst forms of child labor.

Social Programs to Eliminate the Worst Forms of Child Labor

The Government of CAR is partnering with UNICEF to provide two programs aimed at the protection, demobilization and reintegration of child soldiers.¹²⁰³

The Ministry of Family and Social Affairs continues to operate a shelter for children in distress, including possible victims of trafficking.

This shelter has the capacity to house 35 children.¹²⁰⁴ However, the shelter lacks the space to accommodate all who seek its services.¹²⁰⁵

Aside from the limited programs above, the Government does not provide social protection services aimed at children engaged in the worst forms of child labor, including commercial sexual exploitation, child soldiering, mining and agriculture.¹²⁰⁶

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Central African Republic:

IN THE AREA OF LAWS AND REGULATIONS:

- Strengthen legislation by amending the Labor Code to
- Include a specific list of prohibited hazardous work for children.
- Extend the code to cover self-employed children.
- Ensure all children in agriculture and domestic work are protected from hazardous work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Convene the members of the National Council for the Protection of Children.
- Provide adequate resources to enforce laws against the worst forms of child labor, including trained personnel, budgetary resources and office facilities.
- Create an inspection system that monitors and tracks reported cases of the worst form of child labor.
- Complete an investigation of militias' use of child soldiers, publish the results, and based on this information, take vigorous steps to end this practice and rehabilitate its victims.
- Create a system to identify child victims of trafficking, and provide them with adequate shelter and protection.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies, such as the National Action Plan for Education, may have on addressing the worst forms of child labor.
- Eliminate education fees to increase the number of children able to access schooling.

IN THE AREA OF PROGRAMS:

- Implement programs that address the worst forms of child labor, particularly in prostitution, child soldiering, agriculture and mining.

¹¹⁵⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹¹⁵⁸ U.S. Department of State, "Central African Republic," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 1g, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154337.htm>. See also U.S. Embassy- Bangui, *reporting, January 27, 2011*, para 12. See also U.S. Embassy- Bangui official, E-mail communication to USDOL official, July 4, 2011.

¹¹⁵⁹ Dorn Townsend, "Central African Republic: Prevention strategies making in-roads, but cases of HIV continue to climb", UNICEF.org, [online], [cited February 9, 2011]; available from http://www.unicef.org/wcaro/2009_2858.html. See also U.S. Embassy- Bangui official, E-mail communication to USDOL official, November 10, 2010.

¹¹⁶⁰ U.S. Department of State, "Country Reports- 2010: Central African Republic," sections 6, 7d. See also Emily Bamford, "Growing up in the streets of Bangui", HDPTCAR.net, [online], September 25, 2007 [cited February 9, 2011]; available from <http://hdptcar.net/blog/2007/09/25/growing-up-in-the-streets-of-bangui/>. See also UNICEF, *Central African Republic: Our lives--Street children pick up cameras in CAR*, Press Release, June 16, 2008; available from http://www.unicef.org/wcaro/2009_2402.html.

¹¹⁶¹ U.S. Embassy- Bangui, *reporting, January 27, 2011*, para 11. See also Julia Spry-Leverton, *A Cry from the Heart: Central African Republic*, UNICEF, March 22, 2007, 25; available from http://www.unicef.org/wcaro/WCARO_CAR_Pub_ACryFrmHeart.pdf. See also Ministry of Family and Social Affairs official, Interview with USDOL consultant, July 1, 2005.

¹¹⁶² U.S. Embassy- Bangui, *reporting, January 27, 2011*, para 11.

¹¹⁶³ U.S. Department of State, "Country Reports- 2010: Central African Republic," section 1g.

¹¹⁶⁴ Kelly Campbell, "Central African Republic, Chad, and Sudan: Triangle of Instability?", USIP.org, [online],

December 2006 [cited February 10, 2011]; available from <http://www.usip.org/publications/central-african-republic-chad-and-sudan-triangle-instability>.

¹¹⁶⁵ Al Jazeera, *Self Defense Forces in the Central African Republic*, September 9, 2008; available from <http://www.youtube.com/watch?v=iM7uL6VyWP8>. See also British Broadcasting Corporation, "Thousands flee from CAR violence", news.bbc.co.uk, [online], March 25, 2006 [cited February 10, 2011]; available from <http://news.bbc.co.uk/2/hi/africa/4844664.stm>. See also UN General Assembly Security Council, *Children and armed conflict: Report of the Secretary-General, A/64/742-S/2010/181*, April 13, 2010, para 57; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/311/28/PDF/N1031128.pdf?OpenElement>. See also Coalition to Stop the Use of Child Soldiers, "Central African Republic," in *Child Soldiers Global Report 2008*, London, 2008, 88; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

¹¹⁶⁶ U.S. Embassy- Bangui, *reporting, January 27, 2011*, para 12. See also U.S. Embassy- Bangui official, E-mail communication, July 4, 2011. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, paras 6-7. See also U.S. Department of State, "Central African Republic," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also UN General Assembly Security Council, *Children and armed conflict: Report of the Secretary-General*, paras 57 and 58 and Annex I.

¹¹⁶⁷ Human Rights Watch, *CAR/DR Congo: LRA Conducts Massive Abduction Campaign*, August 11, 2010; available from <http://www.hrw.org/en/news/2010/08/11/cadr-congo-lra-conducts-massive-abduction-campaign?print>. See also Afrol News, "LRA now also in Central African Republic", afrol.com, [online], March 31, 2010 [cited February 14, 2011]; available from <http://www.afrol.com/articles/35833>. See also UN General Assembly Security Council, *Children and armed conflict: Report of the Secretary-General*, para 58.

¹¹⁶⁸ United Nations Security Council, *Additional report of the Secretary-General on children and armed conflict in Uganda, S/2008/409*, June 23, 2008, para 6; available from <http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html>. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Central African Republic."

¹¹⁶⁹ World Vision, *Northern Ugandan Crisis Caution: Children at War*, [online] 2010 [cited February 14, 2011]; available from <http://www.worldvision.org/content.nsf/learn/globalissues-uganda>.

¹¹⁷⁰ Ministry of Mining official, Interview with USDOL consultant, May 27, 2005. See also U.S. Embassy- Bangui, *reporting, January 27, 2011*, paras 2, 8, 9, 11. See also U.S. Department of State, "Country Reports- 2010: Central African Republic," section 7d. See also Integrated Regional

Information Networks, “Central African Republic: Where diamonds damage diet”, IRINnews.org, [online], December 16, 2009 [cited February 14, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=87451>. See also Ministry of Labor official, Interview with USDOL consultant, April 26, 2005.

¹¹⁷¹ Spry-Leverton, *A Cry from the Heart*, 5. See also U.S. Embassy- Bangui, reporting, February 17, 2010, paras 2, 11. See also U.S. Department of State, “Country Reports- 2010: Central African Republic,” section 7d.

¹¹⁷² U.S. Embassy- Bangui, reporting, January 27, 2011, para 11.

¹¹⁷³ Ibid., para 11. See also U.S. Department of State, “Country Reports- 2010: Central African Republic,” section 7d.

¹¹⁷⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

¹¹⁷⁵ U.S. Embassy- Bangui, reporting, March 1, 2010, 1. See also U.S. Embassy- Bangui, reporting, June 11, 2009, para 8. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

¹¹⁷⁶ U.S. Embassy- Bangui, reporting, March 1, 2010, 1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.” See also U.S. Department of State, “Cameroon,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123361.pdf>.

¹¹⁷⁷ Government of the Central African Republic, *Code du Travail de la République Centrafricaine*, Loi N° 61/221, (June 15, 1961), article 125. See also ILO NATLEX National Labor Law Database, *Arrêté no 6/MFPTSS du 21 mai 1986: Elimination of child labour, protection of children and young persons*, accessed February 14, 2011, section 2; available from http://www.ilo.org/dyn/natlex/natlex_browse.home. See also U.S. Embassy- Bangui, reporting, February 17, 2010, para 12.

¹¹⁷⁸ ILO NATLEX National Labor Law Database, *Arrêté no 6/MFPTSS du 21 mai 1986: Elimination of child labour, protection of children and young persons*. See also U.S. Embassy- Bangui, reporting, February 17, 2010, para 12.

¹¹⁷⁹ Government of the Central African Republic, *Code du Travail de la République Centrafricaine*, articles 120, 121. See also ILO Committee of Experts, *Individual Direct Request concerning Night Work of Young Persons (Industry) Convention, 1919 (No. 6) Central African Republic (ratification: 1960): Submitted 2009*, February 14, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also ILO NATLEX National Labor Law Database, *Arrêté no 6/MFPTSS du 21 mai 1986: Elimination of child labour, protection of children and young persons*. See also U.S.

Embassy- Bangui, reporting, February 17, 2010, para 12. See also Government of the Central African Republic, *Suivi de la Situation des Enfants et des Femmes: Resultats de l'enquete nationale a indicateurs multiples couplee avec la serologie VIH et anemie en RCA 2006, Rapport final*, Bangui, January 2009, 173; available from http://www.childinfo.org/files/MICS3_CAR_FinalReport_2006_Fr.pdf.

¹¹⁸⁰ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Central African Republic (ratification: 2000) Published 2010*, March 17, 2011, para 8; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

¹¹⁸¹ Ibid., para 3.

¹¹⁸² Government of the Central African Republic, *Portant Code Minier de la République Centrafricaine*, (April 29, 2009), article 190; available from <http://www.droit-afrique.com/images/textes/RCA/RCA%20-%20Code%20minier%202009.pdf>.

¹¹⁸³ Coalition to Stop the Use of Child Soldiers, “Global Report 2008- Central African Republic.”

¹¹⁸⁴ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Central African Republic (ratification: 2000) Submitted: 2011*, May 5, 2011, para 2; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

¹¹⁸⁵ U.S. Embassy- Bangui, reporting, June 11, 2009, 2. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Central African Republic (ratification: 2000) Published: 2010*, February 14, 2011, para 2; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also ILO Committee of Experts, *Individual Direct Request C182: Central African Republic (2011)*, para 2.

¹¹⁸⁶ U.S. Embassy- Bangui, reporting, January 27, 2011, para 18.

¹¹⁸⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Central African Republic.”

¹¹⁸⁸ U.S. Embassy- Bangui, reporting, January 27, 2011, para 19.

¹¹⁸⁹ Ibid., para 19. See also U.S. Embassy- Bangui official, E-mail communication, July 4, 2011.

¹¹⁹⁰ U.S. Embassy- Bangui official, E-mail communication to USDOL official, July 12, 2011.

¹¹⁹¹ U.S. Embassy- Bangui, reporting, January 27, 2011, para 20.

¹¹⁹² U.S. Embassy- Bangui, reporting, February 17, 2010, paras 15-16. See also ILO Committee of Experts, *Individual Observation concerning Labour Inspection Convention*,

1947 (No. 81) *Central African Republic (ratification: 1964)*
 Published: 2009, February 14, 2011, para 3; available from
<http://www.ilo.org/ilolex/english/iloquery.htm>.

¹¹⁹³ U.S. Embassy- Bangui, *reporting, January 27, 2011*, para 20.

¹¹⁹⁴ *Ibid.*, para 21.

¹¹⁹⁵ U.S. Embassy- Bangui, *reporting, February 17, 2010*, paras 15-16. See also ILO Committee of Experts, *Individual Observation C81: Central African Republic (2009)*, para 3.

¹¹⁹⁶ U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 17.

¹¹⁹⁷ *Ibid.*

¹¹⁹⁸ U.S. Department of State, “Trafficking in Persons Report-2010: Central African Republic.” See also U.S. Embassy- Bangui, *reporting, January 27, 2011*, para 24.

¹¹⁹⁹ U.S. Embassy- Bangui, *reporting, March 1, 2010*, 3.

¹²⁰⁰ *Ibid.*, 1, 3.

¹²⁰¹ Ministère de l’Education Nationale et de la Recherche Scientifique Coordination Nationale de L’E.P.T., *Plan*

National d’Action de l’Education Pour Tous (2003-2015), Bangui, November 2002; available from <http://planipolis.iiiep.unesco.org/upload/Central%20African%20Republic/Central%20African%20Republic%20PNA%20EPT.pdf>. See also Government of the Central African Republic, *Poverty Reduction Strategy Paper Analytical Summary, 2008-2010*, 2008; available from http://hdptcar.net/files/documents/CAR_PRSP_AnalyticalSummary_ENG.pdf. See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 22.

¹²⁰² U.S. Department of State, “Country Reports- 2010: Central African Republic,” section 6. See also U.S. Embassy- Bangui, *reporting, January 27, 2011*, para 8.

¹²⁰³ U.S. Department of State, “Trafficking in Persons Report-2010: Central African Republic.”

¹²⁰⁴ U.S. Embassy- Bangui, *reporting, March 1, 2010*, 5.

¹²⁰⁵ U.S. Department of State, “Trafficking in Persons Report-2010: Central African Republic.”

¹²⁰⁶ *Ibid.* See also U.S. Embassy- Bangui, *reporting, February 17, 2010*, para 21.

Chad

Chad demonstrated a commitment to eliminate the use of children in armed conflict by signing a declaration and supporting programs to rehabilitate former child soldiers. However, Chad's weak legal framework undermines this effort, as does a general lack of programming to remediate the worst forms of child labor. While the number of child soldiers decreased during the reporting period, children remained mobilized in armed forces in Chad and were still being recruited to serve in rebel groups. Other worst forms of child labor also persist, particularly the forced labor of children as cattle herders.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	52.0*
Attending School	5 - 14 yrs.	42.2
Combining Work and School	7 - 14 yrs.	30.7

* Population of working children: 1,627,097



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Chad, including as child soldiers and cattle herders.¹²⁰⁷ Many children work in agriculture, risking injury from hazardous tasks such as carrying heavy loads.¹²⁰⁸ Many also work as herders, in poor conditions and without shelter, risking injury while working in isolated areas.¹²⁰⁹ In some cases, these children have been sold by their parents for a period of time, sometimes multiple years, in situations that the ILO Committee of Experts has called “semi-slavery.”¹²¹⁰ Children, working in the fishing sector risk drowning, disease and injury from sharp tools.¹²¹¹

In the urban informal sector, children work as street vendors and manual laborers, risking injury from heavy loads and dangerous tools.¹²¹² In several towns and especially in the capital, N’Djamena, numerous street children are found begging, doing odd jobs and working in the markets.¹²¹³ These children are vulnerable to

harassment and injury from accidents caused by proximity to vehicles. Children also work as domestic servants and some suffer physical and sexual abuse from their employers.¹²¹⁴ Some of these children are sold or bartered by their families to engage in these activities.¹²¹⁵

Some boys, sent to Koranic teachers to receive education, are forced to beg and surrender the money they have earned or risk being beaten.¹²¹⁶

Children from refugee camps, especially girls, risk sexual abuse while working outside the camps, collecting firewood to sell.¹²¹⁷ There are also reports of the commercial sexual exploitation of girls in refugee camps and in N’Djamena.¹²¹⁸

Clashes between the Chadian national army and rebel groups occurred during the reporting period.¹²¹⁹ The extent of child soldiering in Chad is unknown, though most sources report that the recruitment of child soldiers declined during the reporting period, which may be attributable in part to the normalization of relations in the

conflict between Chad and Sudan.¹²²⁰ Reports note that there has been recruitment of children by rebel groups, including the Justice and Equality Movement (JEM) and the United Front for the Democratic Change.¹²²¹ Amnesty International, in its report covering activity from 2007 to 2010, observed that the use and recruitment of child soldiers continued, with boys as young as 10 recruited from refugee camps, villages and areas populated by internally displaced persons.¹²²² Other reports indicate that in 2010 an unknown number of children remained in the Chadian National Army, the ANT.¹²²³ However, in 2011, UNICEF and a number of other international aid organizations working on the issue in Chad found no evidence of child soldiers being in the national army.¹²²⁴

Within Chad, children are trafficked for prostitution and forced labor in domestic service, herding, begging and fishing. Chadian children are also trafficked to the Central African Republic, Nigeria and Cameroon for forced labor in cattle herding.¹²²⁵

The reporting period was marked by a severe rainy season that destroyed at least 104,000 hectares of crops and greatly increased food insecurity.¹²²⁶ Food shortages affected more than 2.5 million people throughout Chad.¹²²⁷ The food shortages increased children's vulnerability to the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

According to the Labor Code, the minimum age for work is 14; however, exceptions permit light work in agriculture and domestic service from age 12 and apprenticeships starting at age 13.¹²²⁸ The Labor Code also permits exceptions to be established through decrees issued by either the Ministry of Labor and Social Security or the Ministry of Public Health.¹²²⁹ A decree from 1969 contains a list of hazardous activities specifically prohibited for children under the age 18, such as working in a slaughter-house or mine. However,

such protections apply only to work in formal enterprises, and so do not protect children working in the informal sector activities, such as in domestic service.¹²³⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	Yes
	Free Public Education	Yes

Chadian law makes primary and middle school compulsory but specifies neither an obligatory age nor a set duration of schooling.¹²³¹ Consequently, children may finish the period of compulsory education before reaching the legal working age of 14, which may put those children at risk of falling into the worst forms of child labor. Chadian law also establishes the right to free education.¹²³² However, in practice many villages lack schools and teachers. If parents in these villages cannot pay for classrooms and schools, children must go without them.¹²³³ For example, as of 2008 in the southeastern area of Dar Sila, only 18 out of 326 villages had functioning schools.¹²³⁴

The minimum age for compulsory recruitment is 20. Although the minimum age for voluntary military recruitment is 18, another law permits minors with a guardian's consent to volunteer for military service.¹²³⁵ Recruitment of children to

serve in military units has to date been handled through military discipline arrangements rather than through civil law.¹²³⁶ No clear penalties exist for contravening the ordinance that establishes the minimum age for recruitment. The lack of adequate penalties associated with using child soldiers puts children at risk.¹²³⁷

Under the Penal Code, prostitution is illegal and penalties are more stringent for exploiting minors. Offenders may be fined and imprisoned from 2 to 5 years.¹²³⁸ However, under this law, clients who use children under the age 18 are not criminalized, only those who procure children are considered offenders.¹²³⁹

There is no specific law on human trafficking in Chad. However, traffickers can be prosecuted under charges of kidnapping, sale of children, or labor statute violations.¹²⁴⁰ A draft Criminal Code was developed in 2002 that included provisions to address trafficking and make more types of child sexual exploitation illegal. However, this draft code has not yet been adopted.¹²⁴¹ Likewise, a code on the protection of children was drafted in 2009, but has not yet been adopted.¹²⁴² If enacted and enforced these new laws would provide protection for children not currently included in the existing Penal Code.¹²⁴³ Similarly, Chad has been in the process of developing laws to regulate domestic workers. If adopted and implemented, this would increase protections available to children working in this sector.¹²⁴⁴

Institutional Mechanisms for Coordination and Enforcement

Research has found no evidence that the Government of Chad has established a national level coordinating mechanism to combat the worst forms of child labor. However, there is a National Committee to Fight Against Trafficking.¹²⁴⁵ This committee consists of several government agencies partnered with international agencies.¹²⁴⁶ Additionally, each of the 22 regions of Chad reportedly has a technical committee responsible for addressing the worst forms of child labor.

These committees include representatives from the Ministries of Education, Public Works, Justice, and Social Affairs and Family as well as a representative from the police.¹²⁴⁷

The Office of Labor Inspection, with 25 field inspectors and 55 assistant inspectors, is responsible for implementing and enforcing child labor laws. Labor inspectors are deployed to 6 of the 18 districts in Chad.¹²⁴⁸ No statistics are available on the number of inspections that were conducted or the amount of training provided for labor inspectors.¹²⁴⁹ Government officials informed the U.S. State Department that two Ministry of Labor inspectors are dedicated to child issues but have no resources to travel outside of the capital.¹²⁵⁰

The National Committee to Fight Against Trafficking and special police units are responsible for both investigating and enforcing laws that relate to the offenses of prostitution traffickers.¹²⁵¹ Inspectors from the Chadian National Army are responsible for investigating reports of child soldiers. Ministry of Human Rights officials have also been trained to help identify child soldiers.¹²⁵² The UN task force also worked with Chad to create a domestic police force for the refugee camp areas, called the *Détachement intégré de sécurité* (DIS) which has as part of its mission preventing the recruitment of child soldiers. Chad announced its intention to maintain this force after the end of the UN mission in December 2010.¹²⁵³

Publically available statistics are limited. No law enforcement statistics are available on child labor.¹²⁵⁴ There is no evidence of civil prosecutions for trafficking or other worst forms of child labor during the reporting period, although Chad's Defense Ministry has reported that military discipline has been brought to bear against some perpetrators.¹²⁵⁵ However, the DIS reported arresting 11 people in September as alleged recruiters of child soldiers and transferring 5 of these suspects to the joint Chadian-Sudanese border monitoring force.¹²⁵⁶ No further information is available on whether

these alleged recruiters were prosecuted; however, the youth organizations allegedly used as a base for recruitment activities were suspended by the Government of Chad.¹²⁵⁷

The judicial system is ill-equipped to prevent the worst forms of child labor. There are only 150 judges in Chad, and there is also a lack of physical infrastructure.¹²⁵⁸ During the reporting period, the UN mission supported the construction of courthouses in three regions and logistically supported the deployment of new judges and prosecutors to one region in Chad.¹²⁵⁹

Government Policies on the Worst Forms of Child Labor

The Government of Chad has not established a policy framework for the elimination of the worst forms of child labor. Although a national action plan was drafted in 1999, it still has not been adopted.¹²⁶⁰ With UNICEF funding, the Ministry of Justice drafted an Integrated Action Plan to Fight the Worst Forms of Child Labor (2008-2010). Although this plan has not been adopted, the Ministry works collaboratively with the Government of Chad and other partners to complete some of the activities outlined within it.¹²⁶¹ There is a child survival and development program.¹²⁶² However, an evaluation of whether this program has an impact on the worst forms of child labor has not been conducted. A 10-year plan from 2004 to 2015 exists for reforming the education system, and the Chadian education system policy includes a focus on ensuring equitable access to education for, among others, child domestic workers, child herders, child soldiers, and street children.¹²⁶³ However, Chad continues to face a widespread shortage of functioning schools and teachers.¹²⁶⁴

In 2007, the Chadian Government and UNICEF signed an agreement to demobilize child soldiers among the various armed groups engaged in the conflict throughout Chad and to repatriate Sudanese children who have been forcibly recruited.¹²⁶⁵ The government has taken a number

of subsequent steps to eliminate recruitment of child soldiers in its own ranks and prevent the practice from occurring in rebel ranks. Since 2009, ranking Chadian officials have been speaking out against the practice.¹²⁶⁶ Commanders have been repeatedly warned of the need to cease recruiting child soldiers or risk a loss in rank.¹²⁶⁷ In June 2010, Chad took further steps to reduce the use of child soldiers by hosting a regional conference. Participants signed the N'Djamena Declaration, which binds signatory countries to eliminate the use of child soldiers in their territories.¹²⁶⁸ In August 2010, these parties to the Declaration met to begin developing an implementation plan.¹²⁶⁹

In April 2011, the Government of Chad finalized the UN Action Plan on Children Associated with Armed Forces and Groups in Chad.¹²⁷⁰ The plan lays out concrete steps for eliminating the use of child soldiers in Chad.¹²⁷¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, Chad worked with social partners to reduce the worst forms of child labor. The Ministry of Public Service and Labor promoted awareness raising campaigns about the worst forms of child labor, especially the use of child herders.¹²⁷² Chad has also worked with partner organizations, such as UNICEF to implement programs to demobilize, rehabilitate and reintegrate child soldiers.¹²⁷³ As the result of an agreement between the Government of Chad and a rebel force called the *Mouvement pour la démocratie et la justice au Tchad*, 58 children were reunited with their families in August 2010.¹²⁷⁴

Programs to combat the worst forms of child labor remain few and limited in scope when compared to the magnitude of the problem, particularly in agriculture, herding, domestic service and child soldiering.¹²⁷⁵

Chad also faces many challenges in providing access to education, including shortages of

functioning schools and teachers and teacher absenteeism.¹²⁷⁶ The Government is taking steps to address this by building additional schools and permitting local communities to hire and pay their own teachers.¹²⁷⁷ Chad has also decreed that

14 schools to train teachers should be created.¹²⁷⁸ However, these schools do not appear to have been established and a lack of access to education across Chad makes children vulnerable to the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Chad:

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and adopt a law that criminalizes all use of children under age 18 in armed conflict and provides for appropriate penalties.
- Strengthen penalties for the prostitution of children.
- Adopt the draft Child Protection Code and legislation pertaining to domestic workers.
- Adopt the draft Criminal Code provisions designed to protect children from trafficking and sexual exploitation.
- Review and update the list of hazardous occupations and impose appropriate penalties for violations.
- Amend the law to establish a clear age for compulsory education that at least matches the minimum age (14) of employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Continue to work toward fulfilling the responsibilities committed to in the June 2010 N'Djamena Declaration on eliminating all use of child soldiers, including by government-supported rebel groups and take steps to address the use of child soldiers by all rebel groups in Chad.
- Establish a coordination mechanism to combat the worst forms of child labor.
- Expand labor inspection coverage to all of the country's 18 districts, including the informal sector.
- Provide law enforcement officials and judges with adequate resources to enforce laws against worst forms of child labor.
- Publish statistics regarding the enforcement of the worst forms of child labor laws, including the number of complaints, investigations, prosecutions, convictions and sentences.

IN THE AREA OF POLICIES:

- Adopt a National Action Plan to effectively target all worst forms of child labor in Chad.
- Assess the education reform plan to ensure access to former child domestic servants, herders and soldiers.
- Implement the N'Djamena Declaration and eliminate the practice of child soldiers across Chad, including by holding accountable those who recruit and use child soldiers.

IN THE AREA OF SOCIAL PROGRAMS:

- Develop programs to prevent the recruitment of children into armed forces and militias and demobilize those currently engaged in child soldiering.
- Establish and expand programs providing services to children in worst forms of child labor, especially in agriculture, herding, domestic service and forced begging by:
 - Providing programs that strengthen the livelihoods of families of child laborers,
 - Raising awareness on the importance of education, and
 - Addressing the lack of schools, resources and trained teachers, as well as teacher absenteeism.

¹²⁰⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. For specific types of worst forms of child labor in Chad, see ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Chad (ratification: 2000) Submitted: 2010*, January 26 2011, clause a and b; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Chad (ratification: 2000) Published: 2010*, January 26 2011, article 3; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.S. Department of State, "Chad," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 6 and 7(d); available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154338.htm>. See also AFP, "Chad conference focuses on plight of child soldiers," June 9, 2010; available from <http://reliefweb.int/node/357490>.

¹²⁰⁸ U.S. Department of State, "Chad," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135945.htm>. See also Fonds African de Developpement, *Tchad: Resume de l'etude de l'impact environnemental at social du troncon routier Doba-Sarh*, December 2008, 11; available from <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Environmental-and-Social-Assessments/30776511-EN-TCHAD-RESUME-EIES-KOUMRA-SARH.PDF>. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Chad*, prepared by Government of Chad, pursuant to Article 44 of the Convention on the Rights of the Child, December 14, 2007, 28, para 144 and 152, para 277-278; available from <http://www.unhcr.org/refworld/docid/47a0a522.html>

¹²⁰⁹ U.S. Embassy- N'djamena, *reporting, February 14, 2011*, section 1d.

¹²¹⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Chad (ratification: 2000) Submitted: 2009*, January 26 2011; available from <http://www.ilo.org/ilolex/english/>

[iloquery.htm](#), U.S. Embassy- N'djamena, *reporting, February 8, 2010*, para 7. See also U.S. Embassy- N'djamena, *reporting, February 14, 2011*, para 2.

¹²¹¹ U.S. Department of State, "Country Reports- 2010: Chad," section 7d.

¹²¹² *ibid.*

¹²¹³ Franciscans International, *Alternate report Submitted to the 96th Session of the Committee on Human Rights: Chad*, May 2009, 5; available from www2.ohchr.org/english/bodies/hrc/docs/ngos/FI_Chad96.doc.

¹²¹⁴ UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Chad*, 54, para 290. See also Synapostel, "Tchad: la questions des enfants bouviers et domestiques, une urgence nationale", [online], September 17, 2009 [cited February 16, 2011]; available from www.africaefuture.org/synapostel/html/765.html.

¹²¹⁵ U.S. Embassy- N'djamena, *reporting, February 18, 2010*, section 2, para 25 (B and D).

¹²¹⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Concluding Observations: Chad*, pursuant to Article 44 of the Convention on the Rights of the Child, February 12, 2009, 8, para 41; available from <http://www.unhcr.org/refworld/docid/49a514ea2.html>. See also UN General Assembly: Human Rights Council, *National Report: Chad*, prepared by Government of Chad, pursuant to Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5, February 16, 2009, 8, para 40; available from www.un.org/children/conflict/english/chad.html. See also ILO Committee of Experts, *Individual DIRECT REQUEST C182: Chad (2010)*.

¹²¹⁷ Human Rights Watch, "Chad: They Can't Go Home Again", [online], June 19, 2009 [cited February 22, 2011]; available from <http://www.hrw.org/en/news/2009/06/19/chad-they-can-t-go-home-again>. See also Amnesty International, "Refugee women in Chad face high levels of rape despite UN presence", [online], September 30, 2009 [cited February 16, 2011]; available from <http://www.amnesty.org/en/news-and-updates/report/refugee-women-chad-face-high-levels-rape-despite-un-presence-20090930>.

¹²¹⁸ CRIN, "Child Rights References in the Universal Periodic Review: Compilation of UN Information," *Child Rights Information Network* (May 5, 2009); available from <http://www.crin.org/resources/infoDetail.asp?ID=21761&flag=report>. See also Amnesty International, "Refugee women in Chad face high levels of rape despite UN presence". See also U.S. Embassy- N'djamena, *reporting, February 18, 2010*, 2E.

¹²¹⁹ Human Rights Watch, *Chad: Events of 2010* online, January 24, 2011; available from www.hrw.org/en/world-report-2011/chad. See also United Nations Security Council, *Report of the Secretary-General on the United Nations*

Mission in the Central African Republic and Chad - July 30, July 30, 2010; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/463/85/PDF/N1046385.pdf?OpenElement>. See also Lauren Ploch, *Instability and Humanitarian Conditions in Chad*, Congressional Research Service, July 1 2010, 7; available from <http://www.unhcr.org/refworld/docid/4cb543ffc.html>. See also ILO Committee of Experts, *Individual OBSERVATION C182: Chad (2010)*.

¹²²⁰ United Nations Security Council, *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad -December 2010*, December 1, 2010, 5; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/658/36/PDF/N1065836.pdf?OpenElement>. See also United Nations Security Council, *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad- October 2010*, October 14, 2010, 7; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/573/54/PDF/N1057354.pdf?OpenElement>. See also Amnesty International, *A Compromised Future: Children Recruited by Armed Forces and Groups in Eastern Chad*, London, February 10, 2011, 5, 7, 19, 24; available from <http://www.amnesty.org/en/library/asset/AFR20/001/2011/en/1cf0816b-12e1-4c15-b055-26f18b5d5201/afr200012011en.pdf>. See also U.S. Embassy-N'djamena official, E-mail communication to USDOL official, July 6, 2011.

¹²²¹ Amnesty International, *Children Recruited by Armed Forces and Groups in Eastern Chad*, 5, 7, 19, 24. See also Human Rights Watch, *Chad: Events of 2010*.

¹²²² U.S. Department of State, "Chad," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also Amnesty International, *Children Recruited by Armed Forces and Groups in Eastern Chad*, 7, 13, 19, 24, and 26.

¹²²³ U.S. Department of State, "Trafficking in Persons Report-2010: Chad." See also U.S. Embassy- N'djamena, *reporting, June 29, 2011*, para 1. See also Amnesty International, *Children Recruited by Armed Forces and Groups in Eastern Chad*, 6 and 20.

¹²²⁴ U.S. Embassy- N'djamena, *reporting, June 29, 2011*, para. 1. See also UNICEF official, Letter to U.S. Embassy-N'djamena official, April 29, 2011. See also U.S. Embassy-N'djamena official, E-mail communication, July 6, 2011. See also U.S. Department of State, "Chad," in *Trafficking in Persons Interim Assessment 2010: Chad*, Washington, DC, April 5, 2011; available from <http://www.state.gov/g/tip/rls/reports/2011/160017.htm>

¹²²⁵ U.S. Department of State, "Trafficking in Persons Report-2010: Chad."

¹²²⁶ United Nations Security Council, *Report on the United Nations Mission in the Central African Republic and Chad - December 2010*, 1.

¹²²⁷ United Nations Security Council, *Report on the United Nations Mission in the Central African Republic and Chad - July 30*.

¹²²⁸ ILO NATLEX National Labor Law Database, *Chad Labor Laws*, January 16, 2011; available from http://www.ilo.org/dyn/natlex/natlex_browse.home. See also Government of Chad, *Décret n 55//PR-MT JS-DTMOPS du fevrier 1969 relatif au travail des enfants*, (1969). See also Government of Chad, *Code du travail*, (October 11, 1996); available from www.droit-afrique.com/images/textes/Tchad/Tchad%20-%20Code%20du%20travail.pdf

¹²²⁹ Government of Chad, *Code du travail*, article 18 and 52. ILO NATLEX National Labor Law Database, *Chad Labor Laws*. See also Government of Chad, *Décret n 55//PR-MT JS-DTMOPS du fevrier 1969 relatif au travail des enfants*. See also Government of Chad, *Code du travail*.

¹²³⁰ Government of Chad, *Décret n 55//PR-MT JS-DTMOPS du fevrier 1969 relatif au travail des enfants*. See also ILO Committee of Experts, *Individual DIRECT REQUEST C182: Chad (2010)*, clause D, para (1) and article 7: clause (3).

¹²³¹ ILO Committee of Experts, *Individual DIRECT REQUEST C182: Chad (2010)*, clause D, para 1 and article 7 : clause d (3). See also Government of Chad, *Loi No. 016/ PR/06 portant organisation du system educatif Tchadien*, (March 13, 2006), article 4, 9,21, 23, 25, and 27.

¹²³² Government of Chad, *Loi portant organisation du system educatif Tchadien*, article 9. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Chad (ratification: 2005) Submitted: 2010*, January 26 2011, article 2(3); available from <http://www.ilo.org/ilolex/english/ilquery.htm>.

¹²³³ Human Rights Watch, *Chad: Events of 2010*.

¹²³⁴ Human Rights Watch, "Chad: They Can't Go Home Again".

¹²³⁵ Government of Chad, *Ordonnance No. 001/PCE/ CEDNACVG/91, portant reorganisation des Forces Armees*, (January 16, 1991), article 14. See also Government of Chad, *Ordonnance No. 006/PR/92, portant statut general des militaires*, (April 28, 1992.), article 52. See also Coalition to Stop the Use of Child Soldiers, "Chad," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/document/get?id=1335>.

¹²³⁶ U.S. Embassy- N'djamena official, E-mail communication, July 6, 2011.

¹²³⁷ Government of Chad, *Ordonnance portant statut general des militaires*, article 52. See also Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008." See also U.S. Law Library of Congress, *Chad: Child Labor Laws*, Washington D.C., May 2010.

¹²³⁸ ILO Committee of Experts, *Individual OBSERVATION C182: Chad (2010)*, article 3. See also Government of Chad, *Ordonnance No. 12-67-PR-MJ, portant promulgation d'un*

code pénal, (May 21, 1969), article 279-282.

¹²³⁹ ILO Committee of Experts, *Individual DIRECT REQUEST C182: Chad (2009)*, para 1, clause (b) 1. See also Government of Chad, *Penal Code*, article 279-282.

¹²⁴⁰ U.S. Department of State, “Country Reports- 2009: Chad,” section 6.

¹²⁴¹ Government of Chad, *Penal Code*, article 286. See also Integrated Regional Information Networks, “Chad-Sudan: Legal Framework a Hindrance in ‘Child Trafficking’ Case”, [online], November 1, 2007 [cited May 3, 2011]; available from <http://www.irinnews.org/printreport.aspx?reportId=75096>. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Chad*, 13, para 20 and 14, para 22.

¹²⁴² Government of Chad, *Penal Code*, article 286. See also Integrated Regional Information Networks, “Chad-Sudan: Legal Framework a Hindrance in ‘Child Trafficking’ Case”. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Chad*, 13, para 20 and 14, para 22.

¹²⁴³ Amnesty International, *Children Recruited by Armed Forces and Groups in Eastern Chad*, 38. See also ILO Committee of Experts, *Individual DIRECT REQUEST C182: Chad (2009)*, para 1, clause (b)2.

¹²⁴⁴ ILO Committee of Experts, *Individual DIRECT REQUEST C182: Chad (2010)*, clause (d)3. See also ILO Committee of Experts, *Individual DIRECT REQUEST C138: Chad (2010)*.

¹²⁴⁵ U.S. Embassy- N’djamena, *reporting, February 14, 2011*, section 6, para 16.

¹²⁴⁶ U.S. Embassy- N’djamena, *reporting, February 18, 2010*, section 5, para 29 C.

¹²⁴⁷ U.S. Embassy- N’djamena, *reporting, February 14, 2011*, section 3, para a. See also CRIN, “Child Rights References in the Universal Periodic Review: Compilation of UN Information.” See also U.S. Embassy- N’djamena, *reporting, February 18, 2010*, section 2 para 26 B.

¹²⁴⁸ U.S. Embassy- N’djamena, *reporting, February 8, 2010*, part 2c (14), response 15.

¹²⁴⁹ U.S. Embassy- N’djamena, *reporting, February 14, 2011*, section 6.

¹²⁵⁰ *Ibid.*, section 3(3). U.S. Embassy- N’djamena, *reporting, February 18, 2010*, section 5, para 29C.

¹²⁵¹ U.S. Embassy- N’djamena, *reporting, February 18, 2010*, section 5, para 29C. See also U.S. Embassy- N’djamena, *reporting, February 8, 2010*, part 2D, response 3 and 12.

¹²⁵² U.S. Embassy- N’djamena, *reporting, February 8, 2010*, part 2D, response 3 and 12. See also CRIN, “Child Rights References in the Universal Periodic Review: Compilation of UN Information,” OHCHR compilation, para 12.

¹²⁵³ United Nations Security Council, *Report on the United Nations Mission in the Central African Republic and Chad - December 2010*, 2. See also UN Security Council, *Resolution 1923*, (May 25, 2010).

¹²⁵⁴ Amnesty International, *Children Recruited by Armed Forces and Groups in Eastern Chad*, 29. See also U.S. Embassy- N’djamena, *reporting, February 12, 2010*, part 2C (14). See also U.S. Embassy- N’djamena, *reporting, February 14, 2011*, section 3D.

¹²⁵⁵ U.S. Embassy- N’djamena, *reporting, February 14, 2011*, section 4 A-D. See also U.S. Embassy- N’djamena, *reporting, February 12, 2010*, part 2C (14). See also U.S. Embassy- N’djamena official, E-mail communication, July 6, 2011.

¹²⁵⁶ United Nations Security Council, *Report on the United Nations Mission in the Central African Republic and Chad - December 2010*, 6. See also U.S. Embassy- N’djamena official, E-mail communication, July 6, 2011.

¹²⁵⁷ Amnesty International, *Children Recruited by Armed Forces and Groups in Eastern Chad*. See also United Nations Security Council, *Report on the United Nations Mission in the Central African Republic and Chad - December 2010*.

¹²⁵⁸ U.S. Department of State, “Chad,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123361.pdf>. See also United Nations Security Council, *Report on the United Nations Mission in the Central African Republic and Chad - December 2010*, 5. See also U.S. Embassy- N’djamena, *reporting, February 18, 2010*, section 2, para 26 (C and F).

¹²⁵⁹ United Nations Security Council, *Report on the United Nations Mission in the Central African Republic and Chad - December 2010*.

¹²⁶⁰ CRIN, “Child Rights References in the Universal Periodic Review: Compilation of UN Information,” OHCHR summary, para 4. See also ILO Committee of Experts, *Individual DIRECT REQUEST C138: Chad (2010)*, article 1.

¹²⁶¹ ILO Committee of Experts, *Individual DIRECT REQUEST C138: Chad (2010)*, article 1. See also U.S. Embassy- N’djamena, *reporting, February 18, 2010*, section 5, para 29 (D).

¹²⁶² ILO Committee of Experts, *Individual DIRECT REQUEST C138: Chad (2010)*, article 1. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Concluding Observations: Chad*, 3, para 1.

¹²⁶³ ILO Committee of Experts, *Individual DIRECT REQUEST C182: Chad (2010)*. See also ILO Committee of Experts, *Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Chad (ratification: 1966) Published: 2010, January 26 2011*,

article 2; available from <http://www.ilo.org/ilolex/english/ilquery.htm>. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Chad*, 45.

¹²⁶⁴ Integrated Regional Information Networks, “Chad: A Semblance of Education for a Displaced Child”, [online], March 13, 2008 [cited May 3, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77273>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Concluding Observations: Chad*, 15, para 675. See also UNESCO, *Universal Primary Education in Africa: The Teacher Challenge*, prepared by Pole de Dakar, CA 2008, 155; available from <http://unesdoc.unesco.org/images/0018/001866/186643e.pdf>.

¹²⁶⁵ UNICEF, “UNICEF supporting former child soldiers to forge new lives in Chad”, [online], February 16, 2010 [cited February 16, 2011]; available from <http://www.unicefusa.org/news/news-from-the-field/former-child-soldiers-find.html>. See also Salma Zulfiqar, *UNICEF and partners support reintegration of child soldiers in Chad*, May 28, 2010; available from http://www.unicef.org/infobycountry/chad_53771.html.

¹²⁶⁶ U.S. Embassy- N’djamena, *reporting, June 29, 2011*. See also Salma Zulfiqar, *UNICEF and partners support reintegration of child soldiers in Chad*.

¹²⁶⁷ U.S. Embassy- N’djamena, *reporting, December 14, 2009*. See also U.S. Embassy- N’djamena, *reporting, February 8, 2010*, part 2D, response 5 and 13. See also U.S. Embassy- N’djamena official, E-mail communication, July 6, 2011.

¹²⁶⁸ Government of Cameroon, Government of Central African Republic, Government of Chad, Government of Nigeria, Government of Niger, and Government of Sudan, *N’djamena Declaration of Regional Conference: Ending Recruitment and Use of Children by Armed Forces and Groups; Contributing to Peace, Justice and Development*, June 7-9 2010.

¹²⁶⁹ *ibid.* See also Salma Zulfiqar and Hector Calderon, *Chad and five other Central African countries pledge to end use of children in armed conflict*, June 11, 2010; available from http://www.unicef.org/infobycountry/chad_53966.html. See also Amnesty International, *Children Recruited by*

Armed Forces and Groups in Eastern Chad, 29-30. See also U.S. Department of State, “Trafficking in Persons Interim Assessment 2010: Chad.”

¹²⁷⁰ Government of Chad, *Plan d’action sur les enfants associes aux forces armes au Tchad*, 2011. See also Government of Cameroon, Government of Central African Republic, Government of Chad, Government of Nigeria, Government of Niger, and Sudan, *N’djamena Declaration of Regional Conference: Ending Recruitment and Use of Children by Armed Forces and Groups; Contributing to Peace, Justice and Development*. 29-30 See also U.S. Department of State, “Trafficking in Persons Interim Assessment 2010: Chad.”

¹²⁷¹ Government of Chad, *Plan d’action sur les enfants associes aux forces armes au Tchad..* See also U.S. Embassy- N’djamena, *reporting, June 29, 2011*.

¹²⁷² ILO Committee of Experts, *Individual DIRECT REQUEST C182: Chad (2010)*, article 3, clause A-2 and article 6.

¹²⁷³ Salma Zulfiqar, *UNICEF and partners support reintegration of child soldiers in Chad*. See also ILO Committee of Experts, *Individual OBSERVATION C182: Chad (2010)*.

¹²⁷⁴ United Nations Security Council, *Report on the United Nations Mission in the Central African Republic and Chad - October 2010*, 7.

¹²⁷⁵ UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Chad*, 28, para 144 and 151.

¹²⁷⁶ Integrated Regional Information Networks, “Chad: A Semblance of Education for a Displaced Child”. See also UNESCO, *Universal Primary Education in Africa: The Teacher Challenge*, 155.

¹²⁷⁷ UNESCO, *Universal Primary Education in Africa: The Teacher Challenge*, 84 and 112. See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Chad*, 48.

¹²⁷⁸ Government of Chad, *Décret n 327//PR/PM/MEN/2009 portant création de quatorze (14) écoles normales d’instituteurs (ENI)*, (April 6, 2010); available from www.cefod.org/spip.php?page=imprimer_articulo&is_article=2393.

Chile

The Government of Chile has a nationwide network of programs to assist children in the worst forms of child labor and has incorporated the goal of reducing child labor into some social protection programs. A gap in the legal framework remains because Chilean law prohibits the production and trafficking of drugs, but does not prescribe specific additional penalties for adults who involve children in these illicit activities. In addition, children are still found in the worst forms of child labor, most commonly in commercial sexual exploitation and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	3.5*
Attending School	5 - 14 yrs.	97.2
Combining Work and School	7 - 14 yrs.	4.0

* Population of working children: 97,928



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

While rates of child labor are relatively low in Chile,¹²⁷⁹ some children engage in the worst forms of child labor, particularly in commercial sexual exploitation and urban informal work.¹²⁸⁰

The commercial sexual exploitation of both girls and boys is a problem in Chile and takes place in cities, including Santiago and Valparaiso, in open public areas and in hidden venues, such as bars and dance clubs.¹²⁸¹

In urban areas, children carry loads in agricultural loading docks and assist in construction. Girls can be found selling goods on the street.¹²⁸² These activities may carry the risk of injury and accidents as they require strenuous physical exertion and, in the case of work on the streets, exposure to densely transited areas with the risk of traffic accidents and heavy traffic. Girls also


work as domestic servants and are vulnerable to physical and psychological abuse.¹²⁸³

Limited evidence indicates that children in rural areas, including children of indigenous families, are involved in caring for farm animals, as well as harvesting, collecting, and selling crops, such as oats, pine nuts, potatoes, quinoa (a plant native to South America) and wheat. Agricultural work may involve handling pesticides and exposure to extreme weather conditions.¹²⁸⁴ Some Bolivian children migrate with their families to work in Chile in markets and in agriculture.¹²⁸⁵

Children in Chile are exploited in other types of activities that constitute the worst forms of child labor. For example, in the border area with Peru and Bolivia, children are used to transport drugs.¹²⁸⁶ Children are trafficked internally for the purpose of commercial sexual exploitation.¹²⁸⁷

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 18 years, though children may engage in light work from age 15. Chile has a list of 27 types of work that are dangerous and prohibited for children younger than age 18, including work with toxic chemicals, heavy machinery, and sharp tools, as well as other types of work that carry risks to the mental and physical health of the child.¹²⁸⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Chilean laws prohibit slavery and forced labor.¹²⁸⁹ In 2011, the Government of Chile passed comprehensive legislation prohibiting domestic and international trafficking in persons for the purposes of labor and sexual exploitation, strengthening prior legislation which had prohibited some but not all forms of human trafficking.¹²⁹⁰ The Penal Code prohibits all activities related to the prostitution of children and all activities related to child pornography, including its production, distribution, and

possession.¹²⁹¹ The minimum age for compulsory military service in Chile is 18.¹²⁹²

Chilean law also prohibits the production and trafficking of drugs, but does not provide for specific additional penalties for adults who involve children in these illicit activities.¹²⁹³

Education is compulsory through the completion of secondary school, approximately age 17 or 18.¹²⁹⁴

Institutional Mechanisms for Coordination and Enforcement

The Government of Chile operates a National Advisory Committee to Eradicate Child Labor, headed by the National Service for Children (SENAME), which is charged with implementing a national plan against child labor. Participating ministries include the Ministry of Labor, the Ministry of Education, the Ministry of Justice, the Ministry of Agriculture, and the National Statistics Institute, the National Tourism Service (SERNATUR), among others.¹²⁹⁵ SENAMES monitors the incidence of the worst forms of child labor through a national registry, which receives information on cases identified by the Ministry of Labor, the national investigations police, the national uniformed police (*Carabineros*), and SENAMES's social programs. The registry serves as a means to track the incidence of the worst forms of child labor throughout the country to enable the government to enhance programs designed to assist child laborers.¹²⁹⁶ In 2010, the registry received reports of 586 cases of children and adolescents involved in the worst forms of child labor¹²⁹⁷, an increase from 289 in 2009. The majority of cases involved the commercial sexual exploitation of children, and other cases involved hazardous child labor and the use of children in illicit activities.¹²⁹⁸

The Government also operates an Interagency Working Group on Trafficking in Persons,

which has the responsibility of coordinating the Government's anti-trafficking efforts and is headed by the Ministry of the Interior. Members include law enforcement agencies, the Public Ministry, the Ministry of Foreign Relations, the Ministry of Justice, and the National Service for Minors, among others.¹²⁹⁹

The Ministry of Labor is charged with enforcing child labor laws and employs approximately 360 labor inspectors who inspect all types of labor violations, including child labor. As of December 2010, the Ministry of Labor imposed sanctions in 104 cases of child labor law violations, an increase from 47 cases in 2009.¹³⁰⁰ The majority of these cases were for contract violations of regulations barring the employment of children between ages 15 and 18, and for employing children in hazardous work.¹³⁰¹

SENAME, the Ministry of Health, and the police also play roles in enforcing laws related to the worst forms of child labor and in identifying exploited children.¹³⁰² For example, Chile's national uniformed police has a Department of Minors' Police with 103 officers dedicated to minors' issues, who identify children in the worst forms of child labor and refer them to SENAME.¹³⁰³

A number of Government agencies are likewise charged with enforcing laws against child trafficking and commercial sexual exploitation of children. They include the national Investigations Police, the Attorney General, and the national uniform police.¹³⁰⁴ Chile's Investigations Police, for example, oversees regional offices, which specialize in the investigation of sex crimes and the commercial sexual exploitation of children.¹³⁰⁵ In 2010, 115 SENAME officials were trained in identifying child trafficking cases.¹³⁰⁶ SENAME and the national uniform police operate free hotlines to receive reports of commercial sexual exploitation of children.¹³⁰⁷

Between January and August 2010, Chile's Public Ministry investigated 281 cases of commercial sexual exploitation of children, as compared with 333 cases in all of 2009.¹³⁰⁸

Government Policies on the Worst Forms of Child Labor

In 2010, the Government of Chile continued to implement the National Plan against Child Labor, which aims to raise awareness about child labor, ensure children's retention in school, and protect children and adolescents from exploitative work.¹³⁰⁹ During the reporting period, the Ministry of Education and Ministry of Labor signed an agreement to implement joint actions in eight districts of the metropolitan region against child labor, including through the creation of mechanisms to detect child labor within the school system.¹³¹⁰ The government has an agreement with the ILO to integrate the issue of child labor into the country's social protection system. The agreement calls for both preventive actions and measures to remove children from the worst forms of child labor.¹³¹¹ The Ministry of Labor has an agreement with the Confederation of Production and Commerce (CPC), one of the country's largest business associations, to collaborate in the fight against child labor. The CPC continues to distribute guides to employers on eliminating child labor through their member guilds.¹³¹² The 2006-2010 United Nations Development Assistance Framework was in place during the reporting period. One of its goals is to build government capacity to combat child labor through effective policies and programs.¹³¹³

Chile has agreements with other governments in the region to address issues of commercial sexual exploitation of children and child trafficking. For example, the Government and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* (Southern Child) initiative to protect the rights of children and adolescents in the region.¹³¹⁴ During the reporting period, MERCOSUR member countries met to

exchange good practices on programs to protect children and adolescents from commercial sexual exploitation as part of the *Niño Sur* initiative.¹³¹⁵

SERNATUR is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America.¹³¹⁶ The Government of Chile has a bilateral agreement with Bolivia to combat the worst forms of child labor, with a special emphasis on child trafficking.¹³¹⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Chile operates a number of programs to prevent and remove children from the worst forms of child labor. SENAME assists disadvantaged youth and children at risk of or engaged in the worst forms of child labor through its 84 intervention programs throughout the country.¹³¹⁸ In addition, SENAME operates an additional 16 specialized programs, which include psychosocial and education services to assist child victims of commercial sexual exploitation. In 2010, these programs helped a total of 1,084 children.¹³¹⁹ During the reporting period, government representatives from SENAME participated in workshops with other countries to exchange good practices on identifying and assisting child laborers.¹³²⁰

During the reporting period, the Government held a national child labor training for regional government representatives to update the regional plans to combat child labor.¹³²¹ In 13 regions, the Ministry of Education operates educational reinsertion programs for vulnerable children, including child laborers. In addition, the Ministry of Education oversees a bilingual education program to increase the quality of education available to indigenous children and improve community involvement in the educational process.¹³²² The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed.

The Ministry of Planning runs the *Programa Puente* (Bridge Program), which assists families living in extreme poverty by facilitating families' access to government social services, including health, education, and cash transfers. One of the objectives of the program is to combat child labor.¹³²³ In addition, the Government participates in a 4-year \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.¹³²⁴

The Government of Chile has a range of sustainable services and programs to assist the most vulnerable children. The programs have nationwide coverage and the capacity to reach children in many of the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Chile:

IN THE AREA OF LAWS AND REGULATIONS:

- Strengthen legal protections for children from the worst forms of child labor by specifically penalizing the procurement of children for illicit activities, such as drug production or trafficking.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact that the Ministry of Education's reinsertion programs may have on addressing the worst forms of child labor.

¹²⁷⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. All data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report

¹²⁸⁰ ILO-IPEC, *La Demanda en la Explotación Sexual Comercial de los Adolescentes: el Caso de Chile* 2007, 69-79; available from http://white.oit.org.pe/ipecc/documentos/est_demanda_esci_cl.pdf. See also ILO-IPEC, and Colegio de Profesores de Chile A.G. *Trabajo Infantil y Pueblos Originarios en Chile*. 2005, 28; available from http://white.oit.org.pe/ipecc/boletin/documentos/pueblos_originarios_ch.pdf.

¹²⁸¹ OHCHR, *Consideration of Reports Submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* 2008, 5; available from <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-CHL-CO-1.pdf>. See also ILO-IPEC, *La Demanda en la Explotación Sexual Comercial de los Adolescentes: el Caso de Chile* 69-72. See also U.S. Embassy-Santiago. *reporting*. February 7, 2011.

¹²⁸² U.S. Embassy- Santiago, *reporting*, February 13, 2009. See also ILO-IPEC, and Colegio de Profesores de Chile A.G. *Trabajo Infantil y Pueblos Originarios en Chile*, 28.

¹²⁸³ ILO-IPEC. *Niñas, niños adolescentes: Los riesgos de un trabajo invisible para el propio hogar*. 2005, 22, 28; available from http://white.oit.org.pe/ipecc/documentos/riesgos_tid_chile.pdf. See also ILO-IPEC, and Colegio de Profesores de Chile A.G. *Trabajo Infantil y Pueblos Originarios en Chile*, 8.

¹²⁸⁴ ILO-IPEC, and Colegio de Profesores de Chile A.G. *Trabajo Infantil y Pueblos Originarios en Chile*, 28,31,32,35.

¹²⁸⁵ U.S. Embassy- Santiago, *reporting*, February 13, 2009.

¹²⁸⁶ U.S. Department of State, "Chile (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also ILO-IPEC and Colegio de Profesores de Chile A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 2005, 34; available from http://white.oit.org.pe/ipecc/boletin/documentos/pueblos_originarios_ch.pdf.

¹²⁸⁷ U.S. Department of State, "Trafficking in Persons Report- 2010: Chile."

¹²⁸⁸ Government of Chile, *Aprueba Reglamento para la aplicación del artículo 13 del Código del Trabajo*, (September 11, 2007); available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/77036/81487/F1662015800/Decreto%20Supremo%20N%2050%20de%202007%20Reglamento%20Menores.pdf>.

¹²⁸⁹ Government of Chile, *Constitución Política de 1980 incluidas las Reformas hasta el 2005*, (2005), article 19, no. 2; available from <http://pdba.georgetown.edu/Constitutions/Chile/chile05.html>. See also *Código del Trabajo de Chile*, (November 15, 2007), article 2; available from http://www.leychile.cl/Consulta/Exportar?radioExportar=Normas&exportar_formato=pdf&nombearchivo=NORMA2074360&exportar_con_notas_bcn=True&exportar_con_notas_originales=True&exportar_con_notas_al_pie=True&hddResultadoExportar=207436.2010-02-13.0.0%23.

¹²⁹⁰ *Tipifica los Delitos de Tráfico de Migrantes y Trata de Personas y Establece Normas para su Prevención y Más Efectiva Persecución Criminal* 20.507; available from <http://www.leychile.cl/Navegar?idNorma=1024319>. See also U.S. Embassy- Santiago. *reporting*. May 2, 2011. See also Embassy of Chile, *U.S. Department of Labor Request for Information on Child Labor and Forced Labor*, submitted in response to U.S. Department of Labor Federal Register Notice "Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries and Efforts by Certain Countries To Eliminate the Worst Forms of Child Labor", Washington, DC, April 8, 2011. See also U.S. Embassy- Santiago official, E-mail communication to USDOL official, July 15, 2011.

¹²⁹¹ Government of Chile, *Código Penal de la República de Chile*, (March 1, 1875), article 368; available from <http://www.cajpe.org.pe/rij/bases/legisla/chile/codpench.htm>. See also Government of Chile. *Modifica el Código Penal, El Código de Procedimiento Penal, y el Código Procesal Penal en Materia de Delitos de Pornografía Infantil*. 19,927, (January 5, 2004); available from http://www.anuariocdh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf.

¹²⁹² Coalition to Stop the Use of Child Soldiers, "Chile," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

¹²⁹³ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Chile (ratification: 2000)*, [online] 2009 [cited February 28, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also U.S. Department of State. "Chile (Tier 2)." In *Trafficking in Persons Report- 2010*.

¹²⁹⁴ *Ley Orgánica Constitucional de Enseñanza*. 18.962, (March 10, 1990), article 8; available from <http://www.uchile>.

cl/uchile.portal?_nfpb=true&_pageLabel=conUrl&url=8386.

¹²⁹⁵ U.S. Embassy- Santiago. *reporting*. February 7, 2011. See also U.S. Embassy- Santiago. *reporting*. February 13, 2009. See also U.S. Embassy- Santiago. *reporting*. February 8, 2010.

¹²⁹⁶ U.S. Embassy- Santiago. *reporting*. February 7, 2011. See also Ministry of Labor and Social Welfare, *Sistema de registro*, [online] [cited September 30, 2010]; available from http://www.trabajoinfantil.cl/peores_definiciones.html. See also ILO-IPEC. *Good Practices*. Geneva, 2010; available from <http://unpan1.un.org/intradoc/groups/public/documents/icap/unpan043527.pdf>.

¹²⁹⁷ Government of Chile, U.S. Department of Labor Request for Information on Child Labor and Forced Labor, submitted in response to U.S. Department of Labor Federal Register Notice “Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries and Efforts by Certain Countries To Eliminate the Worst Forms of Child Labor”, Washington, DC, April 8, 2011.

¹²⁹⁸ U.S. Embassy- Santiago. *reporting*. February 7, 2011.

¹²⁹⁹ U.S. Embassy- Santiago. *reporting*. February 7, 2011.

¹³⁰⁰ Ibid. See also U.S. Embassy- Santiago. *reporting*. February 13, 2009. See also U.S. Embassy- Santiago. *reporting*. February 8, 2010.

¹³⁰¹ Ibid.

¹³⁰² U.S. Embassy- Santiago. *reporting*, February 13, 2009.

¹³⁰³ Ibid.

¹³⁰⁴ U.S. Embassy- Santiago. *reporting*. February 8, 2010.

¹³⁰⁵ U.S. Embassy- Santiago. *reporting*, February 13, 2009.

¹³⁰⁶ U.S. Embassy- Santiago. *reporting*. February 7, 2011.

¹³⁰⁷ Committee on the Rights of the Child. *Consideration of Reports Submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*. 2008; available from <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-CHL-CO-1.pdf>.

¹³⁰⁸ U.S. Embassy- Santiago. *reporting*. February 7, 2011.

¹³⁰⁹ Comisión Nacional para la Erradicación del Trabajo Infantil and ILO-IPEC, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*, Lima, 2001, 20, 24, 26, 30, 32-36; available from http://www.ine.cl/canales/chile_estadistico/encuestas_trabajo_infantil/pdf/23_04_09/pdf/plan_nacional.pdf. See also Ministry of Labor and Social Welfare, *Contexto en Chile y el mundo*, [online] [cited February 5, 2009]; available from http://www.trabajoinfantil.cl/en_chile.html. See also U.S. Embassy- Santiago. *reporting*, February 13, 2009.

¹³¹⁰ Embassy of Chile, U.S. Department of Labor Request for Information on Child Labor and Forced Labor.

¹³¹¹ ILO-IPEC, “Chile: New child labour elimination model incorporated in the social protection system,” *IPEC News* 3 (2009), 14; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=10794>.

¹³¹² U.S. Embassy- Santiago. *reporting*, February 8, 2010. See also U.S. Embassy- Santiago official.

¹³¹³ United Nations Development Group, *Marco de Asistencia para el Desarrollo* 2006, 25; available from <http://www.undg.org/docs/7620/UNDAF%20Chile.pdf>.

¹³¹⁴ Niño Sur, *Explotación sexual Infantil. Trata, Tráfico y Venta*, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index2.asp?id=126>. See also Niño Sur, *Quiénes Participan, Niño Sur*, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index2.asp?id=124>.

¹³¹⁵ Niño Sur, *Actividades, Niño Sur*, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index3.asp?id=123>.

¹³¹⁶ Grupo de Acción Regional, *Grupo de acción regional de las Américas, quienes somos*, [online] 2010 [cited March 25, 2011]; available from http://www.grupodeaccionregional.org/index.php?option=com_content&view=article&id=52%3Aquienes-somos&catid=38&Itemid=73&lang=es.

¹³¹⁷ U.S. Embassy- Santiago. *reporting*. February 7, 2011.

¹³¹⁸ Ibid.

¹³¹⁹ Ibid. See also SENAME. *Representantes de gobiernos y trabajadores intercambian experiencias en erradicación del trabajo infantil* [online] October 8, 2010 [cited March 25, 2011]; available from <http://www.sename.cl/wsename/estructuras.php?name=News&file=article&sid=533>.

¹³²⁰ 42 U.S. Embassy- Santiago. *reporting*. February 7, 2011.

¹³²¹ Embassy of Chile, U.S. Department of Labor Request for Information on Child Labor and Forced Labor.

¹³²² U.S. Embassy- Santiago. *reporting*, February 13, 2009. See also Educación y Cultura OAS Unidad De Desarrollo Social, *Programa de Educación Intercultural Bilingüe, Chile*; available from <http://www.oas.org/oipc/espanol/documentos/ChileProgramaeducacioninterculturalbilingue.doc>.

¹³²³ U.S. Embassy- Santiago. *reporting*, February 13, 2009. See also Government of Chile, *Programa Puente: Resultados esperados por el programa*; available from <http://public.programapuerto.cl/index.html>.

¹³²⁴ ILO-IPEC official. E-mail communication to USDOL official. April 15, 2011.

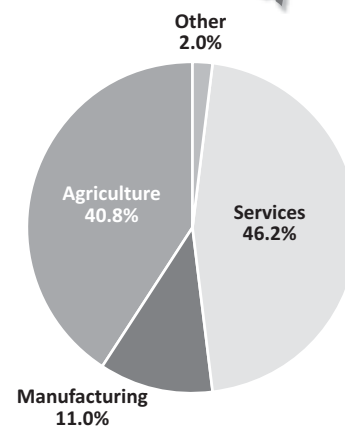
Colombia

In 2010, the Government of Colombia strengthened its law enforcement efforts, policy framework and programs to combat the worst forms of child labor. In March 2011, it released the results of the 2009 child labor survey. However, it has not provided adequate resources to the National Strategy to Eradicate the Worst Forms of Child Labor. Children continue to work in agriculture, including forced coca cultivation, and in mining.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	3.2*
Attending School	5 - 14 yrs.	92.6
Combining Work and School	7-14 yrs.	2.9

* Population of working children: 277,145 (data is from 2007; see first footnote in report)



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In March 2011, the Colombian National Department of Statistics released the results of the 2009 child labor survey.¹³²⁵ These data were not analyzed in time for use in this report, so data from 2007 are included above. According to the 2011 report, 9.2 percent of children ages 5 to 17 are economically active, up from 6.9 percent in 2007.¹³²⁶ According to the Government of Colombia, the global economic crisis is one of the reasons for this increase.¹³²⁷

Children are engaged in the worst forms of child labor in Colombia, many in agriculture and mining.¹³²⁸ In agriculture, children may work long hours, perform physically arduous tasks and use dangerous tools.¹³²⁹ They are exposed to dusty air and severe weather and have a high

risk of occupational injury. Children work in the production of coffee, sugarcane, and coca, an illegal stimulant, and reportedly help produce vegetables and fruits, cotton and livestock as well.¹³³⁰ Children are also engaged in artisanal mining, which exposes them to toxic gases, long hours, explosives and dangerous chemicals such as nitric acid. They mine emeralds, gold, clay and coal, and work breaking rocks, digging in dirt with picks or their bare hands, removing water from mines and lifting heavy loads.¹³³¹ Limited evidence suggests that indigenous *Wayúu* children work alongside their families in the production of gypsum, salt and talc and that indigenous *Kametsa* and *Inga* adolescents are engaged in logging.¹³³²

A 2007 study by the Colombian National Institute for Family Welfare (ICBF) estimates that 4,457 children live on the streets of 16 Colombian cities and are engaged in begging, stealing, street

vending, garbage scavenging and commercial sexual exploitation.¹³³³ Children working on the streets are susceptible to many dangers, including severe weather, vehicle accidents, criminal elements and physical injuries from lifting heavy loads.¹³³⁴ Garbage scavenging exposes children to dangerous waste and toxic substances such as lead and sulfuric acid.¹³³⁵

Domestic service is another common form of child labor in Colombia. Indigenous families in rural areas often send their children to urban households to be domestic workers.¹³³⁶ These workers may work up to 12 hours per day, performing household chores.¹³³⁷ They are vulnerable to physical and sexual abuse from their employers and often are denied salaries and time off.¹³³⁸

A 2006 study found 2,117 children engaged in commercial sexual exploitation in 11 cities in Colombia.¹³³⁹ Children are also involved in child pornography and sex tourism. In the Department of Sucre, indigenous *Zenous* children are sometimes the victims of sex tourism, while in Bogotá, underage boys are solicited for sexual purposes, and in Cucutá, criminal bands use the Internet and cell phones to engage children in commercial sexual exploitation.¹³⁴⁰ Children are also trafficked domestically and internationally for the purpose of commercial sexual exploitation.¹³⁴¹






Children are used by adults for illegal activities, such as coca production and processing, and the transport of illicit drugs.¹³⁴² Indigenous *Wayúu*, *Kankuamo*, and *Wiwa* children have been involved in the illegal sale of gasoline from Venezuela. Children are victims of forced labor in coca cultivation, mining and quarries, and domestic work, and are forcibly recruited as child soldiers.¹³⁴³ Children from Honduras and Nicaragua have been found working under forced labor conditions in fishing. Children from Ecuador are trafficked for labor exploitation.¹³⁴⁴

Minors younger than age 18 are not allowed to be recruited into the National Armed Forces.

However, reports state that children have been used as informants by members of the National Armed Forces in direct contravention of military policy, and have participated in civic-military activities.¹³⁴⁵ In addition, children continue to be recruited by illegal armed groups. Reports estimate that 11,000 to 14,000 children, including indigenous children, were acting as combatants in various non-state armed groups.¹³⁴⁶ According to a 2008 study, many of them handle explosives, transport food supplies and perform intelligence and logistical activities. Female combatants are subject to sexual exploitation by other group members.¹³⁴⁷ Children from Ecuador are also recruited by Colombian non-state armed groups.¹³⁴⁸

Laws and Regulations on the Worst Forms of Child Labor

The Code for Children and Adolescents sets the minimum age for work at 15. Children younger than age 15 may perform artistic, sports or

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

cultural work with authorization from the labor inspectorate or local authority, and adolescents

ages 15 to 17 can work only with authorization from a labor inspector or relevant local government official.¹³⁴⁹ The code also sets the minimum age for hazardous work at 18.¹³⁵⁰ The Labor Code prohibits children younger than age 18 from work in underground mining and industrial painting.¹³⁵¹ Resolution No. 01677 of 2008 provides a more extensive list of activities within 11 occupational categories and sub-categories identified as the worst forms of child labor.¹³⁵² These occupational categories include agriculture, livestock raising, hunting and forestry, fishing, mining and quarrying, manufacturing, construction, transport and storage, health services and defense. Minors are prohibited from working in public utilities, such as electricity, water and gas. They are also barred from informal-sector activities and unskilled work, including street vending, domestic service, garbage scavenging and recycling.¹³⁵³

The Labor Code authorizes inspectors to issue fines of up to 100 times the minimum monthly wage for labor law violations, including those related to child labor.¹³⁵⁴ The Code for Children and Adolescents authorizes family ombudsmen—municipal government agencies that ensure the protection of children’s rights—to penalize parents or legal guardians for failing to protect children against economic exploitation, the worst forms of child labor, work harmful to the health, safety and integrity of children or work that limits their right to education. Penalties include fines of up to 100 times the minimum monthly wage and imprisonment.¹³⁵⁵

The Constitution prohibits slavery, servitude, and human trafficking and the Penal Code establishes sanctions for violations.¹³⁵⁶ The Penal Code also penalizes commercial sexual exploitation of children—including prostitution, pornography, and sex tourism—with incarceration and fines.¹³⁵⁷ Law 679 of 2001 penalizes tourism agencies and hotel owners linked to child sex tourism with fines and cancellation of their right to operate.

It requires that hotels warn customers about penalties for commercial sexual exploitation of children.¹³⁵⁸ Law 1336 of 2009 requires that tourism agencies, airlines, and hotels adopt a code of conduct to prevent commercial sexual exploitation of children.¹³⁵⁹

The Penal Code penalizes crimes involving the use of minors in the cultivation, manufacture and trafficking of illegal drugs, with penalties of 16 to 30 years imprisonment and fines of up to 100,000 times the equivalent of the minimum monthly wage.¹³⁶⁰

The minimum recruitment age for military service is 18.¹³⁶¹ The Penal Code sets penalties for the recruitment of minors by illegal armed groups and the armed forces and penalizes the use of minors in terrorist activities with prison terms of 16 to 30 years and fines of up to 45,000 times the equivalent of the minimum monthly wage.¹³⁶²

Law 782 of 2002 treats minors that participate in the country’s hostilities as victims.¹³⁶³ However, the Code for Children and Adolescents allows the Office of the Attorney General to prosecute a minor when he or she has violated international humanitarian law or committed genocide.¹³⁶⁴ Law 975 of 2005 establishes that armed groups must place all minor recruits under the care of ICBF in order to participate in the government’s demobilization process.¹³⁶⁵

The Constitution establishes free and compulsory education through age 15.¹³⁶⁶

Colombian legislation relevant to the worst forms of child labor has undergone frequent changes. However, it is not clear whether awareness of those changes have been disseminated among relevant groups, including the general public as well as enforcement officials, employers, civil society organizations and communities.

Institutional Mechanisms for Coordination and Enforcement

The Interagency Committee for the Elimination of the Worst Forms of Child Labor coordinates efforts to combat the worst forms of child labor. It is chaired by the Ministry of Social Protection (MSP) and includes 13 government agencies and representatives from trade unions, business associations and civil society organizations.¹³⁶⁷ The National Interagency Committee for the Prevention and Eradication of Commercial Sexual Exploitation directs efforts to combat the commercial sexual exploitation of children. It is led by MSP and includes 11 government agencies and representatives from the private sector, trade unions and civil society organizations.¹³⁶⁸ The Inter-agency Committee to Combat Trafficking of Persons leads efforts to combat human trafficking. Fourteen government agencies are part of the committee, including the Ministry of Interior and Justice, ICBF, the Ministry of Social Protection and the Attorney General's Office.¹³⁶⁹ Coordinated by the Vice President, the Inter-agency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups guides efforts to protect children from being recruited by nonstate armed groups.¹³⁷⁰ Despite these inter-institutional efforts, Colombia still lacks sufficient mechanisms to ensure coordination of activities among government agencies at the national and local levels.¹³⁷¹

Child labor laws are enforced by MSP, the National Police and the Offices of the Inspector General, the General Comptroller and the National and Municipal Ombudsmen. MSP has 424 labor inspectors and in April 2011 the Government agreed to hire 480 new labor inspections between 2011 and 2014.¹³⁷²

In 2010, MSP continued to implement a labor inspections system that seeks to prevent work-related violations by working closely with the private sector.¹³⁷³ Although the Government of Colombia has committed to the training of labor inspectors in a variety of areas under

the Colombian Action Plan Related to Labor Rights, reports suggest that labor inspectors lack adequate equipment and training to perform their work, and labor inspections focus mainly on labor dispute settlement rather than other labor issues.¹³⁷⁴

During the reporting period, MSP provided new guidelines to labor inspectors to ensure children younger than age 15 do not work and adolescents ages 15 to 17 who have work permits are not engaged in dangerous work. In partnership with ILO-IPEC, MSP developed online training on child labor laws for labor inspectors.¹³⁷⁵ In May 2011, MSP launched a new monitoring system with support from ILO-IPEC, which will register and monitor working children.¹³⁷⁶

The National Police and the Offices of the Attorney General, the Inspector General and the National Ombudsman have established children and youth units.¹³⁷⁷ ICBF operates a hotline that receives complaints of violations of children's rights, including child labor.¹³⁷⁸ During the reporting period, ICBF received 1,149 complaints of child labor. However, there is no information available about whether the complaints received were referred to enforcement agencies, or whether actions were taken by government agencies to rescue children from exploitative labor.¹³⁷⁹ In addition, there is no information on the number of labor inspections that involved cases of child labor, the number of children found working illegally or the results of those inspections.

The Anti-Human Trafficking Operations Center leads efforts to combat trafficking by operating a hotline, tracking cases, coordinating investigations, and facilitating access to social services among victims of trafficking. The Office of the Attorney General and the National Police also investigate cases of commercial sexual exploitation and human trafficking.¹³⁸⁰ In 2010, ICBF established an exclusive hotline to report cases of child commercial sexual exploitation and trafficking. The Government of Colombia trained enforcement officials in combating human

trafficking.¹³⁸¹ During the reporting period, ICBF hotline received 562 complaints of commercial sexual exploitation of children.¹³⁸² In 2010, the Office of the Attorney General investigated 144 cases of human trafficking; 17 cases resulted in convictions with sentences between 7 and 23 years and fines from \$65,000 to \$338,000.¹³⁸³ There is no public information about how many of these cases involved children.

The Ministry of Commerce, Industry and Tourism and the Superintendency of Industry and Commerce require that tourism agencies and hotels establish codes of conduct to prevent the commercial sexual exploitation of children.¹³⁸⁴

Government Policies on the Worst Forms of Child Labor

The National Strategy to Eradicate the Worst Forms of Child Labor (2008–2015) is the primary framework that addresses the worst forms of child labor in Colombia.¹³⁸⁵ The National Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents Less than 18 Years of Age (2006–2011) lays out the strategy to combat commercial sexual exploitation of children.¹³⁸⁶ The National Strategy to Combat Trafficking in Persons (2007–2012) guides government efforts to combat human trafficking, including the trafficking of children.¹³⁸⁷ The Government has included child labor in the 10-year National Plan for Children and Adolescents (2009–2019).¹³⁸⁸

Despite these efforts, gaps remain. The Government has established zero tolerance for child labor in its National Strategy to Eradicate the Worst Forms of Child Labor without targeting specific forms of child labor, geographical areas, or providing a timeframe.¹³⁸⁹ As a result, government efforts may not be focused on the areas of greatest need or on the most vulnerable populations. According to the Office of the Inspector General, many of the country's provinces and main cities have not fully implemented the national strategy or allocated funding for child labor initiatives.¹³⁹⁰

During the reporting period, ILO-IPEC continued to support the Office of the Inspector General in monitoring the implementation of the National Strategy to Eradicate the Worst Forms of Child Labor.¹³⁹¹

During the reporting period, ICBF established guidelines for a new program that aims to target children who are engaged in the worst forms of child labor.¹³⁹² The Government adopted the National Policy to Prevent the Recruitment of Children and Adolescents by Illegal Armed Groups, which guides efforts to prevent the recruitment and use of children by nonstate armed groups.¹³⁹³

In 2010, the Government established the National Education Policy, which seeks to improve access to and the quality of education. Among other goals, it aims to enroll an additional 600,000 children in the education system, reduce drop-out rates from 5.2 percent to 3.8 percent, provide school transportation and meals and strengthen the evaluation of students, teachers, curricula and schools.¹³⁹⁴

In March 2011, the Government launched the National Strategy for Social Prosperity, which seeks to strengthen the national social protection program, the United Network — previously known as the Together Network.¹³⁹⁵ Some of the strategy's objectives are to ensure that social programs target the most vulnerable populations, promote corporate social responsibility and foster innovative solutions to tackle poverty.¹³⁹⁶ It includes 9 target social services and 45 indicators, including that children younger than age 15 are not engaged in child labor.¹³⁹⁷

In April 2011, the Government approved the National Development Plan (2010–2014), which seeks to create more jobs, reduce poverty and provide greater security as a way to promote social prosperity. One of its goals is to rescue more than 600,000 children from child labor.¹³⁹⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, ICBF provided social services to 3,413 children who were involved in mining and 1,240 child victims of commercial sexual exploitation.¹³⁹⁹ In April 2011, ICBF, along with the social protection program United Network, began to implement a pilot program to combat child labor in five municipalities.¹⁴⁰⁰ In partnership with NGOs, ICBF raised awareness of child labor, commercial sexual exploitation and recruitment by non-state armed groups.¹⁴⁰¹ In 2010, the Government removed 338 children who were recruited by illegal armed groups from unlawful conscription.¹⁴⁰² In March 2011, the Government released the results of the 2009 child labor survey. However, it acknowledges that it lacks the capacity to identify the sectors in which children are working, noting that the worst forms of child labor are often hidden.¹⁴⁰³

The Ministries of Education, Interior and Justice and Commerce and Tourism as well as the National Police and the Offices of the Ombudsman and the Vice President carried out multiple activities to eradicate and prevent exploitative child labor. For example, the Ministry of Education carried out an initiative to keep working children in school; the National Police conducted a campaign to prevent children from working; and the Ministry of Interior and Justice carried out an awareness-raising campaign on human trafficking.¹⁴⁰⁴

To reduce extreme poverty, the Government of Colombia implements several programs, including Families in Action and the United Network.¹⁴⁰⁵ These programs benefit more than 4 million families through conditional cash transfers and social services such as education, health, job training, and microfinance.¹⁴⁰⁶ To promote access to education, ICBF provides meals to more than 4 million school children across the country.¹⁴⁰⁷ A 2011 evaluation of Families in Action found that the program has increased high school completion rates among child beneficiaries, particularly girls and rural children, and improved infant health.¹⁴⁰⁸

The Government of Colombia participated in a \$5.1 million, USDOL-funded timebound project, which ended in February 2011. This project supported the implementation of the National Strategy to Eradicate the Worst Forms of Child Labor by carrying out after-school programs to rescue children from child labor and by raising awareness of child labor among parents, teachers and community leaders.¹⁴⁰⁹ The project withdrew and prevented more than 10,000 children from exploitative child labor in sectors such as mining, street vending, commercial sexual exploitation, construction and agriculture and raised awareness among more than 4,000 parents.¹⁴¹⁰ In partnership with the President's Agency for Social Action and International Cooperation and the municipality of Samaca, Boyaca, the project conducted an initiative to combat child labor in mining and livestock production.¹⁴¹¹

The Governments of Canada, Italy, Spain and the United States fund NGOs and international organizations, which provide technical support to combat child labor such as commercial sexual exploitation of children, recruitment of children by illegal armed groups and trafficking in persons.¹⁴¹² During the reporting period, the Government cooperated with NGOs to prevent children from dropping out of school and being recruited by illegal armed groups in the province of Antioquia.¹⁴¹³

In 2010, the Government continued to participate in MERCOSUR's Southern Child Initiative and the Joint Regional Group for the Americas. The Southern Child initiative aims to improve legal frameworks and promotes awareness and the exchange of best practices to combat commercial sexual exploitation.¹⁴¹⁴ The Joint Group, which includes Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname and Uruguay, conducts prevention campaigns to eliminate child sex tourism.¹⁴¹⁵ During the reporting period, the Government of Colombia also signed agreements with Ecuador and Panama to strengthen efforts to combat human trafficking.¹⁴¹⁶

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Colombia:

IN THE AREA OF LAWS AND REGULATIONS:

- Better disseminate information on child labor, including by
 - Providing up-to-date information about legislation to provincial and municipal governments and enforcement officials.
 - Establishing a one-stop online tool with updated information about child labor laws for employers, workers and families.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen coordination mechanisms between interagency committees by better defining the roles of member agencies at the national and local levels.
- Make information publicly available on enforcement efforts such as the number of child labor inspections, the number of children rescued from child labor, and actions taken in response to complaints.
- Ensure that under the Colombian Action Plan Related to Labor Rights labor inspectors have adequate equipment and are trained on child labor legislation.

IN THE AREA OF POLICIES:

- Establish specific targets and deadlines in the National Strategy to Combat the Worst Forms of Child Labor that take into account forms of child labor and geographical areas.
- Strengthen the implementation of the National Strategy to Combat the Worst Forms of Child Labor by
 - Increasing resources to municipalities and provinces to carry out action plans to combat child labor.
 - Requiring municipalities and provinces to carry out activities related to child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Collect more disaggregated survey information on activities, sectors and geographical areas where children work, including associated to health, occupational and other risks.
- Conduct studies on the worst forms of child labor such as street work, the recruitment of children by illegal armed groups and their involvement in other illicit activities, including commercial sexual exploitation, trafficking, coca cultivation and drug trafficking.

¹³²⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2007. Data from 2009 that were released in 2011 were not analyzed in time for use in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's

Work and Education Statistics: Sources and Definitions" section of this report.

¹³²⁶ National Department of Statistics, *Boletín de Prensa: Trabajo Infantil 2009*, Bogotá, March 4, 2011, 7, annex 1; available from http://www.dane.gov.co/daneweb_V09/index.php?option=com_content&view=article&id=126&Itemid=67.

¹³²⁷ PANDI Agency, *Entre 2007 y 2009 el trabajo infantil aumentó en un 34%*, April 29, 2011; available from <http://www.agenciapandi.org/es/component/content/article/1-latest-news/506-en-colombia-aumento-el-trabajo-en-un-34-pero-el-trabajo-infantil.html>.

¹³²⁸ National Department of Statistics, *Boletín de Prensa: Trabajo Infantil 2009*, 1,8, 14.

¹³²⁹ International Center of Education and Human Development (CINDE), *Caracterización de la Situación del Trabajo Infantil en Algunos Cultivos del Sector Agrícola y sus Factores Asociados en Ocho Municipios Colombianos*, 2006, 8-13. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia: Una síntesis de las miradas sobre el problema desde las comunidades indígenas, los académicos y las instituciones*, 2010, 46-47; available from www.ilo.org/ipecinfo/product/download.do?type=document&id=13293.

¹³³⁰ ILO-IPEC, *El trabajo infantil en la agricultura: el caso del sector café: Particularidades y Recomendaciones de Política*, October 2007, 9. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 46-47, 53-54. See also International Center of Education and Human Development (CINDE), *Caracterización de la Situación del Trabajo Infantil en Algunos Cultivos del Sector Agrícola y sus Factores Asociados en Ocho Municipios Colombianos*, 8-9.

¹³³¹ Red Andi, *Niños y Niñas Exponen sus Vidas Mientras Trabajan en la Minería Artesanal*, [online] May 30, 2007 [cited May 13, 2011]; available from <http://www.redandi.org/sugestao-de-pauta/ninos-y-ninas-exponen-sus-vidas-mientras-trabajan-en-la-mineria-artesanal>. See also Cardona Carlos Mario, “Los niños mineros, cifras escondidas en un ‘socavón,’” *El Liberal* (Popayán), November 7, 2010; available from http://www.elliberal.com.co/index.php?option=com_content&task=view&id=39769&Itemid=87. See also Héctor Rodríguez, “Mineritos Madrugan Para Evadir Controles,” *El Tiempo*, June 19, 2007, [cited May 16, 2011]; available from <http://www.eltiempo.com/archivo/documento/MAM-2532998>.

¹³³² ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 47-48.

¹³³³ ICBF, *Caracterización Social y Cuantificación de Niños, Niñas y Adolescentes en Situación de Calle*, 2007, 27-28, 38; available from https://www.icbf.gov.co/Prensa_comunicaciones/documentos/Publicacion%20Caracterizacion%20hasta%20pag%201%20hasta%20150.pdf.

¹³³⁴ Bogota City Council, *El 59 % de los niños y niñas trabajadores en Bogotá son menores de 15 años*, [online] June 12, 2010; available from http://concejodebogota.gov.co/prontus_concejobogota/site/artic/20100611/pags/20100611160828.php. See also Maria Eugenia Pico and Myriam Salazar, “El Trabajo Infantil como Práctica de Crianza: Contexto de una Plaza de Mercado,” *Hacia la Promoción de la Salud* 13 (January - December 2008), 103, 111-112; available from http://promocionsalud.ucaldas.edu.co/downloads/Revista13_6.pdf. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 49.

¹³³⁵ Bogota City Council, *El 59 % de los niños y niñas trabajadores en Bogotá son menores de 15 años*. See also ILO-IPEC, *El trabajo Infantil en la Recolección de Residuos Sólidos sobre reciclables: Caracterización y Recomendaciones de Política*, September 2007, 15, 18-21. See also Plan International, and Antonio Restrepo Barco Foundation, and Renacer Foundation, *Escenarios de la Infamia*, 2006,

57; available from <http://plan.org.co/quienes-somos/prensa-y-publicaciones/publicaciones/desde-las-campanas/escenarios-de-la-infamia/?searchterm=escenarios>.

¹³³⁶ Plan International, Antonio Restrepo Barco Foundation, and Renacer Foundation, *Escenarios de la Infamia*, 86-87, 91. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 40-42.

¹³³⁷ Plan International, Antonio Restrepo Barco Foundation, and Renacer Foundation, *Escenarios de la Infamia*, 93, 95. See also ILO-IPEC, *Trabajo Infantil Indígena en Colombia*, 40-41, 43.

¹³³⁸ ILO-IPEC, *Invertir en la familia. Estudio sobre factores preventivos y de vulnerabilidad de familias rurales y urbanas con hijos vinculados al trabajo doméstico en hogares de terceros: el caso de Colombia*, 2007, 95, 118, 123; available from http://white.oit.org.pe/ipec/documentos/invertir_familia_tid_col.pdf.

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¹³⁴¹ U.S. Embassy - Bogota, *reporting* March 9, 2011. See also Plan International, Antonio Restrepo Barco Foundation, and Renacer Foundation, *Escenarios de la Infamia*, 67. See also Clara Isabel Vélez, “Trata, una forma de esclavitud,” *El Colombiano*, April 5, 2009; available from http://www.elcolombiano.com/BancoConocimiento/T/trata_una_forma_de_esclavitud/trata_una_forma_de_esclavitud.asp?CodSeccion=21.

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¹³⁴³ U.S. Department of State, “Colombia,” in *Country Report on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm>. See also U.S. Embassy - Bogota, *reporting*, March 9, 2011. See also Vélez, “Trata, una forma de esclavitud.”

¹³⁴⁴ Monica Hurtado, *Trata de Infantes y Adolescentes en Colombia (1999-2006)*, ILO-IPEC, 2007, 46. See also U.S.

Embassy - Bogota, *reporting*, March 9, 2011. See also David Khoudour-Castéras, *Efectos de la Migración sobre el Trabajo Infantil en Colombia*, ILO-IPEC, 2007, 20-21.

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¹³⁵⁴ Government of Colombia, *Código Sustantivo del Trabajo*, article 486(2).

¹³⁵⁵ Government of Colombia, *Código de la Infancia y la Adolescencia*, articles 20(13), 54- 55.

¹³⁵⁶ Government of Colombia, *Constitución (with modifications until 2009)*, (July 6, 1991), article 17; available from http://wsp.presidencia.gov.co/Normativa/Documents/ConstitucionPoliticaColombia_20100810.pdf. See also Government of Colombia, *Ley 599 of 2000 -Código Penal*, articles 188-188-B; available from http://www.secretariasenado.gov.co/senado/basedoc/ley/2000/ley_0599_2000_pr007.html#213.

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Comoros

The Government of Comoros adopted a National Action Plan to Combat Child Labor during the reporting period. Children continue to engage in the worst forms of child labor in agriculture, however. Gaps remain in legislation, enforcement and programs to address this problem.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	35.6*
Attending School	5 - 14 yrs.	44.2
Combining Work and School	7 - 14 yrs.	23.9

* Population of working children: 56,840

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Comoros are engaged in the worst forms of child labor,¹⁴¹⁷ many of them in agriculture.¹⁴¹⁸ Some reportedly cultivate cloves, vanilla and *ylang ylang* (a flower). Children also engage in animal husbandry and fishing.¹⁴¹⁹ Children's work in these sectors may involve using potentially dangerous machinery and tools, carrying heavy loads, applying harmful pesticides and exposure to disease and injuries from animals. Fishing may involve dangerous activities, such as risk of injury and drowning.

In urban areas, some children work as domestic servants in exchange for food, shelter or educational opportunities.¹⁴²⁰ These children often work long hours, risk physical and sexual abuse and are not paid for their work. Some children are engaged in commercial sexual exploitation and drug trafficking.¹⁴²¹

Children facing forced labor conditions can be found in agriculture and domestic service.¹⁴²² In Comoros and other countries, it is a traditional practice to send boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component. While some boys




receive lessons, many are engaged in forced labor, which includes carrying produce, selling items in markets and performing various domestic activities.¹⁴²³

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work and apprenticeship at 15, but this does not apply to self-employed children.¹⁴²⁴ Children in apprenticeships must be paid, and the duration of the apprenticeship should not exceed three years.¹⁴²⁵

The *Labor Code* requires that children work no more than 40 hours per week and receive a minimum of 12 consecutive hours off per day.¹⁴²⁶ A labor inspector can require a medical examination of a child to confirm that the work does not exceed his or her strength.¹⁴²⁷ Research has not identified any laws or regulations specifying a list of hazardous work activities that are prohibited for children.

The law prohibits pornography and sexual exploitation of children younger than age 18.¹⁴²⁸ The *Labor Code* prohibits forced and bonded labor, except in instances of obligatory military

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	12
	Free Public Education	No

service, civic duty or work that is required in times of accidents, fires and calamities. While the law does not expressly forbid trafficking in persons, traffickers may be prosecuted for kidnapping.¹⁴²⁹ The minimum age for voluntary military recruitment is 18.¹⁴³⁰ The law does not prohibit the use of children in illicit activities.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Comoros has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is responsible for enforcing child labor laws.¹⁴³¹ The Government has three

labor inspectors. This small number of inspectors appears to be insufficient given the size of the problem. During the reporting period, the Government did not perform any inspections or provide training to labor inspectors.¹⁴³²

Government Policies on the Worst Forms of Child Labor

In 2010, the Government adopted a five-year National Action Plan to Combat Child Labor (2010-2015).¹⁴³³ The plan’s many goals include harmonizing labor laws, mobilizing groups to combat the worst forms of child labor, promoting universal primary education, addressing family poverty, collecting systematic information on the worst forms of child labor and establishing a coordinating mechanism.¹⁴³⁴

Child labor concerns have been mainstreamed into the United Nations Development Assistance Framework (2008-2012).¹⁴³⁵

Children in Comoros are required to attend school only until age 12, and students must pay fees as well as purchase their own supplies.¹⁴³⁶ This standard makes children ages 13 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work either. Additionally, the costs of schooling are prohibitive for many families, barring their access to education.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The National Action Plan proposes several programs targeting the worst forms of child labor; however, research found no evidence that any were implemented during the reporting period.¹⁴³⁷

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Comoros:

IN THE AREA OF LAWS AND REGULATIONS:

- Extend the minimum age for work to self-employed children.
- Draft and enact legal provisions specifying a list of hazardous work activities that are prohibited for children.
- Enact a law to prohibit the use of children in illicit activities in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Increase the number of labor inspectors and provide them with training on the worst forms of child labor.
- Carry out inspections to enforce compliance with worst forms of child labor laws and make information on the outcome of inspections available.

IN THE AREA OF POLICIES:

- Make education a viable alternative to exploitative work by
 - Raising the compulsory education age to 15, the established minimum age for work.
 - Eliminating school fees and providing supplies for students.

IN THE AREA OF PROGRAMS:

- Implement social programs to address the worst forms of child labor in agriculture and domestic service.

¹⁴¹⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2000. Reliable data on the worst form of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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¹⁴²⁷ Government of Comoros, Code du Travail, article 124.

¹⁴²⁸ U.S. Department of State, "Country Reports- 2010: Comoros," section 6.

¹⁴²⁹ U.S. Embassy- Antananarivo, reporting, March 11, 2011, para 14 A-E.

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available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

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¹⁴³² U.S. Embassy- Antananarivo, reporting, February 15, 2011, 2.

¹⁴³³ Ministère de l'Economie du Travail de l'Emploi du Commerce Extérieur, Plan d'Action National pour l'Élimination des Pires Formes de Travail des Enfants aux Comores: 2010-2015. See also U.S. Embassy- Antananarivo, reporting, February 15, 2011, 3. See also U.S. Embassy- Antananarivo official, E-mail communication to USDOL official, July 23, 2010.

¹⁴³⁴ Ministère de l'Economie du Travail de l'Emploi du Commerce Extérieur, Plan d'Action National pour l'Élimination des Pires Formes de Travail des Enfants aux Comores: 2010-2015, 33-45.

¹⁴³⁵ UNDAF, Plan Cadre des Nations Unies pour l'Aide au Développement, 2008-2012: Comoros, 2008, 8; available from http://www.km.undp.org/doc/undf_08.pdf.

¹⁴³⁶ U.S. Department of State, "Country Reports- 2010: Comoros," section 6. See also U.S. Embassy- Antananarivo official, E-mail communication to USDOL official, March 18, 2011.

¹⁴³⁷ U.S. Embassy- Antananarivo, reporting, February 15, 2011, 3.

Congo, Democratic Republic of the

The Government has several laws and regulations that address the worst forms of child labor. However, children continue to work in many worst forms, including as child soldiers and in agriculture and mining. Armed rebel groups and poorly integrated elements of the Congolese National Army continue to abduct and forcibly recruit children for armed conflict and sexual exploitation. There is no compulsory education requirement, and the Government does not have sufficient enforcement or social protection capacity to protect against exploitative child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5 - 14 yrs.	25.8*
Attending School	5 - 14 yrs.	59.8
Combining Work and School	7 - 14 yrs.	21.7

* Population of working children: 4,692,293

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Democratic Republic of the Congo are engaged in the worst forms of child labor, including as child soldiers and in agriculture and mining.¹⁴³⁸ Children's work in agriculture commonly involves long hours, physically arduous tasks, dangerous tools and a high risk of occupational injury.¹⁴³⁹

Children mine diamonds, copper, gold, cobalt and wolframite (tungsten ore). Children are also forced to mine cassiterite (tin ore) and columbite-tantalite (coltan).¹⁴⁴⁰ Although information is limited, there are reports that children working in quarries break stones into gravel.¹⁴⁴¹ In mining areas, children sift, clean, sort, transport heavy loads and dig underground.¹⁴⁴² Living conditions for children working around the mines are extremely harsh. Children face heightened risks

of disease, lack adequate shelter and are subject to fatal accidents from the collapse of mineshafts.¹⁴⁴³

In 2010, armed groups, including rebel groups and members of the Congolese National Army (FARDC), continued to recruit and use children in their units.¹⁴⁴⁴ Children associated with armed groups may be forced to serve as combatants, porters, spies, domestic servants and sex slaves.¹⁴⁴⁵ Some children who have been released suffered re-recruitment, and girls are reportedly less likely to be released by the armed groups.¹⁴⁴⁶ Armed militia groups abducted and recruited children from Burundi, Rwanda and Uganda for service in the Democratic Republic of the Congo.¹⁴⁴⁷

In the Democratic Republic of the Congo, children also work as domestic servants.¹⁴⁴⁸ Such children may work long hours, and their isolation in homes makes them susceptible to sexual abuse.¹⁴⁴⁹ Children living on the streets sell food, carry

packages, unload buses, engage in prostitution and distribute drugs and alcohol. These activities expose them to physical abuse, intimidation and theft. In Kinshasa, reports indicate that there were more than 500 new cases of children living and working on the streets each month.¹⁴⁵⁰ In mining areas, markets and brothels, children are compelled to engage in prostitution.¹⁴⁵¹ There are also reports that children of indigenous persons and pygmies may be born into slavery.¹⁴⁵²

Access to education is a critical component in helping to prevent the economic exploitation of children. In the Democratic Republic of the Congo, access to education is hindered by sexual violence and armed conflict, including the forced recruitment of child soldiers from schools.¹⁴⁵³ According to UNICEF, 85 percent of all schools in the conflict zone of North Kivu are closed.¹⁴⁵⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2002 sets the minimum age for employment at 15, and Ministerial Order No. 12 of 2008 establishes the minimum age for hazardous work at 18.¹⁴⁵⁵ The Labor Code prohibits forced labor and the worst forms of child labor and defines penalties for employing children in hazardous work.¹⁴⁵⁶ The Government does not provide protection to children working without a contract or outside public enterprises. This leaves many children working on the streets or in dangerous conditions in a family business unprotected.¹⁴⁵⁷

Ministerial Order No. 68/13 of 1968 prohibits the use of children in the extraction of minerals and debris from mines, quarries and earthworks.¹⁴⁵⁸ Ministerial Order No. 12 of 2008 contains a list of hazardous activities prohibited for children under age 18, including work below ground, under water, at dangerous heights or in illicit activities.¹⁴⁵⁹ Law No. 06/018 of 2006 criminalizes the trafficking and sexual exploitation of children.¹⁴⁶⁰ The Child Protection Code (Law 09/001) prohibits child slavery, child trafficking, child prostitution and

child pornography. This law also forbids the accusation of witchcraft. Such accusations force many children onto the streets.¹⁴⁶¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Several laws prohibit the use of children in armed conflict. The Labor Code of 2002 defines the forced recruitment of children for use in armed conflict as a worst form of child labor.¹⁴⁶² The Constitution of 2006 bans the use of children in hostilities, and Act No. 04/23 of December 2004 prohibits the recruitment of anyone under age 18 into the national armed forces.¹⁴⁶³ The Child Protection Code of January 2009 prohibits the recruitment and use of children in armed groups and defines the Government’s responsibility for demobilizing and reintegrating child soldiers.¹⁴⁶⁴

The Constitution establishes the right to free education. However, in practice, teachers in rural areas often charge fees for attendance, and the costs of books and uniforms are prohibitive for many families.¹⁴⁶⁵ Act No. 86/005 of 1986, making school compulsory for children until the age of 15, has not entered into force. Having no minimum compulsory education age may increase the

likelihood of children entering the worst forms of child labor.¹⁴⁶⁶

Institutional Mechanisms for Coordination and Enforcement

In 2006, the Government created the National Committee to Combat the Worst Forms of Child Labor (NCCL) and charged it with coordinating responsibilities that include compiling data on the nature and extent of child labor; preventing and withdrawing children from engaging in the worst forms of child labor; conducting public awareness campaigns; and building the capacity of government officials and civil society to combat exploitative child labor.¹⁴⁶⁷ In 2010, the Minister of Labor issued a decree suggesting members for the NCCL's permanent secretariat. While this is a step forward, the NCCL's approved work plan has not been financed by the Government.¹⁴⁶⁸

The Government body responsible for disarmament, demobilization and reintegration, *Unité d'exécution du programme national de désarmement, démobilisation et réinsertion*, coordinates the identification, verification and release of child soldiers with assistance from the United Nations Mission in the Democratic Republic of Congo, UNICEF and partner NGOs.¹⁴⁶⁹ The Government also established a joint commission to coordinate child protection interventions targeting orphans and vulnerable children, which is comprised of government ministries, NGOs and donors.¹⁴⁷⁰

In 2010, the Government authorized the establishment of the Provincial Worst Forms of Child Labor Committee in Mbuji Mayi. Provisional committees also exist in Kolwezi, Mongbwalu and Katanga provinces. Although these committees have created a 3-year work plan and budget, the Government has not provided them with financial support.¹⁴⁷¹

The Ministry of Labor is the primary agency responsible for investigating the worst forms of

child labor.¹⁴⁷² The Government employs 150 labor inspectors across the country, including 10 inspectors in the Katanga mining region and 9 labor controllers. Labor inspectors often lack the transport to conduct their inspections and no system to track child labor complaints.¹⁴⁷³ Each inspector prepares one annual inspection report, but this report does not separate information on child labor from other labor inspection issues.¹⁴⁷⁴ In 2010, the Government did not complete any child labor investigations.¹⁴⁷⁵

The Ministry of Social Affairs, Humanitarian Action and National Solidarity (MINAS) is charged with investigating child trafficking cases.¹⁴⁷⁶ The Ministry of Gender, Family and Children is responsible for investigating the commercial sexual exploitation of children and the Ministry of Justice is charged with combating the use of children in illicit activities.¹⁴⁷⁷ In 2010, the Government identified 51 trafficking victims, arrested two traffickers and expanded the portfolios of 1,000 new magistrates to include sex and labor trafficking.¹⁴⁷⁸ It is unknown how many of the 51 trafficking victims were children.

MINAS's Department of Child Protection (DISPE) is responsible for orphans and vulnerable children interventions and operates a database to monitor and coordinate children rights activities. In 2009, DISPE employed 57 people at the national level and eight at the provincial level. Reports indicate that MINAS's staff have limited professional experience and high turnover.¹⁴⁷⁹

According to the UN Group of Experts on the Democratic Republic of the Congo, known child soldier recruiters continue to hold positions in the FARDC and senior FARDC officers have obstructed UN efforts to oversee the release of child soldiers.¹⁴⁸⁰ During the reporting period, the Government provided training to some police and military personnel on preventing child soldiering but it did not prosecute any military officers for conscripting or using children for armed conflict.¹⁴⁸¹

Government Policies on the Worst Forms of Child Labor

Three provincial committees published action plans to combat the worst forms of child labor, but no information could be obtained to assess their implementation.¹⁴⁸²

MINAS developed a national action plan for orphans and vulnerable children; however, no information indicates whether this plan is being implemented.¹⁴⁸³ The Government's Poverty Reduction Strategy Paper and Five Pillars program promotes increased access to social services, including education, for vulnerable children. The question of whether these policies have an impact on child labor does not appear to have been addressed.¹⁴⁸⁴

In 2010, the Government continued to implement its national plan to demobilize, disarm and reintegrate (DDR) former combatants, including children.¹⁴⁸⁵ However, the FARDC's continued recruitment of children into the armed forces and limited action to seek the release of all children associated with armed groups diminishes the impact of the Government's policies to combat the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of the Democratic Republic of the Congo participated in a program to assist survivors of sexual and gender based violence, victims of trafficking and children associated with armed groups.¹⁴⁸⁶ In addition, the Government collaborated with the EU to implement an army census program that will create a standardized database of Congolese soldiers with identification cards; it is intended that the program will allow the Government to demobilize child soldiers as they are identified.¹⁴⁸⁷ The UN Committee on the Rights of the Child and the ILO Committee of Experts note that the Government's strategy does not provide sufficient resources to ensure the full recovery and economic reintegration of

children associated with armed forces.¹⁴⁸⁸ Reports also indicate that girls do not enter the DDR process due to a fear of stigmatization and a lack of awareness about their rights and options.¹⁴⁸⁹ The UN and other organizations have called on the Government to make the DDR process more accessible and effective for girls.¹⁴⁹⁰

The Government participated in a USDOL-funded project through September 2010 that withdrew and prevented 13,474 children from exploitative child labor in mining, mining-related services and other sectors through the provision of educational services.¹⁴⁹¹ Additionally, in collaboration with the Government, UNICEF provided educational assistance to children working in mining.¹⁴⁹²

During the reporting period, the Government published the preliminary findings of its Multiple Indicators Children Survey (MICS) to determine the extent of the child labor problem in the country.¹⁴⁹³ The Government also participated in a regional project, which was funded by the Government of Italy at \$1 million from January 2008 to June 2011, to support research on child labor and develop a national action plan on the worst forms of child labor.¹⁴⁹⁴ The Katanga Provincial Committee to Combat the Worst Forms of Child Labor also conducted awareness-raising to combat child labor.¹⁴⁹⁵ In addition, the prime minister signed in 2010 a by-law creating juvenile courts for children in conflict with the law and suffering from abuse, including the worst forms of child labor. The first such court was opened in Lubumbashi and had 190 cases between March and September.¹⁴⁹⁶

In 2010, the Government in partnership with the World Bank, launched a project to prevent and provide support services for street children.¹⁴⁹⁷ Likewise, the Katanga Provincial Ministry of Interior continued to support and manage a center for street children in Lubumbashi.¹⁴⁹⁸ The Government also participated in a USAID-funded project to raise awareness about of the situation of vulnerable children and support

family reunification for separated and abandoned children.¹⁴⁹⁹ Despite these efforts, a significant number of children continued to live and work on the streets. The UN Committee on the Rights

of the Child noted the need for the Government to strengthen its efforts to provide street children with food, shelter and healthcare.¹⁵⁰⁰

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Democratic Republic of the Congo:

IN THE AREA OF LAWS AND REGULATIONS:

- Provide legal protection to children working without a contract or outside public enterprises.
- Implement the Constitutional provision which establishes free education.
- Implement Act No. 86/005 of 1986, making school compulsory for children until age 15.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide funding for the National Committee to Combat the Worst Forms of Child Labor and provincial worst forms of child labor committees.
- Develop a system to track child labor complaints.
- Improve the labor inspection process to complete child labor investigations by evaluating organizational and budgetary priorities.
- Cease the forcible recruitment and use of children by elements of the FARDC. Apprehend military commanders responsible for the abduction and recruitment of children.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all relevant worst forms of child labor such as children working in agriculture and domestic service.
- Implement the national demobilization plan, releasing all children associated with the FARDC and seeking the release of all children associated with armed groups.
- Assess the impact that existing policies may have on addressing the worst forms of child labor such as the National Action Plan for Orphans and Vulnerable Children.

IN THE AREA OF PROGRAMS:

- Integrate gender concerns into programs to demobilize and reintegrate children associated with armed groups.
- Expand programs to provide post-rescue housing and vocational training to children who were associated with armed groups, to protect children from work in mining and mining related services and to provide street children with access to adequate food, shelter and medical care.

¹⁴³⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data on working children and school attendance are from 2007. Data on children combining working and schooling are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in the Democratic Republic of Congo*, Geneva, 2010, 6; available from http://www.ituc-csi.org/IMG/pdf/final_DR_Congo.pdf. See also Save the Children and Solidarity Center, *Enquete Socio Economique sur les Sites de Mongbwalu: Abelkoko, Mongbwalu Centre, Saio, Nzebi, Pluto, Pilipili et Lodjo District de l'Ituri*, February 2010, 23, 25.

¹⁴³⁹ ILO, *World Day Against Child Labor: An Overview of Child Labour in Agriculture*, June 12, 2007, 3-4; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=4048>.

¹⁴⁴⁰ U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 2, 4. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 1997: Democratic Republic of the Congo*, CRC/C/COD/2, Geneva, July 24, 2008, para 189-190; available from <http://tb.ohchr.org/default.aspx>. See also Save the Children and Solidarity Center, *Combating Exploitative Child Labor through Education in the Democratic Republic of the Congo (REETE)*, Technical Progress Report, Geneva, September 15, 2010, 4. See also Global Witness, *Faced With A Gun, What Can you Do? War and the Militarisation of Mining in Eastern Congo*, London, July 2009, 20-21, 24, 26; available from http://www.globalwitness.org/media_library_detail.php/786/en/global_witness_report_faced_with_a_gun_what_can_you. See also Sasha Lezhnev and John Prendergast, *From Mine to Mobile Phone: The Conflict Minerals Supply Chain, Enough Project*, Washington, DC, November 2009, 2; available from <http://www.enoughproject.org/files/publications/minetomobile.pdf>. See also Free the Slaves, *Findings of Slavery Linked with Mineral Extraction in Eastern DRC*, Washington, DC, July 2010, 1, 2, 4; available from http://www.endingslavery.com/celworx/DRC/docs/FTS_DRC_Findings--July_2010.pdf.

¹⁴⁴¹ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 6. See also Shantha Bloemen, "Le travail des enfants en RDC: Casser des pierres et briser tout potentiel", [unicef.org](http://www.unicef.org/french/infobycountry/drcongo_49979.html), [online], June 12, 2009 [cited January 10, 2011]; available from http://www.unicef.org/french/infobycountry/drcongo_49979.html.

¹⁴⁴² Martina Savio, *Dynamics of oppression and state failure: Cases of child labour in artisanal and small-scale mines - Democratic Republic of Congo*, University of Tromsø, 2010, 45, 51-52; available from <http://www.ub.uit.no/munin/bitstream/10037/2479/2/thesis.pdf>. See also Save the Children UK and American Center for International Labor Solidarity, *Summary Report: Nature and Scope of the "child labor in mines, DRC" Phenomenon, Baseline Study for the Reducing the Exploitation of Working Children through Education Project*, Kinshasa, July 2008, 17. See also AFP, "RDC: au Katanga, des enfants quittent l'école pour travailler dans les mines", [udpsmedia.com](http://udpsmedia.com/spip.php?article48), [online], July 17, 2010 [cited January 10, 2011]; available from <http://udpsmedia.com/spip.php?article48>. See also World Bank, *Democratic Republic of the Congo; Growth with Governance in the Mining Sector*, May 2008, 58-59; available from <http://go.worldbank.org/ICB0VQBWM0>.

¹⁴⁴³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 1997: Democratic Republic of the Congo*, para 192, 194.

¹⁴⁴⁴ Human Rights Watch, *DR Congo: Rogue Leaders, Rebels Forcibly Recruit Youth*, December 20, 2010; available from <http://www.hrw.org/en/news/2010/12/20/dr-congo-rogue-leaders-rebels-forcibly-recruit-youth>. See also U.S. Embassy-Kinshasa official, E-mail communication to USDOL official, November 4, 2010. See also UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, S/2009/603, New York, November 23, 2009, para 315-317; available from <http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/603>. See also UN Security Council, *Interim Report of the Group of Experts on the Democratic Republic of the Congo*, S/2009/253, New York, May 18, 2009, 77, 80, 82, 83; available from <http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/253>. See also U.S. Embassy-Kinshasa, *reporting, January 27, 2011*, para 6.

¹⁴⁴⁵ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 8. See also Human Rights Watch, *Killings in Kiwanja: The UN's Inability to Protect Civilians*, New York, December 2008, 12; available from <http://www.hrw.org/sites/default/files/reports/drc1208web.pdf>. See also Martin Bell, *Child Alert: Democratic Republic of the Congo; Martin Bell Reports on Children Caught in War*, UNICEF, July 2006, 4; available from <http://www.unicef.org/childalert/drc/childsoldiers.php>.

¹⁴⁴⁶ UN News Centre, "Girls less likely than boys to be freed from DR Congo's ranks of child soldiers", [hrea.org](http://www.hrea.org), [online], February 15, 2010 [cited December 27, 2010]; available

from http://www.hrea.org/lists2/display.php?language_id=1&id=16287. See also UN Security Council, *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, S/2008/693, New York, November 10, 2008, para 90, 105; available from <http://www.un.org/Docs/sc/sgrep08.htm>.

¹⁴⁴⁷ UN Security Council, *Interim Report of the Group of Experts on the Democratic Republic of the Congo*, para 79. See also UN Security Council, *Report of the Secretary-General on children and armed conflict in Uganda*, S/2009/462, New York, September 15, 2009, para 16; available from <http://www.un.org/Docs/sc/sgrep09.htm>.

¹⁴⁴⁸ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 6. See also Save the Children and Solidarity Center, *Enquete Socio Economique sur les Sites de Mongbwalu: Abelkoko, Mongbwalu Centre, Saio, Nzebi, Pluto, Pilipili et Lodjo District de l'Ituri*, 23.

¹⁴⁴⁹ ILO-IPEC, *Hazardous child domestic work: A briefing sheet*, Geneva, 2007, 13; available from <http://www.ilo.org/ipcc/areas/Childdomesticlabour/Keydocuments/lang--en/index.htm>.

¹⁴⁵⁰ World Bank, *Project Appraisal Document on a Proposed Grant in the Amount of SDR 6.6 million (US\$10 Million Equivalent) to the Democratic Republic of Congo for a Street Children Project*, May 4, 2010, 35, 37; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/05/14/000020953_20100514135654/Rendered/PDF/537820PAD0P115101Official0Use0Only1.pdf. See also Human Rights Watch, "What Future? Street Children in the Democratic Republic of the Congo," Volume 18, no. 2(A) (April, 2006), 28-30, 33; available from <http://www.hrw.org/sites/default/files/reports/drc0406webwcover.pdf>.

¹⁴⁵¹ Medecins du Monde, *La rue, c'est la chance? Enquetes sur l'Exploitation et les Violences Sexuelles des Jeunes Filles des Rues de Kinshasa*, March 8, 2009; available from http://www.reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=SHIG-7PVH42&file=Rapport_Complet.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 1997: Democratic Republic of the Congo*, para 189, 196.

¹⁴⁵² International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 9. See also International Bureau for Children's Rights, *Faire des droits de l'enfant une réalité dans la région des Grands Lacs africains: Les profils nationaux du Burundi, de la République du Congo, de la République démocratique du Congo et du Rwanda*, Montreal, December 2008, 146; available from <http://www.ibcr.org/editor/assets/document%20complet%20Grand%20Lacs%20-%204%20fevrier%202009%20-%20with%20cover.pdf>.

¹⁴⁵³ UNESCO, *EFA Global Monitoring Report: The Hidden Crisis: Armed Conflict and Education*, Paris, 2011, 132-135;

available from <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2011-conflict>. See also UNESCO, *Education under Attack 2010 - The Democratic Republic of the Congo*, February 10, 2010; available from <http://www.unhcr.org/refworld/country,,UNESCO,,COD,,4b7aa9d7c,0.html>. See also U.S. Department of State, "Democratic Republic of the Congo," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 08, 2011, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

¹⁴⁵⁴ U.S. Department of State, "Country Reports- 2010: Democratic Republic of the Congo," section 6.

¹⁴⁵⁵ Government of Democratic Republic of the Congo, *Code du Travail*, Public Law Number 015/2002, (October 16, 2002), article 133; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/62645/52447/F1638018233/COD-62645.pdf>. See also Government of the Democratic Republic of the Congo, *Arrêté Ministériel* Public Law Number 12/CAB.MIN/TPSI/045/08, (August 8, 2008), article 2, 8(e), 13.

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¹⁴⁶² Government of Democratic Republic of the Congo, *Code du Travail*, article 3(a).

¹⁴⁶³ Government of the Democratic Republic of the Congo, *Constitution de la Republique Democratique du Congo*, (February 18, 2006), article 190; available from <http://www.presidentrdc.cd/constitution.html>. See also Government of the Democratic Republic of the Congo, *Portant Organisation Generale de La Defense et Des Forces Armees*, Public Law Number 04/023, (November 12, 2004), article 10; available from http://www.droitcongolais.info/iv_securite.html. See also Coalition to Stop the Use of Child Soldiers, “Democratic Republic of the Congo,” in *Child Soldiers Global Report 2008*, London, 2008, 107; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

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¹⁴⁶⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 1997: Democratic Republic of the Congo*, para 188.

¹⁴⁶⁸ Save the Children and Solidarity Center, *Combating Exploitative Child Labor through Education in the Democratic Republic of the Congo (REETE)*, 13. See also U.S. Embassy-Kinshasa, *reporting, January 27, 2011*, para 8.

¹⁴⁶⁹ U.S. Embassy- Kinshasa, *reporting, February 23, 2011*, para 3.b.

¹⁴⁷⁰ World Bank, *Project Appraisal Document*, 10.

¹⁴⁷¹ Save the Children and Solidarity Center, *Combating Exploitative Child Labor through Education in the Democratic Republic of the Congo (REETE)*, 4, 13.

¹⁴⁷² U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 13.

¹⁴⁷³ *Ibid.*, para 13. See also U.S. Embassy- Kinshasa, *reporting, February 23, 2011*, para 3.d.

¹⁴⁷⁴ U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 13.

¹⁴⁷⁵ *Ibid.*, para 14.

¹⁴⁷⁶ *Ibid.*, para 16.

¹⁴⁷⁷ *Ibid.*, para 16.

¹⁴⁷⁸ U.S. Embassy- Kinshasa, *reporting, February 23, 2011*, para 3.a, 4.e, 5.f.

¹⁴⁷⁹ World Bank, *Project Appraisal Document*, 11, 14, 62.

¹⁴⁸⁰ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, para 321-322.

¹⁴⁸¹ U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 15.

¹⁴⁸² U.S. Department of State, “Congo, Democratic Republic of the,” in *Trafficking in Persons Report- 2011*, Washington, DC, June 23, 2011, 132; available from <http://www.state.gov/documents/organization/164453.pdf>. See also U.S. Embassy- Kinshasa, *reporting, February 23, 2011*, para 4.f.

¹⁴⁸³ World Bank, *Project Appraisal Document*, 10-11.

¹⁴⁸⁴ World Bank, *International Development Association Country Assistance Strategy for the Democratic Republic of the Congo for the Period FY 07-FY 11*, November 16, 2007, 13, 18; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/11/30/000020439_20071130135944/Rendered/PDF/414740ZR.pdf. See also International Monetary Fund, *Democratic Republic of the Congo: Poverty Reduction Strategy Paper- Progress Report*, Washington, DC, October 2010, 39; available from <http://www.imf.org/external/pubs/ft/scr/2010/cr10328.pdf>. See also U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 18.

¹⁴⁸⁵ MDRP, *MDRP fact sheet: Democratic Republic of Congo*, March 2009; available from http://www.mdrp.org/PDFs/MDRP_DRC_FS_0309.pdf. See also U.S. Embassy-Kinshasa, *reporting, January 27, 2011*, para 19. See also UNICEF, *DRC: Government of Japan grants US\$6.68 million to support Child-Friendly Environment through Community Participation in Provinces of Equateur, Kasai Oriental and Kasai Occidental*, [online] [cited January 7, 2011]; available from http://www.unicef.org/infobycountry/media_53523.html. See also UNICEF, “Forced recruitment of child soldiers in DRC,” *unicef.org*, [online], February 12, 2010 [cited January 7, 2011]; available from http://www.unicef.org/infobycountry/media_52762.html?q=printme.

¹⁴⁸⁶ U.S. Department of State, *USG TIP Projects with Funds Obligated in FY 2009*, [online] [cited January 13, 2010]; available from <http://www.state.gov/documents/organization/137460.pdf>.

¹⁴⁸⁷ U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 19.

¹⁴⁸⁸ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Democratic Republic of the Congo*, CRC/C/CO/2, Geneva, February 10, 2009, para 68, 72; available from <http://tb.ohchr.org/default.aspx>. See also ILO Committee of Experts, *Individual Observation C182: Democratic Republic of the Congo (2009)*.

¹⁴⁸⁹ UN Security Council, *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, para 90. See also Coalition to Stop the Use of Child Soldiers, *Democratic Republic of the Congo: Priorities for Children Associated with Armed Forces and Groups*, London, July 2007, 6-7; available from http://www.child-soldiers.org/Priorities_for_Child_Soldiers_in_DRC_-_briefing_to_UN_August_2007.pdf.

¹⁴⁹⁰ Coalition to Stop the Use of Child Soldiers, *Priorities for Children Associated with Armed Forces and Groups*, 13. See also UN Security Council, *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, para 105.

¹⁴⁹¹ Save the Children and Solidarity Center, *Combating Exploitative Child Labor through Education in the Democratic Republic of the Congo (REETE)*, 1, 4.

¹⁴⁹² U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 20.

¹⁴⁹³ Government of the Democratic Republic of the Congo, *Democratic Republic of the Congo Multiple Indicator Cluster Survey MICS - 2010: Preliminary Findings*, UNICEF, September 2010, 19, 24; available from http://www.childinfo.org/files/MICS-RDC_2010_Preliminary_Results_final_EN_imprime.pdf.

¹⁴⁹⁴ ILO-IPEC Geneva official, E-mail communication to USDOL official, April 20, 2011.

¹⁴⁹⁵ U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 12, 20.

¹⁴⁹⁶ U.S. Embassy- Kinshasa, *reporting, February 23, 2011*.

¹⁴⁹⁷ World Bank, *DRC Street Children Project*, [online] May 17, 2010 [cited January 5, 2011]; available from <http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P115318>. See also World Bank, *Project Appraisal Document*.

¹⁴⁹⁸ U.S. Embassy- Kinshasa, *reporting, February 23, 2011*, para 3.b. See also U.S. Department of State, "Trafficking in Persons Report- 2011: Congo, Democratic Republic of the," 131.

¹⁴⁹⁹ U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 21.

¹⁵⁰⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Democratic Republic of the Congo*, para 77.

Congo, Republic of

In June 2010, the President of the Republic of the Congo signed the Child Protection Code, which contains provisions that prohibit child trafficking. The Government also made progress in identifying child trafficking victims and removing them from the worst forms of child labor. However, children continue to be engaged in agriculture and domestic service. In addition, significant gaps remain in coordination and enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	27.0
Attending School	5-14 yrs.	87.8
Combining Work and School	10-14 yrs.	4.3



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Republic of the Congo are engaged in the worst forms of child labor,¹⁵⁰¹ particularly in agriculture and domestic service.¹⁵⁰² Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Children are also commonly employed as domestic servants. In urban areas, children from rural areas work as domestic servants for urban families with the expectation that proper education and care will be provided to them.¹⁵⁰³ Children who work in domestic service often work long hours and are vulnerable to physical and sexual abuse from their employers.

Many children work as market vendors in the urban centers of Brazzaville and Pointe Noire. These children endure long hours of hard work for little or no pay, exposure to physical dangers from vehicles and inclement weather and the risk of engaging in commercial sexual exploitation.¹⁵⁰⁴ Some of these children also beg on the streets.¹⁵⁰⁵

In the Republic of the Congo, children are engaged in stone breaking using dangerous tools and often carrying heavy loads.¹⁵⁰⁶ Children from the Baka ethnic group are also exploited as cheap labor, sometimes cutting grass with machetes, while children of predominantly Bantu ethnic groups are in school.¹⁵⁰⁷

Many children are trafficked to the Republic of the Congo from the neighboring countries of Benin, Cameroon, Democratic Republic of the Congo and Mali.¹⁵⁰⁸ Girls are trafficked internally from rural areas to the cities of Brazzaville and Point Noire. The majority of trafficked children are forced into prostitution.¹⁵⁰⁹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (Loi N° 45-75) sets the minimum age for employment and apprenticeships at 16 and the minimum age for hazardous work at 18.¹⁵¹⁰ The Ministry of Education can issue waivers allowing the employment of a child following consultation with a labor inspector and an examination of

the type of work.¹⁵¹¹ A list of hazardous work for children dates back to Order 2224 of 1953. However, such protections are not extended to children working on farms, on the street or in domestic service.¹⁵¹² ILO Convention 182 calls for periodic review and revision of the list of hazardous work for signatories. The Government of the Republic of the Congo submitted a document to ILO identifying hazardous forms of work prohibited to minors under ILO Convention 182 and 138 in 1999.¹⁵¹³ However, there is no evidence that this document has been given legal effect.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Though the 2002 Constitution, as amended in 2005, stipulates that free and compulsory education be provided until age 16, parents are compelled to buy school supplies and pay for private tutoring and transportation to and from school.¹⁵¹⁴ These expenses lead to children dropping out of school.

During the reporting year, the Government of the Republic of the Congo passed new legislation that gives indigenous Congolese children legal access to education and health services.¹⁵¹⁵ The law aims to counter these children’s marginalization

from the education system and their high levels of illiteracy.¹⁵¹⁶

The Labor Code prohibits forced or compulsory labor except in cases of military service, natural disasters and certain civic duties.¹⁵¹⁷ The minimum age of enlistment in the armed forces in the Republic of the Congo is 18.¹⁵¹⁸

The Penal Code prohibits prostitution and the procurement of a person for prostitution and establishes appropriate penalties if the act is committed with a minor.¹⁵¹⁹ The Penal Code and the Criminal Procedure and Evidence Act punish persons for any sexual abuse, defined as an attack committed with violence, coercion, threat or surprise. This includes rape and indecent exposure to a minor younger than age 15.¹⁵²⁰

The Child Protection Code, which includes provisions against child trafficking, prostitution, rape and other illegal activities, was signed into law by the President in June 2010.¹⁵²¹ The Child Protection Code also specifies a range of penalties high enough to serve as deterrent.¹⁵²² There is no law against trafficking, and there are no prescribed penalties for crimes of trafficking persons for sexual exploitation. However, there are penalties against the forcible or fraudulent abduction of persons younger than age 18, independent of trafficking.¹⁵²³

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of a coordinating mechanism to combat the worst forms of child labor. The Government, UNICEF, local NGOs, Muslim community leaders and local police created a country coordination committee, which reviews and improves communication strategies between various agencies involved in trafficking issues. The committee also monitors the implementation of the 2009-2010 National Action Plan on Trafficking.¹⁵²⁴ Law enforcement officers coordinate with the Ministry of Social Affairs to provide assistance when victims of child trafficking are identified.¹⁵²⁵

The Ministry of Labor (MOL) is responsible for enforcing the child labor laws and monitoring businesses in the formal sector, but most child labor occurs in the informal sector.¹⁵²⁶ MOL employs 17 full-time and 11 part-time inspectors, who inspect for all types of violations.¹⁵²⁷ While child labor complaints can be made to MOL officials, inspection efforts are generally limited to urban areas and large establishments.¹⁵²⁸ Most children, however, work in rural areas and in small informal establishments.¹⁵²⁹ Investigations of alleged child labor violations typically take three to seven months to complete. MOL did not report any violations of child labor laws during the reporting period.¹⁵³⁰ Although labor inspectors discovered nine child labor violations from 2006-2009 in the city of Pointe Noire, no prosecutions or fines resulted from these cases.¹⁵³¹

The *Direction Departementale des Affaires Sociales* under the Ministry of Social Affairs leads the implementation of the national anti-trafficking action plan of the Republic of the Congo.¹⁵³² During the reporting period, 13 child trafficking victims were removed from trafficking situations, provided with foster homes and given repatriation assistance to their home countries.¹⁵³³ Eight child trafficking criminal cases have been pending for over two years, and none have been resolved during that period.¹⁵³⁴

The Ministry of Justice and the National Police are responsible for the enforcement of criminal laws against child labor, forced labor, human trafficking, commercial sexual exploitation and the use of children in illicit activities.¹⁵³⁵ Aside from child trafficking, no statistics have been identified with respect to investigations, prosecutions or convictions of such crimes.

Government Policies on the Worst Forms of Child Labor

Although the Republic of the Congo has a 2009-2010 National Action Plan on Trafficking, research

found no evidence of a policy on other forms of child labor.¹⁵³⁶

The Government and UNDP developed core strategies to set national priorities for poverty reduction and attainment of the Millennium Development Goals in the Republic of the Congo but did not incorporate child labor as an issue.¹⁵³⁷ The Government and other stakeholders incorporated these core strategies into the United Nations Development Assistance Framework (UNDAF) 2009-2013 Country Plan of Action. The plan includes provisions for vulnerable populations, such as children with HIV/AIDS, child ex-combatants and children from ethnic populations.¹⁵³⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In partnership with international organizations and local NGOs, the Government provided care for at-risk children at the *Espace Jarrot* care facility. The United Nations Population Fund worked with the Ministry of Justice to support six free judicial clinics that train local organizations assisting trafficking victims.¹⁵³⁹ Through its partnership with UNICEF, the Ministry of Social Affairs participated in sensitization outreach, trained investigators to identify trafficking victims and refer them for appropriate legal and social services and provided its own social assistance.¹⁵⁴⁰ For fiscal year 2011, the Ministry of Social Affairs has line item budget funds to fight child trafficking for the first time.¹⁵⁴¹

The Government of the Republic of the Congo has some social protection programs designed to reduce the worst forms of child labor and protect vulnerable children. However, these programs are too limited to address the scope of child labor in the Republic of the Congo, particularly among children working in domestic service, street work and agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Republic of the Congo:

IN THE AREA OF LAWS AND REGULATIONS:

- Codify and publish the list of hazardous activities prohibited to children as presented to ILO in 1999.
- Revise the law to provide protections for all child laborers, including children working in domestic service, agriculture and other informal workplaces.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Ensure labor inspectors adequately monitor rural areas and small businesses for child labor.
- Consider shortening the length of the investigation process.
- In addition to child trafficking data, collect, analyze and report data on the enforcement of criminal laws against other worst forms of child labor.

IN THE AREA OF POLICIES:

- Assess the impact of the UNDAF 2009-2013 Country Plan of Action on reducing the worst forms of child labor and former child soldiers.

IN THE AREA OF PROGRAMS:

- Expand social protection programs for the prevention and elimination of exploitative child labor, especially for children working in street work, domestic service and agriculture and for increasing children's access to education.

¹⁵⁰¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁵⁰² U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵⁰³ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 3 (1)

¹⁵⁰⁴ *Ibid.*

¹⁵⁰⁵ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 4.

¹⁵⁰⁶ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 3 (1)

¹⁵⁰⁷ U.S. Department of State, “Republic of Congo,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118998.htm>. See

also UNICEF, *Education provides a way out for indigenous children in Republic of Congo*, [online] 2009 [cited February 25, 2010]; available from http://www.unicef.org/infobycountry/congo_51350.html?q=printme.

¹⁵⁰⁸ Integrated Regional Information Networks, “Congo: Child trafficking on the rise”, IRINnews.org, [online], May 21, 2007 [cited January 22, 2009]; available from <http://www.irinnews.org/report.aspx?ReportId=72268>.

¹⁵⁰⁹ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 1 (B) page 2. See also Integrated Regional Information Networks, “Child trafficking on the rise”.

¹⁵¹⁰ Government of the Republic of Congo, *Loi N° 45-75, Code du travail de la République populaire du Congo*, (1975), articles 11, 116; available from <http://www.droit-afrique.com/images/textes/Congo/Congo%20-%20Code%20du%20travail.pdf>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Initial reports of States parties due in 1999: Congo*, February 12, 2006, para 449; available from <http://tb.ohchr.org/default.aspx?country=cg>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002) Submitted: 2009*, February 25, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&docume>

nt=23494&chapter=9&query=Congo%40ref&highlight=&q
uerytype=bool&context=0.

¹⁵¹¹ Government of the Republic of Congo, *Loi no 45-75, Code du travail*, articles 11, 116.

¹⁵¹² U.S. Embassy- Brazzaville, *reporting, February 12, 2010*. See also International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in Congo: Report for the WTO General Council Review of the Trade Policies of Congo*, Geneva, 2006; available from <http://www.icftu.org/www/PDF/CongofinalE.pdf>.

¹⁵¹³ ILO Committee of Experts, *Individual Direct Request C182: Congo (2009)*.

¹⁵¹⁴ Government of the Republic of Congo, *Constitution de la Republique du Congo du 20 janvier 2002*, (January 20, 2002), article 37; available from http://www.droitsdelhomme-france.org/IMG/Constitution_de_la_Republique_du_Congo_du_20_janvier_2002.pdf. See also Right to Education Project, *National law and policies on fee or for free – Congo (Republic)*, 2008; available from <http://www.right-to-education.org/country-node/415/country-fee>. See also U.S. Department of State, “Republic of the Congo,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135948.htm>.

¹⁵¹⁵ UNICEF, *Congo: Law for indigenous populations welcome milestone*, Brazzaville, December 31, 2010; available from http://www.unicef.org/80/media/media_57330.html?q=printme. Article 37

¹⁵¹⁶ allAfrica.com, “Congo-Brazzaville: New Law to Protect Rights of Indigenous Peoples,” allAfrica.com, [online], January 7, 2011 [cited January, 2011]; available from <http://allafrica.com/stories/printable/201101070774.html>.

¹⁵¹⁷ Government of the Republic of Congo, *Loi no 45-75, Code du travail*, article 4. See also International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards*.

¹⁵¹⁸ U.S. Embassy- Brazzaville, *reporting, February 12, 2010*.

¹⁵¹⁹ Government of the Republic of Congo, *Penal Code*, articles 225-227; available from <http://www.protectionproject.org/main1.htm> [previously online, hard copy on file]. See also U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 4 (4)

¹⁵²⁰ Government of the Republic of Congo, *Penal Code (The Protection Project)*.

¹⁵²¹ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 4. (1)

¹⁵²² *Ibid.*, para 5.

¹⁵²³ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention*,

1999 (No. 182) Congo (ratification: 2002) Published: 2009, February 25, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11112&chapter=6&query=Congo%40ref&highlight=&qrytype=bool&context=0>. See also U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 4(A).

¹⁵²⁴ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵²⁵ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 7 (2)

¹⁵²⁶ *Ibid.* para 7

¹⁵²⁷ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵²⁸ U.S. Embassy- Brazzaville, *reporting, February 12, 2010*, para 12. See also U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 6 (2)

¹⁵²⁹ International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards*, section III, para 3. See also U.S. Department of State, “Country Reports- 2009: Republic of the Congo,” section 7d.

¹⁵³⁰ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 6.7.

¹⁵³¹ *Ibid.*, para 6.3.

¹⁵³² U.S. Embassy- Brazzaville, *reporting, March 3, 2011*, para 3b.

¹⁵³³ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 3.1.

¹⁵³⁴ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵³⁵ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 7.1.

¹⁵³⁶ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵³⁷ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, paras 8.2-8.5.

¹⁵³⁸ UNDP, *Assessment of Development Results Evaluation of UNDP Contribution Republic of Congo*, [online] 2008 [cited March 1, 2010]; available from http://www.undp.org/evaluation/documents/ADR/ADR_Reports/congo/CongoADR-English.pdf. See also UNDP, *Plan d'action fu programme de pays 2009-2013 entre le Gouvernement de la Republique du Congo et le Programme des Nations Unies pour le Developpement (PNUD)*, [online] 2008 [cited March 1, 2010]; available from http://www.cg.undp.org/downloads/CONGO_BRAZZA_CPD___2009_2013.doc.

¹⁵³⁹ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵⁴⁰ *Ibid.* See also U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 9.1.

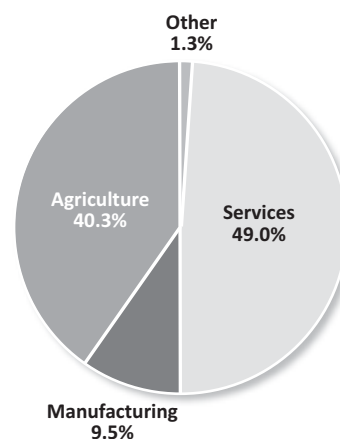
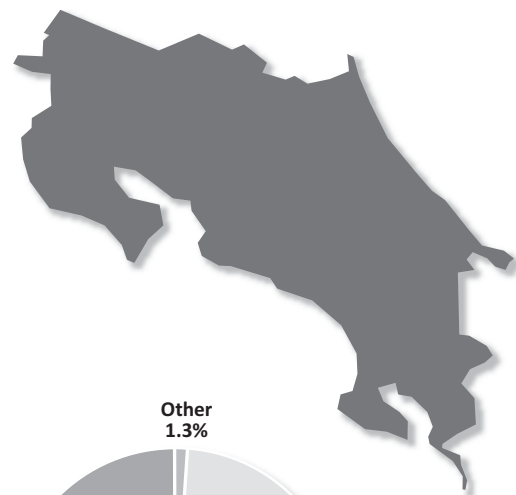
¹⁵⁴¹ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 9.6.

Costa Rica

During 2010, the Government of Costa Rica amended its *Childhood and Adolescence Code* to better protect adolescents from abuse in domestic service. The Government also continued to implement a cash transfer program conditioned on school attendance as well as education programs for children involved in or at risk of entering the worst forms of child labor. However, the worst forms of child labor in agriculture and the commercial sexual exploitation of children continue to exist. Gaps remain in legal protections and coverage of social programs to assist child laborers, especially in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	12-14 yrs.	5.7
Attending School	5-14 yrs.	91.2
Combining Work and School	12-14 yrs.	3.1



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Costa Rica,¹⁵⁴² including in agriculture and commercial sexual exploitation.¹⁵⁴³ Some reports indicate that the worst forms of child labor are used in the production of bananas, melons, oranges, palm oil, sugarcane and tomatoes.¹⁵⁴⁴ Children, particularly indigenous children who migrate with their families from Panama, work in coffee plantations during harvest seasons.¹⁵⁴⁵ Such work frequently involves using potentially dangerous machinery and tools, applying harmful pesticides and carrying heavy loads. Children also work in potentially dangerous construction activities and in street vending. Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.¹⁵⁴⁶ Children are also found in domestic service. These children are vulnerable to physical and sexual abuse.¹⁵⁴⁷

According to the Government's National Commission against Commercial Sexual Exploitation of Children, children in Costa Rica are victims of commercial sexual exploitation, including child sex tourism and child pornography. Child sex tourism is particularly a problem in the provinces of Guanacaste, Limon, Puntarenas and San Jose, as well as in border towns and port areas.¹⁵⁴⁸ Children are trafficked within the country for sexual exploitation and forced labor as domestic servants. Children are also trafficked to Costa Rica from neighboring countries for the purpose of forced labor in agriculture, fishing and domestic service.¹⁵⁴⁹ Attendance rates at secondary schools have been reported to be low, which may contribute to child labor.¹⁵⁵⁰

Laws and Regulations on the Worst Forms of Child Labor

The *Childhood and Adolescence Code* and *Labor Code* both contain provisions on child labor.

While the Childhood and Adolescence Code sets the minimum age for employment at 15, the Labor Code establishes 12 as the minimum age.¹⁵⁵¹ The Government has indicated that the Childhood and Adolescence Code has precedence over the Labor Code regarding children's issues and that the minimum age of 15 is the age enforced by labor authorities. Nonetheless, ILO has recommended that the minimum age provisions in the Labor Code should be consistent with those of the Childhood and Adolescence Code.¹⁵⁵² Education is free and compulsory through age 15.¹⁵⁵³

The Labor Code prohibits children younger than age 18 from working in certain occupations that are hazardous to their physical, mental or moral health, including working at night in mines, quarries and other dangerous places, such as bars and places where alcohol is sold. The Childhood and Adolescence Code identifies additional hazardous types of work prohibited for children younger than age 18, including work with machines, toxic substances and loud noises.¹⁵⁵⁴ A comprehensive list of hazardous occupations was approved in December 2010 and went into effect in May 2011, prohibiting children from hazardous or unhealthy occupations, such as working with chemicals or at sea.¹⁵⁵⁵ In June 2010, an amendment to the Childhood and Adolescence Code was enacted to better protect adolescents from abuse in domestic service. In particular, the amendment prohibits adolescents from sleeping in a place of employment and authorizes the inspection of the locations where adolescent domestic workers are employed, including private homes.¹⁵⁵⁶

The Constitution prohibits slave labor.¹⁵⁵⁷ The Penal Code sets the minimum age for prostitution at 18 and prohibits procuring a child for prostitution or benefiting economically from the crime. The Penal Code also prohibits the production and possession of child pornography.¹⁵⁵⁸ Costa Rica's Penal Code prohibits all forms of trafficking and provides for increased penalties for the trafficking of children.¹⁵⁵⁹

Institutional Mechanisms for Coordination and Enforcement

The Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA), within the Ministry of Labor, has the primary responsibility for coordinating the Government's policies and programs to combat child labor.¹⁵⁶⁰ The OATIA monitors the implementation of the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers. It also employs nine child labor specialists, provides technical assistance to Government ministries and designs social programs to combat child labor.¹⁵⁶¹ The National Commission against Human Trafficking is headed by the Ministry of Public Security and is composed of Government agencies and civil society organizations. It coordinates national training and policy efforts to combat trafficking in persons.¹⁵⁶²

The Ministry of Labor is responsible for investigating child labor violations, including hazardous and forced child labor, and enforcing child labor law. The Ministry currently employs 100 labor inspectors who have been trained in child labor issues and who investigate all types of labor violations, including those involving child labor.¹⁵⁶³ The number of labor inspectors decreased from 120 in 2009, which is likely to reduce the number of labor inspections conducted. However, research found no information on the total number of inspections conducted in the reporting period.¹⁵⁶⁴ Members of the public can register child labor complaints through the Ministry of Labor's website, and OATIA must investigate within 10 days of the complaint.¹⁵⁶⁵ From January to mid-November 2010, OATIA investigated and assisted 237 minors who were working primarily in agriculture, construction, domestic service and street vending.¹⁵⁶⁶ However, research found no information on the enforcement actions taken in cases in which hazardous child labor was found.¹⁵⁶⁷

The Sexual Crimes and Domestic Violence Unit of the prosecutor's office and the Judicial

Police (*Organismo de Investigación Judicial*, OIJ) investigate and prosecute crimes involving the commercial sexual exploitation of children. The Sex Crimes and Domestic Violence Unit pursued 11 cases of the worst forms of child labor (the types of crimes were not available) that resulted in four convictions.¹⁵⁶⁸ Three of those convictions resulted in the imprisonment of the offender.¹⁵⁶⁹ During the reporting period, OIJ investigators and prosecutors received anti-trafficking training on investigation and prosecution techniques.¹⁵⁷⁰

The public can report both commercial sexual exploitation and trafficking of children through the national emergency hotline.¹⁵⁷¹ The National Child Welfare Agency (*Patronato Nacional de la Infancia*, PANI) is responsible for preventing the commercial sexual exploitation of children and providing assistance to victims.¹⁵⁷² During the first six months of 2010, PANI assisted with 66 cases of commercial sexual exploitation of children.¹⁵⁷³

Government Policies on the Worst Forms of Child Labor

The Government continued to implement the National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers.¹⁵⁷⁴

The Government also has adopted the Roadmap towards the Elimination of Child Labor in Costa Rica, which was developed by OATIA in coordination with ILO-IPEC. The Roadmap sets specific objectives for government and civil society organizations. It integrates the issue of child labor into government priorities, including the elimination of poverty and the improvement of education, health and legal frameworks, as well as awareness raising, knowledge generation and monitoring campaigns.¹⁵⁷⁵ An Inter-institutional Protocol requires the Ministry of Labor, Ministry of Education, Social Welfare Institute, National Training Institute and their regional and local agencies to coordinate together and with the private sector to provide services to child laborers and children at risk.¹⁵⁷⁶

The Government has also adopted policies specifically aimed at combating child trafficking and the commercial sexual exploitation of children. The National Committee for the Eradication of Commercial Sexual Exploitation of Children (CONACOES) implemented the third National Plan to Eradicate Commercial Sexual Exploitation of Children (2008-2010). It aimed to raise awareness, increase institutional capacity to address risk factors in target regions and populations, develop mechanisms to guarantee victims' access to psychosocial services, and strengthen the judicial system to defend victims' rights.¹⁵⁷⁷ An ILO-IPEC review of the plan indicated that victim assistance still needed improvement.¹⁵⁷⁸ The Government has an agreement with the National Costa Rican Institute of Tourism (ICT) to combat child sex tourism. As part of the agreement, approximately 200 tourist companies have committed to a Code of Conduct against child sex tourism.¹⁵⁷⁹

The Government of Costa Rica has signed the UN Development Assistance Framework to reach its development objectives, which include strengthening public policies to combat child labor and its worst forms.¹⁵⁸⁰ The National Plan for Development incorporated child labor issues into its education strategy and within its poverty reduction strategies.¹⁵⁸¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government continued to implement the national conditional cash transfer program, "Let's Get Ahead" (*Avancemos*), which encourages low-income families to keep their children in school and out of exploitative work.¹⁵⁸² The *Avancemos* program is implemented by the Social Welfare Institute (*Instituto Mixto de Ayuda Social*) on the regional level.¹⁵⁸³ As of October 2010, the program had enrolled more than 185,000 beneficiaries, which was an increase from the previous year's 165,000 beneficiaries.¹⁵⁸⁴ Funding for the program in 2010 was approximately \$81 million.¹⁵⁸⁵

The Ministry of Education continued to implement programs that assist in the education of working adolescents. The “Open Classroom” (*Aula Abierta*) program has assisted over 5,000 adolescent students with primary school studies and the “New Opportunities for Youth” (*Nuevas Oportunidades para Jóvenes*) program has provided over 23,000 secondary school students with tutoring twice a week.¹⁵⁸⁶

OATIA implements projects throughout the country aimed at eliminating child labor by improving living and working conditions among indigenous and migrant groups involved in agriculture, as well as providing educational services to working and at-risk children and adolescents.¹⁵⁸⁷ OATIA supported projects to prevent child labor and protect adolescent workers in some urban markets.¹⁵⁸⁸ However, the number

of OATIA personnel dedicated to overseeing these initiatives declined from 12 to 9 between 2005 and 2010.¹⁵⁸⁹

The Government also operates some programs specifically targeted against trafficking and the commercial sexual exploitation of children. For example, the Government supports public awareness campaigns aimed at fighting trafficking in persons.¹⁵⁹⁰ In addition, CONACOES, in conjunction with NGOs, has implemented pilot projects in 6 communities to prevent and assist child victims of commercial sexual exploitation.¹⁵⁹¹

Although the Government of Costa Rica has implemented programs to address child labor and trafficking, efforts do not appear to be sufficient to address the extent of the worst forms of child labor in urban informal work and child sex tourism.¹⁵⁹²

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Costa Rica:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age provisions in the Labor Code from 12 to 15, ensuring consistency with provisions in the Child and Adolescence Code.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors at least to the level prior to 2010.
- Make publicly available the number of inspections carried out which identified worst forms of child labor and sanctions/penalties imposed as a result.

IN THE AREA OF POLICIES:

- Pursue policies to improve assistance to child victims of commercial sexual exploitation.

IN THE AREA OF PROGRAMS:

- Expand programs to reach more child laborers and children at risk of urban informal work and commercial sexual exploitation.
- Make improvements in secondary education to increase attendance and deter child labor.
- Increase the number of personnel in the Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) dedicated to implementing and monitoring programs to address the worst forms of child labor.

¹⁵⁴² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011*. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹⁵⁴³ U.S. Embassy- San Jose, reporting, February 1, 2010. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 2006, 68; available from <http://www.oit.org.pe/ipecc/documentos/panama.pdf>. See also U.S. Department of State, "Costa Rica (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

¹⁵⁴⁴ U.S. Embassy- San Jose, reporting, February 1, 2010. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 68. See also Fabiola Bernal Acevedo and Adriana Figueroa Gómez, *Serie Investigaciones Aplicados: El Trabajo infantil: Sus causas y efectos en comunidades de Nicaragua y Costa Rica*, 2006, 28-29.

¹⁵⁴⁵ ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 68. See also Rocío Loría Bolaños, *Los entrecruces del origen y el destino en la subordinación de la mujer ngobe migrante*, Universidad de Costa Rica, San José, October 15, 2010. See also Timo Partanen Rocío Loría Bolaños, Milena Berrocal, Benjamín Álvarez, and Leonel Córdoba, "Determinants of Health in Seasonal Migrants: Coffee Harvesters in Los Santos, Costa Rica," *International Journal of Occupational and Environmental Health* 14, no. 2 (2008); available from <http://www.ijoh.com/index.php/ijoh/article/view/659>. See also Fabiola Bernal Acevedo and Adriana Figueroa Gómez, *Serie Investigaciones Aplicados: El Trabajo infantil: Sus causas y efectos en comunidades de Nicaragua y Costa Rica*, 29.

¹⁵⁴⁶ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Costa Rica (ratification: 1976) Published: 2008*, February 28, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.S. Embassy- San Jose, reporting, December 10, 2010.

¹⁵⁴⁷ U.S. Embassy- San Jose, reporting, December 10, 2010.

¹⁵⁴⁸ Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*, 2007, 6-8, 18; available from http://white.oit.org.pe/ipecc/documentos/plan_nac_

[esc_costa_rica.pdf](#). See also USAID, *Child Sex Tourism Assessment*, 2006, 12. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Costa Rica (ratification: 2001) Submitted: 2009*, February 28, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

¹⁵⁴⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Costa Rica." See also U.S. Department of State, "Costa Rica," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136107.htm>.

¹⁵⁵⁰ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Costa Rica (ratification: 1976) Published: 2009*, February 28, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

¹⁵⁵¹ Government of Costa Rica, *Código de la Niñez y la Adolescencia*, (1998), article 92; available from <http://www.protegiendoles.org/documentacion/articulo23.pdf>. See also Government of Costa Rica, *Código de Trabajo*, Ley No. 2, (1943), article 87; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44102/65002/s95cri02.htm#t2c7>

¹⁵⁵² Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 92 and transitorio VI. See also Government of Costa Rica, *Código de Trabajo*, article 89. See also ILO Committee of Experts, *Individual Observation No. 138: Costa Rica (Published: 2009)*. See also U.S. Embassy- San José official, E-mail communication to USDOL official, July 5, 2011.

¹⁵⁵³ UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed February 28, 2011; available from <http://stats.uis.unesco.org/>.

¹⁵⁵⁴ Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 94. See also Government of Costa Rica, *Código de Trabajo*, article 88.

¹⁵⁵⁵ PROHIBICIÓN DEL TRABAJO PELIGROSO E INSALUBRE PARA PERSONAS ADOLESCENTES TRABAJADORAS (May 26,); available from <http://sise.co.cr/normativa/17-931.htm>. See also La Nación, «Breves País: Protección laboral a los menores,» (2010); available from <http://www.nacion.com/2010-12-21/ElPais/NotasSecundarias/ElPais2628551.aspx>. See also «Over 100,000 Children Work in Costa Rica,» *Insidecostarica* (2011); available from <http://www.insidecostarica.com/dailynews/2011/june/26/costarica11062607.htm>. See also U.S. Embassy- San José official.

¹⁵⁵⁶ *Reforma Código de la Niñez y la Adolescencia, Ley N° 7739, de 6 de enero de 1998*, (June 28, 2010); available from http://www.pgr.go.cr/scij/Busqueda/Normativa/Normas/nrm_repartidor.asp?param1=NRTC&nValor1=1&nValor2=68461&nValor3=81710&strTipM=TC. See also U.S. Embassy- San Jose, reporting, December 10, 2010.

- ¹⁵⁵⁷ Government of Costa Rica, *Constitución Política*, (1949), articles 20 and 56; available from <http://www.cesdepu.com/nbdp/copol2.htm>.
- ¹⁵⁵⁸ Government of Costa Rica, *Código Penal de Costa Rica*, (1970), articles 160, 171, 173; available from <http://ministeriopublico.poder-judicial.go.cr/coop-intern/normativa%20nacional/general/02.pdf>.
- ¹⁵⁵⁹ *Ibid.*, article 172.
- ¹⁵⁶⁰ Esmirna Sánchez Vargas, *La Oficina de Trabajo Infantil y Adolescente en Costa Rica*, [May 26, 2010]; available from <http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=813>. See also U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁶¹ Sánchez Vargas, *La Oficina de Trabajo Infantil y Adolescente en Costa Rica*.
- ¹⁵⁶² U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 6.
- ¹⁵⁶³ U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, February 1, 2010. See also U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 7d. See also U.S. Embassy- San Jose, reporting, January 29, 2009.
- ¹⁵⁶⁴ U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, February 1, 2010.
- ¹⁵⁶⁵ U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, February 1, 2010.
- ¹⁵⁶⁶ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁶⁷ *Ibid.* See also U.S. Embassy- San Jose official, E-mail communication to USDOL official, September 23, 2010. See also U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁶⁸ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁶⁹ *Ibid.*
- ¹⁵⁷⁰ *Ibid.*
- ¹⁵⁷¹ U.S. Embassy- San Jose, reporting, February 1, 2010.
- ¹⁵⁷² U.S. Department of State, “Country Reports- 2009: Costa Rica,” section 6.
- ¹⁵⁷³ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁷⁴ U.S. Embassy- San Jose, reporting, February 1, 2010. See also Government of Costa Rica, *Segundo Plan Nacional de Acción para la Prevención, Erradicación del Trabajo Infantil y Para la Protección Especial de las Personas Adolescentes Trabajadoras, reformulado 2008-2010*, San José; available from http://white.oit.org.pe/ipec/documentos/ii_plan_nacional_costa_rica_reformulado_2008_2010.pdf.
- ¹⁵⁷⁵ ILO-IPEC, *Hoja de Ruta para hacer de Costa Rica un país libre de trabajo infantil y sus peores formas*, 2009, 9; available from <http://white.oit.org.pe/ipec/pagina.php?pagina=337>.
- ¹⁵⁷⁶ U.S. Embassy - San Jose official, E-mail communication to USDOL official, July 19, 2010. See also U.S. Embassy- San Jose official, E-mail communication to USDOL official, August 10, 2010.
- ¹⁵⁷⁷ Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*.
- ¹⁵⁷⁸ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁷⁹ Alonso Mata B., “Canatur e ICT firman convenio para combatir explotación sexual de menores,” *La Nación*, no. February 12, (2009); available from http://www.nacion.com/ln_ee/2009/diciembre/02/pais2180532.html.
- ¹⁵⁸⁰ U.S. Embassy- San Jose, reporting, February 1, 2010. See also United Nations Development Group, *Marco de Asistencia para el Desarrollo 2007, 22*; available from <http://www.undg.org/docs/7995/Costa%20Rica%20UNDAF.pdf>.
- ¹⁵⁸¹ Government of Costa Rica, *Plan Nacional de Desarrollo 2006-2010*, 2006; available from <http://documentos.mideplan.go.cr:8080/alfresco/d/d/workspace/SpacesStore/fb320421-a091-46b6-a41a-785992bd932d/PND-2006-2010-sector-educativo-31052010.pdf>.
- ¹⁵⁸² U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, January 29, 2009. See also Government of Costa Rica, *Programa Avancemos*, [[cited June 24, 2011]; available from http://www.imas.go.cr/prog_soc/beneficios_ind/ps-avancemos.html.
- ¹⁵⁸³ U.S. Embassy- San Jose, reporting, December 10, 2010. See also Government of Costa Rica, *Programa Avancemos*.
- ¹⁵⁸⁴ U.S. Embassy- San Jose, reporting, December 10, 2010. See also U.S. Embassy- San Jose, reporting, February 1, 2010. See also Government of Costa Rica, *Programa Avancemos*.
- ¹⁵⁸⁵ U.S. Embassy- San Jose, reporting, December 10, 2010. See also Government of Costa Rica, *Programa Avancemos*.
- ¹⁵⁸⁶ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁸⁷ *Ibid.* See also U.S. Embassy- San Jose, reporting, February 1, 2010. See also ILO, *Verification Report on the Implementation of the White Paper Recommendations, Period: February 2009-July 2009*, San José, 2009, 19.
- ¹⁵⁸⁸ U.S. Embassy- San Jose, reporting, December 10, 2010.
- ¹⁵⁸⁹ *Ibid.* See also U.S. Embassy- San Jose, reporting, February 1, 2010. See also ILO, *Verification Report on the Implementation of the White Paper Recommendations*, 19.
- ¹⁵⁹⁰ U.S. Embassy- San Jose, reporting, February 1, 2010.
- ¹⁵⁹¹ U.S. Department of State, “Country Reports- 2009: Costa Rica.”
- ¹⁵⁹² *Ibid.* See also U.S. Embassy- San Jose, reporting, February 1, 2010.

Côte d'Ivoire

The Government of Côte d'Ivoire strengthened its laws and policies to combat the worst forms of child labor, including by adopting the Trafficking and Worst Forms of Child Labor Law and signing the Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol. However, by November 2010, a political crisis that resulted in violence across the country negatively impacted efforts to reduce the worst forms of child labor. Social programs remain too limited to assist all children engaged in the worst forms of child labor. Children continue to engage in dangerous work, including in agriculture and specifically on cocoa farms, sometimes under conditions of forced labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.8
Attending School	5-14 yrs.	53.6
Combining Work and School	7-14 yrs.	24.3



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Côte d'Ivoire are engaged in the worst forms of child labor,¹⁵⁹³ many of them in agriculture and particularly in the production of cocoa.¹⁵⁹⁴ Children also labor in the production of grains, vegetables and coffee and reportedly work in bananas, cotton, palm, papaya, pineapples, rice and rubber farming.¹⁵⁹⁵ Children's work in agriculture in Côte d'Ivoire involves harmful activities such as using dangerous tools and carrying heavy loads.¹⁵⁹⁶ In the cocoa sector alone, 50.6 percent, or an estimated 414,778 children, report injuries from "hazardous activities" according to a report by Tulane University.¹⁵⁹⁷

Ivorian girls, from as young as age 8, work as domestic servants, which often requires working 12 to 14 hours per day. Some of these girls are subject to mistreatment, including beatings and sexual abuse.¹⁵⁹⁸ In urban centers, especially

Abidjan, children are employed as street vendors and porters and risk injury from carrying too heavy loads and from vehicle accidents.¹⁵⁹⁹

Children work long hours in mining, particularly gold mining. Children, often under age 10, transport heavy buckets of extracted material for washing.¹⁶⁰⁰ Boys also work in pits, hoisting up material. Mining children have wounds and scars from their work on their legs and arms, and their hands are damaged by the chemicals used to wash extracted material in order to find gold.¹⁶⁰¹

Trafficking of children within Côte d'Ivoire's borders is a problem; according to a Government study in Côte d'Ivoire, 82 percent of trafficking victims are children trafficked internally.¹⁶⁰² Boys are trafficked for agricultural labor (e.g., on cocoa plantations) and to work in the service sector.¹⁶⁰³ Children, often girls between ages 9 and 15, are trafficked to the south (especially Abidjan) to work as domestic servants.¹⁶⁰⁴ Girls are also lured into

commercial sexual exploitation with promises of work in bars and restaurants. Many of these girls are ages 15 to 16, but some are as young as age 10.¹⁶⁰⁵





Children from neighboring countries are also trafficked into Côte d’Ivoire. In particular, boys are trafficked to Côte d’Ivoire from Ghana, Mali and Burkina Faso for agricultural labor. They are brought from those countries and from Guinea for labor in the mining sector and from Benin for work in construction.¹⁶⁰⁶ Girls from Ghana, Togo, Benin and Nigeria are trafficked to Côte d’Ivoire for domestic labor, street vending and commercial sexual exploitation.¹⁶⁰⁷

During the reporting period, Côte d’Ivoire experienced a serious political crisis that included violence by armed forces, leading to at least 3,000 deaths.¹⁶⁰⁸ According to a report of the United Nations Human Rights Council, children were forced to work as soldiers by both militias and armed groups throughout this period.¹⁶⁰⁹ Children were trained, armed and used to enforce road blocks, guard soldiers’ quarters and even engage in combat. Some were captured by armed forces and forced to serve as cooks and helpers.¹⁶¹⁰ Violence, including gunfire and mortar attacks in certain neighborhoods, also led to school closures, as did teacher boycotts in other areas.¹⁶¹¹ The crisis drove up food prices and forced an estimated 1 million people to flee their homes to escape the violence.¹⁶¹² These factors placed many children at new or greater risk of involvement in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of employment at 14.¹⁶¹³ Côte d’Ivoire’s Hazardous Labor List defines and prohibits hazardous activities for children under 18 working in agriculture, mining, transportation, commerce and artisanal. For example, in agriculture, this list includes applying chemicals and carrying heavy

loads; in mining, children are prohibited from crushing stone and working underground.¹⁶¹⁴ Ivorian law further defines hazardous child labor as any type of labor that endangers the health or development of the child and establishes penalties for those who subject a child to such work, including the child’s parents.¹⁶¹⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	No

Education is not compulsory by law and is not free.¹⁶¹⁶ The absence of any educational requirement undermines the fight against the worst forms of child labor. For some parents, paying for education is a barrier to sending their children to school.¹⁶¹⁷

The Ivorian Constitution prohibits forced labor and slavery.¹⁶¹⁸ The Trafficking and Worst Forms of Child Labor Law extends this prohibition to include debt bondage or servitude and the sale or trafficking of children. It calls for life imprisonment when trafficking or the worst forms of child labor results in the death of a child and introduces other strict penalties as well.¹⁶¹⁹ This law also prohibits all forms of prostitution, the use of children for illicit purposes and the

involvement of children in armed conflict.¹⁶²⁰ The minimum age for both voluntary and compulsory recruitment into the military is 18.¹⁶²¹

Institutional Mechanisms for Coordination and Enforcement

Three government entities are responsible for monitoring the worst forms of child labor and coordinating efforts to address the problem. In 2010, the Autonomous Agency for the Fight against Child Labor was created under the Ministry of Labor and Public Service to coordinate, monitor and plan actions to combat the worst forms of child labor.¹⁶²² The National Committee for the Fight against Trafficking and Child Exploitation led by the Ministry of Family and Social Affairs is also charged with coordinating and monitoring actions to protect children against economic and sexual exploitation, especially involving trafficking.¹⁶²³ Additionally, a national steering committee, which did not actually meet in 2010, is tasked with monitoring activities related to child labor.¹⁶²⁴ Research was unable to identify information about coordination between these government entities.

The Ministry of Labor is responsible for enforcing labor laws and employs approximately 200 labor inspectors for this purpose. Labor inspectors may conduct surprise inspections of any establishment and require medical examinations of children to ensure that their work does not exceed their physical capacity.¹⁶²⁵ Although the number of labor inspectors has been steadily increasing since 2006, a lack of sufficient funding and resources, such as vehicles and funding for fuel, limit their inspections mainly to formal sector enterprises.¹⁶²⁶ For example, no labor inspections are carried out in agriculture.¹⁶²⁷ The lack of inspections across all sectors where children work, especially in agriculture, translates into a lack of enforcement of the laws designed to protect children from the worst forms of child labor.

The Cocoa Child Labor Task Force (SSTE) reports directly to the prime minister's office and

is responsible for coordinating efforts to combat the worst forms of child labor in the cocoa sector related to the Harkin-Engel Protocol.¹⁶²⁸ But, the SSTE has not implemented all agreements related to this protocol, including establishing a transparent child labor monitoring and certification system for the cocoa-growing region by the end of 2010.¹⁶²⁹

Research suggests a lack of information sharing and coordination between the SSTE and the Ministry of Labor, which hampers their effectiveness in combating the worst forms of child labor.¹⁶³⁰

The Ministry of Interior's national police has an anti-trafficking unit with five police officers and two social workers, which investigates cases of child trafficking.¹⁶³¹ Statistics, however, are not systematically collected on the number of children rescued, offenders prosecuted or sentences issued for trafficking or for any of the worst forms of child labor. This lack of data collection makes it impossible to assess efforts to combat the worst forms of child labor and hinders efforts by the Government to deploy its resources effectively.¹⁶³²

Government Policies on the Worst Forms of Child Labor

In 2007, Côte d'Ivoire adopted the National Action Plan on Child Labor and Trafficking. Its objectives include supporting research, developing strategies to rescue children from the worst forms of child labor and putting in place a system to monitor child labor levels.¹⁶³³ The plan calls for reducing the worst forms of child labor by 50 percent in 3 years and strengthening and expanding the Government's Child Labor Monitoring System.¹⁶³⁴ The target of reducing the worst forms of child labor by 50 percent was not actually achieved and according to a report on Government activities in the cocoa sector, activities under the Plan need to be expanded and funding increased for it to effectively reach vulnerable children throughout the country.¹⁶³⁵

The Ministry of Agriculture also maintains a permanent program called Combating the Worst Forms of Child Labor in Agriculture, which conducts awareness-raising campaigns and supports research on child labor in agriculture.¹⁶³⁶

The Ministry of Family, Women and Social Affairs, which has within its responsibilities a focus on protecting children against trafficking and exploitation, developed a National Action Plan for the Child (2008–2012). This plan calls for training of officials on child labor related issues and more access to education for children.¹⁶³⁷ In 2010, the ministry also signed an order to strengthen the role that child protection committees play in keeping children from exploitation at local levels.¹⁶³⁸

Child labor concerns have been integrated in the following national development agendas and policy documents: Poverty Reduction Strategy Paper (2009–2012), United Nations Development Assistance Framework (2009–2013), Decent Work Program (2008–2013) and National Education Development Plan (1998–2010).¹⁶³⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since July 2009, the Government has been implementing its “Self Help Village” initiative to combat child labor in the cocoa sector by building schools and introducing child labor monitoring systems.¹⁶⁴⁰ This project continued in 2010, but the extent of its progress is unknown given the political crisis. Similarly, although the Government of Côte d’Ivoire participated in donor-funded programs during the reporting period, most efforts were suspended or curtailed because of the crisis in November and December.

The Government of Côte d’Ivoire participated in a 4-year, \$7.95 million regional project funded by USDOL in 2009. In Côte d’Ivoire, the project reduces the worst forms of child labor in domestic service and commercial agriculture (cocoa and coffee) and supports efforts to improve relevant national action plans.¹⁶⁴¹ In 2010, USDOL

augmented funding for this project by \$5 million to permit it to bolster livelihood services for the families of children rescued from the worst forms of child labor, among other activities.¹⁶⁴²

The Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES) Project (2007–2011), funded by the World Cocoa Foundation and the cocoa industry, provided vocational agriculture education to school-age children and income-generating support to selected families during the reporting period. The 4-year, Phase II (2007–2011) Sustainable Tree Crops Program (STCP), funded by the same two partners plus USAID, raised awareness about preventing hazardous child labor.¹⁶⁴³ STCP has been operating in 15 districts, working with 20 cocoa cooperatives in the eastern region of Côte d’Ivoire.¹⁶⁴⁴

The International Cocoa Initiative rehabilitated schools in 70 communities, supported the assignment of new teachers in 18 communities and conducted awareness raising on child labor and trafficking.¹⁶⁴⁵

During the reporting period, the Government participated in a 4.5-year, USDOL-funded project, implemented by Tulane University, that involved oversight of the efforts of the international cocoa industry and the Governments of Côte d’Ivoire and Ghana to implement the Harkin-Engel Protocol.¹⁶⁴⁶ Tulane University’s research from 2009 indicated that only a small percentage of children working in the cocoa sector had benefitted from any interventions.¹⁶⁴⁷ Moreover, less than 3 percent of cocoa-growing communities have received remediation services, which leaves an estimated 3,608 communities in need.¹⁶⁴⁸

Reaffirming their commitment to more effectively combat the worst forms of child labor in cocoa production, the Governments of Côte d’Ivoire and Ghana signed a Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol on September 13, 2010. Under

this declaration and its accompanying framework of action, the Government agreed to provide appropriate resources and coordinate with key stakeholders (including the international cocoa industry and USDOL) on efforts to reduce the worst forms of child labor in cocoa-producing areas.¹⁶⁴⁹

As part of the Declaration, USDOL committed \$10 million to a new 4-year, regional project to reduce the worst forms of child labor in cocoa-producing areas in Côte d'Ivoire and Ghana by providing direct services to communities and by rescuing more than 5,000 children.¹⁶⁵⁰

Under the framework of action, the Government of Côte d'Ivoire also agreed that child labor surveys in the cocoa region should be conducted every 5 years.¹⁶⁵¹

Work also continued with social partners to help the Government counter the worst forms of child labor in domestic service and street vending. For the first half of the reporting period, an NGO, called Kindermissionswerk, worked with the International Catholic Bureau for the Dignity and Rights of Children (BICE) to provide educational, psychological and legal services to children found in domestic labor or street vending.¹⁶⁵²

Although the Government of Côte d'Ivoire has some programs to help children on cocoa farms, it still needs to increase social programs in order to reach the remaining 3,608 cocoa-growing communities.¹⁶⁵³ The Government also lacks social programs to address the needs of children working on other types of farms and mines, children forced to beg and children who are engaged in commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Côte d'Ivoire:

IN THE AREA OF LAWS AND REGULATIONS:

- Make education compulsory and establish a minimum compulsory education age that is consistent with the minimum age for admission to work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to ensure inspections in sectors where the worst forms of child labor are most prevalent and enforce relevant laws.
- Train labor inspectors, law enforcement officers, prosecutors and judges to recognize exploited and trafficked children and to enforce laws to protect them.
- Take additional steps to improve coordination between the Ministry of Labor and SSTE and other relevant agencies responsible for agriculture, education, development, infrastructure, child exploitation, trafficking, social safety nets, employment and remediation.
- Systematically collect and make available data on incidences, prosecutions, sentences and referrals to remediation services for children rescued from the worst forms of child labor.
- Implement a transparent child labor monitoring and certification system for the cocoa-growing region, as developed under programs.

IN THE AREA OF POLICY:

- Provide sufficient funding and expand activities for effective implementation of national action plans to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Pilot and expand efforts to address the worst forms of child labor in forced begging, commercial sexual exploitation, domestic service and mining.
- Scale up and replicate successful projects throughout cocoa-growing regions, including by using the results of representative surveys of cocoa-growing areas conducted every 5 years to adjust the targeting of priority efforts.
- Expand and improve all programming related to the worst forms of child labor by:
 - Developing long-term sustainable child labor monitoring, certification and remediation models.
 - Augmenting social, education and livelihood programs; remediation activities; farmer training; and infrastructure improvements (e.g., welcome centers and schools).
 - Tracking project interventions and impact and making this information publicly available.
 - Replicate and expand throughout cocoa-growing areas successful projects to address exploitative child labor.

¹⁵⁹³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2006. Reliable data on the worst forms of child labor are especially

difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also Yacouba Diallo, *Les activités des enfants en Afrique subsaharienne*:

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¹⁶⁰⁰ ILO-IPEC, *La Traite des Enfants aux fins d'Exploitation de leur Travail dans les Mines d'Or D'Issia Cote d'Ivoire*, Geneva, 2005, 36-39; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=5178>.

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¹⁶⁰² Government of Cote d'Ivoire: Direction Generale du Travail, ILO-IPEC, and Institut National de la Statistique, *Enquete Nationale sur le Travail des Enfants*, 108.

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Croatia

The Government has implemented several social programs targeting disadvantaged groups, including Roma children and low income families. However, children, particularly from the Roma community, continue to be exploited in the worst forms of child labor, including agriculture and forced begging. Limited social programs targeting children engaged in relevant worst forms of child labor could be identified.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	-	Unavailable
Attending School	-	Unavailable
Combining Work and School	-	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






Children in Croatia are engaged in the worst forms of child labor,¹⁶⁵⁴ including in agriculture and forced begging.¹⁶⁵⁵ A majority of the child labor cases in agriculture reportedly involve Roma children.¹⁶⁵⁶ Children working in agriculture may be exposed to unsafe and unhealthy working conditions including long hours in extreme heat, inadequate access to water, nutrition, or sanitation, and exposure to harmful pesticides.

The practice of exploiting Roma children for the purpose of forced begging in Croatia persists.¹⁶⁵⁷ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents, and criminal elements.

Reports indicate that, although cases are extremely rare, Croatia is a destination, source, and transit country for children trafficked for the purpose of commercial sexual exploitation.¹⁶⁵⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act sets the minimum age for employment at 15. The Labor Act also sets out a

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

list of prohibited working conditions for children under age 18.¹⁶⁵⁹ These include working overtime, at night, and in any dangerous conditions that may be harmful to a child's physical and moral well-being. The Labor Act does not permit minors to work more than 40 hours per week.¹⁶⁶⁰

The Labor Act also authorizes labor inspectors to investigate minors' working conditions to determine whether or not they are in danger. If the inspector determines, after consultation with a physician, that the minor is endangered, the inspector may prohibit the minor from such employment.¹⁶⁶¹ The Labor Act calls for fines ranging from \$150 to \$18,000 dollars, depending on the gravity of the situation.¹⁶⁶²

In 2010, the Government of Croatia updated its Labor Act and passed legislative regulations that detail the types of hazardous work in which children are prohibited from engaging, as well as regulations detailing the types of employment and activities in which minors can participate.¹⁶⁶³

The Constitution prohibits forced labor.¹⁶⁶⁴ The Criminal Code prohibits parents and other responsible persons from forcing a minor to beg or to engage in unsuitable or excessive work.¹⁶⁶⁵ Trafficking in persons for the purpose of forced labor is forbidden under Article 175 of the Criminal Code. The Criminal Code also stipulates that entering into any kind of sexual act with a minor is considered an offense and is punishable with up to eight years imprisonment.¹⁶⁶⁶ Engaging a minor for the purpose of forced prostitution is prohibited. Violations to Article 178 (international prostitution) result in a stricter punishment if a child is involved; imprisonment can range from 1 to 10 years.¹⁶⁶⁷ During the reporting period, the Government finalized an amendment to the Criminal Code, which allows trafficking and international prostitution to be treated as the same criminal offense.¹⁶⁶⁸ Previously, trafficking and international prostitution were treated separately in Articles 175 and 178, respectively. Combining these offenses may increase the

number of trafficking cases identified, including cases of children trafficked for commercial sexual exploitation.¹⁶⁶⁹

According to the Defense Law of 2002, the minimum age for conscription into the military is 18.¹⁶⁷⁰ Education is free and compulsory for children up to age 15. Roma children nonetheless face serious socioeconomic barriers in continuing their education, including a lack of family support and discrimination in schools.¹⁶⁷¹

Institutional Mechanisms for Coordination and Enforcement

The Office of the Ombudsman for Children coordinates efforts to protect the rights and interests of children. The Ombudsman's duties include coordinating with the Ministry of the Economy, Labor and Entrepreneurship to ensure that the Government implements ILO Conventions 138 and 182.¹⁶⁷²

The State Labor Inspectorate, a separate government agency, enforces domestic child labor laws.¹⁶⁷³ The Inspectorate has 111 inspectors whose duties include inspection for illegal employment of minors. The Inspectorate performed 3,670 inspections in the first six months of 2010 and found violations of child labor laws involving four minors under age 17. In all cases, employers paid the fines for keeping minors in the workplace beyond the prescribed time limits.¹⁶⁷⁴

The Inspectorate provides information on child labor violations to the Office of the Ombudsman for Children. The Ombudsman then evaluates and forwards all cases of child labor violations to the State Prosecutor's Office for further investigation and prosecution.¹⁶⁷⁵

The National Committee for Combating Trafficking in Human Beings coordinates all domestic and international anti-trafficking activities. The head of the Office of Human Rights serves as the coordinator of the committee, which

includes representatives from the Ministry of Foreign Affairs, the Ministry of Justice, and the Ministry of Health and Social Welfare.¹⁶⁷⁶ In order to find solutions to more complex cases, the Government established an Operative Team for Combating Trafficking in Human Beings to complement the advisory role of the National Committee.¹⁶⁷⁷

The Ministry of Interior is responsible for enforcing criminal laws against child labor, trafficking in human beings for commercial sexual exploitation, and the use of children in illicit activities. The Ministry of Interior employs 230 field officers with training in juvenile matters, including special training and emphasis on the worst forms of child labor.¹⁶⁷⁸

The Government maintains two databases that track perpetrators and victims of trafficking. The databases allow for the identification of minors based on age.¹⁶⁷⁹ Minors involved in prostitution are not always automatically identified by the Government as victims of trafficking.¹⁶⁸⁰ For this reason, there were no reported cases of child trafficking in these databases.

Research conducted by a Croatian NGO revealed that the Government of Croatia did not consistently provide adequate protections for some trafficking victims who testified against their traffickers in previous years. According to researchers, reported victims were sometimes required to repeatedly testify during the trafficking trials.¹⁶⁸¹ In some cases, victims could also be named as defendants. The Government prosecuted two children for prostitution after failing to identify them as victims of trafficking.¹⁶⁸² Recent research indicates, however, that trafficking victims are not required to testify in court and are able to request to testify via video link.¹⁶⁸³ All of these requests have been granted in practice.¹⁶⁸⁴

Additionally, the Government initiated a pilot program to improve victim protection for witnesses in four courts in 2009.¹⁶⁸⁵ Research has

not revealed if the Government of Croatia has taken additional steps to protect child victims of trafficking called to testify against their traffickers.

Government Policies on the Worst Forms of Child Labor

The Government of Croatia has incorporated child labor issues into related policy frameworks. The National Plan for Suppressing Trafficking of Children is the Government's primary policy document with respect to child labor.¹⁶⁸⁶ The Government has also adopted a National Action Plan for the Rights and Interests of Children 2006-2012 to strengthen services provided to vulnerable children. One goal of this plan is to provide resources for the prevention of the worst forms of child labor, including resources for investigation of child labor and exploitation.¹⁶⁸⁷ The plan also aims to bring together a network of multilateral donor organizations and local NGOs to improve the well-being of children and help those who are victims of trafficking and the worst forms of child labor. The Council for Children acts as the coordinating body for all such activities.¹⁶⁸⁸

Social Programs to Eliminate or Prevent Worst Forms of Child Labor

The Government of Croatia continues to conduct several outreach campaigns to address forced begging in the Roma community by encouraging Roma children to attend school. The Office of National Minorities has a special program that aims to make the educational system in Croatia more inclusive of Roma children.¹⁶⁸⁹ The Government also continues to participate in the Decade of Roma Inclusion 2005-2015, a regional program that aims to improve the socioeconomic status and social inclusion of Roma.¹⁶⁹⁰

Additionally, the Government reimburses preschool and kindergarten fees for Roma children and distributes scholarships to Roma children in secondary and tertiary-level education. The number of scholarships given for both levels increased over the past year.¹⁶⁹¹

The Government participates in the Decade of Roma Inclusion 2005-2015, a regional intergovernmental initiative that includes a provision requiring participating countries to provide free basic primary education to all Roma children.¹⁶⁹² However, high dropout rates among Roma children persist and only 3.5 percent of Roma children graduate from secondary-level school, compared with 85 percent of the general student population.¹⁶⁹³ Roma children are therefore at an increased risk of involvement in the worst forms of child labor.

The Office of the Ombudsman for Children's Rights initiated a program that encourages all citizens to immediately report any children they see begging to the police.¹⁶⁹⁴ Beyond this initiative, there is little evidence that the Government has made efforts to provide direct services to children involved in forced begging or to offer programs to combat the worst forms of child labor in agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Croatia:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that children involved in prostitution are identified as potential victims of human trafficking.
- Ensure that child victims of trafficking participating in the prosecution of their traffickers are identified and given adequate protection.

IN THE AREA OF SOCIAL PROGRAMS:

- Develop and implement programs that provide direct services for minors, Roma children in particular, who are engaged in forced begging.
- Assess the scope and significance of the worst forms of child labor in agriculture and establish programs to assist children whose health and safety are at risk.

¹⁶⁵⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹⁶⁵⁵ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.

¹⁶⁵⁶ *Ibid.*

¹⁶⁵⁷ *Ibid.*

¹⁶⁵⁸ U.S. Department of State, "Croatia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia*,

Report for the WTO General Council Review of the Trade Policies of Croatia, Geneva, March 24-26, 2010; available from http://www.ituc-csi.org/IMG/pdf/CLC_Croatia.pdf.

¹⁶⁵⁹ Government of Croatia, *Labour Act, General Provisions*, 2009, articles 17 and 19; available from <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84016/93988/F806760027/HRV84016%20English.pdf>.

¹⁶⁶⁰ *Ibid.*, articles 19, 45, and 49.

¹⁶⁶¹ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.

¹⁶⁶² *Ibid.* See also Government of Croatia, *Labour Act, General Provisions*, articles 20 and 292-294.

¹⁶⁶³ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.

¹⁶⁶⁴ Government of Croatia, *Constitution of the Republic of Croatia*, July 6, 2010, article 23; available from <http://www.sabor.hr/Default.aspx?art=2405>.

¹⁶⁶⁵ Government of Croatia, *Criminal Code*, 2004, article 213; available from http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Criminal-Code.pdf.

- ¹⁶⁶⁶ Ibid., articles 175 and 192.
- ¹⁶⁶⁷ Ibid., article 178.
- ¹⁶⁶⁸ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.
- ¹⁶⁶⁹ International Centre for Migration Policy Development, *Trafficking in Human Beings in Croatia, An Assessment Focusing on Labor Exploitation*, September 2010; available from http://www.icmpd.org/fileadmin/IIMS-documents/Croatian_English_2010-09-29_Final_small.pdf.
- ¹⁶⁷⁰ Coalition to Stop the Use of Child Soldiers, "Croatia," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/croatia>.
- ¹⁶⁷¹ UNESCO, *Education for All Global Monitoring Report*, 2010; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>. See also Amnesty International USA, *The exclusion of Romani children from primary education in Bosnia and Herzegovina, Croatia and Slovenia*, [online] 2010 [cited May 6, 2011]; available from <http://www.amnestyusa.org/document.php?id=ENGEUR050032006&lang=e>. See also U.S. Embassy- Zagreb official, e-mail communication, May 18, 2011.
- ¹⁶⁷² Government of Croatia, *Summary Report About the Work of the Ombudsman for Children for 2006*, March 2007; available from [http://www.crin.org/docs/Sazetak%20izvjesca%20o%20radu%20za%202006\(Eng\).pdf](http://www.crin.org/docs/Sazetak%20izvjesca%20o%20radu%20za%202006(Eng).pdf). See also UNICEF, *Working Group Document on the Status of Children in Croatia*, 2008; available from http://www.unicef.org/videoaudio/PDFs/Croatia_WFFC5_Report.pdf. See also Government of Croatia, *The Law on the Ombudsman for Children*, 2003, article 2; available from http://www.crin.org/docs/FileManager/ombuds_law_croatia_2003.doc.
- ¹⁶⁷³ International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia, Report for the WTO General Council Review of the Trade Policies of Croatia*.
- ¹⁶⁷⁴ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.
- ¹⁶⁷⁵ U.S. Department of State, "Croatia," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136025.htm>.
- ¹⁶⁷⁶ Government of Croatia, *National Plan for Combating Trafficking in Human Beings for the period from 2009-2011*, prepared by National Committee for Combating Trafficking in Human Beings, 2009; available from <http://www.ljudskaprava-vladarh.hr/lgs.axd?t=16&id=1326>.
- ¹⁶⁷⁷ Ibid.
- ¹⁶⁷⁸ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.
- ¹⁶⁷⁹ U.S. Embassy- Zagreb, *reporting, February 19, 2010*.
- ¹⁶⁸⁰ U.S. Embassy- Zagreb, *reporting, February 16, 2011*.
- ¹⁶⁸¹ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.
- ¹⁶⁸² U.S. Embassy- Zagreb official, e-mail communication, May 18, 2011.
- ¹⁶⁸³ Ibid.
- ¹⁶⁸⁴ U.S. Embassy- Zagreb, *reporting, February 16, 2011*.
- ¹⁶⁸⁵ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.
- ¹⁶⁸⁶ Ibid.
- ¹⁶⁸⁷ UNICEF Executive Board UN Social and Economic Council, *Recommendation for funding from other resources without a recommendation for funding from regular resources: Croatia*, September 6-8, 2006; available from <http://www.unicef.org/about/execboard/files/06-PL59-Croatia.pdf>. See also Government of Croatia, *Summary Report About the Work of the Ombudsman for Children*.
- ¹⁶⁸⁸ UN Social and Economic Council, *Recommendation for funding from other resources without a recommendation for funding from regular resources: Croatia*.
- ¹⁶⁸⁹ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.
- ¹⁶⁹⁰ Ibid.
- ¹⁶⁹¹ U.S. Embassy- Zagreb official, e-mail communication, May 18, 2011.
- ¹⁶⁹² U.S. Embassy- Zagreb, *reporting, January 27, 2011*. See also Government of Croatia, "Primary Education 2005 - 2015" in *Ured za nacionalne manjine*, February 21, 2008; available from <http://www.vlada.hr/nacionalniprogramromi/content/blogcategory/21/51/lang.english/>.
- ¹⁶⁹³ International Trade Union Confederation, *Internationally Recognized Core Labor Standards in Croatia, Report for the WTO General Council Review of the Trade Policies of Croatia*.
- ¹⁶⁹⁴ U.S. Embassy- Zagreb, *reporting, January 27, 2011*.

Djibouti

The Government of Djibouti continued efforts to combat child trafficking. However, Djibouti lacks laws to protect children from exploitation in hazardous work and has not established a coordinating mechanism to address child labor. Children in Djibouti continue to engage in the worst forms of child labor, including domestic service and street work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	12.3*
Attending School	5-14 yrs.	67.4
Combining Work and School	7-14 yrs.	10.2

* Population of working children: 23,693



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Djibouti are engaged in the worst forms of child labor,¹⁶⁹⁵ including domestic service and street work.¹⁶⁹⁶ Child work in these sectors occurs predominantly in urban areas, where the majority of the Djiboutian population is concentrated.¹⁶⁹⁷ Child domestic labor may involve long hours of work and dangerous activities, often exposing children to physical and sexual exploitation by their employers.

Street children, including migrant children from neighboring countries, commonly engage in vending, shining shoes, begging and washing and guarding cars.¹⁶⁹⁸ Some children also work in prostitution and drug dealing, including glue, pills, marijuana and a legal drug, called *khat*.¹⁶⁹⁹ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.¹⁷⁰⁰

Rural children in Djibouti care for and herd livestock, which may expose them to injury or disease from contact with animals.¹⁷⁰¹

A small number of girls from poor Djiboutian families, refugees and voluntary Ethiopian and Somali migrants passing through Djibouti are trafficked into prostitution in Djibouti City and along trucking routes on the Ethiopia-Djibouti corridor. This trafficking is often carried out by older children or women who promise to give the victims jobs as housekeepers.¹⁷⁰² Girls may also be trafficked for domestic service.¹⁷⁰³

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (*Loi n°133/AN/05/5ème L, Republic of Djibouti 2006*) sets the minimum age for employment in Djibouti at 16 and the minimum age for night work at 18.¹⁷⁰⁴ The law limits the number of consecutive hours children younger than age 18 can work, mandating 12 consecutive hours of rest between shifts. However, the National Council of Work, Labor and Vocational Training is authorized to exempt a young person from the rest requirement or restrictions on night work.¹⁷⁰⁵ The Labor Code also prohibits children younger than age 18 from working in certain sectors, including domestic service, hotels and bars.¹⁷⁰⁶ However, Djiboutian

law does not define hazardous work or establish a minimum age for hazardous work. Additionally, the Government has not developed a list of hazardous occupations prohibited for children.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	16
	Free Public Education	Yes

The Labor Code prohibits forced and bonded labor.¹⁷⁰⁷ Djiboutian law proscribes the procurement of minors for prostitution or pornography and the use of minors in the transportation and sale of drugs.¹⁷⁰⁸

Loi n°210/AN/07/5ème L, Regarding the Fight Against Human Trafficking, prohibits all internal and transnational trafficking of persons younger than age 18.¹⁷⁰⁹

Djibouti has no compulsory military service, and the minimum age for voluntary recruitment is 18.¹⁷¹⁰

The Djiboutian Education System Act of 2000 ensures the right of compulsory basic education for children between ages 6 and 16.¹⁷¹¹

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Djibouti has established a coordinating mechanism to combat the worst forms of child labor.

The Labor Inspectorate, under the Ministry of Labor, is primarily responsible for enforcing child labor laws and regulations.¹⁷¹² Labor inspectors can sanction businesses that employ children illegally. Additionally, the Ministry of Health and the Ministry of Labor can require medical exams, as appropriate, to determine if work is beyond a young person's capabilities and can prohibit young people from being employed in other types of work deemed beyond their capabilities.¹⁷¹³ Based on the most recent data available, the Labor Inspectorate employs approximately one labor inspector and six controllers.¹⁷¹⁴

The Ministry of Justice and the Police Vice Squad (*Brigade des Moeurs*) are responsible for investigating criminal offences related to child labor, including forced labor, commercial sexual exploitation and prostitution.¹⁷¹⁵ The Police Vice Squad also works with the Ministry of Health to refer victims of child prostitution to service providers.¹⁷¹⁶

Research found no evidence that the Government releases public reports on inspections, prosecutions or convictions related to child labor.

Government Policies on the Worst Forms of Child Labor

Djibouti's Poverty Reduction Strategy prioritizes vulnerable children, including those living in poverty and on the streets. It aims to raise parents' livelihoods, thereby allowing children to allocate time to education rather than work.¹⁷¹⁷ Further, it

mandates the provision of legal and social safety nets for street children.¹⁷¹⁸ However, whether this policy has an impact on child labor does not appear to have been addressed.

The Government of Djibouti maintains a policy of offering free public education. However, associated expenses are often prohibitively high for poor families, contributing to low primary school attendance rates.¹⁷¹⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government participated in workshops to sensitize Djiboutian authorities about irregular migration flows.¹⁷²⁰ In early 2011, with funding from the Government of Japan, a Migration Response Center opened in Northern Djibouti to raise awareness about irregular migration, including human trafficking,

and develop programs, including those to aid victims of trafficking and unaccompanied minors.¹⁷²¹ The Government is also participating in a 20-month, \$280,000 program funded by the USDOJ to expand and strengthen the enforcement of anti-trafficking laws.¹⁷²² Though the Government of Djibouti has participated in programs to combat trafficking, research found no evidence of programs to assist children in other worst forms of child labor, such as domestic labor, street work, prostitution or illicit activity.

The Government also participates in the Urban Poverty Reduction Project, funded by the African Development Bank. The program aims to promote socioeconomic development in Djibouti's towns and cities, where over 80 percent of its population is concentrated, including the majority of child workers.¹⁷²³ The question of whether this program has an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Djibouti:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for hazardous work, and develop and publish a list of hazardous occupations.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Publically report on inspections, prosecutions and convictions related to child labor.

IN THE AREA OF POLICIES:

- Assess the impact that the Poverty Reduction Strategy has on child labor.
- Explore ways to fully and effectively implement free public education policy.

IN THE AREA OF PROGRAMS:

- Institute programs to assist children in domestic labor, street work, prostitution and illicit activities.
- Assess the impact the Urban Poverty Reduction Project may have on child labor.

¹⁶⁹⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹⁶⁹⁶ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 3. See also U.S. Department of State, "Djibouti," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154343.htm>.

¹⁶⁹⁷ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, paras 3, 5. See also World Bank, *International Development Association on a Country Assistance Strategy for the Republic of Djibouti*, Washington, DC, March 30, 2009; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/04/10/000334955_20090410051613/Rendered/PDF/472730CAS0GJ0P101Official0Use0Only1.pdf. See also African Development Bank, *Urban Poverty Reduction Project*, [online] 2010 [cited February 25, 2011]; available from <http://www.afdb.org/en/projects-operations/project-portfolio/project/p-dj-ie0-002/>.

¹⁶⁹⁸ eStandards Forum, *Country Brief- Djibouti*, [online] May 27, 2010 [cited February 25, 2011], 5; available from <http://www.estandardsforum.org/system/briefs/250/original/brief-Djibouti.pdf?1277490973>. See also U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 3.

¹⁶⁹⁹ Ilmi Awaleh Elabeh, Souraya Hassan Houssein, Olivier Belbeoch, and Georges Gonzales, *La Pauvreté et les Disparités chez les Enfants à Djibouti*, online, UNICEF and Ministère de la Promotion de la Femme du Bien-Être Familial et des Affaires Sociales, December 2009; available from http://www.unicef.org/infobycountry/files/Rapport_National_Djibouti_Pauvrete_des_Enfants.pdf. See also U.S. Department of State, «Djibouti,» in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 3. See also U.S. Department of State, "Country Reports- 2010: Djibouti," section 7d. See also Association Porte Ouverte- Open Door Association official, Interview with USDOL consultant, August 9, 2006.

¹⁷⁰⁰ Caritas Djibouti official, Interview with USDOL consultant, July 16, 2006.

¹⁷⁰¹ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 3.

¹⁷⁰² Association Porte Ouverte- Open Door Association official, Interview, August 9, 2006. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti."

¹⁷⁰³ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 3. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Djibouti."

¹⁷⁰⁴ Government of Djibouti, *Loi n°133/AN/05/5ème L portant Code du Travail*, (January 26, 2006), articles 5, 94; available from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126983.pdf.

¹⁷⁰⁵ *Ibid.*, articles 94, 96.

¹⁷⁰⁶ *Ibid.*, article 110.

¹⁷⁰⁷ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 4. See also Government of Djibouti, *Loi n°133/AN/05/5ème L*, article 2.

¹⁷⁰⁸ U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 4.

¹⁷⁰⁹ Government of Djibouti, *Loi n°210/AN/07/5ème L relative à la Lutte Contre le Trafic des Etres Humains*, (October 2, 2007), articles 1-6; available from <http://www.presidence.dj/jo/2007/loi210an07.php>.

¹⁷¹⁰ Coalition to Stop the Use of Child Soldiers, "Djibouti," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

¹⁷¹¹ Right to Education Project, *National law and policies on minimum ages - Djibouti*, [online] 2008 [cited February 16, 2011]; available from <http://www.right-to-education.org/country-node/423/country-minimum>.

¹⁷¹² U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 5.

¹⁷¹³ Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 70, 71, 110, 111, 112.

¹⁷¹⁴ 20 U.S. Embassy- Djibouti, *reporting, February 1, 2010*, para 5.

¹⁷¹⁵ *Ibid.*

¹⁷¹⁶ *Ibid.*, para 6.

¹⁷¹⁷ International Monetary Fund, *Djibouti: Poverty Reduction Strategy Paper*, Washington, DC, July 2009, 22 and 35; available from <http://www.imf.org/external/pubs/ft/scr/2009/cr09203.pdf>.

¹⁷¹⁸ *Ibid.*, 40.

¹⁷¹⁹ U.S. Department of State, “Country Reports- 2010: Djibouti,” section 6. See also International Monetary Fund, *Djibouti: Poverty Reduction Strategy Paper*, 17.

¹⁷²⁰ International Organization for Migration, *IOM Hosts Capacity Building Workshop in Djibouti on Irregular Migration*, Press Briefing, Djibouti, August 13, 2010; available from <http://iom.ch/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce;jsessionid=3E933637A2FFF3C3D0277C43EE35388E.worker01?entryId=28130>.

¹⁷²¹ International Organization for Migration, *Director General visits Djibouti Opens Migration Response Centre*,

Press Briefing, Djibouti, February 2, 2011; available from <http://iom.ch/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce;jsessionid=3E933637A2FFF3C3D0277C43EE35388E.worker01?entryId=28130>.

¹⁷²² U.S. Department of State, *Anti-Trafficking Projects Awarded During Fiscal Years 2009 and 2010*, Washington, DC, 2010; available from <http://www.state.gov/g/tip/rls/other/2010/149560.htm>.

¹⁷²³ African Development Bank, *Urban Poverty Reduction Project*.

Dominica

The Government of Dominica has several programs in place to encourage children to remain enrolled in school instead of leaving to enter the workforce. No information suggests that the worst forms of child labor are a problem in Dominica. However, gaps exist in the legal framework to protect children against the worst forms of child labor since the minimum ages for work and hazardous work fall below international standards.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor¹⁷²⁴

No information suggests that the worst forms of child labor are a problem in Dominica.¹⁷²⁵






Laws and Regulations on the Worst Forms of Child Labor

According to the Employment of Children (Prohibition) Act, the minimum age for employment is 12, but according to the Employment of Women, Young Persons and Children Act, it is age 14.¹⁷²⁶ The CEACR has urged the Government to raise the statutory minimum age to 15, in accordance with the provisions of ILO Convention 138.¹⁷²⁷ In addition, the minimum age for hazardous work is 14, which does not comply with international standards.¹⁷²⁸

The law prohibits forced labor.¹⁷²⁹

Dominica has no military force, and the minimum age for voluntary recruitment to the police force is 18.¹⁷³⁰

The Education Act establishes free and compulsory education through age 16.¹⁷³¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	12/14
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	16
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor is the main agency tasked with the responsibility of enforcing laws related to

child labor, while the Welfare Department of the Ministry of Community and Social Development is responsible for cases related to child abuse. Because there is no documented evidence of the existence of the worst forms of child labor in Dominica, there does not appear to be a need for a coordinating mechanism to address the worst forms of child labor.¹⁷³²

The Government of Dominica employs four labor inspectors who cover all labor rights, including child labor. The Ministry of Health's six inspectors may also inspect labor violations. Because there were no reported cases of child labor violations during the reporting period, no child labor investigations were conducted.¹⁷³³

Government Policies on the Worst Forms of Child Labor

Because no evidence of a problem exists, there appears to be no need for policies to address the

worst forms of child labor. The Government's Growth and Social Protection Strategy (2006–2011) has a goal of overall poverty reduction.¹⁷³⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Because no evidence of a problem exists, there appears to be no need for programs to address the worst forms of child labor. The Government operates programs to ensure that quality education is a viable alternative to work for all children. The Government also sponsors an Education Trust Fund to provide financial assistance to students in secondary school who would not otherwise be able to complete their education.¹⁷³⁵ The School Text Book Provision Scheme subsidizes the cost of textbooks for primary and secondary school students, and a school feeding program provides lunch to primary school students in targeted areas.¹⁷³⁶

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Dominica:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the statutory minimum age for employment to 15.
- Raise the minimum age for hazardous work to comply with international standards.

¹⁷²⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

¹⁷²⁵ U.S. Embassy- Bridgetown, reporting, January 28, 2011, para 2D.

¹⁷²⁶ Government of Dominica, Employment of Children (Prohibition) Act, L.I. 5 of 1939, (December 29, 1939), article 2; available from <http://www.dominica.gov.dm/laws/chapters/chap90-05.pdf>. See also Government of Dominica, Employment of Women, Young Persons and Children Act, L.I. 5 of 1938, (February 1, 1939), article 2; available from <http://www.dominica.gov.dm/laws/chapters/chap90-06.pdf>.

¹⁷²⁷ ILO Committee of Experts, Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Dominica (ratification: 1983) Published: 2010, March 2, 2011, para 1; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

¹⁷²⁸ U.S. Department of State, “Dominica,” in Country Reports on Human Rights Practices- 2010, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154502.htm>. See also ILO Committee of Experts, Individual Observation C138: Dominica (2010), para 3.

¹⁷²⁹ U.S. Department of State, “Country Reports- 2010: Dominica,” section 7c.

¹⁷³⁰ Coalition to Stop the Use of Child Labor, “Caribbean,” in Child Soldiers Global Report, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

¹⁷³¹ Government of Dominica, Education Act, No. 11 of 1997, (November 7, 1997), articles 2 and 16; available from <http://www.dominica.gov.dm/laws/1997/act11-1997.pdf>.

¹⁷³² U.S. Embassy- Bridgetown, reporting, January 28, 2011, sections 3C-1 and 3A-2. See also U.S. Embassy- Bridgetown, reporting, February 5, 2010, sections 2C-I: 1 and 2C-II: 1.

¹⁷³³ U.S. Embassy- Bridgetown, reporting, January 28, 2011, section 3D-6.

¹⁷³⁴ Government of Dominica, Medium-Term Growth and Social Protection Strategy, Roseau, Dominica, April 2006, 1; available from <http://www.imf.org/external/pubs/ft/scr/2006/cr06289.pdf>.

¹⁷³⁵ Government of Dominica, Education Trust Fund Act, 17 of 1981, (May 7, 1981), article 5; available from <http://www.dominica.gov.dm/laws/chapters/chap28-02.pdf>.

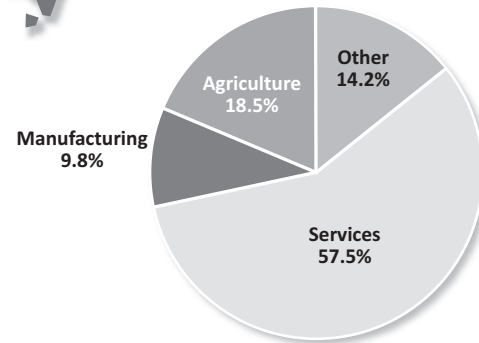
¹⁷³⁶ Government of Dominica, Economic and Social Review for Fiscal Year 2009/2010, July 2010, 55; available from <http://www.dominica.gov.dm/cms/index.php?q=node/1235>. See also Global Literacy Project, Overview: The Commonwealth of Dominica, [online] [cited March 2, 2011]; available from http://www.glpinc.org/Graphics/Project_Sites/Caribbean/Dominica/Dominica_Overview.htm.

Dominican Republic

The Dominican Republic's new Constitution bolsters protections against slavery, servitude and human trafficking. However, the worst forms of child labor in agriculture and the commercial sexual exploitation of children continue to exist. Undocumented children of Haitian descent are commonly found in the worst forms of child labor. Gaps in enforcement of child labor laws and insufficient social protection programs hinder efforts to eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.8
Attending School	5-14 yrs.	96.3
Combining Work and School	10-14 yrs.	5.4



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Dominican Republic are engaged in the worst forms of child labor¹⁷³⁷ in agriculture and commercial sexual exploitation.¹⁷³⁸ In rural areas, children work in agriculture in the production of coffee, rice, sugarcane, and tomatoes, and may be exposed to pesticides, sharp tools, dangerous machinery, heavy loads, and long working hours.¹⁷³⁹ Reportedly, children are subjected to the worst forms of child labor in the production of garlic and potatoes.¹⁷⁴⁰ Haitian children work in sugarcane plantations collecting cut cane or clearing land and risk injury from carrying heavy loads and using machetes and other dangerous tools as well as from the plants themselves.¹⁷⁴¹ Many Haitians and Dominican-born Haitians, including children, live in villages known as *bateyes* that have traditionally housed sugarcane workers and lack adequate housing, medical and other basic services.¹⁷⁴²

Haitian migration to the Dominican Republic is a long-standing phenomenon, and the January

2010 earthquake in Haiti prompted increased migration of Haitians, including children, to the Dominican Republic.¹⁷⁴³ Approximately 1 million undocumented immigrants live in the country and an estimated 13 percent of all children younger than age 15 in the Dominican Republic have no birth documents.¹⁷⁴⁴ Haitians or Dominicans of Haitian descent who lack legal documentation are especially vulnerable to exploitative or forced labor.¹⁷⁴⁵ Children also work as domestic servants in third-party homes. Approximately 3,000 Haitian child domestic workers are reported to be working in the Dominican Republic.¹⁷⁴⁶ Children, particularly Haitian children, are sometimes “adopted” by families who register them as their own in exchange for payment to the birthparents. These families then exploit the adopted children as domestic workers.¹⁷⁴⁷ Some child domestic workers are trapped in forced labor or indentured servitude, working long hours and sometimes exposed to physical or sexual abuse.¹⁷⁴⁸

Children in urban areas work in the streets vending, shining shoes and washing car windows. They are vulnerable to many dangers, including

severe weather, vehicle accidents, drug trafficking, and other criminal elements.¹⁷⁴⁹ Children engage in construction, which may entail carrying heavy loads and using dangerous tools.¹⁷⁵⁰ Children are reportedly subjected to the worst forms of child labor while mining for larimar, a blue rock often used for jewelry.¹⁷⁵¹

The commercial sexual exploitation of children occurs in tourist locations and major urban areas.¹⁷⁵² Intermediaries often recruit children they know into commercial sexual exploitation.¹⁷⁵³ The Dominican Republic is a source and destination country for trafficking of children, including for the purpose of commercial sexual exploitation.¹⁷⁵⁴ Children are also trafficked internally, including from rural to tourist areas.¹⁷⁵⁵ Some Haitian children who are trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture.¹⁷⁵⁶

Laws and Regulations on the Worst Forms of Child Labor

The legal minimum age for employment in the Dominican Republic is 14.¹⁷⁵⁷

Minors younger than age 18 are prohibited from dangerous work, such as work involving hazardous substances, heavy or dangerous machinery and heavy loads. Minors are also prohibited from selling alcohol, certain work at hotels, handling cadavers and various tasks involved in the production of sugarcane.¹⁷⁵⁸ The law makes exceptions for children older than age 16 in apprenticeships and job training.¹⁷⁵⁹ Special authorization is needed for minors to work in itinerant sales.¹⁷⁶⁰ Minors ages 14 to 16 are prohibited from working as messengers and delivering merchandise.¹⁷⁶¹ Children younger than age 16 cannot work at night or more than six consecutive hours.¹⁷⁶² However, the night work provision does not cover children ages 16 to 17. The law guarantees free primary education, and the compulsory school age is 14.¹⁷⁶³ However, in practice, associated school costs and a lack of identity documents prevent some children from attending.¹⁷⁶⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Forced labor is prohibited by law.¹⁷⁶⁵ The new Dominican Constitution, which went into effect on January 26, 2010, contains a specific prohibition on all forms of “slavery, servitude and human trafficking” and reaffirms the government’s responsibility to protect minors from exploitation.¹⁷⁶⁶

The previous constitution conferred Dominican nationality on all those born in the country except those born to a foreign diplomat or to foreign parents who were “in transit.” The 2004 Migration Law defines a person “in transit” as one who is not a legal resident.¹⁷⁶⁷ The new Constitution explicitly excludes from citizenship those born to foreign parents who are “in transit” or in the country illegally.¹⁷⁶⁸ As a result, many Dominican-born individuals whose Haitian parents and grandparents have lived and worked in the country for decades, particularly in the sugarcane industry, are not considered eligible for citizenship because their parents are categorized as “in transit.” They are excluded from enrolling in school past grade 8, which increases their vulnerability to labor exploitation.¹⁷⁶⁹

The Law Against Trafficking in Persons and Migrant Smuggling prohibits all forms of human trafficking.¹⁷⁷⁰ The Protection of the Fundamental Rights of Children and Adolescents Law prohibits compensation for the transfer of a child to someone else for the purposes of forced labor, commercial sexual exploitation, including prostitution and pornography, or other degrading activities.¹⁷⁷¹ The Technology Crime Law criminalizes the production, distribution or possession of child pornography.¹⁷⁷² The Law on Drugs and Controlled Substance specifically prohibits the employment of minors in illicit drug trafficking.¹⁷⁷³

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (SET) leads government efforts to eliminate child labor and established the National Steering Committee to Eradicate Child Labor (NSC) in 1997 to coordinate all child labor initiatives in the country.¹⁷⁷⁴ SET, through its child labor unit, established 37 local and municipal committees around the country to develop strategies to combat child labor.¹⁷⁷⁵ In coordination with the National Council for Children and Adolescents (CONANI), SET is responsible for protecting minors against labor exploitation.¹⁷⁷⁶ SET and CONANI also lead the Inter-Institutional Commission against Child Abuse and Commercial Sexual Exploitation, which coordinated five national trainings with ILO during 2010 on a regional database of child labor and commercial sexual exploitation statistics.¹⁷⁷⁷

SET employs 199 labor inspectors who receive training to detect child labor.¹⁷⁷⁸ The Government reported that over 70,000 labor inspections were conducted in 2010, although the Government does not classify whether investigations focused on child labor or were work-based inspections.¹⁷⁷⁹ However, only three child labor infractions were found. The Government of the Dominican Republic does not make available information on sectors in which inspections are conducted or resulting sanctions imposed for violations.¹⁷⁸⁰ SET

and the Secretariat of State for Education created an action plan that requires labor inspectors to report children not attending school.¹⁷⁸¹

The national judiciary has 33 district attorneys who are tasked with cases involving the worst forms of child labor.¹⁷⁸² However, the number of convictions and prosecutions related to exploitative labor is not published.¹⁷⁸³ The Attorney General's Office trains its investigators in child labor issues and is responsible for prosecuting crimes involving children.¹⁷⁸⁴ The National Police receive training to address child labor and commercial sexual exploitation.¹⁷⁸⁵

The Government reports that forced labor currently does not exist in the country and therefore takes no measures to prevent or combat it.¹⁷⁸⁶ The Government provides anti-trafficking training to officials, including those posted overseas, on how to recognize and assist Dominican nationals who are trafficking victims abroad.¹⁷⁸⁷ The Government follows a zero tolerance policy for public officials who are complicit in trafficking activities, and several officials have been dismissed from their positions since 2007.¹⁷⁸⁸ The Government reports investigations and prosecutions conducted under the Law Against Trafficking in Persons and Migrant Smuggling. However, the statistics are not disaggregated, which prevents an understanding of the extent of trafficking versus smuggling.¹⁷⁸⁹ In 2010, the Directorate of Migration found 10 violations of the worst forms of child labor and investigated ten criminal cases of child trafficking.¹⁷⁹⁰ However, no convictions were reached.

Government Policies on the Worst Forms of Child Labor

CONANI is the primary entity responsible for creating policies to protect children from labor exploitation.¹⁷⁹¹ The Government has a National Plan to Eradicate the Worst Forms of Child Labor (2006–2016) and an Action Plan for the Eradication of Abuse and Commercial Sexual

Exploitation of Boys, Girls, and Adolescents (2009–2014).¹⁷⁹² The Government also has a Program to Reinforce the Protection of Street Children (2007–2012) to reduce risks contributing to children living and working in the streets.¹⁷⁹³ These plans include strategic measures for reducing poverty.¹⁷⁹⁴ An ILO evaluation suggested that additional personnel are needed to implement these national strategies.¹⁷⁹⁵

The National Program for Decent Work (2008–2011) supports efforts to eliminate the worst forms of child labor.¹⁷⁹⁶ The Government has collaborated with ILO-IPEC to create a Roadmap towards the Elimination of Child Labor in the Dominican Republic to eliminate the worst forms of child labor by 2015 and all other types of child labor by 2020.¹⁷⁹⁷ ILO-IPEC estimates that the Dominican Republic is not currently reducing child labor fast enough to meet these goals.¹⁷⁹⁸

The Government's 10-year Education Plan and 5-year Strategic Plan are coordinated and executed by the Ministry of Education and include child labor provisions. These plans have identified challenges, including inadequate classroom space, insufficient classroom time and the special educational needs of over-age children.¹⁷⁹⁹ A short school day prompts some parents to take their children to work rather than leave them unattended.¹⁸⁰⁰ Deficiencies in the national education system have been identified as contributing to children's engagement in the worst forms of child labor.¹⁸⁰¹ UNESCO reports that the percentage of children completing primary school has been declining and that the country will not likely meet the Education for All goal of universal primary enrollment by 2015.¹⁸⁰²

Both the National Development Plan for the UN Millennium Development Goals and the National Anti-Poverty Plan include child labor provisions.¹⁸⁰³ The National Plan on Gender Equality (2006-2016) promotes child care for working mothers.¹⁸⁰⁴

Many Dominican-born children from parents of Haitian descent lack citizenship or legal identity documents, precluding their access to education beyond the grade 8 as well as other basic services.¹⁸⁰⁵ This situation makes them more vulnerable to labor exploitation and trafficking.¹⁸⁰⁶ Since the 2010 earthquake, the Dominican Republic and Haiti have worked together under a protocol to protect children from traffickers.¹⁸⁰⁷ Under this protocol, the Haitian Ambassador in the Dominican Republic became solely responsible for granting permission for a child to leave Haiti, and approximately 800 Haitian children who were relocated to the Dominican Republic as a result of the earthquake have been provided shelter, psychological counseling, food and medicine.¹⁸⁰⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has expanded access to basic education through its Solidarity (*Solidaridad*) program, coordinated by the Office of the President. This includes a conditional cash transfer program that assists the families of poor children ages 4 to 21, an age range that was expanded in January 2011 to include more families.¹⁸⁰⁹ Through the provision of funds for school supplies and food, the program aims to increase the number of students who attend school and reduce child labor by requiring that child beneficiaries attend school regularly and that parents protect their children from the worst forms of child labor.¹⁸¹⁰ In 2010, the Solidarity program provided assistance to approximately 589,000 families.¹⁸¹¹ The country's Agricultural Bank continues to include a clause in its loan agreements that prohibits borrowers from using child labor and requires them to send children to school.¹⁸¹²

The Government participated in a USDOL-funded, 4-year \$4 million project that closed in February 2011 and withdrew and prevented 13,109 children from exploitative labor through the provision of basic and vocational education.¹⁸¹³ The project developed an innovative educational

model called Spaces for Growth (*Espacios para Crecer*, EpC), which prevents children from working by keeping them after school in a creative learning environment.¹⁸¹⁴ The Government committed to expanding the EpC model. However, the Government has not yet allocated resources needed to scale-up and sustain the program.¹⁸¹⁵

The Government participates in a 4-year, \$8.4 million regional project funded by the Government of Spain to eradicate child labor in Latin America.¹⁸¹⁶

Additionally, SET participates in the Youth Development (*Desarrollo Juvenil*) and Youth and Employment (*Juventud y Empleo*) projects supported by World Bank.¹⁸¹⁷ These projects work to improve the employability of disadvantaged,

at-risk youth through training and apprenticeship opportunities that promote entrepreneurial and job-related skills.¹⁸¹⁸

The Office of the First Lady coordinates the Making Progress program (*Programa Progresando*), which raises awareness on trafficking and offers opportunities for income generation to the parents of children at risk for commercial sexual exploitation and trafficking.¹⁸¹⁹ The campaign also encourages parents to keep children in school and out of hazardous work.¹⁸²⁰ Despite these efforts, current programs do not appear to be sufficient to address the extent of the worst forms of child labor in the Dominican Republic, particularly in the commercial sexual exploitation of children, including child sex tourism.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Dominican Republic:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age for night work to 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publish statistics on child labor inspections, segregated by sector, and related prosecutions, convictions and penalties.
- Prosecute offenders of the worst forms of child labor, including child trafficking.

IN THE AREA OF POLICIES:

- Consider allocating additional personnel to support national and sectoral plans to combat the worst forms of child labor.
- Add classroom space and increase the amount of time that students are in school, so that parents need not take children to work.
- Take additional steps needed to reverse the decline in the percentage of students completing primary education.
- Pursue a national birth registration campaign that enables all children to obtain legal birth certificates and attend school.
- Take measures to protect all children without birth certificates from exploitation.

IN THE AREA OF PROGRAMS:

- Further expand the Solidarity Program to reach more impoverished families who rely on child labor.
- Extend programs to eliminate child labor, such as the EpC program, to more sectors and additional regions, including to tourist regions where commercial sexual exploitation is prevalent.
- Increase awareness raising and other strategies to reduce the demand for child sex tourism.

¹⁷³⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011*. The last National Child Labor Survey that was conducted in 2000 reports that approximately 436,000 children ages of 5 to 17 years were working in 2000. See Government of the Dominican Republic and SIMPOC, *Report on the Results of the National Child Labour Survey in the Dominican Republic, 2004*; available from http://white.oit.org.pe/ipec/documentos/rd_nati.pdf. Data provided in the chart to the left is from 2005. An estimated 5.8 percent of children ages 10 to 14 are working in the Dominican Republic and 96.3 percent of children ages 5 to 14 attend school. This estimate of economically active children does not capture children under 10 who work. Qualitative evidence suggests their numbers are substantial. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹⁷³⁸ U.S. Department of State, "Dominican Republic," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154503.htm>.

¹⁷³⁹ ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana, 2008*, 11. See also U.S. Embassy- Santo Domingo, *reporting, February 19, 2010*. See also ILO, *Trabajo Infantil en la Agricultura: Reflexiones sobre las legislaciones de América Central y República Dominicana, 2007*, 17. See also U.S. Department of State, "Country Reports- 2010: Dominican Republic," section 7d. See also CSCC - Responsible Sourcing Solutions, *Dominican Sugar: A Macro View of Today's Industry, 2009*, 12; available from <http://www.thecoca-colacompany.com/citizenship/pdf/DominicanSugarIndustry-AMacroLevelReport.pdf>. See also U.S. Embassy - Santo Domingo, *reporting, June 4, 2008*.

¹⁷⁴⁰ U.S. Department of State, "Country Reports- 2010: Dominican Republic," section 7d. See also U.S. Embassy - Santo Domingo, *reporting, June 4, 2008*. See also U.S. Embassy- Santo Domingo, *reporting, February 19, 2010*.

¹⁷⁴¹ U.S. Embassy- Santo Domingo, *reporting, June 4, 2008*. See also ILO Committee of Experts, *Observation, Minimum Age Convention, 1973 (No. 138) Dominican Republic (ratification: 1999) Published 2009*, [online] 2009 [cited May

3, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11005&chapter=6&query=%28Dominican+Republic%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>.

¹⁷⁴² IOM, *Americas: Assistance for Children Victims of Human Trafficking in Haiti*, [online] December 4, 2006 [cited May 10, 2011]; available from <http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryId=12185>. See also U.S. Embassy- Santo Domingo, *reporting, February 19, 2010, ibid.*. See also Joe Johns, *CNN Anderson Cooper 360 Degrees: Invisible Chains: Sex, Work and Slavery [transcript]*, [February 16, 2007]; available from <http://transcripts.cnn.com/TRANSCRIPTS/0702/16/acd.02.html>. See also Amnesty International, *Dominican Republic: A Life in Transit- The Plight of Haitian Migrants and Dominicans of Haitian Descent, 2007*; available from <http://www.amnesty.org/en/library/info/AMR27/001/2007>. See also Batey Relief Alliance, *The New Situation inside those Bateyes*, [online] [cited November 8, 2010]; available from <http://www.bateyrelief.org/work/>.

¹⁷⁴³ Government of the Dominican Republic, *Written communication 2010*, Submitted in response to U.S. Department of Labor Federal Register Notice (February 24, 2010) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, D.C., April 8, 2010, 17. See also U.S. Embassy- Santo Domingo, *reporting, February 26, 2010*. See also U.S. Department of State, "Country Reports- 2010: Dominican Republic," sections 2 and 6.

¹⁷⁴⁴ U.S. Department of State, "Country Reports- 2010: Dominican Republic," sections 2 and 5.

¹⁷⁴⁵ *Ibid.*, section 2.

¹⁷⁴⁶ U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

¹⁷⁴⁷ U.S. Department of State, "Country Reports- 2010: Dominican Republic," section 7d. See also ILO-IPEC, *Supporting the Timebound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic- Phase II (2006-2009)*, Project Document, Geneva, August 2006, 2-3.

¹⁷⁴⁸ Government of the Dominican Republic, *Plan Estratégico Nacional para la erradicación de las peores formas de trabajo infantil en República Dominicana 2006-2016*, ILO, Santo Domingo, August 2006, 28; available from http://www.dol.gov/ilab/programs/ocft/FR20100224/DominicanRepublic/GovPrograms/DR_NationalStrategy_ChildLabor.pdf. See also U.S. Department of State, "Country Reports- 2010: Dominican Republic." See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana, 11*.

¹⁷⁴⁹ Government of the Dominican Republic, *Plan Estratégico Nacional para la erradicación de las peores formas de trabajo infantil*, 28. See also ILO-IPEC, *Supporting the Timebound Programme - Phase II, Project Document*, 2. See also DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic*, Project Document, June 2009, 5-6. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Dominican Republic (ratification: 2000) Submitted: 2009*, [online] [cited March 15, 2011]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

¹⁷⁵⁰ Government of the Dominican Republic, *Plan Estratégico Nacional para la erradicación de las peores formas de trabajo infantil*, 28. See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11-12.

¹⁷⁵¹ U.S. Embassy - Santo Domingo, *reporting, June 4, 2008*. See also U.S. Embassy- Santo Domingo, *reporting, February 19, 2010*.

¹⁷⁵² U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 5. See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11-12. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Dominican Republic.”

¹⁷⁵³ ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11.

¹⁷⁵⁴ U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 6. See also IOM, *Americas: Assistance for Children Victims*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Dominican Republic.”

¹⁷⁵⁵ ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11-12. See also U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 6.

¹⁷⁵⁶ UNICEF, *At a Glance: Haiti: Background*, [online] [cited August 24, 2010]; available from <http://www.unicef.org/infobycountry/haiti.html>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti.” See also U.S. Department of State, “Trafficking in Persons Report- 2010: Dominican Republic.” See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 11-12.

¹⁷⁵⁷ Government of the Dominican Republic, *Código de Trabajo de la República Dominicana 1992*, article 245; available from http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/eventos/rep_dom/ii/v/index.htm. See also Government of the Dominican Republic, *Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas, y Adolescentes*, (August 2007), article 40; available from <http://www.oas.org/dil/>

<http://www.oas.org/dil/esp/LEY%20136-03%20-%20Codigo%20para%20el%20Sistema%20de%20Protecci%C3%B3n%20y%20los%20Derechos%20Fundamentales%20de%20Ni%C3%B1os%20Ni%C3%B1as%20y%20Adolescentes%20Republica%20Dominicana.pdf>.

¹⁷⁵⁸ Government of the Dominican Republic, *Resolución Sobre Trabajos Peligrosos e Insalubres para Personas Menores de 18 Años*, (August 13, 2004); available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/69773/68796/F452892919/DOM69773.pdf>.

¹⁷⁵⁹ Ibid.

¹⁷⁶⁰ Government of the Dominican Republic, *Código de Trabajo 1992*, article 249.

¹⁷⁶¹ Ibid., article 252.

¹⁷⁶² Ibid., article 247.

¹⁷⁶³ Government of the Dominican Republic, *Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas, y Adolescentes*, articles 45 and 46.

¹⁷⁶⁴ U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 2. See also Katherine Southwick and M. Lynch, *Nationality Rights for All: A Progress Report and Global Survey on Statelessness*, Refugees International, March 2009, 33; available from http://www.refugeesinternational.org/sites/default/files/RI%20Stateless%20Report_FINAL_031109.pdf. See also Robert F. Kennedy Center for Justice & Human Rights, *RFK Human Rights Laureate Sonia Pierre Meets U.S. Officials to Discuss Dominicans of Haitian Descent*, [2010 [cited August 25, 2010]; available from <http://www.rfkcenter.org/node/535>. See also Amnesty International, *Dominican Republic: A Life in Transit- The Plight of Haitian Migrants and Dominicans of Haitian Descent*.

¹⁷⁶⁵ U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 7c.

¹⁷⁶⁶ Government of the Dominican Republic, *Constitución Política de la República Dominicana*, (July 20, 2002), articles 41, 46; available from <http://pdba.georgetown.edu/Constitutions/DomRep/vigente.html>.

¹⁷⁶⁷ Ibid., article 11. See also *Ley sobre Migración*, Ley No. 285-04, (August 15, 2004); available from <http://www.acnur.org/biblioteca/pdf/4414.pdf>. See also Robert F. Kennedy Center for Justice & Human Rights, *RFK Human Rights Laureate Sonia Pierre Meets U.S. Officials to Discuss Dominicans of Haitian Descent*. See also U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 2.

¹⁷⁶⁸ Government of the Dominican Republic, *Constitución de la República Dominicana, proclamada el 26 de enero 2010* Publicada en la Gaceta Oficial No. 10561, del 26 de enero de 2010, (January 26, 2010), article 18.

¹⁷⁶⁹ U.S. Department of State, “Country Reports- 2010:

Dominican Republic,” section 2. See also Katherine Southwick and M. Lynch, *Nationality Rights for All*, 33. See also Robert F. Kennedy Center for Justice & Human Rights, *RFK Human Rights Laureate Sonia Pierre Meets U.S. Officials to Discuss Dominicans of Haitian Descent*. See also Amnesty International, *Dominican Republic: A Life in Transit- The Plight of Haitian Migrants and Dominicans of Haitian Descent*.

¹⁷⁷⁰ Government of the Dominican Republic, *Ley contra el Tráfico Ilicito de Migrantes y Trata de Personas*, (August 2003). See also Government of the Dominican Republic, *Written communication 2010*, 8.

¹⁷⁷¹ Government of the Dominican Republic, *Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas, y Adolescentes*, articles 25 and 409. See also Government of the Dominican Republic, *Written communication 2010*, 8.

¹⁷⁷² Government of the Dominican Republic, *Ley contra Crímenes y Delitos de Alta Tecnología*, (April 23, 2007), article 24; available from <http://www.dgii.gov.do/legislacion/LeyesTributarias/Documents/Ley53-07.pdf>. See also Government of the Dominican Republic, *Written communication 2010*, 8.

¹⁷⁷³ Government of the Dominican Republic, *Law on Drugs and Controlled Substances in the Dominican Republic*, (May 30, 1988); available from http://www.oas.org/juridico/mla/en/dom/en_dom_50_88.html.

¹⁷⁷⁴ Government of the Dominican Republic, *Written communication 2011*, Submitted in response to U.S. Department of Labor Federal Register Notice (April 25, 2011) “Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor”, Washington, D.C., May 23, 2011, 4. See also ILO-IPEC, *Supporting the Timebound Programme - Phase II, Project Document*, 47.

¹⁷⁷⁵ Government of the Dominican Republic, *Written communication 2011*, 7. See also ILO-IPEC, *Supporting the Timebound Programme - Phase II, Project Document*, 47. See also ILO-IPEC, *Supporting the Timebound Programme for the Elimination of the Worst Forms of Child Labour in the Dominican Republic- Phase II (2006-2009)*, Final Technical Progress Report, Geneva, March 2010, 8-9.

¹⁷⁷⁶ Government of the Dominican Republic, *Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas, y Adolescentes*, articles 34 and 40.

¹⁷⁷⁷ Government of the Dominican Republic, *Written communication 2011*, 5.

¹⁷⁷⁸ *Ibid.*, 7. See also U.S. Embassy- Santo Domingo, *reporting, February 19, 2010*. See also U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 7d. See also U.S. Embassy- Santo Domingo official,

E-mail communication to USDOL official, October 29, 2010.

¹⁷⁷⁹ Government of the Dominican Republic, *Written communication 2011*, 9. See also U.S. Embassy- Santo Domingo, *reporting, January 31, 2011*.

¹⁷⁸⁰ Government of the Dominican Republic, *Written communication 2011*, 10. See also U.S. Embassy- Santo Domingo, *reporting, January 31, 2011*.

¹⁷⁸¹ ILO Committee of Experts, *Observation, Minimum Age Convention, 1973 (No. 138) Dominican Republic (ratification: 1999) Published 2009*.

¹⁷⁸² U.S. Embassy- Santo Domingo, *reporting, February 13, 2009*.

¹⁷⁸³ U.S. Embassy- Santo Domingo, *reporting, February 19, 2010*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Dominican Republic (ratification: 2000) Submitted: 2009*.

¹⁷⁸⁴ Government of the Dominican Republic, *Written communication 2010*, 11.

¹⁷⁸⁵ *Ibid.*, 11.

¹⁷⁸⁶ *Ibid.*, 3.

¹⁷⁸⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Dominican Republic.” See also Government of the Dominican Republic, *Written communication 2010*, 13.

¹⁷⁸⁸ Government of the Dominican Republic, *Written communication 2010*, TIP Annex, 12.

¹⁷⁸⁹ *Ibid.*, TIP Annex 8-11. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Dominican Republic.”

¹⁷⁹⁰ U.S. Embassy- Santo Domingo, *reporting, January 31, 2011*. See also U.S. Embassy- Santo Domingo, *reporting, March 4, 2011*.

¹⁷⁹¹ ILO-IPEC, *Supporting the Timebound Programme - Phase II, Final Technical Progress Report*, 74.

¹⁷⁹² Government of the Dominican Republic, *Plan Estratégico Nacional para la erradicación de las peores formas de trabajo infantil*. See also Interinstitutional Commission Against the Abuse and Commercial Sexual Exploitation of Girls Boys and Adolescents, *Plan de Acción de la República Dominicana Para Erradicar el Abuso y la Explotación Sexual Comercial de Niñas, Niños y Adolescentes*, ILO, Dominican Republic, January 2006; available from http://www.oit.org.pe/ipecc/documentos/plan_nacional_esc.pdf. See also ILO-IPEC, *Supporting the Timebound Programme - Phase II, Final Technical Progress Report*, 3. See also Government of the Dominican Republic, *Written communication 2011*, 9.

¹⁷⁹³ Government of the Dominican Republic, *Written communication 2011*, 8-9 and 14.

¹⁷⁹⁴ ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Dominican*

Republic (ratification: 2000), [online] 2009 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

¹⁷⁹⁵ ILO, *Verification Report on the Implementation of the White Paper Recommendations: August 2009-January 2010*, Central America and the Dominican Republic, January 2010, 147.

¹⁷⁹⁶ ILO Committee of Experts, *Observation, Minimum Age Convention, 1973 (No. 138) Dominican Republic (ratification: 1999)*, [online] 2009 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&extbase=iloeng&document=11005&chapter=6&query=%28Dominican+Republic%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>. See also ILO, *República Dominicana adopta Programa Nacional de Trabajo Decente*, [2007 [cited May 18 2011]; available from http://dwt.oit.or.cr/index.php?option=com_content&view=article&id=224:republica-dominicana-adopta-programa-nacional-de-trabajo-decente&catid=132:noticias&Itemid=177.

¹⁷⁹⁷ Government of the Dominican Republic, *Written communication 2010*, 18. See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 7.

¹⁷⁹⁸ Yaniris López, “La niñez dominicana está perdida en labores para adultos,” (2009); available from <http://www.listindiario.com.do/la-republica/2009/6/11/104418/> print, *ibid.* See also ILO-IPEC, *Síntesis: Diagnóstico de situación del trabajo infantil y sus peores formas en República Dominicana*, 9.

¹⁷⁹⁹ Government of the Dominican Republic, *Written communication 2010*, 22. See also Government of the Dominican Republic, *Plan Decenal de Educación*, prepared by Ministry of Education, 2008, 19-23, 38; available from http://www.educando.edu.do/Userfiles/P0001%5CFile%5CPLAN_DECENAL_final.pdf. See also Government of the Dominican Republic, *Plan Estratégico de la Gestión Educativa 2008-2012*, prepared by Ministry of Education, 2009; available from <http://www.see.gov.do/portalSEE/documentos/PlanEstrategico.pdf>.

¹⁸⁰⁰ DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic Project Document*, 3.

¹⁸⁰¹ ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Dominican Republic (ratification: 1999)*, [online] 2009 [cited March 12, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also U.S. Embassy- Santo Domingo, *reporting, January 31, 2008*.

¹⁸⁰² UNESCO, *Education for All by 2015: Will we make it?*, 2007, 54, 179-180; available from <http://unesdoc.unesco.org/>

[images/0015/001547/154743e.pdf](http://www.ilo.org/ilolex/english/newcountryframeE.htm). See also ILO Committee of Experts, *Direct Request C138: Dominican Republic (2009)*.

¹⁸⁰³ Government of the Dominican Republic, *Written communication 2011*, 15.

¹⁸⁰⁴ *Ibid.*, 15.

¹⁸⁰⁵ Robert F. Kennedy Center for Justice & Human Rights, *RFK Human Rights Laureate Sonia Pierre Meets U.S. Officials to Discuss Dominicans of Haitian Descent*. See also U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 2d. See also Amnesty International, *Dominican Republic: A Life in Transit- The Plight of Haitian Migrants and Dominicans of Haitian Descent*, 16-26. See also CNUS and FENTICOMMC Solidarity Center, *En busca de un trabajo decente: Las experiencias laborales de los trabajadores inmigrantes en el sector de la construcción en la República Dominicana*, 2009, 8; available from http://www.solidaritycenter.org/files/pubs_dr_sp.pdf. See also U.S. Embassy- Santo Domingo official, E-mail communication, October 29, 2010.

¹⁸⁰⁶ U.S. Department of State, “Country Reports- 2010: Dominican Republic,” section 7c.

¹⁸⁰⁷ Government of the Dominican Republic, *Written communication 2011*, 14. See also Government of the Dominican Republic, *Written communication 2010*, 17. See also Government of the Dominican Republic, *Protocolo de Protección para Niñas, Niños y Adolescentes Haitianos Vulnerables que están en República Dominicana como Consecuencia del Terremoto Ocurrido en Haití*, prepared by CONANI, 2010; available from <http://www.see.gov.do/portalSEE/documentos/PlanEstrategico.pdf>.

¹⁸⁰⁸ Government of the Dominican Republic, *Written communication 2011*, 14. See also Government of the Dominican Republic, *Written communication 2010*, 17.

¹⁸⁰⁹ Government of the Dominican Republic, *Written communication 2011*, 14.

¹⁸¹⁰ Government of the Dominican Republic, *Written communication 2010*, 22. See also Government of the Dominican Republic, *Written communication 2011*, 14. See also UNESCO, *Education for All by 2015: Will we make it?*, 226.

¹⁸¹¹ U.S. Embassy- Santo Domingo, *reporting, January 31, 2011*. See also Government of the Dominican Republic, *Written communication 2011*, 14.

¹⁸¹² *Ibid.*, 15.

¹⁸¹³ DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic Project Document*, i, 7, 14, 17-18. See also DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic, March 2011 Technical Progress Report*, 13.

¹⁸¹⁴ *ibid.*, 5. See also Government of the Dominican Republic, *Written communication 2010*.

¹⁸¹⁵ CARE, *Primer Apendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Final Technical Progress Report, Managua, March 31, 2009, 4. See also Government of the Dominican Republic, *Written communication 2010*. See also ILO, *Verification Report on the Implementation of the White Paper Recommendations*, 149-150.

¹⁸¹⁶ ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.

¹⁸¹⁷ DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic Project Document*, 5.

¹⁸¹⁸ Government of the Dominican Republic, *Written communication 2010*, 22. See also DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic Project Document*, 5 and 34.

¹⁸¹⁹ DevTech Systems Inc., *Combating Child Labor Through Education*, Technical Progress Report, Arlington, Virginia, September 29, 2008, 3. See also Government of the Dominican Republic, *Written communication 2011*, 15.

¹⁸²⁰ ILO-IPEC, *Supporting the Timebound Programme - Phase II, Final Technical Progress Report*, 9.

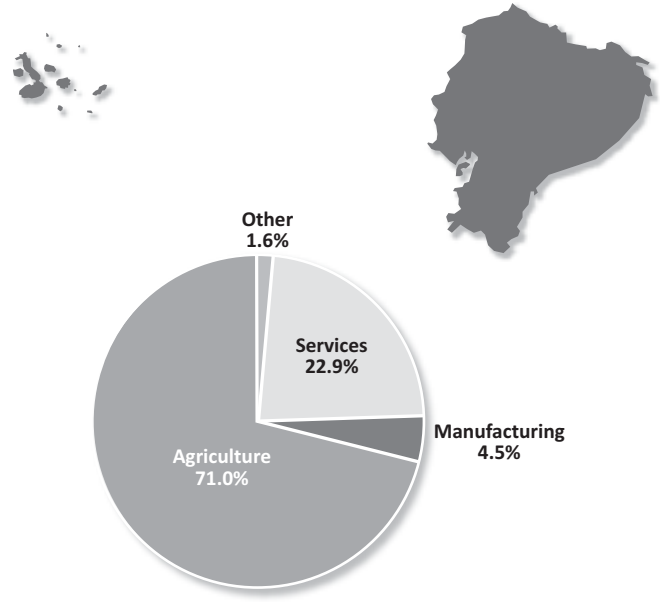
Ecuador

In 2010, the Government of Ecuador increased the number of labor inspectors and conducted inspections to protect the rights of domestic workers. However, labor inspectors still lack resources to perform their work, and children continue to be engaged in the worst forms of child labor, particularly agriculture and street work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	10.2*
Attending School	5-14 yrs.	91.1
Combining Work and School	7-14 yrs.	8.7

* Population of working children: 303,670



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ecuador, particularly indigenous and Afro-descendant children, are engaged in the worst forms of child labor,¹⁸²¹ including in agriculture and street work.¹⁸²² Children who work in agriculture use dangerous machinery, tools and pesticides; carry heavy loads; and work long hours. Children are engaged in the production of bananas, flowers and palm oil.¹⁸²³ They are also involved in fishing, livestock and animal slaughter.¹⁸²⁴

Children work as domestic servants.¹⁸²⁵ They often work long hours, in isolation and are vulnerable to physical abuse, sexual harassment and forced labor.¹⁸²⁶

Children also work in the brick industry and informal small-scale mining, including in the production of gold. They are exposed to the elements, at risk of physical injuries and may work long hours.¹⁸²⁷

In urban areas, children work on the streets, shining shoes, collecting and recycling garbage and selling newspapers and candies.¹⁸²⁸ Children

are subject to forced begging.¹⁸²⁹ Children working on the streets may be exposed to multiple dangers, including severe weather, criminal elements and risk of involvement in vehicle accidents. Children are found working in landfills, where are exposed to toxic substances and are at risk of physical injuries and respiratory, skin and stomach diseases.¹⁸³⁰

Children are engaged in commercial sexual exploitation and trafficking.¹⁸³¹ They are involved in sex tourism in urban and tourist areas. Children are also trafficked from rural areas to urban centers for commercial sexual exploitation and other forced labor.¹⁸³² They are trafficked to Colombia, Venezuela, the Dominican Republic and Chile for the purpose of labor exploitation in domestic service, street vending and begging.¹⁸³³ Girls from Colombia and Peru are trafficked to Ecuador for labor exploitation.¹⁸³⁴

Ecuadorian children are involved in coca cultivation along the border with Colombia, and they are being recruited by Colombian non-state armed groups.¹⁸³⁵ Reportedly, children are also working in the worst forms of child labor in the production of pornography and timber in Ecuador.¹⁸³⁶

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Ecuador sets the minimum age for work at 15. However, according to the Code of Childhood and Adolescents, the minimum age provisions do not apply to indigenous children involved in formative cultural or ancestral practices as long as they are not exposed to physical or psychological harm.¹⁸³⁷ Studies on indigenous child labor have pointed out that it is not clear what is meant by formative cultural or ancestral practices. With parental consent, indigenous children start working outside their communities at age 12 and engage in exploitative labor as described in the previous section.¹⁸³⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Constitution also sets the minimum age for hazardous work at 18.¹⁸³⁹ Resolution No. 016 of 2008 prohibits children under age 18 from work in 93 economic activities, including livestock raising, fishing, extraction of salt, the textile industry, logging, quarrying and domestic service.¹⁸⁴⁰ The Code for Children and Adolescents establishes sanctions for violations of child labor

laws, including monetary fines and the closing of establishments.¹⁸⁴¹ The Labor Code authorizes labor inspectors to conduct inspections at workplaces, including factories, workshops homes or any other establishments when they consider it appropriate or when employers or workers request it.¹⁸⁴²

The Constitution prohibits forced labor, human trafficking and any form of exploitation, including the use of children for illicit activities.¹⁸⁴³ Provincial and municipal governments have established anti-trafficking ordinances and action plans.¹⁸⁴⁴ The Penal Code penalizes child commercial sexual exploitation of children, pornography and trafficking.¹⁸⁴⁵ The Code for Children and Adolescents prohibits the recruitment of children for use in armed conflict.¹⁸⁴⁶ However, it is not clear whether Ecuador has established specific penalties for the recruitment of children in armed conflict or illicit activities.

The Constitution establishes free and compulsory education through age 15.¹⁸⁴⁷ There is no compulsory military service in Ecuador, and the age for voluntary military service is 18.¹⁸⁴⁸

Institutional Mechanisms for Coordination and Enforcement

In 2010, the Government of Ecuador established the Interagency Committee for the Elimination and Prevention of Child Labor to coordinate efforts to combat child labor. It is led by the Ministry of Labor Relations (MRL) and includes the National Institute of Children and Families (INFA) at the Ministry of Economic and Social Inclusion, the National Council for Children and Adolescents (CNNA), and the Ministries of Education, Tourism, and Mines and Energy as well as the National Police’s Specialized Department for Children and Adolescents (DINAPEN) and provincial and municipal governments.¹⁸⁴⁹

The MRL monitors child labor, conducts labor inspections at work sites and enforces child

labor laws. In 2010, MRL reorganized the labor inspectorate, increasing the number of labor inspectors from 81 to 131 and required labor inspectors to focus on child labor.¹⁸⁵⁰ During the reporting period, labor inspectors conducted 2,134 labor inspections; issued 200 sanctions; and removed 2,367 children from working in landfills, slaughterhouses, supermarkets, mechanic shops, shoe and leather factories and banana plantations as well as in domestic service.¹⁸⁵¹ They also conducted inspections in more than 10,000 households to enforce labor laws regarding domestic service.¹⁸⁵² MRL provided training to labor inspectors in child labor laws.¹⁸⁵³ Nonetheless, the labor inspectorate lacks sufficient material resources to enforce labor laws.¹⁸⁵⁴

In 2010, MRL established an agreement with the Ministry of Mines and Energy so that labor inspectors can enforce child labor laws in mining activities and impose sanctions for violations.¹⁸⁵⁵

The Attorney General's Office (AGO), the Ministry of Justice (MJ) and DINAPEN enforce criminal laws against child labor, commercial sexual exploitation and trafficking. DINAPEN has 534 police officers who carry out operations to combat child sexual exploitation, sex tourism and trafficking.¹⁸⁵⁶ In 2010, it investigated 36 cases, rescued 134 child victims of labor and commercial sexual exploitation and arrested 16 individuals. In January 2011, DINAPEN found 100 children working on a flower plantation.¹⁸⁵⁷ During the reporting period, the AGO reported 75 cases of trafficking in persons, all of which are still open.¹⁸⁵⁸

During the reporting period, the Government of Ecuador conducted seven anti-trafficking investigations with the Government of Colombia, the Dominican Republic, Peru and the United States.¹⁸⁵⁹ The Police and MJ trained law enforcement officials on commercial sexual exploitation and human trafficking.¹⁸⁶⁰

Government Policies on the Worst Forms of Child Labor

The 2005–2013 National Plan for the Progressive Elimination of Child Labor (PETI) is the main policy instrument to combat child labor. It seeks to mainstream child labor into social programs and coordinate efforts.¹⁸⁶¹ The National Plan to Combat Human Trafficking, Sexual and Labor Exploitation, and other Forms of Exploitation guides efforts to prevent, investigate, protect, sanction and restore the rights of victims of human trafficking, commercial sexual exploitation and other forms of abuse.¹⁸⁶²

The Government has incorporated child labor into its 2009–2013 National Plan for Well-Being, 10-year National Plan for the Comprehensive Protection of Children and Adolescents and the Social Agenda for Children and Adolescents.¹⁸⁶³ The National Plan for Well-Being seeks to improve living conditions and promote social inclusion and decent work.¹⁸⁶⁴ The 10-year National Plan of Action for Comprehensive Protection of Children and Adolescents seeks to protect the rights of children and adolescents; it includes 29 focus areas, including child labor.¹⁸⁶⁵ The Social Agenda for Children and Adolescents ensures that the rights of children are protected and that they do not perform hazardous labor.¹⁸⁶⁶

The Ecuadorian Government participates in regional initiatives to combat child labor such as MERCOSUR's Southern Child Initiative and the Joint Regional Group for the Americas. Southern Child aims to improve legal frameworks and promotes awareness and the exchange of best practices to combat commercial sexual exploitation.¹⁸⁶⁷ The Joint Group, led by the Government of Ecuador, conducts prevention campaigns to eliminate child sex tourism. It includes Argentina, Bolivia, Chile, Colombia, Paraguay, Peru, Suriname and Uruguay.¹⁸⁶⁸ During the reporting period, MERCOSUR member countries met to exchange best practices in social

protection systems for children and adolescents and members of the Joint Group continued to raise awareness of child sex tourism.¹⁸⁶⁹ During the reporting period, the Governments of Ecuador and Colombia signed an agreement to strengthen efforts to combat human trafficking.¹⁸⁷⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As part of the implementation of PETI, the Government of Ecuador carries out programs to combat child labor in landfills and in begging. The National Program for the Eradication of Child Labor in Landfills has rescued more than 2,000 children from such work and has an annual budget of more than \$4 million.¹⁸⁷¹ In December 2010, the Government indicated that it has almost eradicated child labor from landfills and that the success of this program will rely on the capacity of local governments to monitor landfills to ensure that children are not working.¹⁸⁷² The Government also removed 700 children from working in brick-making, fishing, street work and in markets.¹⁸⁷³

During the reporting period, the Government launched the program “Ecuador without Child Labor,” which seeks to increase efforts to eradicate child labor by improving data collection, strengthening labor inspections and carrying out awareness-raising activities.¹⁸⁷⁴ MRL signed an agreement with 150 municipalities to combat child labor. In March 2010, MRL began a program to improve the labor rights of domestic workers.¹⁸⁷⁵

The Government implements a national program to combat child begging during holidays, which includes a hotline to report cases of begging and awareness-raising campaigns in communities that receive and send child beggars.¹⁸⁷⁶ During the 2010 holiday season, the hotline received 255 complaints, and the campaign was carried out in 16 provinces. Between 2007 and 2010, the Government allocated \$1.8 million for this initiative.¹⁸⁷⁷

As part of the implementation of the National Plan to Combat Human Trafficking and Exploitation, the Government and the National Institute for Childhood and Family (INFA) assist children who are engaged in child labor or who are victims of trafficking and commercial sexual exploitation. INFA works closely with law enforcement officials to rescue children and provide social services to them at 43 INFA centers across the country.¹⁸⁷⁸

In addition, the Ecuadorian government has developed a set of social protection programs to combat poverty and social exclusion. It implements the Human Development Grant, a conditional cash transfer that supplements household income. It targets vulnerable families, which are required to keep their children under age 15 in school and take them for medical check-ups.¹⁸⁷⁹ Currently, the Human Development Grant benefits 1.7 million families.¹⁸⁸⁰ Research found that this program has had an impact in the reduction of child labor. Working children whose families receive the Human Development Grant are more likely to stay in school rather than work, particularly for children ages 11 to 15.¹⁸⁸¹ In addition, the Government carries out the School Meals Program, which provides free meals to 1.3 million school children across the country.¹⁸⁸²

The Government partners with Telefónica Foundation and other NGOs to combat child labor by raising awareness of child labor among local communities and providing educational opportunities to children who work or are at risk of working, particularly indigenous children.¹⁸⁸³ During the reporting period, the Government of Ecuador participated in a 4.5-year, \$4 million USDOL-funded project to combat child labor that ended in April 2010. This initiative developed a participatory approach that provided accelerated education and after-school programs to more than 8,000 indigenous children who worked or those who were at risk of working; offered training for teachers to enhance their skills; and encouraged community participation in program design and implementation.¹⁸⁸⁴ The project

developed an innovative accelerated education curriculum that the government incorporated into the national educational curriculum.¹⁸⁸⁵ The city of Quito is using this curriculum to provide educational services to vulnerable children, including child laborers. Currently, 1,500 children are participating in the accelerated education program.¹⁸⁸⁶

During the reporting period, the Government also participated in initiatives to combat child labor funded by Brazil and Spain. It also received technical support from international organizations to combat trafficking in persons.¹⁸⁸⁷

The Government participates in a 4-year, \$6.75 million USDOL-funded project that promotes South-South cooperation among Brazil, Ecuador, Bolivia and Paraguay to combat child labor, particularly the worst forms of child labor among socially excluded populations, including indigenous and Afro-descendant children.¹⁸⁸⁸ It will benefit 6,600 children who work or are at risk of working by providing educational services. The project strengthens the capacity of government and civil society organizations, raises awareness and conducts research on the worst forms of child labor.¹⁸⁸⁹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ecuador:

IN THE AREA OF LAWS AND REGULATIONS:

- In partnership with indigenous communities, identify hazardous child labor that is allowed to be performed by indigenous children and establish agreements to ban it.
- Clarify whether the Ecuadorian legislation has established penalties associated with the recruitment of children for use in armed conflict or illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient material resources to ensure that labor inspectors are able to conduct inspections and enforce child labor laws.

IN THE AREA OF PROGRAMS:

- Conduct research on the worst forms of child labor, particularly with regard to children engaged in agriculture, street work, commercial sexual exploitation, coca cultivation and Colombian nonstate armed groups.
- Support local governments in monitoring child labor in landfills.
- Carry out child labor programs that target indigenous and Afro-descendant children, particularly in agriculture and street work.

¹⁸²¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of

the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹⁸²² ILO and the Ecuadorian National Institute of Statistics and Census (INEC), *Trabajo Infantil en el Ecuador: Informe Nacional de 2006, 2009, 10, 38, 44-45, 75-76*. See also García

Fernando, *La Problemática del Trabajo Infantil en los Pueblos Indígenas del Ecuador*, 2008, 11, 17; available from http://white.oit.org.pe/ipec/documentos/ec_estudio_preliminar_flasco_tii.pdf.

¹⁸²³ UN Human Rights Council, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, prepared by UN Special Rapporteur Gulnara Shahinian, June 30, 2010, paras 7, 50; available from http://www2.ohchr.org/english/issues/slavery/rapporteur/docs/A.HRC.15.20.Add.3_en.pdf. See also Fernando, *La Problemática del Trabajo Infantil*, 11.

¹⁸²⁴ Government of Ecuador, *Written Communication, submitted in response to U.S. Department of Labor Federal Register Notice (April 25, 2011)*, May 25, 2011, 1.

¹⁸²⁵ Fernando, *La Problemática del Trabajo Infantil*, 12. See also ILO and the Ecuadorian National Institute of Statistics and Census (INEC), *Trabajo Infantil en el Ecuador: Informe Nacional de 2006*, 38, 39.

¹⁸²⁶ Fernando, *La Problemática del Trabajo Infantil*, 12. See also U.S. Department of State, “Ecuador,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154504.htm>.

¹⁸²⁷ UN Human Rights Council, *Report of the Special Rapporteur*, para 7. See also U.S. Embassy- Quito, *reporting, February 1, 2011*, 2.

¹⁸²⁸ U.S. Department of State, “Country Reports- 2010: Ecuador,” section 7d. See also Fernando, *La Problemática del Trabajo Infantil*, 11. See also National Institute for Childhood and Family, *Da Dignidad: Por un Ecuador sin Mendicidad*, [online] [cited May 6, 2011]; available from <http://dadignidad.gob.ec/mendicidad-ecuador/>.

¹⁸²⁹ National Institute for Childhood and Family, *Da Dignidad*. See also Diario HOY, “Mendicidad, el tercer ‘mejor negocio’”, hoy.com, [online], January 4, 2011 [cited May 6, 2011]; available from <http://www.hoy.com.ec/noticias-ecuador/mendicidad-el-tercer-mejor-negocio-385488.html>.

¹⁸³⁰ Fernando, *La Problemática del Trabajo Infantil*, 17. See also UNICEF, *Documental sobre la realidad del trabajo infantil en basurales en Ecuador*, July 19, 2010; available from <http://www.youtube.com/watch?v=hkf-JIeqhMw>.

¹⁸³¹ U.S. Department of State, “Country Reports- 2010: Ecuador,” section 5. See also Fundación Nuestros Jóvenes, *Aproximación a la explotación sexual comercial de personas menores de edad en la ciudad de Quito: Documento Síntesis*, ILO, 2006, 12, 15; available from http://white.oit.org.pe/ipec/documentos/esci_quito.pdf. See also TV Ecuador, *Tráfico de Niños del Ecuador* (2009).

¹⁸³² U.S. Embassy- Quito, *reporting, March 1, 2011*.

¹⁸³³ *Ibid.* See also TV Ecuador, *Tráfico de Niños del Ecuador*.

¹⁸³⁴ U.S. Embassy- Quito, *reporting, March 1, 2011*. See also “Red de trata de personas acosa a mujeres en frontera con Ecuador,” *El Tiempo* (Bogota, Colombia), January 31, 2010; available from <http://www.eltiempo.com/archivo/documento/CMS-7085427>.

¹⁸³⁵ David Khoudour-Castéras, “Efectos de la Migración sobre el Trabajo Infantil en Colombia,” *Revista de Economía Institucional* 11, no. 20 (First Semester 2009); available from <http://www.economiainstitucional.com/pdf/No20/dkhoumour20.pdf>. See also “Silencio y temor por rondas de las FARC para reclutar menores,” *El Universo* (Guayaquil, Ecuador), December 5, 2010; available from <http://www.eluniverso.com/2010/12/05/1/1355/silencio-temor-rondas-farc-reclutar-menores.html>. See also Noticias RCN, *Ecuador está preocupado por reclutamiento de menores por parte de las Farc*, [online] [cited May 17, 2011]; available from http://www.canalrcnmsn.com/noticias/ecuador_est%C3%A1_preocupado_por_reclutamiento_de_menores_por_parte_de_las_farc.

¹⁸³⁶ U.S. Embassy- Quito, *reporting, February 1, 2011*. See also Fernando, *La Problemática del Trabajo Infantil*, 12. See also “El Ecuador es vulnerable ante el turismo sexual,” *Diario Hoy*, March 21, 2011; available from <http://www.hoy.com.ec/noticias-ecuador/el-ecuador-es-vulnerable-ante-el-turismo-sexual-200649-200649.html>.

¹⁸³⁷ Government of Ecuador, *Código de la Niñez y Adolescencia (with modifications until 2009)*, (January 3, 2003), article 86; available from http://www.cnna.gob.ec/index.php?searchword=codigo&ordering=&searchphrase=all&Itemid=65&option=com_search.

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¹⁸⁸⁹ Ibid.

Egypt

The Government of Egypt passed a comprehensive anti-trafficking law that expands the definition of trafficking crimes as well as the rights of victims. The Government also conducted a comprehensive nationwide child labor survey during the year. Significant gaps remain, however, in the legal and enforcement framework to protect children, especially in the agriculture and domestic service sectors, where worst forms of child labor are known to occur. It is not yet known how the recent political changes will affect Egypt's efforts to combat child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.7*
Attending School	6-14 yrs.	88.1
Combining Work and School	5-14 yrs.	6.3

* Population of working children: 993,417



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Egypt are engaged in the worst forms of child labor, particularly in agriculture and domestic service.¹⁸⁹⁰ An estimated two-thirds of working children are in the agriculture sector.¹⁸⁹¹ Such children may work seasonally or year-round and often rotate between various crops throughout the year.¹⁸⁹² In particular, seasonal child labor is common in cotton fields, where children remove pests and harvest the crops.¹⁸⁹³ Children working on farms are reported to work long hours in extreme temperatures, may not receive promised wages and may be threatened or physically abused by their employers.¹⁸⁹⁴ Children's work in agriculture may involve the use of dangerous machinery and tools and exposure to pesticides.

Children are also exploited in domestic service. While reliable data is not available on the number of child domestic workers across Egypt, qualitative studies suggest that it is common and has the

potential to expose children to long hours of work, dangerous activities and physical, psychological and sexual exploitation by their employer.¹⁸⁹⁵

Limited evidence suggests that the worst forms of child labor are used in the production of bricks, glass and leather.¹⁸⁹⁶ Children are also engaged in dangerous occupations, such as fishing, blacksmithing, construction, carpentry, mechanical repair and mining.¹⁸⁹⁷ In addition, children work in limestone quarrying, where they risk serious injury or death from rock cutting machines, respiratory ailments from limestone dust and intense heat.¹⁸⁹⁸

Many children work on the streets and are exposed to a variety of hazards that may include exposure to severe weather, criminal elements, as well as involvement in traffic accidents. Street children are at particular risk of forced begging or prostitution.¹⁸⁹⁹ They survive by peddling on the streets, begging, shoe-shining, collecting garbage and carrying goods.¹⁹⁰⁰

Children are victims of commercial sexual exploitation. Child sex tourism exists in Cairo, Alexandria and Luxor.¹⁹⁰¹ In return for payments, some parents sell girls into brief “summer” marriages to wealthy foreign men.¹⁹⁰²

Egyptian children are trafficked internally, often to urban centers and tourist destinations. Street children are especially vulnerable to internal trafficking for forced begging or prostitution. Internal child trafficking also occurs for domestic service, agricultural labor, temporary marriages and child sex tourism.¹⁹⁰³

Laws and Regulations on Child Labor

The Child Law, Law No. 126 of the Year 2008, sets the minimum age for regular employment at 15, and at age 12 for seasonal employment.¹⁹⁰⁴ The Labor Law, Law No. 12 of the Year 2003,

14 as the minimum age for work. The Labor Law protects working children by limiting working hours and mandating shift breaks. However, it explicitly excludes domestic work, work in family businesses, and children working in agriculture from minimum age and other restrictions.¹⁹⁰⁶

Children under age 18 are barred from 44 specific hazardous occupations under the Ministry of Manpower and Migration’s (MOMM) Decree 118, article 1.¹⁹⁰⁷ These prohibited occupations include working underground in mines and quarries, welding, working in tanneries and lifting heavy objects.¹⁹⁰⁸ However, some dangerous tasks that children perform are missing from this legislation, particularly in the sectors of agriculture and domestic service. For instance, while children are prohibited from preparing or spraying pesticides, they are not prohibited from working in the crops just after pesticides have been applied.

Decree 118, article 2 prohibits children younger than age 16 that from work that exposes them to physical, psychological or sexual exploitation, or to chemical, biological or mechanical dangers, but it does not define these terms.¹⁹⁰⁹ Children between age 16 and 18 are not protected from these forms of danger and exploitation.

The Child Law and Penal Code criminalize some worst forms of child labor, including child trafficking, sexual exploitation and pornography.¹⁹¹⁰ A 2008 amendment to the Civil Status Law sets the minimum age for marriage at 18 to prevent young girls from the sexual exploitation of temporary marriages.¹⁹¹¹

In April 2010, the Government adopted Law No. 64 of 2010 Regarding Combating Human Trafficking, which criminalizes trafficking and mandates more severe penalties for those convicted of trafficking of children than previous legislation. The Trafficking Law broadly defines trafficking to cover all forms of exploitation, including child prostitution and pornography, begging and forced servitude, and it recognizes

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

allows children as young as age 12 to work as apprentices.¹⁹⁰⁵ The lower minimum ages for seasonal employment and apprenticeship programs fall below the international standard of

a trafficked person as a victim and mandates State responsibility to provide protection and assistance.¹⁹¹²

Military conscription is mandatory for men in Egypt at age 18, according to the Constitution of Egypt and the 1980 Military and National Service Act.¹⁹¹³

The Constitution of Egypt guarantees the right to education, and the Child Law makes it compulsory and free at the primary and preparatory stages.¹⁹¹⁴ Compulsory education is mandated for a total of nine years, from approximately ages 6 to 15, depending when a child starts school.¹⁹¹⁵ However, in practice, the costs of teacher fees, books and uniforms are prohibitive for many families, and some children are not sent to school.¹⁹¹⁶

Institutional Mechanisms for Coordination and Enforcement

MOMM maintains a national committee to coordinate government efforts to combat the worst forms of child labor and develop a National Action Plan.¹⁹¹⁷ The Ministry of State for Family and Population's (MSFP) General Committee for Child Protection coordinates the National Protection Program, which identifies and monitors children at risk of exploitative labor.¹⁹¹⁸ This Committee is comprised of representatives from the Ministries of Justice, Interior, Education and Health.¹⁹¹⁹ Child protection committees are organized at the governorate level, with subcommittees at each police station.¹⁹²⁰

The new Law 64 of 2010 Regarding Combating Human Trafficking gives the Prime Minister a mandate to establish a National Committee to Combat Human Trafficking to coordinate the national policies, plans and programs.¹⁹²¹ Research has not confirmed whether the jurisdiction and structure of this Committee have been established or whether the Committee is active.

MOMM is responsible for enforcing child labor laws and regulations. Labor inspectors from

MOMM have the authority to inspect businesses, industrial facilities and commercial agricultural enterprises for legal compliance with child labor regulations.¹⁹²² Research has not identified the number or result of labor inspections in 2010. There is no evidence that labor inspections are conducted on noncommercial farms.¹⁹²³ This presents a serious potential gap in enforcement, since the majority of working children are found in agriculture. In addition, there are no monitoring or enforcement mechanisms to protect children working in domestic service.¹⁹²⁴

During the reporting period, MOMM institutionalized a child labor monitoring system database and began to mainstream it at the national level, and provided training for both the technology support staff and the child labor unit staff.¹⁹²⁵ The system manages information on the work and education status of children, their needs and services received.

The Ministry of the Interior (MOI) and the Public Prosecutor's Office enforce laws and regulations prohibiting trafficking and commercial sexual exploitation of children. MOI has established a special unit to combat child trafficking.¹⁹²⁶ In early 2010, the Government investigated and charged five suspects for facilitating the temporary marriage of an under-aged girl to an older foreign man.¹⁹²⁷

Government Policies on the Worst Forms of Child Labor

The Government of Egypt continues to implement the "First National Strategy for the Elimination of Child Labor," which is to be operationalized through a National Action Plan. Research has not identified whether the National Action Plan was drafted or finalized by the MOMM committee during the reporting period.¹⁹²⁸

During the year, MOMM and ILO conducted a comprehensive survey of child labor in Egypt. The survey was implemented by the Central Agency for Public Mobilization and Statistics, the

government statistical agency.¹⁹²⁹ It will provide statistics on the nature and prevalence of child labor in Egypt to guide policies and programs to address the problem. Although complete, this study has not yet been published.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

MSFP, through the National Protection Program and the National Council for Childhood and Motherhood (NCCM), have implemented pilot projects to withdraw children from exploitative child labor and increase family income.¹⁹³⁰ NCCM manages a 24-hour child help hotline and has implemented awareness-raising campaigns against the worst forms of child labor.¹⁹³¹

The Government is participating in a USDOL-funded \$5.5 million project from 2006 to 2011, which provides educational and other social services to 10,900 children targeted to be withdrawn or prevented from exploitative labor, primarily in the informal sector. This project has created 97 community schools and developed an innovative apprenticeship program for older youth to safely learn a craft.¹⁹³² The project has also provided livelihood support to families of child laborers, including take-home food rations and income-generation training for mothers. The project also developed a system to monitor child labor and a tracking database, both of which have been rolled out nationally under MOMM.¹⁹³³

In addition, the Government is participating in a new USDOL-funded \$9.5 million project from

2010 to 2014 to prevent and withdraw 16,000 children from the worst forms of child labor in agriculture in Upper Egypt and the Delta region through access to education and apprenticeship opportunities and through livelihood support to households.¹⁹³⁴

While these programs serve an important demonstration effect, they are not sufficient to meet the needs of the large number of children engaged in the worst forms of child labor across Egypt, especially those working in agriculture and domestic service.

The Government of Egypt is implementing a number of social, education and poverty reduction programs, such as food subsidies, pilot conditional cash transfers, targeted support to the poorest 1000 Villages and nonformal education through the Girls Education Initiative.¹⁹³⁵ The question of whether each of these programs has had an impact on child labor does not appear to have been addressed.

NCCM's anti-trafficking unit is mandated to increase awareness about trafficking in Egypt and to provide services to child victims of forced labor and trafficking.¹⁹³⁶ MSFP also launched a second awareness-raising campaign to address the commercial sexual exploitation of girls through temporary summer marriages in Lower Egypt.¹⁹³⁷ However, these programs do not appear to be sufficient to curb the sexual exploitation of girls, especially through the practice of temporary marriages.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Egypt:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age of work for children involved in family businesses, domestic service and agriculture.
- Amend legislation to raise the minimum age for children's seasonal labor or apprenticeships.
- Amend Decree 118 to prohibit all children under age 18 from involvement in work activities that expose them to physical, psychological or sex exploitation, or to physical, chemical, biological or mechanical dangers; and expand the current list of 44 hazardous occupations to include specific dangerous tasks in agriculture and other sectors for which there is evidence of worst forms of child labor.
- Ensure that all children have access to free education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create mechanisms to protect child domestic servants, and children working on farms.
- Activate the National Committee to Combat Human Trafficking.
- Publish and publicly disseminate enforcement data on labor exploitation of children.

IN THE AREA OF POLICIES:

- Draft, publish and implement the National Action Plan to eliminate child labor.
- Publish and widely distribute the results of the SIMPOC national survey on child labor.

IN THE AREA OF PROGRAMS:

- Building on the lessons learned and best practices of past and current projects, develop or expand programs addressing the worst forms of child labor to protect a greater number of affected children, with a special focus on children involved in agriculture and domestic service.
- Assess the impact that existing social, education and poverty reduction programs may have on child labor.
- Expand awareness-raising campaigns and programs to prevent or protect girls from sexual exploitation.

¹⁸⁹⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

¹⁸⁹¹ U.S. Department of State, "Egypt," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8,

2011, 36; available from <http://www.state.gov/documents/organization/160456.pdf>.

¹⁸⁹² Dan McDougall, "Working flat out - the child labour behind your Egyptian cotton sheets," *The Observer*, June 8, 2008; available from <http://www.guardian.co.uk/society/2008/jun/08/childprotection.humanrights>.

¹⁸⁹³ Ibid.

¹⁸⁹⁴ Ibid. See also Gamal Nkrumah, "Picking on cotton," *Al-Ahram Weekly*, July 16, 2008; available from <http://weekly.ahram.org.eg/2008/905/feature.htm>. See also U.S. Department of State, "Egypt," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>.

¹⁸⁹⁵ Yasmine M. Ahmed and Ray Jureidini, *An Exploratory Study on Child Domestic Workers in Egypt*, Report, Terre des hommes, American University of Cairo Center for Migration and Refugee Studies, Cairo, June 2010, page 1. See

also U.S. Embassy- Cairo, *reporting, February 16, 2010*, 211, section 2B.

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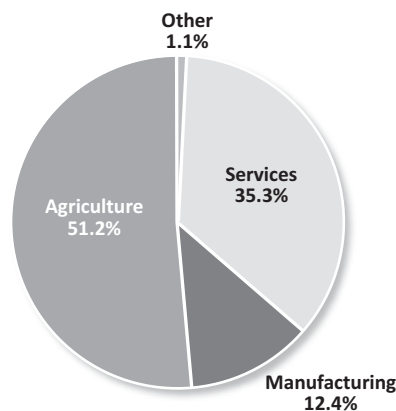
El Salvador

In 2010, the Government of El Salvador began to implement a new law to protect the rights of children. The Government also implemented the Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms. It continues to improve access to education by providing free uniforms, textbooks, meals and scholarships to school children. However, the minimum age for domestic service is set at only 16, and fines for violations of child labor laws are insufficient to act as a deterrent. Children continue to be engaged in the worst forms of child labor, particularly agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	10.2*
Attending School	5-14 yrs.	80.4
Combining Work and School	7-14 yrs.	10.2

* Population of working children: 162,751



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in El Salvador, including agriculture and domestic service.¹⁹³⁸ Children who work in agriculture are exposed to the elements, toxic substances, long work days and injuries from machetes and sharp knives.¹⁹³⁹ According to the 2009 School Registration Census, more than 13,000 children in El Salvador harvest sugarcane and coffee. These children cut, plant and pick crops and carry heavy loads.¹⁹⁴⁰ The census also estimates that more than 3,000 children are involved in fishing, mollusk harvesting and shellfish collection. Reportedly, children fish for *morralla* (small fish) and lobster, and harvest oysters and freshwater snails.¹⁹⁴¹ These children are exposed to polluted water, insects, skin diseases and physical injuries, and they may work up to 13 hours a day, sometimes at night. Children who dive to harvest oysters and shellfish do not

use oxygen tanks, placing them at greater risk of drowning.¹⁹⁴²

In urban areas, children do dangerous labor as well. According to the 2009 School Registration Census, more than 700 children work in fireworks production and scavenging garbage.¹⁹⁴³ Children making fireworks risk dismemberment and burns while children scavenging are exposed to a variety of dangerous substances.¹⁹⁴⁴ The same census found that more than 28,000 children are engaged in street work and domestic service.¹⁹⁴⁵ According to a 2010 study published by the Central America Integration System, 15 percent of domestic workers started work before age 15. Children who work as street vendors are susceptible to sexual abuse and traffic accidents and children in domestic service may face long work hours and abuse by employers.¹⁹⁴⁶

Children are subjected to commercial sexual exploitation, pornography and trafficking.

Children are trafficked internally and internationally, some for the purpose of commercial sexual exploitation, with girls from poor communities ages 12 to 18 at greater risk.¹⁹⁴⁷

Children are also recruited into illegal gangs to perform illicit activities related to the arms and drug trades. There are reports that these children are recruited into gang activity while at school.¹⁹⁴⁸

Laws and Regulations on the Worst Forms of Child Labor

In January 2011, the Law for the Protection of Children and Adolescents (LEPINA) established the legal framework for the protection of children's rights, including protection from child labor and trafficking.¹⁹⁴⁹ LEPINA establishes the minimum age for domestic service at 16.¹⁹⁵⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

The Labor Code and the Constitution set the minimum age for work at 14 and the minimum age for hazardous work at 18.¹⁹⁵¹ The Government of El Salvador has not yet established a list of hazardous work prohibited for children.

The Labor Code specifies fines of less than \$60 for violations of labor laws, including child labor laws, a penalty which ILO deems to be insufficient to act as a deterrent.¹⁹⁵²

El Salvador's Penal Code prohibits the commercial sexual exploitation of children, including child pornography, human trafficking and forced labor.¹⁹⁵³ It also penalizes the recruitment of children into illegal armed groups and the use of children for illicit activities.¹⁹⁵⁴ The Constitution sets the age for compulsory education at 17 and the minimum age for compulsory military service at 18 years.¹⁹⁵⁵

Institutional Mechanisms for Coordination and Enforcement

The National Committee for the Eradication of the Worst Forms of Child Labor coordinates efforts to combat child labor and is chaired by the Ministry of Labor and Social Welfare (MTPS). Twelve government agencies are part of this committee, along with representatives from labor union organizations, the private sector and NGOs.¹⁹⁵⁶ The National Roundtable to Combat the Commercial Sexual Exploitation of Children coordinates efforts to address child sexual exploitation. It includes the Attorney General's Office (AGO), the National Civilian Police (PNC) and the Legislative Assembly.¹⁹⁵⁷ The National Committee against Human Trafficking directs efforts to combat trafficking in persons. It is led by the Ministry of Foreign Affairs and includes 12 other government agencies.¹⁹⁵⁸

LEPINA establishes the National Committee for Children and Adolescents (CONNA), which coordinates government efforts toward implementation of this law and develops policies for the protection of the rights of children. The members of CONNA include the MTPS; the Ministries of Justice and Public Security, Finance, Health, and Education; the Ombudsman; the Association of Municipalities; and four representatives from civil society organizations.¹⁹⁵⁹ In February 2011, the Government created a

commission, led by the Ministry of Education and the Secretariat of Social Inclusion, to ensure that CONNA started activities, including the selection of civil society representatives.¹⁹⁶⁰

During the reporting period, the Government created the Committee for the Implementation of the National Protection System for Children and Adolescents, established by LEPINA.¹⁹⁶¹

The National Protection System will coordinate public and private efforts to protect the rights of children, including combating child labor. It includes CONNA, the Salvadoran Institute for the Full Development of Children and Adolescents (ISNA), the Ombudsman's Office, judicial agencies, local committees for the rights of children and a network of child social services providers.¹⁹⁶² The Committee will review the roles of government agencies that work on children and youth issues, propose inter-institutional mechanisms to coordinate the implementation of LEPINA and determine the resources needed to operate the new system.¹⁹⁶³

The MTPS, the AGO and the PNC investigate cases of child labor. The MTPS has a 4-person unit that monitors child labor, carries out awareness-raising campaigns, trains labor inspectors on child labor issues and provides information to the labor inspections unit, which subsequently carries out investigations.¹⁹⁶⁴ In 2010, the MTPS increased the number of labor inspectors from 159 to 208. Labor inspectors cover all types of labor violations, including child labor.¹⁹⁶⁵ The Government allocated more than \$1.5 million to labor inspections in 2010. However, it acknowledges that this funding is inadequate to fully enforce labor laws.¹⁹⁶⁶

A 2009 ILO report on labor inspections in El Salvador states that the inspection process can entail multiple visits and requires the Ministry of Economy and the AGO to issue fines rather than enabling MTPS inspectors to do so. As a result, penalizing violations can take up to six months.¹⁹⁶⁷

During the reporting period, the MTPS performed more than 11,064 labor inspections, removed 13 children from exploitative child labor and reported 27 child labor violations, which were addressed by employers and did not involve the imposition of fines.¹⁹⁶⁸ However, it is not clear whether labor inspections were conducted in the sectors in which child labor is prevalent.

The AGO and the PNC enforce criminal laws against the worst forms of child labor and have special units to investigate cases of commercial sexual exploitation and human trafficking, including child trafficking.¹⁹⁶⁹ The PNC coordinates an emergency hotline that receives complaints about commercial sexual exploitation and human trafficking and assists victims of trafficking.¹⁹⁷⁰ As of September 2010, the AGO reported nine cases of exploitative child labor.¹⁹⁷¹ However, there is no information about how many of these cases were investigated or prosecuted. During the reporting period, AGO investigated 78 cases of human trafficking—56 victims were rescued, 29 suspects were arrested and 5 individuals were convicted.¹⁹⁷²

During the reporting period, the Government trained enforcement officers to recognize, investigate and prosecute cases of human trafficking in order to strengthen law enforcement efforts. It also conducted a training focused on child trafficking.¹⁹⁷³

In 2010, the UN Committee on the Rights of the Child reported that law enforcement officials do not receive adequate training and resources to combat the commercial sexual exploitation of children, including child pornography.¹⁹⁷⁴ The committee also pointed out that the lack of evidence is one of the major obstacles to investigating cases of child pornography, since internet service providers, cell phone operators and search engines are not required to keep information for a sufficient period of time to allow for use in investigations.¹⁹⁷⁵

El Salvador monitors child labor through its National Household Survey, the Ministry of Education's School Registration Census and the Ministry of Health's health cards.¹⁹⁷⁶ However, the Government has not yet conducted in-depth research on hard-to-reach populations, such as children involved in commercial sexual exploitation or illicit activities.¹⁹⁷⁷

Government Policies on the Worst Forms of Child Labor

The Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms is the main policy framework to eliminate the worst forms of child labor. Its goal is to eliminate the worst forms of child labor by 2015 and all child labor by 2020.¹⁹⁷⁸

The National Policy to Combat Human Trafficking (2008-2012) and the Strategic Plan to Combat Human Trafficking (2008-2012) guide El Salvador's anti-trafficking efforts, including combating the trafficking of children.¹⁹⁷⁹ The Government of El Salvador has included child labor in its National Decent Work Plan and Policy for Inclusive Education.¹⁹⁸⁰

During the reporting period, the Government of El Salvador released the 5-Year Development Plan (2010-2014) to promote economic growth and social inclusion. This Plan seeks to reduce poverty by providing integrated services to vulnerable populations, expanding coverage of basic services and preventing violence.¹⁹⁸¹ The Government also approved the National Youth Policy (2010-2024) to promote social inclusion and participation among young people, allocating more than \$700 million for the implementation of the policy, including \$34 million for the MTPS.¹⁹⁸² The Government also established an action plan to implement the National Youth Policy. One of the goals of the action plan is to provide vocational training and create 50,000 temporary jobs for youth.¹⁹⁸³

In 2010, the Government passed the National Education Plan for Early Childhood, which seeks to coordinate government efforts to ensure that children younger than age 7, including children who work, have access to education and receive integrated services.¹⁹⁸⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of El Salvador is developing an action plan to implement the Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms.¹⁹⁸⁵ During the reporting period, the Government conducted campaigns to prevent child labor and funded afterschool programs for children who worked or were at risk of working.¹⁹⁸⁶

In 2010, the Institute for Women's Development raised awareness of commercial sexual exploitation and trafficking among 9,682 children.¹⁹⁸⁷ The Government trained students, teachers, law enforcement officials and tour guides to recognize between commercial sexual exploitation, forced labor, human trafficking and smuggling.¹⁹⁸⁸

ISNA provided social services to street children and children who were victims of commercial sexual exploitation and human trafficking.¹⁹⁸⁹ From July 2009 to July 2010, it assisted 889 vulnerable children.¹⁹⁹⁰ In 2010, ISNA operated a facility for girl victims of trafficking, which provided legal and social services to 40 girls. It allocated more than \$250,000 to help trafficking victims.¹⁹⁹¹

The Government of El Salvador operates social programs including Solidarity Communities, a conditional cash-transfer program that supplements household income and provides basic social services to vulnerable families in the poorest municipalities.¹⁹⁹² More than 100,000 families have benefited from the program, and 98 percent of children ages 7 to 12 years whose

families participate in the program are enrolled in school.¹⁹⁹³ The Government carries out programs that provide individual temporary income support and vocational training to youth and female heads of households.¹⁹⁹⁴ In addition, the Government provides uniforms, scholarships, textbooks and meals to school children. More than 1.3 million children have benefited from these programs, and in 2010, an additional 22,000 children enrolled in school.¹⁹⁹⁵ There is no information available about the impact of these programs in combating the worst forms of child labor.

In December 2010, the Government began to participate in a 4-year, \$10 million, USDOL-funded project to combat child labor in El Salvador. This initiative will provide educational services to 12,500 children who work or are at risk of working, while offering livelihood alternatives

for 5,000 households.¹⁹⁹⁶ The project will link to and build upon El Salvador's social protection programs.¹⁹⁹⁷

During the reporting period, the Government participated in a \$8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain. It partnered with the Telefonica and Maquilishuat Foundations, Plan International and ILO to combat child labor in markets and street vending in the province of La Libertad.¹⁹⁹⁸ The Government received technical support from IOM and UNODC to combat human trafficking.¹⁹⁹⁹ In partnership with USAID, local communities are currently carrying out initiatives to prevent the recruitment of children by gangs and to offer educational and job opportunities for youth.²⁰⁰⁰

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in El Salvador:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase fines for violations of labor laws, including child labor.
- Develop a comprehensive list of hazardous occupations for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide adequate funding to the MTPS to fully enforce labor laws.
- Systematically maintain and make publicly available data on child labor inspections, investigations, the number of children rescued, social services offered and sanctions for violations.
- Strengthen enforcement of child labor and other laws by—
 - Streamlining the labor inspection process and the issuance of fines.
 - Training and providing sufficient resources to law enforcement officers to combat commercial sexual exploitation of children.
- Establish a child pornography code of conduct for internet services providers, cell phone operators and search engines to report cases, block sites and retain information for investigations.

IN THE AREA OF PROGRAMS:

- Carry out research on child labor and conduct studies on children involved in commercial sexual exploitation, domestic service and illicit activities.
- Assess the impact of anti-poverty and education programs on the worst forms of child labor.

¹⁹³⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

¹⁹³⁹ Ministry of Education, *Censo Matricular 2009*, 2010. See also ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en el cultivo de la Caña de Azúcar en El Salvador*, 2007, 29-32; available from http://white.oit.org.pe/ipecc/documentos/condiciones_ti_cana_sv.pdf. See also Telefonica Foundation, *Condiciones de Trabajo Infantil en el Cultivo de Café en El Salvador*, 2010, 23-24.

¹⁹⁴⁰ Ministry of Education, *Censo Matricular 2009*. See also ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en el cultivo de la Caña de Azúcar en El Salvador*, 29-32. See also Telefonica Foundation, *Condiciones de Trabajo Infantil en el Cultivo de Café en El Salvador*, 23-24.

¹⁹⁴¹ Ministry of Education, *Censo Matricular 2009*. See also ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en la pesca en El Salvador*, 2007, 25-30; available from http://white.oit.org.pe/ipecc/documentos/condiciones_trabajo_infantil_en_pesca_sv.pdf. See also Liliana Fuentes, "Niños trabajan en peores condiciones en Usulután," *La Prensa Gráfica*, March 20, 2011; available from <http://www.laprensagrafica.com/el-salvador/departamentos/179376-ninos-trabajan-en-peores-condiciones-en-usulután.html#>.

¹⁹⁴² ILO-IPEC, *Condiciones y medio ambiente del trabajo infantil en la pesca en El Salvador*, 26-30.

¹⁹⁴³ Ministry of Education, *Censo Matricular 2009*. See also Fuentes, "Niños trabajan en peores condiciones en Usulután." See also ILO-IPEC, *Síntesis: Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador*, June 2009, 12; available from <http://www.ilo.org/ipeccinfo/product/download.do?type=document&id=11836>. See also U.S. Embassy- San Salvador, *reporting, February 10, 2011*, para 4.

¹⁹⁴⁴ Rodríguez Marvin, "Persisten peores formas de trabajo infantil en el país," *El Mundo*, June 18, 2010; available from <http://www.elmundo.com.sv/nacionales-/509-persisten-peores-formas-de-trabajo-infantil-en-el-pais.html>. See also ILO-IPEC, *Trabajo infantil en las coheterías*, [online] [cited

May 9, 2011]; available from <http://white.oit.org.pe/ipecc/pagina.php?pagina=172>. See also Fuentes, "Niños trabajan en peores condiciones en Usulután." See also EFE, *Buscar en las basuras, el pan de cada día en El Salvador*, September 21, 2010; available from <http://video.mx.msn.com/watch/video/buscar-en-la-basura-el-pan-de-cada-dia/gfxu7xx1>.

¹⁹⁴⁵ Ministry of Education, *Censo Matricular 2009*. See also Fuentes, "Niños trabajan en peores condiciones en Usulután." See also ILO-IPEC, *Síntesis: Diagnóstico de Situación del Trabajo Infantil y sus Peores Formas en El Salvador*, 12. See also U.S. Embassy- San Salvador, *reporting, February 10, 2011*, para 4.

¹⁹⁴⁶ Council of Central American Ministers for Women's Affairs, *La Institucionalización Sociocultural y Jurídica de la Desigualdad: El Trabajo Doméstico Remunerado en El Salvador*, 2010, 31; available from <http://www.sica.int/busqueda/Centro%20de%20Documentaci%C3%B3n.aspx?IDItem=48057&IdCat=35&IdEnt=809&Idm=1&IdmStyle=1>. See also Vanessa Nochez and Argentina Estrada, "Trabajo Infantil: Una Historia de Diario," *Diario Co Latino* (San Salvador), January 12, 2009; available from <http://www.diariocolatino.com/es/20090612/nacionales/67861/>.

¹⁹⁴⁷ UN Human Rights Council, *Report of the Special Rapporteur on the sale of children, child prostitution, and child pornography*, prepared by Najat Maalla M'jid, February 4, 2011, paras 21-23; available from <http://www.unhcr.org/refworld/category,COI,,SLV,4d8339d82,0.html>. See also Fernando Romero, "El Salvador Busca Erradicar el Trabajo Infantil Femenino," *La Prensa Gráfica* (San Salvador), June 12, 2009; available from <http://www.laprensagrafica.com/el-salvador/social/39005-el-salvador-busca-erradicar-el-trabajo-infantil-femenino.html>. See also U.S. Department of State, "El Salvador," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, April 8, 2011, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154505.htm>.

¹⁹⁴⁸ "Maras Reclutan en Centros Educativos," *El Diario de Hoy*, March 2, 2010; available from http://www.elsalvador.com/mwedd/nota/nota_completa.asp?idCat=6342&idArt=4569633. , *ibid*. See also RTVE, *Las 'maras' en El Salvador* (2009). See also Eric Lemus, "El Salvador: Gangs Recruiting Younger and Younger Members," *Inter Press Service* 2008; available from <http://ipsnews.net/news.asp?idnews=41779>.

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Equatorial Guinea

The Government of Equatorial Guinea sponsored anti-trafficking efforts, including training for law enforcement and government officials. However, significant gaps in legislation remain. Existing laws do not protect all children from hazardous work, commercial sexual exploitation or engagement in illicit activities. Children in Equatorial Guinea continue to engage in the worst forms of child labor, including street work and domestic service.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Equatorial Guinea are engaged in the worst forms of child labor,²⁰⁰¹ including street work and domestic service.²⁰⁰² Children working on the streets sell food, water and clothes, transport water and wash cars.²⁰⁰³ On the streets, children may be exposed to severe weather and criminal elements and may be involved in accidents caused by proximity to automobiles.

Children are also employed in domestic work, some under forced conditions without pay.²⁰⁰⁴ Children in the domestic sector in Equatorial Guinea may be physically and psychologically abused by their employers.²⁰⁰⁵

Some evidence suggests that children are involved in prostitution, specifically girls working in urban centers such as Malabo.²⁰⁰⁶

Children are trafficked from neighboring countries for domestic servitude and street work. Trafficked children vend in local markets and on streets in urban areas.²⁰⁰⁷ There is limited

evidence that children may also be trafficked to Equatorial Guinea for commercial sexual exploitation.²⁰⁰⁸ A limited number of children are trafficked internally, brought from rural areas to urban centers to work in domestic labor and local businesses.²⁰⁰⁹

Laws and Regulations on the Worst Forms of Child Labor

The General Labor Code sets the minimum age for employment at 14. Children younger than age 16 are prohibited from employment in conditions that may endanger their health, security or morals.²⁰¹⁰ Ministerial Order 4/2005 bans all children younger than age 17 from being on the streets after 11 p.m. and from specific forms of child labor. The decree also forbids parents and tutors from exploiting children for labor, such as street vending, car washing or work in bars and restaurants.²⁰¹¹ While the above protections exist, the laws do not cover all children younger than age 18 with regard to hazardous work. Further, the Government has not developed a list of hazardous occupations prohibited for children younger than age 18.²⁰¹²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	12
	Free Public Education	Yes

Forced or compulsory labor is forbidden by the General Labor Ordinances. The law states that the freedom of labor shall be subject to no restrictions other than “normal civic obligations and minor communal services.”²⁰¹³ The specific language of the law has been the subject of comments from the ILO Committee of Experts, since normal obligations and minor services are not distinctly enumerated in the relevant legislation.²⁰¹⁴

Law 1/2004 prohibits trafficking in persons and criminalizes parental child abuse and illegally engaging children in work. The trafficking law defines parental child abuse as “the use of boys or girls by their relatives for street trading or other jobs during school times or at night.” It also sets penalties, including prison and fines, for those who employ children illegally, regardless of whether employers are family members or not.²⁰¹⁵

Equatorial Guinean law does not address the use or procurement of children for prostitution, pornography or illicit activity.²⁰¹⁶

The minimum age for military recruitment in Equatorial Guinea is 18.²⁰¹⁷

The General Education Law of 1995 makes primary education free and compulsory for all citizens and residents. Primary education institutions serve children ages 7 to 12.²⁰¹⁸ Though education is mandatory to age 12, some rural children do not attend school.²⁰¹⁹ Girls are more likely to leave school early due to pregnancy or a need to help in the home.²⁰²⁰ Further, children ages 12 to 14 may be particularly vulnerable to the worst forms of child labor, as they are no longer required to attend school but are not legally able to work.

Institutional Mechanisms for Coordination and Enforcement

The Inter-Agency Commission for Trafficking in Persons is responsible for coordinating actions taken by various government authorities to address human trafficking.²⁰²¹ The commission is chaired by the Minister of Justice and includes representatives from the office of the Attorney General and from the Ministries of Health, Interior, National Security and Women’s Affairs.²⁰²² Although the Government of Equatorial Guinea has established a national commission to combat human trafficking, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

The Ministry of Labor is responsible for enforcing labor laws. The Department of Labor employs inspectors who visit businesses and construction sites to monitor for labor violations, including breaches of minimum age laws.²⁰²³

The Ministry of National Security is responsible for overseeing all law enforcement bodies, including those that enforce criminal laws related to child labor.²⁰²⁴ During the reporting period, Government officials and police conducted frequent patrols of markets and streets to reduce

child street work and truancy.²⁰²⁵ The Ministry of Justice is responsible for the prosecution and punishment of violators of laws related to the worst forms of child labor.²⁰²⁶

Research found no evidence that the Government tracks or publicizes information on inspections, prosecutions and convictions involving child labor.

Government Policies on the Worst Forms of Child Labor

The National Action Plan Against Human Trafficking aims to educate the public, punish offenders and provide benefits and care to victims.²⁰²⁷

In 2007, the Government of Equatorial Guinea launched a long-term development plan, *Horizonte 2020*, to address poverty and direct the country's progress toward reaching the Millennium Development Goals. Among *Horizonte 2020*'s principal goals are the strengthening of economic growth and the promotion of social policy actions and programs.²⁰²⁸ The Government also established a National Plan for Education for All (2002-2015). The policy prioritizes universal basic education, including pre-school and primary school, as well as girl's education.²⁰²⁹ The question of whether *Horizonte 2020* and the National Plan for Education for All have an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate the Worst Forms of Child Labor

In November 2010, the Government and the U.S. Embassy co-sponsored two week-long anti-trafficking training workshops, which specifically addressed issues of child protection. Attendees included law enforcement officers, the Director General of the Department of Labor, and officials from the Ministries of Justice, Social Affairs and Foreign Affairs.²⁰³⁰ There is no information on follow-up to these workshops.

The Government has committed \$100 million toward a 10-year program to improve elementary education. The long-term goals of the program, which is partially funded by private sector partners, include bolstering school attendance and graduation rates.²⁰³¹ Specific projects have included school renovations and reforming and updating curriculum materials.²⁰³² The question of whether the Government's education programs have an impact on child labor does not appear to have been addressed.

Though the Government participated in programs to combat trafficking during the reporting period, research found no evidence that it has social programs that address other worst forms of child labor, including street work, domestic service and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Equatorial Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the minimum age for all hazardous work to 18.
- Develop a list of hazardous occupations and activities prohibited for children younger than age 18.
- Amend the General Labor Ordinance to define the compulsory labor that may fall under “normal civic obligations and minor communal services.”
- Enact legislation to protect children younger than age 18 from all worst forms of child labor, including prostitution, pornography and involvement in illicit activities.
- Enact legislation to raise the age of compulsory education to equal or exceed the minimum age for employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor, including hazardous street work, domestic service and prostitution.
- Track and make publicly available information on inspections, prosecutions and convictions involving child labor.

IN THE AREA OF POLICIES:

- Assess the impact *Horizonte 2020* and the National Plan for Education for All may have on child labor.

IN THE AREA OF PROGRAMS:

- Make information available on follow-up actions taken as a result of the November anti-trafficking training workshops.
- Assess the impact that the Government’s education programs may have on child labor.
- Implement programs that target all relevant worst forms of child labor, particularly street work, domestic service and prostitution.

²⁰⁰¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁰⁰² U.S. Embassy- Malabo, *reporting, January 27, 2011*, 1.1. See also European Union Fund for Development official, Interview with USDOL consultant, May 22, 2007, 1.2. See also U.S. Department of State, “Equatorial Guinea,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154344.htm>.

²⁰⁰³ U.S. Embassy- Malabo, *reporting, January 27, 2011*, 1.1. See also European Union Fund for Development official, Interview, May 22, 2007, 1.1. See also U.S. Department of State, “Country Reports- 2010: Equatorial Guinea,” section 7d.

²⁰⁰⁴ European Union Fund for Development official, Interview, May 22, 2007, 1.2, 1.6. See also U.S. Embassy- Malabo, *reporting, January 27, 2011*, 1.1. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Equatorial Guinea (ratification: 2001) Submitted: 2010*, February 28, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25288&chapter=9&query=Guinea%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Malabo, *reporting, February 14, 2011*.

²⁰⁰⁵ European Union Fund for Development official, Interview, May 22, 2007, 1.7.

- ²⁰⁰⁶ Ibid., 1.7. See also ILO Committee of Experts, *Individual Direct Request C182: Equatorial Guinea (2010)*.
- ²⁰⁰⁷ U.S. Department of State, “Equatorial Guinea,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142982.pdf>. See also U.S. Embassy- Malabo, *reporting, February 14, 2011*. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Equatorial Guinea- 6th Session*, [online] December 9, 2009 [cited February 28, 2011]; available from <http://www.crin.org/resources/infodetail.asp?ID=21860>.
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- ²⁰⁰⁹ U.S. Embassy- Malabo, *reporting, February 22, 2010*.
- ²⁰¹⁰ Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, 2/1990, (January 4, 1990), articles 11(1), 11(4).
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- ²⁰¹² ILO Committee of Experts, *Individual Direct Request C182: Equatorial Guinea (2010)*.
- ²⁰¹³ Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, article 1(3).
- ²⁰¹⁴ ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Equatorial Guinea (ratification: 2001) Submitted: 2010*, February 28, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23906&chapter=9&query=Equatorial+Guinea%40ref&highlight=&querytype=bool&context=0>.
- ²⁰¹⁵ Government of Equatorial Guinea, *Sobre el Tráfico Ilícito de Migrantes y la Trata de Personas*, 1/2004, (September 14, 2004), articles 4, 5. See also U.S. Embassy- Malabo, *reporting, February 22, 2010*.
- ²⁰¹⁶ ILO Committee of Experts, *Individual Direct Request C182: Equatorial Guinea (2010)*.
- ²⁰¹⁷ Coalition to Stop the Use of Child Soldiers, “Equatorial Guinea,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
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- ²⁰¹⁹ U.S. Embassy- Malabo, *reporting, January 27, 2011, 2.2*.
- ²⁰²⁰ U.S. Department of State, “Country Reports- 2010: Equatorial Guinea,” section 6.
- ²⁰²¹ ILO Committee of Experts, *Individual Direct Request C182: Equatorial Guinea (2010)*.
- ²⁰²² U.S. Department of State, “Trafficking in Persons Report- 2010: Equatorial Guinea.” See also U.S. Embassy- Malabo, *reporting, February 14, 2011*.
- ²⁰²³ U.S. Embassy- Malabo, *reporting, January 27, 2011, 4.1, 4.3*.
- ²⁰²⁴ Ibid., 4.1.
- ²⁰²⁵ Ibid., 2.3. See also U.S. Department of State, “Country Reports- 2010: Equatorial Guinea,” section 7d. See also U.S. Embassy- Malabo, *reporting, February 14, 2011*.
- ²⁰²⁶ U.S. Embassy- Malabo, *reporting, January 27, 2011, 4.1*.
- ²⁰²⁷ U.S. Embassy- Malabo, *reporting, February 14, 2011*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Equatorial Guinea.”
- ²⁰²⁸ Equatorial Guinea News, “Equatorial Guinea’s 2020 Development Plan guiding Country Toward Emerging Economy,” Equatorial Guinea News, [online], September 22, 2010 [cited March 2, 2011]; available from <http://equatorialguineainfo.blogspot.com/2010/09/equatorial-guineas-2020-development.html>. See also U.S. Embassy- Malabo, *reporting, January 27, 2011, 6.5*.
- ²⁰²⁹ Integrated Regional Information Networks, “Equatorial Guinea: Basic Education Plan Ratified,” IRINnews.org, [online], September 26, 2002 [cited March 2, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=34795>. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review*.
- ²⁰³⁰ U.S. Embassy- Malabo, *reporting, January 27, 2011*. See also U.S. Embassy- Malabo, *reporting, February 14, 2011*.
- ²⁰³¹ U.S. Embassy- Malabo, *reporting, January 27, 2011*.
- ²⁰³² U.S. Department of State, “Country Reports- 2010: Equatorial Guinea,” section 6.

Eritrea

The Government of Eritrea supported programs intended to reduce the worst forms of child labor. However, these were not adequate to address the scope of Eritrea's child labor problem and omitted the numerous children working in agriculture and domestic service. The Government forcibly recruits children during the school break to pick cotton, build and maintain roads, install power and telephone lines and work as domestic servants.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Eritrea are engaged in the worst forms of child labor, many of them in agriculture and domestic service.²⁰³³ Children in rural areas of Eritrea work on farms producing corn, wheat, sorghum and other grains and in fields gathering firewood, hauling water and herding livestock. Children's work in agriculture commonly involves dangerous activities such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.²⁰³⁴ Children also work in domestic service, which may involve risks such as sexual abuse and other forms of abuse.²⁰³⁵

In urban areas, children transport loads and work on the streets as vendors and car washers.²⁰³⁶ Children also work in garages and workshops making household utensils and furniture, which may require them to use dangerous machinery.²⁰³⁷ In Asmara, some children engage in commercial sexual exploitation and street begging. Children working on the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.²⁰³⁸

The Government of Eritrea imposes compulsory labor on secondary-level schoolchildren. Children in the ninth grade and above are forced to work for 2 months during the school break for Mahtot—a national program in which children may be required to build and maintain roads, install power and telephone lines, work as domestic servants and engage in agriculture work such as picking cotton.²⁰³⁹

In order to graduate, students are required by the Government to complete their final, 12th year of schooling and military training at the Sawa Military Training Camp in remote western Eritrea. Some students may be under the age of 18 while attending Sawa.²⁰⁴⁰ Students who do not attend are not eligible to take their final examinations or to graduate.²⁰⁴¹ After 6 months of compulsory military training, national service conscripts—who may be under age 18—are either drafted into the military, deployed to work in gold mines and on agriculture and construction projects or assigned to a technical college for further training.²⁰⁴² Students who avoid military service are often victims of torture and poor treatment.²⁰⁴³

Children in Eritrea are trafficked for forced labor, including commercial sexual exploitation.²⁰⁴⁴ In 2010, 250 Eritrean refugees were reportedly held hostage by traffickers in Egypt. It is unknown if children were among the refugees.²⁰⁴⁵ In rare instances, children are trafficked to the Middle East to serve as camel jockeys.²⁰⁴⁶

In Eritrea, children may enter the workforce at a young age due to the limited number of schools. Children from nomadic communities have difficulty accessing education as their seasonal movements are incompatible with the formal school calendar.²⁰⁴⁷

Laws and Regulations on the Worst Forms of Child Labor

The Labor Proclamation sets the minimum age for employment at 14 and the minimum age for hazardous work at 18. Under this law, hazardous

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	No

work includes transporting goods and passengers; heavy lifting; working with toxic chemicals and dangerous machines; digging tunnels; and working underground in mines, quarries and

sewers.²⁰⁴⁸ However, the Labor Proclamation does not require employers to keep a register containing the name, age or date of birth of their employees, and it does not include penalties for employers of children in hazardous work or children under the minimum age. Further, the Government does not provide protection for self-employed children or children working without a contract, leaving many children working on the streets, in family businesses and as unprotected child domestics.²⁰⁴⁹ Children in apprenticeships may engage in hazardous work if supervised by a competent authority.²⁰⁵⁰ This includes dangerous and health-threatening tasks such as working in mines, quarries and sewers. It is unclear at what age a child may become an apprentice.²⁰⁵¹

Slavery, servitude and forced labor are prohibited by the Constitution.²⁰⁵² The Penal Code prohibits and provides penalties for trafficking in persons for sexual exploitation, child rape and child prostitution.²⁰⁵³ No law prohibits trafficking for labor exploitation.²⁰⁵⁴ Children under 18 are prohibited from recruitment into the armed forces by Proclamation 11/1991.²⁰⁵⁵ However, in practice, children under age 18 receive military training.²⁰⁵⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Eritrea has established a coordinating mechanism to combat the worst forms of child labor.²⁰⁵⁷

The Ministry of Labor and Human Welfare is the primary federal agency designated to enforce child labor laws, including criminal violations of the worst forms of child labor, such as trafficking. No information exists on the Ministry's funding level or whether it coordinates with other agencies to assist rescued children. Information is also unavailable on the number of inspectors, and it is not known if they receive training and whether or not a complaint mechanism exists.²⁰⁵⁸ Information on child labor investigations, prosecutions or convictions is also lacking.

During the reporting period, immigration procedures were not enforced, and non-Eritrean citizens were able to obtain Eritrean passports. Persons in Eritrea were able to change civil records, including birth certificates, as long as three people attest to the birth at the regional government administration office.²⁰⁵⁹ These practices may contribute to the trafficking in persons in Eritrea.

Government Policies on the Worst Forms of Child Labor

The National Plan of Action on Child Labor and National Program of Action on Children are the primary government mechanisms to combat child labor in Eritrea. These policies prevent child labor and support victims by reintegrating them with families, communities and schools.²⁰⁶⁰

Child labor concerns are also mainstreamed into the Education Sectoral Development Plan and the UN Development Assistance Framework. However, these development policies do not have budgets, detailed action plans or targets related to the worst forms of child labor, and they do not appear to have been implemented to any significant degree.²⁰⁶¹ According to the National Policy on Education, the Government has established the right to free primary education, which is compulsory until age 14.²⁰⁶²

The Government's compulsory labor and military training requirements for schoolchildren may diminish the impact of Eritrea's policies to combat the worst forms of child labor.²⁰⁶³ The Government has not provided information during the reporting period that demonstrates that it collects information on the worst forms of child labor.²⁰⁶⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Government participated in the Regional Program for Eastern Africa (2009–2012) to counter trafficking of children.²⁰⁶⁵ The Government also participated in the Eastern African Police Chiefs Co-operation organization, a regional effort to improve its law enforcement capacity to combat human trafficking.²⁰⁶⁶

Eritrea also sponsored numerous youth and worker unions' anti-trafficking in persons education outreach programs.²⁰⁶⁷ Other efforts to combat the worst forms of child labor include the Government's program to provide shelter to orphans and vulnerable children.²⁰⁶⁸

Despite the initiatives described here, Eritrea's social programs are limited in scope and do not protect self-employed children or target areas where the majority of children work, such as agriculture, domestic service and street vending.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Eritrea:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Proclamation to require employers to keep a register containing the name and age or date of birth of their employees and provide penalties for employers of children in hazardous work and children under the legal minimum age.
- Ensure that self-employed children and children working without a contract are protected from the worst forms of child labor.
- Establish a minimum age for apprenticeships and prohibit children in supervised vocational training programs from engaging in hazardous work.
- Enact legislation to prohibit all forms of trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Publish data on inspections, criminal investigations, prosecutions and other steps taken to enforce laws.
- Ensure that immigration procedures are enforced.

IN THE AREA OF POLICIES:

- Implement child labor objectives in national policies and development plans by including budgets, detailed action plans and targets related to the worst forms of child labor.
- Cease the forced recruitment of children for purposes of manual labor under the Mahtot program during the school break.
- Ensure that children under the age of 18 are not recruited into the national military program.
- Conduct a national labor force survey to improve the availability of data on all forms of child labor, including the worst forms.

IN THE AREA OF PROGRAMS:

- Develop appropriate social protection programs to protect self-employed children and children working in agriculture and domestic service from the worst forms of child labor.
- Improve access to education by building more schools and developing alternative educational programs for nomadic communities.

²⁰³³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section. See also Muluberhan Hagos, *Harmonisation of laws relating to children: Eritrea*, The African Child Policy Forum, Addis Ababa, 2007, 99; available from [http://www.africanchild.](http://www.africanchild.info/documents/Eritrea%20Report%20final%20Sarah.doc)

[info/documents/Eritrea%20Report%20final%20Sarah.doc](http://www.africanchild.info/documents/Eritrea%20Report%20final%20Sarah.doc).

See also U.S. Embassy- Asmara, *reporting, January 28, 2011*, para 2. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second and third periodic reports of States parties due in 2006: Eritrea*, CRC/C/ERI/3, Geneva, October 23, 2007, para 341; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.ERI.3.pdf>.

²⁰³⁴ Hagos, *Harmonisation of laws relating to children: Eritrea*, 99. See also U.S. Embassy- Asmara, *reporting, January 28, 2011*, para 2. See also U.S. Department of State, “Eritrea,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

- ²⁰³⁵ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second and third periodic reports of States parties due in 2006: Eritrea*, para 341. See also U.S. Embassy-Asmara, reporting, February 23, 2011, para 3.b.
- ²⁰³⁶ Hagos, *Harmonisation of laws relating to children: Eritrea*, 100. See also U.S. Embassy-Asmara, reporting, January 28, 2011, para 2.
- ²⁰³⁷ U.S. Embassy-Asmara, reporting, January 28, 2011, paras 2, 3. See also U.S. Embassy-Asmara, reporting, March 9, 2010, para 1.
- ²⁰³⁸ U.S. Embassy-Asmara, reporting, January 28, 2011, para 2. See also Hadgu Mussie, "Eritrea, a Nation in Overall Crisis: Coping Strategies in Hard Times", asmarino.com, [online], April 16, 2009 [cited December 22, 2010]; available from <http://www.asmarino.com/eyewitness-account/133-iii-eritrea-a-nation-in-overall-crisis-coping-strategies-in-hard-times->. See also Child Rights Information Network, *Child Rights References in the Universal Periodic Review: Eritrea*, November 30, 2009, para 23; available from <http://www.crin.org/docs/Eritrea.pdf>. See also U.S. Department of State, "Country Reports- 2010: Eritrea," section 6.
- ²⁰³⁹ Human Rights Watch, *Service for Life: State Repression and Indefinite Conscriptioin in Eritrea*, New York, 2009, 56; available from http://www.hrw.org/sites/default/files/reports/eritrea0409web_0.pdf. See also UN Committee on the Rights of the Child, *48th Session: Summary Record of the 1335th meeting: Consideration of Reports of States Parties (Continued), Consolidated second and third periodic reports of Eritrea*, CRC/C/SR.1335, Geneva, June 13, 2008, 5; available from <http://tb.ohchr.org/default.aspx?country=er>. See also U.S. Embassy-Asmara, reporting, January 28, 2011, para 3. See also Mussie Hadgu, *Eritrea, a Nation in Crisis: Land Expropriation*, June 2009; available from <http://www.hrc-eritrea.org/article.php?id=26>.
- ²⁰⁴⁰ U.S. Embassy-Asmara, reporting, January 28, 2011, paras 4, 7. See also UNESCO, *EFA Global Monitoring Report: Reaching the marginalized*, Oxford University Press, Paris, 2010, 338; available from <http://unesdoc.unesco.org/images/0018/001866/186606e.pdf>. See also UK Border Agency, *Country of Origin Information Report*, April 21, 2009, 41, 49; available from <http://rds.homeoffice.gov.uk/rds/pdfs09/eritrea-220409.doc>. See also U.S. Department of State, "Country Reports- 2010: Eritrea," section 6.
- ²⁰⁴¹ U.S. Embassy-Asmara, reporting, January 28, 2011, para 4.
- ²⁰⁴² Human Rights Watch, *Service for Life: State Repression and Indefinite Conscriptioin in Eritrea*, 51-52. See also U.S. Embassy-Asmara official, E-mail communication to USDOL official, October 27, 2010. See also Human Rights Watch, *World Report 2011: Eritrea*, New York, January 2011, 3; available from <http://www.hrw.org/en/world-report-2011/eritrea>. See also U.S. Department of State, "Country Reports-2010: Eritrea," section 7c.
- ²⁰⁴³ UN General Assembly, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1: Eritrea*, A/HRC/WG.6/6/ERI/2, September 18, 2009, 5; available from http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/ER/A_HRC_WG6_6_ERI_2_E.pdf.
- ²⁰⁴⁴ U.S. Embassy-Asmara, reporting, February 23, 2011, paras 3.b, 3.c. See also U.S. Embassy-Asmara, reporting, January 28, 2011, para 5.
- ²⁰⁴⁵ U.S. Embassy-Asmara, reporting, February 23, 2011, para 3.b.
- ²⁰⁴⁶ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) United Arab Emirates (ratification: 2001) Published: 2008*, December 22, 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also Awate, "Eritrean Regime Now Trafficking Children", awate.com, [online], August 24, 2007 [cited February 22, 2010]; available from <http://www.awate.com/portal/content/view/4597/3/>.
- ²⁰⁴⁷ Yahoko Asai, "UNICEF supports a revived commitment to nomadic education in Eritrea", unicef.org, [online], March 30, 2010 [cited March 2, 2011]; available from http://www.unicef.org/infobycountry/eritrea_53217.html?q=printme. See also Miriam Mareso, "An emphasis on education for migrant communities in Eritrea", unicef.org, [online], April 17, 2009 [cited March 2, 2011]; available from http://www.unicef.org/infobycountry/eritrea_49393.html. See also Harry Hare, *Survey of ICT and Education in Africa: Eritrea Country Report*, April 2007, 4.
- ²⁰⁴⁸ Government of Eritrea, *The Labour Proclamation of Eritrea*, Public Law Number 118/2001, (2001), articles 3, 68, 69.
- ²⁰⁴⁹ Ibid., articles 3, 68, 69. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum age Convention, 1973 (No. 138) Eritrea (ratification: 2000) Submitted: 2010*, December 22, 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.
- ²⁰⁵⁰ Government of Eritrea, *The Labour Proclamation of Eritrea*, articles 33-38, 69.
- ²⁰⁵¹ Ibid., articles 33-38, 69.
- ²⁰⁵² Government of Eritrea, *The Constitution of Eritrea*, (May 23, 1997), article 16(3); available from http://www.chr.up.ac.za/undp/domestic/docs/c_Eritrea.pdf.
- ²⁰⁵³ Government of Eritrea, *The Transitional Eritrean Penal Code*, (1991), articles 589, 594-595, 597, 605-606.
- ²⁰⁵⁴ U.S. Department of State, "Eritrea," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14,

2010; available from <http://www.unhcr.org/refworld/country,,,ERI,,4c1883f62d,0.html>. See also Government of Eritrea, *The Transitional Eritrean Penal Code*, articles 606-060.

²⁰⁵⁵ Coalition to Stop the Use of Child Soldiers, “Eritrea,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

²⁰⁵⁶ U.S. Department of State, “Country Reports- 2010: Eritrea,” section 7c-7d. See also UK Border Agency, *Country of Origin Information Report*, 41.

²⁰⁵⁷ U.S. Embassy- Asmara, *reporting, January 28, 2011*, para 9.

²⁰⁵⁸ Ibid., paras 10-11. See also U.S. Embassy- Asmara, *reporting, February 23, 2011*, paras 4.b-d, 5.f.

²⁰⁵⁹ U.S. Embassy- Asmara, *reporting, February 23, 2011*, para 4.e.

²⁰⁶⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Eritrea.” See also U.S. Embassy- Asmara, *reporting, January 28, 2011*, para 12.

²⁰⁶¹ U.S. Embassy- Asmara, *reporting, January 28, 2011*, para 12. See also United Nations, *Eritrea: UN Development Assistance Framework (2007-2011)*, 2007, 27, 45; available from http://www.er.undp.org/un_eritrea/docs/undaf_pub_eritrea.pdf.

²⁰⁶² UNESCO, *World Data on Education*, IBE/2010/CP/WDE/EA, September 2010, 3; available from http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Eritrea.pdf.

²⁰⁶³ U.S. Embassy- Asmara, *reporting, January 28, 2011*, paras 3-4, 13.

²⁰⁶⁴ Ibid., para 6.

²⁰⁶⁵ UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Program 2009-2012*, December 2009, 3; available from http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf. See also Embassy of Ethiopia, “Eritrea Rejects US Country Report on Human Trafficking,” www.eastafricaforum.net, [online], June 18, 2009 [cited December 22, 2010]; available from <http://www.eastafricaforum.net/2009/06/19/eritrea-rejects-us-country-report-on-human-trafficking/>.

²⁰⁶⁶ Interpol, “Police co-operation in East Africa focus of regional police chiefs meeting in Sudan,” [interpol.int](http://www.interpol.int), [online], October 20, 2010 [cited December 22, 2010]; available from <http://www.interpol.int/Public/ICPO/PressReleases/PR2010/PR087.asp>.

²⁰⁶⁷ U.S. Embassy- Asmara, *reporting, January 28, 2011*, para 14.

²⁰⁶⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Eritrea.” See also Shabait, “Effective social security programs implemented in Southern region,” [shabait.com](http://www.shabait.com), [online], December 21, 2010 [cited January 10, 2011]; available from <http://www.shabait.com/news/local-news/4086-effective-social-security-programs-implemented-in-southern-region>.

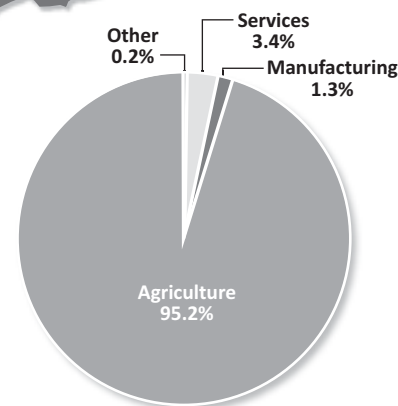
Ethiopia

The Government of Ethiopia has supported programs to reduce the worst forms of child labor, such as providing services to children living and working in the street and child trafficking victims. However, its efforts did not target sectors with a high incidence of child labor, such as agriculture and domestic service. Ethiopia has not adopted or implemented a comprehensive policy to combat the worst forms of child labor and has not effectively enforced its child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	50.1*
Attending School	5-14 yrs.	29.2
Combining Work and School	7-14 yrs.	Unavailable

* Population of working children: 8,854,463



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ethiopia are engaged in the worst forms of child labor, including agriculture and domestic service.²⁰⁶⁹ Children's work in agriculture commonly involves dangerous activities, such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.²⁰⁷⁰ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of coffee, cotton, onions, sugarcane and tea.²⁰⁷¹ Children also herd and take care of cattle, which may require them to work long hours.²⁰⁷² Reportedly, children also work to catch fish for sale. Some children who work in fishing may be exposed to risks, such as drowning.²⁰⁷³

In urban areas, children—mostly girls—work in domestic service, which may involve risks such as sexual and other forms of abuse. Many child domestics also suffer from depression and

anxiety.²⁰⁷⁴ Girls collect firewood and water, activities which may require them to walk long distances with heavy loads.²⁰⁷⁵

Children work in the production of gold. Children working in small-scale gold mining may dig their own mining pits and carry over 10 gallons of water daily.²⁰⁷⁶ Anecdotal evidence indicates that children may also work in quarries.²⁰⁷⁷

In urban areas, many children live and work on the streets as shoe shiners, vendors and beggars, which may expose them to many dangers, including severe weather, vehicle accidents and criminal elements.²⁰⁷⁸ Some child beggars are intentionally maimed or blinded to raise their earnings. Children also work in petty trading, transportation and the construction and manufacturing industries.²⁰⁷⁹

Although the extent of the problem is unknown, reports indicate that children may represent a

considerable percent of the traditional weaving industry in Addis Ababa and the Gamo Gofa and Wolaita Zones.²⁰⁸⁰ Child weavers may work long hours, face physical, sexual or emotional abuse from their employers and develop injuries as a result of crouching while working on traditional weaving looms.²⁰⁸¹ Anecdotal evidence suggests that some child weavers suffer starvation and are held in debt bondage.²⁰⁸²

Children in Ethiopia are also found in other activities that constitute the worst forms of child labor, such as prostitution, forced labor and with militias. The commercial sexual exploitation of children is more prevalent in urban areas, especially Addis Ababa.²⁰⁸³ Girls are recruited to work in prostitution at brothels, hotels, bars, rural truck stops and in resort towns.²⁰⁸⁴ Girls may also be involved in the production of pornography and in sex tourism.²⁰⁸⁵ Reports also suggest that children are recruited by local militias, predominantly in the Somali Regional State.²⁰⁸⁶






Trafficking of children occurs from Oromiya and the Southern Nations, Nationalities and People's Region (SNNPR) to other regions in Ethiopia for forced labor in domestic service and the weaving industry.²⁰⁸⁷ Children are also trafficked from rural to urban areas for commercial sexual exploitation, begging, street vending and manual labor.²⁰⁸⁸ Children are reportedly trafficked from Ethiopia to Djibouti, Kenya, Sudan, Europe and the Middle East for labor and commercial sexual exploitation.²⁰⁸⁹

Although the Government has made significant strides in improving access to education by building schools, children in rural areas are still at risk of entering the workforce at a young age due to the limited number of schools.²⁰⁹⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Proclamation sets the minimum age for employment at 14 and the minimum age

for hazardous work at 18.²⁰⁹¹ The law forbids employers from using “young workers,” defined as children ages 14 to 18, when the nature of the job or the conditions under which it is carried out might endanger the life or health of a child.²⁰⁹² The Labor Proclamation also prohibits children from working at night, working overtime and in occupations designated as the worst forms of child labor.²⁰⁹³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Government only provides protection to children involved in contractual labor, excluding many children who perform unpaid work and work on the streets, in family farms or as child domestics.²⁰⁹⁴ In addition, the law does not prohibit children above the age of 14 from engaging in hazardous work if this work is performed following a Government-approved vocational training course. Hazardous work is dangerous to the health and safety of the children involved, even if this work is supervised.²⁰⁹⁵

The Constitution provides protections for children from trafficking, slavery and forced labor.²⁰⁹⁶ Some communities in Ethiopia have also enacted local

by-laws against trafficking. The Criminal Code also prohibits trafficking, child pornography, the commercial sexual exploitation of children and the use of children in illicit activities.²⁰⁹⁷ However, there is no evidence of a legal framework or institutional structure to ensure that all children are registered at birth. Unable to prove citizenship, nonregistered children are vulnerable to trafficking and recruitment in armed conflict.²⁰⁹⁸ The Criminal Code sets the minimum age for conscription and voluntary recruitment into the military at 18.²⁰⁹⁹

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Ethiopia has established an Inter-Ministerial Task Force on Trafficking to coordinate anti-trafficking efforts, its mandate does not extend to combating other worst forms of child labor.²¹⁰⁰

The Ministry of Labor and Social Affairs (MOLSA) is the lead agency for trafficking in persons programming and its Occupational Safety, Health and Working Environment Department (OSHWED) is responsible for data collection, analysis and policymaking for labor purposes.²¹⁰¹ In 2010, six regional governments established a steering committee on human trafficking. In some communities, there are child protection committees, including children, police, health workers and teachers.²¹⁰²

MOLSA is also the primary federal agency responsible for labor inspections, which are organized through federal and regional offices. OSHWED enforces occupational safety, health and minimum labor conditions of industrial enterprises in Addis Ababa and Dere Dawa, which include child labor laws.²¹⁰³ OSHWED employs 120 labor inspectors.²¹⁰⁴ ILO reports that this department is understaffed and lacks sector-specific occupational health and safety guidelines, which weakens enforcement efforts.²¹⁰⁵

The Regional Bureaus of Social and Labor Affairs (BOLSAs) and City Administration are responsible for labor inspections at the zonal offices and regional and city levels.²¹⁰⁶ Both OSHWED and BOLSAs lack equipment and their inspectors do not have access to suitable transportation, often relying on employers and trade union representatives for rides.²¹⁰⁷ Labor inspectors' salaries are not competitive and turnover is high. The NGO Forum on Sustainable Child Empowerment provided training to some labor inspectors.²¹⁰⁸

Labor inspectors visit enterprises to conduct investigations, which are commonly unannounced, and use checklists specific to small, medium and large enterprises.²¹⁰⁹ If a labor violation is found, labor inspectors may require the employer to correct the situation within a given timeframe or may report the incident to the Minister of Labor.²¹¹⁰ Labor inspectors do not have the authority to impose immediate sanctions, and fines can only be issued by a court. Outreach to and inspection of the formal sector of the economy has been limited.²¹¹¹

In addition, the labor relations board, an institution which settles labor disputes, receives labor complaints and issues decisions on alleged violations.²¹¹² Research found no information on how many child labor investigations were opened, how many citations were issued and whether appropriate sanctions were applied.²¹¹³

The Ministry of Justice and the police investigate and prosecute criminal violations of child labor laws.²¹¹⁴ Police departments in Addis Ababa, Amhara, Oromiya, SNNPR and Dere Dawa have special Child Protection Units (CPUs) that are staffed by one social worker and two police officers who identify and refer victims of the worst forms of child labor to support services.²¹¹⁵ During the reporting period, CPUs identified 1,134 trafficked children, referred 116 of these children to shelters and reunified 757 children with their parents or

guardians.²¹¹⁶ The police, in collaboration with the Forum on Sustainable Child Empowerment, also operate a hotline to report trafficking cases, but there are no statistics on how many cases are reported or their outcome.²¹¹⁷

Child Protection Committees and Child Clubs, which promote children's rights, were established in SNNPR. During the reporting period, 1,882 committee and club members were trained on the protection of trafficking victims, trafficking case management and international and Ethiopian trafficking laws.²¹¹⁸

The federal police established a Human Trafficking and Narcotics Section in the Organized Crime Investigation Unit to collaborate with the prosecutor's office in conducting investigations, prosecuting offenders and reporting and collecting trafficking data. In 2009, this unit investigated 63 cases and referred 39 cases to the prosecutor's office. It is not known how many of these cases involved children.²¹¹⁹

Government Policies on the Worst Forms of Child Labor

The Government drafted a National Action Plan on Child Labor (2010-2015) and a new Protocol and Guideline on child labor identification, withdrawal, reintegration and educational policies. However, these have not yet been adopted.²¹²⁰

The Government's National Plan of Action on Sexual Abuse and Exploitation of Children (2006-2010) outlines targets for reducing the number of children working in the worst forms of child labor, including commercial sexual exploitation. The National Action Plan against Trafficking and the National Plan of Action for Children (2003-2010) also include provisions to reduce the worst forms of child labor.²¹²¹ However, the National Plan of Action for Children document was not translated into local languages or adequately distributed to local authorities in charge of its

implementation.²¹²² No additional information was available on these policies, including whether they were being implemented effectively. In addition, although the Government has established the right to free primary education, in practice, the cost of school supplies and quality of education inhibits some children from attending school.²¹²³

In 2010, the Government launched its Early Childhood Care Education (ECCE) Policy which will support early education programs for young children and community-based non-formal school readiness programs.²¹²⁴ Ethiopia's Growth and Transformation Plan 2010-2015 supports the expansion of education services and outlines interventions that the Government plans to undertake in the next five years to provide greater opportunities for vulnerable households to engage in decent work.²¹²⁵ The question of whether these policies have an impact on child labor does not appear to have been addressed

In addition, child labor issues have been integrated into the following Ethiopian development agendas and policies: Development Social Welfare Policy, the Education Sector Development Program III, Decent Work Country Program and the United Nations Development Assistance Framework. However, in general, these policies do not have budgets, detailed action plans or targets related to the worst forms of child labor.²¹²⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Government conducted awareness-raising activities to combat child labor and piloted a child labor free zone in Addis Ababa in collaboration with the Forum on Sustainable Child Empowerment. It brought together child protection officers, labor inspectors, police and other stakeholders to reintegrate child laborers.²¹²⁷ The Government of Ethiopia, in partnership with UNICEF, is also providing over 6,000 street children with formal and nonformal education

and access to free health care in Addis Ababa and 14 other major towns.²¹²⁸

In 2011, the Government provided 3,000 people living and working on the streets, including children, with clothing, food and vocational training in cobblestone manufacturing.²¹²⁹

Research found no information about the condition in which child beneficiaries worked in cobblestone production.

During the reporting period, Ethiopia participated in a \$1 million project funded by the Government of Italy to support the development of a national action plan on the worst forms of child labor.²¹³⁰

The Government, in partnership with Save the Children, also completed a pilot survey on child labor and exploitation in seven towns. However, the Government has not published the results of this survey or the Central Statistical Agency's 2009 survey on child labor.²¹³¹

Ethiopia is also participating in the Regional Program for Eastern Africa (2009-2012) to

combat the trafficking of children. With support from UNODC, this program aims to collect data on trafficking in persons, develop a border control system and ratify and implement the UN Convention against Transnational Organized Crime and its Protocols.²¹³²

Ethiopia's Productive Safety Net Program (PSNP) has several components, one of which has been shown to reduce the amount of time children from participating households work. However, another component has been shown to increase the amount of time children work where children's labor is substituted for the labor of adult family members.²¹³³

While the Government participates and implements several programs to combat the worst forms of child labor, its efforts have not targeted sectors with a high incidence of child labor, such as agriculture and domestic service. In addition, the Government has not incorporated child labor concerns into its PSNP.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ethiopia:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure protection for children who are working on a non-contractual basis and engaging in unpaid work.
- Amend the Labor Proclamation to raise the minimum age children may enter hazardous work following the completion of a Government approved vocational training course from 14 to 16 years.
- Create a legal framework and institutional structure to ensure the registration of all children at birth.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct an investigation into the recruitment practices of local militias to ensure that children are not engaged by these groups.
- Establish a coordinating mechanism to combat all worst forms of child labor.
- Develop sector-specific occupational health and safety guidelines.
- Strengthen the capacity of labor law enforcement officials by
 - Providing labor inspectors with competitive salaries to reduce turnover.
 - Providing high-quality and regular training on child labor laws to enforcement personnel.
 - Ensuring that labor inspectors in MOLSA have adequate budgetary resources to conduct systematic inspections in all sectors of the economy.
- Gather and make publicly available information about how many child labor investigations are open, how many citations and criminal prosecutions are initiated and issued and whether appropriate penalties are applied.

IN THE AREA OF POLICIES:

- Adopt the National Action Plan on Child Labor and Protocol and Guideline.
- Make publically available the results of child labor surveys and information regarding the National Plan of Action for Children and assess the impact this policy and others may have on addressing child labor.
- Translate the National Plan of Action for Children into local languages.
- Include budgets, action plans and targets related to the worst forms of child labor in development agendas and policies.
- Gather and make publicly available information about the implementation of national policies to combat child labor.
- Promote and implement the right to a free primary education by supporting the cost of school supplies.

IN THE AREA OF SOCIAL PROGRAMS:

- Develop social protection programs for the withdrawal or prevention of children working in agriculture and domestic service.
- Ensure that programs targeting children living and working on the streets offer psychosocial services and that vocational training programs do not promote child labor.
- Improve access to education in rural areas by building additional schools.
- Implement a birth registration campaign.
- Ensure that child labor prevention and withdrawal strategies are incorporated into the PSNP.

²⁰⁶⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data on working children and school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also Yisak Tafere, Workneh Abebe, and Asham Assazinew, *Key Transitions and Well-being of Children in Ethiopia: Country Context Literature Review*, June 2009, 12; available from <http://www.younglives.org.uk/files/technical-notes/key-transitions-and-well-being-of-children-in-ethiopia-country-context-literature-review>.

²⁰⁷⁰ People in Need Ethiopia, *A study on the situation of child labour in Ethiopia: Review of existing studies and brief assessment*, Addis Ababa, July 2009, 23; available from http://www.rozvojovka.cz/download/pdf/pdfs_194.pdf.

²⁰⁷¹ U.S. Embassy- Addis Ababa, *reporting, February 7, 2011*, para 1, 8. See also Kate Orkin, "In the Child's Best Interests? Legislation on Children's Work in Ethiopia," *Journal of International Development* no. 22 (2010), 1107-1109. See also Tatek Abebe and Asbjorn Aase, "Children, AIDS and the politics of orphan care in Ethiopia: The extended family revisited," *Social Science & Medicine* 34 (March 26, 2007), 2063, 2065-2066. See also Daniel Assefa, *Baseline study and situational analysis of child labour and education in HIV/AIDS affected communities in Ethiopia*, Kenya, Uganda, Rwanda, Ethiopia Together (KURET), November, 2005, 15.

²⁰⁷² Tafere, Abebe, and Assazinew, *Key Transitions and Well-being of Children in Ethiopia: Country Context Literature Review*, 12. See also Assefa, *Baseline study and situational analysis of child labour and education in HIV/AIDS affected communities in Ethiopia*, 133, 135. See also Yisak Tafere and Laura Camfield, *Community Understandings of Children's Transitions in Ethiopia: Possible Implications for Life Course Poverty*, ISBN: 9781904427452, University of Oxford, Oxford, January 2009, 19; available from <http://www.younglives.org.uk/files/working-papers/wp41-community-understandings-of-children2019s-transitions-in-ethiopia-possible-implications-for-life-course-poverty>. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 13.

²⁰⁷³ Tafere and Camfield, *Community Understandings of Children's Transitions in Ethiopia*, 19. See also UNICEF, "Project aims to ensure education for child labourers in drought-affected Ethiopia", [unicef.org](http://www.unicef.org/emerg/ethiopia_44877.html?q=printme), [online], July 28, 2008 [cited March 9, 2011]; available from http://www.unicef.org/emerg/ethiopia_44877.html?q=printme.

²⁰⁷⁴ Desta Ayode, *Rapid Assessment on Child Protection in Addis Ababa, Arada Sub City, Woreda 08*, Forum on Sustainable Child Empowerment (FSCE), Addis Ababa, February, 2011, 26. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 23. See also Mailafiya Aruwa Filaba, "Saratanya (House Servant) in Ethiopia and 'Ya'yan Magajiya (Errand Children) in Nigeria," *African Research Review* 2, no. 1 (2008), 214, 216; available from http://afrrevjo.com/print/sites/default/files/Volume_2_Number_1_art_13.pdf. See also Atalay Alem, Ababi Zergaw, Derege Kebede, Mesfin Araya, Menelik Desta, Teferea Muche, Debela Chali, and Girmay Medhin, "Child labor and childhood behavioral and mental health problems in Ethiopia," *Ethiopian Journal of Health Development* 20, no. 2 (2006), 122-123; available from http://ejhd.uib.no/ejhd-v20-n2/119_126_EJHD_20%20no%202%20final.pdf.

²⁰⁷⁵ Martina Nicolls, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda and Ethiopia Together (KURET) Project: Ethiopia*, Macro International Inc, 2009, 8. See also Tatek Ababe and Anne Trine Kjørholt, "Social Actors and Victims of Exploitation: Working Children in the Cash Economy of Ethiopia's South," *Childhood* 16, no. 2 (May 2009), 8. See also People in Need Ethiopia, *A study on the situation of child labour in Ethiopia*, 12.

²⁰⁷⁶ U.S. Embassy- Addis Ababa, *reporting, February 7, 2011*, para 1.1, 8. See also Assefa, *Baseline study and situational analysis of child labour and education in HIV/AIDS affected communities in Ethiopia*, 31, 132, 135, 137-138. See also Ababe and Kjørholt, "Social Actors and Victims of Exploitation," 20. See also Heike Roschanski, *Deprived Children and Education: Ethiopia*, International Research on Working Children, December, 2007, 22; available from http://www.childlabour.net/documents/educationproject/Ethiopia_Education_Final.pdf.

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²⁰⁷⁸ Embassy of Finland, *Street children of Bahir Dar, Ethiopia, are getting into school*, May 25, 2010; available from <http://www.finland.org.et/public/default.aspx?contentid=193213&nodeid=31683&contentlan=2&culture=en-US>. See also UNICEF, *Introduction - Child protection*, [online] [cited December 22, 2010]; available from <http://www.unicef.org/ethiopia/protection.html>. See also U.S. Embassy- Addis Ababa, *reporting, February 7, 2011*, para 1. See also U.S. Department of State, "Ethiopia," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 09,

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Fiji

The interim Government of Fiji strengthened its legal framework to protect children by issuing the Child Welfare Decree 2010 and by issuing the updated Crimes Decree in February of 2010. Worst forms of child labor continue to exist, however, including in the agricultural sector. Significant gaps exist in enforcement efforts and a lack of programs in Fiji that target children engaged in the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Fiji are engaged in the worst forms of child labor, including agriculture.²¹³⁴ Some minors perform agricultural activities that carry a high risk of occupational injury. For example, Fijian boys as young as 11 harvest sugar cane using sharp knives, working long hours, and carrying heavy loads.²¹³⁵ In tobacco fields, children spray pesticides and lay fertilizer, potentially exposing them to poisonous chemicals.²¹³⁶ Although information is limited, there are reports that children in Fiji also aid in the production of coconuts and coconut oil, rice, dalo, yaqona, roots, tubers, and other kinds of vegetables.²¹³⁷ There are also reports that children in rural areas are also engaged in pig farming and goat and cattle herding.²¹³⁸

Children in Fiji are engaged in fishing and deep sea diving, where they are directly involved in steering outboard motors and are at risk of drowning.²¹³⁹ Deep sea diving is usually done without proper training and without appropriate equipment.²¹⁴⁰

A surge in the number of urban poor in Fiji in recent years increased the population of children vulnerable to exploitative work. In urban areas, boys hire themselves out pushing wheelbarrows for shoppers in markets, collecting bus tickets, repairing houses and repairing and shining shoes.²¹⁴¹ Increasing numbers of children can be found selling fruit along roadsides and in markets and collecting bottles and scrap metal.²¹⁴² There are reports that boys as young as age 11 work as car mechanics.²¹⁴³ Children working in urban areas may be exposed to severe weather, accidents by proximity to vehicles, and vulnerability to criminal elements.

The commercial sexual exploitation of children is a problem in Fiji's urban centers.²¹⁴⁴ Prostitution, including sex tourism, appears to be the most common form of commercial sexual exploitation, although child pornography may also be produced.²¹⁴⁵ Some child prostitutes are as young as age 10, although most are girls between the ages 15 and 17.²¹⁴⁶

Although the extent of the problem is unknown, children in Fiji are reportedly used in the

production and trafficking of drugs, especially marijuana.²¹⁴⁷

Parents sometimes send their son or daughter to live with families living in cities or near schools to facilitate their continuing education and to do light work in the household. This leaves children vulnerable to exploitation, as there are reports that the adopted households sometimes force the child into involuntary domestic servitude or sexual activity in exchange for food, clothing, shelter, or school fees.²¹⁴⁸

Laws and Regulations on the Worst Forms of Child Labor

The Employment Relations Promulgation 2007 sets the minimum age for employment at 15 and prohibits children under age 18 from engaging in hazardous work.²¹⁴⁹ However, the law permits children under 18 to work during night hours, between 6:00 p.m. and 6:00 a.m., under conditions defined by the Minister for Labor, Industrial






Relations and Employment. The promulgation also permits children between the ages of 13 and 15 to be employed in light work or in a workplace in which a member of the child’s family, community, or religious group is employed—provided the work is not hazardous and does not interfere with the child’s education.²¹⁵⁰

The promulgation allows the Minister for Labor to prohibit or restrict children’s work in environments deemed to present health threats or to be hazardous, dangerous, or unsuitable.²¹⁵¹ The promulgation highlights some potentially hazardous employment, however, the Minister for Labor has not issued a comprehensive list of hazardous work.²¹⁵²

The Employment Relations Promulgation and a subsequent amendment prohibit firms from employing a child for excessive hours or in underground mines.²¹⁵³ It also protects children against debt bondage, indentured servitude, trafficking, child soldiering, commercial sexual exploitation, and use in illicit activities, such as drug trafficking.²¹⁵⁴

The Crimes Decree and Penal Code provide male and female children with equal protection against sexual offenses.²¹⁵⁵ During the reporting period, a new Crimes Decree was issued, outlining the legal framework for prosecuting individuals who seek or purchase paid sexual services, including more rigorous sentencing requirements if the prostituted person was a child.²¹⁵⁶ The law holds liable anyone who facilitates the defilement of a child, for instance through prostitution, including the child’s parents and relatives.²¹⁵⁷

The Crimes Decree, the Immigration Act 2003, and the Employment Relations Promulgation prohibit human trafficking and forced labor.²¹⁵⁸ The legislation explicitly defines penalties for trafficking in persons, forced labor, and debt bondage when the victim is a child.²¹⁵⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

During the reporting period, the President issued the Child Welfare Decree 2010.²¹⁶⁰ While not specifically addressing the issue of child labor, the decree makes it mandatory for professionals, such as police officers, doctors, lawyers and social welfare personnel, to report any observed abuses of children. The decree also gives these professionals the authority to remove children from dangerous situations during an investigation.²¹⁶¹

According to the 1997 Compulsory Education Order and the Compulsory Education Regulations, education is mandatory for 12 years, or to approximately age 17.²¹⁶²

In December 2006, the Government of Fiji was overthrown in a military coup by Commodore Voreqe “Frank” Bainimarama and an Interim Government was installed, ultimately establishing Commodore Bainimarama as Prime Minister. After a court declared the coup and resulting military government illegal in 2009, President Ratu Josefa Iloilo abrogated the constitution and declared rule by decree of the Bainimarama Government. As of the writing of this report, Fiji has not reinstated elections, the constitution or the Bill of Rights.²¹⁶³

Institutional Mechanisms for Coordination and Enforcement

The National Coordinating Committee on Children comprises members from the highest ranks of government ministries and leaders of Fiji’s nonprofit community.²¹⁶⁴ The Fiji police force maintains a Human Trafficking Working Group to facilitate information sharing on human trafficking-related issues between the public, private, and nonprofit sectors and to identify gaps in existing efforts.²¹⁶⁵ There is no evidence that these committees have established any policies or programs to address the worst forms of child labor.

The Ministry of Labor and Industrial Relations is the primary agency responsible for enforcing

child labor laws. Labor cases are tried in the Employment Relations Tribunal and the Employment Relations Division of the High Court.²¹⁶⁶

The Ministry employs about 40 labor inspectors nationwide.²¹⁶⁷ The inspectors are stationed in the larger towns and have difficulty accessing smaller rural communities and outer islands.²¹⁶⁸ During the reporting period, labor inspectors did not cite any violations, begin or resolve any cases, or have any open cases relating to child labor.²¹⁶⁹

The Fiji police force coordinates investigations into cases involving underage victims of commercial sexual exploitation and trafficking, which are then tried in the criminal court system.²¹⁷⁰

In addition to the police force, the Ministries of Labor, Department of Immigration, Department of Social Welfare and the Director of Public Prosecution are responsible for enforcing laws on child trafficking.²¹⁷¹

The Fijian Courts may grant the Department of Social Welfare, which operates four shelters throughout Fiji, custody over child victims. However, research does not suggest that the government runs facilities aimed at addressing the particular needs of child trafficking victims.²¹⁷² The Fiji Police Sexual Offences Unit has named one of their biggest challenges as the lack of support services for child victims, including effective counseling and victim friendly court procedures.²¹⁷³

Government Policies on the Worst Forms of Child Labor

In an effort to encourage educational attainment, in 2010 the Government of Fiji capped school fees at FJD \$10.00 per year (US\$6.50) and removed external exams that had prevented children from completing secondary education.²¹⁷⁴ Schools are also now prohibited from sending children home because of unpaid term fees. Even if there is an outstanding balance, children are now allowed

to finish the school year. However, the child may not be able to re-enroll the following year until the debt is paid.²¹⁷⁵ The question of whether these policies have had an impact on child labor during the reporting period does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Interim Government maintains several social programs to increase school retention rates among the country's most economically disadvantaged children. In 2010, the Interim Government allocated \$250,000 to the Poverty Relief Fund for education that helps cover needy students' schooling costs.²¹⁷⁶ In 2010, a school bus fare scheme was also introduced to offset transportation costs and to help keep students in school.²¹⁷⁷

The Government is taking part in an EU-funded regional project, Tackling Child Labor through Education (TACKLE). TACKLE, which began in 2008 and continued through the reporting

period, works to improve access to education for vulnerable children and to strengthen domestic authorities' capacity to confront issues related to child labor.²¹⁷⁸ In 2010, the project allocated \$2 million for projects in Fiji, which includes the creation of a national action plan to eliminate child labor, the establishment of a child labor unit, the provision of services to remove children from commercial sexual exploitation and the strengthening of government capacity to tackle child labor and poverty specifically in squatter settlements.²¹⁷⁹

In addition, the Governments of Australia, New Zealand, Japan, and other Asia-Pacific countries granted a combined \$28.8 million in 2010 to the Interim Government to fund projects to improve Fiji's educational system.²¹⁸⁰

Although the majority of Fiji's child laborers are believed to be operating in farming, street vending, and commercial sexual exploitation, there is no evidence that government programs or protections specifically target these groups.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Fiji:

IN THE AREA OF LEGISLATION:

- Eliminate provisions in existing law that permits children to work during night hours.
- Draft and adopt a list of hazardous occupations prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.
- Provide support services for child victims, including effective counseling and victim friendly court procedures.

IN THE AREA OF POLICY:

- Assess the impact the existing policies may have on addressing child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Institute programs to address the worst forms of child labor specifically in agriculture, street vending, and commercial sexual exploitation.

²¹³⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section. See Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing,” *Statistical News* 9 (February 27, 2009); available from http://www.statsfiji.gov.fj/Census2007/census07_index.htm. See also ILO, *Child Labour in Fiji: A survey of working children in commercial sexual exploitation, on the streets, in rural agricultural communities, in informal and squatter settlements and in schools*, ILO-IPEC, Suva, 2010, 13, 77, 80, 82-85. See also Vereniasi Raicola, “Suffer the Children,” *Fiji Times* (Suva, Fiji), May 12, 2007; available from <http://www.fjitimes.com/story.aspx?id=62432>. See also Shailendra Singh, “Amid Economic Slump, Children Face Bleak Future,” *Inter Press Service* (Suva), January 6, 2010; available from <http://ipsnews.net/news.asp?idnews=49895>.

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²¹³⁶ ILO, *Child Labour in Fiji*, 84.

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²¹³⁸ ILO, *Child Labour in Fiji*, 82.

²¹³⁹ *Ibid.*, 84.

²¹⁴⁰ *Ibid.*

²¹⁴¹ Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing.” See also Margaret Chung and Tim Howick-Smith, *Fiji Islands: A Situational Analysis of Children, Youth, and Women*, UNICEF Pacific and the Government of Fiji, 2007; available from http://www.unicef.org/pacificislands/Fiji_SitAn.pdf. See also “Boy wants to go to school.” See also Serafina Silaitoga, “Faith in a plan,” *Fiji Times*, May 13, 2010; available from <http://www.fjitimes.com/story.aspx?id=146445>. See also Ruby Taylor-Newton, “Life on wheels,” *Fiji Times*, March 5, 2010; available from <http://www.fjitimes.com/story.aspx?id=141409>. See also Raicola, “Suffer the Children.” See also Margaret Wise, “Sacrifice: A teen quits school to support his family,” *Fiji Times*, June 11, 2009; available from <http://www.fjitimes.com/story.aspx?ref=archive&id=123285>. See also “See to the children first, says priest,” *Fiji Times*, December 11, 2008; available from <http://www.fjitimes.com/story.aspx?id=108597>. See also U.S. Embassy- Suva, *reporting, February 1, 2010*.

²¹⁴² Margaret Wise, “Journey for a job,” *Fiji Times*, June 11, 2009; available from <http://www.fjitimes.com/story.aspx?id=123288>. See also Singh, “Amid Economic Slump, Children Face Bleak Future.” See also “Boy wants to go to school.” See also Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing.” See also Raicola, “Suffer the Children.” See also “See to the children first, says priest.” See also ILO, *Child Labour in Fiji*, 15, 94-114.

²¹⁴³ Monika Singh, “Father allows son to work,” *Fiji Times*, March 7, 2007; available from <http://www.fjitimes.com/story.aspx?id=58303>. See also Raicola, “Suffer the Children.” See also Wise, “Journey for a job.” See also Elbourne, “Parents use children to beg: ILO.” See also ILO, *Child Labour in Fiji*, 13, 15, 67, 104-105.

²¹⁴⁴ ILO, *Child Labour in Fiji*, 42-57.

²¹⁴⁵ *Ibid.* See also UNICEF, UNESCAP, and ECPAT International, *The Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2008; available from http://www.unicef.org/eapro/Pacific_CSEC_report.pdf. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Fiji (ratification: 2002) Submitted: 2010*, June 28, 2010;

available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25284&chapter=9&query=Fiji%40ref&highlight=&querytype=bool&context=0>. See also “Fiji sex workers start very young: ILO,” *Radio Fiji*, December 17, 2010; available from www.radiofiji.com/fj/print.php?id=33042. See also “Young girls lured into sex trade in Fiji,” *Pacific Island News Association* (Suva), December 22, 2010; available from www.pina.com.fj/?p=pacnews&m=read&o=2764130844d113a3e65182c177693e.

²¹⁴⁶ Shalveen Chand, “Child trafficking,” *Fiji Times* (Suva), May 15, 2010; available from <http://www.fijitimes.com/story.aspx?id=146546>. See also Theresa Ralogaivau, “Child prostitution: Girls sell their bodies for \$2,” *Fiji Times*, June 29, 2009; available from <http://www.fijitimes.com/story.aspx?id=124456>. See also “Help a must to combat prostitution: Morgam,” *Fiji Times*, October 17, 2008; available from <http://www.fijitimes.com/story.aspx?ref=archive&id=103673>. See also “Fiji sex workers start very young: ILO.” See also “Young girls lured into sex trade in Fiji.”

²¹⁴⁷ Shalveen Chand, “Children used as drug mules,” *Fiji Times* (Suva), June 14, 2010; available from <http://www.fijitimes.com/story.aspx?id=150121>. See also “Drug related crimes decrease: Police,” *Fiji Times*, October 5, 2007; available from <http://www.fijitimes.com/story.aspx?id=71776>. See also “Labor rights and wrongs,” *Fiji Times*, March 13, 2007; available from <http://www.fijitimes.com/story.aspx?id=58705>. See also Interim Government of Fiji- Ministry of Information, “A Publication by the Ministry of Information,” *Fiji Focus* 2, no. 12 (June 26, 2010); available from http://www.fiji.gov.fj/index.php?option=com_docman&task=cat_view&gid=63&limit=5&limitstart=0&order=date&dir=DESC&Itemid=158. See also “Fiji sex workers start very young: ILO.”

²¹⁴⁸ U.S. Department of State, “Fiji,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also Shamima Ali, *Violence against the girl child in the Pacific Islands region*, pursuant to United Nations Division for the Advancement of Women and UNICEF Expert Group Meeting on the Elimination of all forms of discrimination and violence against the girl child, September 25-28, 2006; available from <http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/ExpertPapers/EP.14%20%20Ali.pdf>. See also Anafia Norton, Penelope Taylor, Patrick Vakaoti, Marie Wernham, and Freida M’Cormack, *Protect me with love and care: A baseline report for creating a future free from violence, abuse and exploitation of girls and boys in Fiji*, UNICEF Pacific, Suva, 2009, 16; available from http://www.unicef.org/pacificislands/partners_10989.html.

²¹⁴⁹ Government of Fiji, *Employment Relations Promulgation 2007*, (October 2, 2007), articles 92, 93, 95; available from <http://labour.gov.fj/bills/ER.pdf>.

²¹⁵⁰ *Ibid.*, articles 92-93, 98.

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²¹⁵² ILO Committee of Experts, *Individual Direct Request C182: Fiji (2010)*.

²¹⁵³ Government of Fiji, *Employment Relations Promulgation 2007*, articles 95, 97.

²¹⁵⁴ *Ibid.*, articles 90-97. See also Government of Fiji, *Employment Relations (Administration) Regulations*, (April 2, 2008), articles 40-41; available from http://www.labour.gov.fj/erp2008/ERPREGS/ERP_Admin_Regs_2008.pdf.

²¹⁵⁵ Government of Fiji, *Crimes Decree 2009*, (November 5, 2009), 214-215, 219-220, 226-227, 229; available from http://www.fiji.gov.fj/index.php?option=com_docman&task=doc_download&gid=100&Itemid=158. See also Government of Fiji, *Penal Code*, (1978), articles 153-156, 159-161, 165; available from http://www.itc.gov.fj/lawnet/fiji_act/penal_code.html.

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- ²¹⁷⁸ International Labor Organization, *Tackle child labor through education; moving children from work to school in 11 countries*, June 2008; available from <http://www.ilo.org/ipecinfor/product/searchProduct.do?userType=3&type=normal&selectedSortById=4&selectedPublicOrIntranet=1&selectedCountries=320&createdMonthFrom=-1>. See also Interim Government of Fiji- Embassy of the Republic of the Fiji Islands, *Response to Federal Register Notice 2010*.
- ²¹⁷⁹ Ministry of Information, *EU and ILO join fight against child labor*, Fiji Government, December 17, 2010; available from www.fiji.gov.fj/index.php?view=article&catid=71%3Apress-release&id=3039%3A.
- ²¹⁸⁰ Interim Government of Fiji- Ministry of Finance, *Economic and Fiscal Update: Supplement to the 2009 Budget Address*, 52.

Gabon

During the year, the Government of Gabon adopted legislation prohibiting categories of hazardous work for children. It also collaborated with INTERPOL to rescue children, some of whom were trafficking victims, exploited in street markets. Children continue to be victims of trafficking in Gabon. However, little information is available to assess the extent to which less publicized worst forms of child labor exist and need to be addressed.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Gabon are engaged in the worst forms of child labor,²¹⁸¹ many as a result of trafficking.²¹⁸² Trafficked children work in street market vending and as domestic servants.²¹⁸³ Boys are also trafficked for forced labor in handicrafts workshops and as mechanics, while girls are trafficked into forced labor in restaurants. These children are often from other countries in the region such as Benin, Guinea, Mali, Nigeria and Togo.²¹⁸⁴ There is some evidence children are trafficked within Gabon as well.²¹⁸⁵

Evidence suggests that some children involved in street vending and domestic service are not trafficking victims, however. After a police sweep of street markets in December 2010, the police determined that the majority of children found in street vending were not victims of trafficking.²¹⁸⁶ Some evidence suggests that children involved in street vending in Gabon are required to carry heavy loads.²¹⁸⁷ Street work commonly exposes children to a variety of hazards, including severe weather, vehicle accidents and criminal elements. Children involved in domestic service, who are

primarily girls, commonly perform long hours of work and may be exposed to physical and sexual exploitation by their employer.²¹⁸⁸

Child prostitution also occurs in Gabon; some girls may be trafficked into prostitution.²¹⁸⁹

Children reportedly are engaged in begging in urban areas as well as in forced labor on farms in rural areas.²¹⁹⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16. Younger children may be permitted to work with joint consent from the Ministries of Labor, Education and Public Health.²¹⁹¹

The minimum age for hazardous work is 18.²¹⁹² During 2010, the Government issued an amendment to the Labor Code indicating that, in accordance with ILO Recommendation 190, children's involvement in certain broad categories of hazardous work was expressly prohibited.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Such work includes that which exposes children to cruel physical, psychological or sexual treatment; involves dangerous machines or tools or the transport of heavy loads; is carried out underground, underwater, at dangerous heights or in confined spaces; or is conducted in harmful environments such as those that would expose children to dangerous substances.²¹⁹³ The amendment indicated that a decree regarding the kinds of work and types of enterprises in which children cannot work would be formulated by the Ministry of Labor and the Ministry of Health.²¹⁹⁴ Research found no evidence that this comprehensive decree has been issued.

Despite the above provisions, the Labor Code applies only in cases where an employer-employee relationship exists. The ILO Committee of Experts has noted that this application leaves children who are self-employed without protections against the worst forms of child labor.²¹⁹⁵

The Labor Code prohibits forced labor.²¹⁹⁶ Law 09/04 prohibits trafficking of children for labor and sexual exploitation.²¹⁹⁷ Act No. 004/98 sets

the minimum age for voluntary recruitment into the military at 20, and there is no conscription.²¹⁹⁸ The Penal Code prohibits the procurement of a minor for prostitution, and Law No. 21/63-94 prohibits forced prostitution of adults.²¹⁹⁹ The lack of a comprehensive prohibition against child prostitution leaves children unprotected against this form of exploitation. The Penal Code likewise prohibits the use, procuring or offering of a child for pornography.²²⁰⁰

Education is compulsory until age 16. The Constitution calls for the provision of free education; however, in practice, families must pay for supplies, including school uniforms.²²⁰¹ The country also suffers from a shortage of schools and teachers.²²⁰² The indirect costs of education and the lack of sufficient education opportunities may increase the likelihood that children will enter into the worst forms of child labor.

The Government ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in September 2010.²²⁰³

Institutional Mechanisms for Coordination and Enforcement

The Government has established the Interministerial Committee for the Fight Against Child Trafficking to coordinate efforts against the problem. The Ministry of Labor leads the committee, and its other members are the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Human Rights and the Ministry of Health and Social Affairs.²²⁰⁴ However, the Government has not formally named any agency or committee as leading the country's efforts to combat all worst forms of child labor.

Inspectors from the Ministry of Labor are responsible for receiving, investigating and addressing child labor complaints, while the Ministry of Justice is responsible for the

enforcement of child labor laws.²²⁰⁵ The Ministry of Labor provided training to 72 labor inspectors on child labor and trafficking in the informal sector. The Ministry of Labor lacks vehicles and personnel to carry out inspections.²²⁰⁶ In 2009, the ILO Committee of Experts reiterated a request from a sister ILO committee that the Government increase human and financial resources to the labor inspectorate.²²⁰⁷ The Government does not maintain data on child labor investigations.²²⁰⁸

The Interministerial Committee receives a budget to fund investigations and coordinate actions against child exploitation; in 2010, this budget was \$20,000.²²⁰⁹ The Committee and its member ministries employ about 2,000 people involved in various activities to combat trafficking and other worst forms of child labor, some of whom are engaged in enforcement activities.²²¹⁰ During the year, the Government collaborated with U.S. Department of State on a training program for police, gendarmerie, immigration and other officials engaged in trafficking investigations.²²¹¹ The Government collaborated with INTERPOL to provide specific training for law enforcement, social service, judicial and NGO officials in preparation for an anti-trafficking sting operation in December 2010.²²¹²

The December sting, known as Operation BANA, led to the discovery and removal of more than 140 children from various forms of hazardous street work in Libreville. The operation resulted in the arrest and prosecution of 38 suspected traffickers believed to be involved in trafficking of at least 20 children.²²¹³ A team of prosecutors has been assigned to the BANA cases.²²¹⁴ In general, however, government-wide statistics on trafficking arrest and convictions are unavailable. A lack of systems for information sharing between the Ministry of Interior and the Ministry of Justice contributes to this problem.²²¹⁵

Gabon's criminal court, where trafficking cases are currently heard, has not met for the past three years. During the reporting period, the Council

of Ministers debated whether the court should try such cases in a lower court to accelerate their resolution.²²¹⁶ After deciding that trafficking offenses would remain a high crime, the President approved a special session of the Criminal Court to hear trafficking cases. As of the writing of this report, the Ministry of Justice was determining its budget needs for the session.²²¹⁷ To date, however, there still have been no convictions under Law 09/04.²²¹⁸

During 2010, the Government organized an anti-sex trafficking "vice squad" in preparation for the 2012 Africa Nations Cup and has conducted an awareness campaign to educate local leaders and residents about the problem of commercial sexual exploitation.²²¹⁹ The Government continued to conduct maritime surveillance of the country's more than 2,000 kilometer-long coastline to thwart human trafficking.²²²⁰

Although the Government has taken steps to combat trafficking and exploitation of children in street work, research found no evidence of efforts to withdraw children from other worst forms of child labor.

Government Policies on the Worst Forms Child Labor

Gabon's UN Development Assistance Framework 2007–2011 includes the goal of bringing national legislation into alignment with the country's bilateral and regional agreements to combat child trafficking as well as ILO Convention 182 and other international conventions it has ratified. The framework contains no specific provisions on child trafficking or child labor.²²²¹

The Government continued to implement a trafficking in persons action plan during the period, which focuses on building government capacity to enforce laws against trafficking.²²²² The Government worked with UNICEF during 2010 to initiate a survey on trafficking victims, but full funding for the survey has not been obtained.²²²³

The Government continued to collaborate with international organizations and neighboring governments about trafficking investigations and repatriation of victims, including some victims of Operation BANA.²²²⁴ Although a formal agreement is not in place, standard operating procedures are in place with the Government of Benin to facilitate repatriation of trafficking victims from that country. Informal agreements are in place not only with Benin, but other countries in the region such as Mali, Nigeria and Togo, to cover the costs of repatriating trafficking victims.²²²⁵

While policy is well-developed regarding child trafficking, there is no evidence that the Government has conducted research on or developed subsequent policies to assist children engaged in other worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In collaboration with UNICEF, the Government engaged during 2010 in a program to encourage birth registrations, however, some families failed to obtain them due to isolation, poverty and ignorance of the law.²²²⁶

The Government also operated one and funded three other shelters for trafficking victims (both children and adults), to provide food, shelter, medical care, family tracing, counseling and

schooling.²²²⁷ The Government also created response units to handle and report trafficking cases and provide temporary protection for victims.²²²⁸ During routine visits to city street markets, social workers discovered that some children rescued in Operation BANA, who had been sent to shelters and subsequently released, were back on the streets. There is suspicion that such children were released to imposters posing as guardians, and the police are investigating.²²²⁹ Despite the comprehensive set of services provided to children at the shelters, this case suggests weaknesses in the verification of children's guardianship prior to release.

In cooperation with UNICEF, the Government maintained its telephone hotline to report suspected cases of trafficking.²²³⁰ The results of a 2009 survey suggested that many Gabonese were aware of instances of trafficking but unaware of laws and efforts to combat it. Partially in response to these results, the Government continued efforts to raise awareness of trafficking through a billboard campaign in Libreville and door-to-door campaigns in other parts of the country.²²³¹

As in the area of policy, although the Government has programs to prevent trafficking and assist victims, programs to address other worst forms of child labor in domestic service and street work are lacking.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Gabon:

IN THE AREA OF LEGISLATION:

- Issue the decree laying out the complete list of hazardous types of work and enterprises in which children are prohibited from working.
- Ensure that self-employed children are legally protected against the worst forms of child labor.
- Amend laws to prohibit child prostitution.
- Take steps to address the indirect costs of education and ensure sufficient numbers of schools and teachers.

IN THE AREAS OF COORDINATION AND ENFORCEMENT:

- Increase human and financial resources available to the labor inspectorate.
- Gather, analyze and disseminate child labor enforcement information, including by addressing information sharing deficiencies among government ministries.
- Take measures to investigate cases of child domestic service and withdraw children from such situations.

IN THE AREA OF GOVERNMENT POLICY:

- Conduct nationwide research to better determine the extent and nature of the worst forms of child labor in Gabon, and assess the need for additional policies to combat them.

IN THE AREA OF PROGRAMS:

- Provide assistance to families who have not yet been reached by birth registration efforts.
- Take steps to address lapses in identification of child guardians prior to release of victims from shelters.
- Institute programs to prevent and assist victims of the worst forms of child labor in domestic service and street work who are not victims of trafficking.

²¹⁸¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²¹⁸² U.S. Department of State, “Gabon,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160122.pdf>. See also Fang Yang, “Gabon repatriates 28 child trafficking victims to Benin,” China View, [online], November 14, 2009 [cited May 8, 2011]; available from http://news.xinhuanet.com/english/2009-11/14/content_12456969.htm#.

²¹⁸³ U.S. Department of State, “Gabon,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142983.pdf>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Gabon (ratification: 2001) Published: 2009*, March 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11117&chapter=6&query=Gabon%40ref&highlight=&querytype=bool&context=0>. See also Integrated Regional Information Networks, “Nigeria: Trafficking of Girls, Abuse Worsening,” IRINnews.org, [online], 2008 [cited May 8, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=79118>.

²¹⁸⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Gabon.” See also S. Abdulraheem and A.R. Oladipo, “Trafficking in women and children: A hidden health and social problem in Nigeria,” *International Journal of Sociology and Anthropology* 2, no. 3 (March 2010), 34; available from <http://www.academicjournals.org/ijasa>.

- ²¹⁸⁵ ILO Committee of Experts, *Individual Observation C182: Gabon (2009)*.
- ²¹⁸⁶ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 15.15a.
- ²¹⁸⁷ INTERPOL, *Gabon Police Rescue 140 Victims of Child Trafficking and Labour in INTERPOL Coordinated Operation*, [online] December 20, 2010 [cited March 22, 2011]; available from <http://www.interpol.int/Public/ICPO/PressReleases/PR2010/PR109.asp>.
- ²¹⁸⁸ U.S. Department of State, "Trafficking in Persons Report- 2010: Gabon." See also Integrated Regional Information Networks, "Gabon: Laws Fail to Curb Child Trafficking Racket", IRINnews.org, [online], 2005 [cited May 8, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=52911>.
- ²¹⁸⁹ U.S. Department of State, "Country Reports- 2010: Gabon," section 6.
- ²¹⁹⁰ ILO Conference Committee, *Examination of individual case concerning Convention No. 182, Worst Forms of Child Labour, 1999 Gabon (ratification: 2001) Published: 2007*, March 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=797&chapter=13&query=Gabon%40ref&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Country Reports- 2010: Gabon," section 7c.
- ²¹⁹¹ Government of Gabon, *Code du travail*, (November 21, 1994), articles 6, 82, 177; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/39615/64948/F94GAB01.htm>.
- ²¹⁹² Ibid.
- ²¹⁹³ Government of Gabon, *Ordonnance no. 018/PR/2010 du 25 fevrier 2010 portant modification de certaines dispositions du Code du Travail de la Republic Gabonaise*, (May 15, 2010), article 177; available from http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en.
- ²¹⁹⁴ Ibid.
- ²¹⁹⁵ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Gabon (ratification: 2001) Submitted: 2009*, March 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23513&chapter=9&query=Gabon%40ref&highlight=&querytype=bool&context=0>.
- ²¹⁹⁶ Government of Gabon, *Code du travail*, article 4.
- ²¹⁹⁷ U.S. Department of State, "Trafficking in Persons Report- 2010: Gabon." See also ILO Committee of Experts, *Individual Observation C182: Gabon (2009)*.
- ²¹⁹⁸ Coalition to Stop the Use of Child Soldiers, "Gabon," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/gabon>.
- ²¹⁹⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Gabon."
- ²²⁰⁰ U.S. Embassy- Libreville, *reporting, March 23, 2011*, para 2.4.
- ²²⁰¹ U.S. Department of State, "Country Reports- 2010: Gabon," section 6. See also Government of Gabon, *Constitution de la Republique Gabonaise*, (2003), article 19; available from http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en.
- ²²⁰² U.S. Department of State, "Country Reports- 2010: Gabon," section 6.
- ²²⁰³ UN, *STATUS AS AT: 08-05-2011 07:03:16 EDT, CHAPTER XVIII: PENAL MATTERS: 12 .a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, [online] [cited May 8, 2011]; available from http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12-a&chapter=18&lang=en.
- ²²⁰⁴ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 5.13b. See also U.S. Embassy- Libreville, *reporting, March 23, 2011*, para 3.1. See also U.S. Embassy- Libreville official, E-mail communication to USDOL official, June 8, 2011.
- ²²⁰⁵ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 14e.
- ²²⁰⁶ U.S. Department of State, "Country Reports- 2010: Gabon," section 7c. See also U.S. Embassy- Libreville, *reporting, March 23, 2011*, section 4.3.
- ²²⁰⁷ ILO Committee of Experts, *Individual Observation C182: Gabon (2009)*, para 7.
- ²²⁰⁸ U.S. Embassy- Libreville, *reporting, March 23, 2011*, para 4.6.
- ²²⁰⁹ Ibid., para 4.4.
- ²²¹⁰ Ibid., para 4.3.
- ²²¹¹ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 6.14.e.
- ²²¹² INTERPOL, *Gabon Police Rescue 140 Victims*. See also U.S. Embassy- Libreville, *reporting, February 15, 2011*.
- ²²¹³ INTERPOL, *Gabon Police Rescue 140 Victims*. See also U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 2.
- ²²¹⁴ U.S. Embassy- Libreville official, E-mail communication to USDOL official, June 8, 2011.
- ²²¹⁵ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 5.13.d.
- ²²¹⁶ U.S. Embassy- Libreville official, E-mail communication to USDOL official, June 8, 2011.

²²¹⁷ U.S. Embassy- Libreville official, E-mail communication to USDOL official, June 8, 2011.

²²¹⁸ U.S. Department of State, “Gabon,” in *Trafficking in Persons Report- 2011*, Washington, DC, June 2011; available from <http://www.state.gov/documents/organization/164454.pdf>.

²²¹⁹ U.S. Department of State, *Trafficking in Persons Interim Assessment*.

²²²⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Gabon.”

²²²¹ Government of Gabon, *Plan Cadre des Nations Unies pour L'aide au Développement 2007-2011: Gabon*, March 31, 2006, 16; available from http://www.undg.org/archive_docs/8099-UNDAF-Gabon_2007-2011.pdf.

²²²² U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 2.

²²²³ *Ibid.*, para 4.12.a.

²²²⁴ *Ibid.*, paras 6.14.g, 15.15.c/d.

²²²⁵ *Ibid.*, para 6.14.g.

²²²⁶ *Ibid.*, para 5.13.e. See also U.S. Department of State, “Country Reports- 2010: Gabon,” section 6.

²²²⁷ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 5.13.b/c and 6.15.a.

²²²⁸ U.S. Embassy- Libreville official, E-mail communication, June 8, 2011.

²²²⁹ U.S. Embassy- Libreville, *reporting, February 15, 2011*, para 6.14.i.

²²³⁰ *Ibid.*, para 6.15.e.

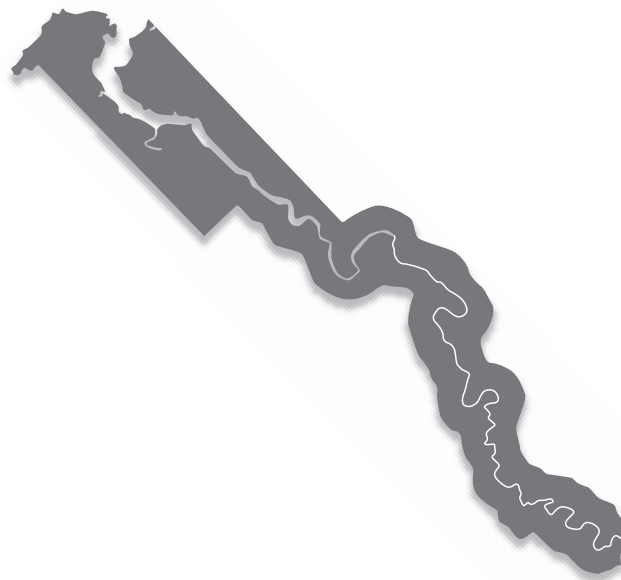
²²³¹ *Ibid.*, para 4.12.a.

Gambia, The

The Government of The Gambia has made efforts to combat the worst forms of child labor through its existing legal framework. However, existing programs do not reach all vulnerable children. Children continue to be engaged in the worst forms of child labor, including in street work and commercial sexual exploitation

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	36.4
Attending School	5-14 yrs.	65.7
Combining Work and School	7-14 yrs.	29.6



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in The Gambia are engaged in the worst forms of child labor,²²³² including in street work and commercial sexual exploitation.²²³³

Girls engage in street vending, often selling food items such as sweets, water and fruits for their parents.²²³⁴ Boys working on the street are more likely to engage in odd jobs such as sweeping, hauling items, shining shoes and begging.²²³⁵

Children also work as bus and taxi assistants.²²³⁶ Children working on the streets may be exposed to severe weather, accidents caused by proximity to automobiles and criminal elements.

Many children in rural areas are engaged in agricultural production.⁶ Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Children in The Gambia also work in domestic service. In particular, some girls from rural areas leave school to seek work as domestic servants in urban centers.²²³⁸ Child domestic labor commonly involves long hours and exposes children to physical and sexual exploitation by their employers.

Commercial sexual exploitation of children continues to be a serious problem in The Gambia.²²³⁹ Some children, including orphans, work in brothels.²²⁴⁰ Evidence suggests that sexual exploitation of Gambian children in tourist areas persists, though stricter laws and enforcement have driven the activity away from major hotels toward lower-end guest houses and motels.²²⁴¹

In The Gambia, it is a common practice to send boys to receive education from Koranic teachers or *marabouts*. In the past, many Koranic students or *almudos* were forced by their teachers to beg in the streets for money and food.²²⁴² However, reports suggest that forced begging by *almudos* has been significantly reduced and continues to decline.²²⁴³ Reports suggest that instead of requiring *almudos* to beg, many *marabouts* are giving students items to sell on the streets.²²⁴⁴ *Almudos* in rural areas often engage in long hours of farm work.²²⁴⁵

Within The Gambia, children are trafficked for domestic service and commercial sexual exploitation, including in the tourism industry.²²⁴⁶ Children of both sexes are trafficked to and from neighboring countries to work in the sex trade, domestic service and street work.²²⁴⁷

Children are also believed to work in carpentry,

masonry, plumbing and as auto mechanics.²²⁴⁸ In mechanics shops, children deal with poisonous gases.²²⁴⁹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act of 2007 prohibits children under 18 from engaging in agricultural, industrial or nonindustrial work. The Act includes exceptions for work done at vocational schools and training institutions as part of an educational program.²²⁵⁰ The Gambian Children’s Act sets the minimum age for light work at 16 but permits children as young as 12 to hold an apprenticeship with a

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

craftsperson.²²⁵¹ The Children’s Act specifically prohibits children younger than 18 from engaging in hazardous work, night work and work that interferes with schooling. It proscribes children’s participation in specific dangerous industries, including seafaring, mining and quarrying.²²⁵² It also prohibits children from carrying heavy loads; working in manufacturing industries where chemicals are produced or machines are used; and holding employment in bars, hotels and places of

entertainment where a child may be exposed to immoral behavior.²²⁵³

The Constitution and the Children’s Act prohibit forced and compulsory labor.²²⁵⁴ Several laws, namely the Children’s Act and the Trafficking in Persons Act of 2007, explicitly criminalize all forms of child trafficking.²²⁵⁵ During the reporting period, the National Assembly approved amendments to the Trafficking in Persons Act that make child trafficking punishable by life imprisonment.²²⁵⁶ The law also prohibits promoting child prostitution and procuring a child for sexual exploitation.²²⁵⁷ The Tourism Offenses Act of 2003 also prohibits child trafficking, prostitution and pornography, specifically aimed at protecting Gambian children from exploitation by sex tourists.²²⁵⁸ The Children’s Act forbids procurement, use or offering of a child for illicit activities, including drug production and trafficking.²²⁵⁹

Children under 18 may not be recruited into the Armed Forces, as stipulated by the Children’s Act.²²⁶⁰

The Constitution guarantees the right to free education, and school is compulsory to age 12.²²⁶¹ Children ages 12 to 17 may be particularly vulnerable to the worst forms of child labor, as they are no longer required to attend school but are not legally eligible to work. Further, lack of appropriate resources and infrastructure prevent the full provision of free, compulsory education as mandated by law.²²⁶² Students who receive public, primary education are often charged school fees in violation of the Constitution.²²⁶³

Institutional Mechanisms for Coordination and Enforcement

The National Agency to Combat Trafficking in Persons includes members of the Ministries of Justice, Health and Social Welfare, Foreign Affairs, Interior, Tourism and Trade, the Gambian Armed Forces and the National Intelligence Agency.²²⁶⁴ The Agency is responsible for administering and

monitoring the implementation of the Trafficking in Persons Act of 2007.²²⁶⁵ Although the Government has established a coordinating body to combat trafficking in persons, research found no evidence that the Government has established a coordinating mechanism to combat other worst forms of child labor.

The Department of Labor, the Department of Social Welfare and The Gambia Tourism Authority are responsible for enforcing laws related to the worst forms of child labor. The Department of Labor relies on tips and allegations to investigate possible child labor violations but does not conduct targeted inspections. Based on the most recent information available, the Department employs approximately four labor inspectors to conduct all workplace inspections, including those based on child labor allegations.²²⁶⁶ The Department maintains an electronic database with information on all cases related to child protection, including those involving labor and trafficking violations.²²⁶⁷

All law enforcement agencies have units dedicated to either anti-trafficking or child protection, which enforce criminal laws related to the worst forms of child labor.²²⁶⁸

Child labor violations that occur in tourist resort areas, which typically involve sexual exploitation, are reported to the Department of Social Welfare or the Gambian Tourism Authority (GTA). Both agencies notify the Tourism Security Unit (TSU), which patrols these areas and enforces laws related to child labor, including sexual exploitation and trafficking.²²⁶⁹ TSU is also responsible for preventing unaccompanied children from entering tourist areas. TSU and GTA are compiling a database of persons suspected of pedophilia or child trafficking.²²⁷⁰ There were no prosecutions or convictions for child trafficking during the reporting period.²²⁷¹

Some evidence suggests that forced begging by *almudos* has declined dramatically due to diligent

enforcement efforts and greater public awareness about the problem.²²⁷² Gambian security forces routinely interrogate *marabouts* of Koranic students found begging in the streets.²²⁷³ During the reporting period, the Department of Social Welfare and Police identified and repatriated 19 children from neighboring countries who had been sent by a Koranic teacher to do street work in The Gambia. The department also resettled seven Gambian children found working on the streets in Senegal.²²⁷⁴

Government Policies on the Worst Forms of Child Labor

GTA responded to the problem of child sex tourism by partnering with NGOs to develop a code of conduct for the protection of children in tourist areas.²²⁷⁵

The Gambia's National Education Policy (2004–2015) aims to expand education infrastructure; improve the quality of traditional and vocational education; and increase school enrollment, particularly among girls.²²⁷⁶ Though there is no evidence that incidence of child labor has significantly fallen with an increase in school attendance, research has shown that the average number of hours worked per child has decreased since the implementation of the education policy.²²⁷⁷ However, research has not demonstrated that changes in child labor trends are a direct result of the policy.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government funds and operates a drop-in center that provides medical care, food, and counseling to street children, including trafficking victims and *almudos*.²²⁷⁸ Once *almudos* have registered in the drop-in center program, centers try to prevent children from returning to begging.²²⁷⁹ The Government also continues to run a 24-hour shelter for trafficking victims.²²⁸⁰

The Government continues to participate in a 3-year, \$7.9 million regional project funded by USDOL. The program is designed to strengthen ECOWAS' Child Policy and Strategic Plan of Action and to develop programs focusing on child trafficking as it pertains to the strategic plan.⁵⁰ In December 2010, the Government began participating in a second USDOL-funded regional project. The \$5 million, 3-year program is meant to expand and extend the work of the initial project.²²⁸²

During the reporting period, the Government was involved in several anti-trafficking efforts. It participated in trainings for law enforcement and tourism industry stakeholders on child trafficking for commercial sexual exploitation.²²⁸³ The Government is also participating in Children on the Move, a 3-year, subregional program funded

by a Swiss NGO. The project targets trafficked children and supports repatriation efforts.²²⁸⁴

Government-supported programs are not sufficient to reach all children vulnerable to trafficking, commercial sexual exploitation and exploitative street work. Further, existing programs do not target children working in agriculture and domestic service at all.

In accordance with its National Education Policy, the Government has made efforts to increase school enrollment and improve education quality. One program provides basic school fees to girls.²²⁸⁵ The question of whether and in what ways the Government's education programs have an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in The Gambia:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the compulsory education age to 18 to be equivalent to the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all relevant worst forms of child labor.
- Conduct targeted inspections in addition to complaint-based inspections.

IN THE AREA OF POLICIES:

- Explore ways to increase access to schooling to provide universal free, compulsory education as guaranteed by the Constitution.
- Assess the impact the National Education Policy has had on child labor, including the average hours worked per child.

IN THE AREA OF PROGRAMS:

- Expand existing programs to prevent child trafficking, commercial sexual exploitation and street work.
- Develop programs to assist children in agriculture and domestic service.
- Assess the impact government education programs may have on addressing the worst forms of child labor.

²²³² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²²³³ Gambia Department of State for Education official, Interview with USDOL contractor, September 4, 2006, 32. See also U.S. Department of State, "The Gambia," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154348.htm>.

²²³⁴ Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment for Children Living and Working in the Streets of Banjul*, February 2006, 13. See also Gambia Department of State for Education official, Interview, September 4, 2006, 33.

²²³⁵ Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 13.

²²³⁶ U.S. Department of State, "Country Reports- 2010: The Gambia," section 7d.

²²³⁷ U.S. Embassy- Banjul, *reporting, February 2, 2010*, 2A. See also Gambia Department of State for Education official, Interview, September 4, 2006, 32.

²²³⁸ U.S. Embassy- Banjul, *reporting, February 2, 2010*, 2A.

²²³⁹ U.S. Department of State, "Country Reports- 2010: The Gambia," section 6. See also U.S. Department of State, "The Gambia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also Integrated Regional Information Networks, "Gambia: Sex tourists exploiting children", IRINnews.org, [online], October 30, 2008 [cited January 24, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=81205>. See also ECPAT, *Global Monitoring Report on the Status of Action against Commercial Sexual Exploitation of Children: The Gambia*, 2007; available from [hard copy on file].

²²⁴⁰ U.S. Department of State, "Country Reports- 2010: The Gambia," section 6.

²²⁴¹ U.S. Embassy- Banjul, *reporting, March 3, 2011*. See also Integrated Regional Information Networks, "Sex Tourists Exploiting Children".

²²⁴² U.S. Embassy- Banjul, *reporting, March 3, 2011*. See also Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 3, 13, 15. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited January 24, 2011]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

²²⁴³ U.S. Embassy- Banjul, *reporting, March 3, 2011*. See also U.S. Department of State, "Country Reports- 2010: The Gambia," section 7d. See also U.S. Department of State, "Trafficking in Persons Report- 2010: The Gambia."

²²⁴⁴ U.S. Embassy- Banjul, *reporting, March 3, 2011*.

²²⁴⁵ Gambia Department of State for Education official, Interview, September 4, 2006.

²²⁴⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: The Gambia."

²²⁴⁷ Ibid. See also U.S. Embassy- Banjul, *reporting, March 3, 2011*.

²²⁴⁸ U.S. Embassy- Banjul, *reporting, February 2, 2010*, 2A. See also U.S. Department of State, "Country Reports- 2010: The Gambia," section 7d.

²²⁴⁹ Child Protection Alliance official, Interview with USDOL contractor, August 21, 2006, 4.

²²⁵⁰ Government of the Gambia, *Labour Act*, 5/2007, (October 17, 2007), article 45.

²²⁵¹ Government of the Gambia, *Children's Act*, (July 21, 2005), articles 43, 51.

²²⁵² Ibid., articles 41-44. See also Government of the Gambia, *Labour Act*, article 46.

²²⁵³ Government of the Gambia, *Children's Act*, articles 44, 45.

²²⁵⁴ Government of the Gambia, *Constitution*, (1997), article 20; available from <http://confinder.richmond.edu>. See also Government of the Gambia, *Children's Act*, articles 39-40.

²²⁵⁵ Government of the Gambia, *Children's Act*, articles 26, 39. See also Government of the Gambia, *Trafficking in Persons Act*, (October 5, 2007), article 28.

²²⁵⁶ Government of the Gambia, *Trafficking in Persons Act (Amendment)*, (February 24, 2011).

²²⁵⁷ Government of the Gambia, *Children's Act*, articles 26-38. See also ILO NATLEX National Labor Law Database, *Tourism Offences Act*, May 24, 2011; available from http://www.ilo.org/dyn/natlex/natlex_browse.home.

- ²²⁵⁸ U.S. Embassy- Banjul, *reporting, March 3, 2011.*
- ²²⁵⁹ Government of the Gambia, *Children's Act*, article 31.
- ²²⁶⁰ Ibid., article 59(1). See also Coalition to Stop the Use of Child Soldiers, "Gambia," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>.
- ²²⁶¹ Government of the Gambia, *Constitution*, article 30. See also U.S. Department of State, "Country Reports- 2010: The Gambia," section 6.
- ²²⁶² U.S. Department of State, "Country Reports- 2010: The Gambia," section 6.
- ²²⁶³ UNESCO, *Education for All Global Monitoring Report: Reaching the Marginalized*, 2010; available from www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2010-marginalization/.
- ²²⁶⁴ U.S. Embassy- Banjul, *reporting, February 2, 2010, 2D*. See also U.S. Department of State, "Trafficking in Persons Report- 2010: The Gambia."
- ²²⁶⁵ UNODC, *Toolkit to Combat Trafficking in Persons*, 2008, 105; available from http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_3-2.pdf.
- ²²⁶⁶ U.S. Embassy- Banjul, *reporting, February 2, 2010, 2C*.
- ²²⁶⁷ U.S. Embassy- Banjul, *reporting, March 3, 2011.*
- ²²⁶⁸ Ibid.
- ²²⁶⁹ Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2010: The Gambia."
- ²²⁷⁰ U.S. Embassy- Banjul, *reporting, March 3, 2011.* See also U.S. Department of State, "Trafficking in Persons Report- 2010: The Gambia."
- ²²⁷¹ U.S. Embassy- Banjul, *reporting, March 3, 2011.*
- ²²⁷² Ibid.
- ²²⁷³ U.S. Department of State, "Trafficking in Persons Report- 2010: The Gambia."
- ²²⁷⁴ U.S. Embassy- Banjul, *reporting, March 3, 2011.*
- ²²⁷⁵ Integrated Regional Information Networks, "Sex Tourists Exploiting Children"
- ²²⁷⁶ International Monetary Fund, *The Gambia: Poverty Reduction Strategy Paper- Annual Progress Report*, Washington, DC, February 2009.
- ²²⁷⁷ Mamadou Thiam, *How Changes in Schooling Affect Child Labour: The case of 3 FTI countries*, May 2009.
- ²²⁷⁸ U.S. Department of State, "Trafficking in Persons Report- 2010: The Gambia."
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- ²²⁸⁰ U.S. Department of State, "Trafficking in Persons Report- 2010: The Gambia."
- ²²⁸¹ ILO-IPEC, *Eliminating the Worst Forms of Child Labour in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS*, Project Document, Geneva, September 3, 2010, i, vii-viii.
- ²²⁸² ILO-IPEC, *Eliminating the Worst Forms of Child Labour in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS-II*, Project Document, Geneva, December 20, 2010, i, vi.
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- ²²⁸⁵ U.S. Department of State, "Country Reports- 2010: The Gambia," section 6.

Georgia

The Government of Georgia established an interministerial Child Referral Mechanism to create a coordinated child protection system. However, there continue to be reports of children working in agriculture and street work. Gaps remain in enforcement and the collection and dissemination of data, which hinders effective targeting of policies and programs to address the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	29.1*
Attending School	5-14 yrs.	92.1
Combining Work and School	7-14 yrs.	31.5

* Population of working children: 172,378

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Georgia are engaged in the worst forms of child labor, primarily in agriculture and street work.²²⁸⁶ Many children work on farms²²⁸⁷ where some children may use dangerous machinery and tools, carry heavy loads and apply harmful pesticides.²²⁸⁸

Children are also found working in the streets, primarily engaged either in begging or selling small items such as scrap metal and glass.²²⁸⁹ The majority of street children are boys.²²⁹⁰ Street children and children begging on the streets are exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements. For example, street children have reported being forced to beg or steal in order to repay gambling debts.²²⁹¹

Though not widespread, there have been cases of girls trafficked for commercial sexual exploitation.²²⁹²

Laws and Regulations on the Worst Forms of Child Labor




The Labor Code of Georgia sets the minimum age for work at 16 and the minimum age for hazardous work at 18.²²⁹³ Agricultural activity by minors is not governed by labor legislation.²²⁹⁴ The Government of Georgia has a list of activities considered hazardous for children. Neither begging nor street work are on that list.²²⁹⁵ The Administrative Violations Code empowers the courts to levy sanctions against employers found in violation of child labor laws.²²⁹⁶

The Constitution of Georgia prohibits forced labor.²²⁹⁷ The minimum age for entry into the armed forces is 18.²²⁹⁸

Children in Georgia are required to attend school only until age 14, which leaves children aged 15 vulnerable to the worst forms of child labor as they are not required to be in school, but are not legally permitted to work.²²⁹⁹ Education in Georgia is officially free through high school; however,

many parents must contribute funds for schools to operate, especially in rural areas.²³⁰⁰

Article 171 of the Criminal Code provides sanctions for persuading a minor to beg and involving or employing a minor in prostitution. The Code also prohibits the trafficking of minors and the possession, production, sale, distribution or promotion of child pornography.²³⁰¹ The Code imposes stringent penalties on persons convicted of committing these crimes.²³⁰²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Enacted in 2006, the Law of Georgia on Combating Human Trafficking establishes the roles and responsibilities of state agencies and creates a comprehensive set of tools to prevent trafficking in persons and protect and assist trafficking victims.²³⁰³

Institutional Mechanisms for Coordination and Enforcement

Although research has found no evidence that the Government of Georgia has established a coordinating mechanism to combat the worst

forms of child labor specifically, the Government has created a body to coordinate on trafficking, including trafficking of children.

The Interagency Anti-Trafficking Coordination Council for the Implementation of Measures against Human Trafficking (ICC) coordinates government efforts against trafficking in persons and children. The ICC is chaired by the Minister of Justice and includes representatives from state agencies and nonstate entities.²³⁰⁴

The Labor Inspectorate was abolished under the 2006 Labor Code, leaving Georgia without a means to actively monitor workplaces for violations of child labor laws.²³⁰⁵

The Ministry of Labor, Health and Social Affairs is responsible for the enforcement of child labor laws. The Ministry’s Department of Social Protection focuses on policy recommendations related to child adoption, foster care and the rights of children, including child labor.²³⁰⁶ The Child Protection and Social Programs subdepartment has 12 specialists responsible for developing policies to protect children from illegal labor. The subdepartment also receives and forwards complaints of child labor violations to the Ministry’s Social Service Agency and law enforcement agencies for investigation and potential prosecution.²³⁰⁷ This complaint mechanism is not widely used, however, and no complaints have been received in recent years.²³⁰⁸ The Ministry of Labor, Health and Social Affairs’ Social Service Agency implements the policies of the Department of Social Protection.²³⁰⁹ The agency will assess cases of actual and potential child victims and determine how to proceed either through consulting, oversight or placement of the child in special premises.²³¹⁰

On May 31, 2010, the Minister of Labor, Health and Social Affairs, Minister of Interior and Minister of Education and Science initiated the joint Child Referral Mechanism which enumerates procedures for referring children subject to any

form of violence, including labor exploitation, to child protective services. The decree is aimed at creating a coordinated child protection system.²³¹¹

In 2010, the Government of Georgia's prosecutor's office registered two alleged offenses for involving children in begging or prostitution. One case has been investigated while investigation of the other case is ongoing.²³¹²

The protection of minors from participation in the worst forms of child labor is a priority of the Ministry of Internal Affairs (MoIA).²³¹³ Police and district inspectors maintain contact with district inhabitants to obtain information on children vulnerable to crime and abuse and take protective measures.²³¹⁴ MoIA's Special Operations Department leads criminal investigations of trafficking in persons, including the trafficking of children, and turns actionable cases over to the Ministry of Justice for prosecution.²³¹⁵

Law enforcement training includes an annual module on trafficking in minors. Government officials from a variety of agencies also attend training and seminars on trafficking in persons.²³¹⁶

The prosecutor's office did not register any offenses relating to child pornography or trafficking of minors in the reporting period.²³¹⁷

Government Policies on the Worst Forms of Child Labor

The Children's Action Plan 2008–2011 (CAP) establishes an overarching framework to improve the welfare of children, including support to street children and victims of trafficking and exploitation.²³¹⁸ According to a 2009 UNICEF-funded report, the Government has not fully funded the CAP.²³¹⁹

The Government of Georgia participates in several initiatives to improve national action plans and legal frameworks on combating trafficking in persons in Armenia, Azerbaijan and Georgia.²³²⁰ The Government instituted a 2009–2010 action

plan on the Fight Against Trafficking in Human Beings to improve anti-trafficking efforts. Measures included educational programs in schools to raise awareness of the risk of trafficking and training for law-enforcement officials and lawyers in dealing with minors.²³²¹ A 2011–2012 action plan on trafficking has been drafted and awaits the president's approval.²³²²

The Government has not collected data on the worst forms of child labor, hampering its ability to formulate policies and programs.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has worked largely in cooperation with international organizations, NGOs and foreign aid agencies to improve the welfare of children and address the plight of street children. The Government implemented a voucher system for street children, enabling them to receive support from NGOs.²³²³ Children who do not have proper documentation or legal status, however, are unable to receive the vouchers. During the reporting period, USAID funding was directed at working with the Government and NGOs to address this issue.²³²⁴

The Government also continued its support for Rebuilding Lives Project, a USAID-funded initiative that includes provision of services to vulnerable children, including children working in the streets, service provider capacity building, public awareness activities and policy reform.²³²⁵

The Government of Georgia earmarked approximately \$5 million in 2010 to provide free textbooks to children of families living in poverty and has designated another \$4.4 million in 2011 for this purpose.²³²⁶ The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed.

The Law of Georgia on Combating Human Trafficking established the State Fund for

Protection and Assistance of (Statutory) Victims of Human Trafficking (SFVPA) to protect, assist and rehabilitate trafficking victims.²³²⁷ The SFVPA implements the Government’s Rehabilitation and Reintegration Strategy and operates the country’s two trafficking shelters in Batumi and Tbilisi.²³²⁸ In addition, the SFVPA funds the Assistance to Victims of Trafficking in Persons hotline and related website. The Ministry of Justice also supports a hotline for reporting on human rights abuses, including trafficking.²³²⁹

The Swiss Agency for Development and Cooperation funded the “Secondary Education to Contribute to the Prevention of Trafficking in Persons” program to raise awareness of the risks of human trafficking among young people in Azerbaijan, Armenia and Georgia.²³³⁰ The project

was funded at approximately \$1.2 million over the period November 2008–October 2010.²³³¹ The Ministry of Education and Science of Georgia was closely involved in the program and agreed to integrate an anti-trafficking module into the national school curriculum. Textbooks with the educational materials were produced for teachers and students and teachers were trained to deliver the lessons.²³³² The books are free and were disseminated in schools across the country. Other support materials such as a video, television clip and posters were also produced.²³³³

Current efforts do not appear to be sufficient to reach all children working in the streets. Research found no evidence of any programs to assist children engaged in agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Georgia:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact strict legal protections for children engaged in begging and for those working in agriculture and street work.
- Increase the age of compulsory schooling to 16, the minimum age for work.
- Ensure that all children may realize free education through high school.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate child labor efforts across the government.
- Reestablish the Labor Inspectorate, or establish an equivalent body, to enforce child labor legislation.
- In addition to undertaking inspections in response to complaints, actively target inspections to areas where children are known to work.

IN THE AREA OF POLICIES:

- Collect data on children engaged in the worst forms of child labor, specifically in agriculture and street work, in order to inform policies and programs.
- Ensure that sufficient resources are available to fully implement the Children’s Action Plan.
- Approve the new 2011–2012 Action Plan on Trafficking.

IN THE AREA OF PROGRAMS:

- Assess the impact that the program to assist families with educational expenses may have on removing children from the worst forms of child labor.
- Expand and develop social programs to assist children engaged in or at risk of entering the worst forms of child labor, particularly children working in the streets and in agriculture.

²²⁸⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²²⁸⁷ U.S. Embassy- Tbilisi, *reporting, February 28, 2011*.

²²⁸⁸ ILO-IPEC, *Children in hazardous work*, Geneva, 2011, 21-23; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=17035>.

²²⁸⁹ U.S. Department of State, "Georgia," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154425.htm>. See also U.S. Embassy-Tbilisi, *reporting, February 28, 2011*. See also Katarzyna Wargan and Larry Dershem, *Don't Call Me a Street Child: Estimation and Characteristics of Urban Street Children in Georgia*, March 2009, 57; available from [http://www.unicef.org/georgia/Street_children_survey.eng\(1\).pdf](http://www.unicef.org/georgia/Street_children_survey.eng(1).pdf).

²²⁹⁰ Dershem, *Don't Call Me a Street Child*, 21.

²²⁹¹ *Ibid.*, 59.

²²⁹² U.S. Department of State, "Georgia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

²²⁹³ The Labor Code prohibits "under-aged" persons from engaging in hazardous work. The Civil Code of Georgia defines an under-aged person as someone under 18 years of age. Government of Georgia, *Labor Code of Georgia*, (2006), article 4; available from http://www.vertic.org/media/National%20Legislation/Georgia/GE_Labor_Code.pdf. See also Government of Georgia, *The Civil Code of Georgia*, (2001), article 12(2); available from <http://www.lexadin.nl/wlg/legis/nofr/oeur/arch/geo/CIVILCODE.pdf>.

²²⁹⁴ U.S. Embassy- Tbilisi, *reporting, February 28, 2011*.

²²⁹⁵ U.S. Embassy- Tbilisi official, E-mail communication to USDOL official, September 16, 2010.

²²⁹⁶ U.S. Embassy- Tbilisi, *reporting, February 28, 2011*.

²²⁹⁷ Government of Georgia, *The Constitution of Georgia*, (1995), article 30; available from http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf.

²²⁹⁸ Coalition to Stop the Use of Child Soldiers, "Georgia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

²²⁹⁹ U.S. Embassy- Tbilisi, *reporting, February 28, 2011*.

²³⁰⁰ U.S. Department of State, "Country Reports- 2010: Georgia," section 6.

²³⁰¹ Government of Georgia, *Criminal Code of Georgia*, (1999), article 171; available from <http://legislationline.org/documents/section/criminal-codes>. See also U.S. Embassy-Tbilisi, *reporting, February 28, 2011*.

²³⁰² U.S. Embassy- Tbilisi, *reporting, February 28, 2011*.

²³⁰³ Government of Georgia, *Law of Georgia on Combating Human Trafficking*, (2006), article 13; available from http://www.tracc.cdn.ge/documents/human-trafficking/Law_Georgia_Human_Trafficking_eng.pdf. See also U.S. Embassy- Tbilisi, *reporting, March 11, 2010*.

²³⁰⁴ Government of Georgia, *Trafficking Law*, article 10. See also U.S. Embassy- Tbilisi, *reporting, March 11, 2010*. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention (No. 182) Georgia (ratification: 2002): 2009*, May 5, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

²³⁰⁵ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Georgia (ratification: 1996) Submitted: 2009*, May 5, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

²³⁰⁶ U.S. Department of State, "Country Reports- 2010: Georgia," section 7. See also U.S. Embassy- Tbilisi, *reporting, February 28, 2011*.

²³⁰⁷ U.S. Department of State, "Country Reports- 2010: Georgia," section 7. See also U.S. Embassy- Tbilisi, *reporting, February 28, 2011*.

²³⁰⁸ U.S. Embassy- Georgia official, E-mail communication to USDOL official, July 08, 2011.

²³⁰⁹ U.S. Department of State, "Country Reports- 2010: Georgia," section 7.

²³¹⁰ U.S. Embassy- Georgia official, Email communication, July 08, 2011.

²³¹¹ U.S. Embassy- Tbilisi, *reporting, February 28, 2011*. See also U.S. Department of State, "Country Reports- 2010: Georgia," section 6.

- ²³¹² U.S. Embassy- Tbilisi, *reporting, February 28, 2011.*
- ²³¹³ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Georgia (ratification: 2002) Submitted: 2011*, May 05, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.
- ²³¹⁴ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Georgia (ratification: 2002) Submitted: 2009*, May 05, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also ILO Committee of Experts, *Individual Direct Request C182: Georgia (2011)*.
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- ²³¹⁶ U.S. Embassy- Tbilisi, *reporting, February 28, 2011.*
- ²³¹⁷ Ibid.
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- ²³²¹ U.S. Embassy- Tbilisi, *reporting, February 28, 2011.*
- ²³²² Ibid.
- ²³²³ Ibid.
- ²³²⁴ Ibid.
- ²³²⁵ USAID, *USAID Celebrates Rebuilding Lives Project Successes*, Press Release, Tbilisi, September 2, 2010; available from <http://georgia.usaid.gov/news/press-releases/2010/09/02/391>.
- ²³²⁶ U.S. Embassy- Tbilisi, *reporting, February 28, 2011.*
- ²³²⁷ Government of Georgia, *Trafficking Law*, article 9. See also U.S. Embassy- Tbilisi, *reporting, February 28, 2011.*
- ²³²⁸ U.S. Embassy- Tbilisi, *reporting, March 11, 2010.*
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- ²³³⁰ IOM, *IOM Launches Regional Programme to Prevent Human Trafficking in Azerbaijan, Armenia, and Georgia*, Press Briefing Notes, Tbilisi, February 17, 2009; available from <http://www.iom.ge/index.php?activities&counter&victims&photo>.
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Ghana

In 2010, the Government of Ghana adopted its *National Plan of Action to Combat the Worst Forms of Child Labor*, a comprehensive framework to significantly reduce the worst forms of child labor by 2015. Ghana also took actions to implement this plan, including in the cocoa sector, for which Ghana signed the *Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol*. However, gaps in the enforcement of labor laws undermine these efforts. Children remain engaged in the worst forms of child labor, including in agriculture and fishing.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	43.5*
Attending School	5-14 yrs.	83.1
Combining Work and School	7-14 yrs.	18.1

* Population of working children: 2,731,596



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ghana are engaged in the worst forms of child labor, many of them in agriculture and fishing.²³³⁴ In cocoa production, hundreds of thousands of children work, many reporting injuries sustained while using machetes, carrying heavy loads and clearing land.²³³⁵ A study conducted by the Government of Ghana, found that 47 percent of children in cocoa production were engaged in at least one hazardous activity.²³³⁶

On Lake Volta, thousands of children labor in the fishing sector, risking injuries and even death performing tasks such as diving to untangle fishing nets.²³³⁷ Children are trafficked to Lake Volta for this purpose and are known to engage in fishing for tilapia and other types of fish, reportedly including mudfish, silverfish, catfish, latesfish and electric fish.²³³⁸

Children, particularly in the Ashanti and Greater Accra regions, work in domestic service.²³³⁹ They

work long hours and risk physical and sexual abuse. Many of these children have never been to school or have dropped out.²³⁴⁰ Children, mostly girls, called *kayaye*, work as porters in urban areas, beginning as young as age 6. They are often street children and risk injury from transporting heavy loads and from vehicle accidents.²³⁴¹ Children who live on the streets, as well as other children, are also subject to commercial sexual exploitation.²³⁴²

Children, especially boys, herd cattle, risking injury and even death from snake bites and wasp and scorpions stings. Such boys report being beaten by cattle owners or farmers and being unable to attend school because of their work.²³⁴³

Children work in quarrying and small-scale mining, including gold and diamond mines.²³⁴⁴ These children risk injury from flying shards when crushing rocks and from lifting heavy loads when extracting ore. Such children also risk death from the collapse of pit mines.²³⁴⁵ Some of these children may be subject to debt bondage.²³⁴⁶

Children are also reportedly engaged in the worst forms of child labor in salt production.²³⁴⁷

In addition, some children in the southern Volta region are involved in *Trokosi*, a form of religious servitude which can last from a few months to three years.²³⁴⁸ This practice requires children to atone for family members' sins by assisting with prayers and the upkeep of religious shrines.²³⁴⁹






Ghana is a source, transit and destination country for the trafficking of children for commercial sexual exploitation and forced labor.²³⁵⁰ According to the Ministry of Women and Children's Affairs' new National Database on Human Trafficking, 70 percent of trafficking in Ghana is domestic, and 78 percent of the victims are children between ages 4 and 16.²³⁵¹ Within Ghana, children are trafficked across rural areas or from rural areas to urban ones to work in fishing, agriculture, portering, begging, street vending, domestic labor and sexual exploitation.²³⁵² Ghanaian children are also trafficked to neighboring countries in West Africa for labor exploitation, including Côte d'Ivoire and Togo.²³⁵³

Although access to free education is mandated by law, it is hindered by a lack of classrooms and by schools without teachers or materials.²³⁵⁴ For some children, accessing schools is practically impossible as their villages are located many miles away from the nearest school and there is no form of public transportation.²³⁵⁵ For other children, buying mandatory uniforms is prohibitively expensive, and some children without uniforms may be turned away from school.²³⁵⁶

Laws and Regulations on the Worst Forms of Child Labor

The Children's Act sets the minimum age for employment at 15 and applies to both the formal and informal sector. This act prohibits children younger than age 18 from engaging in certain activities that are deemed hazardous, including work in mines or quarries, at sea or in venues likely to expose children to immoral behavior.²³⁵⁷

In addition, Ghana has issued a Hazardous Child Labor Activity Framework for the Cocoa Sector, which defines certain activities as hazardous and prohibits them for children younger than age 18. Such activities include felling trees, burning bushes, applying chemicals, carrying overly heavy loads, using machetes for weeding, harvesting with a hook and working on the farm for more than three hours per day or more than 18 hours per week.²³⁵⁸ The Government of Ghana also developed a list of worst forms of child labor occupations that includes domestic labor, *kayaye* and other urban informal activities.²³⁵⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Education is free, and although no minimum age for completing education is set by law, children who complete the required 11 years of school attain the minimum age for work.²³⁶⁰ Even if a child starts school at age 4, upon completing 11 years of schooling, that child would be 15, which is the minimum age of employment.

The Constitution prohibits forced labor, slavery and servitude and states that every child has the right to be protected from engaging in work that

constitutes a threat to the child's health, education and development.²³⁶¹

According to the Criminal Code, ritual servitude is illegal in Ghana. The Criminal Code of 1998 also prohibits persons with custody, charge or care of a child younger than age 16 from encouraging that child to become involved in prostitution.²³⁶² The Criminal Code stipulates that it is illegal to procure any person younger than age 21 "not being a prostitute or of known immoral character."²³⁶³ This provision makes criminal punishment dependent on a judgment of the child's moral standing, which may leave some children who are victims of commercial sexual exploitation without protection. This provision contradicts the Children's Act, which calls for the best interest of the child to be given primary consideration in any child-related matter.²³⁶⁴

The Human Trafficking Act prohibits the trafficking of children younger than age 18, including for the purpose of sexual exploitation. The consent of a child or guardian cannot be used as a defense for prosecution under this act, which also provides for the rescue and rehabilitation of trafficking victims.²³⁶⁵ The minimum age for military recruitment is 18, and there is no conscription.²³⁶⁶

On June 6, 2011, Ghana ratified ILO Convention 138 concerning Minimum Age for Admission to Employment.²³⁶⁷

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee on Child Labor is mandated to oversee coordination, implementation and monitoring of programs targeting worst forms of child labor.²³⁶⁸ In 2010, the steering committee was reinvigorated and streamlined from eight subcommittees into three. As a result of this change, one subcommittee focuses on awareness-raising efforts, one on education and skills training and one on efforts

related to the worst forms of child labor in the cocoa, fishing and mining industries.²³⁶⁹ These subcommittees actively supported efforts to reduce the worst forms of child labor by coordinating across government agencies and with diverse social partners.²³⁷⁰

The Ministry of Employment and Social Welfare's (MESW) Child Labor Unit (CLU) is responsible for overseeing activities to combat child labor.²³⁷¹ Combating child labor in the cocoa sector and implementing the Harkin-Engel Protocol, however, falls under the direction of the National Program for the Elimination of the Worst Forms of Child Labor in Cocoa (NPECLC). The NPECLC is a program of MESW, in collaboration with the Ghana Cocoa Board (COCOBOD) and the Ministry of Finance and Economic Planning.²³⁷² MESW has not fully implemented all agreements related to this protocol, including establishing transparent child labor monitoring and certification systems throughout the cocoa growing region by the end of 2010.²³⁷³ However, the NPECLC intensified efforts to pilot a child labor monitoring system in cocoa-growing regions.²³⁷⁴ As part of this effort, MESW consolidated the existing child labor monitoring systems of NPECLC and the CLU into the new Ghana Child Labor Monitoring System (GCLMS) in November 2010.²³⁷⁵

Labor inspectors from MESW are responsible for the enforcement of labor laws, although their inspections are limited to formal enterprises.²³⁷⁶ The CLU reported having 86 labor inspectors but suggested that this number was inadequate to effectively enforce child labor laws and that resources allocated to the CLU were also not sufficient. According to MESW, these labor inspectors conducted 140 inspections during the year; however, no information was available on the number of child labor violations identified from such formal sector inspections.²³⁷⁷ The ILO Committee of Experts considers the small number of inspections carried out as a concern, while the Government of Ghana acknowledges that the

number of labor inspectors is insufficient and that these inspectors lack office facilities and funds for transportation.²³⁷⁸

In the informal sector, the District Assembly and the District Social Welfare Officer has the authority to investigate and report findings to the police to take appropriate action.²³⁷⁹ An independent government ombudsman from the Commission for Human Rights and Justice noted in December based on its interviews with 83 government officials that 1,065 cases of child labor were reported in 2010. Information about how the violations were handled, whether children were assisted as a result of inspections and whether penalties were applied is unavailable.²³⁸⁰

The Human Trafficking Secretariat under the Ministry of Women and Children's Affairs (MOWAC) coordinates trafficking activities.²³⁸¹ In addition, the Anti-Trafficking Unit of the Criminal Investigation Division (CID) of the Ghana Police Service is responsible for enforcing anti-trafficking laws.²³⁸² The Government of Ghana established regional Anti-Human Trafficking Units (AHTU) in eight regions during 2010 as part of its enforcement efforts against trafficking.²³⁸³

During the reporting period, at least 36 cases of suspected trafficking of children were reported to the AHTU, at least 300 children were assisted or rescued from being trafficked by this unit, and at least one suspected trafficker was prosecuted, although the charges specific to trafficking were dropped due to a lack of evidence.²³⁸⁴ No comprehensive statistics are maintained nor is there complete information about prosecutions or sentencing for convicted violators of the Trafficking Act.²³⁸⁵

A lack of administrative and budget allocations resulting in a labor inspectorate that lacks staff, vehicles and training undermines enforcement efforts to protect children from the worst forms of child labor.²³⁸⁶

Government Policies on the Worst Forms of Child Labor

On October 20, 2010, the Government of Ghana adopted the National Plan of Action for the Elimination of the Worst Forms of Child Labor in Ghana, which provides a comprehensive framework to significantly reduce the worst forms of child labor by 2015.²³⁸⁷ As part of this plan, memorandums of understanding were signed with 23 government agencies that establish the role of each agency in the fight to reduce the worst forms of child labor.²³⁸⁸

The Government of Ghana also continued implementing its National Plan of Action to Eliminate the Worst Forms of Child Labor in the Cocoa Sector, which aims to eliminate the worst forms of child labor in this sector by 2011 and contribute to the elimination of the worst forms of child labor in all other sectors by 2015.²³⁸⁹

Child labor concerns have been mainstreamed into the following national development agendas and key documents: Ghana's Medium Term National Development Framework, United Nations Development Assistance Framework (2006-2010), Ghana Shared Growth and Development Agenda (2010-2013), the National Education Development Plan (2003-2015), National Plan of Action to Combat Trafficking: Trafficking in Persons Must End and the Savannah Accelerated Development Program.²³⁹⁰ Ghana's education framework includes a specific focus on increasing the number of trained teachers and improving vocation training in order to better retain children.²³⁹¹ Research did not find any study assessing the impact of this program on reducing the worst forms of child labor.

Although some steps have been taken to implement these policy frameworks and plans noted above, concrete measures are still needed to realize their objectives.²³⁹²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Ghana is participating in a national child labor survey partially funded by USDOL (2009-2012) that should provide information to help target social programs.²³⁹³ In 2010, the Government of Ghana agreed to conduct child labor surveys in the cocoa producing areas every five years, the results of which will also help guide efforts in that sector.²³⁹⁴

Ghana continues to implement a cash transfer program, called Livelihood Empowerment Against Poverty, which makes monetary grants to households conditional on children not being engaged in child labor and attending school. This program reached 40,000 households in 2010.²³⁹⁵

Ghana also participates in a 4-year, \$7.95 million regional project funded by USDOL that is assisting member countries of the Economic Community of West Africa States (ECOWAS) to combat the worst forms of child labor by strengthening national action plans and the enforcement of child labor laws. Across the region, the project aims to rescue or prevent 9,600 children from the worst forms of child labor.²³⁹⁶ In Ghana, the project targets the cocoa, fishing and mining sectors. In 2010, among other activities, the Government worked closely with this project to develop its GCLMS.²³⁹⁷ In 2010, USDOL augmented funding for this project by \$5 million for a 3-year Phase II that will work with beneficiaries of the Phase I project to foster more sustainable livelihoods for families and target more children in the worst forms of child labor in the cocoa sector.²³⁹⁸

On September 13, 2010, the Governments of Ghana and Côte d'Ivoire signed a Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol, affirming their commitment to reducing the worst forms of child labor in the production of cocoa, including through the support of increased remediation efforts.²³⁹⁹ The Declaration is accompanied by a Framework of Action to Support the

Implementation of the Harkin-Engel Protocol that identifies key stakeholders with which the Government of Ghana will coordinate to enhance appropriate programming, including USDOL, the Government of Côte d'Ivoire and the international chocolate and cocoa industry.²⁴⁰⁰

In the spirit of this Framework of Action, the Government of Ghana is participating in a 4-year, \$10 million regional project funded by USDOL that will reduce the worst forms of child labor in the cocoa producing areas by helping Ghana to accomplish its national plan of action in the cocoa sector. The project will also provide direct services to children to help prevent them from engaging in the worst forms of child labor and offer remediation services for children withdrawn from such labor as well as for their families.²⁴⁰¹

During the reporting period, the Government of Ghana continued its cooperation with a 4.5 year, \$5.5 million, USDOL-funded project implemented by Tulane University to oversee the efforts of the cocoa industry and the Governments of Ghana and Côte d'Ivoire to eliminate the worst forms of child labor in the cocoa sector.²⁴⁰² As part of this project, Tulane University offered training to government officials.²⁴⁰³

The Government also participates in the 4-year Phase II (2007-2011) Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation and the cocoa industry.²⁴⁰⁴ STCP is a public-private partnership that promotes sustainable tree crop systems and contains a child labor prevention component. The program trains farmers through farmer field schools and works with eight communities to develop cocoa cooperatives.²⁴⁰⁵

Ghana maintains its engagement in the Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES) Project (2007-2010), funded by the World Cocoa Foundation, USAID and the cocoa industry. This project provides school-age children

with vocational agriculture education and helps their families with livelihood strengthening.²⁴⁰⁶ The Government also participates in projects funded by the International Cocoa Initiative (ICI) to combat child labor in the cocoa sector. ICI reported having active programs in 157 communities in three regions in Ghana in 2010.²⁴⁰⁷ These programs supported the development and implementation of community action programs, worked with the Ghana Cocoa Board to raise awareness through radio programs and supported four new microcredit projects that aim to increase access to education.²⁴⁰⁸

In 2010, the Government of Ghana, in conjunction with cocoa industry, stepped up efforts and reached approximately 31 percent of the cocoa growing area, or 1,537 communities, with remediation efforts. However, this still leaves approximately 3,463 cocoa growing communities without such activities.²⁴⁰⁹ This means that many children remain in need of service. As a 2009 survey found, only 3.2 percent of children working in Ghana's cocoa sector report benefitted from intervention projects.²⁴¹⁰

Ghana also participated in an IOM-funded anti-trafficking project that rescued child trafficking victims from exploitative child labor in fishing villages on Lake Volta. The project rehabilitated, returned and reintegrated children into their original communities.²⁴¹¹ As part of this project,

the Government of Ghana, through its National Board for Small-Scale Industries, has been paying families to send children to school instead of to fishing villages.²⁴¹²

A new 3-year project, implemented by Virginia State University with assistance from USDOS, will be working with Ghana to reduce the trafficking of children into domestic service through the provision of microcredit and training for families.²⁴¹³

The Government of Ghana began a program providing uniforms to needy children and continued supporting a National School Feeding Program to encourage school attendance.²⁴¹⁴ Ghana also worked with a nonprofit to set up an innovative pilot project in 2010 distributing Amazon 'Kindles' as part of an effort to improve literacy and get children engaged at school.²⁴¹⁵ No assessment of the impact of this program on reducing the worst forms of child labor has been identified.

The Government of Ghana acknowledges that efforts to provide services to children exploited in domestic service and in the fishing sector are insufficient.²⁴¹⁶ In addition, research suggests that Government efforts to combat the worst forms of child labor in the mining sector and among *kayayes* (head porters) are not sufficient to address the magnitude of the problem.²⁴¹⁷

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ghana:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Criminal Code to provide protections for all children from sexual exploitation, including those who have been exploited as prostitutes.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors and inspections, apply adequate funding to support enforcement efforts and collect appropriate statistics on investigation, prosecution and convictions of child labor and trafficking laws.

IN THE AREA OF POLICY:

- Increase efforts to achieve child labor objectives contained in the national plans and policies.
- Increase access to education by providing classrooms, teachers and materials and assess educational programs aimed at reducing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitative child labor, including by scaling up and fully funding the GCLMS to provide national coverage and linking children identified as engaging in or at risk of engaging in the worst forms of child labor with appropriate social programs, including the Livelihood Empowerment Against Poverty Program and the National School Feeding Program.
- Throughout cocoa growing regions, replicate and expand successful projects to address exploitative child labor.
- Expand efforts to address the worst forms of child labor, including in the fishing and mining sectors, as well as in domestic service and among kayayes (head porters).

²³³⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also Tulane University, *Final Report: Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and in Ghana*, Payson Center for International Development and Technology Transfer, New Orleans, March 31, 2011, 7 and 27; available from <http://chlldlabor-payson.org/>

default.html. See also Government of Ghana- Ministry of Manpower, Youth, and Employment, *Cocoa Labour Survey in Ghana- 2007/2008*, Accra, June 2008, 119, 122, 129, 146; available from http://www.cocoaverification.net/Docs/Rapport_Final_EID_Extension_2007_2008_Eng.pdf. See also Gabriele Zdunnek, Dorothee Dinkelaker, Britt Kalla, Gertraud Matthias, Rebecca Szrama, and Katrin Wenz, *Child Labour and Children's Economic Activities in Agriculture in Ghana*, Centre for Advanced Training in Rural Development- Humboldt University on behalf the Food and Agriculture Organization of the United Nations, Berlin, December 2008, vi, 31-32, 34, 40-41; available from http://www.globalfoodsec.net/static/text/FAO_child_labour.pdf.

²³³⁵ Tulane University, *Third Annual Report: Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and in Ghana*, Payson Center for International Development and Technology Transfer, New Orleans, September 30, 2009, 54, 58, 60, 65; available from <http://chlldlabor-payson.org/default.html>. See also Government of Ghana- Ministry of Manpower, Youth, and Employment, *Cocoa Labour Survey in Ghana*, 145-146.

²³³⁶ Government of Ghana- Ministry of Manpower, Youth, and Employment, *Cocoa Labour Survey in Ghana*, 129, 145-146.

²³³⁷ Zdunnek, Dinkelaker, Kalla, Matthias, Szrama, and Wenz, *Child Labour and Children's Economic Activities*, 31-32, 34, 40-41.

²³³⁸ U.S. Embassy- Accra, *reporting*, May 30, 2008. See also U.S. Embassy- Accra official, E-mail communication to USDOL official, June 13, 2008. See also IOM official, E-mail communication to USDOL official, June 24, 2008.

²³³⁹ Government of Ghana and ILO-IPEC, *Child Domestic Work Study in Four Districts in Ghana*, Accra, June 2007. See also Dzodzi Tsikata, *Domestic Work and Domestic Workers in Ghana: An overview of the legal regime and practice*, ILO, Geneva, 2009, 26-29; available from http://www.ilo.int/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_145332.pdf.

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²³⁴⁴ ILO-IPEC, *Eliminating the Worst Forms of Child Labor in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS*, Project Document, Geneva, September 25, 2009, 11. See also ILO-IPEC and ILO Bureau for Gender Equality, *Girls in Mining: Research Findings from Ghana, Niger, Peru, and the United Republic of Tanzania*, Geneva, 2007, 9, 12, 13; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=5304>.

²³⁴⁵ Gary Hilson, *Challenges with Eradicating Child Labour in the Artisanal Mining Sector: A case study of the Talensi-Nabdam District, Upper East Region of Ghana*, University of Reading, Reading, Ca. 2008, 8, 14; available from <http://www.yorku.ca/cerlac/EI/papers/Hilson.pdf>. See also ILO-IPEC, *Child Labour in Gold Mining: The Problem*, Geneva, June 2006; available from <http://www.ilo.org/ipcec/areas/Miningandquarrying/MoreaboutCLinmining/>

[lang--en/index.htm](http://www.ilo.org/ipcec/areas/Miningandquarrying/MoreaboutCLinmining/lang--en/index.htm). See also ILO-IPEC, *ECOWAS Project Document*, 14.

²³⁴⁶ U.S. Department of State, "Country Reports- 2009: Ghana," section 7.

²³⁴⁷ Zdunnek, Dinkelaker, Kalla, Matthias, Szrama, and Wenz, *Child Labour and Children's Economic Activities*, 34. See also ILO-IPEC, *Child Labour in Salt Mining: The Problem*, Geneva, June 2006; available from <http://www.ilo.org/ipcec/areas/Miningandquarrying/MoreaboutCLinmining/lang--en/index.htm>.

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²³⁵⁶ U.S. Embassy- Accra official, E-mail communication to USDOL official, July 26, 2011.

²³⁵⁷ Government of Ghana, *The Children's Act*, Act 560, (September 24, 1998), articles 88, 91, 98-99; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/56216/65194/E98GHA01.htm>.

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²³⁵⁹ U.S. Embassy- Accra, *reporting, December 15, 2006*, para 2(a).

²³⁶⁰ Government of Ghana, *The Education Act*, articles 1(2), 2.

²³⁶¹ Government of Ghana, *Constitution of the Republic of Ghana*, (1996); available from <http://www.parliament.gh/book/export/html/60>.

²³⁶² Government of Ghana, *Consolidation of Criminal Code of 1960*, Act 29, (December 10, 1999), article 28, section 108 and 314A.

²³⁶³ *Ibid.*, article 28, section 107.

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²³⁷³ Tulane University, *Final Annual Report*, 9, 34, 41.

²³⁷⁴ U.S. Embassy- Accra, *reporting, February 23, 2011*, section (6) 1.

²³⁷⁵ ILO-IPEC, *ECOWAS Technical Progress Report (October 2010)*, 7, 8.

²³⁷⁶ U.S. Department of State, "Country Reports- 2009: Ghana," section 7. See also Government of Ghana- Ministry of Manpower and Ghana Cocoa Board, *National Programme for the Elimination of the Worst Forms of Child Labour*, 22.

²³⁷⁷ U.S. Embassy- Accra, *reporting, February 23, 2011*, section 4 (3).

²³⁷⁸ ILO Committee of Experts, *Individual Direct Request concerning Labour Inspection Convention, 1947 (No. 81) Ghana (ratification: 1959) Submitted: 2010*, February 25, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24083&chapter=9&query=Ghana%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Accra, *reporting, February 23, 2011*, 4 (4).

²³⁷⁹ Government of Ghana- Ministry of Manpower and Ghana Cocoa Board, *National Programme for the Elimination of the Worst Forms of Child Labour*, 22, 23.

²³⁸⁰ U.S. Embassy- Accra, *reporting, February 23, 2011*, 4.

²³⁸¹ *Ibid.*, 5.

²³⁸² U.S. Department of State, "Trafficking in Persons Report- 2010: Ghana."

²³⁸³ U.S. Embassy- Accra, *reporting, February 23, 2011*, 5 (9).

²³⁸⁴ Richard Kojo Nyarko, "Police Seize Busload of Suspected Trafficked Children " *Daily Graphic*, July 30, 2010; available from <http://www.graphic.com/gh>. See also Stephen Sah, "13 Child Trafficking Suspects on Remand," *Daily Graphic*, August 4, 2010; available from <http://www.modernghana.com/news/287685/1/13-child-trafficking-suspects-on-remand.html>. See also U.S. Embassy- Accra, *reporting, February 23, 2011*, 6.

²³⁸⁵ U.S. Embassy- Accra, *reporting, February 23, 2011*, 6.

²³⁸⁶ U.S. Department of Labor, *Scoping to Ghana Report*, Washington, DC, June 19, 2010. See also ILO Committee of Experts, *Individual Direct Request C81: Ghana (2010)*. See

also ILO Committee of Experts, *Individual Direct Request C182: Ghana (2009)*. See also Mark-Anthony Vinorkor, “Nine to Probe Abuses at Osu Children’s Home,” *Daily Graphic*, September 7, 2010; available from <http://www.modernghana.com/news/295092/1/nine-to-probe-abuse-at-osu-children039s-home.html>.

²³⁸⁷ U.S. Embassy- Accra, *reporting, February 23, 2011*, 6 (1).

²³⁸⁸ ILO-IPEC, *Eliminating the Worst Forms of Child Labor in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS*, Technical Progress Report, Geneva, April 1, 2010, 3, appendix 1.

²³⁸⁹ Secretariat of the CLCCG, *Meeting Summary: Child Labor Cocoa Coordinating Committee - November 2010*, November 18, 2010.

²³⁹⁰ U.S. Embassy- Accra, *reporting, February 23, 2011*. See also UNDAF, *United Nations Development Assistance Framework, 2006-2010: Ghana*, Accra, April 2005; available from http://www.undg.org/archive_docs/6363-Ghana_UNDAF__2006-2010_.pdf. See also Government of Ghana- Ministry of Education, *Education Strategic Plan: 2003-2015*, Accra, May 2003; available from <http://planipolis.iiep.unesco.org/upload/Ghana/Ghana%20Education%20Strategic%20Plan.pdf>. See also ILO Committee of Experts, *Individual Direct Request C182: Ghana (2009)*. See also U.S. Embassy- Accra official, E-mail communication to USDOL official, August 1, 2011.

²³⁹¹ Government of Ghana- Ministry of Education, *Education Sector Performance Report*, 8, 12, 26-28, 60-62, 68.

²³⁹² Ministry of Employment and Social Welfare, Communication to USDOL official, October 18, 2010. See also Senator Harkin, Congressman Engel, USDOL, Government of Cote d’Ivoire, Government of Ghana, and International Cocoa and Chocolate Industry, *Framework of Action to Support Implementation of the Harkin-Engel Protocol*, Abidjan, September 13, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/CocoaFrameworkAction.pdf.

²³⁹³ Senator Harkin, Congressman Engel, USDOL, Government of Cote d’Ivoire, Government of Ghana, and International Cocoa and Chocolate Industry, *Declaration of Joint Action to Support Implementation of the Harkin-Engel Protocol* Abidjan, September 13, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/GhanaSignedDeclaration.pdf.

²³⁹⁴ Ibid.

²³⁹⁵ U.S. Embassy- Accra, *reporting, February 23, 2011*, 7 (2). See also Government of Ghana, *National Social Protection Strategy: Investing in People*, Accra, March 2007, 6, 12-14.

²³⁹⁶ ILO-IPEC, *ECOWAS Project Document*, cover page, iv-vii.

²³⁹⁷ ILO-IPEC, *ECOWAS Technical Progress Report (October 2010)*, 8.

²³⁹⁸ ILO-IPEC, *Eliminating the Worst Forms of Child Labor in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS- Phase II*, Project Document, Geneva, December 20, 2010, cover page, vii, 7-8.

²³⁹⁹ Senator Harkin, Congressman Engel, USDOL, Government of Cote d’Ivoire, Government of Ghana, and International Cocoa and Chocolate Industry, *Declaration of Joint Action*. See also Senator Harkin, Congressman Engel, USDOL, Government of Cote d’Ivoire, Government of Ghana, and International Cocoa and Chocolate Industry, *Declaration of Joint Action*.

²⁴⁰⁰ Senator Harkin, Congressman Engel, USDOL, Government of Cote d’Ivoire, Government of Ghana, and International Cocoa and Chocolate Industry, *Declaration of Joint Action*.

²⁴⁰¹ ILO-IPEC, *Towards Child Labor Free Cocoa Growing Communities Project Document*, cover page, viii, x, 47, 97.

²⁴⁰² U.S. Department of Labor, *Uninterrupted Oversight Of Public & Private Initiatives To Eliminate the Worst Forms Of Child Labor In the Cocoa Sector In Côte D’Ivoire & Ghana*, Technical Cooperation Project Summary, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/WestAf_COCOA_II.htm. See also Tulane University, *Final Annual Report*, 19.

²⁴⁰³ U.S. Department of Labor, *Trip Notes on Session on Capacity-building of Government Officials- Training Program- Ghana*, November 12, 2010.

²⁴⁰⁴ World Cocoa Foundation, “Sustainable Tree Crops Program - Ghana”, [online], 2011 [cited February 16, 2011]; available from http://www.worldcocoafoundation.org/what-we-do/current-programs/STCPGhana_Summary.asp.

²⁴⁰⁵ Ibid.

²⁴⁰⁶ World Cocoa Foundation, USAID, and Winrock International, “Empowering Cocoa Households with Opportunities and Education Solutions”, IFESH, [online], 2011 [cited February 16, 2011]; available from <http://www.ifesh.org/what-we-do/international-educators-for-africa-program/empowering-cocoa-households-with-opportunities-and-educational-solutions>.

²⁴⁰⁷ Tulane University, *Final Annual Report*, 32 and 33.

²⁴⁰⁸ Ibid., 32 and 33.

²⁴⁰⁹ Ibid., 33, 34, 47.

²⁴¹⁰ Tulane University, *Third Annual Report*, 55, 58, 60-63, 72.

²⁴¹¹ IOM, “Support Trafficked Children in Ghana”, IOM, [previously online], 2010 [cited March 16, 2011]; available from www.iom.int/jahia/jahia/pid/1666. See also Integrated

Regional Information Networks, “Ghana: Paying Families and Curbing Child Trafficking”, IRINnews.org, [online], March 23, 2010 [cited March 16, 2011]; available from www.irinnews.org/PrintReport.aspx?reportID=88521.

²⁴¹² IOM, “Support Trafficked Children in Ghana”. See also Integrated Regional Information Networks, “Ghana: Paying Families and Curbing Child Trafficking”.

²⁴¹³ GNA, “Domestic Service Must be Tackled Holistically”, [online], January 12, 2011 [cited March 16, 2011]; available from www.ghana.gov.gh/index.php, *ibid*.

²⁴¹⁴ Government of Ghana- Ministry of Education, *Education Sector Performance Report*, 55-56. See also U.S. Embassy- Accra, *reporting, February 23, 2011*, section 7 (2c).

See also ILO-IPEC, *ECOWAS March 2010 Technical Progress Report (April 2010)*, 3.

²⁴¹⁵ Wall Street Journal, “Nonprofit tries One-Kindle-Per-Child in Ghana”, [online], August 5, 2010 [cited March 16, 2011]; available from <http://blogs.wsj.com>, *ibid*.

²⁴¹⁶ U.S. Department of Labor, *Scoping to Ghana Report*.

²⁴¹⁷ ILO-IPEC, *ECOWAS Project Document*, 11. See also ILO-IPEC and ILO Bureau for Gender Equality, *Girls in Mining*, 9, 12, 13. See also Government of Ghana and ILO, *National Child Labour Policy Advocacy Forum*, 12. See also U.S. Embassy- Accra official, E-mail communication, August 1, 2011. See also U.S. Department of Labor, *Scoping to Ghana Report*.

Grenada

There is no evidence that children are engaged in the worst forms of child labor in Grenada. However, gaps in the country's legal framework may limit the Government's ability to prevent children from becoming engaged in the worst forms of child labor.

Statistics on Working Children and School Attendance






Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor²⁴¹⁸

Research has not identified evidence of the worst forms of child labor in Grenada.²⁴¹⁹

Laws and Regulations on the Worst Forms of Child Labor

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	16
	Free Public Education	Yes

The Employment Act sets the minimum age for employment at 16 and prohibits forced labor.²⁴²⁰ Specific provisions prohibiting the employment of children in hazardous work do not exist.²⁴²¹

The Criminal Code prohibits the sale and trafficking of girls for prostitution as well as the production of pornography or pornographic performances involving girls, but it lacks similar prohibitions applying to boys. Although the Constitution prohibits slavery and forced labor, the Criminal Code does not specifically prohibit the sale and trafficking of children for forced labor.²⁴²²

Grenada has no regular military force and thus no military recruitment.²⁴²³

Under the Education Act, schooling is free and compulsory until age 16.²⁴²⁴

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor in Grenada.

The Ministry of Labor, Child Welfare Authority, Royal Grenada Police Force and Ministry

of Education (through its truancy officers) are the government agencies responsible for enforcing laws related to child labor and school attendance.²⁴²⁵ Although labor inspectors are authorized to act on possible child labor laws violations that they encounter during their normal duties, child labor inspections are complaint-driven. Because there were no complaints, no inspections were carried out during the reporting period.²⁴²⁶

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor in Grenada. Although the worst forms of child labor may not be a problem in Grenada, no government-funded or government-conducted studies on child work activities were identified to determine if any worst forms of child labor exist.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor in Grenada. The Government does implement programs to promote education, however, which may contribute to the prevention of child labor. The Government has a School Feeding Program in its primary schools, which provides free breakfasts and subsidized lunches to students. Eleven secondary schools also participate.²⁴²⁷ The lunch fee is waived for students who cannot afford to pay.²⁴²⁸ The Government of Grenada also participates in World Bank-funded projects designed to increase access to and improve the quality of secondary education and to protect vulnerable populations by strengthening social safety nets.²⁴²⁹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Grenada:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish specific provisions prohibiting hazardous work for children.
- Extend the prohibitions on sale and trafficking of girls for prostitution, the production of pornography or pornographic performances to boys.
- Establish prohibitions on the sale and trafficking of children for forced labor.

IN THE AREA OF POLICY:

- Conduct research to determine if any of the worst forms of child labor exist in Grenada.

²⁴¹⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁴¹⁹ U.S. Embassy- Grenada, *reporting, February 28, 2011*, 1.

²⁴²⁰ Government of Grenada, *Employment Act*, Act No. 14 of 1999, (1999), articles 25, 32; available from http://www.ilocarib.org.tt/projects/cariblex/pdfs/Grenada_Employment.pdf.

²⁴²¹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Grenada (ratification: 2003) Submitted: 2009*, March 16, 2011, para 4; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

²⁴²² U.S. Embassy- Grenada, *reporting, February 28, 2011*, 2. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Grenada*, CRC/C/GRD/CO/2, Geneva, June 11, 2010, 5; available from www2.ohchr.org/english/bodies/crc/docs/CRC.C.GRD.CO.2.doc. See also U.S. Department of State, “Grenada,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 6, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154506.htm>. See also ILO Committee of Experts, *Individual Direct Request C182: Grenada (2009)*,

paras 1-2. See also U.S. Embassy- Grenada official, E-mail communication to USDOL official, August 2, 2011.

²⁴²³ Coalition to Stop the Use of Child Soldiers, “Caribbean,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also CIA, *The World Factbook: Grenada*, [online] March 1, 2011 [cited March 16, 2011]; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

²⁴²⁴ U.S. Embassy- Grenada official, E-mail communication to USDOL official, April 19, 2011. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Grenada (ratification: 2003) Submitted: 2009*, March 15, 2011, para 2; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.S. Embassy- Grenada official, E-mail communication to USDOL official, August 2, 2011.

²⁴²⁵ U.S. Embassy- Grenada, *reporting, February 28, 2011*, 2-3. See also U.S. Embassy- Grenada, *reporting, April 10, 2010*, sections 2C-I: 2, 2C-II: 1, and 2D-II: 1.

²⁴²⁶ U.S. Embassy- Grenada, *reporting, February 28, 2011*, 3.

²⁴²⁷ Government of Grenada, *Second Report: Implementation of the Convention on the Rights of the Child*, September 2007, 43, 44; available from http://www.unicef.org/barbados/spmapping/Legal/national/Grenada/Reporting/2008_CRCStateReport.doc.

²⁴²⁸ U.S. Embassy- Grenada official, E-mail communication to USDOL official.

²⁴²⁹ World Bank Projects Database, *Education Development-2nd APL*, accessed March 16, 2011; available from <http://www.worldbank.org>. See also World Bank Projects Database, *Economic and Social Policy Development Loan*, accessed March 16, 2011; available from <http://www.worldbank.org>.

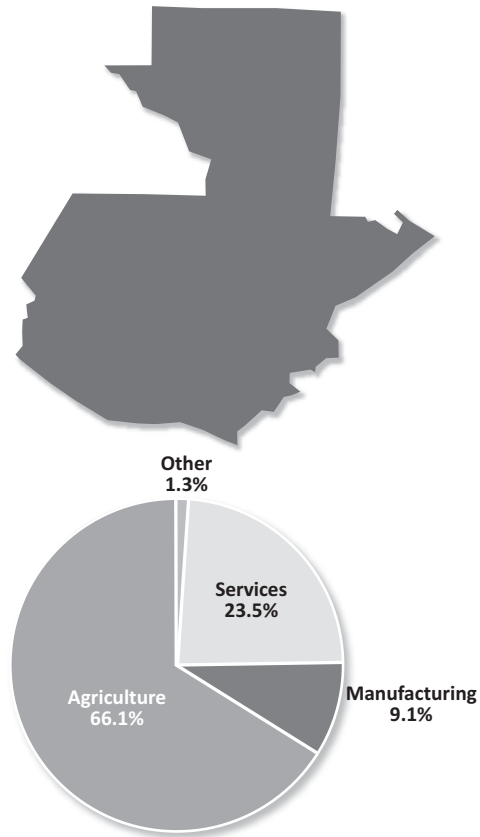
Guatemala

The Government of Guatemala has a strong legal framework to prohibit the worst forms of child labor. However, gaps remain in law enforcement and coverage of social programs to address the issue. Many children continue to engage in the worst forms of child labor, especially in agriculture and manufacturing. Child labor is especially prevalent among children of indigenous heritage.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	7-14 yrs.	16.8*
Attending School	7-14 yrs.	81.3
Combining Work and School	7-14 yrs.	14.0

* Population of working children: 454,468



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Guatemala,²⁴³⁰ primarily in agriculture and manufacturing, which commonly involve using potentially hazardous machinery and carrying heavy loads. Half of all working children in Guatemala are of indigenous heritage, due in part to the great barriers they face in accessing education, as many must travel significant distances to reach school.²⁴³¹ In 2010, Tropical Storm Agatha caused flooding and mudslides in the western highlands of Guatemala, which reduced food security, leading to worsened poverty and likely increased child labor.²⁴³²

The majority of child labor occurs in the agricultural sector in rural areas where children plant and harvest coffee, sugarcane, corn, beans and broccoli.²⁴³³ Many indigenous children also engage in work that involves dangerous machinery, including flower and vegetable

packaging and rubber and timber production. In the manufacturing sector, children also produce gravel and fireworks, exposing them to hazardous tools and substances.²⁴³⁴ An estimated 39,000 children also work in third-party homes as domestic servants, making them vulnerable to physical and sexual abuse.²⁴³⁵

Children work in the urban informal sector as peddlers and shoe shiners in densely transited streets, where they are vulnerable to vehicle accidents, severe weather, and criminal elements.²⁴³⁶ Children also work in bricklaying and as garbage recyclers, which exposes them to hazardous chemicals and tools.²⁴³⁷

Children are trafficked to, from and within the country for commercial sexual exploitation and labor exploitation. Child sex tourism is a growing problem in the cities of Antigua, Guatemala City and Sololá.²⁴³⁸ Although evidence is limited, there are reports that children are exploited for forced labor in street begging and in municipal




dumps.²⁴³⁹ Limited evidence also indicates that criminals recruit children for illicit activities such as drug activities and transporting contraband.²⁴⁴⁰

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Code set the minimum age for employment at 14.²⁴⁴¹ Although the Labor Code allows children under age 14 to work under exceptional circumstances and with prior Ministry of Labor (MOL) authorization, the MOL committed through a 2006 Government Agreement not to provide work authorizations to children below age 14.²⁴⁴² The exceptional circumstances allowed by the Labor Code can expose children to potentially hazardous work activities. While the Government Agreement establishes a prohibition on the authorization of children under age 14 to work, this prohibition is not codified within the Labor Code.²⁴⁴³ Guatemala sets the compulsory age for education at 15.²⁴⁴⁴

a comprehensive list of hazardous occupations in which minors age 14 through 17 are prohibited from working. These include working with explosive or toxic substances; mining; working with machinery; working underwater; domestic labor; working with agrochemicals or garbage; working in the street, in bars or in other establishments where alcoholic beverages are served; and working in illicit occupations such as producing and trafficking drugs.²⁴⁴⁵ The Penal Code establishes higher, criminal penalties for employing children in dangerous work; however, it is unclear whether or not the provisions and sanctions in the Penal and Labor Codes are directly applicable to violations of the list of hazardous occupations for children.²⁴⁴⁶

The Constitution and the Penal Code specifically prohibit forced labor.²⁴⁴⁷ In addition, the *Law against Sexual Violence, Exploitation and Human Trafficking* prohibits child pornography, including its production, distribution and possession. The law establishes penalties for procuring, inducing, facilitating and benefiting economically from child prostitution.²⁴⁴⁸ The law also prohibits trafficking in persons—including trafficking for the purposes of forced labor and sexual exploitation—and increases penalties for the trafficking of minors.²⁴⁴⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Guatemala’s Labor Code sets the minimum age for hazardous work at 18. Guatemala has also adopted

Institutional Mechanisms for Coordination and Enforcement

The Government’s National Commission for the Eradication of Child Labor, an interagency commission led by the Vice President, coordinates government efforts to combat child labor and met six times during the reporting period. The MOL also operates nine Executive Secretariats throughout the country that work to coordinate the efforts of NGOs and local government agencies on child labor.²⁴⁵⁰ Information on the funding level designated for the National Commission is not available.

In addition to the National Commission, the Government has designated the Secretariat against

Sexual Violence, Exploitation and Trafficking in Persons in the Vice President's office as the agency responsible for coordinating all government efforts against child trafficking and the commercial sexual exploitation of children. During the reporting period, the Secretariat received \$312,500; however, the Secretariat's child trafficking unit does not have a designated budget.²⁴⁵¹

The MOL's Child Workers Protection Unit and Office of the Inspector General are responsible for enforcing child labor laws, including prohibitions on children engaging in the worst forms of child labor.²⁴⁵² The Office of the Inspector General and the Child Workers Protection Unit receive child labor complaints via telephone, in writing, through the MOL's Web site and in person at the MOL or at one of its 24 regional offices.²⁴⁵³ Ninety-eight child labor complaints were registered in 2010. However, information on the Government's response to the complaints and the sectors in which these children allegedly work was not available.²⁴⁵⁴

Seven of the MOL's roughly 230 inspectors spend part of their time responding to child labor complaints, but like other labor inspectors, they are also responsible for enforcing all other labor laws. The number of inspectors does not appear commensurate with the magnitude and scope of child labor in the country.²⁴⁵⁵ The Child Workers Protection Unit lacks a dedicated budget and sufficient resources for transportation, including vehicles and fuel for inspections.²⁴⁵⁶ The MOL cannot levy fines on employers in violation of the Labor Code and instead relies on labor courts to impose sanctions, which significantly delay the process of penalizing violators.²⁴⁵⁷ No training for labor inspectors on child labor issues was conducted during the reporting period.²⁴⁵⁸

Information on the total number of child labor inspections and the sectors inspected during the reporting period was not available, with the exception of those in the fireworks industry.²⁴⁵⁹

In 2010, the MOL conducted 58 inspections of fireworks factories and 158 inspections of locations where fireworks are sold.²⁴⁶⁰ The operation uncovered 43 instances of child labor law violations and identified 39 child laborers. The children's employment was terminated, and they were subsequently referred to the Child Workers Protection Unit.²⁴⁶¹ Information was not available on whether employers were sanctioned.

Child trafficking and commercial sexual exploitation investigations are primarily handled by police and prosecutors. The National Civil Police has 8 staff members, and the Public Ministry has 5 prosecutors, dedicated to investigating such crimes.²⁴⁶² Suspected cases of child trafficking can be reported through hotlines maintained by the Public Ministry, the National Police, and the Solicitor General's Office.²⁴⁶³ In 2010, the Government held 16 anti-trafficking workshops to build the capacity of judges, police, public prosecutors, immigration officers and other government officials. However, the trainings were intended to orient officials generally to the issue of trafficking but were not comprehensive enough for the trainees to become experts in the topic.²⁴⁶⁴

The Government received and investigated 235 complaints of trafficking in 2010; however, the data did not distinguish between adult and child trafficking cases. No information was available on the number of convictions in cases of child trafficking.²⁴⁶⁵ During the reporting period, the Government achieved convictions in 7 cases of commercial sexual exploitation of children and 4 convictions in cases of employing minors in dangerous work.²⁴⁶⁶

Government Policies on the Worst Forms of Child Labor

The Government's Secretariat of Social Welfare has in place the National Plan of Action against the Commercial Sexual Exploitation of Children;²⁴⁶⁷ during 2010, the Government also continued to

implement a roadmap toward the Elimination of Child Labor in Guatemala, which aims to end child labor by 2020. The roadmap integrates child labor into programs to combat poverty and promote education and health, and it calls for legal reform to eliminate exceptions to the minimum age in the Labor Code and to comprehensively prohibit all forms of unsafe child labor.²⁴⁶⁸ The MOL also has an Intra-institutional Coordination Protocol to Assist Child Laborers, which sets guidelines for offices within the MOL to identify child laborers and sanction their employers.²⁴⁶⁹ In August 2010, the Government announced the creation of a network against child labor in conjunction with private sector groups to support the implementation of the roadmap.²⁴⁷⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of Guatemala participated in a 4-year, \$3.3 million regional initiative to eradicate child labor, funded by the Government of Spain,²⁴⁷¹ and a 3½-year, \$4.2 million USDOL-funded project exclusively for Guatemala. Through education and vocational training opportunities, the USDOL-funded project aims to withdraw 5,720 children and to prevent 3,600 children from exploitative work in agriculture, child domestic labor and the urban informal sector.²⁴⁷² With support from the Government of Guatemala, the project is implementing 3 educational models in 61 public schools across 4 municipalities in the departments of San Marcos and Totonicapán. The project works in collaboration with local governments and civil society organizations to develop municipal-level action plans against child labor.²⁴⁷³ Although the Government of Guatemala has implemented

programs to address child labor in domestic labor, agriculture and urban informal work, many children—particularly of indigenous descent, can still be found working in these sectors. In addition, research found no evidence that the Government has carried out social programs to assist children in the manufacturing sector, particularly in gravel and fireworks production.

The Government also operates large-scale anti-poverty and education programs to assist vulnerable children, including those susceptible to the worst forms of child labor.²⁴⁷⁴ The Government of Guatemala operates the My Family Progresses (*Mi Familia Progresá*) program, providing cash transfers conditioned on children attending school to more than 900,000 families.²⁴⁷⁵ The Government also operates a national program, Open Schools (*Escuelas Abiertas*), which aims to provide children living in areas affected by high levels of poverty and violence with opportunities for recreation and education. Overseen by the Secretariat of Social Welfare, the program operates 217 schools in the country and benefits more than 250,000 children.²⁴⁷⁶ Although the Government has undertaken national efforts to combat poverty among vulnerable populations, the question of whether these programs have an impact on child labor does not appear to have been addressed.

As part of its efforts to address the commercial sexual exploitation of children, the Government provides services to child victims of commercial sexual exploitation through protection centers.²⁴⁷⁷ The Government also established some shelters specifically for child trafficking victims during the reporting period and referred victims to state-run shelters for orphans and homeless children or NGOs.²⁴⁷⁸

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guatemala:

IN THE AREA OF LAWS AND REGULATIONS:

- Clearly establish and publicize penalties for violations of the List of Hazardous Occupations for Children.
- Prohibit exceptions to the minimum age for work within the Labor Code.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen the capacity of the MOL to enforce child labor laws by:
 - Increasing part-time child labor inspectors to full-time enforcement of child labor law enforcement and hiring additional child labor inspectors.
 - Expediting the issuance of sanctions for child labor law violations, including by:
 - Immediately referring cases of unremedied violations to the labor courts for imposition of sanctions.
 - Dedicating more resources specifically for the MOL's Child Workers Protection Program, including inspection vehicles and funds for vehicle maintenance and fuel.
 - Instituting regular training on child trafficking and the detection of child labor, with a focus on sectors where child labor is prevalent.

IN THE AREA OF PROGRAMS:

- Increase the impact of social programs to combat child labor by:
 - Assessing the impact that existing policies and programs, including *Mi Familia Progres*a and *Escuelas Abiertas*, may have on addressing child labor.
 - Expanding social programs targeting the worst forms of child labor in agriculture, urban informal work and child domestic labor, with a particular focus on indigenous children.
 - Initiating social programs to address child labor in the manufacturing sector, particularly in gravel and fireworks production.

²⁴³⁰ Data provided in the chart to the left is based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on children working and school attendance are from 2004. Data on children combining school and work is from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

²⁴³¹ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, San José, 2006, 31; available from http://white.oit.org.pe/ipecc/documentos/guatemala_indigenas.pdf.

²⁴³² UNICEF, *Guatemala: the Perfect Storm: Impact of Climate Change and the Economic Crisis on Children and Adolescents*, 2010, 40; available from http://www.unicef.org.gt/1_recursos_unicefgua/publicaciones/The%20perfect%20storm%20-%20UNICEF%20Guatemala.pdf. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 45.

²⁴³³ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 27. See also Ministry of Labor and Social Provision, National Institute of Statistics, and ILO-IPEC, *Trabajo Infantil en Guatemala: Un estudio en profundidad sobre la Encuesta de Condiciones de Vida -ENCOVI- 2006*, Guatemala City, 2008, 21, 23; available from http://white.oit.org.pe/ipecc/documentos/estudio_en_profundidad_encovi_2006.pdf. See also Mark Lacey, "Bush to Press

Free Trade in a Place Where Young Children Still Cut the Cane,” *New York Times* (New York), March 11, 2007; available from <http://www.nytimes.com/2007/03/12/world/americas/12guatemala.html>. See also Comisión Nacional para la Erradicación del Trabajo Infantil and ILO-IPEC, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*, Lima, 2001; available from http://www.ine.cl/canales/chile_estadistico/encuestas_trabajo_infantil/pdf/23_04_09/pdf/plan_nacional.pdf. See also The Solidarity Center, *Justice for All: The Struggle for Workers Rights in Guatemala*, Washington, DC, 2008, 90; available from http://www.solidaritycenter.org/files/pubs_guatemala_wr.pdf. See also, Catholic Relief Services, *Informe: Línea de Base*, 2010, 54.

²⁴³⁴ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 55. See also Alba Trejo, “Guatemala: persisten las peores formas de trabajo infantil”, *Cimacnoticias.com*, [online], June 16, 2008 [cited July 25, 2008]; available from <http://www.cimacnoticias.com/site/08061606-Guatemala-persiste.33562.0.html>. See also UNICEF, *Mírame: Situación de la niña indígena en Guatemala*, Guatemala City, 2007, 60, 62, 63; available from http://www.unicef.org.gt/02infancia/documentos/mirame_situacion_nina_indigena.pdf, *ibid*. See also Global Youth Connect, *Guatemala Program Report*, Kingston, June 2007; available from http://www.globalyouthconnect.org/pdf/guate_2007.pdf. See also The Solidarity Center, *Justice for All: The Struggle for Workers Rights in Guatemala*, 89, 91.

²⁴³⁵ ILO-IPEC, *Alto al Trabajo Infantil Doméstico!*, 2005, 9; available from http://white.oit.org.pe/ipecc/documentos/legal_tid_guatemala.pdf.

²⁴³⁶ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 55.

²⁴³⁷ *Ibid.*, 54. See also U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

²⁴³⁸ U.S. Department of State, “Guatemala (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>. See also U.S. Department of State, “Guatemala,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

²⁴³⁹ U.S. Department of State, “Country Reports- 2010: Guatemala,” section 6. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Guatemala.”

²⁴⁴⁰ U.S. Department of State, “Country Reports- 2010: Guatemala,” section 6.

²⁴⁴¹ Government of Guatemala, *Código de Trabajo de la República de Guatemala*, articles 31, 148; available from <http://www.lexadin.nl/wlg/legis/nofr/oeur/arch/gua/ct.pdf>. See also Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 32; available from <http://www.mintrabajo.gov.gt/org/leyes-y-convenios/acuerdos/acuerdo-gubernativo-no.-112-2006-proteccion-laboral-de-la-ninez-y-adolescencia>.

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²⁴⁴² Government of Guatemala, *Código de Trabajo*, article 150. See also Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 32.

²⁴⁴³ Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 32. See also Government of Guatemala, *Código de Trabajo*, article 150.

²⁴⁴⁴ UNESCO, *World Data on Education*, 2010; available from http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Guatemala.pdf.

²⁴⁴⁵ Government of Guatemala, *Intrainstitutional Protocol*, 154-2008, (August 14, 2008); available from http://white.oit.org.pe/ipecc/documentos/protocolo_intrainstitucional_atencion_guatemala.pdf.

²⁴⁴⁶ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*, 9-2009, (March 20, 2009); available from <http://www.acnur.org/biblioteca/pdf/7047.pdf>. See also U.S. Department of State, E-mail communication to USDOL official, July 7, 2010.

²⁴⁴⁷ Government of Guatemala, *Constitución de 1985 con las reformas de 1993* (May 31, 1985, reformed November 17, 1993), article 4; available from <http://pdba.georgetown.edu/Constitutions/Guate/guate93.html>. See also

²⁴⁴⁸ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*, articles 36-43. See also Government of Guatemala, *Código Penal*, article 202; available from http://www.oas.org/JURIDICO/MLA/sp/gtm/sp_gtm-int-text-cp.pdf.

²⁴⁴⁹ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*, articles 47-49.

²⁴⁵⁰ U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁵¹ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*. See also U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

²⁴⁵² U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁵³ *Ibid.*

²⁴⁵⁴ U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

²⁴⁵⁵ *Ibid.*

²⁴⁵⁶ *Ibid.*

²⁴⁵⁷ U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁵⁸ U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

²⁴⁵⁹ Ibid.

²⁴⁶⁰ Ibid.

²⁴⁶¹ Ibid.

²⁴⁶² Ibid.

²⁴⁶³ Ibid.

²⁴⁶⁴ Ibid.

²⁴⁶⁵ Ibid.

²⁴⁶⁶ Ibid.

²⁴⁶⁷ Secretariat of Social Welfare, ILO-IPEC, and ECPAT Guatemala, *Protocolo para la detección y atención integral a niñas, niños, y adolescentes víctimas de explotación sexual comercial*, Guatemala, 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=6621>.

²⁴⁶⁸ ILO-IPEC, *Hoja de Ruta para hacer de Guatemala un país libre de trabajo infantil y sus peores formas*, 2009, 3; available from <http://white.oit.org.pe/ipec/pagina.php?pagina=337>.

²⁴⁶⁹ Government of Guatemala, *Intrainstitutional Protocol*.

²⁴⁷⁰ Noticias Terra, “Gobierno y empresarios crean una red contra el trabajo infantil en Guatemala”, [online], 2010 [cited February 18, 2011]; available from [http://noticias.terra.es/2010/economia/0812/actualidad/gobierno-y-](http://noticias.terra.es/2010/economia/0812/actualidad/gobierno-y-empresarios-crean-una-red-contra-el-trabajo-infantil-en-guatemala.aspx)

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²⁴⁷¹ ILO-IPEC official, E-mail communication to USDOL official, April 15, 2011.

²⁴⁷² Catholic Relief Services, *My Rights Matter*, Project Document, 2009.

²⁴⁷³ Catholic Relief Services, *My Rights Matter*, Technical Progress Report, September 2010.

²⁴⁷⁴ U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁷⁵ Government of Guatemala, *Mi Familia Progresá*, [online] [cited February 18, 2011]; available from <http://mifamiliaprogesa.gob.gt/joomla/noticias/190-mi-familia-progresá-91-de-cobertura-en-el-país-.html>.

²⁴⁷⁶ Government of Guatemala, *Escuelas Abiertas*, [online] [cited February 18, 2011]; available from http://www.escuelasabiertas.org/site/index.php?option=com_content&task=view&id=21&Itemid=21.

²⁴⁷⁷ Secretariat of Social Welfare, ILO-IPEC, and Guatemala, *Protocolo para la detección y atención integral*, 20. See also U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁷⁸ U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

Guinea

The Government of Guinea has strengthened enforcement of child labor laws through the establishment of a new police unit to coordinate child labor investigations. Despite efforts, child labor in agriculture and the trafficking of children persists. Certain gaps remain in the protection of children working in agriculture and domestic service and in the Government's capacity to enforce existing provisions.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	7-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Guinea are engaged in the worst forms of child labor,²⁴⁷⁹ including in agriculture or as victims of trafficking for labor, domestic service and commercial sexual exploitation.²⁴⁸⁰ Children work in the agricultural sector in the production of cashews, cocoa and coffee. Although evidence is limited, children also engage in herding and the production of cotton, bananas and mangos.²⁴⁸¹ Children's work in agriculture often includes using sharp tools, handling pesticides, carrying heavy loads, climbing tall trees to gather fruits and exposure to dangerous animals.²⁴⁸² Children who work in fishing may carry heavy fishing nets and be at risk of drowning.²⁴⁸³

Children also work in gold and diamond mines and quarries. Children in this sector work long hours, lack protective gear and are vulnerable to accidents, broken bones and respiratory, skin and other diseases.²⁴⁸⁴ Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of bauxite, granite, gravel (crushed stones) and sand.²⁴⁸⁵

Trafficking and prostitution also exist.²⁴⁸⁶ Girls are trafficked internally and to Europe as well as from neighboring West African countries to Guinea for commercial sexual exploitation and domestic service.²⁴⁸⁷ Boys are trafficked within Guinea to work in agriculture and as street vendors, shoe shiners and beggars. Children who work on the streets may be exposed to severe weather, vehicle accidents and criminal elements.²⁴⁸⁸ Both Guinean boys and girls are trafficked within West Africa for mining, domestic work, forced labor and begging.²⁴⁸⁹ Children are often trafficked by family members, family friends, influential members of the community, or other persons of economic means who falsely promise a better future for the child.²⁴⁹⁰

Through the system of *confiage*, children from rural areas are sent to cities to work or to attend school.²⁴⁹¹ To pay their room and board, children, especially girls as young as age 5, work in domestic service. These children are not paid for their work and may be beaten and sexually exploited.²⁴⁹²

In Guinea, it is traditional practice to send boys, called *talibes*, to Koranic teachers to receive

education, which may include vocational training or apprenticeship.²⁴⁹³ While some boys receive lessons, many are forced by their teachers to beg or work in fields and are sometimes beaten or otherwise mistreated if they fail to meet daily quotas.²⁴⁹⁴

Political instability and socioeconomic hardship stemming from the 2008 coup continued throughout the reporting period. These conditions, combined with a series of natural disasters that reduced harvests and led to increased food prices, have driven more children into exploitative situations, such as trafficking and forced prostitution.²⁴⁹⁵

Access to education is a critical component in preventing the economic exploitation of children.²⁴⁹⁶ Access to education in Guinea is hindered by a lack of school infrastructure, school fees, low teacher attendance rates, a lack of transportation to and from school and instruction provided in French instead of the local language.²⁴⁹⁷ Additionally, some children are reportedly physically and sexually abused by teachers.²⁴⁹⁸ Finally, a significant number of Guinean children were not registered at birth. This lack of birth registration may impede children’s access to education as the age of the child must be known before they may gain access to State-sponsored education.²⁴⁹⁹

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment is 16, as set by the Labor Code and Child Code.²⁵⁰⁰ Children may work as apprentices from age 14, or from age 12 for apprenticeships involving light work in domestic service, agriculture and other sectors, with the approval of labor inspectors. The Child Code also includes a list of hazardous occupations from which children are prohibited.²⁵⁰¹ Order 2791/MTASE/DNTLS/96 Working Conditions for Employees Aged under 18 Years excludes children

younger than age 18 from working in hazardous conditions.²⁵⁰² The Mining Code prohibits children under age 16 from working in mines or quarries other than as assistants; however, the role of an assistant is not defined.²⁵⁰³ Because the Labor Code applies only to employment relationships, this protection does not apply to children under age 18 who do not have a formal employment contract.²⁵⁰⁴ Labor Code protections also do not extend to children in unpaid, temporary, or noncontract work in agriculture or domestic service.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Education is free and compulsory for six years.²⁵⁰⁵ Children who finish their schooling before reaching the legal working age are particularly vulnerable to the worst forms of child labor, as they are not required to be in school but are not legally permitted to work.

The Child Code prohibits sex tourism, pornography and forcing children to beg.²⁵⁰⁶ The Labor Code prohibits forced labor.²⁵⁰⁷ The Child Code and the Penal Code criminalize

child trafficking and prostitution.²⁵⁰⁸ However, the definition of trafficking differs between the two codes. Trafficking as defined in the Child Code is aligned with the international definition of trafficking, while trafficking as defined in the Penal Code is lacking several key elements.²⁵⁰⁹ It is unclear which code takes precedence.

Although the Child Code provides protection for children in the worst forms of child labor, there is some confusion surrounding the legality of the Child Code as it was not accompanied by implementing text from the President.²⁵¹⁰ In addition to rendering the Code legal, the implementing text would lay out penalties for the Child Code.²⁵¹¹ The Ministry of Justice has released an opinion stating that the Child Code is an exception and does not need implementing text. However, there is no evidence that steps to implement the Child Code have been taken.²⁵¹²

During the reporting period, Interim President Konate signed a decree promulgating a new Constitution. The new Constitution denounces child trafficking.²⁵¹³ Along with the new Constitution, laws from the previous Constitution continue to be in effect.²⁵¹⁴

Institutional Mechanisms for Coordination and Enforcement

While there is no agency coordination across the Government on child labor issues, a national committee has been created to monitor and protect children's rights and to implement the Child Code.²⁵¹⁵ The accomplishments of this committee are unknown. Additionally, the National Committee Against Trafficking (CNLTP), led by the Ministry of Social Affairs, coordinates trafficking efforts. The Committee is comprised of secretariat member representatives from the Ministries of Promotion of Women and Children, Justice and Security.²⁵¹⁶ It also includes various members of governmental agencies, including the Ministry of Labor, the police, NGOs, and other stakeholders involved in trafficking issues.²⁵¹⁷

Although the CNLTP is required to meet quarterly on trafficking issues, evidence indicates it met sporadically throughout the reporting period.²⁵¹⁸ The CNLTP coordinates enforcement actions between various actors, including labor inspectors and criminal investigators.²⁵¹⁹

The Ministry of Labor is the lead agency for the enforcement of child labor laws. The Ministry of Labor employs 156 labor inspectors and support staff and conducted four inspections during the reporting period.²⁵²⁰ Labor inspections were limited to large firms in the modern employment sector, even though the majority of children work in sectors such as agriculture.²⁵²¹ The number of child labor cases revealed by these inspections is unknown. Despite efforts, there is a lack of trained staff, equipment, transportation and finances to conduct effective child labor inspections and legal proceedings.²⁵²²

The Ministry of Justice and the Ministry of Security's Office for the Protection of Children and Morals (OPGEM) also enforces child labor laws.²⁵²³ The Ministry of Labor refers criminal cases to the OPGEM, which may also conduct investigations regarding child labor in the formal labor sector. Established during the reporting period, the OPGEM coordinates Guinea's security forces, including the police and the *gendarmes*, in their child labor investigations.²⁵²⁴

The OPGEM leads enforcement efforts for criminal investigations related to the worst forms of child labor, while the Ministry of High Crimes and Anti-Drug Enforcement is responsible for the enforcement of anti-trafficking laws.²⁵²⁵ The OPGEM employs 56 police officers to investigate crimes of child labor, prostitution and trafficking.²⁵²⁶ Local authorities, police and border agents in individual prefectures can apprehend child traffickers at the country's borders.²⁵²⁷ Twelve trafficking cases were referred to the CNLTP during the reporting period. These cases are still under investigation.²⁵²⁸ Trafficking victims must be at least 12 years of age to bring suit against their

trafficker.²⁵²⁹ No prosecutions, convictions, or criminal punishments were handed down during the reporting period.²⁵³⁰ In addition, research indicates that the Government did not take action on known cases of child prostitution.²⁵³¹

Government Policies on the Worst Forms of Child Labor

There is no evidence that the Government of Guinea has a comprehensive policy specifically to combat the worst forms of child labor. However, the Ministries of Social Affairs and the Promotion of Women and Children developed *A World Fit for Children*, a declaration and comprehensive action plan to assist children.²⁵³² It includes general protections and objectives against child labor, mistreatment, exploitation and violence to eliminate trafficking and sexual exploitation.²⁵³³ The plan does not specify concrete activities, tangible outcomes, and targets to achieve its goals.

The PRSP 2007-2010 strengthens social protections for children, establishes mechanisms to raise public awareness on laws and protections for children, and provides implementation strategies for an Education for All Program to improve education in Guinea. The PRSP includes actions to support street children and provisions for combating human trafficking in ECOWAS member countries, including Guinea.²⁵³⁴

Guinea has a National Policy on Birth Registration, with a goal of registering 100% of children under age 8 by 2015.²⁵³⁵ The Ministry of National Education and Scientific Research has outlined a 7-year (2008-2015) program to address the education sector, which aims to improve access to education, minimize disparities and avoid exclusion from educational opportunities. Results of program implementation are unknown.²⁵³⁶ The impact of this program on the worst forms of child labor has not been assessed.

Although Guinea has a National Action Plan to Combat Trafficking in Persons, the updated plan covering years 2009-2011 has never been published.²⁵³⁷ Guinea also participates in a number of international policies to address trafficking, such as the Regional Multilateral Cooperative Agreement to Combat Trafficking in Persons; the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions; a working group on child trafficking designed to monitor cross-border trafficking; and a bilateral agreement between Guinea and Mali to combat trafficking.²⁵³⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Despite the instability brought by the 2008 coup, the transition government, and the 2010 elections, the Government of Guinea continued to work with NGOs and international organizations on anti-trafficking programs.²⁵³⁹ The Government participated in two USDOS-funded projects; one provided services and training to trafficking victims, while the other strengthened the capacity of judges, law enforcers and NGOs on Guinea's legal framework for trafficking.²⁵⁴⁰ The Government also participated in projects implemented by international organizations, including projects that created child protection committees, reviewed human trafficking legislation, provided training and awareness raising on trafficking to media and civil society and provided officials and law enforcement officers with capacity-building training to manage migration and investigate trafficking prosecution.²⁵⁴¹ The Government also took part in an IOM project that identified, returned and reintegrated minors identified as trafficking victims throughout the region.²⁵⁴²

The Government of Guinea participated in two regional USDOL-funded projects, including a

4-year, \$7.95 million regional project and a 3-year, \$5 million regional project, both of which assisted ECOWAS member countries to strengthen regional efforts to combat the worst forms of child labor.²⁵⁴³ It also participated in a 5-year, \$6.6 million, USDOL-funded global project with the goal of enhancing national capacity for child labor data collection, analysis and dissemination.²⁵⁴⁴

The Government participated in a \$24 million multidonor-funded project, which built 1,000 schools, trained teachers and improved Guinean curricula as a part of Guinea's fast track initiative for Education for All.²⁵⁴⁵ During the reporting period, Guinea, along with other African countries, took part in the USAID-funded Ambassador's Scholarship Program, which provided 4,291 Guinean primary school students with scholarships to attend school.²⁵⁴⁶ Guinea also received funding and technical assistance from the ILO in support of its ongoing national child labor survey.²⁵⁴⁷

In order to address the humanitarian crisis brought by political instability and flooding, the Government of Guinea partnered with UNICEF to provide \$5.3 million in emergency relief to reduce child vulnerabilities. Assistance included access to health and nutrition interventions and the construction of temporary learning spaces.²⁵⁴⁸

The Government does not provide services directly but rather refers child trafficking victims to NGO-sponsored services.²⁵⁴⁹ However, the Government does not have a formal referral process for transferring victims.²⁵⁵⁰

Current social programs do not adequately address child trafficking or the most prevalent worst forms of child labor, particularly agriculture and domestic service, where large gaps in laws leave children unprotected.²⁵⁵¹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age for compulsory education to correspond with the minimum age for work.
- Complete the implementation framework for the Child Code.
- Harmonize laws relating to the worst forms of child labor, including the Labor and Mining Codes and the Penal and Child Codes.
- Extend protections to children in unpaid, temporary or noncontract work.
- Amend the Mining Code to prohibit all children from participating in hazardous mining.
- Allow persons of any age to bring charges against their traffickers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Assess budgetary priorities with a view toward providing resources to conduct effective labor inspections and legal proceedings concerning the worst forms of child labor.
- Ensure labor inspections are conducted in all sectors, including those with a high prevalence of child labor.
- Establish a coordinating mechanism for the worst forms of child labor.
- Ensure all cases of child labor are appropriately investigated and prosecuted.

IN THE AREA OF POLICIES:

- Publish the 2009-2011 National Action Plan to Combat Trafficking in Persons.
- Set targets and establish concrete outcomes for all policies related to child labor.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools.
- Assess the impact that existing policies may have on addressing the worst forms of child labor in Guinea.

IN THE AREA OF PROGRAMS:

- Expand social programs to provide services to children engaged in or at risk of entering into the worst forms of child labor, particularly in agriculture, trafficking, mining and domestic service.
- Ensure the appropriate systems are in place to transfer children from Government authorities to social service protection programs.

²⁴⁷⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

²⁴⁸⁰ ILO, *Etude de Base sur le Travail de Enfants en Guinee, Rapport d'analyse des resultats*, Conakry, October 2006, 41-

42. See also Human Rights Watch, *Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers*, New York, June 2007; available from <http://hrw.org/en/node/10932/section/1>. See also U.S. Department of State, "Guinea (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142983.pdf>.

²⁴⁸¹ U.S. Department of State, "Guinea," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, sections 6-7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135957.htm>. See also ILO-IPEC, *Rooting Out Child Labour from Cocoa Farms: Safety and Health Hazards*, Paper No. 2, Geneva, 2007. See also ILO Committee of Experts, *Individual Direct Request concerning*

Worst Forms of Child Labour Convention, 1999 (No. 182) Guinea (ratification: 2003) Published: 2007, February 15, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20442&chapter=9&query=Guinea%5F%40ref&highlight=&querytype=bool&context=0>. See also ILO, *Etude de Base sur le Travail de Enfants en Guinee*, 41-42. See also World Education, *SELECT - Stop Exploitive Labor and Educate Children for Tomorrow*, Project Document, September 2010, 11, 14. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor, 1999 (No. 182) Guinea (ratification: 2003) Published: 2010*, February 15, 2011; available from <http://www.ilo.org/ilolex/>.

²⁴⁸² World Education, *SELECT, Project Document (September 2010)*, 12.

²⁴⁸³ *Ibid.*, 12, 14.

²⁴⁸⁴ Republic of Guinea and UNICEF, *Etude sur les «Enfants Travaillant dans les Mines et Carrieres»*, Ministère des Affaires Sociales and Ministère de l'Emploi, Conakry, 2006. See also Association Guinéenne de Recherche - Action Et d'Alphabétisation pour le Développement, *Etude Dans les Zones Minières (Diamantifère & de l'Or) de Bonodou & Dandano: Lutte Contre la Traite des Personnes à des fins d'exploitation de leur Travail*, 2007. See also World Education, *SELECT, Project Document (September 2010)*, 11-14. See also U.S. Department of State, "Guinea," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010>.

²⁴⁸⁵ World Education, *SELECT, Project Document (September 2010)*, 19. See also International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in Guinea: Report for the WTO General Council Review of the Trade Policies of Guinea*, Geneva, October 12 and 14, 2005; available from <http://www.icftu.org/www/pdf/clsguinea2005.pdf>.

²⁴⁸⁶ International Confederation of Free Trade Unions, *Report for the WTO General Council Review of the Trade Policies of Guinea*.

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²⁵¹³ U.S. Embassy- Conakry, *reporting*, February 14, 2011, para 2.1.

²⁵¹⁴ *Ibid.*, para 2.1.

²⁵¹⁵ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d’action «Un monde plus digne des enfants»*, prepared by Direction Nationale de l’Education Prescolaire et de la Protection de l’Enfance (DNEPPE), 2006, 8; available from http://www.unicef.org/worldfitforchildren/files/Guinea_WFFC5_Report.pdf.

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²⁵¹⁸ U.S. Embassy- Conakry, *reporting*, February 28, 2011, paras 3D, 6D.

²⁵¹⁹ U.S. Embassy- Conakry, *reporting*, February 14, 2011, paras 3.1, 4.1.

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²⁵²¹ ILO Committee of Experts, *Individual Direct Request concerning Labour Inspection Convention 1947 (No. 81) Guinea (ratification: 1959) Published 2010*, February 15, 2011; available from <http://www.ilo.org/ilolex/>. See also U.S. Department of State, “Country Reports- 2010: Guinea,” section 7d. See also ILO, *Etude de Base sur le Travail de Enfants en Guinée*, 41, 42.

²⁵²² Human Rights Watch, *Legal, Policy and Programmatic Responses*. See also Government of Guinea, *Rapport de la*

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²⁵²⁷ U.S. Embassy- Conakry, *reporting, February 29, 2008*, paras 5-7.

²⁵²⁸ U.S. Embassy- Conakry, *reporting, February 14, 2011*, paras 5.7-5.10. See also U.S. Embassy- Conakry, *reporting, February 28, 2011*, para 4E.

²⁵²⁹ U.S. Embassy- Conakry, *reporting, February 28, 2011*, para 5H.

²⁵³⁰ *Ibid.*, para 4C.

²⁵³¹ U.S. Department of State, “Country Reports- 2010: Guinea,” section 7d.

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²⁵³⁷ U.S. Embassy- Conakry, *reporting, February 28, 2011*, para 6D. See also World Education, *SELECT, Project Document (September 2010)*, 4, 6.

²⁵³⁸ Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 7. See also Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, 6. See also Integrated Regional Information Networks, «Burkina Faso: New child trafficking law hard to enforce », IRINnews.org, [online], June 4, 2008 [cited March 18, 2010]; available from <http://www.unhcr.org/refworld/country,,,BFA,,4847bb9120,0.html>. See also World Education, *SELECT, Project Document (September 2010)*, 4, 6.

²⁵³⁹ U.S. Embassy- Conakry, *reporting, February 28, 2011*, paras 2C, 5B.

²⁵⁴⁰ USDOS official, E-mail communication to USDOL official, July 22, 2009. See also IOM, *Guinea*, [online] 2010 [cited February 15, 2011]; available from <http://www.iom.int/jahia/Jahia/guinea>.

²⁵⁴¹ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, 6, 7. See also IOM, *Migration Initiatives Appeal*, accessed March 12, 2010; available from http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/Migration%20Initiatives09.pdf. See also IOM, *Guinea*. See also Child Rights Information Network, *Children's Rights References in the Universal Periodic Review*. See also United Nations General Assembly, *Summary Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1: Guinea*, 5.

²⁵⁴² IOM, *IOM Assistance Programme for the Return and Reintegration of Trafficked Children in West Africa*, [online] 2010 [cited February 15, 2011]; available from http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/about_migration/IOM_Return_Reintegration_WA_2006_eng.pdf.

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available from http://www.unicef.org/infobycountry/guinea_53615.html. See also ReliefWeb, *\$24 Million Dollars to Promote Primary Education in Guinea*, [online] 2010 [cited March 10, 2011]; available from <http://www.reliefweb.int/rw/rwb.nsf/db900sid/JDUN-8AD5AC?OpenDocument>.

²⁵⁴⁶ World Education, *Projects by Region: Guinea*, [online] 2010 [cited January 31, 2011]; available from <http://worlded.org>. See also USAID, *USAID AEI-AGSP*, [online] 2011 [cited February 18, 2011]; available from <http://agsp.worlded.org/guinea.htm>.

²⁵⁴⁷ ILO-IPEC, *IPEC Action Against Child Labour - Highlights 2010*, February 2011, 34; available from <http://www.ilo.org/ipeinfo/product/viewproduct.do?productId=15735>. See also

²⁵⁴⁸ UNICEF, *Humanitarian Action Report 2010: West and Central Africa, Guinea*.

²⁵⁴⁹ Government of Guinea, *Rapport de la Guinée sur le suivi de la Déclaration et du Plan d'action «Un monde plus digne des enfants»*, 6. See also U.S. Department of State, «Trafficking in Persons Report- 2010: Guinea.»

²⁵⁵⁰ U.S. Embassy- Conakry, *reporting, February 28, 2011*, para 5E.

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Guinea-Bissau

The Government of Guinea-Bissau is participating in programs to address child trafficking and develop greater capacity to combat the worst forms of child labor. However, the legal framework to protect children remains insufficient, and the Government has not adopted a national policy on child labor. Children continue to engage in the worst forms of child labor, including in agriculture and forced begging.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	47.3
Attending School	5-14 yrs.	56.9
Combining Work and School	7-14 yrs.	34.6

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor²⁵⁵²

Children in Guinea-Bissau are engaged in the worst forms of child labor, including in agriculture and forced begging. In rural areas, where child labor is the most prevalent, children work on farms.²⁵⁵³ Though the extent of the problem is unknown, evidence suggests that, during the four-month annual cashew harvest, some children are partially or completely withdrawn from school to work in the fields.²⁵⁵⁴ Reportedly, children also herd cattle.²⁵⁵⁵ Children's work in agriculture may involve using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Work with livestock may expose children to disease or injury.

In urban areas, many children work on the streets shining shoes, washing cars and vending goods.²⁵⁵⁶ Street work commonly involves exposure to severe weather, criminal elements and accidents caused by proximity to automobiles. Children engage in dangerous occupations, such as metalworking, mechanics and carpentry.²⁵⁵⁷ Children also work as domestic servants.²⁵⁵⁸ Child domestic workers

may be subject to long hours and vulnerability to physical and sexual exploitation by their employers. Some evidence suggests that a number of children involved in street work and domestic service are working under forced conditions.²⁵⁵⁹

In Guinea-Bissau, it is traditional practice to send boys to Koranic teachers, called *marabouts*, to receive education, which may include vocational training and apprenticeship. Students are known as *talibés* in Wolof or *almudus* in Fula.²⁵⁶⁰ Though many *marabouts* carry out the intended tradition of providing religious and moral education, others force students to beg on the streets for money and food and then surrender their earnings.²⁵⁶¹ *Marabouts* typically set a daily quota that *talibés* must meet or they will face beatings.²⁵⁶² On the streets, they work long hours and are vulnerable to car accidents, disease and severe weather, including scorching heat.²⁵⁶³ Forced begging among *talibés* is believed to have increased over the last five years, particularly in the capital city of Bissau.²⁵⁶⁴ Many boys are also trafficked to Koranic schools in neighboring countries, namely Senegal, where they are subjected to forced begging.²⁵⁶⁵

Evidence suggests that child prostitution occurs in the country’s urban areas.²⁵⁶⁶ Though the extent of the problem is unknown, children are trafficked internally and internationally to Senegal and other neighboring countries for domestic work and agricultural labor, including work on cotton plantations.²⁵⁶⁷

Laws and Regulations on the Worst Forms of Child Labor

The General Labor Law sets the minimum age for employment at 14.²⁵⁶⁸ The Government prohibits children younger than age 18 from engaging in heavy or dangerous labor, including work in mines or for long hours.²⁵⁶⁹ However, the Government has not established a comprehensive list of hazardous occupations that are prohibited for children.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Constitution prohibits forced labor broadly.²⁵⁷⁰ However, forced begging is neither explicitly criminalized nor defined as a worst form of child labor in domestic laws.²⁵⁷¹

The law prohibits sexual exploitation of minors.²⁵⁷² During the reporting period, the Government drafted anti-trafficking legislation that would significantly improve protections for children. The law was passed on June 8, 2011, but it has not yet been enacted. Existing laws are used to prosecute child trafficking cases, such as laws against the removal, sexual exploitation and kidnapping of minors.²⁵⁷³

The minimum age for compulsory military recruitment is 18. However, children may voluntarily enter the military at age 16. Children younger than age 16 may enter with parental consent.²⁵⁷⁴

In March 2010, the Government passed a law increasing compulsory education attendance from sixth grade to ninth grade.²⁵⁷⁵ The law also affords free public education.²⁵⁷⁶ However, informal school fees, including inscription and monthly charges, are common in State schools.²⁵⁷⁷

Institutional Mechanisms for Coordination and Enforcement

The National Trafficking Committee is responsible for coordinating government initiatives to address human trafficking, including capacity-building efforts. The Committee, which meets quarterly, is led by the National Institute for Women and Children. Members include representatives from the Ministries of Interior, Justice, Health, Education and Transportation, as well as various NGOs.²⁵⁷⁸ Although there is a National Trafficking Committee, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

The Ministry of Justice and the Ministry of Civil Service and Labor, in collaboration with the National Institute of Women and Children, enforce child labor laws, including minimum age work requirements. Research did not find evidence to indicate that any child labor inspections were conducted by the Government

of Guinea-Bissau during the reporting period.²⁵⁷⁹ Reportedly, police and court personnel do not have access to transport vehicles, which inhibits their ability to carry out investigations and prosecutions of child labor cases.²⁵⁸⁰

The Ministry of Interior leads efforts to reduce child trafficking.²⁵⁸¹ Police and border officials are tasked with preventing traffickers from entering or exiting the country with children. However, officials possess only one car and one motorcycle to monitor a 250-kilometer stretch of border.²⁵⁸² Local police maintain data on child trafficking victims intercepted at the border. There were no arrests related to child trafficking during the reporting period.²⁵⁸³

Research found no evidence that the Government tracks information on violations, inspections or prosecutions related to other worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any national policies to address child labor. However, in March 2011, Guinea-Bissau and other members of the Community of Portuguese-Speaking countries approved four target areas where they will focus efforts to combat child labor. These include the exchange of information and experiences, awareness-raising campaigns, use of statistical methodologies to collect child labor data and technical cooperation and training.²⁵⁸⁴

The Government has formulated a national action plan to integrate Koranic schools into the national education system, allowing for State oversight and regulation.²⁵⁸⁵ Research found no evidence that the plan has been adopted or implemented.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government began participating in a USDOL-funded program

to combat the worst forms of child labor in five Lusophone countries in Africa. The 2-year, \$500,000 project aims to foster information sharing between Brazil and target Lusophone countries on best practices for eliminating the worst forms of child labor. Additionally, the program will provide technical assistance and guidance for countries to develop or refine national action plans on child labor.²⁵⁸⁶ Guinea-Bissau is also participating in a 4-country regional project to combat the worst forms of child labor. The program is funded by a \$5.2 million grant from the Government of Spain.²⁵⁸⁷

The Government continues to participate in a 3-year, \$7.9 million regional project funded by USDOL. The program is designed to strengthen ECOWAS' Child Policy and Strategic Plan of Action and to develop programs focusing on child trafficking as it pertains to the strategic plan.²⁵⁸⁸ In December 2010, the Government began participating in a second USDOL-funded regional project. The 3-year, \$5 million program is meant to expand and extend the work of the initial project.²⁵⁸⁹

The Government takes part in several anti-trafficking efforts. Through its National Trafficking Committee, the Government conducts trainings for civil and border police, as well as immigration and customs personnel.²⁵⁹⁰ USDOS is funding a 2-year, \$400,000 initiative to support anti-trafficking efforts and strengthen government and civil society capacity to provide services to child victims.²⁵⁹¹ The Government also provides \$16,000 in annual funding to a national NGO that fights child trafficking for forced begging in Koranic schools.²⁵⁹²

Government social programs are not sufficient to reach all children engaged in the worst forms of child labor, particularly those working in agriculture, street work, domestic service and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guinea-Bissau:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt and enforce a comprehensive list of hazardous activities prohibited for children younger than age 18.
- Enact and enforce legislation to explicitly criminalize forced begging and define it as a worst form of child labor.
- Raise the voluntary military recruitment age to 18, unconditionally.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.
- Carry out regular inspections to monitor for child labor violations.
- Evaluate the sufficiency of resources provided to authorities tasked with monitoring, investigating and prosecuting child labor and child trafficking cases.
- Collect, analyze and publicize information on violations, enforcement actions and prosecutions related to the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt national policies to address child labor.
- Adopt the national action plan to integrate Koranic schools into the national education system to allow for government oversight of violations involving forced begging.
- Explore ways to improve access to legally guaranteed free public education.

IN THE AREA OF PROGRAMS:

- Develop new and expand existing programs to reach more children engaged in the worst forms of child labor, particularly those working in agriculture, street work, domestic service and commercial sexual exploitation.

²⁵⁵² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children, school attendance, and children combining work and school are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁵⁵³ Ministry of Economy and UNICEF, *Guinée-Bissau: Enquete par Grappes a Indicateurs Multiples 2006*, June 2006, 84; available from http://www.childinfo.org/files/MICS3_GuineaBissau_FinalReport_2006_Fr.pdf. See also Guinea-Bissau PLAN International official, Interview with USDOL consultant, June 13, 2006, para 1. See also U.S. Department of State, "Guinea-Bissau," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154351.htm>. See also U.S. Embassy- Dakar, *reporting, March 28, 2011*, 1.1.

²⁵⁵⁴ Ministry of Education official, Interview with USDOL consultant, June 14, 2006, para 3. See also Guinea-Bissau PLAN International official, Interview, June 13, 2006, para 1. See also U.S. Department of State, "Country Reports- 2010: Guinea-Bissau," section 7d.

²⁵⁵⁵ Guinea-Bissau PLAN International official, Interview, June 13, 2006, para 1. See also Accao para o desenvolvimento

official, Interview with USDOL consultant, May 30, 2006, para 1.

²⁵⁵⁶ U.S. Department of State, “Country Reports- 2010: Guinea-Bissau,” section 7d. See also U.S. Embassy- Dakar, *reporting, March 28, 2011*, 1.1. See also African Young Workers and Children Movement official, Interview with USDOL consultant, May 24, 2006, para 1.

²⁵⁵⁷ African Young Workers and Children Movement official, Interview, May 24, 2006, para 1. See also U.S. Embassy- Dakar, *reporting, March 28, 2011*, 1.1.

²⁵⁵⁸ U.S. Department of State, “Country Reports- 2010: Guinea-Bissau,” section 7c, 7d. See also U.S. Embassy- Dakar, *reporting, March 28, 2011*, 1.1. See also African Young Workers and Children Movement official, Interview, May 24, 2006, para 1.

²⁵⁵⁹ U.S. Department of State, “Country Reports- 2010: Guinea-Bissau,” sections 7c, 7d. See also U.S. Department of State, “Guinea-Bissau,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also U.S. Embassy- Dakar, *reporting, March 25, 2011*, 2, 5c.

²⁵⁶⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Guinea-Bissau.” See also Jonina et. al. Einarsdottir, *Child Trafficking in Guinea-Bissau: An Exploratory Study*, UNICEF and University of Iceland, Reykjavik, 2010, VII; available from http://www.unicef.is/files/file/Mansal_isl.skysrsla.pdf. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM*, [online] 2006 [cited May 4, 2011]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

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²⁵⁶² U.S. Embassy- Dakar, *reporting, March 28, 2011*, 1.1. See also Human Rights Watch, *Off the Backs of Children*, 25, 83.

²⁵⁶³ Human Rights Watch, *Off the Backs of Children*, 25-26.

²⁵⁶⁴ *Ibid.*, 82-83.

²⁵⁶⁵ *Ibid.*, 27-28. See also U.S. Embassy- Dakar, *reporting, March 25, 2011*, 1.1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Guinea-Bissau.” See also African Young Workers and Children Movement official, Interview, May 24, 2006, para 1. See also U.S. Embassy- Dakar, *reporting, March 28, 2011*, 1.1.

²⁵⁶⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Guinea-Bissau.” See also Network of Young Educators official, Interview with USDOL consultant, May 25, 2006,

para 14. See also Ministry of Labor and Civil Service official, Interview with USDOL consultant, May 26, 2006, para 1. See also U.S. Embassy- Dakar, *reporting, March 25, 2011*, 2, 12c. See also ADC official, Interview with USDOL consultant, June 6, 2006, para 3.

²⁵⁶⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Guinea-Bissau.” See also U.S. Department of State, “Country Reports- 2010: Guinea-Bissau,” section 7c. See also Integrated Regional Information Networks, “Guinea-Bissau-Senegal: On the child trafficking route”, IRINnews.org, [online], November 23, 2007 [cited May 4, 2011]; available from <http://www.irinnews.org/report.aspx?ReportID=75485>. See also Human Rights Watch, “Guinea-Bissau: Pass Anti-Trafficking Law”, HRW.org, [online], July 19, 2010 [cited January 18, 2011]; available from <http://www.hrw.org/en/news/2010/07/20/guinea-bissau-pass-anti-trafficking-law>.

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²⁵⁶⁹ General Labor Inspectorate official, Interview, May 26, 2006, para 1. See also U.S. Department of State, “Country Reports- 2010: Guinea-Bissau,” section 7d.

²⁵⁷⁰ Government of Guinea-Bissau, *Constitution of the Republic of Guinea-Bissau*, (1984), article 37; available from <http://www.icrc.org/ihl-nat.nsf/162d151af444ded44125673e00508141/8ff8cad34667b579c1257083002a6fa8!OpenDocument>.

²⁵⁷¹ Human Rights Watch, *Off the Backs of Children*, 83.

²⁵⁷² U.S. Embassy- Dakar, *reporting, March 28, 2011*, 2.4d.

²⁵⁷³ *Ibid.*, 2.4e, 2.5. See also Human Rights Watch, “Pass Anti-Trafficking Law”. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Guinea-Bissau.” See also U.S. Embassy- Dakar official, E-mail communication to USDOL official, July 5, 2011.

²⁵⁷⁴ Coalition to Stop the Use of Child Soldiers, “Guinea-Bissau,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also U.S. Embassy- Dakar, *reporting, March 28, 2011*, 2.4b.

²⁵⁷⁵ U.S. Department of State, “Country Reports- 2010: Guinea-Bissau,” section 6.

²⁵⁷⁶ *Ibid.*, section 6. See also Human Rights Watch, *Off the Backs of Children*, 83.

²⁵⁷⁷ Human Rights Watch, *Off the Backs of Children*, 83-84.

²⁵⁷⁸ U.S. Embassy- Dakar, *reporting, March 28, 2011*, 2.1, 3.1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Guinea-Bissau.”

²⁵⁷⁹ U.S. Embassy- Dakar, *reporting, March 28, 2011*, 4.1, 4.4.

²⁵⁸⁰ Ibid., 4.8.

²⁵⁸¹ Ibid., 5.1.

²⁵⁸² Human Rights Watch, “Pass Anti-Trafficking Law”. See also Human Rights Watch, *Off the Backs of Children*, 81.

²⁵⁸³ U.S. Embassy- Dakar, *reporting, March 28, 2011*, 5.1, 5.6.

²⁵⁸⁴ Community of Portuguese-Speaking Countries, *Declaração de Luanda*, Ministras e os Ministros do Trabalho e dos Assuntos Sociais dos Países da Comunidade de Língua Portuguesa, Luanda, March 29 2011; available from <http://www.cplp.org/id-2281.aspx>. See also Community of Portuguese-Speaking Countries, *II Reunião de pontos focais para área do Trabalho Infantil da CPLP* Maputo, October 28, 2010; available from <http://www.cplp.org/Default.aspx?ID=2281>. See also Community of Portuguese-Speaking Countries, *Resolução sobre a Prevenção e a Eliminação da Exploração do Trabalho Infantil na CPLP*, Luanda, March 29, 2011; available from <http://www.cplp.org/Default.aspx?ID=2281>.

²⁵⁸⁵ Human Rights Watch, *Off the Backs of Children*, 84.

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²⁵⁸⁸ ILO-IPEC, *Eliminating the Worst Forms of Child Labour in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS*, Project Document, Geneva, September 3, 2010, i, vii-viii.

²⁵⁸⁹ ILO-IPEC, *Eliminating the Worst Forms of Child Labour in West Africa and Strengthening Sub-Regional Cooperation through ECOWAS-II*, Project Document, Geneva, December 20, 2010, i, vi.

²⁵⁹⁰ Human Rights Watch, *Off the Backs of Children*, 80. See also Human Rights Watch, “Pass Anti-Trafficking Law”.

²⁵⁹¹ IOM, “Training in Guinea Bissau to Support Counter-Trafficking Partners”, IOM.int, [online], December 14, 2010 [cited March 28, 2011]; available from <http://www.google.com/search?hl=en&source=hp&biw=1659&bih=872&q=IOM+training+in+guinea+bissau+to+support+counter-trafficking+partners&aq=f&aqi=&aql=&oq=>. See also U.S. Department of State, *Anti-Trafficking Projects Awarded During Fiscal Years 2009 and 2010*, [online] [cited April 7, 2011]; available from <http://www.state.gov/g/tip/rls/other/2010/149560.htm>.

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Guyana

The Government of Guyana continues to participate in social programs to address child labor. However, the Government has not adopted a policy to address the worst forms of child labor. Children in Guyana are engaged in the worst forms of child labor, including in agriculture and prostitution.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	23.0*
Attending School	5-14 yrs.	94.5
Combining Work and School	7-14 yrs.	23.2

* Population of working children: 44,787



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Guyana are engaged in the worst forms of child labor,²⁵⁹³ including in agriculture and prostitution.²⁵⁹⁴ Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Many Guyanese children work in domestic service and on the streets, typically as vendors or beggars.²⁵⁹⁵ Child domestic labor commonly involves long hours and exposure to physical and sexual exploitation by employers. Children working on the streets may be exposed to many multiple dangers, including severe weather, vehicle accidents and criminal elements.

Child prostitution is a problem in Guyana, including around the country's mining industry.²⁵⁹⁶ Girls are trafficked internally for commercial sex work, often from coastal areas and Amerindian communities to "landings," worker towns near mines.²⁵⁹⁷ There are reports of girls as young as 12 years old working as prostitutes.²⁵⁹⁸

Some evidence suggests that children work in other dangerous occupations, including fishing, construction, forestry, mining and welding.²⁵⁹⁹ Children who work in fishing may be exposed to risks such as drowning. Children working in forestry are believed to engage in both logging, which may require them to use dangerous tools and carry heavy loads, and preserving lumber, which can expose them to toxic chemicals.²⁶⁰⁰ In mines, children work with unsafe equipment and toxic substances.²⁶⁰¹

There is limited evidence of both internal and international trafficking of children.²⁶⁰² Amerindian girls are particularly vulnerable, often trafficked to work in prostitution or domestic service.²⁶⁰³

Laws and Regulations on the Worst Forms of Child Labor

Guyana's Employment of Young Persons and Children Act sets the minimum age for employment at 15. Children younger than age 15 may be employed in family businesses or technical schools, provided such work is approved and supervised by the public authority.²⁶⁰⁴ The Act also

prohibits the employment of children under age 18 in industrial work at night. However, the law makes an exception for night work for children between ages 16 and 17 who are engaged in work that requires continuity through day and night, including certain gold mining processes and the production of iron, steel, glass, paper and raw sugar.²⁶⁰⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Guyana’s Occupational Safety and Health Act prohibits children under age 15 from working in factories and stipulates that persons under age 18 may be removed from factory work if authorities or inspectors determine that they are engaged in activities that are hazardous to their health or safety.²⁶⁰⁶ The Government has issued a list of 22 hazardous occupations and processes that could threaten the health, safety, moral or personal development of children.²⁶⁰⁷ However, research found no evidence that the list has been codified into law. Further, Guyanese law does not fully protect children between ages 16 and 17 from engagement in hazardous work in all sectors.

In 2006, Guyana’s Parliament passed an amendment to the Employment of Young Persons

and Children Act that would have defined all worst forms of child labor, but it has not been signed by the President, and therefore, has not become law.²⁶⁰⁸ However, other laws exist that protect children from some worst forms of child labor. The Constitution of Guyana prohibits forced labor.²⁶⁰⁹ Human trafficking is prohibited under the Combating of Trafficking in Persons Act of 2005.²⁶¹⁰ Though Guyanese law prohibits the selling, publishing and exhibiting of obscene material, it does not explicitly proscribe child pornography.²⁶¹¹

Guyana’s Defense Act prohibits persons under age 18 from bearing arms as members of the Guyana Defense Force. Children may voluntarily enter the military at age 16 and serve as unarmed apprentices until age 18.²⁶¹²

The Constitution of Guyana guarantees the right of free education from nursery to university, including nontraditional schooling. Education in Guyana is mandatory to age 15.²⁶¹³ Despite the legal guarantee of free education, some primary schools continue to charge fees.²⁶¹⁴

During the reporting period, Guyana acceded to the United Nations Option Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.²⁶¹⁵

Institutional Mechanisms for Coordination and Enforcement

The Government of Guyana has established a National Steering Committee on Child Labor (NSCCL), which is tasked with recommending policies and programs to eliminate child labor in all its forms.²⁶¹⁶ The NSCCL is a committee within the Ministry of Labor, Human Services and Social Security (MOLHSS). Membership includes the National Commission on the Rights of the Child, Bureau of Statistics, Ministry of Education, Ministry of Culture, Youth and Sports, Ministry

of Health, Guyana Police Force, and Ministry of Amerindian Affairs; the national teacher's union and Guyana University are also represented.²⁶¹⁷ However, the NSCCL has reportedly stopped meeting on a regular basis, potentially limiting its ability to carry out its mandates.²⁶¹⁸

Guyana also has a National Task Force for Combating Trafficking in Persons (NTFCTP), chaired by the Minister of Home Affairs.²⁶¹⁹ Other participants are drawn from MOLHSS and the Ministries of Legal Affairs, Foreign Affairs, and Amerindian Affairs, as well as several NGOs. The NTFCTP is charged with reporting on the nature and magnitude of trafficking in persons in Guyana, documenting the Government's response and carrying out public education and prevention measures.²⁶²⁰

MOLHSS is responsible for enforcing labor laws related to the worst forms of child labor. MOLHSS employs approximately 20 labor inspectors.²⁶²¹ According to the Government, inspectors received training on child labor issues during the reporting period.²⁶²² In 2010, the MOLHSS conducted over 4,000 workplace inspections, none of which revealed child labor violations.²⁶²³

Multiple agencies are responsible for the enforcement of criminal laws related to the worst forms of child labor, including trafficking and commercial sexual exploitation. The Ministry of Home Affairs, the Guyana Police Force, MOLHSS and the Ministry Amerindian Affairs can each play a role in prosecutions²⁶²⁴ The first trafficking in persons conviction was handed down in April 2010. The defendant was sentenced to three years in prison for trafficking two young girls.²⁶²⁵ Though this marks progress, the legal system is debilitated by low capacity. With only 43 justices and magistrates, the courts have a backlog of approximately 13,000 cases on all matters of law.²⁶²⁶

Government Policies on the Worst Forms of Child Labor

Guyana's plan of action to combat human trafficking prioritizes educational and awareness-raising efforts, particularly in the country's interior.²⁶²⁷ Although the Government has adopted a national plan of action to combat human trafficking, research found no evidence of a policy on other worst forms of child labor.

The Government has implemented an education policy that aims to provide equal access to quality education for all children. Initiatives adopted under this policy seek to eliminate barriers to education, particularly for the poor. In January 2010, the Government began providing school uniforms to all students.²⁶²⁸ However, the question of whether this policy has an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Guyana is taking part in the 11-country, approximately \$21 million Tackle Child Labor through Education (TACKLE) project funded by the European Commission, which will run through February 2012.²⁶²⁹ The program's main objectives include providing access to basic education and skills training for disadvantaged children and strengthening the capacity of local and national authorities to collaborate with civil society groups in the formulation, implementation and enforcement of policies to eliminate child labor.²⁶³⁰ A major initiative launched under TACKLE during the reporting period was an anti-truancy-awareness campaign, aimed at increasing school attendance.²⁶³¹

The Government of Guyana also participates in several initiatives to combat and prevent trafficking in children. During the reporting period, the Government conducted trafficking-awareness programs targeted at parents of vulnerable children and distributed informational

leaflets about human trafficking to community leaders.²⁶³² The Government also funds a shelter that houses abused and trafficked women and children for up to six months. The shelter provides services, including psychological counseling and practical skills training.²⁶³³ In partnership with IOM, the Government of Guyana developed a network of community groups aimed at identifying trafficking victims and referring them to assistance organizations.²⁶³⁴

In accordance with the national education policy, the Government provides school feeding programs for poor students. These programs are particularly concentrated in the poorest regions.²⁶³⁵

Though the Government is involved in efforts to combat child labor, efforts are not sufficient to reach all vulnerable children, particularly those engaged in prostitution, agriculture, domestic labor, street work and other hazardous occupations.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guyana:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend laws to prohibit all types of night work for children under age 18.
- Adopt, codify into law and enforce a list of hazardous work to protect children under age 18 in all sectors.
- Enact into law the 2006 Amendment to the Employment of Young Persons and Children Act passed by Parliament that prohibits the worst forms of child labor.
- Enact a law to explicitly prohibit child pornography.
- Raise the voluntary military recruitment age to 18, unconditionally.
- Enforce free universal education as guaranteed by the Constitution.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Engage the NSCCL in regular meetings and coordination efforts.
- Dedicate more resources, namely judicial personnel, to resolving court cases, including those involving the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all relevant worst forms of child labor.
- Assess the impact the national education policy has on addressing child labor.

IN THE AREA OF PROGRAMS:

- Develop new initiatives and expand existing programs to reach all children involved in the worst forms of child labor, particularly in prostitution, agriculture, domestic labor, street work and other hazardous occupations.

²⁵⁹³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children, school attendance, and children combining work and school are from 2006-2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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²⁵⁹⁵ Partners of the Americas, *Child Labour in Guyana*, 3, 5, 33, 35, 36. See also U.S. Department of State, "Country Reports- 2010: Guyana," section 7d. See also Office of the United States Trade Representative, *Eighth Report to Congress on the Operation of the Caribbean Basic Economic Recovery Act*, Washington, DC, December 31, 2009, 45.

²⁵⁹⁶ Gary Eleazar, "Child prostitution rampant in Region Eight", Kaieteur News, [online], June 5, 2009; available from <http://www.kaieteurnews.com/2009/06/05/child-prostitution-rampant-in-region-eight/>. See also U.S. Embassy- Georgetown, reporting, January 7, 2011, para 9. See also Partners of the Americas, *Child Labour in Guyana*, 36, 37, 61, 62. See also Harvard Law School International Human Rights Clinic, *All That Glitters: Gold Mining in Guyana*, Harvard University, Cambridge, March 2007, 18. See also Harvard Law School lecturer, Interview with USDOL official, March 16, 2011. See also U.S. Department of State, "Country Reports- 2010: Guyana," sections 7c, 7d.

²⁵⁹⁷ International Human Rights Clinic, *All That Glitters*, 18-19. See also Harvard Law School lecturer, Interview, March 16, 2011. See also Marcus and Jean La Rose Colchester, *Our Land, Our Future*, Amerindian Peoples Association, Georgetown, May 31, 2010, 18.

²⁵⁹⁸ Eleazar, "Child prostitution rampant".

²⁵⁹⁹ Partners of the Americas, *Child Labour in Guyana*, 3, 5, 33, 35-37, 62. See also U.S. Department of State, "Country Reports- 2010: Guyana," section 7d. See also U.S. Embassy-

Georgetown, reporting, January 7, 2011, paras 2-6, 9. See also Office of the United States Trade Representative, *Eighth Report to Congress*, 45.

²⁶⁰⁰ Partners of the Americas, *Child Labour in Guyana*, 5, 35, 36, 37.

²⁶⁰¹ U.S. Embassy- Georgetown, reporting, January 7, 2011, paras 4, 9.

²⁶⁰² U.S. Department of State, "Guyana," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also Partners of the Americas, *Child Labour in Guyana*, 61-62. See also U.S. Embassy- Georgetown official, E-mail communication to USDOL official, February 10, 2011. See also U.S. Embassy- Georgetown, reporting, February 10, 2010, para 2D.

²⁶⁰³ Colchester, *Our Land, Our Future*, 17-18. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Guyana*, Geneva, July 8 and 10, 2009, 8. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Guyana."

²⁶⁰⁴ Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01) [consolidated up to 1973]*, No. 14 of 1933, para 3 and Part II, article 6; available from http://www.gina.gov.gy/gina_pub/laws/Laws/cap9901.pdf. See also U.S. Embassy- Georgetown, reporting, January 7, 2011, para 11.

²⁶⁰⁵ Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*, article 2.

²⁶⁰⁶ Government of Guyana, *Occupational Safety and Health Act - Chapter 99:10*, (1997), 41(1) and 17(1); available from http://www.gina.gov.gy/gina_pub/laws/Laws/cap9910.pdf.

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²⁶⁰⁹ Government of Guyana, *The Constitution of Guyana, 1980 with 1996 reforms*, (1996), article 40; available from <http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html>.

²⁶¹⁰ Government of Guyana, *Combating of Trafficking in Persons Act 2005*, (2005).

²⁶¹¹ U.S. Embassy- Georgetown, reporting, January 7, 2011, para 11. See also U.S. Department of State, "Country Reports- 2010: Guyana," section 6.

²⁶¹² U.S. Embassy- Georgetown official, E-mail communication to USDOL official, June 27, 2011. See also KNews, "Recruitment age of GDF no longer 16-years-old", Kaieteur News, [online], January 3, 2011 [cited August

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²⁶¹³ Government of Guyana, *Constitution of Guyana*, article 27. See also UNESCO, *Education for All Global Monitoring Report: Reaching the Marginalized*, 2010, 334; available from www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/2010-marginalization/. See also Childs Rights Information Network, *Guyana: Children's Rights References in the Universal Periodic Review*, online, May 11, 2010, 68; available from <http://crin.org/arabic/resources/infodetail.asp?id=22303>.

²⁶¹⁴ UNESCO, *EFA Global Monitoring Report*, 334-335, 338.

²⁶¹⁵ U.S. Embassy- Georgetown, *reporting, January 7, 2011*, para 11.

²⁶¹⁶ *Ibid.*, para 14.

²⁶¹⁷ Ministry of Labour Human Services and Social Security, *National Steering Committee on Child Labour*, [online] [cited February 11, 2011]; available from http://mlhss.gov.gy/index.php?option=com_content&task=view&id=59&Itemid=52.

²⁶¹⁸ ICF Macro, *Independent Final Evaluation of EDUCARE: Combating Exploitive Child Labor Through Education in Guyana*, Washington, DC, 2009, xii.

²⁶¹⁹ U.S. Embassy- Georgetown, *reporting, January 7, 2011*, para 20. See also Stabroek News, "First trafficking in persons conviction recorded last month", [online], May 19, 2010 [cited August 1, 2011]; available from <http://www.stabroeknews.com/2010/news/stories/05/19/first-trafficking-in-persons-conviction-recorded-last-month/>.

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²⁶²² KNews, "Nadir seeks to clarify child labour issue".

²⁶²³ U.S. Embassy- Georgetown, *reporting, January 7, 2011*, para 15.

²⁶²⁴ *Ibid.*, para 18.

²⁶²⁵ Stabroek News, "First trafficking in persons conviction recorded last month".

²⁶²⁶ U.S. Embassy- Georgetown, *reporting, February 10, 2010*, para 3C. See also U.S. Embassy- Georgetown official, E-mail, June 27, 2011.

²⁶²⁷ International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Guyana*, 8. See also U.S. Embassy- Georgetown, *reporting, February 10, 2010*, para 6D.

²⁶²⁸ Childs Rights Information Network, *Children's Rights References*, 67, 72.

²⁶²⁹ ILO, "New projects on child labour launched in Jamaica and Guyana", Caribbean News Link, [online], February 2009; available from <http://www.ilocarib.org.tt/portal/images/stories/contenido/pdf/NEWS/Newsletters/Cariblink/Caribbean%20Newslink%20February%202009.pdf>. See also EuropeAid, "EC and ILO launch project to tackle child labour in African, Caribbean and Pacific countries", European Commission, [online], June 10, 2008 [cited August 1, 2011]; available from http://ec.europa.eu/europeaid/where/acp/documents/ec_tackle_pressrelease_en.pdf. See also ILO-IPEC official, E-mail communication to USDOL official, April 20, 2011.

²⁶³⁰ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511>.

²⁶³¹ U.S. Embassy- Georgetown, *reporting, January 7, 2011*, paras 13, 24. See also Stabroek News, "TACKLE to combat child labour", [online], June 17, 2010 [cited August 1, 2011]; available from <http://www.stabroeknews.com/2010/news/stories/06/17/tackle-to-combat-child-labour/>.

²⁶³² U.S. Department of State, "Trafficking in Persons Report-2010: Guyana."

²⁶³³ U.S. Embassy- Georgetown, *reporting, January 7, 2011*, para 25.

²⁶³⁴ U.S. Department of State, "Trafficking in Persons Report-2010: Guyana."

²⁶³⁵ Childs Rights Information Network, *Children's Rights References*, 72.

Haiti

During the reporting period, the Government of Haiti and the international community continued to attend to children being trafficked for the purpose of domestic service. However, the lack of social protection programs and legislation to eliminate the worst forms of child labor still serves as a barrier to progress. The worst forms of child labor, particularly domestic service, continue to be problematic.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	29.0
Attending School	5-14 yrs.	81.2
Combining Work and School	7-14 yrs.	34.6



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Haiti are engaged in the worst forms of child labor, most commonly in domestic service.²⁶³⁶ Families in poor rural areas send their children, particularly girls, to work as *restaveks*, or domestic servants, for more affluent families.²⁶³⁷ Often this occurs with the expectation that the children will have increased educational opportunities.²⁶³⁸ While some of these children are cared for and receive an education, many receive no schooling or pay and are at risk of sexual exploitation and physical abuse.²⁶³⁹ A 2009 survey by the Pan American Development Foundation estimates that 225,000 children work as *restaveks* in urban areas of Haiti, a number that is likely growing.²⁶⁴⁰

A previous requirement to pay a salary to domestic workers age 15 and older appears to have encouraged employers to dismiss *restaveks* before they reach that age, which in turn has contributed to a large population of street children in Haiti.²⁶⁴¹ Children working on the streets wash car windows, sell goods and beg. They are exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles and

crime. They are also forced into prostitution and enlisted by criminals to commit illegal acts.²⁶⁴²

Children in Haiti also work on farms, where they may be exposed to pesticides, sharp tools, harsh conditions and long working hours.²⁶⁴³ A 2007 household survey in one department in Haiti found that children constituted one-quarter of the farm workers sampled. They contributed to the cultivation of corn, manioc, millet, peas, pistachios, rice and sugarcane.²⁶⁴⁴ Research found no additional information regarding Haitian children's work on farms.

Haitian children are trafficked both internally and to the Dominican Republic to work in domestic service, sex tourism and agriculture.²⁶⁴⁵ Haitian nationals who migrate to the Dominican Republic often lack personal identification papers and are consequently more vulnerable to exploitative labor situations.²⁶⁴⁶ The 2010 earthquake exacerbated this vulnerability as hundreds and thousands of Haitians lost their identification cards in the earthquake.²⁶⁴⁷

The earthquake further weakened the country's inadequate social service and educational systems and exacerbated political and socio-economic instability.²⁶⁴⁸ Public safety has

further deteriorated, particularly in camps for internally displaced persons (IDPs), where girls are vulnerable to sexual violence and exploitation by self-appointed “security guardians.”²⁶⁴⁹ Local NGOs and the Haitian National Police have indicated that reported cases of trafficking, forced labor and forced prostitution of children have risen following the earthquake.²⁶⁵⁰

Criminal groups rule many parts of Haiti, and children work with them as porters, spies, messengers, and armed marauders. Children from extremely poor families are especially vulnerable to recruitment by armed gangs. They are also forced to participate in illegal activities and are subjected to rape.²⁶⁵¹

Laws and Regulations on the Worst Forms of Child Labor






Haiti’s Labor Code sets the minimum age for work in industrial, agricultural and commercial enterprises at 15.²⁶⁵² However, there is no minimum age restriction for work in domestic service, and there are no legal penalties for employing children in domestic labor.²⁶⁵³

Children ages 15 to 18 seeking employment outside of domestic service must obtain a work authorization from the Ministry of Labor. Employing a child outside of domestic service without a work authorization is punishable by fines.²⁶⁵⁴ Children ages 15 to 18 are also prohibited from night work in industrial jobs and from work that is likely to harm their health, safety or morals.²⁶⁵⁵ During the reporting period, an ILO report on children in hazardous work identified Haiti as one of the countries with a completed list of hazardous work.²⁶⁵⁶

The 1987 Constitution sets the minimum age for compulsory military service at 18. However, Haiti has not had military service since January 1995.²⁶⁵⁷

Although the Government of Haiti has not passed an anti-trafficking law, children are protected from trafficking under the Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill Treatment or Inhuman Treatment Against Children of 2003.²⁶⁵⁸ The act prohibits servitude, forced or compulsory labor and the use of children in criminal activities or armed conflict.²⁶⁵⁹ The Act also criminalizes child trafficking and the recruitment of children for sexual exploitation, pornography and illicit activities.²⁶⁶⁰

A further gap in Haiti’s legal framework concerns education. The 1987 Constitution guarantees free and compulsory primary education for all children.²⁶⁶¹ In practice, however, most Haitian children who attend school attend private schools that charge tuition.²⁶⁶² In many cases, families unable to afford the tuition do not enroll their children in school, which increases the children’s risk of engaging in the worst forms of child labor.²⁶⁶³ The public schools available are insufficient in quantity and do not meet the needs of the majority of Haitians.²⁶⁶⁴ Furthermore, children are only required to attend school until age 11.²⁶⁶⁵ Children age 12 to 14 may be particularly vulnerable to the worst forms of child labor as they are not required to be in school but are below the minimum age to legally work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Haiti has established a coordinating mechanism to combat the worst forms of child labor.²⁶⁶⁶

The Ministry of Social Affairs, through its Institute of Social Welfare and Research (IBESR), is responsible for enforcing child labor laws.²⁶⁶⁷ The Government has indicated that understaffing and a shortage of basic equipment, such as vehicles, hinder IBESR's ability to conduct child labor investigations.²⁶⁶⁸ In addition, the Government does not report statistics on child labor violations investigated or penalties imposed.²⁶⁶⁹

IBESR and the Haitian National Police's (HPN) Brigade for the Protection of Minors (BPM) take the lead on anti-child trafficking efforts, and BPM is responsible for investigating crimes against children, including trafficking.²⁶⁷⁰ HPN has 35 officers and maintains a system to refer exploited and abused children for social services.²⁶⁷¹ BPM has the authority to respond to these tips and apprehend persons who have been reported to exploit child domestic workers.²⁶⁷² However, BPM does not pursue *restavek* cases for investigation because there are no legal penalties against the exploitative forms of the practice.²⁶⁷³

Before the January 2010 earthquake, which displaced more than 1.3 million people, there were an estimated 2,500 street children living in Port-au-Prince. Of those 2,500, the Ministry of Social Affairs had identified only approximately 126 because of the lack of a formal identification system.²⁶⁷⁴ Since the earthquake, the Ministry of Social Welfare and an international NGO have worked together to identify 816 *restaveks* in local shelters and IDP camps.²⁶⁷⁵ Although there was an increase in the number of *restaveks* identified through this mode of collaboration and cooperation, there was still no formal identification system to ascertain the number of *restaveks*.

Following the earthquake, Haitian-Dominican border officials identified and assisted potential

child trafficking victims.²⁶⁷⁶ Authorities referred the victims of trafficking to IBESR for temporary housing and care in NGO-supported shelters.²⁶⁷⁷ When possible, suspected victims were reunited with their families.²⁶⁷⁸

Government Policies on the Worst Forms of Child Labor

The Government of Haiti's poverty reduction strategy covering the period of 2007-2010, was replaced during the reporting period with the Action Plan for National Recovery and Development of Haiti.²⁶⁷⁹ The action plan includes initiatives aimed at rebuilding Haiti and its educational system.²⁶⁸⁰

To improve access to education, the Haitian Government runs an Education for All (EFA) campaign, overseen by the Ministry of Education. The EFA campaign subsidizes school fees, provides school food programs and offers training to increase the number of qualified teachers.²⁶⁸¹ However, the January 2010 earthquake damaged an estimated 4,000 schools. These schools will require reconstruction.²⁶⁸²

The question of whether the action plan and the EFA campaign have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent Child Labor

USDOS funded nearly \$1 million in new grants as part of an emergency response to the increased risk of child trafficking after the earthquake.²⁶⁸³ As a result, suspected victims of trafficking were registered and transferred into the care of the appropriate Haitian government agency.²⁶⁸⁴

USDOS also awarded an additional \$4.75 million to 10 grantees to help strengthen the capacity of Haitian institutions and civil society to identify and respond to human trafficking.²⁶⁸⁵ The grantees will work with local partners to help draft anti-trafficking legislation, support direct services

for victims, raise awareness about the *restavek* situation and prevent trafficking and gender-based violence in the IDP camps.²⁶⁸⁶

To reduce the economic impact from the January 2010 earthquake, USAID has been supporting cash-for-work activities to stabilize household livelihoods.²⁶⁸⁷

Currently, the Government is participating in a 5-year \$7.5 million project supported by the Coca-Cola Company. The goal is to develop a sustainable mango juice industry that will raise incomes for 25,000 Haitian farmers, which could

increase the standards of living for families in rural areas.²⁶⁸⁸

The question of whether these programs have an impact on child labor does not appear to have been addressed.

In 2008, the Government participated in a 2-year \$270,000 project funded by the Government of Brazil to eradicate and prevent the worst forms of child labor.²⁶⁸⁹ Brazil, along with the United States and ILO, also signed the first “triangular agreement” to expand the fight against child labor in post-earthquake Haiti.²⁶⁹⁰

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Haiti:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the law to provide comprehensive protection against child labor in hazardous activities.
- Amend the legal framework to ensure the minimum age for work applies to domestic service and to ensure that child domestic workers rights are protected.
- Amend the law to provide penalties for employing *restaveks* younger than age 15.
- Amend the law to provide penalties for child trafficking and sexual exploitation of children.
- Allocate resources to ensure compliance with the Constitution’s guarantee of free and compulsory primary education for all children.
- Increase the age of compulsory schooling to match the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide sufficient resources to the Institute of Social Welfare and Research and HPN’s BPM.
- Report statistics on child labor violations investigated or penalties imposed.
- Continue to work with the Government of the Dominican Republic to create a joint action plan that addresses cross-border child trafficking
- Establish and implement a formal identification system to reduce vulnerability to trafficking and to further identify displaced street children and victims of trafficking.

IN THE AREA OF POLICY:

- Assess the impact that existing poverty and education policies have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on child labor.
- Prioritize resources to build an educational system that provides access to free quality education for all children with a focus on educational opportunities in rural areas where children have a high vulnerability to trafficking and becoming *restaveks*.
- Implement programs to address the worst forms of child labor particularly in subsistence farming.

²⁶³⁶ Data provided in the chart at the beginning of the country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank survey, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁶³⁷ PADF and USAID/Haiti Mission, "Lost Childhoods in Haiti: Quantifying Child Trafficking, Restavéks and Victims of Violence", November 2009 [cited March 24, 2011], 6; available from http://www.crin.org/docs/Haiti_lost_childhoods.pdf. See also U.S. Department of State, "Haiti," in *Country Reports on Human Rights Practices- 2010* Washington, DC, April 8, 2011, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154509.htm>. See also ILO Committee of Experts, *Individual Observation Concerning Forced Labor Convention, 1930 (No. 29) Haiti (ratification: 1958) Published: 2010*, [online] 2010 [cited March 15, 2011]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

²⁶³⁸ PADF and USAID/Haiti Mission, "Lost Childhoods in Haiti", 6. See also ILO Committee of Experts, *Individual Observation, Forced Labor Convention, 1930 (No. 29) Haiti (ratification: 1958), Published: 2010*. See also Jean Cadet Restavek Foundation, *The Fact is: Restaveks are Just One Piece of a Fractured Culture*, [2010 [cited March 24, 2011]; available from <http://www.restavekfreedom.org/index.cfm?fuseaction=cms.page&id=1025>.

²⁶³⁹ U.S. Department of State, "Country Reports- 2010: Haiti", 7d. U.S. Department of State, "Haiti" in *Trafficking in Persons Report- 2010* Washington, DC June 14, 2010 available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm>. See also IOM, *Americas: Assistance for Children Victims of Human Trafficking in Haiti*, [online] December 4, 2006 [cited March 24, 2011]; available from <http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryld=12185>. See also ILO, "Hope for Haiti's restavecs: South-South cooperation against child labour", Relief Web, [online], 2008 [cited March 24, 2011]; available from <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-7BJN9W?OpenDocument>.

²⁶⁴⁰ PADF and USAID/Haiti Mission, "Lost Childhoods in Haiti". See also U.S. Department of State, "Trafficking in Persons Report- 2010: Haiti".

²⁶⁴¹ U.S. Department of State, "Country Reports- 2010: Haiti", section 7d.

²⁶⁴² *Ibid.*, 6b. See also U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*, .

²⁶⁴³ U.S. Department of State, "Country Reports- 2010: Haiti", 7d.

²⁶⁴⁴ Macro International, *Child Labor in Haiti's Agricultural Sector - A Study of Children in the Rural Centre Department (Draft)*, June 23, 2008, 35.

²⁶⁴⁵ ILO Committee of Experts, *Individual Observation, Forced Labor Convention, 1930 (No. 29) Haiti (ratification: 1958), Published: 2010*. See also IOM, *Americas: Assistance for Children Victims*. See also U.S. Department of State, "Country Reports- 2010: Dominican Republic," 7, c,d.

²⁶⁴⁶ U.S. Department of State, "Country Reports- 2010: Dominican Republic."

²⁶⁴⁷ United States Institute of Peace, "Haiti: A Forward Look", usip.org, [online], June 22, 2010 [cited March 24, 2011]; available from <http://www.usip.org/files/resources/PB38PeritoCopeland.pdf>, *ibid.*

²⁶⁴⁸ U.S. Department of State, "Trafficking in Persons Report- 2010: Haiti", United States Institute of Peace, "Haiti After the Quake: Six Months and Counting", usip.org, [online], July 28, 2010 [cited March 24, 2011]; available from <http://www.usip.org/files/resources/pb41.pdf>. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Haiti".

²⁶⁴⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Haiti".

²⁶⁵⁰ *ibid.* See also Ninette Sosa, "Child slavery a growing problem in Haiti, advocate says", CNN.com, [online], July 11, 2010 [cited April 18, 2011]; available from [http://edition.cnn.com/2010/WORLD/americas/07/11/haiti.child.slavery/index.html?eref=edition_americas&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+rss%2Fedition_americas+\(RSS%3A+Americas\)#fbid=EcB5Zuows2i&wom=false](http://edition.cnn.com/2010/WORLD/americas/07/11/haiti.child.slavery/index.html?eref=edition_americas&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+rss%2Fedition_americas+(RSS%3A+Americas)#fbid=EcB5Zuows2i&wom=false). See also Martin Fletcher, "Aid agencies in Haiti race to save 'orphans' from child traffickers", timesonline.com, [online], January 26, 2010 [cited March 24, 2011]; available from http://www.timesonline.co.uk/tol/news/world/us_and_americas/article7002406.ece. See also Amanda Kloer, "Child Trafficking Rings Kidnapping Haitian Kids from Hospitals", [Change.org](http://change.org), [online], 2010 [cited May 12, 2011]; available from http://humantrafficking.change.org/blog/view/child_trafficking_rings_kidnapping_haitian_kids_from_hospitals, *ibid.* See also The Levin Institute of the State University of New York, "Haiti's Struggles Continue: A Case of Child Trafficking?", globalization101.org, August 27, 2010 [cited March 24, 2011]; available from http://www.globalization101.org/news1/Child_trafficking_2010 See also Rebecca Winthrop, "Protecting Haiti's Children: Good Intentions or Child Trafficking?", brookings.edu, [online],

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²⁶⁵¹ UNICEF, *At a Glance: Haiti* [[cited March 24, 2011]; available from http://www.unicef.org/infobycountry/haiti_2014.html?q=printme. See also Coalition to Stop the Use of Child Soldiers, “Haiti,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

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²⁶⁵⁴ Government of Haiti, *Code du travail* articles 337 and 340.

²⁶⁵⁵ *Ibid.*, articles 333 and 334.

²⁶⁵⁶ ILO-IPEC, *Children in hazardous work: What we know, What we need to do* (Geneva: 2011); available from http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_155428/lang--en/index.htm.

²⁶⁵⁷ Coalition to Stop the Use of Child Soldiers, “Global Report 2008- Haiti.” U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*

²⁶⁵⁸ U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009* See also Government of Haiti, *Loi relative a linterdiction et l’emination de toutes formes d’abus*, article 2. See also U.S. State Department Official, E-mail communication to USDOL Official, April 14, 2011.

²⁶⁵⁹ Government of Haiti, *Loi relative a linterdiction et l’emination de toutes formes d’abus*, article 2. See also ILO Committee of Experts, *Individual Observation, Forced Labor Convention, 1930 (No. 29) Haiti (ratification: 1958), Published: 2010*.

²⁶⁶⁰ Government of Haiti, *Loi relative a linterdiction et l’emination de toutes formes d’abus*, article 2.

²⁶⁶¹ Government of Haiti, *Constitution of Haiti*, article 32-3; available from <http://pdba.georgetown.edu/constitutions/haiti/haiti1987.html>. U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*

²⁶⁶² U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009* See also Ketty Luzincourt and Jennifer Gulbrandson, “Education and Conflict in Haiti: Rebuilding the Education Sector after the 2010 Earthquake”, [usip.org](http://www.usip.org) [online], July 2010 [cited March 24, 2011]; available from <http://www.usip.org/resources/education-and-conflict-in-haiti>.

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²⁶⁶⁴ U.S. State Department Official, E-mail communication, April 14, 2011.

²⁶⁶⁵ UNESCO, *Education for All Global Monitoring Report 2008: Literacy for Life* Paris 2008; available from <http://www.unesco.org/education/gmr2008/annexes/annex5.pdf>.

²⁶⁶⁶ U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*, U.S. State Department Official, E-mail communication, April 14, 2011.

²⁶⁶⁷ U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009* See also U.S. State Department Official, E-mail communication, April 14, 2011. See also Government of Haiti, *Loi relative a linterdiction et l’emination de toutes formes d’abus*, article 4.

²⁶⁶⁸ U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009* See also U.S. State Department Official, E-mail communication, April 14, 2011.

²⁶⁶⁹ U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*

²⁶⁷⁰ U.S. Department of State, “Country Reports- 2010: Haiti “, 7d, U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009* See also U.S. State Department Official, E-mail communication, April 14, 2011.

²⁶⁷¹ See also U.S. Department of State, “Country Reports- 2010: Haiti “, 7d. See also U.S. State Department Official, E-mail communication, April 14, 2011.

²⁶⁷² U.S. Department of State, “Country Reports- 2010: Haiti “, 7d. See also U.S. State Department Official, E-mail communication, April 14, 2011. See also ILO Committee of Experts, *Individual Observation, Forced Labor Convention, 1930 (No. 29) Haiti (ratification: 1958), Published: 2010*.

²⁶⁷³ U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*

²⁶⁷⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Haiti “.

²⁶⁷⁵ *Ibid.*

²⁶⁷⁶ *Ibid.*

²⁶⁷⁷ U.S. State Department Official, E-mail communication, April 14, 2011.

²⁶⁷⁸ U.S. Department of State, “State Department Awards Grants to Fight Human Trafficking in Haiti”, March 24,

2011 2011; available from <http://www.state.gov/r/pa/prs/ps/2011/01/155110.htm>.

²⁶⁷⁹ Government of Haiti, *Growth and Poverty Reduction Strategy Paper*, 2008, 4.3.5; available from <http://www.imf.org/external/pubs/ft/scr/2008/cr08115.pdf>. See also U.S. State Department Official, E-mail communication, April 14, 2011. See also Government of Haiti, “Action Plan for the National Recovery and Development of Haiti”, [online], March 2010 [cited March 24, 2011]; available from <http://whc.unesco.org/uploads/events/documents/event-725-2.pdf>.

²⁶⁸⁰ Government of Haiti, *Growth and Poverty Reduction Strategy Paper*, 4.3.5.

²⁶⁸¹ The World Bank, “Our Goal: Education for All in Haiti”, worldbank.org, [online], 2010 [cited April 19, 2011]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/0,,contentMDK:21896642~pagePK:146736~piPK:146830~theSitePK:258554,00.html>.

²⁶⁸² Jill Van den Brule, “Christine’s story: Escaping poverty through education in post-earthquake Haiti”, [unicef.org](http://www.unicef.org), [online], September 8, 2010 [cited March 24, 2011]; available from http://origin-www.unicef.org/infobycountry/haiti_55829.html.

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²⁶⁸⁴ Ibid.

²⁶⁸⁵ Ibid.

²⁶⁸⁶ Ibid.

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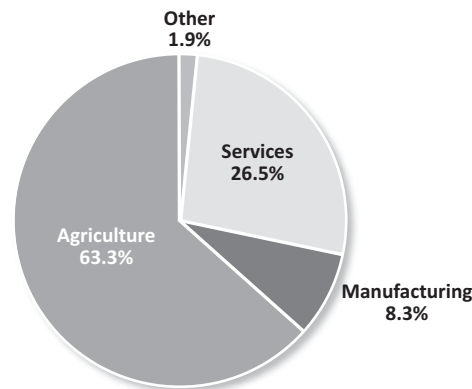
²⁶⁹⁰ ILO, “Brazil, U.S. and ILO to expand fight against child labour in post-earthquake Haiti- first ILO North-South-South ‘triangular agreement’”, [ilo.org](http://www.ilo.org), [online], June 15, 2010 [cited April 19, 2011]; available from http://www.ilo.org/global/about-the-ilo/press-and-media-centre/press-releases/WCMS_141747/lang--fr/index.htm.

Honduras

The Government of Honduras implements a conditional cash transfer program to alleviate the poverty of vulnerable families and reduce child labor. However, children continue to be engaged in agricultural work and commercial sexual exploitation, and laws regarding the minimum age for work are inconsistent.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	5.4
Attending School	5-14 yrs.	84.7
Combining Work and School	7-14 yrs.	3.5



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Honduras are engaged in the worst forms of child labor, including in agriculture and commercial sexual exploitation.²⁶⁹¹ Children work in melon and coffee fields. Children reportedly work in the worst forms of child labor in the production of sugarcane.²⁶⁹² Children working in agriculture may use dangerous machinery and tools, carry heavy loads and apply harmful pesticides. Children also work in the fishing industry, including as deckhands and divers in the lobster industry.²⁶⁹³ Children working in fishing are exposed to risks, such as severe weather conditions and drowning. Indigenous children are especially vulnerable to labor abuse in agriculture and fishing.²⁶⁹⁴

Children also work in limestone and lime production, begging on the streets, and scavenging in garbage dumps and in neighborhood dumpsters.²⁶⁹⁵ Children working on the streets may be exposed to many dangers including severe weather, vehicle accidents and criminal elements.

In addition, children, predominantly girls, work as domestic servants.²⁶⁹⁶ Child domestic labor commonly involves long working hours and often exposes children to physical and sexual exploitation by their employer. Children are also reported to work as drug mules in urban areas.²⁶⁹⁷

Honduras is principally a source and transit country for children subjected to trafficking in persons, including for the purpose of forced prostitution.²⁶⁹⁸ Women and children are generally trafficked from rural areas into commercial sexual exploitation in urban and tourist spots, such as Tegucigalpa, San Pedro Sula and the Bay Islands.²⁶⁹⁹


Laws and Regulations on the Worst Forms of Child Labor

Honduran legislation is contradictory regarding the legal age for work. The Constitution and Labor Code prohibit the employment of persons younger than age 16, but children ages 14 to 15 may work with written parental consent and permission from the Ministry of Labor (MOL).²⁷⁰⁰ However,

the Children’s Code prohibits children age 14 and younger from working, even with parental permission, and establishes prison sentences of three to five years for individuals who allow children to work illegally.²⁷⁰¹ Notwithstanding, a 2007 government analysis of the legal minimum age for employment placed the minimum age at 14.²⁷⁰² An employer who legally hires a person age 14 or 15 must certify that the young person has finished or is finishing compulsory schooling.²⁷⁰³

of conflict, military service is compulsory for all capable Hondurans ages 18 to 30. However, during times of peace, military service is voluntary.²⁷⁰⁷ The minimum age for service is 18.²⁷⁰⁸

The Government sets the compulsory school age at 15.²⁷⁰⁹ The Constitution establishes the right to free primary education.²⁷¹⁰ However, associated school costs, such as matriculation fees, uniforms and transportation fees, prevent some children from attending.²⁷¹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

A national commission created under the National Plan of Action to Prevent and Eradicate Child Labor II (NPAPECL II) coordinates all matters related to child labor. Members of the national commission include MOL, Honduran Institute for Children and the Family (INHFA), the Supreme Court, the Social Security Administration, the Public Ministry and other government entities.²⁷¹² The Inter-Institutional Commission Against Exploitation and Commercial Sex Trafficking coordinates the efforts of government institutions and civil society groups to combat commercial sexual exploitation and trafficking.²⁷¹³ The Inter-Institutional Commission consists of representatives from 32 partners, including several government ministries and various NGOs.²⁷¹⁴

Executive Agreement STSS-211-01 prohibits all persons younger than age 18 from night work, full-time work and hazardous work, which includes working in construction, manufacturing, hunting, mining, fishing, street cleaning and quarrying.²⁷⁰⁴

MOL is the primary government agency responsible for inspecting labor conditions and enforcing child labor laws.²⁷¹⁵ INHFA is charged with supervising and providing technical assistance to private and public institutions that work to protect the well-being of children, including victims of child labor, and their families.²⁷¹⁶

All forms of forced or bonded labor are prohibited.²⁷⁰⁵ The Penal Code criminalizes procuring, recruiting or submitting children to commercial sexual exploitation. Executive Agreements prohibit the use of children in illegal activities, such as drug trafficking, and they protect children from being trafficked.²⁷⁰⁶ During times

The Workers’ Commission for the Prevention and Eradication of Child Labor and Commercial Sexual Exploitation, created by ILO and six unions, assists in filing complaints of child labor violations with the Government.²⁷¹⁷

In 2010, MOL employed 130 inspectors, six of whom specialized in child labor inspections.²⁷¹⁸ Labor inspectors received training on the worst forms of child labor.²⁷¹⁹

During 2010, 556 labor inspections were conducted under the Program for the Gradual and Progressive Eradication of Child Labor, which exceeded the program's goal of 500 labor inspections.²⁷²⁰ MOL reported that as a result of these inspections, 96 children were assisted, and in all child labor violations, employers received fines.²⁷²¹ However, the ILO Committee of Experts has reported that resource constraints have limited labor inspections in rural areas and indigenous communities, where hazardous activities in agriculture and fishing/diving exist.²⁷²²

The Public Ministry's Office of the Special Prosecutor for Children (OSPC) prosecutes criminal cases against those alleged to have involved children in trafficking, hazardous/forced child labor and the commercial sexual exploitation of children.²⁷²³ OSPC currently is staffed by two prosecutors and three research analysts to address and prosecute child labor and trafficking cases in the country.²⁷²⁴ According to OSPC, there were no prosecutions reported under child labor laws in 2010. However, some child labor cases were addressed as violations of other laws, such as the sexual exploitation of a minor.²⁷²⁵

Government Policies on the Worst Forms of Child Labor

The goals of the 7-year NPAPECL II prevent children from dropping out of school before they can legally work, withdraw children who are currently engaged in the worst forms of child labor, and ensure that the laws that protect children are enforced.²⁷²⁶ MOL reported that the implementation of NPAPECL II has been slow due to budgetary restraints. Nonetheless, in 2010, the Inter-Institutional Commission Against Exploitation and Commercial Sex Trafficking established regional sub-committees in San Pedro Sula, Choluteca and Danlí to oversee

local implementation of NPAPECL II. Also during 2010, the Inter-Institutional Commission participated in a campaign to raise awareness about the dangers of child labor, especially in the informal sector.²⁷²⁷

A joint effort by ILO and the Government, called the Road Map for the Eradication of Child Labor in Honduras aims to improve coordination of the Government's responses to child labor issues.²⁷²⁸ The Roadmap works at the national, regional and sub-regional levels and incorporates issues related to poverty, education, health and social mobilization.²⁷²⁹ The national poverty reduction strategy incorporates child labor issues.²⁷³⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Honduras implements a cash transfer program that aims to reduce poverty and alleviate families' reliance on the income of working children.²⁷³¹ The Government of Honduras provided training on commercial sexual exploitation and trafficking to about 500 tourism sector workers.²⁷³² In addition, the National Tourism Board encouraged more than 180 operators of hotels and other businesses to sign a code of conduct that prohibits the commercial sexual exploitation of children.²⁷³³

MOL implements the My First Job program, which connects disadvantaged youth with vocational opportunities.²⁷³⁴ Strategies of the program include job skills and vocational training, internships, job placement and public-private partnerships. In 2010, the program reached about 4,500 at-risk youth.²⁷³⁵ Although such programs could reduce youth's vulnerability to the worst forms of child labor, the impact of this effort does not appear to have been assessed.

Even though the Government of Honduras has undertaken efforts to reduce child labor, additional efforts are needed to reach all of the children involved in agricultural work, fishing and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Honduras:

IN THE AREA OF LAWS AND REGULATIONS:

- Harmonize legislation addressing the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase inspections in areas particularly vulnerable to exploitative child labor, such as in rural areas and indigenous communities, where hazardous activities in agriculture and fishing/diving exist.
- Publish statistics on child labor violations, prosecutions and convictions, including the commercial sexual exploitation of children.

IN THE AREA OF POLICIES:

- Dedicate more resources to and document the progress of the implementation of the NPAPECL II.

IN THE AREA OF PROGRAMS:

- Assess the impact of social programs, such as the My First Job program, on reducing child labor.
- Implement programs to address the worst forms of child labor in agriculture, fishing and commercial sexual exploitation.

²⁶⁹¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011*. Data provided are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁶⁹² ILO-IPEC, *Good Practices for the Prevention and Progressive Eradication of Child Labor in Agriculture in Central American and the Dominican Republic*, Managua, 2006, 7; available from http://www.oit.org.pe/ipecc/documentos/good_practices_agri.pdf. See also U.S. Embassy- Tegucigalpa, reporting, January 20, 2009. See also Inc. Specialized Technology Resources, *Honduran Sugar: A Macro View of Today's Industry*, 2009; available from http://www.thecoca-colacompany.com/citizenship/pdf/Honduras_Sugar_Industry_Macro_Level_Report.pdf.

²⁶⁹³ ILO-IPEC, *Good Practices for the Prevention and Progressive Eradication of Child Labor in Agriculture in*

Central American and the Dominican Republic. See also U.S. Embassy- Tegucigalpa, reporting, January 20, 2009.

²⁶⁹⁴ ILO-IPEC, *Trabajo infantil y pueblos indígenas: El caso Honduras*, 2007, 42.

²⁶⁹⁵ U.S. Department of State, "Honduras," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154510.htm>. See also U.S. Embassy- Tegucigalpa official, E-mail communication to USDOL official, July 20, 2011.

²⁶⁹⁶ ILO Committee of Experts, *Observation, Worst Forms of Child Labor Convention, 1999 (No. 182) Honduras (ratification: 2001)*, [online] 2009 [cited February 24, 2010]; available from <http://www.ilo.org/ilolex/>. See also U.S. Embassy- Tegucigalpa, reporting, February 8, 2011.

²⁶⁹⁷ U.S. Department of State, "Country Reports- 2010: Honduras," section 7d. See also U.S. Department of State, "Honduras," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136117.htm>. See also U.S. Embassy- Tegucigalpa official.

²⁶⁹⁸ U.S. Department of State, "Honduras (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142983.pdf>.

²⁶⁹⁹ Ibid. See also U.S. Embassy- Tegucigalpa, reporting, February 8, 2011.

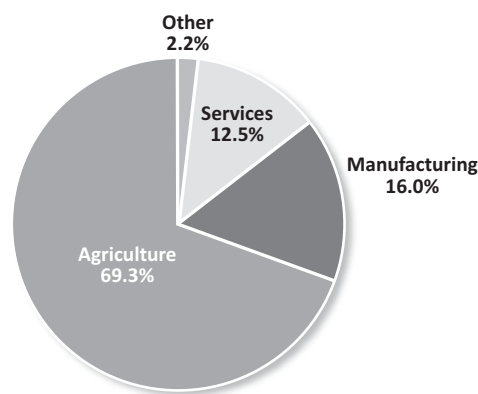
- ²⁷⁰⁰ U.S. Department of State, *2010 Investment Climate Report - Honduras*, June 2010; available from <http://www.state.gov/e/eeb/rls/othr/ics/2010/138079.htm>.
- ²⁷⁰¹ U.S. Department of State, *Investment Climate Report - Honduras*, June 2010; available from <http://www.state.gov/e/eeb/rls/othr/ics/2010/138079.htm>.
- ²⁷⁰² Office of Labor and Social Security official, Letter to Primero Aprendo Project Coordinator, July 25, 2007. See also U.S. Embassy- Tegucigalpa official.
- ²⁷⁰³ U.S. Department of State, *Investment Climate Report*.
- ²⁷⁰⁴ Government of Honduras, *Código del Trabajo y sus Reformas*, Decreto No. 189, (July 15, 1959), articles 127-134; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/29076/64849/S59HND01.htm#t4>. See also U.S. Embassy- Tegucigalpa, *reporting, February 8, 2011*. See also Government of Honduras, *Reglamento sobre Trabajo Infantil en Honduras*, Acuerdo Ejecutivo No. STSS-211-01, (October 10, 2001), article 8; available from <http://www.glin.gov/search.action>.
- ²⁷⁰⁵ Government of Honduras, *Reglamento sobre Trabajo Infantil*.
- ²⁷⁰⁶ Ibid. See also Government of Honduras, *Acuerdo Ejecutivo No. STSS-097-2008, Reforma por adición artículo 8 del Reglamento sobre Trabajo Infantil en Honduras*, Acuerdo Ejecutivo No. STSS-097-2008, (May 12, 2008); available from http://white.oit.org.pe/ipecc/documentos/listados_tip_honduras.pdf.
- ²⁷⁰⁷ Coalition to Stop the Use of Child Soldiers, “Honduras,” in *Child Soldiers Global Report*, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also Government of Honduras, *Constitución*, (January 11, 1982), article 276; available from <http://pdba.georgetown.edu/Constitutions/Honduras/hond82.html>.
- ²⁷⁰⁸ CIA, *The World Factbook: Honduras*, [online] April 25, 2011 [cited May 2, 2011]; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/ho.html>.
- ²⁷⁰⁹ For age to which education is compulsory, see Ministry of Education, *Educación Básica*, [online] 2009 [cited February 2, 2011]; available from http://www.se.gob.hn/index.php?a=Webpage&url=BASICA_home.
- ²⁷¹⁰ For free public education, see Government of Honduras, *Constitución*, article 171.
- ²⁷¹¹ ILO Committee, Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Honduras (ratification: 2001) Submitted: 2008. See also Help for Honduras, *Photo Gallery*, [[cited June 7, 2011]; available from <http://www.helpforhonduras.com/>. See also U.S. Embassy- Tegucigalpa official.
- ²⁷¹² National Commission to Eradicate Child Labor, *II Plan de Acción Nacional para la Prevención y Erradicación del Trabajo Infantil en Honduras 2008-2015*, Tegucigalpa, 2009; available from <http://white.oit.org.pe/ipecc/pagina.php?pagina=102>. See also U.S. Embassy- Tegucigalpa, *reporting, February 8, 2011*.
- ²⁷¹³ U.S. Embassy- Tegucigalpa, *reporting, February 8, 2011*.
- ²⁷¹⁴ Ibid.
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- ²⁷¹⁷ U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*, U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*, *ibid, ibid*.
- ²⁷¹⁸ U.S. Embassy- Tegucigalpa, *reporting, February 8, 2011*.
- ²⁷¹⁹ Ibid.
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- ²⁷²² ILO Committee, Direct Request, Indigenous and Tribal Peoples Convention, 1989 (No. 169) Honduras (ratification: 1995) Submitted: 2009.
- ²⁷²³ U.S. Embassy- Tegucigalpa, *reporting, February 4, 2010*.
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- ²⁷²⁹ Ibid.
- ²⁷³⁰ Ibid.
- ²⁷³¹ Ibid. See also Asian Development Bank, Conditional Cash Transfer Programs: An Effective Tool for Poverty Alleviation?
- ²⁷³² U.S. Department of State, “Trafficking in Persons Report- 2010: Honduras.”
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- ²⁷³⁵ Ibid.

India

The Government of India combats the worst forms of child labor through its National Child Labor Projects. It also operates a Convergence Model strategy, which integrates a range of social protection schemes to help prevent and withdraw children from hazardous child labor. However, India lacks a minimum age for work and sets a low age for hazardous work. In addition, forced child labor is a problem and continues to exist in domestic service, agriculture and manufacturing.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.3
Attending School	5-14 yrs.	82.1
Combining Work and School	7-14 yrs.	0.6



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in India are engaged in the worst forms of child labor.²⁷³⁶ Most work in agriculture producing crops such as rice and hybrid seeds.²⁷³⁷ Children who work in agriculture may carry heavy loads and apply harmful pesticides. Children in India also work in dangerous conditions, quarrying sandstone and other materials, breaking stones and polishing gems as well as in manufacturing.

Children in manufacturing make matches, bricks, carpets, locks, glass bangles, fireworks, *bidis* (cigarettes), incense sticks (agarbatti), footwear, garments, hand-loomed silk, leather, brassware and other metal goods.²⁷³⁸ Children embroider (*zari*), sew beads to fabric and stitch soccer

balls for the domestic market.²⁷³⁹ Many children manufacture goods in the informal economy, increasingly in home-based production.²⁷⁴⁰ In addition to working long hours in cramped spaces under poor lighting and inadequate ventilation, children in manufacturing may be exposed to harmful chemicals and dangerous machinery and tools. The risks for these children include joint pain, headaches, hearing loss, skin infections, respiratory problems and finger deformity.²⁷⁴¹

Service industries that employ children include hotels, food service and tourism.²⁷⁴² Children work on the street vending food and other goods, repairing vehicles and tires, scavenging and rag picking.²⁷⁴³ This may expose them to dangers including severe weather and criminal elements, and may lead to their involvement in traffic accidents. Children are also found working in

construction and domestic service. Many work very long hours and suffer abusive treatment.²⁷⁴⁴

Forced child labor occurs in India.²⁷⁴⁵ Children perform forced or indentured labor in domestic service, gemstone cutting and quarrying as well as at brick kilns and rice mills. Children also work under forced conditions producing hybrid seeds, garments and embroidered textiles.²⁷⁴⁶

The federal police stated that an estimated 1.2 million children engage in prostitution.²⁷⁴⁷ Cases of child sex tourism continue to be reported in cities and towns with tourist attractions as well as locations with religious pilgrim centers.²⁷⁴⁸

India remains a source, transit and destination country for minors trafficked for commercial sexual exploitation and forced labor in domestic service, agriculture and activities such as begging and making bricks.²⁷⁴⁹ The majority of such children are Indians trafficked within the country.²⁷⁵⁰ Nepali and Bangladeshi girls and Indian girls from rural areas are trafficked for commercial sexual exploitation in major urban centers such as Mumbai (Bombay), Kolkata (Calcutta) and New Delhi.²⁷⁵¹

There are reports that children have been recruited to serve as soldiers by armed opposition groups in zones where armed conflict is occurring such as by the Naxalites in Chhattisgarh.²⁷⁵²

Laws and Regulations on the Worst Forms of Child Labor

According to the Child Labor Prohibition and Regulation Act, children of any age may be employed, provided employers adhere to restrictions, including a maximum six hour workday with a one hour rest period, at least one day off per week, and no night work or overtime work.²⁷⁵³ The Child Labor Prohibition and Regulation Act does bar children under age 14 from 18 hazardous occupations and 65 hazardous processes such as working in factories,

mines, and domestic service, handling pesticides, weaving carpets and breaking stone.²⁷⁵⁴ In 2010, two additional occupations were added to this list barring children from work in circuses and from caring for elephants.²⁷⁵⁵ Employing children under age 14 in a hazardous industry can lead to fines and imprisonment. Victims also receive compensation. Additionally, the Government must either compensate the family of the child or find employment for an adult member of the family.²⁷⁵⁶

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	No
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	14
	Free Public Education	Yes

However, gaps remain. The lack of a minimum age for employment increases the likelihood that very young children may engage in activities hazardous to their health. The minimum age for hazardous work is not consistent with international standards and may likewise, jeopardize the health and safety of young persons ages 14 to 17. Additionally, the labor law does not cover large swaths of the economy, including family farms and other family businesses.²⁷⁵⁷

The Juvenile Justice (Care and Protection of Children) Act prohibits exploiting juvenile

employees under age 18 by such practices as keeping youth in bonded conditions or garnishing their wages.²⁷⁵⁸ Violators may be fined or imprisoned.²⁷⁵⁹

The Bonded Labor System (Abolition) Act outlaws bonded labor in India and provides for district-level vigilance committees to investigate allegations of bonded labor and release anyone found in bondage.²⁷⁶⁰ The Act also provides for rehabilitation assistance payments for released laborers. Persons found using bonded labor may be fined and face imprisonment.²⁷⁶¹ The Immoral Traffic (Prevention) Act prohibits commercial sexual exploitation and trafficking of boys and girls. Penalties include imprisonment up to a life sentence if the victim is under age 16.²⁷⁶² The Information Technology (Amendment) Act of 2008 includes penalties of fines and imprisonment for any person who publishes, collects, seeks or downloads child pornography in electronic form.²⁷⁶³ The Narcotic Drugs and Psychotropic Substance Act, No. 61 makes it illegal to cause any person to produce or deal in narcotic or psychotropic substances; punishment consists of fines and imprisonment.²⁷⁶⁴

There is no compulsory military service. The voluntary military recruitment age is 17 years and 6 months. However, the minimum age to serve in combat is 18.²⁷⁶⁵

Institutional Mechanisms for Coordination and Enforcement

The National Authority for Elimination of Child Labor is a high-level government body, chaired by the Ministry of Labor and Employment (MOLE), which reviews, monitors and coordinates policies and programs on child labor.²⁷⁶⁶ The National Steering Committee on Child Labor is a tripartite committee with members representing government agencies, employers and workers, which guides and monitors child labor policy.²⁷⁶⁷ The Secretary of Labor and Employment chairs the Central Monitoring Committee, which is responsible for reviewing the prevalence of child

labor as well as monitoring actions taken to eliminate child labor.²⁷⁶⁸ In 2010, the Government created a Core Group on Child Labour composed of eight ministries and chaired by MOLE to coordinate the convergence of social protection schemes to reduce child labor.²⁷⁶⁹

The National Human Rights Commission (NHRC) is charged with monitoring implementation of the Bonded Labor System (Abolition) Act. The NHRC monitors state level action against bonded labor through its review of quarterly reports by state governments on bonded labor and through exploratory and investigative missions.²⁷⁷⁰ The Ministry of Women and Child Development (MWCD) is charged with coordinating anti-trafficking policies and programs.²⁷⁷¹ The Ministry of Home Affairs (MHA) Anti-Human Trafficking Cell is responsible for implementing the Government's \$12 million nationwide plan to combat human trafficking over 3 years by coordinating with states to establish anti-human trafficking units (AHTUs) and training thousands of officials on human trafficking.²⁷⁷²

While MOLE provides oversight and coordination, state governments enforce labor laws and employ labor inspectors.²⁷⁷³ The national government does not regularly receive comprehensive or timely data from the states on the number of labor inspectors, inspections, child labor violations found and penalties assessed throughout the country.²⁷⁷⁴ Information that is available indicates that during the reporting period, children were rescued from hazardous work during raids in several states, including Delhi, Punjab, Madhya Pradesh, Uttar Pradesh, Karnataka and Delhi.²⁷⁷⁵ In 2010, Tamil Nadu state carried out 187,101 inspections on forced child labor, resulting in 56 convictions of child labor traffickers and \$14,000 in fines.²⁷⁷⁶ According to MOLE, 14,778 child labor prosecutions were reported in states that had data available from 2007 to 2010.²⁷⁷⁷ Despite prosecutions being launched, it may take years before a case is resolved in the judiciary system.²⁷⁷⁸ In the state of Gujarat of the 1,642 court cases

filed between 2006 and 2010, only 45 cases were resolved resulting in fines of \$6,500.²⁷⁷⁹ The enforcement of labor laws pertaining to child domestics has been particularly challenging, as work in private homes is outside the jurisdiction of labor inspectors.²⁷⁸⁰ MOLE earmarked \$1.1 million for advocacy campaigns against child labor, including the worst forms of child labor. However, research found no evidence of other mechanisms to enforce prohibitions against employing children under 14 as domestics or to protect older children involved in such work.

Six state governments have drafted state action plans for elimination of child labor, which may lead to stepped up enforcement. For example, the Gujarat Action Plan calls for two raids every month in all 24 districts.²⁷⁸¹ Complaints about hazardous child labor can be made through a toll-free helpline, Child Line, which operates in 83 cities across India.²⁷⁸²

Between January 2010 and September 2010, police freed and rehabilitated 763 bonded laborers in Chhattisgarh, Uttar Pradesh and West Bengal, and the Government provided financial assistance of approximately \$171,000 to former bonded laborers, a two-fold increase from last year.²⁷⁸³ It was also reported that hundreds of bonded laborers were rescued in Tamil-Nadu, Andhra Pradesh, Karnataka and Bihar. The number of cases involving children is unknown as the Government does not disaggregate this data. In a series of four workshops from April 2009 to February 2010, the NHRC trained 400 government officials on bonded labor issues.²⁷⁸⁴

Under India's federal structure, state and local police are responsible for enforcing all laws, including those pertaining to human trafficking. Between April 2010 and February 2011, the Government invested \$1.9 million in anti-human trafficking units (AHTUs) to facilitate their expansion.²⁷⁸⁵ In 2010, the number of AHTUs doubled with at least 125 AHTUs established in 17 of India's 28 states.²⁷⁸⁶ The Government

has also invested more than \$440 million to establish the Crime and Criminal Tracking and Networking System to connect all of India's 14,000 linguistically diverse police stations. This system allows police to better monitor trends in serious crimes including trafficking.²⁷⁸⁷ Data from 2009 indicates that 2,438 traffickers were convicted of sex trafficking and an additional 8,307 prosecutions were launched.²⁷⁸⁸ The number of cases involving children is unknown as the Government does not disaggregate this data. In partnership with the United Office on Drugs and Crime, several state governments trained 13,670 police officials on trafficking issues.²⁷⁸⁹

Government Policies on the Worst Forms of Child Labor

During 2010, the Government continued to implement the National Policy on Child Labor, which lays out concrete actions for combating hazardous child labor, including legislative reforms and direct assistance to children.²⁷⁹⁰ As noted above, six states adopted Action Plans to eliminate child labor from hazardous industries, Andhra Pradesh, Maharashtra, Tamil Nadu, Karnataka, Gujarat and Orissa. Additionally, a seventh state, Bihar, is preparing its Action Plan.²⁷⁹¹ These action plans have resulted in the creation of task forces at the state, district and village level. These plans also call for the coordination of social protection programs and services provided by government and civil society organizations to support the livelihood of households vulnerable to relying on child labor.²⁷⁹² MOLE's National Skills Development Policy includes provisions for child laborers, including short-term skills training for children removed from the worst forms of child labor.²⁷⁹³

The Right of Children to Free and Compulsory Education Act (RTE) lays out the country's commitments to protect children from hazardous child labor and to provide universal access to primary education with a focus on children from disadvantaged social groups.²⁷⁹⁴ The RTE provides for free and compulsory education to all

children ages 6 to 14. The act prohibits denying admission to children who lack a birth certificate, allows children to transfer schools, requires local authorities to identify out-of-school children, forbids discrimination against disadvantaged groups, and prescribes quality education standards.²⁷⁹⁵

The Government also has a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, which aims to rehabilitate and reintegrate victims of trafficking into society.²⁷⁹⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of India's National Policy on Child Labor includes direct assistance projects, which are collectively known as the National Child Labor Projects (NCLPs). MOLE coordinates the NCLPs, which operate at the district level to identify working children, withdraw them from hazardous work and provide them with education and vocational training. The projects set up NCLP schools, mainstream children into formal education and provide them with stipends, meals and health checkups.²⁷⁹⁷ As of July 2010, approximately 339,000 former child laborer were enrolled in the NCLP schools and there were more than 8,000 schools in 21 of India's 28 states.²⁷⁹⁸ The process of forming NCLP schools and identifying their students begins with a survey conducted at the district level.²⁷⁹⁹ While the scheme serves many former child laborers, it excludes children working in agriculture, family enterprises and other informal sectors, as Indian law does not recognize those children as "working in hazardous conditions."

The NCLP scheme is linked to the Ministry of Human Resource Development's (MHRD) *Sarva Shiksha Abhiyan* (Education for All) program to ensure children's smooth transition from NCLP schools into the formal education system.²⁸⁰⁰ During 2010, the MHRD continued to extend

its mid-day meal program to NLCP students.²⁸⁰¹ With support from UNICEF, MOLE is developing a national communication strategy on child labor and also pilots a national tracking system to monitor children in NCLP schools in the states of Karnataka, Andhra Pradesh, Uttar Pradesh and West Bengal.²⁸⁰² In 2010, the National Labor Institute completed an evaluation of the NCLP project that spanned 70 NCLP districts located in 15 different states. The evaluation highlights practices, gaps, challenges and impediments of the project and provides a set of specific recommendations to improve the program and implementation.²⁸⁰³

The Government is currently participating in a USDOL-funded, \$6.85 million Convergence Model Project, begun in 2008 and scheduled to conclude in 2013, which targets 9,700 children for withdrawal and 9,300 children for prevention from work in hazardous labor in 10 districts in the states of Bihar, Jharkhand, Gujarat, Madhya Pradesh and Orissa. The project is designed to strengthen the Government's efforts to combat hazardous child labor by combining its various social protection and welfare programs, including the National Rural Employment Guarantee Scheme (NREGS), National Child Labor Project, Swablamby Swasthya Yojana Health Insurance Scheme, Sarva Shiksha Abhiyan and the Skills Development Initiative Scheme.²⁸⁰⁴ In 2010, the Government funded a research study on the impact of the NREGS scheme on child labor.²⁸⁰⁵ Results of the study are not yet available. The question of whether other social protection schemes have an impact on child labor does not appear to have been studied.

In 2010, the National Sample Survey Organization completed a survey on the child labor situation across the country as part of their survey on "Employment and Unemployment and Household Consumer Expenditure."²⁸⁰⁶ A copy of the survey could not be obtained prior to completion of this report.

MOLE's Grants-in-Aid scheme funds over 117 NGOs to provide rehabilitation services to working children.²⁸⁰⁷ MOLE's Skill Development Initiative Scheme offers vocational training programs and gives priority to children withdrawn from child labor and to the parents of child laborers.²⁸⁰⁸

The Government of India and state governments are collaborating on a program to rescue and rehabilitate child and adult bonded laborers. This includes conducting surveys to identify bonded laborers including a survey in 23 districts of Madhya Pradesh and providing each of them with stipends, training and education and organizing awareness-raising activities.²⁸⁰⁹ Overall, India lacks reliable figures on the prevalence of bonded labor.

In 2010, MOLE expanded on its \$400,000 pilot project in Tamil Nadu to reduce bonded labor in brick kilns and rice mills.²⁸¹⁰ Based on this pilot project, MOLE launched its holistic, convergence-based approach to address bonded labor in Andhra Pradesh, Haryana and Orissa which integrates existing government social and welfare programs to target vulnerable workers.²⁸¹¹ The Government also provided \$78,000 between April 2009 and March 2010 to rehabilitate bonded laborers in Bihar and Uttar Pradesh.²⁸¹²

The Ministry of Women Child Development (MWCD) provides a package of services for vulnerable children, including those most likely to be exploited in the worst forms of child labor. MWCD seeks to protect children, including working children, through its Integrated Child Protection Scheme (ICPS). Its aims to improve access to protection services, create public awareness, increase accountability on child protection, enhance service delivery and set up a monitoring and evaluation system.²⁸¹³ In 2009 and 2010, the Government allocated more than \$13 million and signed MOUs with 13 states to implement ICPS.²⁸¹⁴ MWCD has another scheme, the Welfare of Working Children in Need of Care, which provides nonformal education and vocational training to street children and working children living in urban areas not covered by other MOLE schemes.²⁸¹⁵ From 2009 to 2010, this scheme received \$2 million in funding.²⁸¹⁶

MWCD coordinates a wide range of anti-trafficking activities, in collaboration with NGOs and state governments, including raising awareness, maintaining helplines, rescuing victims and providing shelter homes, counseling, legal aid, medical care, repatriation and rehabilitative services.²⁸¹⁷ These efforts include MWCD's *Ujjawala* scheme, which funds 134 projects to help reintegrate, rehabilitate and repatriate trafficking victims.²⁸¹⁸

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in India:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Child Labor (Prohibition and Regulation) Act of 1986 to:
 - Establish a minimum age for employment in nonhazardous occupations consistent with international standards.
 - Increase the minimum age for employment in hazardous occupations to meet international standards.
 - Expand the scope of the act to cover children working in family enterprises.

IN THE AREAS OF COORDINATION AND ENFORCEMENT:

- Create a database of labor inspections to better consolidate and inform policy at the national level and make data publicly available.
- Disaggregate the data in the Ministry of Home Affairs Crime and Criminal Tracking and Networking System to include child trafficking violations.
- Disaggregate data on the number of children who are victims of forced labor.
- Encourage state AHTUs to address labor trafficking, including instances of forced child labor.
- Expedite the adjudication of child labor cases.
- Establish effective mechanisms to protect child domestic workers.

IN THE AREA OF PROGRAMS:

- Conduct both a qualitative and quantitative national survey of bonded labor (disaggregating data on children).
- Expand the ability for all children in the worst forms of child labor to enroll in NCLP schools.
- Conduct an assessment of the impact that India's major social protection schemes, besides NREGS, have had on reducing child labor, as proposed in MOLE's Draft Five Year Strategic Plan.

²⁷³⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data on working children and children combining schooling and working are from 2005. Data on school attendance is from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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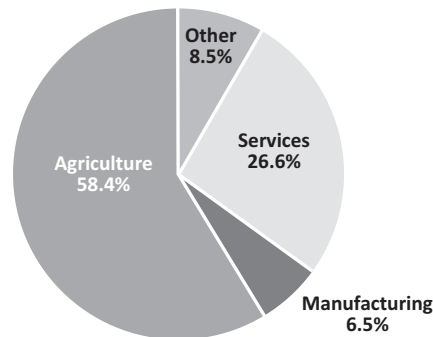
Indonesia

The Government of Indonesia enhanced institutional mechanisms for coordination at the local levels to combat exploitative child labor by creating provincial and district action committees and action plans to combat exploitative child labor. Despite these gains, some children who are self employed or lack clear wage relationships are not adequately protected by the law and continue to be vulnerable. As a result, children continue to engage in the worst forms of child labor in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	5.5*
Attending School	5-14 yrs.	84.0
Combining Work and School	7-14 yrs.	5.9

* Population of working children: 2,404,626



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Indonesia are engaged in the worst forms of child labor,²⁸¹⁹ many of them in agriculture²⁸²⁰ and domestic service.²⁸²¹ Children work on rubber, palm oil and tobacco farms.²⁸²² Children who work in agriculture often carry heavy loads, use pesticides and work long hours, and they may be exposed to extreme weather, sharp objects, falls from tall heights and respiratory problems.²⁸²³ Children, primarily girls, also work as domestic servants. These girls, typically ages 12 to 15, often work long hours, sometimes without days of rest or holidays. Child domestics may also be at risk of mental, physical and sexual abuse.²⁸²⁴

Children's work on the streets includes providing services, selling small items, begging and scavenging.²⁸²⁵ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements. They may also fall victim to child trafficking.²⁸²⁶

Children work in fishing, including on offshore fishing platforms known as *jermals*. Children work at sea for long periods of time. These children are unable to access schools and are often vulnerable to occupational accidents.²⁸²⁷ Children work in the production and manufacturing of footwear and woodwork.²⁸²⁸ Such children face long working hours, low pay and unsafe working conditions.²⁸²⁹

Although evidence is limited, there is reason to believe that children are engaged in the worst forms of child labor in the small-scale mining sector,²⁸³⁰ including in gold mines²⁸³¹ and in construction.²⁸³² There is also limited evidence that children are engaged in the worst forms of child labor in the asphalt and oil, brick, cigarette, clove, coconut, coffee, floor covering, furniture, *kapok* (silk cotton), marble, *melinjo* fruit, stone, sugarcane, tea, textile and tin industries.²⁸³³

Indonesia is primarily a source country for child trafficking. Children, mostly girls, are trafficked to Malaysia, Taiwan and Singapore and are subject to forced prostitution and forced labor in

domestic servitude.²⁸³⁴ Children are also trafficked internally for the purposes of domestic servitude, commercial sexual exploitation (including sex tourism in Bali and Riau Island), drug trafficking, agriculture, mining and fishing.²⁸³⁵




The majority of children in Indonesia are able to access school; however, access declines as children get older. Net enrollment between primary and secondary levels drops from roughly 95 percent to 70 percent, potentially leaving older children more vulnerable to the worst forms of child labor.²⁸³⁶

Laws and Regulations on the Worst Forms of Child Labor

The Manpower Act sets the minimum age for work at 15 and the minimum age for hazardous work at 18.²⁸³⁷ The Manpower Act also permits light work for children between ages 13 and 15, as long the work does not disrupt their physical, mental and social development.²⁸³⁸ The Manpower Act specifically prohibits children from working in the worst forms of child labor in: slavery; prostitution; pornography; gambling; use, production, procurement and trade of alcohol and other illicit substances; and jobs deemed harmful to their safety, health and moral development.²⁸³⁹ Act No. 1 on the Ratification of ILO Convention 182 Concerning the Prohibition and Elimination of the Worst Forms of Child Labor identifies 13 types of hazardous work for children, including prostitution, mining, construction, fishing, street work, scavenging, domestic service and agriculture.²⁸⁴⁰ Ministerial Decree 235 outlines working conditions which are prohibited, including exposure to heavy machinery, confined spaces, hazardous chemicals, heavy loads, isolated areas and late-night hours.²⁸⁴¹

The Manpower Act contains sanctions for violations of the labor law.²⁸⁴² The Penal Code prescribes penalties for a legal guardian who provides a child younger than age 12 to another person for the purposes of begging, harmful work or work that affects the child's health.²⁸⁴³ Despite the above protections, the Manpower Act excludes

children who are self-employed and children who do not have clear wage relationships.²⁸⁴⁴ As a result, some children working in agriculture, domestic service and street work may not be adequately protected by the law and are particularly vulnerable.²⁸⁴⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Law No. 21 on the Eradication of the Criminal Act of Trafficking in Persons defines and prohibits trafficking, including trafficking for debt bondage and sexual exploitation, with increased penalties in cases where the victim is a child and where government officials and corporate entities are involved.²⁸⁴⁶

In 2009, the Government of Indonesia's Legislation Council placed a draft of the Domestic Worker's Protection Bill on the Parliament's agenda for 2010, which would entitle domestic workers, including those between ages 15 and 17, the same rights as formal sector workers.²⁸⁴⁷ In June 2010, the Parliamentary Commission on Manpower and Transmigration, Population Affairs and Health at the House of People's Representatives, which is in charge of drafting the bill, announced

that it is postponing discussion on the bill, citing unresolved disputes between the political parties. The bill has once again been placed on Parliament's Agenda for 2011.²⁸⁴⁸

Presidential Instruction No. 1 stipulates nine years of compulsory education for children between ages of seven and 15.²⁸⁴⁹ The Child Protection Act, Articles 48 and 53, also specify that the government must provide a minimum of nine years of basic education for all children and free education for disadvantaged children.²⁸⁵⁰ In addition, a recent government program, *Bantuan Operasional Sekolah* (BOS), ensures that children in government schools are provided free education.²⁸⁵¹

Institutional Mechanisms for Coordination and Enforcement

The National Action Committee (NAC) for the Elimination of the Worst Forms of Child Labor coordinates and monitors policy and program efforts to eliminate the worst forms of child labor at the national level. The NAC is chaired by the Ministry of Manpower and Transmigration (MOMT) and is comprised of other government agencies, employers, NGOs and unions.²⁸⁵² However, beyond the sharing of information, there is widespread confusion about the roles, responsibilities and functions of the committee.²⁸⁵³

In addition to national coordination, provincial- and district-level committees are mandated by the Guidelines for the Formation of Regional Action Committees, the Establishment of Regional Action Plans and the Empowerment of Communities in the Elimination of the Worst Forms of Child Labor (2009). The provincial- and district-level committees are established to coordinate and monitor policy and program efforts and the development of action plans to eliminate the worst forms of child labor at local levels.²⁸⁵⁴ By the end of 2010, there were child labor action committees in 29 provinces and 131 districts/municipal areas.²⁸⁵⁵ However, the Government is still working to successfully integrate the various

entities responsible for working on child labor at the national, provincial and district levels.²⁸⁵⁶

The Ministry of Women's Empowerment and Child Protection (MoWECP) coordinates the development and implementation of policies related to child protection.²⁸⁵⁷ MoWECP child protection policies are subject to inquiry from an independent commission known as the Indonesian Child Protection Commission (KPAI). This commission was created under the mandate of the Child Protection Act and serves to disseminate information on child labor legislation, receive child protection complaints, monitor and evaluate the implementation of child protection efforts and provide feedback on child protection to the president.²⁸⁵⁸

The National Task Force to Combat Trafficking in Persons is responsible for coordinating the country's anti-trafficking efforts, including child trafficking.²⁸⁵⁹ MoWECP coordinates the Task Force between 19 ministries. The Task Force coordinates six working groups to develop action plans and budgets for trafficking in persons.²⁸⁶⁰ During the reporting period, the Government implemented 20 provincial and 72 district anti-trafficking task forces, all of which coordinate among provincial and district governments (including police, prosecutors and courts), NGOs and the international community. MoWECP allocated \$133,000 for all anti-trafficking activities, including those that target children. MoWECP also led training programs to educate local law enforcement officials on the law for trafficking in persons.²⁸⁶¹

MOMT is responsible for monitoring and enforcing child labor laws.²⁸⁶² During the reporting period, MOMT employed 2,354 labor inspectors, who are all tasked with enforcing laws including those related to child labor. Labor inspectors provide information to employers on child labor laws and regulations, issue inspection notices on child labor violations and work with law enforcement officials to prosecute any child

labor violations.²⁸⁶³ Research did not find the number of child labor inspections conducted, the number of violations identified or the number of children assisted as a result of the inspections.²⁸⁶⁴ Government officials and NGOs note that the number of labor inspectors available is not sufficient to adequately enforce child labor laws.²⁸⁶⁵

In addition to MOMT, the National Police has the right to conduct inspections and raids as well as make arrests in response to all crimes, including those related to child labor and child trafficking.²⁸⁶⁶ The police may also conduct joint inspections with MOMT, other government agencies and the independent child protection agency known as Indonesia Child Protection Commission (KPAI).²⁸⁶⁷ In early 2011, the National Police issued a letter to all provincial, district and sub-district police units to include the elimination of the worst forms of child labor as a priority in their jurisdictions. The letter tasked them with disseminating information on relevant laws and regulations to members of the business community and with taking action against violators of child labor laws.²⁸⁶⁸ While the police seem to prioritize eliminating the worst forms of child labor, recent reports indicate that a lack of police training on child labor issues continues to hamper enforcement.²⁸⁶⁹ Research found no information on the number of child trafficking inspections, violations, convictions and assistance.²⁸⁷⁰

Government Policies on the Worst Forms of Child Labor

The Government of Indonesia's general policy framework for the elimination of child labor is the 20-year National Action Plan for the Elimination of the Worst Forms of Child Labor (2002-2022).²⁸⁷¹ This national action plan is in its second 5-year phase and is focused on continued development of national and local policies to combat child labor as well as on providing direct assistance to child laborers and at-risk children.²⁸⁷² The Government allocated \$23 million to combat child labor for the period of 2010-2014.²⁸⁷³ During the reporting

period, five provincial action committees and seven district and municipal action committees finalized action plans to eliminate child labor.²⁸⁷⁴ The Government is currently operating the National Plan of Action on Trafficking and Child Sexual Exploitation (2009-2014).²⁸⁷⁵

The Government has incorporated child labor issues into relevant development agendas. The National Mid-Term Development Plan (2010-2014) addresses the worst forms of child labor in domestic work, transportation, construction and mining and provides specific targets and budgetary allocations for action.²⁸⁷⁶

During the reporting period, the Government published the results of a National Child Labor Survey. The survey report contained comprehensive information about work characteristics of children ages 5 to 17, which will help the Government prioritize policy interventions to eliminate child labor.²⁸⁷⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Indonesia participated in a large number of programs to combat child labor during 2010. During the reporting period, the Government participated in two ongoing USDOL-funded multiyear projects, totaling \$11.2 million, that target children exploited in or at risk of being exploited in domestic service, commercial agriculture, street work, drug trafficking and trafficking for commercial sexual exploitation.²⁸⁷⁸ From March to August 2010, one of the projects withdrew 1,495 children and prevented 3,123 children from exploitative child labor and supported the establishment of several provincial and district action committees on the elimination of the worst forms of child labor.²⁸⁷⁹ The Government also participated in an ongoing \$22.7 million project funded by the Government of Netherlands on child labor and youth employment in 33 districts within six provinces in East Indonesia.²⁸⁸⁰

The Government continued to implement a large-scale conditional cash transfer program that provides cash transfers to poor families who meet a set of criteria, including children's enrollment and attendance in school.²⁸⁸¹ In addition, MOMT provided supplemental services to poor families and withdrew children from exploitative labor. MOMT coordinated with the Ministries of Education and Social Welfare, government schools, Islamic boarding schools and NGOs for this program. In 2010, MOMT implemented this program in 21 districts and municipalities.²⁸⁸²

During the reporting period, the Government participated in an anti-trafficking in persons research study, which included a study on the sexual exploitation of children.²⁸⁸³ The Government also continued to implement an anti-trafficking initiative called "Operation

Flower," which provides services to child victims of commercial sexual exploitation, including those who have been trafficked, and collaborates with NGOs on efforts to raise awareness on trafficking, provide assistance to law enforcement officials and protect trafficking victims.²⁸⁸⁴

The Government's BOS program, or School Operational Assistance program, created block grant disbursements for government and nongovernment schools, including private and religious, at the elementary and junior secondary levels.²⁸⁸⁵ In addition, the Government earmarked \$162 million in financial aid, including education scholarships, to more than three million underprivileged children from the elementary to university level, including 1.7 million elementary school students and 750,000 junior secondary school students.²⁸⁸⁶

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Indonesia:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact laws to create protections for children who are self-employed or children who do not have clear wage relationships, including children who work in agriculture, domestic service and street work.
- Approve the Domestic Worker's Law, thereby providing protection for child domestic workers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Clarify the roles and responsibilities of the National Action Committee as well as the Provincial and District Action Committees for the Elimination of the Worst Forms of Child Labor.
- Track the number of child labor inspections, violations and convictions and the number of children withdrawn and assisted.
- Increase the number of labor inspectors to adequately supervise the number of registered working establishments.
- Provide child labor training to the police.

²⁸¹⁹ Data provided in the chart to the left is based on UCW analysis if ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2009. Data on working children and schooling are from 2009. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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Sumatera, September 2009. See also ILO-IPEC, *Project of Support to the Indonesian Time-Bound Program, Baseline Survey (Jember District)*. See also U.S. Department of State, "Country Reports- 2010: Indonesia."

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²⁸³⁰ U.S. Department of State, "Country Reports- 2010: Indonesia." See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in Indonesia*. See also U.S. Embassy- Jakarta, *reporting, January 20, 2009*.

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Iraq

The Government of Iraq has strengthened its legal framework on the worst forms of child labor. However, significant gaps remain in government coordination mechanisms and in programs to address the worst forms of child labor. Children in Iraq continue to be engaged in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	12.4
Attending School	5-14 yrs.	69.6
Combining Work and School	7-14 yrs.	9.9



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Iraq,²⁸⁸⁷ including in agriculture.²⁸⁸⁸

Work in agriculture can involve using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Although evidence is limited, there is reason to believe that children are also working in dangerous conditions in family-owned automobile shops and on construction sites.²⁸⁸⁹

Significant evidence suggests that children live on the streets, where they beg and participate in street commerce.²⁸⁹⁰ Children working in the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.²⁸⁹¹

Children are exploited in the commercial sex industry, some as a result of trafficking.²⁸⁹² Children are also trafficked for forced labor.²⁸⁹³ Gangs target young boys and girls for sexual exploitation and for sale into prostitution.²⁸⁹⁴ Reports indicate that children are trafficked within the country as well as to other countries in the region.²⁸⁹⁵ Women and girls are trafficked






internally for sexual exploitation through the traditional institution of temporary marriages.²⁸⁹⁶ The bride's family receives a dowry from a husband but, instead of constituting a true marriage commitment; an agreement is made to dissolve the marriage after a predetermined length of time. This practice has been used to force the bride to become a prostitute.²⁸⁹⁷ Anecdotal evidence exists of children trafficked from orphanages by employees of those organizations for the purpose of forced prostitution.²⁸⁹⁸

Sunni and Shiite militias, as well as Al Qaida in Iraq, recruit and use children as fighters and suicide bombers. They also use children for spying, working as couriers, scouting and planting improvised explosive devices.²⁸⁹⁹ There are reports that children are also used to construct bombs.²⁹⁰⁰ There are no reports of children in the Iraqi Army.

Laws and Regulations on the Worst Forms of Child Labor

The 1987 Labor Law as amended by the Coalition Provisional Authority Order Number 89 sets the minimum age for employment at 15 and prohibits anyone under age 18 from engaging in hazardous work.²⁹⁰¹ Article 91.2 outlines a partial list of types

of work considered hazardous, including work underground or underwater, work with dangerous machinery or handling heavy loads, work in an unhealthy environment and work where a child is unreasonably confined to the premises of the employer.²⁹⁰² Instruction No. 19 of 1987 (on child labor) includes additional prohibitions on hazardous labor for children, deeming illegal any employment of children in construction, in work with lead or toxic substances, in tanneries or in any other place of employment that is hazardous to the health or morals of the child.²⁹⁰³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Order Number 89 sets employment conditions for children age 15 and older, including work hours, medical examinations and annual leave policies; it also provides for the creation of a register of employed young persons.²⁹⁰⁴ Children employed in family enterprises are exempt from the order's requirements, which may put the children at greater risk for involvement in the worst forms of child labor.²⁹⁰⁵

Order Number 89 prohibits slavery and similar practices, including forced labor, child trafficking and illicit activities such as drug trafficking.²⁹⁰⁶

The Constitution prohibits trafficking of women and children and the sex trade.²⁹⁰⁷ The Penal Code prohibits enticement of children into prostitution and provides for up to 10 years imprisonment for violations.²⁹⁰⁸ Law No. 8/1988 on combating prostitution comprehensively prohibits prostitution, including uses of persons for prostitution.²⁹⁰⁹ Order Number 89 outlaws child prostitution and child pornography, and violations are punishable by imprisonment.²⁹¹⁰ The Penal Code does not directly address or establish penalties for human trafficking, although child trafficking is punishable by up to 3 months imprisonment under Order Number 89.²⁹¹¹

The use of child soldiers in the Iraqi armed forces is prohibited by Coalition Provisional Authority Order Number 22, Creation of a New Iraqi Army. This order sets the minimum recruitment age at 18 and specifies recruitment to be voluntary.²⁹¹² Order Number 89 also prohibits the use of child soldiers and outlines the punishment of those enlisting children into armed service.²⁹¹³ These laws, however, do not specifically address recruitment into other armed groups.

Article 34 of the Constitution guarantees Iraqis the right to free education in all of its stages.²⁹¹⁴ Children in Iraq are required to attend school until age 11. This leaves children ages 12 to 15 vulnerable to the worst forms of child labor as they are not required to be in school but are not permitted to work either.²⁹¹⁵

Because the Iraqi Constitution also allows for semi-autonomy within the Kurdistan region of Iraq, it is unclear whether these laws also apply in this area.²⁹¹⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Iraq has a coordinating mechanism to combat the worst forms of child labor. However, there is a coordinating mechanism to combat human trafficking. A government committee comprised

of the Ministry of Human Rights, Ministry of Foreign Affairs, Ministry of the Interior (MOI) and Ministry of Labor and Social Affairs (MOLSA) monitors the human trafficking situation and makes recommendations, although it has no authority to implement them.²⁹¹⁷

The Child Labor Unit (CLU) within the Labor Inspectorate of MOLSA is responsible for enforcing child labor regulations.²⁹¹⁸ Research did not uncover information on the number of inspectors or inspections completed during the reporting period.

The MOIs of both the Iraqi and Kurdish Regional Governments (KRG) are responsible for enforcement of laws against trafficking.²⁹¹⁹ Research did not identify data regarding prosecutions, convictions or sentences imposed in cases of human trafficking.²⁹²⁰

Government Policies on the Worst Forms of Child Labor

Coalition Provisional Authority Order Number 89, which amended the Labor Code, also lays out government policy to address the worst forms of child labor.²⁹²¹ The order calls for programs to be designed to prevent the engagement of children in the worst forms of child labor, to provide direct

assistance for the removal of children in these labor situations and to ensure access to basic education.²⁹²²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of programs to eliminate the worst forms of child labor during the reporting period.

With funding from the governments of Australia, Japan, the Netherlands and the United States, the Government of Iraq is participating in programs geared to the needs of the most vulnerable populations, including internally displaced persons and refugees.²⁹²³ These marginalized groups are often more susceptible to the worst forms of child labor. The programs include the provision of psychosocial services specifically for at-risk children in several governorates and the monitoring and assessment of the needs of internally displaced persons and returnees to the country in order to provide assistance and protection, including from trafficking.²⁹²⁴

The question of whether or not these programs have an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Iraq:

IN THE AREA OF LAWS AND REGULATIONS:

- Provide legal protection for children working in family businesses and on the streets.
- Increase the age of compulsory schooling to be equal to the minimum age for work.
- Increase penalties for child trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs to address the worst forms of child labor.
- Implement programs to demobilize and reintegrate children engaged in conflict.
- Assess the impact that existing programs may have on addressing the worst forms of child labor.

²⁸⁸⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011*. Data on working children and school attendance are from 2006, as is the data on children combining working and schooling. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁸⁸⁸ U.S. Department of State, "Iraq," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

²⁸⁸⁹ *Ibid.*, section 6d. See also Integrated Regional Information Networks, "Iraq: Child Labour on the Rise as Poverty Increases," IRINnews.org, [online], June 12, 2007 [cited January 31, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=72683>.

²⁸⁹⁰ U.S. Department of State, "Country Reports- 2008: Iraq," section 7. See also Integrated Regional Information Networks, "Iraq: Child beggars proliferate in Baghdad," [online], February 11, 2007 [cited accessed March 22, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=70089>. See also Integrated Regional

Information Networks, "Iraq: Fadhel, Iraq 'Stealing is the easiest job in Iraq today'," [online], February 8, 2007 [cited April 11, 2011]; available from <http://www.irinnews.org/report.aspx?reportid=70046>. See also Integrated Regional Information Networks, "Street Children Face Hunger and Abuse," 2005; available from www.irinnews.org/PrintReport.aspx?ReportId=25835. See also USDOL official, Interview with Jane Arraf, March 30, 2011.

²⁸⁹¹ Integrated Regional Information Networks, "IRAQ: Children Lured into Drugs and Prostitution," IRINnews.org, [online], February 12, 2007 [cited January 31, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=70094>. See also Integrated Regional Information Networks, "Street Children Face Hunger and Abuse."

²⁸⁹² ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Iraq (ratification: 2001)*, [online] 2009 [cited February 3, 2010]; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23528&chapter=9&query=\(Iraq\)+@ref+%2B+%23YEAR%3D2009&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23528&chapter=9&query=(Iraq)+@ref+%2B+%23YEAR%3D2009&highlight=&querytype=bool&context=0). See also U. S. Department of State, "Iraq," in *Trafficking in Persons Report- 2010*, Washington, D.C., June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

²⁸⁹³ U. S. Department of State, "Trafficking in Persons Report- 2010: Iraq." See also Integrated Regional Information Networks, "Sex traffickers target women in war torn Iraq," IRINnews.org, [online], October 26, 2006; available from <http://www.irinnews.org/report.aspx?reportid=61903>.

²⁸⁹⁴ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also Integrated Regional Information Networks, "Children Lured into Drugs and Prostitution."

- ²⁸⁹⁵ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Embassy- Baghdad, *reporting, June 23, 2009*.
- ²⁸⁹⁶ U. S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- ²⁸⁹⁷ *Ibid.*
- ²⁸⁹⁸ U. S. Department of State, “Iraq,” in *Country Reports on Human Rights Practices- 2009*, Washington, D.C., April 6, 2010, Section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>. See also U. S. Department of State, “Trafficking in Persons Report- 2010: Iraq.”
- ²⁸⁹⁹ Office of the Special Representatives of the Secretary General for Children and Armed Conflict, *Visit of the Special Representative for Children and Armed Conflict to Iraq and the Region: 13 to 25 April 2008*, August 2008; available from http://www.un.org/children/conflict/_documents/countryvisits/IraqVisitReport.pdf. See also UN General Assembly Security Council, *Children and Armed Conflict, Report of the Secretary- General*, March 26, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/282/44/PDF/N0928244.pdf?OpenElement>, “Iraq police nab child suicide bomber,” *The Sydney Morning Herald* (Sydney, Australia), April 7, 2010; available from <http://news.smh.com.au/breaking-news-world/iraq-police-nab-child-suicide-bomber-20100407-rsdq.html>. See also Lucy Keating, “Al Qaeda’s deadly exploitation of children” (paper presented at the Iraq War Logs, October 23, 2010); available from <http://www.iraqwarlogs.com/2010/10/23/al-qaeda%E2%80%99s-deadly-exploitation-of-children/>. See also IANS, “Al Qaeda- trained child suicide bombers captured in Iraq,” *Thaindian News* (2009); available from http://www.thaindian.com/newsportal/world-news/al-qaeda-trained-child-suicide-bombers-captured-in-iraq_100183177.html. See also Cassandra Clifford, “The Continued Rise of Child Suicide Bomber,” *Foreign Policy Association* (2011); available from <http://children.foreignpolicyblogs.com/2008/02/13/the-continued-rise-of-the-child-suicide-bomber/>. See also USDOL official, Interview, March 30, 2011.
- ²⁹⁰⁰ Integrated Regional Information Networks, “Iraq: Poverty drives children to work for armed groups”, IRINnews.org, [online], May 10, 2007 [cited February 8, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=72084>.
- ²⁹⁰¹ *Coalition Provisional Authority Order 89: Amendments to the Labor Code- Law No. 71 of 1987*, (May 5, 2004), articles 90.1-91.1; available from <http://iraqog.org/english/pdf/CPA-O-89-E.pdf>.
- ²⁹⁰² *Ibid.*, article 91.2.
- ²⁹⁰³ ILO NATLEX National Labor Law Database, *Instruction No. 19 of 1987 (on Child Labor)*, accessed June 25, 2010 available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=IRQ&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.
- ²⁹⁰⁴ *Coalition Provisional Authority Order 89*, articles 92-96.
- ²⁹⁰⁵ *Ibid.*, articles 92-96.
- ²⁹⁰⁶ *Ibid.*, article 91.3.
- ²⁹⁰⁷ *Constitution of Iraq*, (2005), article 37c; available from http://www.uniraq.org/documents/iraqi_constitution.pdf. See also U.S. embassy- Baghdad, *reporting*, February 25, 2009, para 4a.
- ²⁹⁰⁸ *Penal Code with Amendments*, (September 9, 1980), article 399; available from http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf. See also U.S. embassy- Baghdad, *reporting, February 25, 2009*, paras 4a, 4b.
- ²⁹⁰⁹ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*.
- ²⁹¹⁰ *Coalition Provisional Authority Order 89*, articles 91.3, 97.
- ²⁹¹¹ *Ibid.*
- ²⁹¹² *Coalition Provisional Authority Order Number 22 Creation of a New Iraqi Army*, (2003), section 6; available from http://www.iraqcoalition.org/regulations/20030818_CPAORD_22_Creation_of_a_New_Iraqi_Army.pdf.
- ²⁹¹³ *Coalition Provisional Authority Order 89*, articles 91.3, 97.
- ²⁹¹⁴ *Constitution of Iraq*, article 34.
- ²⁹¹⁵ *Ibid.*, article 34.
- ²⁹¹⁶ *Ibid.*, article 116 & 117.
- ²⁹¹⁷ U. S. Department of State, “Country Reports- 2009: Iraq,” section 6.
- ²⁹¹⁸ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 6.
- ²⁹¹⁹ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 6.
- ²⁹²⁰ ILO Committee of Experts, *Individual Direct Request C182: Iraq (2009)*. See also U.S. Department of State, “Country Reports- 2008: Iraq,” section 5.
- ²⁹²¹ *Coalition Provisional Authority Order 89*, article 91.5.
- ²⁹²² *Ibid.*
- ²⁹²³ International Organization for Migration, *Iraq*, [online] 2011 [cited April 13, 2011]; available from <http://www.iom.int/jahia/Jahia/iraq>.
- ²⁹²⁴ *Ibid.*

Jamaica

The Government of Jamaica participates in programs to combat the worst forms of child labor, including commercial sexual exploitation and trafficking. However, the legal framework does not adequately protect children from involvement in hazardous work, illicit activity or forced labor. Children continue to engage in the worst forms of child labor, particularly street work and commercial sexual exploitation, often under forced conditions.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.4
Attending School	5-14 yrs.	98.6
Combining Work and School	7-14 yrs.	9.5

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Jamaica are engaged in the worst forms of child labor,²⁹²⁵ including street work and commercial sexual exploitation.²⁹²⁶ On the streets, children typically work as ambulatory vendors or beggars.²⁹²⁷ Street work may expose children to severe weather, accidents caused by proximity to automobiles and vulnerability to criminal elements. Some children involved in street vending are reportedly in situations of forced labor.²⁹²⁸ Reports suggest that children collect discarded tins from garbage dumps to sell to scrap metal dealers. In dumps, children risk skin laceration and subsequent bacterial infection.²⁹²⁹

Child prostitution is a problem, including child sex tourism in the island's resort areas.²⁹³⁰ Both girls and boys are trafficked internally, from rural areas to urban tourist centers, where they are subjected to prostitution. Children are also trafficked into and out of Jamaica for commercial sex work.²⁹³¹

Child victims of forced labor and trafficking also work in domestic service.²⁹³² Girls are often recruited with false promises of education, clothes and money.²⁹³³ Victims include both foreign and Jamaican children.²⁹³⁴

Children on the island engage in a variety of illicit activities. They sell drugs, execute financial scams and serve as drug and gun couriers.²⁹³⁵ Boys and girls working on the streets are particularly vulnerable to being trafficked into illicit activity.²⁹³⁶

Children in Jamaica are exposed to risks in agricultural work and construction.²⁹³⁷ Work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Though the extent of the problem is unclear, there is evidence of children's involvement in the production of pornography in Jamaica. School children are known to be used as the subjects of pornographic films and, less commonly, of live sex shows.²⁹³⁸

Laws and Regulations on the Worst Forms of Child Labor

The Child Care and Protection Act of 2004 establishes the minimum age for employment at 15. The act permits children ages 13 and 14 to engage in light work that the Minister of Labor has legal responsibility to define.²⁹³⁹ The law also sets the minimum age for hazardous work, including industrial labor and night work, at 18.²⁹⁴⁰ The act

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

explicitly protects children from street begging, making it an offense for an adult to cause, procure or permit a child to beg or receive alms.²⁹⁴¹ The Building Operations and Works of Engineering Construction Regulations of 1968, the Shipping Act and the Dock's (Safety Health and Welfare) Regulations of 1968 include specific provisions prohibiting the employment of children in certain types of hazardous work.²⁹⁴² Parliament is currently reviewing a new Occupational Safety and Health Act, which contains an annex with a list of hazardous occupations prohibited for children, including fishing at

sea, working with pesticides, operating heavy equipment and participating in the production of pornography.²⁹⁴³ The act would increase fines for illegally employing children.²⁹⁴⁴ It would also provide inspectors access to workplace areas that are currently prohibited, possibly facilitating more effective enforcement of child labor laws.²⁹⁴⁵ However, the legislation has not been enacted.²⁹⁴⁶

Forced labor is not prohibited under Jamaica law.²⁹⁴⁷ However, child trafficking is legally banned.²⁹⁴⁸ The Trafficking in Persons (Prevention, Suppression and Punishment) Act of 2007 criminalizes all forms of trafficking, while the Child Care and Protection Act explicitly prohibits the sale and trafficking of minors.²⁹⁴⁹

The Child Pornography Prevention Act of 2009 prohibits using or involving a child in the production of pornography as well as producing, distributing, possessing or accessing child pornography.²⁹⁵⁰ The Offences Against the Person Act proscribes the procurement of all persons for prostitution.²⁹⁵¹

Though the Child Care and Protection Act forbids children from selling alcohol and tobacco products, Jamaican law does not prohibit procuring or offering a child for illicit activities, including drug trafficking and production.²⁹⁵²

The minimum age for voluntary recruitment into the armed forces is 18, though recruits may begin training at 17 years, 6 months.²⁹⁵³

Based on the Education Act of 1965, as amended in 1980, the Minister of Education may define compulsory education areas throughout the country and a corresponding compulsory education age for each area.²⁹⁵⁴ Currently, the Government has set the compulsory education age for the entire country at 16.²⁹⁵⁵ In March 2011, the Government passed the Charter of Rights Bill, which guarantees free public pre-primary and primary education to all citizens.²⁹⁵⁶

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee on Child Labor serves as the central point for policy development and guidance. The committee is charged with coordinating efforts of government agencies and facilitating collaboration with private sector organizations and NGOs.²⁹⁵⁷

The Government has also established a National Task Force Against Trafficking in Persons.²⁹⁵⁸ This task force comprises 13 members, including representatives from the Ministry of National Security, Office of the Prime Minister, Attorney General's Chamber, Jamaica Constabulary Force (JCF), Child Development Agency (CDA), Ministry of Foreign Affairs and Trade, Ministry of Health, Ministry of Labor and Social Security (MLSS), Ministry of Development Bureau of Women's Affairs and several NGOs. The task force is responsible for facilitating information exchange between government agencies and external stakeholders and creating momentum for counter-trafficking efforts.²⁹⁵⁹ It oversees the implementation of the country's action plan on human trafficking.²⁹⁶⁰ The task force meets regularly.²⁹⁶¹

MLSS's Child Labor Unit (CLU) and Occupational Safety and Health Unit (OSHU) and the CDA are responsible for enforcing child labor laws, monitoring related violations and overseeing efforts to address the problem.²⁹⁶² During the reporting period, the CLU facilitated responses among various agencies regarding enforcement.²⁹⁶³ OHSU employs 35 inspectors that investigate a range of violations, including child labor violations. In 2010, funding for labor inspections was approximately \$426,000.²⁹⁶⁴ OHSU conducted 2,385 inspections. No cases of child labor were reported.²⁹⁶⁵

JCF has independent authority to enforce criminal laws related to child labor and possesses a Trafficking in Persons Unit that investigates and prosecutes instances of child trafficking and

commercial sexual exploitation.²⁹⁶⁶ The office of the Children's Registry receives complaints about child abuse, including criminal violations of child labor laws. In 2008 and 2009, the registry received 27 reports of child trafficking, two of which resulted in convictions. As of the reporting period, the remaining cases were still outstanding.²⁹⁶⁷

Government Policies on the Worst Forms of Child Labor

The CLU is responsible for implementing Jamaica's National Plan of Action on Child Labor.²⁹⁶⁸ The plan prioritizes children engaged in domestic service, prostitution, forced labor and hazardous work, including agriculture.²⁹⁶⁹ It identifies four primary objectives: (1) gather current and reliable data; (2) establish public awareness and sensitization; (3) improve MLSS personnel capacity to identify children exposed or vulnerable to child labor; and (4) work with trade unions and the Jamaica Employers' Federation to build awareness among employers.²⁹⁷⁰ However, not all of these objectives are being met. Both the Children's Advocate and the Director of the CLU have said the lack of recent statistical data and absence of a system to track child laborers hampers efforts to combat child labor. The Director of the CLU notes that inadequate funding and attention are currently devoted to combating child labor.²⁹⁷¹

Jamaica's National Action Plan to Combat Human Trafficking details short- and long-term activities to combat trafficking in persons.²⁹⁷² Key priorities include targeting law enforcement to address the commercial sexual exploitation of children and public awareness and outreach programming.²⁹⁷³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government is participating in a global child labor project, Tackle Child Labour through Education (TACKLE). In Jamaica, the 3-year program is funded by a \$1 million grant from the European Commission.²⁹⁷⁴ TACKLE aims

to reduce poverty by providing children access to basic education and skills training and by strengthening the capacity of national and local authorities to combat child labor.²⁹⁷⁵ To initiate TACKLE, the Government planned to conduct a series of baseline child labor surveys in 2010. However, the project faced delays and has not fully commenced.²⁹⁷⁶

Other Government initiatives during the reporting period include a child abuse hotline and a mentorship summer camp to target urban youth. The hotline receives reports of child abuse, including cases that involve the worst forms of child labor.²⁹⁷⁷ The camp, supported by the TACKLE program, reached approximately 300 inner-city children using sports as a medium to relay messages about child labor and affect behavior change in vulnerable communities.²⁹⁷⁸

The Government ran several initiatives to directly address sexual exploitation and trafficking of children. It implemented anti-trafficking

education campaigns in schools and libraries as well as public awareness campaigns against child prostitution in tourist areas.²⁹⁷⁹ Government employees from various agencies participated in public-sponsored human trafficking trainings.²⁹⁸⁰ The Government also maintains a hotline to receive reports about child labor and trafficking.²⁹⁸¹ In partnership with an NGO, it runs three shelters that aid female trafficking victims.²⁹⁸² However, existing Government programs are not extensive enough to reach all children engaged in the worst forms of child labor and do not target children in domestic service at all.

The Program for Advancement through Health and Education (PATH) is a government-run conditional cash transfer program. Among PATH's objectives is the reduction of child labor through the provision of grants contingent on children's minimum school attendance.²⁹⁸³ Thus far, evaluations of PATH do not appear to have provided conclusive evidence about the program's impact on child labor.²⁹⁸⁴

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Jamaica:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact the new Occupational Safety and Health Act, including the annexed list of hazardous occupations prohibited for children.
- Adopt legislation to prohibit all forms of forced labor.

Adopt legislation to prohibit procuring or offering a child for illicit activities, including drug trafficking and production.

IN THE AREA OF POLICIES:

- Assess the adequacy of resources allocated for effective implementation of the objectives of the National Plan of Action on Child Labor and specifically explore ways to—
 - Collect, analyze and disseminate current child labor statistics.
 - Implement a system to track child laborers after they have been identified and/or removed from child labor.

IN THE AREA OF PROGRAMS:

- Implement child labor baseline surveys to initiate the TACKLE program.
- Expand programs that assist children in the worst forms of child labor and develop programs to aid children in domestic labor.
- Further assess the impact PATH may have on addressing child labor.

²⁹²⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁹²⁶ U.S. Embassy- Kingston, *reporting, February 28, 2011*. See also U.S. Department of State, "Jamaica " in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142979.pdf>. See also U.S. Department of State, "Jamaica," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 6, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154511.htm>. See also Shared Hope International, *Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States*, Vancouver, 2007, 26, 31, 34; available from <http://www.sharedhope.org/Portals/0/Documents/DEMAND.pdf>. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Jamaica: Report for the WTO General Council Review of the Trade Policies of Jamaica*, Geneva, January 18 and 20, 2011, 5.

²⁹²⁷ U.S. Embassy- Kingston, *reporting, February 28, 2011*. See also U.S. Department of State, "Country Reports- 2010: Jamaica," section 7d. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Jamaica*, 5.

²⁹²⁸ U.S. Department of State, "Trafficking in Persons Report- 2010: Jamaica." See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Jamaica*, 6.

²⁹²⁹ Kaymian Weekley, "Child labour in the scrap-metal industry," *Jamaica Gleaner Online*, [online], June 1, 2011 [cited March 7, 2011]; available from <http://jamaica-gleaner.com/gleaner/20110601/lead/lead9.html>.

²⁹³⁰ Jamaica Gleaner, "More Parental Education Needed," *Go-Jamaica*, [online], February 19, 2011 [cited February 22, 2011]; available from http://go-jamaica.com/news/read_article.php?id=26626. See also U.S. Embassy- Kingston, *reporting, February 28, 2011*. See also U.S. Department of State, "Country Reports- 2010: Jamaica," section 6. See also Shared Hope International, *Demand*, 31. See also U.S.

Department of State, "Trafficking in Persons Report- 2010: Jamaica."

²⁹³¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Jamaica." See also Shared Hope International, *Demand*, 26, 32.

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Jordan

The Government of Jordan has strengthened labor inspection efforts on the worst forms of child labor and has coordinated its efforts under a child labor framework. However, there are serious gaps in knowledge on child trafficking. Children are exploited in the worst forms of child labor in the mechanical repair and agriculture sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Jordan are engaged in the worst forms of child labor²⁹⁸⁵ in mechanical repair and agriculture.²⁹⁸⁶ Boys work in auto repair shops in urban areas, where they are exposed to chemical burns and poisoning, noise pollution and physical injury. Children, mostly girls, engage in agriculture work.²⁹⁸⁷ There is some indication that children of migrant workers from Egypt, Pakistan and Syria work alongside their families in agriculture.²⁹⁸⁸ Children's work in agriculture commonly involves hazardous activities, such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.²⁹⁸⁹

Children, mostly boys, are also engaged in a variety of hazardous occupations in small businesses, including vocational trades and work as electricians. Boys also work in mines, hotels, restaurants and in the transportation and storage sectors.²⁹⁹⁰ Children performing this type of work risk injury from carrying heavy loads and using sharp tools and appliances as well as exposure to noise pollution, poor lighting and harmful chemicals.²⁹⁹¹

Children are also engaged in fishing in Aquaba.²⁹⁹² Children's work in fishing may expose children to risks such as drowning.

Some children work in the tourism industry in Petra, Aqaba and the Dead Sea regions as street peddlers and tour guides.²⁹⁹³ These children are subject to overheating from working in extremely hot temperatures on the streets and exhaustion from working long hours.²⁹⁹⁴ Girls work as child domestic servants in third-party homes and are involved in dangerous household chores in their own homes.²⁹⁹⁵ There are reports that children are increasingly involved in trash picking and scrap metal collection.²⁹⁹⁶

There are street children in Jordan, some of whom are involved in begging.²⁹⁹⁷ Children working on the streets are exposed to a variety of hazards, which may include severe weather, accidents caused by proximity to automobiles and vulnerability to criminal elements.

Given their vulnerable economic status, refugee children are more likely to work in the worst forms of child labor.²⁹⁹⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code establishes the minimum age for work as 16.²⁹⁹⁹ Children are prohibited from working more than four hours straight, more than six hours a day and during weekends, holidays or at night.³⁰⁰⁰ In 2004, Article No. 74 of Jordan’s Labor Code banned 29 work activities considered hazardous for children under the age of 18.³⁰⁰¹ The Labor Code also prohibits forced labor.³⁰⁰² However, the Labor Code protections do not apply to unregistered and family businesses, where many children are employed.³⁰⁰³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Jordan’s Penal Code prohibits the procurement or attempt to procure children for prostitution.³⁰⁰⁴ It also prohibits the sale, possession, publishing, display and advertisement of pornography. However, the law omits protection for males.³⁰⁰⁵

The Anti-Human Trafficking Law prohibits human trafficking for the purposes of forced labor and sexual exploitation, including prostitution. It specifies imprisonment and other penalties for trafficking violations.³⁰⁰⁶

The Constitution of Jordan ensures access to education for all school-aged children as a fundamental right, compulsory and free of charge for 10 years.³⁰⁰⁷ There are significant disparities among governorates in the rates of enrollment.³⁰⁰⁸ While education is technically free in Jordan, schools require voluntary donations and payments for books, uniforms and other supplies. The cost of educating children and the fact that some families depend on income from children’s labor often deter children from attending school.³⁰⁰⁹

Institutional Mechanisms for Coordination and Enforcement

The Child Labor Unit (CLU) is responsible for proposing and drafting new legislation on child labor, monitoring its scope and prevalence, directing labor inspections and ensuring the enforcement of child labor laws.³⁰¹⁰

The CLU heads the National Committee on Child Labor (NCCL), which coordinates the activities of stakeholder governmental agencies and NGOs.³⁰¹¹ The NCCL includes MOL, the Ministry of Education, the Ministry of Social Development and the Ministry of Health.³⁰¹²

The National Council for Family Affairs coordinates a task force charged with developing the country’s first National Child Labor Framework (NCLF). This NCLF will institutionalize the roles and responsibilities of each child labor governmental and nongovernmental stakeholder as well as provide clear definitions and indicators for each partner to follow and meet.³⁰¹³ The delay in the release of the NCLF has prevented better coordination actions on the part of the stakeholders.³⁰¹⁴

The CLU currently has four full-time staff members who oversee the Government’s child labor investigations at the national level.³⁰¹⁵ In turn, these staff oversee 16 child labor liaison officers who coordinate child labor inspections at the governorate level.³⁰¹⁶ There are 125 inspectors conducting both adult and child labor inspections throughout Jordan.³⁰¹⁷

Both child labor inspections and inspector trainings gained considerable momentum over this reporting period. With collaboration from USDOL, MOL implemented six training workshops for child labor inspectors and representatives of community-based organizations (CBOs) on Cooperative Mechanisms and Partnership between the Ministry of Labor and CBOs in Addressing Child Labor.³⁰¹⁸ Labor inspectors were trained on the health risks of child labor, recognizing workplace hazards, strategies to identify hidden child labor populations, child labor legislation and child-centered interview techniques. In addition to imparting new skills, the trainings have had the added benefit of improving working relationships between the trainers and the CBO staff.³⁰¹⁹

MOL undertook two nationwide child labor inspection campaigns in June and August 2010. As part of these campaigns, MOL held lectures at 380 sites on the four articles in the Labor Code that cover child labor.³⁰²⁰ The campaigns resulted in fines and warnings for employers found using child labor.³⁰²¹ Inspections resulted in the discovery of 2,249 cases of child labor during the reporting period. The inspectors issued 596 verbal warnings to businesses, provided recommendations for action to 1,568 businesses and referred 106 children to child labor service provider NGOs.³⁰²²

Chaired by the Minister of Justice, a National Committee for the Prevention of Human Trafficking coordinates the implementation of the National Strategy and Action Plan to Combat Human Trafficking.³⁰²³ Trafficking crimes are investigated and prosecuted by the Joint Labor Inspector, police Anti-Trafficking Investigation Unit and the Human Trafficking Office within the Public Security Directorate's Criminal Investigation Unit.³⁰²⁴

During the reporting period, the Government investigated 22 trafficking cases.³⁰²⁵ Two cases were related to the sale of children. Due to increased understanding of the issue and reporting, the number of trafficking cases has increased since the

passage of the Government's anti-trafficking law in 2009.³⁰²⁶ Despite this increase, victim assistance, public awareness-raising, punishment of traffickers and cooperation with source countries remain limited.³⁰²⁷

Government Policies on the Worst Forms of Child Labor

When it is passed, the NCLF will define the Government's strategy to combat the worst forms of child labor.³⁰²⁸ The National Strategy to Combat Human Trafficking was launched in March 2010 and focuses on prevention, protection, prosecution and international and regional cooperation.³⁰²⁹

The Jordanian National Plan of Action for Children (2004-2013) includes a goal of the elimination of child labor by 2013. The Plan also covers rehabilitation and reintegration, research, livelihood development plans and awareness-raising.³⁰³⁰

The National Agenda (2006-2015) is the Government of Jordan's overall development agenda and may indirectly support the elimination of child labor by calling for strengthening of the labor inspectorate and the provision of vocational training opportunities.³⁰³¹ The question of whether this agenda has an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During 2010, the Government of Jordan continued to participate in a \$4 million project with support from USDOL. This 2008-2012 project aims to withdraw and prevent 8,000 children from the worst forms of child labor through the provision of education and other social services.³⁰³² The project raises awareness regarding the importance of education and mobilizes community members to improve the public schools' educational services.³⁰³³

During the reporting period, the Government also collaborated on a \$2 million USDOL-supported

project developing methods and mechanisms needed to implement the imminent NCLF. The 4-year project (2010-2014) is developing a mechanism to coordinate all social and educational services targeting child laborers at the national, district and local levels.³⁰³⁴

During 2010, the Government participated in a new 4-year project (2010-2014) with \$4 million in support from USDOL. This project targets 5,000 children for withdrawal from exploitative labor, prevents 2,000 children from such work and provides livelihood support to 3,500 families.³⁰³⁵ The project provides its beneficiaries with rehabilitation, nonformal education, vocational training and livelihood services in East Amman, Zarqa, Mafraq and Ma'an.³⁰³⁶

Jordan has high rates of youth unemployment and underemployment, which coupled with child labor, is linked to the lack of decent work opportunities. To address this problem, Jordan has instituted many youth capacity-building, livelihoods and education programs.³⁰³⁷ The Second Education Reform for the Knowledge Economy (2009-2015) project and the Jordan Education Reform Support Program include reforms of Jordan's vocational education system to reflect the occupational requirements of the country's economic sectors.³⁰³⁸ The Vocational Educational and Training project aims to improve labor market information systems.³⁰³⁹ Japan International Cooperation Agency supports the Government's establishment of a more efficient vocational training center model to better meet the demands of Jordan's labor market.³⁰⁴⁰

INJAZ, an NGO led by Queen Rania, operates 158 schools and 32 universities throughout Jordan.³⁰⁴¹ INJAZ implements an education curriculum based on the realities of the work world, provides career counseling and links to jobs, and works with

communities to enhance their support for youth employment.³⁰⁴²

The impact of these programs on child labor has not been assessed. There is no evidence of studies evaluating youth employment activities in Jordan.

The Government also implemented several child protection initiatives during the reporting period. Programs (2008-2012) include the Child Protection Program, which aligns policy and legal frameworks with international standards on child rights.³⁰⁴³ The Child Monitoring of Rights Program ensures that children's issues remain high on the national agenda and monitors the situation of children in Jordan.³⁰⁴⁴ Programs targeting Palestinian refugee children include the Adolescent Participation and Empowerment Program (2008-2010), which helped improve girls' accessibility to safe spaces through the establishment of 14 women's centers.³⁰⁴⁵ The question of whether these programs have had an impact on child labor does not appear to have been addressed.

The Government implements a project aimed at reducing school violence, which research suggests deters children from going to school. A national survey conducted by UNICEF in 2007 revealed high levels of emotional and physical abuse in schools.³⁰⁴⁶ The study found that 57 percent of school children were physically abused by school teachers and administrators. The Ma'an Campaign (2009-2012) aims to reduce violence towards students by promoting new disciplinary techniques.³⁰⁴⁷ Research found no evidence of the impact of school violence programs on the reduction of the worst forms of child labor.

Research discovered no programs targeting child trafficking victims in Jordan. There is also little evidence of programming aimed at protecting working children.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Jordan:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to increase the protection of children who work in family businesses and the agriculture sector.
- Amend the Penal Code to ensure that using, procuring or offering males younger than age 18 for prostitution is prohibited.
- Under the new anti-trafficking law, build the capacity of social workers, law enforcement, educators and other stakeholders on victim assistance, increasing punishment for traffickers and educating the public on human trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Release the NCLF to national and international stakeholders to enable coordination of its implementation.
- Develop and implement strategies to effectively increase reporting on trafficking offenses.
- Ensure that laws on compulsory education are enforced.

IN THE AREA OF POLICIES:

- Quickly adopt a government strategy that addresses the worst forms of child labor.
- Assess the impact that existing policies may have on addressing child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Develop a best practices study on the successes and challenges of youth employment programs and other programs targeted to children that have been implemented to date.
- Assess the impact that existing programs may have on addressing the worst forms of child labor.
- Conduct a study on the impact of violence towards children in schools on child labor.
- Conduct research on child trafficking trends in Jordan and design programs around the findings.
- Increase protection programs for working children in vulnerable sectors, such as domestic servitude and street work.

²⁹⁸⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁹⁸⁶ U.S. Embassy- Amman, *reporting, January 26, 2011*. See also CHF International, *Baseline Report Jordan: Combating Exploitive Child Labor through Education (CECLE)*, 2009.

²⁹⁸⁷ ILO and Department of Statistics of Jordan, *Working Children in the Hashemite Kingdom of Jordan: Results of the 2007 Child Labour Survey*, Geneva, March 2009, 4. See also CHF International, *Baseline Report Jordan: CECLE*. See also U.S. Embassy- Amman, *reporting, January 26, 2011*.

²⁹⁸⁸ U.S. Embassy- Amman, *reporting, January 26, 2011*.

²⁹⁸⁹ ILO and Department of Statistics of Jordan, *Working Children in the Hashemite Kingdom of Jordan*. See also J. Seeger, *Independent Midterm Evaluation of Combating Exploitive Child Labor Through Education in Jordan*, 2010.

²⁹⁹⁰ ILO and Department of Statistics of Jordan, *Working Children in the Hashemite Kingdom of Jordan*. See also CHF International, *Baseline Report Jordan: CECLE*.

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²⁹⁹² *Ibid.*

²⁹⁹³ Seeger, *Independent Midterm Evaluation*. See also CHF International, *Baseline Report Jordan: CECLE*.

²⁹⁹⁴ Seeger, *Independent Midterm Evaluation*.

²⁹⁹⁵ International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Jordan Report for the WTO General Council Review of the Trade Policies in Jordan*, 2008, 1. See also ILO and Department of Statistics of Jordan, *Working Children in the Hashemite Kingdom of Jordan*.

²⁹⁹⁶ U.S. Embassy- Amman, *reporting, January 26, 2011*.

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²⁹⁹⁹ CHF International, *Combating Exploitive Child Labor through Education (CECLE)*, Technical Progress Report, 2009.

³⁰⁰⁰ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 9. See also ILO NATLEX

National Labor Law Database, *Jordan Labour Code, Law No. 8 of 1996*, April 27, 2011, article 75; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45676/65048/E96JOR01.htm>.

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³⁰⁰² Ministry of Labor- Hashemite Kingdom of Jordan, *Labour Administration and Compliance in Jordan: A Multi-Stakeholder Collaboration*, First Progress Report, October 2009, 16.

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³⁰⁰⁴ Government of Jordan, *Penal Code*, (1960), article 310.

³⁰⁰⁵ *Ibid.*, article 319.

³⁰⁰⁶ Tamkeen for Legal and Human Rights, *Panel Discussion on Protect Migrant Workers from Trafficking in Human Beings: 14/12/2010*, [online] [cited April 12, 2011]; available from http://tamkeen-jo.org/news/news_005.htm.

³⁰⁰⁷ Right to Education, *Right to Education Project, Promoting Mobilization and Legal Accountability* [online] [cited May 15, 2011]; available from <http://www.right-to-education.org/country-node/446/country-minimum>.

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³⁰⁰⁹ CHF International, *Baseline Report Jordan: CECLE*, 30-31.

³⁰¹⁰ Seeger, *Independent Midterm Evaluation*, 15.

³⁰¹¹ U.S. Embassy- Amman, *reporting, February 11, 2010*.

³⁰¹² CHF International, *Combating Exploitive Child Labor through Education (CECLE)*, Technical Progress Report, September 2010. See also Seeger, *Independent Midterm Evaluation*, 28.

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³⁰¹⁴ 3CHF International, *Combating Exploitive Child Labor through Education (CECLE)*, Technical Progress Report, March 2011.

³⁰¹⁵ Waleed Tarawneh CHF International, Meeting notes USDOL official, March 21, 2011.

³⁰¹⁶ U.S. Embassy- Amman, *reporting, January 26, 2011*. See also H. Hazaimh, “Ministry Fines 35 Employers for Child

Labour Violations,” *The Jordan Times* (Amman), September 8, 2010; available from <http://www.jordantimes.com/index.php?news=29889>.

³⁰¹⁷ CHF International, Meeting notes, March 11, 2011.

³⁰¹⁸ CHF International, *CECLE, Technical Progress Report (2010)*.

³⁰¹⁹ Ibid.

³⁰²⁰ Hazaimah, “Ministry Fines 35 Employers for Child Labour Violations.” See also H. Hazaimah, “Labour Ministry to Launch Child Labour Crackdown,” *The Jordan Times* (Amman), August 15, 2010; available from <http://jordantimes.com/index.php?news=29185>.

³⁰²¹ U.S. Embassy- Amman, reporting, January 26, 2011. See also Hazaimah, “Ministry Fines 35 Employers for Child Labour Violations.”

³⁰²² CHF International, Meeting notes, March 11, 2011.

³⁰²³ International Office for Migration- Amman, “National Strategy to Combat Human Trafficking Launched,” *IOM Quarterly Newsletter* (May 16, 2010); available from <http://www.jordan.iom.int/Doc/May%20news%20letter%20IOM%20.pdf>.

³⁰²⁴ U.S. Department of State, “Jordan,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>. See also N. Fahmy, *Assessment of the Trafficking Situation and Anti-Human Trafficking Legislation in MENA*, conference presentation.

³⁰²⁵ Tamkeen for Legal and Human Rights, *Panel Discussion on Protect Migrant Workers from Trafficking in Human Beings: 14/12/2010*.

³⁰²⁶ Ibid.].

³⁰²⁷ Ibid.].

³⁰²⁸ CHF International, *CECLE, Technical Progress Report (2010)*.

³⁰²⁹ International Office for Migration- Amman, “National Strategy to Combat Human Trafficking Launched.” See also Tamkeen for Legal and Human Rights, *Panel Discussion on Protect Migrant Workers from Trafficking in Human Beings: 14/12/2010*.

³⁰³⁰ UNICEF, *The Jordanian National Action Plan for Children (2004-2013)*, January 6, 2010; available from www.unicef.org/jordan/resources_2025.html. See also UNICEF, *Technical and Policy Documents*, January 6, 2010; available from www.unicef.org/jordan/resources_458.html.

³⁰³¹ U.S. Embassy- Amman, reporting, February 11, 2010.

³⁰³² Seeger, *Independent Midterm Evaluation*, 1.

³⁰³³ Ibid.

³⁰³⁴ U.S. Department of Labor- International Affairs Bureau, *Moving Towards a Child Labor-Free Jordan*, Technical Cooperation Project Summary, Washington, DC, 2011.

³⁰³⁵ International Affairs Bureau U.S. Department of Labor, *Promising Futures: Reducing Child Labor in Jordan through Education and Sustainable Livelihoods*, Technical Cooperation Project Summary, Washington, DC, 2011.

³⁰³⁶ International Affairs Bureau U.S. Department of Labor, *Promising Futures: Reducing Child Labor in Jordan through Education and Sustainable Livelihoods*, Technical Cooperation Project Summary, Washington, DC, 2011.

³⁰³⁷ UNICEF, *MENA Adolescent Operational Strategy and Regional Programme- Towards Broader Alliances and Enhanced Interagency Collaboration*, November 2008.

³⁰³⁸ Aid Data, *Education Reform for the Knowledge Economy II*, 2011. See also Creative Associates International, *Jordan/ Education Reform Support Program (ERSP)*, March 22, 2011; available from www.creativeassociatesinternational.com.

³⁰³⁹ O. Obeidat, “Technical, Vocational Education Project to be Upgraded” *The Jordan Times* (Amman), March 14, 2011; available from <http://www.jordantimes.com/?news=35441>.

³⁰⁴⁰ Japan International Cooperation Agency, *Activities in Jordan*, [online] 2011 [cited March 22, 2011]; available from www.jica.go.jp/jordan/english/activities/activity02.html. See also M. Ghazai, “JICA Volunteers give Vocational Training a Boost,” *The Jordan Times* (Amman), March 16, 2011 available from <http://jordantimes.com/index.php?news=35510>.

³⁰⁴¹ INJAZ, *Courses Provided in School*, [online] [cited April 28, 2011]; available from <http://www.injaz.org.jo/SubDefault.aspx?PageID=153||Node=182&LangID=2>.

³⁰⁴² Ibid.].

³⁰⁴³ Ministry of Planning and International Cooperation, *United Nations Children’s Fund (UNICEF)*, [online] 2011 [cited April 27, 2011]; available from http://www.mop.gov.jo/pages.php?menu_id=298&local_type=0&local_id=0&local_details=0&local_details1=0.

³⁰⁴⁴ Ibid.].

³⁰⁴⁵ UNICEF, *Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory*, Draft Country Program Document, April 6, 2010.

³⁰⁴⁶ UNICEF, *Ma’An Campaign to Reduce Violence in Schools*, [online] 2011 [cited April 28, 2011]; available from http://www.unicef.org/jordan/protection_6079.html.

³⁰⁴⁷ Ibid.].

Kazakhstan

The Government of Kazakhstan continued to work with private companies and local and international NGOs to address child labor issues in tobacco farming during the reporting period. However, children continue to engage in arduous labor in tobacco and cotton. Gaps in the policy framework leave migrant agricultural workers particularly vulnerable to the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.2*
Attending School	5-14 yrs..	90.7
Combining Work and School	7-14 yrs.	3.6

* Population of working children: 79,690

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Kazakhstan are engaged in the worst forms of child labor, many of them in tobacco and cotton farming.³⁰⁴⁸ In cotton and tobacco fields, children work long hours in extreme heat and sun without proper protection; they do not have adequate access to water, nutrition, or sanitation; and they are exposed to harmful pesticides that can damage their health and growth.³⁰⁴⁹

In some regions, children constitute up to 50 to 60 percent of the total workforce in tobacco and cotton.³⁰⁵⁰ Children from neighboring countries Kyrgyzstan and Uzbekistan migrate along with their families to work in the fields of Kazakhstan.³⁰⁵¹ Some recent reports suggest a significant reduction in the incidence of child labor in tobacco and cotton during the 2010 harvests.³⁰⁵²

Children in urban areas do street work, including begging, unloading freight, portering and washing cars.³⁰⁵³ Children working on the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.

Reports indicate that Kazakh children are trafficked internally for forced labor and prostitution. Girls are also trafficked into Kazakhstan for forced prostitution.³⁰⁵⁴ UNICEF reports that child exploitation and child trafficking may be seasonal corresponding to agricultural work and that during the warmer months, more children are visible living and working on the streets and therefore may be more vulnerable to traffickers.³⁰⁵⁵

There are also limited reports of children involved in drug trafficking.³⁰⁵⁶

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment in Kazakhstan is 16.³⁰⁵⁷ The Labor Code identifies a list of working conditions prohibited for children under age 18. These include gambling, working overtime, working in night-time entertainment establishments and carrying weights above a maximum standard. Children under 18 are also barred from the production, transport and trade in alcoholic products, tobacco goods, narcotics and psychotropic substances.³⁰⁵⁸ An updated list of hazardous work, including agricultural work,

prohibited to those under 18 was adopted by the Order of the Minister of Labor No. 185-II in 2007.³⁰⁵⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Section 30 of the Constitution and the Education Act of 1999 call for compulsory and free education for children through secondary school.³⁰⁶⁰

The Labor Code prohibits forced labor, unless under a court mandate or in a state of emergency.³⁰⁶¹ In addition, the law prohibits trafficking in persons for forced labor and commercial sexual exploitation.³⁰⁶² Article 133 of the Criminal Code outlaws child trafficking.³⁰⁶³ Articles 122, 124 and 128 address child sexual exploitation.³⁰⁶⁴ The use of children in illicit activities is prohibited in article 132.³⁰⁶⁵

In November 2010, the Criminal Code was amended to strengthen penalties for using minors for prostitution, the production of pornography and pornographic entertainment.³⁰⁶⁶

Although education is free and compulsory through age 16, access to education is limited. In some cases, migrant children are denied school access because of a lack of proper registration or

are kept out of school by their parents who fear deportation.³⁰⁶⁷

Institutional Mechanisms for Coordination and Enforcement

The National Coordination Council to Combat the Worst Forms of Child Labor is responsible for coordinating efforts to address the worst forms of child labor. It also prepares proposals and recommendations on implementing state policy on eliminating child labor. The Council is overseen by the Ministry of Labor and Social Protection.³⁰⁶⁸ The Council met in May 2010 to review a manual on child labor monitoring and the procurator general's latest child labor report and to make preparations for the June awareness raising campaign.³⁰⁶⁹ The Coordination Council determined that more work was needed to develop child labor monitoring.³⁰⁷⁰

The Interagency Trafficking in Persons Working Group, which is chaired by the Ministry of Justice and includes other relevant ministries, has the primary responsibility of coordinating efforts to combat human trafficking.³⁰⁷¹ The group meets quarterly to report on each agency's anti-trafficking efforts.³⁰⁷²

The Ministry of Labor and Social Protection enforces child labor laws and its labor inspectors monitor compliance.³⁰⁷³ In 2010, inspectors conducted 13,808 child labor inspections in the cotton and tobacco industries as well as the construction and entertainment sectors.³⁰⁷⁴ No data is available on the number of violations found, children assisted or child labor cases prosecuted.³⁰⁷⁵ According to a Ministry of Labor and Social Protection official, funding is not adequate for labor inspectors' needs.³⁰⁷⁶

The Child Protection Department for Almaty Oblast works with police to conduct investigations of markets to identify child laborers working as loaders.³⁰⁷⁷ In 2010, the Department of Education of the South Kazakhstan Oblast monitored schools to ensure that children were not sent to work in the cotton harvest.³⁰⁷⁸

The Government maintains 211 telephone hotlines and 168 offices to collect complaints on child-related issues, including child labor.³⁰⁷⁹ No standard referral procedure exists for victims of child labor.³⁰⁸⁰

In 2010, the Interior Ministry trained 79 criminal and migration police on cases involving the worst forms of child labor, including sexual exploitation.³⁰⁸¹

The Anti-Trafficking Unit in the Criminal Police Committee's Organized Crime Department employs 35 officers responsible for investigating allegations of human trafficking, including trafficking of children.³⁰⁸² In 2010, the Government trained 79 police officers in recognition, investigation and prosecution of trafficking crimes.³⁰⁸³

In 2010, the police investigated 97 and prosecuted 48 human trafficking cases with 32 convictions.³⁰⁸⁴ The president also launched law-enforcement reform, which more clearly defined the roles of police, prosecutors and judges to address human trafficking and restructured police units with trafficking responsibilities.³⁰⁸⁵

Government Policies on the Worst Forms of Child Labor

The Ministries of Labor and Social Protection, Education, Interior, Justice and Culture and the prosecutor general's office are responsible for implementing the National Action Plan on the Worst Forms of Child Labor (2009–2011).³⁰⁸⁶ The plan calls for actions to develop a child labor monitoring system, raise awareness on child labor issues among government officials and the public, establish educational programs and strengthen and enforce child labor laws and policies. The plan includes educational programs to prevent migrant children from engaging in the worst forms of child labor.³⁰⁸⁷ The plan lacks concrete objectives and implementation has been slow. According to a Ministry of Labor and Social Protection official, some work has begun, but the majority of the action plan has not been carried out.³⁰⁸⁸

The Government has a national action plan specifically focused on combating human trafficking (2009–2011). The plan identifies actions to be taken, in particular, the establishment of crisis centers that provide shelter and rehabilitation services to victims.³⁰⁸⁹ It also calls for training police, prosecutors and judges on anti-trafficking cases; ratifying international agreements on human trafficking; and monitoring labor, tourist, model, and marriage agencies to limit their use by traffickers.³⁰⁹⁰ The Prime Minister's Interim Assessment, conducted in May 2010, found that implementation of the plan was weak.³⁰⁹¹

Kazakhstan's migrant policy outlines quotas for specific types of migrant laborers, including unskilled agricultural workers. The migrant policy officially allows for seasonal agricultural workers only from Kyrgyzstan, although Uzbekistan supplies many of the migrant cotton workers.³⁰⁹² Limited access to official migrant registration leaves children of such migrant workers unable to access education and vulnerable to the worst forms of child labor.

The National Action Plan on Human Rights (2009–2012) recommends improving systems for detecting and combating the worst forms of child labor and taking additional measures to fight human trafficking.³⁰⁹³

In 2010, the child protection department for Almaty Oblast produced a survey of family composition, education levels and working opportunities in the region.³⁰⁹⁴ The survey is intended to assist in the provision of social services, including enrolling migrant children into school.³⁰⁹⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participated in a program on the elimination of the worst forms of child labor (2005–2010) that combated child labor through anti-poverty initiatives, improved education access, rehabilitation of exploited children,

public awareness and strengthened enforcement of child labor laws.³⁰⁹⁶ The Combating Child Labor in Central Asia: Commitment Becomes Action project began in January 2008 and ended in December 2010. It was funded by Germany for \$1.4 million.³⁰⁹⁷ With the conclusion of this project, it is unclear whether the Government will continue to participate in comprehensive child labor programs.

The Ministry of Education's 2007–2011 Children of Kazakhstan program has established support centers to reduce child labor and eliminate the worst forms of child labor.³⁰⁹⁸

The Almaty Oblast Department of Education employs special commissions to assess the education level of children who have missed long periods of school—a problem that occurs frequently for child laborers. The department also works closely with the Child Protection Department, which provides poor students with uniforms and school supplies.³⁰⁹⁹ The question of whether these programs have an impact on child labor does not appear to have been addressed.

The Government has partnered with Philip Morris Kazakhstan (PMK) and NGOs to eliminate child labor in tobacco. The Department of Education works with PMK to eliminate barriers that have kept migrant children out of school.³¹⁰⁰ However, the Government's efforts with respect to child labor in the cotton-growing region of South Kazakhstan Oblast have been less extensive and primarily focused on punitive measures aimed at complicit school officials.³¹⁰¹

The Government funded a nationwide public awareness campaign against human trafficking.³¹⁰² It also offers rehabilitation and reintegration services to victims of trafficking, including women and children.³¹⁰³ In 2010, three shelters assisted 96 trafficking victims with legal, psychological and medical services.³¹⁰⁴ However, despite these efforts, IOM has indicated that the Government does not allocate enough resources for the protection and reintegration of victims of trafficking, especially the protection of victims following the conclusion of a trial.³¹⁰⁵

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kazakhstan:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Collect data on the number of child labor violations found during investigations as well as children assisted and child labor cases prosecuted.
- Supply adequate funding for child labor inspection.

IN THE AREA OF GOVERNMENT POLICY:

- Revise the National Action Plan on the Worst Forms of Child Labor to include concrete objectives.
- Increase efforts to implement the National Action Plan on the Worst Forms of Child Labor and the National Action Plan on Trafficking in Persons.
- Ensure educational access for all children, including those of registered and unregistered migrant workers.

IN THE AREA OF SOCIAL PROGRAMS:

- Reinstate a comprehensive child labor action program to replace the programs that ended in 2010.
- Expand programs to address the worst forms of child labor, especially in the cotton sector.
- Further develop or expand programs to protect and assist victims of trafficking.
- Assess the impact that existing education programs have on child labor.

³⁰⁴⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁰⁴⁹ U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁵⁰ ILO-IPEC, *Elimination of Child Labour in Kazakhstan 2005-2010*, Geneva, 2010; available from www.stopdettrud.kz/download/publicacy/engfactsheet.pdf.

³⁰⁵¹ U.S. Embassy- Astana, *reporting, February 18, 2010*, para 2. See also U.S. Department of State, "Kazakhstan," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

³⁰⁵² U.S. Embassy- Astana, *reporting, August 31, 2010*, para 8. See also U.S. Embassy- Astana, *reporting, January 28, 2011*. See also U.S. Department of State, "Kazakhstan," in *Trafficking in Persons Report- 2011*, Washington, DC, June 27, 2011; available from <http://www.state.gov/g/tip/rls/tiprpt/2011/142760.htm>.

³⁰⁵³ U.S. Department of State, "Country Reports- 2010: Kazakhstan," section 7d.

³⁰⁵⁴ U.S. Department of State, "Kazakhstan," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³⁰⁵⁵ UNICEF, *Risks and Realities of Child Trafficking and Exploitation in Central Asia*, Geneva, 2009, 31; available from www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf.

³⁰⁵⁶ ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

³⁰⁵⁷ Government of Kazakhstan, *Labor Code of the Republic of Kazakhstan*, Law No. 25321, (2007), article 30; available from www.oit.org/dyn/natlex/docs/MONOGRAPH/76433/82753/F982631364/Microsoft%20Word%20-%20ENG%20KAZ.76433.pdf.

³⁰⁵⁸ *Ibid.*, article 179.

³⁰⁵⁹ ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

³⁰⁶⁰ ILO Committee of Experts, *Individual Direct Request*

concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Kazakhstan (ratification: 2003) Submitted: 2007, February 16, 2011; available from www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20458&chapter=9&query=Kazakhstan%40ref&highlight=&querytype=bool&contenxt=0.

³⁰⁶¹ Government of Kazakhstan, *Labor Code*, article 8.

³⁰⁶² U.S. Department of State, "Trafficking in Persons Report- 2010: Kazakhstan."

³⁰⁶³ Government of Kazakhstan, *Criminal Code of the Republic of Kazakhstan*, Law No. 167, (1997), article 133; available from www.legislationline.org/download/action/download/id/1681/file/ca1cfb8a67f8a1c2ffe8de6554a3.htm/preview.

³⁰⁶⁴ *Ibid.*, articles 122, 124, 128.

³⁰⁶⁵ *Ibid.*, article 132.

³⁰⁶⁶ U.S. Embassy- Astana, *reporting, January 28, 2011*, para 2.1. See also U.S. Embassy- Astana, *reporting, February 15, 2011*, para 18.

³⁰⁶⁷ U.S. Department of State, "Country Reports- 2010: Kazakhstan," section 6. See also U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁶⁸ ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

³⁰⁶⁹ U.S. Embassy- Astana official, E-mail communication to USDOL official, March 16, 2011.

³⁰⁷⁰ *Ibid.*

³⁰⁷¹ U.S. Embassy- Astana, *reporting, February 18, 2010*, 6.

³⁰⁷² U.S. Embassy- Astana, *reporting, February 15, 2011*, para 14.

³⁰⁷³ U.S. Embassy- Astana, *reporting, January 28, 2011*, para 4.1.

³⁰⁷⁴ U.S. Embassy- Astana, *reporting, February 15, 2011*, para 10.

³⁰⁷⁵ U.S. Embassy- Astana, *reporting, January 28, 2011*, paras 4.5-10.

³⁰⁷⁶ *Ibid.*, para 4.4.

³⁰⁷⁷ U.S. Embassy- Astana, *reporting, September 1, 2010*.

³⁰⁷⁸ U.S. Department of State, "Trafficking in Persons Report- 2011: Kazakhstan."

³⁰⁷⁹ U.S. Embassy- Astana, *reporting, February 18, 2010*, 5.

³⁰⁸⁰ U.S. Embassy- Astana, *reporting, January 28, 2011*, para 5.2.

³⁰⁸¹ *Ibid.*, para 5.5.

³⁰⁸² U.S. Embassy- Astana, *reporting, February 18, 2010*, 6.

³⁰⁸³ U.S. Embassy- Astana, *reporting, February 15, 2011*, para 27.

³⁰⁸⁴ *Ibid.*, para 24.

³⁰⁸⁵ Ibid., para 11.

³⁰⁸⁶ U.S. Embassy- Astana, *reporting, February 18, 2010*, 7.

³⁰⁸⁷ U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁸⁸ U.S. Embassy- Astana official, E-mail communication, March 16, 2011.

³⁰⁸⁹ Ministry of Foreign Affairs of the Republic of Kazakhstan, *Statement by H.E. Mr. Kanat Saudabayev, Secretary of State - Minister of Foreign Affairs of the Republic of Kazakhstan, Chairman-in-Office of the Organization for Security and Cooperation in Europe at the 13th session of the United Nations Human Rights Council*, [previously online] [cited September 17, 2010]; available from <http://portal.mfa.kz/portal/page/portal/mfa/en/content/ministry/minister/speeches/2010/The%2013th%20session%20of%20the%20the%20United%20Nations%20Human%20Rights%20Council> [hard copy on file].

³⁰⁹⁰ U.S. Embassy- Astana, *reporting, February 15, 2011*, para 48.

³⁰⁹¹ Ibid.

³⁰⁹² U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁹³ Government of Kazakhstan, *National Human Rights Action Plan of the republic of Kazakhstan 2009-2012*, May 5, 2009, 75, 87; available from www.undp.kz/userfiles/plan_en.pdf.

³⁰⁹⁴ U.S. Embassy- Astana, *reporting, September 1, 2010*.

³⁰⁹⁵ U.S. Embassy- Astana official, E-mail communication to USDOL official, April 8, 2011.

³⁰⁹⁶ U.S. Embassy- Astana, *reporting, January 28, 2011*, para 7.1.

³⁰⁹⁷ ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010.

³⁰⁹⁸ U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁹⁹ U.S. Embassy- Astana, *reporting, September 1, 2010*.

³¹⁰⁰ U.S. Embassy- Astana, *reporting, August 31, 2010*.

³¹⁰¹ Ibid.

³¹⁰² U.S. Department of State, "Trafficking in Persons Report-2010: Kazakhstan."

³¹⁰³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kazakhstan*, June 2010, para 8.

³¹⁰⁴ U.S. Embassy- Astana, *reporting, February 15, 2011*, para 31.

³¹⁰⁵ IOM, *Kazakhstan does not allocate enough resources for physical protection of victims of human trafficking*, [previously online] November 6, 2008 [cited July 29, 2010]; available from http://iom.ramdisk.net/iom/artikel.php?menu_id=45&artikel_id=553&history_back=true [hard copy on file].

Kenya

In 2010, the Government enacted the new Kenyan Constitution and the Counter-Trafficking in Persons Act, both of which address issues relating to the worst forms of child labor. Despite these efforts, Kenya has failed to commit sufficient resources to effectively enforce child labor laws. Children continue to be involved in the worst forms of child labor, particularly in agriculture and fishing.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.5*
Attending School	5-14 yrs.	74.9
Combining Work and School	7-14 yrs.	5.2

* Population of working children: 2,943,310



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor²⁶²⁴

Children are engaged in the worst forms of child labor in Kenya,³¹⁰⁶ many of them in agriculture and fishing.³¹⁰⁷ Children engaged in agriculture, work on tea and sugar plantations, ranches, and in the production of coffee, *miraa* (a stimulant plant), rice, sisal, and tobacco. Children in the worst forms of child labor are also reportedly used in the production of flowers.³¹⁰⁸ Children involved in agriculture often work long hours, use dangerous tools and farm machinery, and are exposed to toxic substances and harmful pests.³¹⁰⁹ Children also engage in fishing, including for tilapia and sardines, which may expose children to risks such as drowning.³¹¹⁰

Children work as domestic servants. Child domestics work long hours and are vulnerable to sexual harassment by their employers.³¹¹¹ Children are also employed in charcoal burning, construction, logging, transportation and in the production of furniture and textiles.³¹¹² In dumpsites, children collect and sell scrap materials such as metal and glass, often exposing themselves

to tetanus and other infectious diseases by sorting through waste with their bare hands.³¹¹³

Children in Kenya are subject to debt bondage, prostitution, and sex-tourism.³¹¹⁴ Child prostitution is prevalent in Nairobi, Kisumu, Eldoret, Nyeri, and the coastal areas.³¹¹⁵ UNICEF estimates that between 10,000 and 15,000 girls are engaged in prostitution in the coastal areas alone.³¹¹⁶

Children are employed in mining. Evidence regarding what children mine specifically is limited.³¹¹⁷ Research indicates children mine for gemstones and mine in artisanal gold mines. There are also reports of children working in abandoned gold mines, where they may be exposed to toxic materials, increasing their chances of developing respiratory diseases.³¹¹⁸ Limited evidence also suggests that children work in small quarries by breaking rocks into gravel without protective gear.³¹¹⁹

Children are trafficked for forced labor in street vending, domestic service, agricultural labor, begging, herding, sex tourism and prostitution.³¹²⁰

Poverty and the death of one or both parents may contribute to a family’s decision to place a child with better off relatives, friends or acquaintances who may end up trafficking the child.³¹²¹






Access to education is a critical component in preventing the economic exploitation of children.³¹²² In Kenya, access to education is hindered by teacher shortages, overcrowding in schools, and children’s unregistered status.³¹²³ Currently, 44 percent of Kenyan children in rural areas remain unregistered, despite access to free birth registration.³¹²⁴ Unable to prove citizenship, unregistered children risk losing access to schooling.³¹²⁵ Additionally, children may face sexual abuse from their teachers and other students.³¹²⁶ Over the last two years some 1,150 teachers have been dismissed for sexually assaulting their students. Some of these instances led to the pregnancy of primary school age girls.³¹²⁷ To further the problem, some girls have been expelled from school due to pregnancy.³¹²⁸

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum age for employment at age 16 and the minimum age for hazardous work at age 18, and it prohibits the employment of children in the worst forms of child labor.³¹²⁹ However, the Industrial Trainings Act allows minors under age 15 to apprentice in an industrial undertaking without setting a minimum age, and the Employment Act is subject to the provisions in the Industrial Trainings Act.³¹³⁰ In 2008, the Government completed its list of hazardous occupations for children, prohibiting children’s work in all hazardous sectors such as agriculture, domestic service, transportation, mining and stone crushing, herding of animals, deep lake or sea fishing, work in warehouses and work in the urban informal sector. However, this list has not been adopted.³¹³¹

The Children’s Act of 2001 guarantees protection from exploitation, including trafficking, and prohibits all forms of hazardous child labor, prostitution and the recruitment of children into

the military.³¹³² However, child labor as defined by the Children’s Act only applies to labor in exchange for payment. As a result, unpaid child workers do not benefit from these protections.³¹³³ The Sexual Offences Act of 2006 prohibits child prostitution, child pornography, promotion of child sex tourism and child trafficking for the purposes of sexual exploitation.³¹³⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	13
	Free Public Education	Yes

The Children’s Act also provides for free and compulsory education through age 13.³¹³⁵ However, nonrelated school fees such as uniforms and books continue to deter enrollment.³¹³⁶ Additionally, children ages 14 to 15 are particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.³¹³⁷

The Government of Kenya passed two major pieces of legislation during the reporting period: the Constitution and the Counter Trafficking in Persons Act.³¹³⁸ The Kenyan Constitution, adopted in August 2010, prohibits forced labor, slavery and servitude.³¹³⁹ However, the Constitution does not provide penalties for these offenses and while the Penal Code provides penalties for slavery, penalties only apply to cases of

abduction.³¹⁴⁰ The Counter Trafficking in Persons Act, passed in October 2010, provides protections for trafficking victims.³¹⁴¹ The Act prohibits the recruitment, transport, transfer or harboring persons for the purpose of forced labor, including children, and lays out appropriate penalties for offenses.³¹⁴² Although both laws were passed during the reporting period, neither law has an implementation structure in place, thus hindering the enforcement of these laws.³¹⁴³

Institutional Mechanisms for Coordination and Enforcement

The National Council for Children Services (NCCS), created in 2010, is responsible for the coordination of policy for children's issues, including child labor, down to the district level.³¹⁴⁴ The NCCS is a semi-autonomous government agency led by a presidential appointee and consists of members from the police, NGOs, private sector representatives, faith-based organizations and representatives from various ministries.³¹⁴⁵ Under the NCCS is the National Steering Committee on Child Labor, chaired by the Ministry of Labor.³¹⁴⁶ The committee is a multisectoral policy body composed of government departments, private employers, workers organizations and civil society organizations. The National Steering Committee oversees the elimination of child labor.³¹⁴⁷ However, the National Steering Committee has met only twice in 4 years because the Ministry of Labor could not offer customary compensation to committee participants and it did not have adequate staff to develop an agenda or organize meetings.³¹⁴⁸

Other entities participate in child labor coordination, including the Ministry of Labor's Division of Child Labor and the District Child Labor Committees.³¹⁴⁹ The Division of Child Labor helps to coordinate efforts under the Employment Act of 2007 and leads efforts to monitor action programs for the elimination of child labor at the district and community level.³¹⁵⁰ It also manages an information resource center to improve the collection and dissemination of data on child labor throughout the country.³¹⁵¹ Reports indicate the

Division of Child Labor lacks ministerial support and does not have adequate staff, with only one employee on full time assignment.³¹⁵² District Child Labor Committees serve as a coordination point for information exchange between those involved in child labor efforts.³¹⁵³ Evidence suggests that since many District Child Labor Committees rely on volunteers, their success depends on whether they can obtain funding and whether members regularly participate.³¹⁵⁴

The Counter Trafficking in Persons Advisory Committee coordinates anti-trafficking efforts.³¹⁵⁵ The Committee, led by the Ministry of Gender, Children and Social Development, is comprised of civil society representatives, trade unions, the Kenya National Commission for Human Rights, the Federation of Kenyan Employers, the Police Commissioner, the Attorney General and the Ministries of Labor, Foreign Affairs and Immigration.³¹⁵⁶ The Committee serves to monitor and report on national anti-trafficking efforts, including policies and programs, monitoring and evaluation, social assistance, data collection and international cooperation.³¹⁵⁷

The Government of Kenya has designated institutions for enforcement of child labor laws. The Ministry of Labor, in coordination with the Ministry of Gender, Children and Social Development, enforces laws under the Employment Act.³¹⁵⁸ The Ministry of Labor inspects the formal labor sector. The Ministry of Gender, Children and Social Development conducts quarterly inspections and investigations in all areas related to child labor.³¹⁵⁹ During the reporting period, the Ministry of Labor employed 30 labor inspectors to cover 180 districts.³¹⁶⁰ The MOL lacks adequate personnel and the facilities, transportation and fuel to carry out its duties. Additionally, there appears to be inconsistent awareness and little training on child labor issues for labor inspectors.³¹⁶¹ Labor inspectors may terminate an employment agreement between a child and employer in any labor situation.³¹⁶² However, inspectors do not have the ability to issue fines or penalties when they encounter a workplace violation.³¹⁶³ Research found no

information regarding the number of inspections conducted and child labor cases found during the reporting period.

The Ministry of Gender, Children and Social Development, in coordination with the Kenyan Police, is responsible for enforcing laws related to the worst forms of child labor under the Penal Code and Child Act.³¹⁶⁴ They exchange information through the district child labor committees.³¹⁶⁵ The police's anti-trafficking unit and the criminal investigation department are responsible for enforcing laws related to trafficking, commercial sexual exploitation of children and the use of children in illicit activities.³¹⁶⁶ The number of officers employed by the anti-trafficking unit is unknown. No system is in place to identify trafficking victims.³¹⁶⁷

The Ministry of Gender, Children and Social Development employed 450 child protection officers in 2010, up from 400 in 2009. Child protection officers conduct investigations and quarterly inspections related to the worst forms of child labor in the criminal sector.³¹⁶⁸ During the reporting period, 500 additional volunteer officers were recruited to address child protection at the community level.³¹⁶⁹ Protection officers cannot arrest offenders or prosecute crimes against children; instead they have access to prosecutors from the Attorney General's office for these purposes.³¹⁷⁰ In 2010, the Kenyan Government created a national steering committee, chaired by the Ministry of Gender Permanent Secretary, to advance the investigation of cases initiated by calls to childline, a toll-free, nationwide hotline that provides counseling and referrals to callers who need assistance with child labor and child prostitution situations.³¹⁷¹ Some 350 child labor investigations were launched due to the hotline, although most cases were not prosecuted.³¹⁷²

In 2010, the Ministry of Gender, Children and Social Development found 2,920 violations of child labor, 3,400 cases of child trafficking and 5,000 cases of prostitution.³¹⁷³ All children were assisted or removed from the situation, and a perpetrator was identified in all cases.³¹⁷⁴ Of the

11,320 cases identified, the Ministry successfully prosecuted 2,920 child-related violations with penalties applied.³¹⁷⁵ The results of the remaining cases are unknown.

Government Policies on the Worst Forms of Child Labor

The National Action Plan for the Elimination of Child Labor in Kenya (2004-2015, revised 2008) serves as the primary government instrument to prevent and eliminate child labor in Kenya.³¹⁷⁶ This plan aims to eliminate the worst forms of child labor by 2015 by targeting vulnerable populations and by addressing the root causes of child labor in Kenya such as poverty, the lack of access to education and weak government institutions. This plan prioritizes law enforcement, awareness raising, and universal basic education.³¹⁷⁷ In 2010, the Child Labor Division was not provided with a budget to implement its many roles and responsibilities under this plan.³¹⁷⁸

Child labor concerns are mainstreamed into Kenyan development agendas and key policy documents including the Vision 2030, UNDAF (2009-2013), the Kenya Education Sector Support Program (2005-2010), and the Policy for Alternative Provision of Basic Education and Training (2009).³¹⁷⁹ Other policy initiatives that do not explicitly consider child labor issues include the Orphans and Vulnerable Children (OVC) Policy and National Action Plan (2003).³¹⁸⁰ The question of whether these last two policies have an impact on the worst forms of child labor does not appear to have been addressed.

In addition, other policy initiatives aimed at sustainably reducing child labor have not been formally adopted by the Government. Kenya's draft Child Labor Policy aims to prevent harmful child labor practices, especially the worst forms of child labor, by increasing human capital and addressing factors causing children to enter the labor market.³¹⁸¹ While the Child Labor Board passed this policy in 2010, the draft is still awaiting Cabinet and Parliamentary approval.³¹⁸² Kenya is

also in the process of drafting a national action plan and district action plans to combat child labor as well as a new national policy on orphans and vulnerable children.³¹⁸³

Social Programs to Eliminate or Prevent Child Labor

The Ministry of Gender, Children and Social Development promotes, coordinates, monitors and evaluates social development programs and provides care and protection for children.³¹⁸⁴ During the reporting period, the Government of Kenya implemented an awareness raising campaign for trafficking and the worst forms of child labor.³¹⁸⁵ It also maintained a hotline for trafficked children and introduced mobile schools to help with enrollment and overcrowding.³¹⁸⁶

The Government also implemented a program in coordination with the World Bank. The 4-year, \$50 million project provides cash transfers for OVCs. In 2009-2010, the Government provided \$10.6 million in monthly cash transfers to 90,000 households to help families of working children meet basic needs, including school costs, to prevent children from having to work.³¹⁸⁷

In support of efforts to reduce the high incidence of child prostitution in the coastal regions, the Ministry of Tourism and Wildlife, UNICEF and the World Tourism Organization worked to raise awareness of child prostitution and child sex tourism among hotels and tour operators and lobbied companies in the hospitality industry to adopt and implement the ECPAT Code of Conduct.³¹⁸⁸ Despite these initiatives, the Government's efforts to withdraw and prevent children from prostitution and sex tourism and to raise awareness among the tourist population on the penalties for these crimes has not been sufficient to address the magnitude of these problems.³¹⁸⁹

Kenya also participated in the ILO Decent Work Program for Kenya (2007-2011) which aims, among other things, to improve policies

on youth employment, to provide decent work opportunities for youth and to conduct research focusing on the link between youth employment, child labor, HIV and AIDS, globalization and poverty.³¹⁹⁰

Kenya participated in several other internationally funded projects to combat the worst forms of child labor. The Government participated in the second phase of the USDOL-funded, 4-year, \$4.6 million Timebound Program. The project aims to withdraw and prevent a total of 8,155 children from exploitative labor through the provision of direct educational service.³¹⁹¹ The project will also provide 1,000 families with access to micro-credit, socio-economic programs, employment creation schemes and skills development education.³¹⁹² The Government also participated in a 4-year, \$23.8 million project funded by the EU to combat child labor through education in 11 countries.³¹⁹³ Finally, Kenya participated in a 5-year, \$23 million regional youth entrepreneurship project, aiming to contribute to decent work opportunities for youth by providing funding through grants for youth entrepreneurship ideas.³¹⁹⁴

Kenya continued to collaborate with the East African Police Chiefs Cooperation Organization in order to strengthen its ability to combat human trafficking. This organization consists of 11 East African countries and works to strengthen regional cooperation and capacities among East African law enforcement authorities.³¹⁹⁵ The Government also participated in the Regional Program for Eastern Africa (2009-2012), which includes activities that support the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its Protocols and the development of border control systems.³¹⁹⁶

While the Government participates in numerous initiatives and implements its own programs, it has not linked child labor projects to existing social protection programs to ensure long-term sustainability.³¹⁹⁷

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kenya:

IN THE AREA OF LAW AND REGULATIONS:

- Raise the compulsory education age to 16.
- Harmonize the Employment Act and the Industrial Trainings Act to ensure the Industrial Trainings Act does not supersede protections laid out in the Employment Act.
- Amend the Penal Code to provide penalties for all forms of slavery, forced labor and servitude.
- Allow Ministry of Labor inspectors and Ministry of Gender, Children's Affairs and Social Development child protection officers to implement the appropriate penalties and fines and to make the criminal arrests necessary to enforce child labor laws.
- Ensure children's right to free education as stipulated in the Children's Act.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure the National Steering Committee on Child Labor, the Child Labor Division, and the District Child Labor Committees have resources such as staff to carry out their responsibilities.
- Strengthen the capacity of the Ministry of Labor, Kenyan police, the police's anti-trafficking unit and the Criminal Investigation Department to carry out their mandate by:
 - Allocating resources such as office facilities, transportation and adequate staffing to carry out investigations and provide services to victims.
 - Providing regular training on the worst forms of child labor.
 - Implementing a system to identify victims of trafficking.
- Make publicly available information about how many child labor investigations are opened, how many citations and criminal prosecutions initiated and issued and what penalties are applied.

IN THE AREA OF GOVERNMENT POLICY:

- Strengthen national policies against the worst forms of child labor by:
 - Assessing the impact that policies and plans may have on addressing the worst forms of child labor.
 - Enacting and implementing the National Child Labor Policy.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools.

IN THE AREA OF SOCIAL PROGRAMS:

- Link child labor projects with existing social protection programs to ensure the long-term sustainability of project initiatives.
- Expand efforts to withdraw and prevent children from prostitution and sex tourism and deepen awareness raising efforts among the tourist population.
- Address issues of access to education by recruiting and training new teachers, expanding school infrastructure and implementing birth registration campaigns.

³¹⁰⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³¹⁰⁷ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007. See also, Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey: Child Labour Analytical Report*, Nairobi, June 2008. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, Nairobi, July 2008.

³¹⁰⁸ Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, January 5, 2009, 30. See also, Lawrence Kinoti, "Children Hooked to Miraa", allAfrica.com, [previously online], September 15, 2007 [cited December 12, 2007]; available from [hard copy on file]. See also, ILO-IPEC, *Creating the enabling environment to establish models for child labour free areas in Kenya: Support to the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour with special focus on agriculture and older children.*, Project Document, September 22, 2009, 6-7. See also, Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 40, 42. See also, Africa News, "Africa: Stealing Childhood on Coffee and Tea Plantations," (September 26, 2006); available from <http://allafrica.com/stories/200609260050.html>. See also, U.S. Embassy- Nairobi, *Reporting*, June 16, 2008. See also, U.S. Department of State, "Kenya," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

³¹⁰⁹ Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 1, 40, 42. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 10.

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³¹¹⁴ U.S. Department of State, "Kenya," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/>. See also, Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 1. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A. See also, ECPAT and The Body Shop, *Their Protection is in our Hands*, 2009, 21. See also, The Solidarity Center, *The Degradation of Work- Trafficking in Persons from a Labor Perspective: The Kenyan Experience*, Washington, DC, October 2007, 9. See also, U.S. Department of State, "Country Reports- 2010: Kenya."

³¹¹⁵ Sam Owuor Ogola and Patricia Jane Ochieng, *Baseline Survey on Children in Commercial Sex in Kenya's Four Towns of Nairobi, Kisumu, Eldoret, and Nyeri*, ILO-IPEC, 2007, 2, 3, 32, 58, 59. See also, Sarah C. Jones, *The Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, UNICEF and the Government of Kenya, December 19, 2006, vi; available from http://www.unicef.de/fileadmin/content_media/presse/Kenia/report.pdf. See also, Africa News, "Kenya: Harsh Penalties Proposed to Stem Human Trafficking", allAfrica.com, [online], December 20, 2009 [cited December 30, 2009]; available from <http://allafrica.com/stories/printable/200912210086.html>. See also, Josh Ruxin, "Asia is not alone: Sex Tourism in Mombasa", *nytimes.com*, [online], January 13, 2009 [cited August 25, 2011]; available from <http://kristof.blogs.nytimes.com/2009/01/13/asia-is-not-alone-sex-tourism-in-mombasa/>.

³¹¹⁶ Jones, *The Extent and Effect of Sex Tourism and Sexual Exploitation*, vi. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A.

³¹¹⁷ Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 39, 41, 42. See also, U.S. Embassy- Nairobi official, E-mail communication to USDOL official, January 29, 2010, paragraph A. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5, 7.

³¹¹⁸ Kenya National Bureau of Statistics, *2005 Kenya Integrated Household Budget Survey*, 39, 41, 42. See also, U.S. Embassy- Nairobi official, email communication, January 29, 2010, paragraph A. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A. See also, Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, 5, 7.

³¹¹⁹ U.S. Embassy- Nairobi, *Reporting, June 16, 2008*, paragraph 15. See also, U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, paragraph A. See also, U.S. Department of State, “Country Reports- 2009: Kenya.” See also, Nairobi Official U.S Embassy, email communication USDOL Official, August 15, 2011.

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- ³¹⁵⁵ Government of Kenya, *The Counter Trafficking in Persons Act*, article 19.
- ³¹⁵⁶ *Ibid.*, article 19.
- ³¹⁵⁷ *Ibid.*, article 20.
- ³¹⁵⁸ International Development Law Organization, *Kenya Country Report*, 42.
- ³¹⁵⁹ U.S. Embassy- Nairobi official, email communication, March 16, 2011.
- ³¹⁶⁰ U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 8.
- ³¹⁶¹ U.S. Department of State, "Country Reports- 2009: Kenya," section 7d. See also, World Vision, *KURET Executive Summary: Kenya Child Labor Policy Review*, February 2007. See also, ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 18. See also, U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 8. See also, ILO Committee of Experts, *Individual Observation concerning Labour Inspection (Agriculture) Convention, 1969 (No. 129) Kenya (ratification: 1979) Published: 2009*, March 15, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.
- ³¹⁶² Government of Kenya, *The Employment Act, 2007*, article 55.
- ³¹⁶³ ILO, *Kenya: Labour Administration and Inspection Programme (LAB/ADMIN)*, February 7, 2011; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_151305/index.htm.
- ³¹⁶⁴ U.S. Department of State, "Kenya," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also, U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 6. See also, U.S. Embassy-Nairobi official, email communication, March 16, 2011.
- ³¹⁶⁵ U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, C.2.
- ³¹⁶⁶ *Ibid.*, paragraph D.
- ³¹⁶⁷ U.S. Embassy- Nairobi, *Reporting, March 29, 2011*, 15D.
- ³¹⁶⁸ U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 8.
- ³¹⁶⁹ *Ibid.*, 8. See also, U.S. Embassy- Nairobi official, email communication, March 16, 2011.
- ³¹⁷⁰ U.S. Embassy - Nairobi official, E-mail communication to USDOL official, March 24, 2011.
- ³¹⁷¹ U.S. Embassy- Nairobi, *Reporting, January 25, 2010*, section 3, paragraph C. See also, U.S. Embassy- Nairobi, *Reporting, June 10, 2008*, paragraphs 1, 2, 4, 7, 8. See also, U.S. Embassy - Nairobi official, email communication, September 01, 2010.
- ³¹⁷² U.S. Embassy - Nairobi official, email communication, September 01, 2010. See also, U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, page 6.
- ³¹⁷³ U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 8.
- ³¹⁷⁴ *Ibid.*, 8.
- ³¹⁷⁵ *Ibid.*, 8.
- ³¹⁷⁶ Ministry of Labour, *Draft National Child Labour Policy: Towards a Child Labour Free Society*, April 2009, 18. See also, Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 4, 10, 11.
- ³¹⁷⁷ Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 20, 21. See also, Government of Kenya, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, January 5, 2009, 4, 12-15, 34. See also, ILO Committee of Experts, *Individual Direct Request C182: Kenya (2009)*. See also, ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Final Technical Progress Report, Geneva, April 15, 2009, 5, 8.
- ³¹⁷⁸ Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, vi, vii, 7. See also, Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*, 36-37, 41-43. See also, ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 17.
- ³¹⁷⁹ ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 10, 13, 14, 16. See also, Ministry of Labour and Human Resource Development, *National Action Plan for the Elimination of Child Labour in Kenya 2004-2015 (Revised 2008)*. See also, Ministry of Education, Science, and Technology, *Kenya Education Sector Support Programme 2005-2010*, Program Document, July 2005. See also, Ministry of Education, *Policy for Alternative Provision of Basic Education and Training*, May 2009. See also, Joyce Mulama, "Education-Africa: Spare the Plough, and School the Child", Inter Press Service News Agency (IPS), [online], April 10, 2007 [cited February 23, 2009]; available from <http://www.ipsnews.net/print.asp?idnews=32835>. See also, Kenya National Bureau of Statistics, *2005 Kenya Integrated*

Household Budget Survey. See also, Ministry of Labour and Human Resources Development, *Revised Draft: Medium Term Plan 2008-2012 for Labour and Employment Sector*, March 2009.

³¹⁸⁰ United Nations, *Replies by the Government of Kenya to the list of issues (E/C.12/KEN/Q/1) to be taken up in connection with the consideration of initial report of Kenya (E/C.12/KEN/1)*, E/C.12/KEN/Q/1/add.1, Geneva, October 21, 2008; available from <http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.KEN.Q1.Add1.doc>. See also, World Vision, *KURET Executive Summary*.

³¹⁸¹ Ministry of Labour, *Draft National Child Labour Policy*, ii, 9-13. See also, U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 9.

³¹⁸² U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 9.

³¹⁸³ *Ibid.*, 9.

³¹⁸⁴ *Ibid.*, 5.

³¹⁸⁵ *Ibid.*, 5. See also, U.S. Embassy - Nairobi, *Reporting, March 29, 2011*, 16A.

³¹⁸⁶ U.S. Embassy - Nairobi, *Reporting, February 3, 2011*, 5, 10. See also, IOM, *Diverse Human Trafficking Trends in East African Region Highlights Urgent Need for Greater Protection*, [2010 [cited March 11, 2011]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/en?entryId=28484>

³¹⁸⁷ Mulama, "Spare the Plough and School the Child". See also, U.S. Embassy - Nairobi, *Reporting, January 25, 2010*, paragraph E. See also, ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*, 16. See also, World Bank, *Kenyan Cash Transfer for Orphans and Vulnerable Children*, 2009; available from <http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P111545>. See also, U.S. Embassy - Nairobi, *Reporting, January 25, 2010*, paragraph E. See also, U.S. Embassy - Nairobi official, email communication, September 01, 2010.

³¹⁸⁸ U.S. Embassy - Nairobi, *Reporting, January 25, 2010*, paragraph F. See also, U.S. Embassy - Nairobi, *Reporting, March 29, 2011*, 16G.

³¹⁸⁹ ILO-IPEC, *Project Document: Creating the enabling environment to establish models for child labour free areas in Kenya: September 2009*.

³¹⁹⁰ ILO-IPEC, *Decent Work Country Programme: Kenya (2007-2011)*, Geneva, August 2007, 12-13; available from <http://www.oit.org/public/english/bureau/program/dwcp/download/kenya.pdf>.

³¹⁹¹ U.S. Department of Labor, *Creating the enabling environment to establish models for child labor free areas in Kenya: Support to the implementation of the national action plan for the elimination of the worst forms of child labor with special focus on agriculture and older children*, Technical Cooperation Project Summary, 2009.

³¹⁹² *Ibid.*

³¹⁹³ U.S. Embassy - Nairobi official, email communication, September 01, 2010. See also, ILO, *Combating Child Labour Through Corporate Social Responsibility in Kenya: Tackling Child Labour Through Education*, 2010; available from http://www.ilo.org/public/english/region/afpro/daressalaam/download/tackal_kenya.pdf.

³¹⁹⁴ KCDF, *Youth Empowerment Programme (in Partnership with ILO/YEN)*, [online] [cited March 25, 2011]; available from <http://youth.kcdf.or.ke/page/youth-empowerment-programme-in-partnership-with-ilo/en/>.

³¹⁹⁵ Interpol, *Police Co-operation in East Africa Focus on Regional Police Chiefs Meeting in Sudan*, Press Release, October 20, 2010; available from <http://www.interpol.int/Public/ICPO/PressReleases/PR2010/PR087.asp>.

³¹⁹⁶ UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Programme 2009-12*, December 2009; available from http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf.

³¹⁹⁷ Dr. Laurie Zivetz and Rutere Salome Kagendo, *IPEC Evaluation: Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, 9. See also, U.S. Embassy - Nairobi, *Reporting, January 25, 2010*, f.

Kiribati

The Government of Kiribati has established legal protections for hazardous work. However, children continue to sell goods on the street and girls are trafficked for prostitution. There do not appear to be any active efforts to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

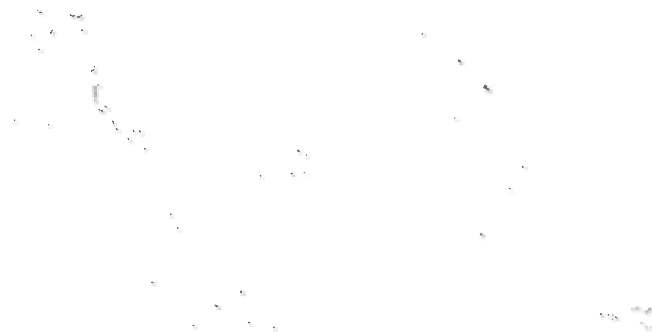
Prevalence and Sectoral Distribution of the Worst Forms of Child Labor³¹⁹⁸


Children in Kiribati are engaged in the worst forms of child labor, in particular, selling goods on the street.³¹⁹⁹ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements. Girls are also trafficked internally for prostitution, and child pornography may be produced as a result.³²⁰⁰ Crew members of fishing vessels are reported to be common clients.³²⁰¹

Laws and Regulations on the Worst Forms of Child Labor

The Employment Ordinance sets the minimum age for employment at 14, and the Employment (Amendment) Act 2008 sets the minimum age for hazardous work at 18.³²⁰² The Penal Code prohibits forced labor and trafficking in persons.³²⁰³ The Penal Code also prohibits the procurement of any girl under age 18, or any male, regardless of age, for prostitution.³²⁰⁴ However, the Penal Code lacks prohibitions on child pornography.³²⁰⁵ Kiribati has no regular military force.³²⁰⁶

The Education Ordinance makes schooling free and compulsory until age 14.³²⁰⁷



	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Kiribati National Advisory Committee on Children (KNACC), which is made up of representatives from government agencies and NGOs, is responsible for coordinating efforts to combat the worst forms of child labor.³²⁰⁸

The Ministry of Labor and Human Resources Development and the Kiribati Police Force are responsible for enforcing child labor laws.³²⁰⁹ No child labor inspections or trainings were conducted during the reporting period.³²¹⁰ Additionally, the Government has not taken any action to arrest, prosecute or convict violators during the reporting period, nor has it set aside any of the national budget for addressing child labor issues.³²¹¹

Government Policies on the Worst Forms of Child Labor

The KNACC has drafted a National Children's Plan that awaits Cabinet approval.³²¹²

The Kiribati Country Program Action Plan, developed with UNICEF Pacific, provides the basis for the Child Protection Program (2008-2012). One goal of the Child Protection Program

is to reduce all forms of child exploitation in the Pacific Islands.³²¹³

The question of whether these policies have an impact on trafficking in persons, commercial sexual exploitation and street vending does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The government provided staff and office space to support ILO's efforts to raise awareness of the worst forms of child labor and ILO Conventions 138 and 182.³²¹⁴ No programs appear to exist to address trafficking, commercial sexual exploitation or street vending. In addition, research has not found any evidence that the Government has conducted an in-depth study on any worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kiribati:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to prohibit child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase efforts and budget allocations to investigate and combat child labor.

IN THE AREA OF POLICY:

- Approve the KNACC-drafted National Children's Plan.
- Assess the impact that existing policies may have on addressing trafficking, commercial sexual exploitation and street vending.
- Consider a comprehensive study of children's activities to determine the extent to which children are engaged in or at risk of the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs to address trafficking, commercial sexual exploitation and street vending.

³¹⁹⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³¹⁹⁹ U.S. Embassy- Suva, *reporting, February 8, 2011*, section 1-1. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Kiribati*, CRC/C/KIR/CO/1, Geneva, September 29, 2006, paras 58-60; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/54c00eda0882cbf0c125722d002c60c9/\\$FILE/G0645200.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/54c00eda0882cbf0c125722d002c60c9/$FILE/G0645200.pdf).

³²⁰⁰ U.S. Embassy- Suva, *reporting, February 8, 2011*, section 1-1. See also U.S. Embassy- Suva official, E-mail communication to USDOL official, November 9, 2010.

³²⁰¹ U.S. Department of State, “Kiribati,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>. See also U.S. Department of State, “Kiribati,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eap/154387.htm>.

³²⁰² Government of the Republic of Kiribati, *Employment Ordinance*, (April 22, 1966), article 84; available from http://www.pacii.org/ki/legis/consol_act/ea149/. See also Government of the Republic of Kiribati, *Employment (Amendment) Act 2008*, (May 15, 2008), section 8; available from <http://www.parliament.gov.ki/act/2008/Employment%20%28Amendment%29%20Act%202008.pdf>.

³²⁰³ Government of the Republic of Kiribati, *Penal Code*, (October 18, 1965), article 249; available from http://www.pacii.org/ki/legis/consol_act/pc66/. See also Government of the Republic of Kiribati, *Employment Ordinance*, article 75. See also U.S. Department of State, “Country Reports- 2010: Kiribati,” section 6.

³²⁰⁴ Government of the Republic of Kiribati, *Penal Code*, articles 136 and 155.

³²⁰⁵ U.S. Department of State, “Country Reports- 2010: Kiribati,” section 6.

³²⁰⁶ CIA, *The World Factbook: Kiribati*, [online] March 8, 2011 [cited March 14, 2011]; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/kr.html>.

³²⁰⁷ U.S. Embassy- Suva official, E-mail communication to USDOL official, March 22, 2010. See also Government of the Republic of Kiribati, *A Situation Analysis of Children, Women, and Youth*, 2005, 34; available from http://www.unicef.org/pacificislands/Kiribati_Sitan.pdf.

³²⁰⁸ U.S. Embassy- Suva, *reporting, February 8, 2011*, section 4-2. See also UNICEF Pacific, *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Kiribati*, Suva, October 2009, 2; available from http://www.unicef.org/pacificislands/UNICEF_KIRIBATI_REPORT_Feb.pdf.

³²⁰⁹ U.S. Embassy- Suva, *reporting, February 8, 2011*, section 5-1.

³²¹⁰ *ibid.*, sections 4-6, 5-5.

³²¹¹ *Ibid.*, sections 4-4, 5-2, 5-4, 5-6, 5-9.

³²¹² UNICEF Pacific, *Protect me with love and care: A Baseline Report for creating a future free from violence, abuse and exploitation of girls and boys in Kiribati*, 2.

³²¹³ *Ibid.*, 1, 5. See also U.S. Embassy- Suva official, E-mail communication to USDOL official, May 2, 2011.

³²¹⁴ U.S. Embassy- Suva, *reporting, February 8, 2011*, sections 7-6.

Kosovo

The Government continues to work with the ILO to bring its laws in line with ILO Conventions 138 and 182. However, concerns have been expressed about the Government's capacity to identify and prosecute traffickers. Children continue to face unsafe work conditions in street work, and children are also engaged in worst forms of child labor in the agriculture sector.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Kosovo are engaged in the worst forms of child labor,³²¹⁶ in street work in urban areas and in the agriculture sector in rural areas.³²¹⁷ Many of the street children come from the Roma, Ashkalia, and Egyptian communities. Children working on the streets are engaged in begging, selling goods or newspapers, and scavenging at dumpsites. They may face unsafe work conditions such as lifting heavy loads,³²¹⁸ severe weather, accidents caused by proximity to vehicles, injuries by sharp tools and scrap metal, exposure to toxic fumes, and vulnerability to criminals.³²¹⁹






Children working in agriculture may be exposed to severe work conditions that include long hours in extreme heat; inadequate access to water, nutrition, or sanitation; and exposure to harmful pesticides.³²²⁰

Kosovo is a source, transit, and destination country for children trafficked for forced prostitution and forced begging. Children are trafficked within Kosovo for the same purposes.

Children in Roma communities are particularly vulnerable to trafficking for forced labor, including begging at hotels and restaurants and working in the streets washing car windows.³²²¹

Laws and Regulations on the Worst Forms of Child Labor

Kosovo declared independence in 2008, and accepted internationally-sponsored mechanisms, including the International Civilian Office and the EU Rule of Law Mission, to support the new government. The *Labor Act* sets the minimum age for employment at 15 and prohibits children below age 18 from engaging in work that may be physically harmful,³²²² such as hard manual labor, activities that take place underground or underwater, and nighttime and overtime work.³²²³ The Government is working with the ILO to bring its laws in line with ILO Conventions 138 and 182. However, because Kosovo is not yet a member country in the UN it is not eligible to ratify any of the conventions. The Government is currently partnering with the ILO to develop a more comprehensive list of hazardous work for children.³²²⁴ The *Labor Act* also prohibits forced labor.³²²⁵

	C138, Minimum Age	NA ³²¹⁵
	C182, Worst Forms of Child Labor	NA
	CRC	✓
	CRC Optional Protocol on Armed Conflict	NA
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	NA
	Palermo Protocol on Trafficking in Persons	NA
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Criminal Code was adopted in 2010.³²²⁶ It strictly prohibits all forms of trafficking in persons;³²²⁷ any form of facilitation of prostitution including recruiting, transporting, organizing, or providing space for such activities;³²²⁸ and any form of procurement of sexual services or pornographic materials.³²²⁹

The compulsory age for voluntary recruitment to the military is set at age 18.

The Constitution of the Republic of Kosovo, guarantees a right to education for all.³²³⁰ Education is free and compulsory for children between ages of 6 and 15.³²³¹

Institutional Mechanisms for Coordination and Enforcement

A Child Labor Unit has been established within the Ministry of Labor and Social Welfare (MLSW) to coordinate all activities related to child labor in the Ministry, as well as across other government entities.³²³²

Although MLSW takes the lead on government efforts to combat worst forms of child labor, coordination of trafficking issues is the responsibility of the Ministry of Internal Affairs (MoIA).³²³³ The National Anti-Trafficking Coordinator and Secretariat, housed in the MoIA, coordinate the work of counter-trafficking entities, including the relevant ministries, NGOs, and international organizations.³²³⁴

MLSW is responsible for enforcing laws related to the worst forms of child labor.³²³⁵ The Labor Inspectorate works with the police, municipal governments, and other relevant authorities to monitor compliance with labor laws. Reports indicate that the inspectorate suffers from a shortage of resources in terms of funding and institutional capability.³²³⁶ There are about 50 labor inspectors but none work specifically on child labor. However, the inspectors do receive one week of training on child labor issues.³²³⁷ There is no data available about the enforcement activities undertaken by labor inspectors as they relate to the worst forms of child labor.³²³⁸ According to the Inspectorate's 2009 Annual Report, it had completed more than 8000 inspections of employers.³²³⁹ However, there are more than 99,000 registered businesses in Kosovo.

Under regulations issued by the Ministry of Education, Science, and Technology, it is the responsibility of the local municipal education offices and school directors to identify children who should be in school, but are not. The officials are required to refer such children to services that ensure their enrollment and attendance.³²⁴⁰

The National Anti-Trafficking Secretariat oversees inter-agency coordination for combating trafficking in human beings, and the National Anti-Trafficking Coordinator is a Deputy Minister of Internal Affairs.³²⁴¹ The Police have an Anti-Trafficking in Human Beings Directorate, with 57 staff positions.³²⁴²

In 2010, the Government identified and assisted 39 trafficking victims, prosecuted 81 trafficking offenders, and secured 11 convictions of sex

trafficking offenders.³²⁴³ The Kosovo government provided a comprehensive range of services for trafficking victims, but still faces challenges in victim identification.³²⁴⁴

The Organization for Security and Co-operation in Europe (OSCE) has expressed concern that the capacity of the Government to investigate and prosecute traffickers is not sufficient.³²⁴⁵ The Police, OSCE, and the Ministries of Labor and Social Welfare, Internal Affairs, and Justice conducted 11 training sessions on trafficking in May 2010. The objective was to increase the capacity of 330 border police and 33 customs officers to effectively identify foreign and local victims of trafficking and refer them to appropriate agencies for social welfare services.³²⁴⁶

Government Policies on the Worst Forms of Child Labor

The Kosovo Action Plan (KAP) to Prevent and Eliminate the WFCL for 2010-2012 aims to increase the knowledge base of NGOs on ILO core conventions, including those on child labor. The KAP also aims to build capacity in design and implementation of programs.³²⁴⁷

The Strategy and Action Plan for Human Rights of the Republic of Kosovo (2009-2011) was drafted by the Office of the Prime Minister and approved by the Government in December 2008.³²⁴⁸

The 2009-2013 Strategy and Action Plan on the Rights of Children was approved by the Government of the Republic of Kosovo on June 9, 2009.³²⁴⁹ The elimination of the worst forms of child labor is explicitly referenced in the plan's discussion of the rights of the child. The action plan includes key objectives aimed at addressing child labor issues but does not discuss street children or forced begging. The Office of the Prime Minister formed an Inter-Ministerial Committee on the Rights of the Child to carry out the objectives of the plan and coordinate policies, processes, and institutions that aim to ensure the rights of the child.³²⁵⁰

In 2009 the Government and international partners such as OSCE and the United Nations Development Programme (UNDP) developed the National Action Plan to Combat Trafficking in Human Beings (2008-2011) for Kosovo as part of regional efforts to address trafficking issues.³²⁵¹ The plan focuses on prevention, protection, prosecution, policy, and coordination of trafficking issues.³²⁵²

In its Action plan for 2010-2012, the Ministry of Labor and Social Welfare proposed to improve on labor market reforms, develop sectoral strategies to address poverty and increase welfare of families in need and improve education and skills development through vocational training.³²⁵³

Education in Kosovo is free to all under the law. However, students from very poor minority ethnic communities such as the RAE (Roma Ashkalia and Egyptian communities) have a much higher dropout rates than the national average.³²⁵⁴ These communities lack access to education in Kosovo due to lack of financial investment in schools that serve the RAE communities and lack of adequately trained teachers.

The problem is further complicated by the ethnic divisions of the populations and the different educational systems that operate in Kosovo.³²⁵⁵ The majority areas are served by their own language curriculum which creates problems of access to education for minority community students living in majority community areas.³²⁵⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010 the European Union (EU) through the International Organization for Migration (IOM) has funded a large program to support livelihoods, income generation, and community development projects to the marginalized groups such as the Roma, Ashkalia and Egyptian communities.³²⁵⁷

The EU is also investing funds to address the problems of lack of access to educational

opportunities among the poorest communities, by building schools, improving teacher education, training teachers and by working to provide a standardized curriculum for all.³²⁵⁸

USAID's Strategic Plan for Kosovo (2010-2014) includes a targeted focus on youth, basic

education, and development of employment opportunities as well as private sector growth initiatives.³²⁵⁹ Because these programs started relatively recently, there is no research evidence on these programs and thus it cannot be determined if any of these programs have a direct impact on combating worst forms of child labor in Kosovo.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kosovo:

IN THE AREAS OF LAWS AND REGULATIONS:

- Complete work with ILO on a comprehensive list of hazardous work for children and amend the Labor Act to include that list.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve capacity of authorities to investigate and prosecute trafficking crimes.
- Take steps to increase capacity and resources allocated to MLSW to address child labor enforcement issues.
- Publish information on labor inspections and other enforcement efforts to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Revise action plans to contain explicit objectives for assisting street children, particularly those forced to beg.
- Provide better access to education for marginalized groups.

IN THE AREA OF PROGRAMS:

- Conduct research to determine if the donor funded and government funded programs have had an impact on combating the worst forms of child labor in Kosovo.

³²¹⁵ Kosovo is not a member of the UN and therefore not eligible to ratify any of the conventions listed in the table.

³²¹⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

³²¹⁷ UNICEF, *Child Labour in Kosovo A Study on Working Children*, 2004; available from http://www.unicef.org/kosovo/kosovo_media_pub_prot.008.04.pdf, *ibid*.

³²¹⁸ *Ibid*.

³²¹⁹ *Ibid*.

³²²⁰ *bid*.

³²²¹ U.S. Department of State, "Kosovo (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/docid/4c1883e5b.html>.

³²²² Republic of Kosovo, *Labour Law* prepared by Republic of Kosovo, 2001; available from <http://www.gazetazyrtare.com/>.

³²²³ *Ibid*.

³²²⁴ International Labor Organization, *UN Kosovo Team*, [2010 [cited May 6, 2011]; available from <http://www.untk.org/?cid=2,47>. See also ILO-IPEC, *Protect CEE*, ILO, Geneva, 2005; available from www.ilo.org/ipecinfor/product/download.do?type=document&id=1901.

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- ³²³⁰ Republic of Kosovo, *Constitution of the Republic of Kosovo*, 2008; available from <http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>.
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- ³²³⁶ GAP Institute for Advanced Studies, *Regulating Employment in Kosovo, Labor Law and its Implementation, June 2010* 2010; available from <http://www.fes-prishtina.org/wb/media/pdf/Labouranalysis.pdf>.
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- ³²³⁸ GAP Institute for Advanced Studies, *Regulating Employment in Kosovo, Labor Law and its Implementation, June 2010*
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- ³²⁴⁰ Government of the Republic of Kosovo, *Law on Inspection of Education in Kosovo*, (2004); available from http://www.masht-gov.net/advCms/documents/Ligji_mbi_inspeksionin_e_arsimit_ne_kosove.pdf. See also ILO-IPEC, *Protect CEE*. See also UN Interim Administration Mission in Kosovo, *On the Promulgation of the Law Adopted by the Assembly of Kosovo on Primary and Secondary Education*, 2002; available from http://www.unmikonline.org/regulations/2002/RE2002_19.pdf.
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- ³²⁴⁸ Government of the Republic of Kosovo, *Strategy and Action Plan on Human Rights of the Republic of Kosovo 2009-2011*, Office of the Prime Minister, 2008; available from http://humanrights-ks.org/repository/docs/Strategjia_2009_2011_Eng%20.pdf.
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- ³²⁵⁶ UNESCO, *Parallel Worlds, Rebuilding the educational Ssystem in Kosovo*, 2004; available from <http://www.unesco.org/iiep/PDF/pubs/kosovo.pdf>.
- ³²⁵⁷ International Organization for Migration, “IOM in Central and South Eastern Europe.”
- ³²⁵⁸ European Union Commission, *EU Assistance to Kosovo, Education for the Future*, 2010; available from <http://euicc-ks.com/uploads/files/4%20Education%20for%20the%20Future.pdf>.
- ³²⁵⁹ USAID Kosovo, *USAID/Kosovo Strategic Plan 2010-2014* 2010; available from http://pdf.usaid.gov/pdf_docs/PDACQ298.pdf.

Kyrgyz Republic

In 2010, the Kyrgyz Republic approved a new Constitution that included provisions prohibiting child labor. However, children continue to engage in dangerous labor in agriculture, and little information is available to assess whether the legal framework is successfully enforced.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5
Attending School	5-14 yrs.	84.0
Combining Work and School	7-14 yrs.	4.8

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Kyrgyz Republic are engaged in the worst forms of child labor, many in agriculture.³²⁶⁰ Children work in tobacco, cotton and rice cultivation.³²⁶¹ Children's work in agriculture commonly involves harmful activities, such as using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Some schools cancel classes in the fall to send children to pick cotton, and others require children to harvest tobacco on school grounds.³²⁶²

Children reportedly work in other sectors, including coal mining, cattle raising, brick making and construction. Some children are exposed to high levels of radiation while digging silicon from landfills to sell for use in electronics.³²⁶³ Children are also used in "shuttle commerce"—the transport, loading and unloading of goods in markets. Children in this sector push heavy carts and carry bundles that exceed their safe physical capacity.³²⁶⁴



Children are also reportedly trafficked internally for forced labor, commercial sexual exploitation and the sale and distribution of illegal drugs.³²⁶⁵

Laws and Regulations on the Worst Forms of Child Labor

The 2006 Children's Code forbids the worst forms of child labor, identifies the minimum age for employment, identifies the types of work children may not perform and indicates the rights of children to vocational education and employment as appropriate to their age and health.³²⁶⁶ The minimum age for work is 16, but children may work at age 14 with the permission of a parent or guardian. The minimum age for hazardous work is 18.³²⁶⁷

Education is free and compulsory for nine years, roughly equivalent to age 14 depending on the age at which children start school. According to the Government, students usually finish compulsory education at age 15 or 16.³²⁶⁸ According to law, all textbooks should be free, but the government is unable to provide books for all students.³²⁶⁹ Municipal laws in Bishkek and Osh enable minors without complete identification documents to gain access to education and health services.³²⁷⁰ However, access to educational services is still limited. Parents who send their children to public schools are sometimes forced to pay administrative fees, and residency registration

deters some migrant and refugee children from attending school.³²⁷¹ In addition, some schools close during the harvest season and require children to pick cotton or work in tobacco fields.³²⁷²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Section 294 of the Labor Code prohibits harmful and dangerous work, underground work and work which might harm the health and moral development of children.³²⁷³ Decree No. 239 of June 17, 2005 lays out a detailed list of hazardous work. Decree No. 548 enumerates specific weight limits permissible for children in occupations that require them to carry heavy loads.³²⁷⁴ The law also prohibits forced labor, including forced child labor.³²⁷⁵

A new constitution was approved in 2010 that also includes language forbidding child labor.³²⁷⁶

The Criminal Code prohibits adults from involving minors in criminal activity, forced prostitution, slavery and use in armed conflicts.³²⁷⁷ The 2005 Prevention and Combating Trafficking in Persons law criminalizes trafficking for the

purposes of sexual exploitation and forced labor.³²⁷⁸ The minimum age for military recruitment is 18.³²⁷⁹

Institutional Mechanisms for Coordination and Enforcement

The Government has a Coordination Council on Child Labor that consists of representatives from executive authorities, trade unions and employers' organizations as well as NGOs and international organizations. The council focuses on developing policies to eliminate child labor, coordinating efforts of key stakeholders and providing recommendations to harmonize national legislation on child labor with international standards.³²⁸⁰

The Ministry of Labor, Employment and Migration (MLEM) coordinates and implements efforts to combat trafficking in persons.³²⁸¹ MLEM coordinates the efforts of the Office of the Prosecutor General, the Ministries of Internal Affairs, Foreign Affairs, Labor and Social Protection, Education and Health, the National Security Service, the National Border Service, Customs Agency, and local administrations.³²⁸²

The State Labor Inspectorate and the Prosecutor General's Office enforce child labor laws.³²⁸³ The State Labor Inspectorate has approximately 60 inspectors charged with investigating all labor issues, including those dealing with child labor violations.³²⁸⁴ Research has not revealed the number of child labor inspections, violations or children assisted.

The Ministry of Interior enforces laws against the use of minors in prostitution and other illicit activities.³²⁸⁵ The State Prosecutor General investigates trafficking in persons violations.³²⁸⁶ The Prosecutor General's office was destroyed by fire in April 2010, significantly hampering enforcement efforts and destroying all records.³²⁸⁷

Government Policies on the Worst Forms of Child Labor

In 2010, the Government continued to implement the State Program of Action of Social Partners for the Elimination of the Worst Forms of Child Labor (2008-2011). This program has seven components, including coordinating efforts, improving the legal framework, increasing labor inspection effectiveness, eliminating child exploitation, providing at-risk migrant children with government documentation, establishing recreational facilities for children and sharing knowledge on the worst forms of child labor.³²⁸⁸

The Kyrgyz Republic's Education Development Strategy for 2007-2010 acknowledges child labor as a reason for children leaving school. The strategy proposes providing food to needy students and supplying textbooks to schools.³²⁸⁹ These actions could alleviate the financial burden of education and address issues of education access for poor children vulnerable to the worst forms of child labor.

The National Action Plan Against Human Trafficking increases public awareness and social protection for trafficking victims.³²⁹⁰ With funding from the UN and assistance from the Government of Japan and the Republic of Korea, the Government has begun to input passport and citizenship-related records in a centralized digital database.³²⁹¹

Social Programs to Eliminate or Prevent the Worst forms of Child Labor

The 3-year Combating Child Labor in Central Asia: Commitment Becomes Action project ended in December 2010. It was funded by Germany for a total of \$1.4 million for Kazakhstan, the Kyrgyz Republic and Tajikistan.³²⁹² ILO-IPEC, in collaboration with the Government, launched a mini-program that produced four short documentaries highlighting real children working in the Kyrgyz Republic. These videos are shown on TV and in schools.³²⁹³

The Government implemented the New Generation program from 2001 to 2010 to promote the development and protection of children. The program's working children component focused on developing a child labor database, improving labor inspections for minors, researching working conditions and promoting employers' compliance with child labor laws.³²⁹⁴ With the conclusion of these projects, it is unclear whether the Government will continue to participate in comprehensive child labor programs.

The Government continued to provide in-kind assistance for NGO-operated shelters for trafficking victims, including one specifically for children.³²⁹⁵

The Government has also supported programs aimed at keeping children in school, including *Jashtyk* (Youth) and *Jetkinchek* (Access to Education).³²⁹⁶ The question of whether these programs have an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kyrgyz Republic:

IN THE AREA OF LAWS:

- Enforce laws on free education and take steps to enable all children to attend school.

IN THE AREA OF ENFORCEMENT:

- Increase labor inspections during the cotton harvesting season, especially in southern Kyrgyz Republic.
- Collect and disseminate information on the number of labor inspections, child labor violations found and children assisted.

IN THE AREA OF POLICY AND PROGRAMS:

- Ensure that classes in southern Kyrgyz Republic are not canceled during the harvesting season and that children remain in school.
- Reinstate a comprehensive child labor action program to replace the one that ended in 2010.
- Assess the impact that current education programs have on child labor.

³²⁶⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³²⁶¹ U.S. Department of State, "Kyrgyz Republic," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

³²⁶² U.S. Department of State, "Kyrgyz Republic," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/>.

³²⁶³ Ibid. See also Sari Schutrum-Boward, "Kyrgyz child labor in coal mines," *The Guilfordian*, [previously online], September 7, 2007 [cited May 13, 2011]; available from

<http://www.guilfordian.com/sports/kyrgyz-child-labor-in-coal-mines-1.327699> [hardcopy on file]. See also Ilan Greenberg, "There's Money in Dirt, for Those Who Find Bits of Silicon," *The New York Times*, [previously online], September 5, 2006 [cited April 22, 2011]; available from http://www.nytimes.com/2006/09/05/world/asia/05kyrgyzstan.html?_r=1&_.

³²⁶⁴ ILO, *The main change has to happen in people's minds: A child labour film programme in Kyrgyzstan*, [online] June 11, 2010 [cited February 18, 2011]; available from www.ilo.org/global/about-the-ilo/press-and-media-centre/insight/WCMS_141588.

³²⁶⁵ U.S. Department of State, "Country Reports- 2010: Kyrgyz Republic," section 7d.

³²⁶⁶ ILO-IPEC, *CAR Capacity Building Project: Regional programme on the worst forms of child labour and Combating the worst forms of child labor in Central Asia through education and youth employment (EYE project)*, Final Evaluation, Geneva, October-December 2007, 27.

³²⁶⁷ U.S. Department of State, "Country Reports- 2010: Kyrgyz Republic," section 7d.

³²⁶⁸ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Kyrgyzstan (ratification: 1992) Submitted: 2009*, February 16, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23266&chapter=9&query=Kyrgyzstan%40ref&highlight=&querytype=bool&context=0>.

³²⁶⁹ U.S. Department of State, “Country Reports- 2010: Kyrgyz Republic,” section 6.

³²⁷⁰ U.S. Embassy- Bishkek, *reporting, February 5, 2010*, para 3.

³²⁷¹ U.S. Department of State, “Country Reports- 2010: Kyrgyz Republic,” section 6.

³²⁷² U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic,” section 7d.

³²⁷³ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kyrgyzstan (ratification: 2004) Submitted: 2009*, February 16, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23537&chapter=9&query=Kyrgyzstan%40ref&highlight=&querytype=bool&context=0>.

³²⁷⁴ Ibid.

³²⁷⁵ U.S. Department of State, “Country Reports- 2010: Kyrgyz Republic,” section 7c.

³²⁷⁶ U.S. Embassy- Bishkek official, E-mail communication to USDOL official, November 12, 2010. See also U.S. Embassy- Bishkek, *reporting, March 2, 2011*, para 3.

³²⁷⁷ ILO Committee of Experts, *Individual Direct Request C182: Kyrgyzstan (2009)*.

³²⁷⁸ U.S. Department of State, “Kyrgyz Republic,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

³²⁷⁹ U.S. Embassy- Bishkek, *reporting, February 17, 2009*.

³²⁸⁰ ILO Committee of Experts, *Individual Direct Request C138: Kyrgyzstan (2009)*.

³²⁸¹ U.S. Embassy- Bishkek, *reporting, March 2, 2010*.

³²⁸² Ibid.

³²⁸³ U.S. Department of State, “Country Reports- 2010: Kyrgyz Republic,” section 7d.

³²⁸⁴ U.S. Embassy- Bishkek, *reporting, February 5, 2010*, para 5.

³²⁸⁵ Ibid.

³²⁸⁶ U.S. Embassy- Bishkek, *reporting, March 2, 2010*.

³²⁸⁷ U.S. Embassy- Bishkek, *reporting, March 10, 2011*, para 4C.

³²⁸⁸ U.S. Embassy- Bishkek official, E-mail communication to USDOL official, March 8, 2011.

³²⁸⁹ Ministry of Education Science and Youth Policy, *Education Development Strategy of the Kyrgyz Republic (2007-2010)*, 2006.

³²⁹⁰ U.S. Embassy- Bishkek, *reporting, March 2, 2010*.

³²⁹¹ Ibid.

³²⁹² ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010.

³²⁹³ ILO, *The main change has to happen in peoples' minds*.

³²⁹⁴ U.S. Embassy- Bishkek official, E-mail communication, March 8, 2011.

³²⁹⁵ U.S. Embassy- Bishkek, *reporting, March 2, 2010*. See also U.S. Embassy- Bishkek, *reporting, March 10, 2011*, para 6A.

³²⁹⁶ U.S. Embassy- Bishkek, *reporting, March 16, 2009*.

Lebanon

The Government of Lebanon has increased investment in its children, which is apparent from the number and nature of recent social and education interventions. However, the worst forms of child labor continue to exist in tobacco farming, street work, domestic servitude and other informal sector jobs. Legal gaps and limited information on the nature and extent of the problem hinder government efforts to find solutions.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Lebanon are engaged in the worst forms of child labor³²⁹⁷ in tobacco production.³²⁹⁸ Common hazards in this sector include the risk of injury from needles, thread, and pesticide use as well as exhaustion and body aches caused by the rigorous process of planting tobacco seedlings.³²⁹⁹

Child labor is also predominant in many of the informal sectors of Lebanon's economy. Children are engaged in the worst forms of child labor in mechanical workshops, carpentry, construction, manufacturing, industrial sites, welding, artisanal design and fisheries.³³⁰⁰

Children also work on the streets in tasks such as vending, washing car windshields and trash picking.³³⁰¹ Although evidence is limited, there have been reported cases of children forced to work on the streets by "employers" who take the child's earnings at the end of the day.³³⁰² Some street children are also forced by their parents to beg, but the majority of them are forced into street work and prostitution by organized gangs.³³⁰³ Children working on the streets may be exposed

to multiple dangers, including severe weather, vehicle accidents and criminal elements.

The worst forms of child labor are commonly found in Palestinian refugee camps and surrounding areas. Non-Lebanese children, including Syrian and Palestinian boys living in these camps, constitute more than 80 percent of children working on the street.³³⁰⁴

Children in Lebanon may also be engaged in domestic servitude.³³⁰⁵ Child domestic labor commonly involves long hours of work and hazardous activities, while often exposing children to physical and sexual exploitation by their employer.

There is little evidence of the extent and nature of child trafficking in Lebanon. The Government says that children have been trafficked to Lebanon potentially to work in the labor market.³³⁰⁶ Further reports claim that Lebanese children are trafficked internally for commercial sexual exploitation and forced labor.³³⁰⁷

There are reports that children living in Palestinian refugee camps in Lebanon might

be engaged in combat activities and involved in providing logistical support for these activities.³³⁰⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14 and contains a list of industrial, arduous or unhealthy work prohibited for children below the age of 16.³³⁰⁹ The Labor Code requires children ages 14 and above to have a medical certificate proving they are fit for their designated job. For all working children, the Labor Code provides basic protections, such as limiting the work day to a maximum of seven hours per day, with one hour of rest after every four hours worked.³³¹⁰ A draft list of work hazardous for all children under age 18 was formulated by the Government in 2008. Until it is finalized, however, children ages 16 and 17 may be legally exposed to the hazards the list seeks to prohibit.³³¹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	12
	Free Public Education	Yes

Lebanon has no laws that address human trafficking.³³¹² Various other laws in the penal code are used to address trafficking-related

offences such as abduction.³³¹³ Lebanon’s cabinet approved a draft human trafficking law during the reporting period, but it awaits parliamentary approval.³³¹⁴ Lebanon’s Criminal Code provides protection of children from all forms of sexual abuse and stipulates penalties on perpetrators of sex crimes.³³¹⁵ Lebanese law also prohibits the use of children in illicit activities.³³¹⁶

The Penal Code prohibits forced labor and involuntary servitude.³³¹⁷ It also prohibits the commercial sexual exploitation of children and financial gain from the prostitution of others.³³¹⁸

The minimum age for voluntary recruitment into the Armed Forces is 18 for soldiers, noncommissioned personnel and officers. Military service is not compulsory in Lebanon.³³¹⁹

Education in Lebanon up to age 12 is free and compulsory for most by law. However, the law denies free education to children born to foreign national fathers, regardless of the mother’s nationality.³³²⁰ These children face increased risk of engagement in dangerous forms of child labor.

A bill to raise the age of compulsory education to 15 is pending.³³²¹ Until the compulsory education age is raised, 13-year-old children are particularly vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work.

Institutional Mechanisms for Coordination and Enforcement

The Child Labor Unit (CLU) of the Ministry of Labor (MOL) and the Ministry of Interior (MOI) coordinate the Government’s efforts to combat the worst forms of child labor.³³²² These efforts include policy setting and awareness raising. The CLU implements a national policy and program framework for combating child labor in partnerships with other government and nongovernment stakeholders addressing the problem.³³²³

Presided over by the Minister of Social Affairs (MoSA), the Higher Council for Childhood (HCC) oversees the implementation of the overall principles of children's rights, including combating child labor.³³²⁴

The CLU enforces child labor laws through workplace inspection.³³²⁵ Lebanon has provisions for enforcing laws in the informal sector. Two things need to occur before an investigation of child labor at an informal worksite is permitted: 1) a complaint of child labor must be filed and 2) the accused informal sector employer must fail to respond to a summons from the CLU.³³²⁶ No mechanism exists to investigate complaints of child domestic labor since social workers—the only officials allowed to enter a private home—may only assess the overall welfare of the family and not working conditions for domestic laborers.³³²⁷

The MOL has 130 labor inspectors and assistant inspectors who conduct labor inspections, including child labor. The MOL maintains that the number of inspectors is inadequate.³³²⁸ According to the ILO, inspectors' salaries are low and they lack facilities and financial and technical support to carry out their duties.³³²⁹ The Government does not maintain statistics on the number of inspections carried out by the CLU, the number of violations, sanctions against violators or the number of children removed and assisted.³³³⁰

The Ministry of Interior's Internal Security Forces, MOL, the Ministry of Justice (MOJ), and the HCC are jointly charged with the enforcement of laws related to forced labor, the commercial sexual exploitation of children (CSEC) and the use of children in illicit activities.³³³¹

Government Policies on the Worst Forms of Child Labor

The United Nations Country Team works to implement the social and education plans with the Government. The improvement of human rights is one of five identified goals for the Government.³³³²

The goal related to child labor calls for the MOL and other stakeholders to establish and activate alternative legal measures and protection networks (i.e., rehabilitation programs) for child laborers.³³³³

The elimination of child labor represents one of the key components of the Government's Social Action Plan: Toward Strengthening Social Safety Nets and Access to Basic Social Services.³³³⁴ The plan promotes sustainable development, the elimination of poverty and the development of social safety nets. In addition, it aims at enhancing the education and health standards and reducing regional disparities.³³³⁵ The question on whether this policy has an impact on child labor does not appear to have been addressed.

MoSA launched the National Social Development Strategy, which includes provisions on addressing the worst forms of child labor.³³³⁶

According to the United Nations, national policies that address poverty and disparities among social groups and regions are scant.³³³⁷ In order to address these problems, an inter-ministerial committee led by the MoSA is developing Lebanon's first National Social Development Strategy. The strategy aims at securing better health standards, social protection, quality education, and safe and equitable employment.³³³⁸ The strategy includes provisions for the elimination of the worst forms of child labor.³³³⁹ The strategy has yet to be implemented, however, which leaves impoverished children vulnerable to dangerous forms of child labor.

In April 2010, the Government endorsed the Education Sector Development Plan (ESDP), a holistic approach focused on equality in education and education that contributes to a knowledgeable society, social integration and economic development.³³⁴⁰ The question of whether this plan will have an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

MoSA, the MOI and the MOJ work with NGOs, such as the Lebanese Evangelical Institute for Social Work and Development, to provide shelter, healthcare, education, protection and rehabilitation services for children living and working on the street.³³⁴¹ The majority of the children at the Institute are non-Lebanese.³³⁴² Funding for these efforts is minimal compared to the need.³³⁴³

With MoSA support, British American Tobacco removes children working in tobacco plantations and enrolls them in schools. The company is working to further eliminate hazardous child labor through the introduction of leaf stringing machines, eliminating the hazardous nature of tobacco production.³³⁴⁴

During 2010, the Government continued to participate in phase three of the program, Strengthening National Action to Combat the Worst Forms of Child Labor in Lebanon (June 2009–June 2011). Building on phases one and two, phase three aims to reinforce national ownership of the project.³³⁴⁵ The chief project objectives include the enforcement of international labor standards and national legislation on the worst forms of child labor, child labor awareness raising among the public and policymakers and the withdrawal and prevention of 1,000 children from the worst forms of child labor.³³⁴⁶

During the reporting period, the project targeted 365 children in North Lebanon and the Bekaa Valley to prevent their involvement in or to remove them from any form of child labor.³³⁴⁷ Other notable activities included training the trainer workshops on the design of anti-child labor projects and action programs; the Supporting Children's Rights through Education program, the Art and Media (SCREAM) project; and capacity building on implementing the child labor monitoring system.³³⁴⁸

The Government's increased investment in Lebanon's children is apparent from the number and nature of recent social and education interventions. However, further research on the extent and nature of child labor in common sectors (tobacco production, street work and domestic servitude) would lead to a greater understanding of needed interventions.

The Government and the World Bank initiated an education sector reform project to help implement Lebanon's newly-endorsed ESDP.³³⁴⁹ The strategy focuses on quality learning for growth at the preschool, primary and secondary education levels. In addition, the plan builds the capacity of the MOE to manage their education system.³³⁵⁰ The question of whether this program has an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Lebanon:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to protect all children under age 18 from hazardous work, based on the draft list formulated in 2008.
- Amend legislation to include children born to Lebanese mothers as recipients of free and compulsory education, regardless of the nationality of the fathers.
- Obtain parliamentary approval of the draft human trafficking legislation.
- Adopt the pending legislation for raising the compulsory age of education from 12 to 15.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make publicly available the number of inspections carried out, with special attention to the incidence of the worst forms of child labor and any sanctions imposed as a result of such occurrences.
- Track the number of child trafficking, CSEC and illicit activities arrests and prosecutions.
- Create mechanisms to protect children employed as domestic servants.

IN THE AREA OF POLICIES:

- Create and implement adequate social policies to prevent and protect children from hazardous working conditions.
- Assess the impact that existing policies may have on addressing child labor.

IN THE AREA OF PROGRAMS:

- Increase programming and funding for street children programs and shelters.
- Conduct further research on the occurrence, population and conditions of child labor in prevalent sectors, including tobacco production, street work, child soldiering and domestic servitude.
- Develop more targeted interventions on child labor based on research into prevalent forms of child labor, best practices and lessons learned in Lebanon.
- Assess the impact that existing programs may have on child labor.

³²⁹⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³²⁹⁸ U.S. Department of State, “Lebanon,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154466.htm>. See also Partners for Development- Civil Group, *Baseline Study on Education and*

Child Labour Risks on Tobacco Plantations, July 2007, 4. See also U.S. Embassy- Beirut, *reporting*, April 4, 2011, para 1.1.

³²⁹⁹ Partners for Development- Civil Group, *Education and Child Labour Risks on Tobacco Plantations*, 6. See also U.S. Embassy- Beirut, *reporting*, April 4, 2011.

³³⁰⁰ U.S. Department of State, “Lebanon,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>. See also ILO, *An ILO Post Conflict Decent Work Programme for Lebanon*, Beirut, September 2006. See also Menassat, “Child Labor in Lebanon: A breakdown,” <http://www.menassat.com>, [online], July 6, 2009 [cited May 9, 2011]; available from <http://www.menassat.com/?q=en/news-articles/6781-child-labor-lebanon>. See also Mike Sergeant, “Lebanon’s Vulnerable Child Workers,” <http://newsvote.bbc.co.uk>, [online], March 12, 2008 [cited August

10, 2011]; available from http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/middle_east/7289634.stm?ad=1. See also U.S. Embassy- Beirut, *reporting, April 4, 2011*, 1.1. See also U.S. Embassy- Beirut, *reporting, February 3, 2010*.

³³⁰¹ U.S. Department of State, “Country Reports- 2010: Lebanon,” section 7d. See also Menassat, “Child Labor in Lebanon: A breakdown”. See also Child Rights Information Network, *Lebanon: Children’s Rights References in the Universal Periodic Review*, March 25, 2011, para 40; available from <http://www.crin.org/resources/infodetail.asp?id=23510>.

³³⁰² Ministry of Justice, *Measures to Prevent and Combat Trafficking in Human Beings: Lebanon Country Assessment*, UNODC, May 2008, 6; available from <http://www.unodc.org/documents/human-trafficking/Lebanon-HTreport-Oct08.pdf>. See also Menassat, “Child Labor in Lebanon: A breakdown”.

³³⁰³ Lebanon Street Kid News, “Street Children Becoming a New Problem on Lebanon’s Streets”, *streetkidnews.blogspot.com*, [online], March 17, 2008 [cited April 25, 2011]; available from <http://streetkidnews.blogspot.com/category/1/europe-streetkid-news/lebanon-streetkid-news/>. See also Menassat, “Child Labor in Lebanon: A breakdown”.

³³⁰⁴ Child Rights Information Network, *Lebanon: Children’s Rights References in the Universal Periodic Review*, para 40. See also Integrated Regional Information Networks, “Lebanon: Government Could do More to Tackle Child Labour”, *IRINnews.org*, [online], July 18, 2007 [cited April 25, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=73288>.

³³⁰⁵ U.S. Embassy- Beirut, *reporting, February 3, 2010*, para 2a.

³³⁰⁶ Ministry of Justice, *Lebanon Country Assessment*, 2-3.

³³⁰⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Lebanon.”

³³⁰⁸ Child Rights Information Network, *Lebanon: Children’s Rights References in the Universal Periodic Review*, para 22. See also Coalition to Stop the Use of Child Soliders, *Lebanon: The Vulnerability of Children to Involvement in Armed Conflict*, October 2007.

³³⁰⁹ Government of Lebanon, *Code du travail (modifiée au 31 décembre 1993 et au 24 juillet 1996)*, (July 24, 1996), chapter 2, articles 22, 23; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/39255/64942/F93LBN01.htm>. See also U.S. Department of State, “Country Reports- 2010: Lebanon,” section 7d.

³³¹⁰ Government of Lebanon, *Code du travail*, chapter 2, article 23.

³³¹¹ Ministry of State official, E-mail communication to USDOL official, September 1, 2010.

³³¹² U.S. Embassy- Beirut, *reporting, February 3, 2010*, section 2D, para 2.

³³¹³ *Ibid.*, section 2D, para 4.

³³¹⁴ U.S. Embassy- Beirut, *reporting, April 4, 2011*, sections 6.2, 6.3.

³³¹⁵ Child Rights Information Network, *Lebanon: Children’s Rights References in the Universal Periodic Review*, para 104.

³³¹⁶ Law Library of Congress, *Children’s Rights: International and National Laws and Practices*, 2007, section 6; available from <http://www.loc.gov/law/help/child-rights/pdfs/childrenrights-lebanon.pdf>.

³³¹⁷ U.S. Embassy- Beirut, *reporting, April 4, 2011*, para 2.4.

³³¹⁸ Ministry of Justice, *Lebanon Country Assessment*, 14.

³³¹⁹ Coalition to Stop the Use of Child Soliders, “Lebanon,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/lebanon>.

³³²⁰ Child Rights Information Network, *Lebanon: Children’s Rights References in the Universal Periodic Review*, para 20.

³³²¹ *Ibid.*, para 75.

³³²² U.S. Embassy- Beirut, *reporting, April 4, 2011*, para 2.5.

³³²³ Unit to Combat Child Labour, *International Labour Organization*, [online] 2011 [cited March 17, 2011]; available from <http://www.clu.gov.lb/english/international/index.html>. See also ILO-IPEC, *Strengthening National Action to Combat the Worst Forms of Child Labour in Lebanon*, Technical Progress Report, Beirut, March 2011, section 2a.

³³²⁴ Child Rights Information Network, *Lebanon: Children’s Rights References in the Universal Periodic Review*, 97.

³³²⁵ U.S. Department of State, “Country Reports- 2010: Lebanon,” section 7d.

³³²⁶ U.S. Embassy- Beirut, *reporting, February 3, 2010*, section 2c, para 3.

³³²⁷ *Ibid.*, section 2c, para 3.

³³²⁸ U.S. Embassy- Beirut, *reporting, April 4, 2011*, section 4.3.

³³²⁹ *Ibid.*, section 4.4.

³³³⁰ U.S. Embassy- Beirut, *reporting, February 3, 2010*, section 2c, para 6.

³³³¹ *Ibid.*, section 2d, para 1.

³³³² ILO-IPEC, *Combating the Worst Forms of Child Labor in Lebanon*, section 1.

³³³³ *Ibid.*, section 1.

³³³⁴ *Ibid.*, section 1.

³³³⁵ *Ibid.*, section 1.

³³³⁶ *Ibid.*

³³³⁷ United Nations, *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1*, compilation of reports, Geneva, November 1-12, 2010, para 43.

³³³⁸ The Daily Star, “Sayegh Unveils Five-Point Social Development Strategy”, The Daily Star, [online], February 26, 2011 [cited April 25, 2011]; available from <http://www.dailystar.com.lb/News/Local-News/Feb/26/Sayegh-unveils-five-point-social-development-strategy.ashx#axzz1KdYXFALY>.

³³³⁹ Ibid.

³³⁴⁰ The World Bank, *Project Appraisal Document on a Proposed Loan of \$40 Million to the Lebanese Republic for a Second Education Development Project*, Beirut, October 26, 2010, 5.

³³⁴¹ Lebanese Evangelical Institute for Social Work and Development, *Social Work*, [online] 2011 [cited March 26, 2011]; available from <http://lesociety.org/affiliatedInfo.asp?id=10>.

³³⁴² Integrated Regional Information Networks, “Lebanon: Street Children- Victims of Organized Crime”, IRINnews.

org, [online], July 3, 2006 [cited April 25, 2011]; available from <http://www.irinnews.org/report.aspx?reportid=27096>.

³³⁴³ Ibid. See also Integrated Regional Information Networks, “Lebanon: Government Could do More to Tackle Child Labour”.

³³⁴⁴ British American Tobacco Middle East, *Combating Child Labour in Lebanon*, [online] 2011 [cited March 17, 2011]; available from http://www.batme.com/group/sites/BAT_86XECK.nsf/vwPagesWebLive/DO87MEE5?opendocument&SKN=1.

³³⁴⁵ ILO-IPEC, *Combating the Worst Forms of Child Labor in Lebanon*, section 2A.

³³⁴⁶ Ibid., section 2A.

³³⁴⁷ ILO-IPEC Geneva official, E-mail communication to USDOL official, March 25, 2011.

³³⁴⁸ Ibid.

³³⁴⁹ The World Bank, *Appraisal on Second Education Development Project in Lebanon*, p. 4, section B14.

³³⁵⁰ Ibid., p. 4, section B14.

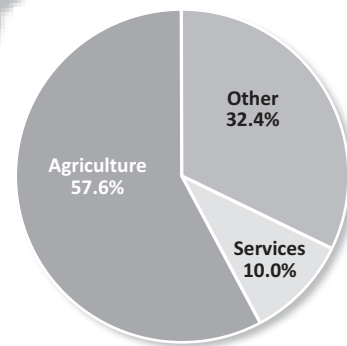
Lesotho

The Government of Lesotho made primary school education free and compulsory in 2010 and adopted the Anti-Trafficking in Persons Act in January 2011. However, unsafe child labor continues to exist in livestock herding and domestic service. The Government has neither developed a list of hazardous activities nor enacted a National Plan of Action against child labor. Resource constraints remain major impediments to government efforts.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	2.2*
Attending School	5-14 yrs.	81.8
Combining Work and School	7-14 yrs.	25.3

* Population of working children: 11,833



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Lesotho are engaged in the worst forms of child labor,³³⁵¹ including livestock herding and domestic service. Boys primarily herd livestock.³³⁵² Child herders often work in cattle posts for long hours and are exposed to extreme weather conditions, denied an education and are at risk of being attacked by armed men.³³⁵³ Some children also work in agriculture.³³⁵⁴ Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.³³⁵⁵

Children, mostly girls, are commonly employed as domestic servants.³³⁵⁶ Domestic servants in Lesotho work long hours, sometimes up to 16 hours a day, and are susceptible to sexual abuse.³³⁵⁷ Children also engage in informal street vending.³³⁵⁸ Children working on the streets as vendors may be exposed to many dangers, including severe weather, vehicle accidents and

criminal elements. They may also face physical and verbal abuse from older vendors.³³⁵⁹





Other worst forms of child labor exist in Lesotho. Children are used by criminals to engage in illicit activities, such as theft, drug trafficking and dealing in stolen goods.³³⁶⁰ These children are vulnerable to commercial sexual exploitation as well.³³⁶¹ Children are reportedly trafficked from Lesotho to South Africa for commercial sexual exploitation and domestic service.³³⁶² Anecdotal evidence also suggests some street children scavenge through toxic waste dumps in and around garment manufacturing factories, where they are exposed to dangerous chemicals.³³⁶³

Lesotho has the third-highest rate of HIV prevalence in the world.³³⁶⁴ The HIV/AIDS pandemic contributed to a rapid increase in the number of orphans and vulnerable children (OVC) in Lesotho from 2005 to 2008.³³⁶⁵ OVCs, especially girls, often become primary caregivers for other family members.³³⁶⁶ These vulnerable

children frequently leave school and engage in the worst forms of child labor to survive, including prostitution and domestic service.³³⁶⁷

Laws and Regulations on the Worst Forms of Child Labor

According to the Labor Code, the minimum age for employment is 15, and the minimum age for hazardous work is 18. Children age 13 to 15 may perform light work in a home-based environment, technical school or other institution approved by the Government.³³⁶⁸ The Labor Code prohibits the employment of children at night, in mines and quarries, and in work that is likely to jeopardize their health, safety and morals.³³⁶⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	13
	Free Public Education	Yes

Gaps in the law remain. No law specifies the types of hazardous work that may cause harm to children's health, safety and morals.³³⁷⁰ The Labor Code does not extend hazardous work protections to children employed without a contract.³³⁷¹ The enforcement of Lesotho's labor laws is limited to the formal sector and does not adequately protect

children involved in the informal economy, including domestic service and street vending.³³⁷²

No legislation prohibits the use of children for the distribution and production of drugs, a known problem in Lesotho.³³⁷³ Lesotho's Anti-Trafficking in Persons Act prohibits trafficking of all citizens, including children, for all forms of exploitation, including sexual or labor exploitation. Violators can be prosecuted under the Child Protection Act of 1980, the Sexual Offenses Act of 2003 and the Labor Code Order of 1981, as amended.³³⁷⁴

The Children's Protection and Welfare Act, which criminalizes and defines child trafficking, was enacted on March 31, 2011.³³⁷⁵ The Anti-Trafficking in Persons Act was enacted into law in January 2011 and provides for a maximum penalty of life imprisonment for child trafficking or a fine of 2,000,000 *Malotis* (about \$300,021).³³⁷⁶

Lesotho's Education Act of 2010 makes primary cycle education compulsory and tuition-free until the age of 13, but the minimum age for work is set at 15, creating a gap between the age when compulsory education ends and the age when children can legally work.³³⁷⁷ This policy aims to eliminate school fees across the country through a phased approach and provide school meals to vulnerable children.³³⁷⁸

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Lesotho established coordination mechanisms for fighting trafficking, research found no evidence of a coordination mechanism to combat the worst forms of child labor.³³⁷⁹ In July 2009, the Government launched the Multi-Sectoral Committee on Trafficking (MCT).³³⁸⁰ The MCT comprises representatives of government ministries, NGOs, international organizations and law enforcement. Participating ministries include the Ministry of Foreign Affairs and International Relations; the Ministry of Gender, Youth and Sports; the Ministry of Justice and Human Rights; the Ministry of Health and

Social Welfare; the Ministry of Education and Training; the Ministry of Labor and Employment (MOLE); the Ministry of Home Affairs; and the Ministry of Law and Constitutional Affairs.³³⁸¹

Despite this level of participation, the MCT does not have financial resources or a finalized National Plan of Action.³³⁸²

MOLE and the Child and Gender Protection Unit (CGPU) of the national police are responsible for enforcing child labor laws and investigating child labor violations.³³⁸³ While there are no child labor specific inspections, MOLE carries out general inspections under the Labor Code, and the CGPU investigates violations of Lesotho's Children's Rights Act.³³⁸⁴ MOLE has 47 inspectors and the CGPU has 30 inspectors. In 2010, MOLE inspectors did not identify any child labor violations.³³⁸⁵ According to ILO, the labor inspection system in Lesotho could become more efficient and effective with additional financial resources.³³⁸⁶

The CGPU is responsible for enforcing laws related to hazardous and forced child labor, child prostitution, child trafficking and the use of children for illicit activities.³³⁸⁷ It has an office staffed by three officers in each of Lesotho's 11 police districts.³³⁸⁸ During the reporting period, the CGPU did not investigate any cases related to child trafficking, child prostitution or the use of children in illicit activities.³³⁸⁹ The Government also did not provide any specific funding for the CGPU to investigate the worst forms of child labor.³³⁹⁰

Government Policies on the Worst Forms of Child Labor

The Government of Lesotho does not have an approved policy framework for the elimination of the worst forms of child labor. The Government completed a National Action Plan for the elimination of child labor in 2008, but it has not yet been approved by Lesotho's cabinet.³³⁹¹ The

MCT developed a national action plan to combat human trafficking. However, as of 2009, it had not presented this plan to the Cabinet for review.³³⁹²

The Government's National Orphans and Vulnerable Children strategic plan notes that OVCs are exposed to child labor. The plan calls for improved child welfare legislation and expanded vocational training, but it does not propose any social programs to withdraw or prevent such children from engaging in exploitative labor.³³⁹³

The United Nations Development Assistance Framework (UNDAF) (2008 and revised in 2009) developed core strategies to set national priorities for poverty reduction and the attainment of the Millennium Development Goals in Lesotho. These include provisions for vulnerable populations, such as children with HIV/AIDS and OVCs.³³⁹⁴ UNDAF promotes education for herd boys, domestic workers and vulnerable children. It also supports youth employment and builds the Government's capacity to provide social welfare services to vulnerable children.³³⁹⁵ However, no activities were implemented in 2010.³³⁹⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Lesotho managed programs that reached children engaged in or at risk of entering the worst forms of child labor. The Government's National HIV and AIDS Strategic Plan (2006-2011) aims to provide education and economic strengthening services to OVCs and to reduce the impact of HIV/AIDS on OVCs, herd boys and girls.³³⁹⁷ Through its National Aids Commission, the Government of Lesotho also developed the HIV/AIDS Strategic Plan 2010-2012 for the herd boys community, which calls for access to education and HIV/AIDS awareness raising for herders.³³⁹⁸ The Government also conducted extensive public campaigns to increase awareness of human trafficking.³³⁹⁹

In cooperation with UNICEF, the Government implemented the Child Grants Program in 2009 to provide direct cash transfers to vulnerable households in three districts. The program aimed to improve the welfare of children burdened with poverty, food insecurity, HIV/AIDS and poor

access to public services.³⁴⁰⁰ The Government of Lesotho continued its partnership with ILO's Decent Work Agenda for the Southern Africa sub-region.³⁴⁰¹ Lesotho's Decent Work Agenda is part of a broader action plan to eliminate the worst forms of child labor in Africa by 2016.³⁴⁰²

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Lesotho:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a list of all hazardous activities prohibited for children, including the specific types of hazardous work that are likely to harm their health, safety and morals.
- Ensure that labor laws provide protections for all children, regardless of labor contract status.
- Fully implement existing laws to—
 - Prohibit the use of children for drug trafficking.
 - Provide protection for child domestic servants and street children.
- Fully implement the Education Act of 2010, allowing all children in Lesotho to benefit from free education.
- Increase the age of compulsory schooling to 15 to match the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor that includes government efforts related to OVCs, education and HIV/AIDS.
- Provide the MCT with a clear mandate.
- Devote more financial resources to enforcing child labor laws.

IN THE AREA OF GOVERNMENT POLICIES:

- Enact and implement the draft national action plans to combat child labor and trafficking.
- Articulate and implement actions to address the stated priority of child labor prevention within the national development agenda for OVCs.
- Implement activities under the UNDAF plan.

IN THE AREA OF SOCIAL PROGRAMS:

- Extend the Child Grants programs to all districts of Lesotho.
- Implement an awareness-raising campaign to educate street children who scavenge in toxic waste dumps of factories.

³³⁵¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data on working children and school attendance are from 2002. Data on children combining working and schooling are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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³³⁵³ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 5. See also U.S. Embassy- Maseru, *reporting, February 1, 2010*, para 5.

³³⁵⁴ U.S. Embassy- Maseru, *Lesotho: Child Labor and Forced Labor in 2010*, Maseru, January 28, 2011, 2.

³³⁵⁵ ILO, *World Day Against Child Labor*, Maseru, June 12, 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4048>.

³³⁵⁶ U.S. Embassy- Maseru, *reporting, February 1, 2010*, paras 2, 7.

³³⁵⁷ U.S. Embassy- Maseru, *Lesotho: Child Labor and Forced Labor in 2010*. See also Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*.

³³⁵⁸ U.S. Embassy- Maseru, *reporting, February 1, 2010*, paras 2, 3, 6.

³³⁵⁹ *Ibid.*, para 6. See also Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 6.

³³⁶⁰ Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, 3-4. See also U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 1b.

³³⁶¹ U.S. Embassy- Maseru, *reporting, February 22, 2010*, paras 2-4.

³³⁶² *Ibid.*, para 1b. See also UNICEF, "Humanitarian Action Lesotho in 2007," (2007), 25; available from www.unicef.org/har07/files/countrychap_Lesotho.pdf.

³³⁶³ Dan MacDougall, "Gap's factory is danger to African children," *The Sunday Times* (Maseru), August 2, 2009.

³³⁶⁴ USAID, *The President's Emergency Plan for AIDS Relief; FY 2009 Country Profile: Lesotho*, [online] [2010 [cited May 18, 2011]; available from http://sa.usaid.gov/southern_africa/print/93.

³³⁶⁵ Government of Lesotho, *National HIV and AIDS Strategic Plan: 2006-2011 (Revised April 2009)*, National AIDS Commission, April 2009, paras 4.4.2.1 available from http://www.nas.org.ls/documents/REVISED_NSP_FINAL_VERSION.pdf.

³³⁶⁶ *Ibid.*

³³⁶⁷ ILO-IPEC, *SCREAM: A special module on HIV, AIDS, and Child Labour*, Geneva, , 2007; available from <http://www.ilo.org/ipec/Campaignandadvocacy/Scream/lang--en/index.htm>. See also Government of Lesotho, *National HIV and AIDS Strategic Plan*, para 4.4.3.1.

³³⁶⁸ Government of Lesotho, *Labour Code Order*, 24, (1992), sections 3, 124(1-2), 125(1); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31536/64865/E92LSO01.htm>.

³³⁶⁹ *Ibid.*, sections 125(1), 126(1), 127(1).

³³⁷⁰ ILO Committee of Experts, *Direct Request, Worst forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); CEACR 2004/75th Session*, Geneva, 1999; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C138&ctry=1800&hdroff=1&lang=EN#2007>.

³³⁷¹ *Ibid.*

³³⁷² U.S. Embassy- POST, *Reporting*, Maseru, February 1 2010. para 15

³³⁷³ ILO Committee of Experts, *Individual Direct Request, Worst forms of Child Labour Convention, 1999 (No. 182); Lesotho (ratification: 2001); Submitted: 2009*, [1999 [cited May 18, 2011]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

³³⁷⁴ U.S. Department of State, "Lesotho (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³³⁷⁵ U.S. Embassy- Maseru official, E-mail communication USDOL official, June 30, 2011.

³³⁷⁶ U.S. Embassy- Maseru, *Lesotho: Child Labor and Forced Labor in 2010*, para 9.

³³⁷⁷ Ibid., para 7. See also Afrol News, *Lesotho enacts free compulsory education*, [2010 [cited March 4, 2011]; available from <http://www.afrol.com/articles/36113>.

³³⁷⁸ UN General Assembly, *National report Submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Lesotho*, February 22, 2010, para 92; available from <http://www.upr-info.org/-Lesotho-.html>. See also World Bank, *Project Appraisal Document on Proposed Catalytic Fund Grant to The Kingdom of Lesotho*, Maseru, June 29 2010.

³³⁷⁹ U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 2b.

³³⁸⁰ U.S. Department of State, “Lesotho (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³³⁸¹ U.S. Embassy- Maseru, *reporting, February 22, 2010*, para 1a.

³³⁸² Government of Republic of South Africa, *Tsireledzani: Understanding the dimensions of human trafficking in Southern Africa.*, HSRC, March 2010; available from http://www.hsra.ac.za/Research_Publication-21609.phtml.

³³⁸³ U.S. Embassy- Maseru, *Lesotho: Child Labor and Forced Labor in 2010*, paras 12, 13.

³³⁸⁴ Ibid., para 13.

³³⁸⁵ Ibid., para 13.

³³⁸⁶ A. Sivananthiram, *Assessment of the Labour Inspection System in Lesotho; Draft conclusions and recommendations of the mission to evaluate the system of labour inspection*, Geneva, March 2005, 7.

³³⁸⁷ U.S. Embassy- Maseru, *reporting, February 1, 2010*, paras 16, 17, 19.

³³⁸⁸ UNESCO, *Human Trafficking in Lesotho: Root Causes and Recommendations*, Paris, 2007, 50; available from <http://unesdoc.unesco.org/images/0015/001528/152824E.pdf>. See also U.S. Embassy- Maseru official, E-mail communication to USDOL official, November 10, 2010.

³³⁸⁹ U.S. Embassy- Maseru, *reporting, February 1, 2010*, para 20.

³³⁹⁰ Ibid., para 19.

³³⁹¹ Ibid., paras 21, 23.

³³⁹² U.S. Department of State, “Trafficking in Persons Report- 2010: Lesotho.”

³³⁹³ Government of Lesotho, *National OVC Strategic Plan: 2006-2011*, 6, 13-14, 108-114; available from <http://www.health.gov.ls/National%20OVC%20Strategic%20Plan-%20%20a%20copy%20032007.pdf>.

³³⁹⁴ United Nations Development Assistance Framework, *Annual Work Plan 2010*, Maseru, March 2010.

³³⁹⁵ United Nations Development Assistance Framework, *United Nations Development Assistance Framework: Action Plan, 2008-2012*, Maseru, December, 2009, 6; available from http://www.ls.one.un.org/whatwedo/undaf_action_plan.php. See also Government of Lesotho, *Education Sector Strategic Plan 2005 to 2015.*, March 2005, para 4.6.2.

³³⁹⁶ United Nations Development Assistance Framework, *Annual Work Plan 2010*.

³³⁹⁷ Government of Lesotho, *National HIV and AIDS Strategic Plan*, paras 4.4.2.4, 4.4.3.4, 4.4.4.

³³⁹⁸ Monna KA Khomo, *HIV and AIDS Strategic Plan 2010-2012 For the Herd Boys Community in Lesotho.*, Maseru, 2010.

³³⁹⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Lesotho.”

³⁴⁰⁰ UNICEF, *Lesotho cash-grants pilot programme aims to ensure vulnerable children’s rights*, November 18, 2009; available from http://www.unicef.org/infobycountry/lesotho_51799.html?q=printme.

³⁴⁰¹ ILO, Decent Work Country Programme; Lesotho; 2006 to 2009, Geneva, 2006, 1, 18; available from www.ilo.org/public/english/bureau/program/dwcp/download/lesotho.pdf

³⁴⁰² ILO, Implementation of Decent Work Country Programmes, Geneva, April 2007, paras 1, 4; available from http://www.ilo.org/public/english/region/afpro/addisababa/pdf/dwcp_in_africa.pdf.

Liberia

The Government of Liberia conducted awareness-raising campaigns and participated in projects to combat the worst forms of child labor. However, the Government does not effectively enforce existing child labor laws and has yet to adopt the National Children's Act or a comprehensive list of hazardous labor. The worst forms of child labor continue to exist in agriculture (rubber tapping) and mining (diamonds) sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.7*
Attending School	5-14 yrs.	40.1
Combining Work and School	7-14 yrs.	20.6

* Population of working children: 358,179



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Liberia are engaged in the worst forms of child labor,³⁴⁰³ primarily in the agriculture and mining sectors. Some children working in agriculture are engaged in risky activities, including using dangerous tools and applying harmful pesticides.³⁴⁰⁴ On some rubber plantations, children are employed to tap rubber trees, clear brush and carry buckets.³⁴⁰⁵

Children are engaged in stone crushing and the mining of natural resources, including alluvial diamonds. Research suggests that children also mine gold.³⁴⁰⁶ Children's work in mining often involves unsafe activities, such as handling dangerous tools and carrying heavy loads.³⁴⁰⁷ Liberian children are also engaged in the informal sector and as porters, truck loaders and sand baggers, all of which involve transporting heavy loads. Some children are employed as porters to offload imported goods from Côte d'Ivoire off commercial trucks.³⁴⁰⁸ In the domestic service sector, children commonly work long hours and are exposed to physical and sexual exploitation.³⁴⁰⁹

Children, especially girls, are reportedly engaged in prostitution.³⁴¹⁰ Some children are trafficked within Liberia for domestic service and exploitative labor.³⁴¹¹

Between 1990 and 2003, Liberia was engaged in intermittent armed conflict, which resulted in the displacement of entire communities and destroyed the country's political, economic and physical infrastructure, leaving many children vulnerable to the worst forms of child labor.³⁴¹² Research indicates that the war destroyed the school infrastructure, and due to budgetary and resource constraints, that infrastructure is still being rebuilt. The limited number of schools in some areas impedes access to education and increases the risk of children engaging in child labor.³⁴¹³

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for work at 16 for the agriculture sector. The minimum age for work in the industrial sector is 18.³⁴¹⁴ Children younger than age 16 are prohibited from working during the school day and may only work

for wages if the employer can demonstrate that they are attending school regularly and have a basic education.³⁴¹⁵ According to the Labor Law, recruiters are permitted to hire children between ages 16 and 18 for occupations that the Ministry of Labor determines are not harmful to the children's physical and moral development.³⁴¹⁶ The Labor Law does not include any penalties for engaging a child in hazardous labor.³⁴¹⁷ Research indicates that the Government of Liberia has plans to update its labor laws through the draft New Labor Laws of Liberia 2011 bill.³⁴¹⁸

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

The Labor Law does not provide a comprehensive list of hazardous activities that are prohibited for children younger than age 18.³⁴¹⁹ In particular, the law does not protect children against physical and psychological abuse, dangerous work underground or in confined spaces and dangerous work that involves the transport of heavy loads, all of which occur in sectors where Liberian children work.³⁴²⁰

The Constitution of the Republic of Liberia prohibits forced and bonded labor and slavery.³⁴²¹

The Act to Ban Trafficking in Persons within the Republic of Liberia criminalizes the trafficking of children for the purposes of commercial sexual exploitation and forced labor.³⁴²² The Act to Amend the New Penal Code Chapter 14 Section 14.70 and to Provide for Gang Rape prohibits rape, including intercourse with a child younger than age 18.³⁴²³ As a result, the law does not protect children from commercial sexual exploitation in the absence of trafficking. The Government has drafted but not passed the National Children's Act, which includes the Government's policy plan to combat the worst forms of child labor.³⁴²⁴

According to the Education Law of 2001, the Government of Liberia has established the right to free primary education through age 12. However, the gap between the compulsory education age and the minimum age for work (age 16) places children at risk of falling into child labor.³⁴²⁵

Institutional Mechanisms for Monitoring and Enforcement

The National Commission on Child Labor (NACOMAL) is charged with monitoring child labor issues and directing child labor policies. The commission is headed by the Ministry of Labor and includes representatives from 16 other organizations, including NGOs and international and civil society organizations.³⁴²⁶ The objectives of NACOMAL include awareness raising, reforming national child labor laws and designing a national child labor database.³⁴²⁷ The Child Protection Network, chaired by the Ministry of Gender and Development, coordinates child protection efforts through monthly meetings to discuss child protection issues, including child labor and trafficking. Members of the network include the Ministry of Labor, the Ministry of Health and Social Welfare, the Ministry of Justice's Women and Children Protection Section (WCPS), the Liberia National Police Force and civil society organizations.³⁴²⁸ Due to resource and capacity constraints, the Government does not collect or publish data on child labor, which hinders coordination and enforcement efforts.³⁴²⁹

NACOMAL and other ministries generally perform preliminary investigations on exploitative child labor cases.³⁴³⁰ Although a labor commissioner and labor investigators are present in all of Liberia's 15 counties, underfunding and understaffing limits their ability to investigate issues specifically related to child labor.³⁴³¹ Child labor cases requiring further investigation or possible prosecution are referred to WCPS. WCPS has approximately 275 investigators.³⁴³² During the reporting period, a number of child labor cases were referred to NACOMAL and WCPS, yet none resulted in prosecution.³⁴³³ Severe budgetary constraints and lack of resources, rather than lack of will, impede the efforts of NACOMAL and WCPS to combat the worst forms of child labor.³⁴³⁴

Liberia also has mechanisms in place for monitoring and enforcing criminal violations of the worst forms of child labor as they relate to trafficking and the use of children in illicit activities. The Ministry of Justice, through WCPS and the Bureau of Immigration and Naturalization, is responsible for enforcing laws against these specific activities.³⁴³⁵ The Government coordinates anti-trafficking activities through the National Human Trafficking Task Force, which is chaired by the Ministry of Labor and includes representatives from the Ministries of Justice, Foreign Affairs and Internal Affairs, the National Police Force and the Commissioner of Immigration.³⁴³⁶ The task force had previously met on a monthly basis but did not hold any meetings between June and December 2010.³⁴³⁷ The task force publishes reports that are accessible to the public and assists the Liberian National Police Force with human trafficking investigations and monitoring court cases.³⁴³⁸ Despite the task force's efforts, the Government of Liberia did not prosecute any traffickers during the reporting period. However, two cases were reported and one is pending investigation.³⁴³⁹

Government Policies on the Worst Forms of Child Labor

The Government of Liberia has a number of policy frameworks that address child labor.³⁴⁴⁰

The Government has undertaken a Country Program Action Plan (2008-2012) with UNICEF that seeks to reduce the vulnerability of children to exploitation, including child labor and child trafficking.³⁴⁴¹ The plan calls for UNICEF to complete a national child labor analysis and build the capacity of Liberian institutions to prevent the worst forms of child labor.³⁴⁴² The plan provides indicators, targets and sources of data to measure UNICEF's progress.³⁴⁴³

The Government of Liberia has included child labor issues in other development agendas and social policies. The United Nations Development Assistance Framework for Liberia (2008-2012) tasks the Government with reforming national labor laws in accordance with ILO conventions and assisting in the implementation of child labor policies.³⁴⁴⁴ The framework requires other UN agencies to promote youth employment and increase access to quality education.³⁴⁴⁵ The Government's Poverty Reduction Strategy (2008-2011) recognizes the link between household income and child labor and highlights the importance of protecting children from physical, psychological and sexual abuse.³⁴⁴⁶ Liberia's National Social Welfare Policy prioritizes the development of action plans and policies that target children engaged in exploitative labor and child trafficking.³⁴⁴⁷ The Liberian National Youth Policy of 2005 identifies children working in the informal sector, children living and working in the streets and children associated with armed groups as priority target groups for assistance.³⁴⁴⁸ However, the National Youth Policy for Liberia has not been formally passed to date.³⁴⁴⁹ Additionally, the Government of Liberia has a National Youth Policy Action Plan, which provides youth of legal working age with training in entrepreneurship skills and links to business mentoring programs and cooperatives.³⁴⁵⁰

While these policies address some child labor concerns, the impact of these policies on child labor is yet to be assessed.³⁴⁵¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of Liberia supported the UN Joint Program for Employment and Empowerment of Young Women and Men, which aims to produce decent employment for disadvantaged youth in the informal economy and agriculture.³⁴⁵²

The Government of Liberia participated in the USDOL-funded, \$6 million Child Labor Education Initiative project in Sierra Leone and Liberia from 2005 to 2010, which was implemented by the International Rescue Committee. The project withdrew 8,243 children and prevented an additional 21,647 children from exploitative child labor in sectors such as agriculture, mining and street vending.³⁴⁵³ The Government of Liberia also participated in the USDOL-funded National Child Labor SIMPOC survey, which ended in September 2010.³⁴⁵⁴

During the reporting period, the Government cooperated with a USDOL-funded grant for research on forced labor in the rubber sector, which is ongoing through September 2011.³⁴⁵⁵

During the reporting period, with financial support from NGOs, NACOMAL conducted awareness-raising sessions on the importance of children's education. The National Children's Parliament, comprised of student representatives from all 15 Liberian counties, advocated for stronger laws to protect children, such as the draft National Children's Act.³⁴⁵⁶ The Ministry of Gender and Development established seven local committees to promote children's welfare. Each committee has 11 volunteers who monitor and report on instances of exploitative child labor.³⁴⁵⁷

Despite Government efforts, child labor continues to be an issue, which suggests that the scope of existing programs is insufficient to address the problem in Liberia

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Liberia:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a hazardous labor list that defines and prohibits hazardous labor for children younger than age 18 and adopt sufficiently strict penalties.
- Pass the National Children's Act and ensure the act complies with international standards.
- Make the legal age for compulsory education equivalent to the minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct national child labor surveys and publish collected data to inform strategic planning and evidence-based policies.
- Fully fund child labor enforcement mechanisms and prosecution efforts, possibly through NACOMAL or the task force, to enforce child labor laws.
- Consistently collect and publish data to monitor children's engagement in the worst forms of child labor.

IN THE AREA OF POLICIES:

- Formally pass the National Youth Policy for Liberia.
- Assess the impact that existing policies may have on addressing child labor, particularly in the agriculture and mining sectors.

IN THE AREA OF SOCIAL PROGRAMS:

- Increase the scope of existing social programs to reach more children at risk of and engaged in the worst forms of child labor.

³⁴⁰³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data provided are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁴⁰⁴ U.S. Department of State, "Liberia," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154354.htm>. See also Government of Liberia and Macro International, *Liberia Demographic and Health Survey 2007*, Monrovia, 2008, 17; available from http://www.measuredhs.com/pubs/pub_details.cfm?id=791.

³⁴⁰⁵ U.S. Department of State, "Country Reports- 2010: Liberia," section 7d. See also U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2e.

³⁴⁰⁶ U.S. Department of State, "Country Reports- 2010: Liberia," section 7d. See also UN Mission in Liberia, *Report on the Human Rights Situation in Liberia: January-June 2009*, Monrovia, May 2009, para 41; available from <http://unmil.org/>. See also U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 3. See also UN Development Group, *UN Joint Program for Employment and Empowerment of Young Women and Men in Liberia*, February 16, 2009, para 19; available from <http://www.undg.org/unct.cfm?module=JointProgramme&page=JointProgrammeView&CountryID=&&JointProgrammeID=566&>.

³⁴⁰⁷ International Rescue Committee, *Child Labor and Education in Liberia: Needs Assessment in Targeted Communities*, New York, June 2006.

³⁴⁰⁸ International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, Project Document, August 2007, 9. See also Government of Liberia Ministry of Gender and Development official, Interview with USDOL consultant, June 26, 2006. See also Women's Refugee Commission, *Dreams Deferred: Educational and Skills-building Needs and Opportunities for Youth in Liberia*, February 16, 2009, 2-3; available from www.crin.org/docs/liberia_youth_report_2009_final.pdf. See also UN Mission in Liberia, *Human Rights Situation in Liberia*.

³⁴⁰⁹ International Rescue Committee, *CYCLE Project Document*, 9. See also U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 3. See also U.S. Department of State,

"Liberia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³⁴¹⁰ U.S. Department of State, "Liberia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135961.htm>.

³⁴¹¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Liberia." See also UNICEF, *News note: Liberia launches its situational analysis report on human trafficking*, Monrovia, March 1, 2010; available from http://www.unicef.org/media/media_52882.html?q=printme.

³⁴¹² UNICEF, *The Country Programme Action Plan 2008-2012 between The Government of Liberia and the United Nations Children's Fund*, 2008, paras 3, 4; available from www.unicef.org/wcaro/WCARO_Pub_Liberia_CPAP08-12.pdf.

³⁴¹³ U.S. Embassy- Monrovia official, E-mail communication to USDOL official, March 11, 2011. See also U.S. Embassy- Monrovia official, E-mail communication to USDOL official, June 27, 2011.

³⁴¹⁴ Government of Liberia, *Labor Law (Title 18 and 18A)*, (1956), section 74; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=LBR&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. See also U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 4.

³⁴¹⁵ Government of Liberia, *Labor Law*, section 74.

³⁴¹⁶ *Ibid.*, 1506, para 11. See also U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2a.

³⁴¹⁷ Government of Liberia, *Labor Law*, section 74.

³⁴¹⁸ U.S. Embassy- Monrovia official, E-mail communication, March 11, 2011. See also U.S. Embassy- Monrovia official, E-mail communication, June 27, 2011.

³⁴¹⁹ Government of Liberia, *Labor Law*, section 74.

³⁴²⁰ *Ibid.*, section 74. See also U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 4.

³⁴²¹ Government of Liberia, *Constitution of the Republic of Liberia*, (January 6, 1986), section 74; available from <http://www.tlcafrica.com/constitution-1986.htm#chapter3>.

³⁴²² Government of Liberia, *An Act to Ban Trafficking in Persons within the Republic of Liberia*, (2005), article 1, sections 6, 7; available from <https://www.unodc.org/tldb/showDocument.do?documentUid=7975&node=docs&cmd=add&country=LIR>.

³⁴²³ Government of Liberia, *An Act to Amend the New Penal Code Chapter 14 Sections 14.70 and 14.71 and to Provide for Gang Rape*, (December 29, 2005); available from <http://www.unhcr.org/refworld/docid/44868e674.html>. See also U.S. Embassy- Monrovia official, E-mail communication, June 27, 2011.

- ³⁴²⁴ U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 8.
- ³⁴²⁵ U.S. Department of State, “Country Reports- 2009: Liberia,” section 7. See also U.S. Embassy- Monrovia official, E-mail communication to USDOL official, May 20, 2011.
- ³⁴²⁶ Government of Liberia, *Ministry of Labour; National Commission on Child Labour (NACOMAL); Plan of Action 2007-2016*, Monrovia, 2007, 1-2. See also U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 5.
- ³⁴²⁷ Government of Liberia, *Plan of Action 2007-2016*, 3.
- ³⁴²⁸ U.S. Embassy- Monrovia, *reporting, January 26, 2011*, paras 3, 5. See also U.S. Embassy- Monrovia official, E-mail communication, June 27, 2011.
- ³⁴²⁹ U.S. Embassy- Monrovia, *reporting, January 26, 2011*, paras 3, 5. See also U.S. Embassy- Monrovia official, E-mail communication, June 27, 2011.
- ³⁴³⁰ U.S. Embassy- Monrovia official, E-mail communication, June 27, 2011.
- ³⁴³¹ *Ibid.*
- ³⁴³² U.S. Embassy- Monrovia, *reporting, January 26, 2011*, paras 5-7.
- ³⁴³³ *Ibid.*, para 6.
- ³⁴³⁴ *Ibid.*, para 5.
- ³⁴³⁵ *Ibid.*, para 7.
- ³⁴³⁶ U.S. Embassy- Monrovia, *reporting, February 1, 2010*, para 2b.
- ³⁴³⁷ *Ibid.*
- ³⁴³⁸ *Ibid.*, para 4d.
- ³⁴³⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Liberia.” See also U.S. Embassy- Monrovia, *reporting, January 26, 2011*.
- ³⁴⁴⁰ U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 9.
- ³⁴⁴¹ UNICEF, *Country Programme of Action 2008-2012*, paras 49, 51.
- ³⁴⁴² *Ibid.*, 23, 44.
- ³⁴⁴³ *Ibid.*, 42, 44.
- ³⁴⁴⁴ UN Development Group, *UN Development Assistance Framework for Liberia 2008-2012: Consolidating Peace and National Recovery for Sustainable Development*, May 2007, 37; available from <http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=LIR>.
- ³⁴⁴⁵ *Ibid.*, 27, 40.
- ³⁴⁴⁶ *Poverty Reduction Strategy*, International Monetary Fund, Washington, July 2008, 185-187; available from <http://www.imf.org/external/pubs/ft/scr/2008/cr08219.pdf>.
- ³⁴⁴⁷ Government of Liberia, *Social Welfare Policy*, Monrovia, 2009, xi, 9; available from <http://liberiamohsw.org/Policies&Plan.html>.
- ³⁴⁴⁸ Government of Liberia, *A National Youth Policy for Liberia: A Framework for Setting Priorities and Executing Action*, Monrovia, Monrovia, December 2005, 20-22; available from <http://www.flyliberia.org/Youth%20Policy%20-%20Final%20Doc%2006.doc>.
- ³⁴⁴⁹ U.S. Embassy- Monrovia official, E-mail communication, May 20, 2011.
- ³⁴⁵⁰ Gary Walker, Jane C. Miller Wood, and Eric Allemano, *Liberia Youth Fragility Assessment*, USAID, Washington, April 2009, 5, 30, 31; available from http://pdf.usaid.gov/pdf_docs/PNADQ258.pdf
- ³⁴⁵¹ U.S. Embassy- Monrovia official, E-mail communication, June 27, 2011.
- ³⁴⁵² UN Development Group, *UN Joint Program for Employment and Empowerment*, 2, 4, 6, 8.
- ³⁴⁵³ U.S. Department of Labor, *Technical Cooperation Summary-Countering Youth and Child Labor Through Education in Sierra Leone and Liberia (CYCLE)*, Project Summary, Washington, DC, 2009; available from <http://www.dol.gov/ilab/map/countries/liberia.htm>.
- ³⁴⁵⁴ U.S. Department of Labor, *Operations Research Summary*, Research Summary, Washington, DC, 2010.
- ³⁴⁵⁵ *Ibid.*
- ³⁴⁵⁶ U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 9. See also U.S. Embassy- Monrovia official, E-mail communication, June 27, 2011.
- ³⁴⁵⁷ U.S. Embassy- Monrovia, *reporting, January 26, 2011*, para 9.

Macedonia

The Government of Macedonia has a National Action Plan to Combat Trafficking of Children (2009–2012). The Government has also assembled a variety of agencies and mechanisms devoted to ending the worst forms of child labor. However, social programs addressing the unique needs of street children and child victims of human trafficking are lacking. Forced begging on the streets continues to be a problem.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.9*
Attending School	5-14 yrs.	84.7
Combining Work and School	7-14 yrs.	11.5

* Population of working children: 30,052

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Macedonia are engaged in the worst forms of child labor,³⁴⁵⁸ particularly as victims of domestic and international trafficking for commercial sexual exploitation and in forced begging on the streets.³⁴⁵⁹ Some children, mostly Roma, are forced into organized begging in open markets, on the streets, and in bars at night. Children who work on the street may be exposed to multiple dangers, including severe weather, vehicle accidents, and criminal elements.

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Macedonia and the Labor Relations Act set the minimum working age at 15.³⁴⁶⁰ Article 63 of the Labor Relations Act states that a person must be at least 18 to engage in hazardous work; it also stipulates that children under age 18 may not work underground or underwater, engage in strenuous physical labor, or perform other jobs that may be harmful or threatening to their life or health.⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Forced labor is prohibited by Article 11 of the Constitution.³⁴⁶² The minimum age for voluntary military service is 18, and there is no compulsory military service.³⁴⁶³ The Criminal Code bans

prostitution and procuring people for prostitution, in addition to slavery and the transporting of people in slavery. Trafficking is prosecuted under Article 418 of the Criminal Code.³⁴⁶⁴

The Law on Foreigners allows foreign child victims of trafficking two months of temporary residence to determine whether or not they wish to assist the authorities with prosecutions. This period can be extended several times.³⁴⁶⁵ Furthermore, the issuance of residence permits is conditional upon a child victim's willingness to cooperate with authorities in the investigation, but not conditional upon testimony during the prosecution of traffickers.³⁴⁶⁶

While begging itself is not illegal in Macedonia, the use of children for forced, organized, or exploitative begging is prohibited under Article 201 of the Criminal Code.³⁴⁶⁷ Article 201 also states that it is illegal for parents or guardians to coerce children into forced prostitution for their own interest.³⁴⁶⁸

Education in Macedonia is free and compulsory to age 15, which is also the minimum age that children can start working in Macedonia.³⁴⁶⁹

Institutional Mechanisms for Coordination and Enforcement

The Government of Macedonia has created the National Commission for Children's Rights (NCCR). Among other activities, the NCCR is expected to monitor the involvement of all institutions that work to combat trafficking in human beings.³⁴⁷⁰ Research does not indicate whether the NCCR coordinates actions to address child begging or other worst forms of child labor in Macedonia. The NCCR meets six times a year to draft and monitor implementation of policies and strategies. The NCCR has created a subgroup specifically for addressing the needs of child victims of trafficking.³⁴⁷¹

The National Commission for Trafficking in Persons and Migrant Smuggling, including

child trafficking, is responsible for drafting legislation and coordinating anti-smuggling and anti-trafficking efforts.³⁴⁷² The Government of Macedonia has established the Office of the Ombudsman, which receives complaints of hazardous and forced child labor, although no official complaints were received in 2010.³⁴⁷³

The State Labor Inspectorate, a department within the Ministry of Labour and Social Policy, is responsible for workplace inspections and monitoring of labor law violations, including those regarding child labor.³⁴⁷⁴ There are 110 labor inspectors to cover labor relations and occupational safety and health inspections.³⁴⁷⁵ In regional offices with only one inspector, he or she may cover both roles, sometimes without training on occupational safety and health standards for children.³⁴⁷⁶ Occupational safety and health and labor relations inspectors are mandated to carry out at least 60 inspections per month and at least once a year within the following sectors: industrial, agriculture, trade, construction, forestry, transport, communal services, craft trade, hotel and restaurants, schools and universities, workshops, and laboratories used for professional practice.³⁴⁷⁷ Inspections for all other premises are required once every 3 years.³⁴⁷⁸

During the reporting period, the Ministry of Labor partnered with OSCE to train 110 labor inspectors on identifying labor trafficking and procedures for investigating these crimes through coordinating their activities with the National Referral Mechanism Office (NRM).³⁴⁷⁹ The NRM also coordinates the work of the 30 Centers for Social Welfare, which may involve providing services to trafficked children.³⁴⁸⁰

There is no nationally accessible registry of inspections that have been carried out by MLSP inspectors because the results of inspections are recorded on paper. These results are kept in regional offices and are not shared with other regional offices.³⁴⁸¹

The Ministry of the Interior (MOI) is the agency responsible for enforcement of criminal laws on the worst forms of child labor, including human trafficking and forced begging. The MOI has a Border Affairs section, a monitoring and enforcement division that plays a critical role in the identification of victims at border points; it is empowered to accept and process temporary residence permits that can be issued to victims of human trafficking.³⁴⁸² Within the Organized Crime Department, two informal sub-units comprise the Trafficking in Human Beings section (THB).³⁴⁸³ The THB section includes 14 specialized police officers located in Skopje, the capital of Macedonia.³⁴⁸⁴ These officers receive training on the standard operating procedures for treating victims of trafficking.³⁴⁸⁵

The Ministry of Foreign Affairs provides protection and assistance to foreign child victims of human trafficking and utilizes the Transnational Referral Mechanism (TRM) project of the International Centre for Migration Policy Development, an international organization headquartered in Vienna.³⁴⁸⁶ The TRM project provides comprehensive assistance to all foreign victims of trafficking.³⁴⁸⁷

Within the MOI, the police force is the primary mechanism for enforcing criminal laws on forced begging. The police force has adopted the policy of having plain clothes police officers reach out to street children and engage their families to find viable alternatives to forced begging.³⁴⁸⁸ In 2010, the MOI held nine training sessions on the protection of victims—in particular, human trafficking victims—for 201 police officers.³⁴⁸⁹ The MOI also trained 65 labor inspectors on how to improve the capacity of state actors' abilities to protect victims of violent crimes, particularly victims of human trafficking.³⁴⁹⁰

Within the Public Prosecutor's Office, the Organized Crime and Corruption Unit is responsible for prosecuting a variety of issues, including child trafficking, the commercial sexual exploitation of children, and the use of children

in illicit activities. The office has a mandate for 13 prosecutors and, as of this reporting period, all remaining positions within the unit were filled.³⁴⁹¹

Three investigations were opened on child trafficking during the reporting period, one for labor exploitation and two for sexual exploitation. In another case, 12 defendants were charged with sexual attack against a minor under age 14 and procuring minors for sexual acts, which carries similar penalties to trafficking.³⁴⁹² All 5 children found to be victims of child trafficking were removed from the situation, placed in shelters for trafficked children, and given immediate medical and psychological care.³⁴⁹³ In 2010, three people were convicted of child trafficking for sexual exploitation from previously unsettled cases; all other cases are still ongoing.³⁴⁹⁴

Government Policies on the Worst Forms of Child Labor

The Government has adopted a 10-year National Action Plan (2005–2015) for the Rights of Children in Macedonia, which outlines activities for prevention and elimination of the worst forms of child labor. This National Action Plan includes direct assistance, poverty reduction, and intervention activities, as well as provisions for the rehabilitation of children and a stipulation for better access to primary education.³⁴⁹⁵

The National Commission for Children's Rights has published a National Action Plan to Combat Trafficking of Children (NAP) in the Republic of Macedonia (2009–2012). This National Action Plan focuses on preventative measures to protect children from trafficking as well as suggesting policy and legislative solutions to the problem.³⁴⁹⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Government continued to fund four Centers for Social Day Care. The Ministry of Labor and Social Policy operates these centers, which are responsible for rendering services

to children working in the streets, including street children who beg. These services include providing psychological, medical, and educational assistance.³⁴⁹⁷

In consultations with UNICEF and NGOs, the MOI has sought more holistic solutions to solving the forced, organized, and exploitative begging problems within the Roma minority; however, there are limited programs to address the education or economic roots of the forced begging problem.³⁴⁹⁸

Another Center for Social Day Care was opened in 2010, in Bitola, a city in southern Macedonia with a large Roma population. However, plans to open two new in similar cities were postponed due to a lack of funding and local government issues.³⁴⁹⁹

The Government runs a Reception Center for foreign victims of trafficking. Additional services at the Reception Center are provided by an NGO that receives some funds from the Government.³⁵⁰⁰ While children have separate sleeping quarters from adults, child and adult victims of trafficking are mixed together in the common areas, as there are no facilities dedicated to address the unique needs of children.³⁵⁰¹

Thirty Centers for Social Welfare (CSW) provide reintegration services for domestic victims of trafficking.³⁵⁰² These centers cannot accommodate all victims in a 24-hour period, leaving some victims to find their own accommodations until the Centers for Social Welfare reopen the following day.³⁵⁰³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Macedonia:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide the inspectors of the Ministry of Labor and Social Policy with a nationally accessible computerized system to record inspections and make data publicly available.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand programs to address the economic and education factors behind forced, organized, and exploitative begging, particularly within the Roma community.
- Increase the capacity of the Reception Center and the Centers for Social Welfare to reach more child victims of trafficking and forced labor, adapting the services of these shelters to the unique needs of child victims, including separate spaces for children.

³⁴⁵⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2000-2011. Data on working children and school attendance are from 2005-2006. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more

information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁴⁵⁹ U.S. Department of State, "Macedonia," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 08, 2011, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154437.htm>. See also U.S. Embassy- Skopje, *reporting, February 14, 2011*.

³⁴⁶⁰ Government of Macedonia, *Constitution of the Republic of Macedonia of 1991*, (September 8, 1991); available from <http://www.sobranie.mk/en/default.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>.

- ³⁴⁶¹ Government of Macedonia, *Labor Relations Act*, (December 27, 1993); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/47727/65084/E93MKD02.htm>.
- ³⁴⁶² Government of Macedonia, *Constitution of Macedonia*. See also Government of Macedonia, *Labor Relations Act*.
- ³⁴⁶³ CIA, *The World Factbook: Macedonia*, [online] April 6, 2011 [cited April 11, 2011]; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html>.
- ³⁴⁶⁴ Government of Macedonia, *Criminal Code of the Republic of Macedonia of 1996*, (July 23, 1996); available from <http://www.mlrc.org.mk/law/CriminalCode.htm>.
- ³⁴⁶⁵ Terre des Hommes, *Report on the Implementation of UNICEF Guidelines for the Protection of the Rights of Child Victims of Trafficking*, February 22, 2010; available from http://crin.org/docs/tdh_south_eastern_europe.pdf.
- ³⁴⁶⁶ U.S. Embassy- Skopje, *reporting, April 21, 2011*.
- ³⁴⁶⁷ Government of Macedonia, *Criminal Code*.
- ³⁴⁶⁸ Ibid.
- ³⁴⁶⁹ UNESCO, *Education for All Global Monitoring Report*, 2010; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>.
- ³⁴⁷⁰ Terre des Hommes, *UNICEF Guidelines-Macedonia*.
- ³⁴⁷¹ Ibid.
- ³⁴⁷² U.S. Embassy- Skopje, *reporting, April 21, 2011*.
- ³⁴⁷³ U.S. Embassy- Skopje, *reporting, March 1, 2010*.
- ³⁴⁷⁴ ILO Labour Administration and Inspection Programme, *Information Resources: Macedonia*, July 2009; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114938/index.htm.
- ³⁴⁷⁵ U.S. Embassy- Skopje, *reporting, February 14, 2011*.
- ³⁴⁷⁶ U.S. Embassy- Skopje, *reporting, March 1, 2010*.
- ³⁴⁷⁷ ILO Labour Administration and Inspection Programme, *Information Resources: Macedonia*.
- ³⁴⁷⁸ Ibid.
- ³⁴⁷⁹ U.S. Embassy- Skopje, *reporting, March 1, 2010*.
- ³⁴⁸⁰ U.S. Embassy- Skopje, *reporting, April 21, 2011*.
- ³⁴⁸¹ U.S. Embassy- Skopje, *reporting, March 1, 2010*.
- ³⁴⁸² Ibid.
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- ³⁴⁸⁴ Ibid.
- ³⁴⁸⁵ Ibid.
- ³⁴⁸⁶ Ibid.
- ³⁴⁸⁷ International Centre for Migration Policy and Development, *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU*, 2010; available from http://www.anti-trafficking.net/fileadmin/IIMS-documents/ICMPD/TRM/TRM_guidelines_2010-02-15_for_web.pdf.
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- ³⁴⁸⁹ U.S. Embassy- Skopje, *reporting, February 14, 2011*.
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- ³⁴⁹¹ U.S. Embassy- Skopje, *reporting, February 16, 2011*.
- ³⁴⁹² U.S. Embassy- Skopje, *reporting, February 14, 2011*.
- ³⁴⁹³ Ibid.
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- ³⁴⁹⁵ U.S. Embassy- Skopje, *reporting, March 1, 2010*.
- ³⁴⁹⁶ Government of Macedonia and UNICEF, *National Action Plan to Combat Trafficking in Children in Macedonia 2009-2012*, April 2009 2009; available from http://www.unicef.org/tfyr-macedonia/NAP_Children_April_09_-_ENG.pdf. See also U.S. Embassy- Skopje, *reporting, February 16, 2011*.
- ³⁴⁹⁷ U.S. Department of State, "Country Reports- 2010: Macedonia," section 6.
- ³⁴⁹⁸ U.S. Embassy- Skopje, *reporting, March 1, 2010*.
- ³⁴⁹⁹ U.S. Embassy- Skopje, *reporting, February 14, 2011*.
- ³⁵⁰⁰ Terre des Hommes, *UNICEF Guidelines-Macedonia*.
- ³⁵⁰¹ Ibid. See also U.S. Embassy- Skopje official, *e-mail communication, June 24, 2011*.
- ³⁵⁰² U.S. Department of State, "Macedonia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.
- ³⁵⁰³ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

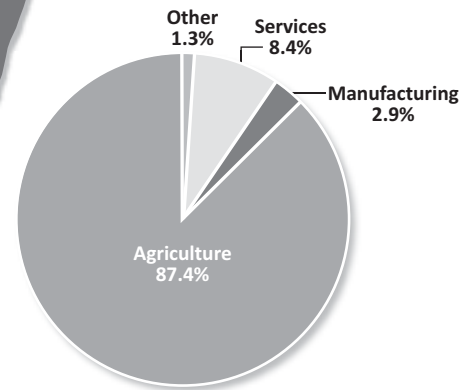
Madagascar

The Government of Madagascar has supported limited training and awareness-raising programs to reduce the worst forms of child labor. Ongoing political instability has made children more vulnerable to the worst forms of child labor and hampered efforts by government authorities, as well as the flow of resources to programs to combat the worst forms of child labor. As a result, the worst forms of child labor persist, particularly in agriculture and mining of gemstones.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	22.1*
Attending School	5-14 yrs.	69.1
Combining Work and School	7-14 yrs.	15.4

* Population of working children: 1,206,992



Prevalence and Distribution of the Worst Forms of Child Labor

Children in Madagascar are engaged in the worst forms of child labor,³⁵⁰⁴ including agriculture and mining.³⁵⁰⁵ Children produce a variety of agricultural products. Although the extent of the problem is unknown, evidence suggests that children as young as age 8 are involved in the production of wine, tea, cocoa, cotton and vanilla.³⁵⁰⁶ Evidence also suggests that children are engaged in the production of sisal in the district of Amboasary. Sisal is an agave plant, commonly used to produce rope.³⁵⁰⁷ Children laboring in the tea industry are reported to work with fertilizer and carry up to 50 kilograms of weight on their backs.³⁵⁰⁸ While information is limited, reports suggest that children also harvest grapes and cocoa. Reports also suggest that children are engaged in the production of copra (dried meat of the coconut) in Sambava and Toamasina.³⁵⁰⁹ Additional risks for children engaged in agriculture include using dangerous tools.

In coastal areas, children are engaged in the fishing, shrimp and oyster industries.³⁵¹⁰ Children

engaged in the fishing industry and who gather shrimp and perform deep sea diving may be at risk of drowning and excessive sun exposure.³⁵¹¹

Many children in the town of Ilakaka are involved in the mining of gemstones.³⁵¹² In the event of a mine cave-in or a landslide, these children are at risk of suffocation.³⁵¹³ Children engaged in salt mining may carry heavy loads and are at risk of exposure to high temperatures and illness.³⁵¹⁴ Children are also engaged in mining gold in the regions of Analamanga, Vakinankaratra and Anosy.³⁵¹⁵

Children are reportedly involved in transporting bricks from the location they were made to trucks or construction sites.³⁵¹⁶ In stone quarries, children reportedly work long hours and face physical and verbal abuse.³⁵¹⁷ In the urban sector, children also transport goods by rickshaw.³⁵¹⁸ Such activities are risky as children commonly carry heavy loads and perform other dangerous activities.

Malagasy children engaged in domestic service work an average of 12 hours per day, with some

working as much as 18 hours per day. Child domestic servants carry heavy loads and receive little to no payment for their work.³⁵¹⁹ These children are sometimes exposed to hazardous activities as well as sexual and psychological abuse from their employers.³⁵²⁰

Children in Madagascar are also engaged in commercial sexual exploitation in the coastal cities and in Antananarivo.³⁵²¹ While victims of child sex tourism are mostly girls, boys are exploited as well.³⁵²² Children are often recruited through fraudulent offers of employment in the service industry.³⁵²³

Madagascar is a source country for domestic and international trafficking in persons.³⁵²⁴ Reportedly, Malagasy children are mostly trafficked domestically from rural to urban areas for forced labor in sectors such as commercial sexual exploitation, domestic service, mines, fishing and agriculture.³⁵²⁵ Domestic child traffickers include taxi drivers, friends and relatives.³⁵²⁶

The lack of school infrastructure is a barrier to education in Madagascar.³⁵²⁷ Reports indicate that ongoing political and economic instability since the 2009 coup and subsequent cyclones and droughts have caused an increase in unemployment and poverty, resulting in a decrease in school enrollment and an increase in children’s engagement in exploitative labor.³⁵²⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work and apprenticeships at 15.³⁵²⁹ However, children in Madagascar are required to attend school only until age 10.³⁵³⁰ This gap between compulsory education and the legal working age makes children more susceptible to involvement in the worst forms of child labor.

The Labor Code prohibits children under age 18 from employment that is immoral or hazardous, and several other laws also restrict children’s

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	10
	Free Public Education	Yes

work.³⁵³¹ Decree N2007-563 permits children between ages 15 and 17 to perform light work if the work does not exceed their strength, is not hazardous and does not interfere with the child’s health or physical, mental, spiritual, moral and social development. The Decree also permits children age 14 to work if authorized by a labor inspector.³⁵³² Both the Decree and the Labor Code prohibit children under age 18 from performing work at night.³⁵³³ The Decree further stipulates the weight load a child can carry, by gender.³⁵³⁴ Decree N2007-563 also prohibits children from working near toxic materials and pesticides, as domestic servants and in bars, discos, casinos or mines.³⁵³⁵

Decree N2007-563 criminalizes commercial sexual exploitation of children, trafficking of children, use of children in illicit activities (e.g., trafficking drugs) and use of children to produce and disseminate pornographic materials.³⁵³⁶ Forced labor is prohibited in Madagascar under both the Labor Code and Decree N2007-563.³⁵³⁷ The Penal Code allows for the extradition of Malagasy nationals and persons charged with trafficking in other countries.³⁵³⁸ The minimum

age for voluntary and compulsory military service under Malagasy law is 18.³⁵³⁹

Institutional Mechanisms for Coordination and Enforcement

Political instability since the 2009 coup has hampered efforts to coordinate activities to combat and enforce laws that protect children from the worst forms of child labor.³⁵⁴⁰ Shortly after the coup, many public servants and labor inspectors were relieved of their positions, and some still have not been replaced.³⁵⁴¹

The National Committee to Fight Child Labor (CNLTE) is an inter-ministerial committee lead by the Ministry of Civil Services and Labor, with representatives from the Ministries of Education, Health and Justice.³⁵⁴² The committee coordinates programs, provides input on legislation and regulations on child labor and is charged with monitoring and pursuing the implementation of the National Action Plan to Fight Child Labor.³⁵⁴³ The Division for the Prevention, Abolition and Monitoring of Child Labor within the Ministry of Civil Service and Labor supports the CNLTE by coordinating, monitoring and evaluating framework activities designed to fight against child labor. The Division also conducts research and development activities to combat child labor.³⁵⁴⁴

Prior to the 2009 coup, anti-trafficking efforts in Madagascar had been coordinated by the President's Inter-Ministerial Anti-Trafficking Committee, with members from 11 other ministries, as well as the police and the gendarmerie (a military body charged with police duties among civilian populations).³⁵⁴⁵ However, under the current government in Madagascar, the Inter-Ministerial Anti-Trafficking Committee has ceased to function and coordination between the agencies remains an issue.³⁵⁴⁶

The Ministry of Civil Services and Labor is charged with enforcing child labor laws and conducting workplace inspections.³⁵⁴⁷ The

Ministry of Civil Services and Labor has 90 labor inspectors.³⁵⁴⁸ Research did not uncover any information on whether regular inspections were performed during the reporting period.³⁵⁴⁹ The Ministry of Justice is charged with enforcing all laws pertaining to violence against children, including trafficking and commercial exploitation of children.³⁵⁵⁰ The Morals and Minors Brigade of the National Police Force oversees investigations related to minors, including issues of trafficking and commercial sexual exploitation of children.³⁵⁵¹ The Morals and Minors Brigade's anti-trafficking database is dormant due to a lack of funding and the reassignment of key personnel; however, it continues to operate a hotline and work with other agencies, NGOs and international organizations to organize assistance for victims.³⁵⁵²

Research has not uncovered the number of complaints filed, investigations or prosecutions related to child labor.³⁵⁵³ Reports indicate that government authorities in Madagascar have made minimal effort to collect and compile information and data on the worst forms of child labor, including child trafficking.³⁵⁵⁴

Government Policies on the Worst Forms of Child Labor

Since the coup, the government in Madagascar has not fully recognized or sufficiently implemented some of the previous government's policies on the worst forms of child labor.³⁵⁵⁵

The previous government in Madagascar adopted the Madagascar Action Plan (MAP) (2007-2012), which expressly states an objective of fighting child labor and trafficking. It also adopted the National Action Plan to Eliminate the Worst Forms of Child Labor (NAP) (2004-2019), which includes anti-trafficking and anti-prostitution initiatives.³⁵⁵⁶ Further, child labor concerns were also incorporated into national development agendas and key documents, such as the Education for All Program and the Decent Work Program (2008-2013), Madagascar's Poverty Reduction Strategy Paper (2007-2012) and United

Nations Development Assistance Framework (2008-2011).³⁵⁵⁷ In addition, the question of whether these programs have an impact on child labor does not appear to have been addressed.³⁵⁵⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the government in Madagascar made minimal efforts to address the worst forms of child labor, including limited investment in social programs that protect children.³⁵⁵⁹ As a result of the 2009 coup, much of the funding from international donors, including the African Union, European Union, World Bank and the United States, was suspended.³⁵⁶⁰ Research is unclear about the extent to which continuing humanitarian assistance projects have been able to effectively implement activities and meet their targets.

The Government of Madagascar continues to participate in the Regional Program for Eastern Africa to increase coordination in combating human trafficking.³⁵⁶¹ Government authorities also performed awareness-raising activities on child sex trafficking through posters and booklets provided to tourists warning of the consequences of sex tourism. During the year, government officials participated in a UNICEF-funded project that provided skills training to 60 former sex workers, some as young as age 16.³⁵⁶² The Ministry

of Labor and Social Legislation continued to support education programs for street children, including remedial and vocational training, during the reporting period.³⁵⁶³

Implementing humanitarian activities at the local level during the year, the USDOL--funded, 4-year \$4.5 million project continued to combat the worst forms of child labor. The project is implemented by Private Agencies Collaborating Together (PACT) in association with Sehatra Ivoaran'ny Vehivavy (SIVE).³⁵⁶⁴ The project targets the sectors of agriculture, commercial sexual exploitation, domestic service, mining, and quarrying and aims to withdraw 4,500 children and prevent another 4,500 children from exploitative labor.³⁵⁶⁵

In addition, during the reporting period, government authorities continued to participate in the 4-year, EU-funded project Tackling Child Labor through Education (TACKLE). This \$21.1 million project aims to combat child labor through education in Madagascar, along with 10 other countries.³⁵⁶⁶ One of TACKLE's objectives is to strengthen the government's capacity to implement and enforce policies to prevent child labor.³⁵⁶⁷

While the Government of Madagascar attempted to address part of the child labor problem, the scope of existing programs is insufficient to address the problem.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Madagascar:

IN THE AREA OF LAWS AND REGULATIONS:

- Harmonize the minimum age for work and the maximum age for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that existing child labor laws are upheld, despite instability brought by the 2009 coup.
- Ensure committees to combat the worst forms of child labor are operational.
- Fully fund coordination and enforcement efforts, including the existing anti-trafficking database and provide personnel to oversee operations.
- Expand efforts to investigate, prosecute and enforce worst forms of child labor cases.
- Track and make publicly available information on the results of the inspections.
- Step up efforts to collect, compile and disseminate data on the worst forms of child labor, including child trafficking.

IN THE AREA OF POLICIES:

- Assess the impact existing policies may have on child labor.
- Reinvigorate efforts to implement existing policies, including the MAP and NAP.

IN THE AREA OF SOCIAL PROGRAMS:

- Increase the scope of social programs to reach more children at risk of the worst forms of child labor.

³⁵⁰⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2007. Data on children working and schooling from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁵⁰⁵ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, para 4. See also Confederation Syndicale Internationale, *Rapport pour l'Examen des Politiques Commerciales de Madagascar par le Conseil General de l'OMC*, Geneva, 2008, 6.

³⁵⁰⁶ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, section 6(D). See also U.S. Embassy- Antananarivo

official, E-mail communication to USDOL official, March 24, 2011.

³⁵⁰⁷ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, section 6(D). See also U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011. See also PACT Inc. official, E-mail communication to USDOL official, March 16, 2011.

³⁵⁰⁸ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, section 2(D). See also U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011.

³⁵⁰⁹ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, sections 3D, 5D, 10D. See also U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011.

³⁵¹⁰ U.S. Department of State, "Madagascar," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 4, 5, 10; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154355.htm>. See also U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, sections 4, 5, 10.

³⁵¹¹ U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011. See also U.S. Embassy- Antananarivo official, E-mail communication to USDOL official, June 27, 2011.

³⁵¹² U.S. Department of State, “Country Reports- 2010: Madagascar,” section 7d.

³⁵¹³ OHCHR, *La Situation des Droits de l’homme a Madagascar*, Geneva, March 2007, 33; available from http://www2.ohchr.org/english/bodies/hrc/docs/ngos/omct_madagascar.pdf.

³⁵¹⁴ U.S. Department of State, «Madagascar,» in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

³⁵¹⁵ PACT Inc. official, E-mail communication, March 16, 2011.

³⁵¹⁶ U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, section 11D.

³⁵¹⁷ ILO-IPEC, *Child Labour in Stone Quarrying: The Problem*, Geneva, June 2006; available from http://www.rimmrights.org/childmining/child_labour_in_stone_quarrying.htm.

³⁵¹⁸ U.S. Department of State, “Country Reports- 2009: Madagascar,” section 7d. See also Confederation Syndicale Internationale, *Rapport pour l’Examen des Politiques Commerciales de Madagascar par le Conseil General de l’OMC*, 7.

³⁵¹⁹ U.S. Department of State, “Country Reports- 2009: Madagascar,” section 7d. See also Frédérique Andriamaro, “Bulletin d’information sur la Population de Madagascar,” no. 53 (January 2010); available from http://sites.univ-provence.fr/lped/IMG/pdf/BIP_53.pdf. See also Fanja Saholiarisoa, «Une Jeune Domestique Torturee», allAfrica.com, [online], July 14, 2009 [cited September 17, 2011]; available from <http://fr.allafrica.com/stories/200907140427.html>. See also UN Office of the High Commissioner for Human Rights, *Mise en oeuvre du Pacte relatif aux Droits Civils et Politiques, La Situation des Droits de l’Homme a Madagascar*, March 2007, 31-32; available from http://www2.ohchr.org/english/bodies/hrc/docs/ngos/omct_madagascar.pdf.

³⁵²⁰ Andriamaro, “Bulletin d’information sur la Population de Madagascar.”

³⁵²¹ U.S. Department of State, “Country Reports- 2009: Madagascar,” section 6. See also U.S. Department of State, “Madagascar (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

³⁵²² U.S. Department of State, “Country Reports- 2009: Madagascar,” section 6.

³⁵²³ Ibid., section 6. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Madagascar.”

³⁵²⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Madagascar.”

³⁵²⁵ Ibid.

³⁵²⁶ *ibid.* See also U.S. Department of State, “Country Reports- 2009: Madagascar,” section 6.

³⁵²⁷ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*.

³⁵²⁸ Integrated Regional Information Networks, “Madagascar: Food Insecurity Tightens its Hold”, IRINnews.org, [online], February 3, 2011 [cited April 28, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=91822>. See also Integrated Regional Information Networks, “Madagascar: Government Cuts Hit Education Hard”, IRINnews.org, [online], February 15, 2010 [cited May 2, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=88111>. See also Integrated Regional Information Networks, “Madagascar: Rice is Becoming a Luxury”, IRINnews.org, [online], February 15, 2010 [cited March 11, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=91934>. See also UNICEF and PTA, *Pandora’s Box: Youth at a Crossroad Emergency Youth Assessment on the Socio-Political Crisis in Madagascar and its Consequences*, 2009, 11-12; available from http://www.unicef.org/madagascar/pandora_box_english_final.pdf. See also Karine Maillot, “Madagascar: Le travail des enfants, une situation ‘plus dure qu’avant la crise’”, *Zinfos*, March 2, 2010; available from http://www.zinfos974.com/Madagascar-Le-travail-des-enfants-une-situation-plus-dure-qu-avant-la-crise_a15274.html. See also Mei-Ling McNamara, «Madagascar: State of Denial,» *Aljazeera*, August 29, 2010; available from <http://english.aljazeera.net/programmes/peopleandpower/2010/08/201081864237806607.html>. See also U.S. Embassy- Antananarivo, *reporting, February 23, 2011*.

³⁵²⁹ Government of Madagascar, *Labor Code*, Loi no. 2003-044, (June 10, 2004), chapter III, section 2; available from <http://www.droit-afrique.com/images/textes/Madagascar/Mada%20-%20Code%20du%20travail.pdf>.

³⁵³⁰ Ibid. See also UNESCO, *Global Monitoring Report*, 2010; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>.

³⁵³¹ Government of Madagascar, *Labor Code*, article 101. See also Government of Madagascar, *Decret N 2007 - 563*, (July 3, 2007), articles 10, 12.

³⁵³² Government of Madagascar, *Decret N 2007 - 563*, article 3.

³⁵³³ Government of Madagascar, *Labor Code*, article 101. See also Government of Madagascar, *Decret N 2007 - 563*, articles 10, 12.

³⁵³⁴ Government of Madagascar, *Decret N 2007 - 563*, articles 8.

- ³⁵³⁵ Ibid., section II, articles 12, 16, 22.
- ³⁵³⁶ Ibid., articles 13, 15. Government of Madagascar, *Code Penal*, (June 17, 1972); available from http://droit.francophonie.org/df-web/publication.do?publicationId=2486&sidebar=true#H_053.
- ³⁵³⁷ Government of Madagascar, *Labor Code*, article 4. See also Government of Madagascar, *Decret N 2007 - 563*, articles 13, 15.
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- ³⁵³⁹ Central Intelligence Agency, *The World Factbook Field Listing - Military Service Age and Obligation*, [online] December 4, 2008 [cited February 23, 2011]; available from <https://www.cia.gov/library/publications/the-world-factbook/fields/2024.html>. See also Coalition to Stop the Use of Child Soldiers. “Madagascar”, *In the Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.
- ³⁵⁴⁰ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, section 4.
- ³⁵⁴¹ Pact Inc., *Combating Exploitive Child Labor Through Education in Madagascar*, Technical Progress Report, March 31, 2010, 3.
- ³⁵⁴² U.S. Embassy- Antananarivo, *reporting, February 25, 2010*, 2C.
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- ³⁵⁴⁴ Ibid., 2C.
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- ³⁵⁴⁷ U.S. Department of State, “Country Reports- 2009: Madagascar,” section 7d. See also Government of Madagascar, *Informations sur le Travail des Enfants*, submitted in response to U.S. Department of Labor Federal Register Notice (2008) “Request for information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor”, Antananarivo, April 9, 2010.
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- ³⁵⁵¹ U.S. Embassy- Antananarivo, *reporting, March 10, 2010*, 25A.
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- ³⁵⁵⁴ U.S. Department of State, “Trafficking in Persons Interim Assessment: Madagascar.” See also U.S. Embassy- Antananarivo, *reporting, February 23, 2011*.
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- ³⁵⁵⁷ UNADF, *Plan Cadre des National Unies pour l’Assistance au Developpement, 2008-2011: Madagascar*, June 2007, 17; available from <http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=MAG>. See also IMF, *Poverty Reduction Strategy Paper: Madagascar*, Washington, DC, 2007, section 3; available from <http://www.imf.org/external/np/prsp/prsp.asp#R>. See also ILO, *Programme Pays Decent pour le Travail Decent 2008-2012*, Washington, DC, February 2008, 2, 11.
- ³⁵⁵⁸ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, 1, 8. See also U.S. Embassy- Antananarivo official, E-mail communication, March 24, 2011.
- ³⁵⁵⁹ U.S. Embassy- Antananarivo, *reporting, February 23, 2011*, paras 1, 8.
- ³⁵⁶⁰ Integrated Regional Information Networks, “Government Cuts Hit Education Hard”. See also Afrol News, “EU to Keep Freezing Madagascar Aid”, afrol.com, [online], June 4, 2010 [cited March 11, 2011]; available from <http://www.afrol.com/articles/36256>. See also McNamara, “Madagascar: State of Denial.” See also Richard Lough, “Madagascar Suspended by AU,” *Reuters* (2009); available from <http://af.reuters.com/article/topNews/idAFJJOE55G03A20090617>.
- ³⁵⁶¹ UNDOC, *Promoting the Rule of Law and Humana Security in Eastern Africa: Regional Programme 2009-2011*, December 2009, 3; available from http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf.

³⁵⁶² Integrated Regional Information Networks, “Madagascar: Fighting a Rising Tide of Sex Tourism”, IRINnews.org, [online], November 26, 2010 [cited May 2, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=91197>.

³⁵⁶³ ILO Committee of Experts, *Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Madagascar (ratification: 2001) Published: 2010*, May 2, 2011; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

³⁵⁶⁴ USDOL, *Combating Exploitive Child Labour Through Education in Madagascar*, Technical Cooperation Project Summary, 2009; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/Madagascar_CECL.htm.

³⁵⁶⁵ Ibid.

³⁵⁶⁶ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511>. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, December 15, 2008.

³⁵⁶⁷ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*. See also ILO-IPEC Geneva official, E-mail communication, December 15, 2008.

Malawi

The Government of Malawi has supported social programs targeting working children and their families. However, implementation of existing policies and limited enforcement has hindered the elimination of the worst forms of child labor. The Government has not passed legislation protecting children working on tenant farms. Children continue to engage in such work particularly in the tea and tobacco sectors.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	33.6*
Attending School	5-14 yrs.	79.5
Combining Work and School	7-14 yrs.	36.1

* Population of working children: 1,401,759

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Malawi are engaged in the worst forms of child labor, commonly in agriculture.³⁵⁶⁸ Many work on farms, including in the commercial tea and tobacco sectors. These children are exposed to verbal and physical abuse, physical injuries from carrying heavy loads, respiratory problems and toxic fertilizers and pesticides. Nicotine absorption from handling tobacco causes illness, including Green Tobacco Sickness.³⁵⁶⁹ Children are involved in the tenancy system—sometimes working alongside family members who are tenants on farms—in which farm owners loan tenants agricultural inputs and deduct the debt from future profits. Families who cannot meet production quotas and repay these debts might face debt bondage.³⁵⁷⁰

Boys are involved in the worst forms of child labor in quarrying, mining and construction. These children carry heavy loads, work long hours and are exposed to dangerous conditions. Children are also involved in herding livestock and processing, selling and catching fish, which exposes children

to risks such as drowning.³⁵⁷¹ Boys work as vendors in urban areas.³⁵⁷² Girls are involved in domestic service, and may be subject to work long hours and abuse.³⁵⁷³

Children are also exploited—and in some cases trafficked—into other worst forms of child labor, including prostitution, begging and sex tourism.³⁵⁷⁴ Within Malawi, boys are also trafficked for animal herding and girls for work in restaurants, bars and domestic service.³⁵⁷⁵ Malawian children and children from Zambia and Mozambique are trafficked for forced labor on farms.³⁵⁷⁶

Children affected by HIV/AIDS, including more than 500,000 orphans, are more at risk of entering into the worst forms of child labor.³⁵⁷⁷

Laws and Regulations on the Worst Forms of Child Labor

In July 2010, the Parliament of Malawi adopted the Child Care, Protection and Justice Bill (Child Protection Act), which addresses the issue of child trafficking and prohibits child labor.³⁵⁷⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

The Employment Act No. 6 (2000) sets the minimum age for employment at 14. This minimum age does not extend to work performed in vocational technical schools, training institutions or private homes.³⁵⁷⁹ The Employment Act sets the minimum age for hazardous labor at 18.³⁵⁸⁰ However, the Constitution states that children under age 16 are entitled to protection from hazardous work.³⁵⁸¹ This discrepancy may lead to inconsistent enforcement of the law. While the Employment Act and Malawi's Constitution forbid children from engaging in hazardous labor, they do not elaborate on specific types of work prohibited to children.³⁵⁸² However, during the reporting period, the Government of Malawi published an updated list of hazardous tasks.³⁵⁸³ The Tenancy Bill, first drafted in 1997, regulates labor tenancy and includes legal protections for children working in agriculture through the tenancy system; however, it has not yet been passed into law.³⁵⁸⁴

Malawi has not established an age to which education is compulsory, leaving children under

age 14—who are neither required to be in school nor permitted to work legally—vulnerable to the worst forms of child labor

The Employment Act and Malawi's Constitution prohibit and punish slavery, servitude and forced labor.³⁵⁸⁵ Although trafficking can be prosecuted through the child labor, forced labor and hazardous labor provisions of the Employment Act and Penal Code, specific anti-trafficking legislation currently does not exist in Malawi.³⁵⁸⁶ The Penal Code includes protections for girls from sexual exploitation, but not boys.³⁵⁸⁷ It criminalizes procurement, but not the sale of girls into prostitution and prohibits pornography.³⁵⁸⁸

The Defense Force Act sets the minimum age for military recruitment at 18.³⁵⁸⁹

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (MOL), through its Child Labor Unit, is the primary agency coordinating efforts to combat child labor.³⁵⁹⁰ This unit provides technical assistance to other government agencies implementing child labor laws at the district and national levels.³⁵⁹¹

The Child Labor Unit 2010/2011 budget is \$165,563.³⁵⁹² District labor offices receive funding directly from the Treasury; however, there are still insufficient funds to purchase office space and vehicle fuel to conduct inspections.³⁵⁹³

Malawi also has created a coordination mechanism to address human trafficking. Led by the Ministry for Gender, Children and Community Development, the Inter-ministerial Task Force on Human Trafficking coordinates anti-trafficking efforts and partners with international organizations and NGOs to draft national action plans to combat trafficking.³⁵⁹⁴ The National Steering Committee on Orphans and Vulnerable Children and the National Steering Committee on Child Labor are also responsible

for addressing trafficking issues specifically related to children.³⁵⁹⁵ Reportedly, no coordination exists between the Task Force and these two committees.³⁵⁹⁶

The MOL's General Inspectorate is charged with performing inspections and investigating all labor complaints, including those related to child labor.³⁵⁹⁷ While there is no formal mechanism for reporting child labor complaints, they are typically received by district child labor protection committees.³⁵⁹⁸ Labor officers in 29 decentralized district offices administer and coordinate labor inspection services.³⁵⁹⁹ To report hazardous child labor, workers and district child labor protection committees are encouraged to notify these district labor offices.³⁶⁰⁰

By law, labor inspectors are required to visit workplaces biannually. They are to use standard forms to guide and report the results of their inspection for child labor.³⁶⁰¹ However, according to the ILO, these standard forms are not yet widely used, and mandatory inspections do not regularly take place due to lack of resources.³⁶⁰²

In 2010, the MOL's 160 inspectors performed 1,400 inspections.³⁶⁰³ A Labor Inspection Policy provides instruction on how to conduct general labor inspections.³⁶⁰⁴ However, no information is available on the extent of use of this policy. District government staff received training on the use of the ILO-developed child labor law enforcement manual, and enforcement officers and members of the Child Labor Network were trained on child labor.³⁶⁰⁵ During the reporting period, 49 child labor prosecutions resulted in fines of up to \$132.³⁶⁰⁶

The Ministry of Gender, Children and Community Development is the lead agency responsible for the enforcement of trafficking laws.³⁶⁰⁷ The Ministry employs child protection workers to identify trafficking and child labor victims.³⁶⁰⁸ The police also rescue child trafficking victims.³⁶⁰⁹ Other agencies supporting the enforcement of child

trafficking laws include the Ministry of Justice, the MOL and the Ministry of Local Government and Rural Development.³⁶¹⁰

The Government of Malawi has a National Child Labor Database that identifies child laborers.³⁶¹¹

Government Policies on the Worst Forms of Child Labor

The draft National Child Labor Policy (2009), which provides government, civil society and other partners with a framework to implement child labor programs and activities, still awaits Cabinet approval.³⁶¹² In October 2010, the Government approved the National Action Plan to Combat Child Labor (2010–2016), which proposes concrete activities to support this and other policies to combat child labor.³⁶¹³ Malawi also has a Code of Conduct on Child Labor, which defines conditions under which children are prohibited from work.³⁶¹⁴

The Child Labor Unit of the MOL also provides policy planning and guidance on child labor issues, including to the Child Labor Network, of which it is a member. The Network's membership includes government, trade unions, employers and civil society, and it is responsible for drafting policies, identifying resources and harmonizing programs and activities for the elimination of the worst forms of child labor.³⁶¹⁵

Malawi has mainstreamed child labor into other important development agendas. For instance, Malawi's Growth and Development Strategy 2006–2011 makes the elimination of the worst form of child labor a priority, and it sets a budget for efforts to combat child labor, including activities of the child labor unit.³⁶¹⁶ The Child Protection Policy (CPP), which harmonizes all policies related to children, was developed to be implemented in line with this strategy.³⁶¹⁷ However, the CPP has not been implemented.

The government and UN agencies in Malawi work together under the One UN Fund program.

Among other things, this program seeks to enhance current UN agencies' activities to combat child labor.³⁶¹⁸ The government's Decent Work Country Program prioritizes the elimination of the worst forms of child labor and includes an indicator to monitor progress toward this end.³⁶¹⁹

The National Education Policy promotes linkages between formal education and industry, internship and vocational training. The National Youth Policy (1996) includes protections for at-risk youth. The policy addresses the problem of youth unemployment and lack of education and includes services, such as training and educational opportunities, which could contribute to eliminating child labor.³⁶²⁰ The question of whether these programs have an impact on child labor does not appear to have been addressed.

The Government is implementing the National Education Strategic Plan 2008–2017.³⁶²¹ During the reporting period, the Ministry of Education ran national campaigns to promote free primary education, trained more primary school teachers and provided incentives for teachers to take positions in rural areas.³⁶²²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government partners with international organizations to withdraw and prevent children from the worst forms of child labor. A 3-year, \$2.75 million project funded by USDOL aims to strengthen child labor policies, scale up the child labor monitoring system and develop codes of conduct for the elimination of child labor

in the production of tea, tobacco, and other agricultural goods. The project seeks to withdraw and prevent 4,982 children by the end of 2012.³⁶²³ The Government of Malawi is also a steering committee member of the Eliminating Child Labor in Tobacco Growing (ECLT) Foundation's Integrated Child Labor Elimination Project, which intends to reduce child labor in 200 villages in Malawi.³⁶²⁴

The Government has established child friendly courts, community victim support units and a child stop center to assist child labor victims.³⁶²⁵ To help victims of trafficking, the government runs a shelter providing counseling and rehabilitation for child trafficking victims and street children. The Government of Malawi conducted a child trafficking study in partnership with UNICEF.³⁶²⁶

The Government of Malawi implemented a cash transfer program to low-income families to enable their children to stay in school.³⁶²⁷ The cash transfer program has shown an impact in reducing child labor, though details on specific ways the program helped were not available as of this reporting.³⁶²⁸

In collaboration with NGO partners, the Government implemented programs to improve student retention, including developing hostels, feeding shelters and constructing school buildings.³⁶²⁹

While the Government's efforts to eradicate child labor increased in 2010, existing programs are insufficient to address the scope of the problem in Malawi.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Malawi:

IN THE AREA OF LAWS AND REGULATIONS:

- Make education compulsory for all children to age 14, the minimum age for employment.
- Clarify the minimum age for hazardous work.
- Protect children working in the tenancy system by passing the Tenancy Bill, which regulates tenant farms and protects children working on them.
- Ensure that both boys and girls are protected from sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve coordination among key agencies and bodies responsible for combating child trafficking.
- Require inspectors to use newly developed data collection forms and keep records of workplace visits.
- Increase resources to enable labor inspectors to conduct regular child labor inspections.

IN THE AREA OF POLICIES:

- Finalize and implement the Child Labor Policy.
- Implement the Child Protection Policy.
- Assess the impact that existing policies may have on addressing child labor in Malawi.

IN THE AREA OF PROGRAMS:

- Clarify the impact of the cash transfer program on child labor.
- Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor.

³⁵⁶⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁵⁶⁹ ILO-IPEC, *Malawi: Child Labour Data Country Brief*, Geneva, January 2008; available from www.ilo.org/ipeginfo/product/download.do?type=document&id=7802. See also Plan International, *Hard work, long hours, and little pay*, 2009, 11, 31, 41, 34; available from <http://plan-international.org/files/global/publications/protection/Plan%20Malawi%20child%20labour%20and%20tobacco%202009.pdf>. See also ECLT Foundation, "Integrated Child Labour Elimination Project, Phase 2 Baseline Survey"; [online], August 2008 [cited May 14, 2011]; available from http://www.eclt.org/site/wp-content/uploads/2009/09/MalawiICLEP1_Baseline.pdf. See also Olivia Sterns, "Child tobacco farmers 'exposed to toxic levels of nicotine'", [online], September 25 2009 [cited April 22, 2011]; available from <http://www.cnn.com/2009/HEALTH/09/25/child.tobacco.picking/index.html>. See also Deborah Fahy Bryceson, "Ganyu casual labour, famine and HIV/AIDS in rural Malawi: causality and casualty," *Journal of Modern African Studies* 44, no. 2 (2006).

³⁵⁷⁰ ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi*, Project Document, Geneva, September 2009. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, November 2009.

³⁵⁷¹ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, section 2.1. See also U.S. Department of State, "Malawi," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d.; available from <http://www.state.gov/documents/organization/160131.pdf>.

See also M.G. Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi Volume I: Main Report*, ILO-IPEC and the University of Malawi Centre for Social Research, Zomba, January 2005; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=4727>. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the Convention on the Rights of the Child*, 2007, 22; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.MWI.2.pdf>. See Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, 202. See also Kwakwarhi Mwanamai, *Malawi: Poverty afflicts children orphaned by AIDS*, UNICEF, November 5, 2005; available from www.unicef.org/infobycountry/malawi_29672.html?q=printme. See also ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour [stated in six selected districts of Zambia: Lusaka, Luanshya, Livingstone, Kapiri Mposhi, Katete and Chipata]*, International Programme on the Elimination of Child Labour, Lusaka, July 17, 2007, vi, x. See also Katherine Snyder and Edward Allison, *Catching Money: Understanding the Complexities of Child Labour in the Fisheries Sector in Africa*, March 2010; available from http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/WorkshopFisheries2010/WFPapers/Snyder_AllisonCatchingMoney.pdf. See also James Morgan, “Fish farming in Malawi’s dustbowl”, BBC News, [online], October 22, 2008 [cited March 2, 2011]; available from <http://news.bbc.co.uk/2/hi/health/7683748.stm>.

³⁵⁷² U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, section 2.1.

³⁵⁷³ U.S. Department of State, “Country Reports- 2010: Malawi,” section 7d. See also Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, 202. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 22. See also U.S. Embassy- Lilongwe, *reporting, May 30, 2008*, para 1. See also Mwanamai, *Malawi: Poverty afflicts children orphaned by AIDS*. See also ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv.

³⁵⁷⁴ Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 66.

³⁵⁷⁵ U.S. Department of State, “Malawi (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.

³⁵⁷⁶ Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 21, 66. See also Millennium Center for Research & Development, *Final Report: Child Trafficking in Malawi*, ILO-IPEC, September 2008, viii, 21.

³⁵⁷⁷ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Malawi (ratification: 1999) Published: 2010*, February 18, 2011;

available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?h ost=status01&textbase=iloeng&document=11766&chapter=6&query=Malawi%40ref&highlight=&querytype=bool&context=0>. See also ILO Government of Malawi, *Statement by the Delegation of Malawi: On Agenda Item 64: Promotion and Protection of the Rights of the Child, At the Third Committee of the 65th Session of the United Nations General Assembly*, October 15, 2010, 3; available from <http://www.un.int/wcm/webdav/site/malawi/shared/documents/Right%20to%20 education.pdf>. See also Morgan, “Fish farming in Malawi’s dustbowl”.

³⁵⁷⁸ Government of Malawi, *Statement by the Delegation of Malawi: On Agenda Item 64: Promotion and Protection of the Rights of the Child, At the Third Committee of the 65th Session of the United Nations General Assembly*, 2. See also U.S. Embassy- Lilongwe, *reporting, December 22, 2010*.

³⁵⁷⁹ Government of Malawi, *Employment Act No.6*, (May 16, 2000), articles 21, 22; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWO1.htm>.

³⁵⁸⁰ *Ibid.*, article 22.

³⁵⁸¹ Government of Malawi, *Constitution*, (2004), article 23; available from <http://www.sdn.org.mw/constitut/chapter4.html>.

³⁵⁸² Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*. See also Government of Malawi, *Constitution*, article 23.

³⁵⁸³ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, para 2.3. See also ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Technical Progress Report*, September 2010, Geneva, 2010, 3.

³⁵⁸⁴ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section 5(2). See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi, Technical Progress Report*, Geneva, September 2008, 77. See also ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, 7. See also U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, para 8.2.

³⁵⁸⁵ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 27. See also Government of Malawi, *Employment Act No.6*, articles 4(1), 4(2). See also Integrated Regional Information Networks, “Malawi: Outrage over lenient fine for trafficking boys”, IRINnews.org, [online], August 24, 2005 [cited April 22, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=56005>. See also Government of Malawi, *Constitution*.

³⁵⁸⁶ Government of Malawi, *Penal Code*, (n.d.); available from <http://www.protectionproject.org> [hard copy on file]. See also Government of Malawi, *Employment Act No.6*, article 4.

- ³⁵⁸⁷ Government of Malawi, *Penal Code*, article 140. See also Government of Malawi, *Current Affairs: Civil Society Expresses Concern Over Laws*, [previously online] May 6, 2010 [cited May 25, 2011]; available from <http://www.malawi.gov.mw/story.php?id=141> [hardcopy on file].
- ³⁵⁸⁸ Government of Malawi, *Penal Code*. See also Government of Malawi, *Civil Society Expresses Concern Over Laws*.
- ³⁵⁸⁹ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*. See also Coalition to Stop the Use of Child Soldiers, “Malawi,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=128>.
- ³⁵⁹⁰ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section 2c(1), 2c(2), 2c(4).
- ³⁵⁹¹ ILO-IPEC, *Program to Combat Child Labor in Malawi, Technical Progress Report (September 2008)*, 41, 71, 78.
- ³⁵⁹² U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, section 4.4.
- ³⁵⁹³ *Ibid.*
- ³⁵⁹⁴ U.S. Department of State, “Trafficking in Persons Report-2010: Malawi.”
- ³⁵⁹⁵ *Ibid.*
- ³⁵⁹⁶ *Ibid.*
- ³⁵⁹⁷ ILO, *Malawi Information Resources: Labor Administration and Inspection Program*, Geneva, March 2009; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_112605/index.htm.
- ³⁵⁹⁸ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, section 4.2.
- ³⁵⁹⁹ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*.
- ³⁶⁰⁰ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 3.
- ³⁶⁰¹ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11.
- ³⁶⁰² ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Technical Progress Report, Geneva, September 2007.
- ³⁶⁰³ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, section 4.6.
- ³⁶⁰⁴ ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi*, Project of Support to the National Action Plan to Combat Child Labour in Malawi, Technical Progress Report, Geneva, March 2010. See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11.
- ³⁶⁰⁵ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, section 4.5.
- ³⁶⁰⁶ *Ibid.*, section 4.9.
- ³⁶⁰⁷ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section I.1.
- ³⁶⁰⁸ U.S. Department of State, “Country Reports- 2010: Malawi,” section 7d. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section 2d(1).
- ³⁶⁰⁹ U.S. Embassy- Lilongwe, *reporting, February 13, 2009*, section 1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Malawi.”
- ³⁶¹⁰ U.S. Department of State, “Trafficking in Persons Report-2010: Malawi.” See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section 2d(1).
- ³⁶¹¹ UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Malawi*, March 27, 2009, 15; available from <http://www.unhcr.org/refworld/country,,CRC,,MWI,,49d5f7a10,0.html>.
- ³⁶¹² U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section III.B(1-3). See also ILO-IPEC, *Technical Progress Report (March 2010)*, 2-3.
- ³⁶¹³ ILO-IPEC, *Technical Progress Report (March 2010)*, 3.
- ³⁶¹⁴ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, section 4.2. See also ILO-IPEC, *Technical Progress Report, September 2010*, 3.
- ³⁶¹⁵ U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, section 2c(6). See also Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 6.
- ³⁶¹⁶ U.S. Embassy- Lilongwe, *reporting, January 12, 2009*, section 7. See also IMF and Government of Malawi, *Malawi: Poverty Reduction Strategy Paper—Growth and Development Strategy*, February 2007, 211; available from http://planipolis.iiep.unesco.org/upload/Malawi/Malawi_PRSP_2006_2011.pdf. See also ILO-IPEC, *Technical Progress Report (March 2010)*.
- ³⁶¹⁷ Government of Malawi, *Statement by the Delegation of Malawi: On Agenda Item 64: Promotion and Protection of the Rights of the Child, At the Third Committee of the 65th Session of the United Nations General Assembly*, 3.
- ³⁶¹⁸ ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv. See also ILO-IPEC, *Technical Progress Report (March 2010)*.
- ³⁶¹⁹ ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, iv.

³⁶²⁰ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 7.

³⁶²¹ ILO-IPEC, *Project of Support to the National Action Plan to Combat Child Labour in Malawi, Project Document (September 2009)*, 7, *ibid*.

³⁶²² ILO-IPEC, *Program to Combat Child Labor in Malawi, Technical Progress Report (September 2008)*.

³⁶²³ ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Project Document, Geneva, 2005, 2, 41, cover page. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Final Technical Progress Report, Geneva, March 2009, 1, 26. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Project Document (Modification 2), Geneva, 2010.

³⁶²⁴ ECLT Foundation, “Quick Facts: ECLT in MALAWI, ICLEP 2”, [online], [cited April 22, 2011]; available from http://www.eclt.org/activities/projects/malawi_iclep2.html. See also U.S. Embassy- Lilongwe, *reporting, May 30, 2008*, para 2.

³⁶²⁵ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*.

³⁶²⁶ U.S. Embassy- Lilongwe, *reporting, January 12, 2009*, section 6. See also Millennium Center for Research & Development, *Child Trafficking in Malawi*, 56. See also U.S. Embassy- Lilongwe, *reporting, February 13, 2009*, section 2. See also U.S. Embassy- Lilongwe, *reporting, February 1, 2010*, 9(1).

³⁶²⁷ U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, section 4.4.

³⁶²⁸ UNICEF, *Social Policy, Planning Advocacy and Communication*, [online] [cited February 22, 2011]; available from http://www.unicef.org/malawi/policy_advocacy_communication_3979.html. See also UNICEF, *Photo Essay: Social Protection*, [online] [cited February 22, 2011]; available from <http://www.unicef.org/malawi/7045.html>.

³⁶²⁹ Government of Malawi, *Response to the Trafficking Victims Protection Reauthorization Acts (TVPRA) Report*, 11, 12. See also U.S. Embassy- Lilongwe, *reporting, December 22, 2010*, para 7.1.



The Maldives

The Government of the Maldives continued to improve access to secondary education in remote parts of the country, reducing the practice of children living and performing domestic work for “host families” in order to attend school. Reports indicate that some of these children working in private households are deprived of schooling and subject to sexual abuse. Although the Government has implemented new mechanisms to protect workers generally, it still lacks coordination mechanisms and social programs to protect and assist children in these situations. The lack of evidence of other worst forms of child labor may be indicative of a small problem, or a hidden one.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor


There are reports of limited numbers of children engaged in the worst forms of child labor³⁶³⁰ in the Maldives, mainly as child domestics in private households. Some children from smaller islands, where secondary education is not available, live with “host families” on larger islands where they perform domestic work in addition to attending school.³⁶³¹ Although the extent of the problem is unknown, there are reports that some of these children never receive any education, and some are sexually abused by a member of the host family.³⁶³² However, the Government of the Maldives has established more secondary schools on remote islands, which may contribute to an apparent decline in children moving to larger islands for secondary education.³⁶³³

Girls are reportedly involved in forced prostitution in the Maldives.³⁶³⁴ The UN Committee on the Rights of the Child has described the commercial sexual exploitation of children in the country as “an issue of serious concern” and states that “the lack of research on these issues in the Maldives is a major obstacle to concrete action” and has led to “widespread denial of the problems.”³⁶³⁵

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes 16 as the minimum age for work and 18 as the minimum age for work that may have a detrimental effect on a child’s health, education, safety or conduct. Research has not found evidence of laws or regulations that specify the “forms of work that may have a detrimental effect on a child’s health, education, safety, or conduct” under

the Employment Act. Minors under age 16 are permitted to work in family businesses, provided such work is voluntary, and to perform work in connection to an education or training program. However, persons under age 16 cannot be required to work during school hours or after 11 p.m.³⁶³⁶

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

The Constitution establishes the right to free education. It states that “it is imperative on parents and the State to provide children with primary and secondary education,” but the law does not establish an age for compulsory schooling.³⁶³⁷ The absence of a compulsory education law places children under age 16 at risk of involvement in the worst forms of child labor, as they are not required to be in school and are below the minimum age for work.

The Employment Act and the Constitution both prohibit forced labor, and the Constitution prohibits slavery and servitude.³⁶³⁸ There is no forced conscription into the military, and the voluntary recruitment age is 18.³⁶³⁹ The Child Sex Abuse (Special Provisions) Act criminalizes the use of children for prostitution and pornography.

However, these offenses are not criminalized if the perpetrator and victim are married under Sharia law.³⁶⁴⁰

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of the Maldives has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Health and Family (MHF) and the Labor Relations Authority (LRA) enforce laws against child labor. New MHF inspectors are provided training by LRA lawyers; during the reporting period, the ILO also provided a 3-day training to labor inspectors.³⁶⁴¹ In 2010, the MHF employed three labor inspectors to cover all employment and workplace issues. The LRA conducted 100 routine labor inspections in 2010 and received an additional 477 labor-related complaints, but none involved child labor violations.³⁶⁴²

The Ministry of Human Resources (MHR) has a “blacklist” of employers who violate any provision of the Employment Act. Employers on the blacklist cannot employ new workers until violations are corrected.³⁶⁴³ During the reporting period, no employers were blacklisted for child labor violations.³⁶⁴⁴

Other agencies are responsible for enforcement of criminal laws regarding the worst forms of child labor. The Government’s Family and Children’s Centers assist the public in reporting cases of abuse against both women and children.³⁶⁴⁵ When cases of child sexual abuse are identified, including child prostitution, the MHF’s Department of Child and Family Protection (DCFP) provides victim care while the Maldives Police Services’ (MPS) Family and Child Protection Unit investigates the cases and refers them to the prosecutor general’s office for prosecution.³⁶⁴⁶ Two cases of child prostitution were identified in 2010, both of which remain under investigation by the MPS.³⁶⁴⁷

Some officers of the MPS and Department of Immigration and Emigration have received training on recognizing trafficking in persons, but no formal system is in place for identification of trafficking victims, and no victims were identified in the reporting period.³⁶⁴⁸ The Maldives Human Rights Commission is currently conducting an assessment of the scope of the trafficking in persons problem in the country.³⁶⁴⁹

Government Policies on the Worst Forms of Child Labor

The Government's PRSP includes specific goals to increase the capacity of the MHF. These include increasing support services to children, improving data collection and analysis on vulnerable children, and coordinating, monitoring and evaluating child protection services provided by social service providers and NGOs.³⁶⁵⁰ The UNDP Country Program for the Maldives (2011–2015) aims to support the ILO in developing a Decent Work framework to address youth unemployment, among other issues.³⁶⁵¹ The country program also aims to promote equitable access to justice and rule of law by increasing the capacity of the prosecutor general's office and the employment tribunals and training these institutions on human rights issues.³⁶⁵²

The question of whether these poverty alleviation policies have an impact on the worst forms of child labor does not appear to have been addressed. The Government does not regularly collect data on working children, making it difficult to understand the scope of the problem and to design strategies to address it.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Social protection centers on many of the Maldives' islands provide temporary shelter and protection for children in need, which could include children rescued from abusive work situations.³⁶⁵³ The MHF provides general protection and rehabilitation services, such as counseling, family reintegration, medical treatment, and educational assistance to vulnerable children.³⁶⁵⁴ The target population for such services could include children in the worst forms of child labor, but the extent to which such children are involved is unknown. The MHF established a new hotline in 2010 to report child abuse cases, leading to a significant increase in cases reported.³⁶⁵⁵ It is unclear if these included cases of children abused in work settings and/or in commercial sexual exploitation.

The LRA, employment tribunal, MHR, other government agencies and workers' and employers' organizations are participating in a \$640,000, USDOL-funded project begun in 2010. The project aims to develop a well-functioning system of labor relations, labor law and labor administration, including child labor.³⁶⁵⁶

Research found no evidence of any programs to address the worst forms of child labor for children engaged in domestic service or those that may be exploited in forced prostitution.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Malawi:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment Law or enact regulations specifying the types of work that are detrimental to children's health, education, safety or conduct.
- Establish compulsory education to age 16, the minimum age for work.
- Enact laws to criminalize child prostitution and pornography, even when it occurs within a marriage relationship.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Assess the impact that existing poverty alleviation policies may have on addressing child labor, particularly in domestic service and forced prostitution.
- Conduct research on the prevalence of the worst forms of child labor to determine if better targeted policies and services are necessary.

IN THE AREAS OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor, particularly for children exploited in domestic service and forced prostitution.
- Implement programs to reduce reliance on "host family" domestic work situations.

³⁶³⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

³⁶³¹ U.S. Embassy- Colombo, reporting, November 12, 2010. See also UN Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: The Maldives, CRC/C/MDV/CO/3, Geneva, July 13, 2007, paras 86-87; available from <http://tb.ohchr.org/default.aspx?country=mv>.

³⁶³² U.S. Embassy- Colombo, reporting, February 24, 2011. See also U.S. Department of State, "Maldives," in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³⁶³³ U.S. Embassy- Colombo, reporting, November 12, 2010.

³⁶³⁴ U.S. Embassy- Colombo, reporting, February 8, 2010.

³⁶³⁵ UN Committee on the Rights of the Child, Consideration of Reports of States Parties Under Article 44 of the Convention: Initial report of the Maldives under the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict: The Maldives, CRC/C/SR.1390, Geneva, February 26, 2010, para 7; available from <http://tb.ohchr.org/default.aspx?country=mv>.

³⁶³⁶ Government of the Maldives, Employment Act (unofficial translation), (October 13, 2008), articles 6, 7, 9; available from [http://www.mhrys.gov.mv/library/file/Employment%20Act%20\(English%20Translation\)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf](http://www.mhrys.gov.mv/library/file/Employment%20Act%20(English%20Translation)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf).

³⁶³⁷ Government of the Maldives, Constitution of the Republic of Maldives, (2008), article 36; available from <http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf>.

³⁶³⁸ Ibid., article 25. See also Government of the Maldives, Employment Act, article 3.

³⁶³⁹ Coalition to Stop the Use of Child Soldiers, “Maldives,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/maldives>.

³⁶⁴⁰ Siraj Hussain, E-mail communication to USDOL official, July 31, 2010.

³⁶⁴¹ U.S. Embassy- Colombo, reporting, February 3, 2011.

³⁶⁴² *Ibid.*

³⁶⁴³ U.S. Department of State, “Maldives,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154483.htm>.

³⁶⁴⁴ U.S. Embassy- Colombo, reporting, February 3, 2011.

³⁶⁴⁵ *Ibid.*

³⁶⁴⁶ *Ibid.* See also UN Committee on the Rights of the Child, *Consideration of initial reports: The Maldives*, para 5.

³⁶⁴⁷ U.S. Embassy- Colombo, reporting, February 3, 2011.

³⁶⁴⁸ U.S. Department of State, “*Trafficking in Persons Report- 2010: Maldives*.”

³⁶⁴⁹ U.S. Embassy- Colombo official, E-mail communication to USDOL official, June 27, 2011.

³⁶⁵⁰ Government of the Maldives, *Maldives: Poverty Reduction Strategy Paper*, International Monetary Fund, Malé, January 2008; available from http://planipolis.iiep.unesco.org/upload/Maldives/Maldives_PRSP_2008.pdf.

³⁶⁵¹ United Nations Development Program, *Country Programme for Maldives (2011-2015)*, New York, 5; available

from http://www.undp.org/asia/country_programme/CP/CP_MDV_2011-2015.pdf.

³⁶⁵² *Ibid.*, 10.

³⁶⁵³ UN Committee on the Rights of the Child, *Consideration of initial reports: The Maldives*, para 62.

³⁶⁵⁴ UN Committee on the Rights of the Child, *Written replies by the Government of Maldives concerning the list of issues (CRC/C/MDV/Q/3) received by the Committee on the Rights of the Child relating to the consideration of the second and third combined periodic report of Maldives (CRC/C/MDV/3), CRC/C/MDV/Q/3/Add.1*, Geneva, March 5, 2007, para 2(g); available from <http://tb.ohchr.org/default.aspx?country=mv>. See also UN Committee on the Rights of the Child, *Consideration of Reports of States Parties Under Article 44 of the Convention: Initial report of the Maldives under the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict: The Maldives, CRC/C/SR.1391*, Geneva, January 30, 2009, para 3; available from <http://tb.ohchr.org/default.aspx?country=mv>.

³⁶⁵⁵ U.S. Embassy- Colombo, reporting, February 3, 2011.

³⁶⁵⁶ U.S. Department of Labor- Bureau of International Labor Affairs, U.S. Department of Labor announces \$640,000 grant to implement labor project in the Republic of Maldives, *Press Release*, Washington, DC, December 15, 2010; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20101731.htm>.

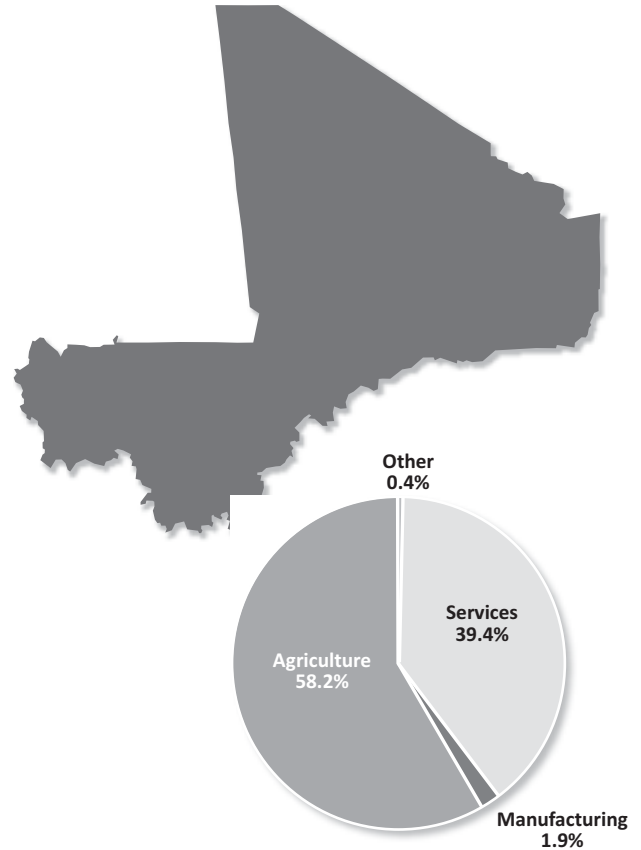
Mali

In 2010, the Government of Mali created an official committee for coordinating national child labor policy. However, children continue to engage in the worst forms of child labor, especially in agriculture and domestic service. The laws in place to combat the worst forms of child labor are not harmonized, and gaps and inconsistencies in these laws make children vulnerable to exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	65.8*
Attending School	5-14 yrs.	44.8
Combining Work and School	7-14 yrs.	20.5

* Population of working children: 2,396,273



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mali are engaged in the worst forms of child labor,³⁶⁵⁷ many of them in agriculture and domestic service.³⁶⁵⁸ Children as young as age 4 work in agriculture, specifically in the production of rice and cotton.³⁶⁵⁹ By age 10, some children work with chemical fertilizers and dangerous tools. Children in agriculture are also exposed to pesticides and are prone to injury and fatigue due to long hours and exposure to the environment.³⁶⁶⁰ Children involved in domestic service work long hours, receive low and irregular pay and may be subject to physical or sexual abuse.³⁶⁶¹

The commercial sexual exploitation of children remains a problem in Mali, especially for girls, who work as vendors in hotels, restaurants, bars and mines.³⁶⁶² Some children, including street children, work as porters, vendors or garbage scavengers.³⁶⁶³ Children working on the streets

may be exposed to multiple dangers including severe weather, vehicle accidents and criminal elements.³⁶⁶⁴

Children work in quarries, and children as young as age 5 are engaged in mining.³⁶⁶⁵ In small-scale gold mines, children are involved in all mining activities, including extracting material from underground passages.³⁶⁶⁶ They also treat gold with mercury and work long hours in unhealthy and dangerous conditions, risking injury, asphyxia and exposure to diseases. In mining, children perform work that surpasses their physical and mental capabilities.³⁶⁶⁷

Forced child labor in Mali is found in mining, agriculture, domestic service and the informal economy.³⁶⁶⁸ Children, especially of the Tamacheck community, continue to be subject to hereditary slavery in Northern Mali. These children may be forced to work as domestic or agricultural laborers.³⁶⁶⁹ Additionally, children, primarily of

Songhai ethnicity, work in debt bondage in the northern salt mines of Taudenni.³⁶⁷⁰

In Mali, it is traditional practice to send boys, called *talibes*, to Koranic teachers to receive education, which may include vocational training or apprenticeship.³⁶⁷¹ While some boys receive lessons, many, some as young as age 7, are forced by their teachers to beg on the streets or to work in fields and surrender the money they have earned. These children may be punished if they do not remit enough money to their teachers.³⁶⁷²

Mali is a source, transit and destination country for children trafficked for forced labor and commercial sexual exploitation.³⁶⁷³ Children are trafficked internally for domestic service, gold mining, begging and work in agriculture, including rice fields.³⁶⁷⁴ Malian children are trafficked to Senegal and Guinea for forced labor in gold mines.³⁶⁷⁵ Malian children are also trafficked to Côte d'Ivoire to work as domestic servants and for labor on plantations, especially on cotton and cocoa farms.³⁶⁷⁶ Likewise, Malian boys are trafficked to Mauritania for forced begging, while Malian girls are trafficked there for domestic service and prostitution.³⁶⁷⁷ Boys from other countries, such as Niger, Guinea and Burkina Faso are trafficked to Mali for forced begging.³⁶⁷⁸ Thousands of girls from Nigeria are trafficked to Mali for forced prostitution.³⁶⁷⁹

Access to education is a critical component in preventing the economic exploitation of children.³⁶⁸⁰ In Mali, access to education is hindered by a lack of teachers, transportation, school materials, and school infrastructure.³⁶⁸¹ Additionally, corporal punishment and the sexual exploitation of students is commonplace in schools. This impedes children's ability to remain in school.³⁶⁸²

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 14, although children under age 14 may work

with the approval of the Minister of Labor.³⁶⁸³

The minimum age for hazardous work, including hazardous work in agriculture, is 18. Restrictions, such as night work and work in places such as underground mines and night clubs, are also in place for children under age 16.³⁶⁸⁴ The Labor Code only applies to the formal sector, leaving children working in the informal sector, such as domestic service and non-contractual agricultural work without legal protection.³⁶⁸⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

In 2009, the Government of Mali issued a decree to the Labor Code with an updated list of hazardous work.³⁶⁸⁶ This list does not include domestic service or work performed outside the formal sector. Moreover, the Labor Code and the decree are not harmonized. Whereas the decree provides a list of establishments, such as mines, in which children under age 18 may not be employed, the Labor Code only limits the hours when a child may be employed in such work; it does not prohibit work in those specific places.³⁶⁸⁷ Both the code and the decree allow children ages 16 and older to partake in some hazardous activities.³⁶⁸⁸ Nonetheless the decree bans the

employment of any child under age 18 in any work that presents dangers or harms the morality of the child. It is unclear whether the decree or the Labor Code takes precedence.³⁶⁸⁹

The Child Protection Code provides protection for children under age 18.³⁶⁹⁰ The Penal Code establishes criminal penalties.³⁶⁹¹ The Child Protection Code identifies begging as a form of economic exploitation of children, and the Penal Code provides for punishment of this activity.³⁶⁹² However, the Penal Code does not always provide consistent and adequate penalties for some of the prohibitions enumerated in the Child Protection Code. For example, although the Child Protection Code prohibits children under age 18 from participating in armed forces, the Penal Code only provides penalties for those recruiting and enlisting children under age 15.³⁶⁹³

The Penal Code prohibits the trafficking of children.³⁶⁹⁴ The Penal Code also forbids the debauching of children, including third party involvement in prostitution (pimping) or sexual slavery.³⁶⁹⁵ However, inciting a child into prostitution is an offense only applicable to girls, not boys.³⁶⁹⁶ Furthermore, provisions of the Penal Code are not applied to prostitution cases without proof of pimping.³⁶⁹⁷ The Penal Code also makes the child criminally liable for their involvement in prostitution.³⁶⁹⁸

Although the Penal Code bans slavery, no penalties are outlined for the offense.³⁶⁹⁹ Forced labor is prohibited under the Labor Code. However, the punishment for forced labor is only a fine and/or imprisonment for a period of 15 days to 6 months.³⁷⁰⁰

The Constitution provides for free and compulsory education.³⁷⁰¹ Education is compulsory for 9 years, beginning at age 6.³⁷⁰² All children, including refugee children, have the right to education.³⁷⁰³ Although the Constitution guarantees free education, parents are still expected to pay school fees for registration, books and materials. These

costs may deter families from sending their children to school.³⁷⁰⁴

Institutional Mechanisms for Coordination and Enforcement

In 2010, the National Unit to Fight Against Child Labor, led by the Ministry of Labor, Civil Service and State Reform, was named the official coordinating body for child labor policy. This committee, comprised of various Government agencies, civil society groups, professional organizations and trade unions, has overarching responsibility for coordinating the Government of Mali's efforts to combat the worst forms of child labor.³⁷⁰⁵ During the reporting period, the Ministry of Justice was named the lead agency for the nation's anti-trafficking committee. The committee is comprised of 13 ministries and civil society groups and is responsible for promoting anti-trafficking partnerships, establishing a data collection system and creating a national plan of action.³⁷⁰⁶

Child labor laws are enforced by the Ministry of Labor, Civil Service and State Reform.³⁷⁰⁷ Mechanisms are in place to coordinate enforcement efforts between ministries and to report child labor violations.³⁷⁰⁸ The Ministry employs 50 labor inspectors.³⁷⁰⁹ Labor inspectors receive and investigate complaints and perform unannounced labor inspections in the formal labor sector.³⁷¹⁰ During the reporting period, labor inspectors received trainings on hazardous child labor in-country and at a training center in Cameroon.³⁷¹¹ The number of inspections carried out during the reporting period is unknown. However, evidence indicates inspections are used as an education tool rather than to enforce laws with penalties. If a business shows a good-faith effort to improve workplace conditions, sanctions are not applied.³⁷¹² Additionally, since labor inspectors only inspect the formal sector, work performed by children in the informal sector, such as non-contractual agricultural work remains unmonitored.³⁷¹³

The Ministries of Justice, Promotion of Women and Children, Internal Security and Social Security work together to enforce laws pertaining to all worst forms of child labor.³⁷¹⁴ The Ministry of Internal Security, through its Morals Brigade of the National Police, is the principal agency enforcing laws relating to the commercial sexual exploitation of children.³⁷¹⁵ The morals brigade employs fewer than 50 officers.³⁷¹⁶ Officers regularly receive training, including on the worst forms of child labor.³⁷¹⁷ However, the morals brigade is not large enough to cover the whole country.³⁷¹⁸ Additionally, there is no mechanism for reporting complaints related to the commercial sexual exploitation of children.³⁷¹⁹ Although the morals brigade was created to handle criminal affairs involving children, the main police force has no explicit obligation to turn children's cases over to the morals brigade. As a result, many children's issues are handled by the general police force that has no training on children's affairs.³⁷²⁰

The Ministry for the Advancement of Women, Children and the Family (MPWCF) is the lead agency for combating trafficking. Although no formal system exists for identifying victims of trafficking, the MPWCF, in collaboration with foreign governments, NGOs and the Ministries of Justice, Internal Security and Labor and Civil Services, coordinates the repatriation of trafficking victims.³⁷²¹ During the reporting period, the MPCFW repatriated 13 children who were trafficked into Mali and 33 Malian children who were trafficked out of Mali.³⁷²² Twelve trafficking-related convictions were handed down during the reporting period. Offenders received between one and 15 years imprisonment for a combination of charges related to abduction, rape, trafficking and murder.³⁷²³

Government Policies on the Worst Forms of Child Labor

During the reporting period the National Plan to Combat Child Labor (2011-2020) was finalized

and submitted to the Council of Ministers for approval.³⁷²⁴ The plan itself has not yet been adopted.³⁷²⁵ The National Steering Committee on Child Labor, created in 1999, was charged with monitoring and directing the national action plan on child labor. This group involves 43 members from key ministers as well as NGOs and civil society members.³⁷²⁶ Various projects have been designated to work on child labor policy, including the National Program Against Child Labor, the Project Against Child Trafficking, the Support Project for Timebound Program-Mali and the Project Against Child Labor Through Education.³⁷²⁷

Child labor concerns have been explicitly incorporated in the Poverty Reduction Strategic Plan (2007-2011) and the UN Development Assistance Framework (2008-2012). The framework addresses child protection, including support for children who are victims of trafficking. It also calls for increased access to social services, including education, for vulnerable children.³⁷²⁸ In addition, the 10-year Education Development Plan (2001-2011) focuses on providing quality access to education for all, with a specific focus on the inequalities between rural and urban areas.³⁷²⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Mali participated in a 4-year, \$3.5 million USDOL-funded Timebound preparatory project that integrated child labor issues into the national strategy framework to reduce poverty.³⁷³⁰ The project increased data about child labor and demonstrated several successful pilot programs aimed at withdrawing or preventing the worst forms of child labor in agriculture, mining, domestic service, trafficking and the commercial sexual exploitation of children.³⁷³¹ Mali also participated in two regional USDOL-funded projects, including a 4-year, \$7.95 million regional project and a 3-year, \$5 million regional project, both of which assisted ECOWAS

member countries to combat the worst forms of child labor by strengthening and enforcing child labor laws and national action plans and by developing child labor monitoring systems.³⁷³²

Throughout the reporting period the Government of Mali participated in several projects to combat child labor and trafficking, including three regional projects: a 4-year, eight-country, \$5.3 million, French-funded project that contributed to the abolition of child labor in West Africa;³⁷³³ a 2-year, eight-country, \$2.8 million anti-trafficking project funded by Denmark; and a 4-year, \$5.1 million, four-country project funded by Spain.³⁷³⁴ The Government also participated in an IOM program that identified, returned and reintegrated minors identified as trafficking victims throughout the region.³⁷³⁵ Finally, Mali participated in a 4-year, \$14.7 million project funded by the European Commission to combat child labor through education in 11 countries globally.³⁷³⁶

USAID continued to provide ongoing assistance toward basic education in Mali. It provided \$36.2 million in 2010 to improve access to quality education.³⁷³⁷ Funding was used to improve instruction and the capacity of the Ministry of

Education and to aid in the decentralization of the Malian education system.³⁷³⁸ USAID also funded a 5-year, \$30 million project to support the Malian primary education system by providing interactive radio instruction for grades one through six. The project aims to reach nomadic populations and children with mild to moderate special needs.³⁷³⁹ Finally, USAID funded a 5-year, \$25 million project to provide basic education and training to out-of-school youth. The project provides basic literacy, numeracy and job skills training for youth, using mobile technology for hard to reach youth such as those working in agricultural activities.³⁷⁴⁰

During the reporting period, the Government conducted an anti-trafficking campaign. It also created a map of the nation's child rehabilitation centers.³⁷⁴¹ Although the Government of Mali does provide some housing and medical and psychosocial support, it has generally relied on NGOs and international organizations to provide social programs for vulnerable children.³⁷⁴² However, Mali does not have a system in place for transferring detained vulnerable children to NGOs.³⁷⁴³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mali:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure children under age 14 are not permitted to work.
- Harmonize the legislative framework for addressing the worst forms of child labor, including the Child Protection Code, the Penal Code, the Labor Code and the Hazardous Child Labor Decree.
- Criminalize and provide appropriate penalties for all worst forms of child labor, including slavery, forced labor and commercial sexual exploitation.
- Ensure that both girls and boys are protected from prostitution and are not punished for being forced into it.
- Amend the Labor Code to prohibit children under age 18 from working in all hazardous conditions.
- Adopt laws to ensure protections for all children working outside the formal sector, particularly in domestic service and noncontractual agricultural work.
- Ensure children's Constitutional right to a free education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop and implement effective monitoring and reporting mechanisms for child labor inspections and investigations.
- Ensure the general police force and the morals brigade coordinate on the cases of minors.
- Implement a formal system to identify victims of trafficking.
- Ensure offenders of labor laws receive appropriate penalties for all offenses
- Strengthen measures to investigate, prosecute and convict individuals involved in the trafficking of children for sexual and labor exploitation, including by:
 - Providing sufficient funds so investigators are able to travel, transport victims to safety and arraign traffickers.
 - Increasing training for law enforcement officers, judges and prosecutors.
 - Introducing a mechanism, such as a hotline, for reporting such crimes.

IN THE AREA OF POLICIES:

- Enact the National Action Plan to Combat Child Labor.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitative child labor, including by developing and implementing effective model programs to withdraw children from the worst forms of child labor in agriculture and domestic service.
- Develop a system to transfer detained victims of trafficking to NGOs.

³⁶⁵⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided is from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁶⁵⁸ UCW, *Comprendre le Travail des Enfants au Mali*, Rome, May 2009, v, 15, 25. See also, ILO-IPEC, *Rapport d'Enquete sur le Travail des Enfants au Mali*, January 2007, 5.2; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=9650>.

³⁶⁵⁹ ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Project Document, Geneva, September 30, 2006, 5-6. See also, Environmental Justice Foundation, *Children Behind our Cotton*, December 5, 2007, 9, 11; available from <http://www.ejfoundation.org/page481.html>. See also, United Nations Committee on the Rights of the Child, *Summary Record of the 1207th Meeting*, January 18, 2007, 2.

³⁶⁶⁰ ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme Project Document*, 6.

³⁶⁶¹ UCW, *Comprendre le Travail des Enfants au Mali*, 25, 26. See also, UN Human Rights Council, *Compilation Prepared by the Office High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 - Mali*, Mali, April 8, 2008, paragraphs 20, 29; available from <http://www.unhcr.org/refworld/docid/48abd56a0.html>. See also, ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme Project Document*, 6.

³⁶⁶² Ministère de la Promotion de la Femme de l'Enfant et de la Famille and UNICEF, *Etude sur les connaissances, attitudes, et pratiques en matière des droits de l'enfant et de la femme au Mali*, Bamako, April 2009, 42. See also, U.S. Department of State, «Mali,» in *Trafficking in Persons Report-2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also, ILO-IPEC, *Rapport: Volet Pays Mali: Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage du BF, du Mali, et du Niger* Mali, August 2009, 63.

³⁶⁶³ Integrated Regional Information Networks, "Mali: Children scrape by on scrap", IRINnews.org, [online], April

7, 2008 [cited April 1, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77641>. See also, ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme Project Document*, 7.

³⁶⁶⁴ ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme Project Document*, 7.

³⁶⁶⁵ ILO-IPEC, *Rapport: Volet Pays Mali: Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage*, 1, 2, 6, 45-47, and 60. See also, U.S. Department of State, «Mali,» in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, sections 6c-d, 7c-d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

³⁶⁶⁶ ILO-IPEC, *Rapport: Volet Pays Mali: Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage*, 2, 6, 45-47, and 60.

³⁶⁶⁷ *Ibid.*, 2. See also, ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme Project Document*, 6-7. See also, ILO-IPEC, *Etude sur les questions du genre, le travail des enfants et les pires formes de travail des enfants dans les mines et carrières: Kenieba et Bougouni (Mali)*, Preliminary Report, Mali, November 2009, 25.

³⁶⁶⁸ U.S. Department of State, "Mali," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.

³⁶⁶⁹ Programme des Nations Unie pour le Développement, *Rapport final de l'étude actualisée de la situation des droits humains au regard des objectifs du CSCR*, Bamako, July 2007, 18. See also, U.S. Department of State, «Country Reports- 2009: Mali,» sections 6c-d. See also, Integrated Regional Information Networks, «Mali: Thousands still live in slavery in north», IRINnews.org, [online], July 14, 2008 [cited February 12, 2010]; available from <http://www.unhcr.org/refworld/docid/487f10be1a.html>. See also, U.S. Embassy- Bamako, February 3, 2010, 2a.

³⁶⁷⁰ U.S. Department of State, "Country Reports- 2010: Mali." See also, U.S. Department of State, "Trafficking in Persons Report- 2010: Mali."

³⁶⁷¹ Integrated Regional Information Networks, "Mali: Urbanisation fueling begging on streets of capital", IRINnews.org, [online], January 22, 2008 [cited June 2, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=76375>. See also, ILO-IPEC, *Termes de référence: Etude sur l'exploitation des enfants mendiants au Mali*, Mali, April 2008. See also, Peter Easton, *Education and Koranic Literacy in West Africa*, August 1999, 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also, U.S. Department of State, "Country Reports- 2009: Mali." See also, ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme Project Document*, 7. See also, ILO-IPEC, *Rapport du Forum Sous Regional sur la Migration*

des Enfants 'un Risque à la Traite et à l'Exploitation' - Quels Enjeux Pour les Enfants Talibés, Response to USDOL Technical Progress Report Question: Attachment, Segou, April 2007, 5.

³⁶⁷² ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour, 1999 (No. 182) Mali (ratification: 2000) Published: 2008*, February 5, 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also, Winrock International, *Spotlight on ENDA, Mali*, [online] July 2005 [cited February 16, 2011]; available from <http://circle.winrock.org/news/ml-ENDA.cfm>. See also, United Nations Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, May 3, 2007, 16. See also ILO-IPEC, *Rapport du Forum Sous Regional sur la Migration des Enfants 'un Risque à la Traite et à l'Exploitation' - Quels Enjeux Pour les Enfants Talibés*, 2. See also, IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] November 22, 2006 [cited March 19, 2011]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>. See also, M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal: Dimensions internes, phenomenes transfrontaliers, role et responsabilites du secteur prive*, Bamako, June 2007, 37, 69. See also, U.S. Department of State, "Country Reports- 2010: Mali."

³⁶⁷³ U.S. Department of State, "Trafficking in Persons Report- 2010: Mali." See also, Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 7. See also, U.S. Department of State, "Country Reports- 2009: Mali." See also, U.S. Embassy - Bamako, February 19, 2010, 3B. See also, Michael Fleshman, "Africa Fights the 'People Trade,'" *Africa Renewal*, October 2009; available from www.un.org/ecosocdev/geninfo/afrec/vol23no3/233-people-trade.html.

³⁶⁷⁴ Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 68, 69. See also, U.S. Department of State, "Country Reports- 2009: Mali."

³⁶⁷⁵ U.S. Department of State, "Trafficking in Persons Report- 2010: Mali."

³⁶⁷⁶ Ibid. See also, U.S. Embassy - Bamako, January 7, 2009, paragraph 14.

³⁶⁷⁷ Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 7. See also, U.S. Department of State, "Mauritania," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009>.

³⁶⁷⁸ U.S. Department of State, "Trafficking in Persons Report- 2010: Mali." See also, U.S. Department of State, "Trafficking in Persons Report- 2009: Niger."

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³⁶⁸¹ United Nations Committee on the Rights of the Child, *Summary Record of the 1207th Meeting*, 5. See also, United Nations Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, 15. See also, See also, Caroline Pearce, Sébastien Fourmy, and Hetty Kovach, *Delivering Education for All in Mali*, Oxfam International, June 2009, 7, 9, 19; available from http://www.oxfam.org.uk/resources/policy/education/downloads/delivering_education_for_all_mali_report.pdf. See also, U.S. Department of State, "Country Reports- 2010: Mali."

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³⁶⁸⁴ Ibid. Annex: application of article 189: 189.30, 189.24, 189.14, 189.16

³⁶⁸⁵ Comité Africain d'Experts sur les Droits et le Bien-Etre de l'Enfant, *Recommandations et Observations Adressées au Gouvernement du Mali par le Comité Africain d'Experts sur les Droits et le Bien être de l'Enfant sur le Rapport Initial de la mise en Oeuvre de la Charte Africaine sur les Droits et du Bien être de l'Enfant*, August 24, 2010; available from http://www.crin.org/docs/Mali_COs.doc.

³⁶⁸⁶ ILO-IPEC, *Support for the Preparation of the Mali Time - Bound Programme: Final Technical Progress Report-Mali*, September 30, 2010, 9. See also, Government of Mali: Minister of Labor Civil Service and State Reform, *Arrete no. 9-0151-MTFPRE/DG du 4 fevrier 2009 copmlétant la liste des travaux dangereux interdits aux enfants de moins de 18 ans*, (February 4, 2009). See also, Government of Mali, *Code du Travail*. Annex: application of article 189

³⁶⁸⁷ Government of Mali, *Code du Travail*. Annex: articles 189.14-16, 189.24 See also, Government of Mali: Minister of Labor Civil Service and State Reform, *Arrete no. 9-0151-MTFPRE/DG du 4 fevrier 2009 copmlétant la liste des travaux dangereux interdits aux enfants de moins de 18 ans*, (February 4, 2009).

³⁶⁸⁸ Government of Mali, *Code du Travail*, article 187 and Annex: 189.14. See also, Government of Mali, *Ministerial Order No. 09/0151/MTFPRE-SG of 04.02.09 completing the*

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³⁶⁸⁹ Government of Mali, *Code du Travail*. Annex: articles 189.14-16

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³⁶⁹¹ Government of Mali, *Code pénal Loi N° 01-079 du 20 Aout 2001*, (August 20, 2001); available from <http://www.justicemali.org/code%20penal.pdf>.

³⁶⁹² Government of Mali, *Code de protection de l'enfant*, article 58. See also, Government of Mali, *Code Pénal*, article 183.

³⁶⁹³ Government of Mali, *Code Pénal*, articles 31.23, 31.31. See also, Government of Mali, *Code de protection de l'enfant*, article 17.

³⁶⁹⁴ Government of Mali, *Code Pénal*, article 244.

³⁶⁹⁵ *Ibid.*, articles 29, 31.19, 225, 226

³⁶⁹⁶ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour, 1999 (No. 182) Mali (ratification: 2000) Submitted: 2010*, August 30, 2010; available from <http://www.ilo.org/ilolex/english/ilolex.htm>.

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³⁷⁰⁹ U.S. Embassy- Bamako, *Reporting, January 12, 2011*, section f, 4.3. See also, U.S. Department of State, "Country Reports- 2010: Mali."

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- ³⁷²⁸ Government of Mali and United Nations, *Plan cadre des Nations Unies pour l'Aide au Développement 2008-2012*. See also, ILO -IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, March 3, 2008.
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- ³⁷³⁰ ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme Project Document*, cover page and page 20.
- ³⁷³¹ Ibid. See also, ILO-IPEC, *Support for the Preparation of the Mali Time - Bound Programme*, Technical Progress Report, Geneva, September 30, 2009, 9-14. See also, ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme Project Document*, 27-33.
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- ³⁷³³ ILO-IPEC Geneva official, E-mail communication to USDOL official, July 17, 2010.
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- ³⁷³⁵ IOM, *IOM Assistance Programme for the Return and Reintegration of Trafficked Children in West Africa*, 2010; available from http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/about_migration/IOM_Return_Reintegration_WA_2006_eng.pdf.
- ³⁷³⁶ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=8511>. See also, ILO-IPEC Geneva official, E-mail communication, July 17, 2010.
- ³⁷³⁷ USAID, *EQUIP2 Mali Education Decentralization Program*, [online] [cited March 23, 2011]; available from <http://www.equip123.net/webarticles/anmviewer.asp?a=679&z=28>. See also, USAID, *Mali: Country Profile*, [online] [cited March 23, 2011]; available from http://www.usaid.gov/locations/sub-saharan_africa/countries/mali/mali_profile.pdf. See also, U.S. Embassy-Bamako, *Embassy Recent Events*, [[cited March 23, 2011]; available from http://mali.usembassy.gov/two_new_usaid_programs.html.
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- ³⁷⁴⁰ International Development Division, *EDC Awarded \$25m to Provide Education, Job Skills to Youth in Mali*, [online] October 21, 2010 [cited March 25, 2011]; available from <http://idd.edc.org/about/news/edc-awarded-25m-provide-education-job-skills-youth-mali>.
- ³⁷⁴¹ U.S. Embassy - Bamako, *Reporting, February 16, 2011*, 5F, 7A.
- ³⁷⁴² U.S. Embassy- Bamako, *Reporting, February 3, 2010*, 2d2, 2g1. See also, UNODC, *Global Report on Trafficking*, 2009, 102; available from http://www.unodc.org/documents/Global_Report_on_TIP.pdf.
- ³⁷⁴³ U.S. Department of State, "Trafficking in Persons Report-2010: Mali." See also, U.S. Embassy - Bamako, *Reporting, February 19, 2010*, 6C, E, and F.

Mauritania

During the year, the Government of Mauritania secured a number of child slavery convictions. However, the Government has yet to adequately implement or enforce provisions of its child labor laws, and its social programs do not sufficiently address the needs of vulnerable children. As a result, children continue to engage in the worst forms of child labor in agriculture and herding, as well as indentured servitude in remote areas of the country.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	18.2*
Attending School	5-14 yrs.	48.6
Combining Work and School	7-14 yrs.	10.8

* Population of working children: 172,936



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mauritania are engaged in the worst forms of child labor, including agriculture, herding, and indentured servitude.³⁷⁴⁴ In rural areas, children reportedly work on farms growing beans, rice and vegetables and face risks from carrying heavy loads and exposure to dangerous tools and chemicals.³⁷⁴⁵ Children herd and care for livestock, such as cattle and goats, and many work long hours and travel great distances.³⁷⁴⁶ While research is limited, there is evidence that children herd camels and sheep as well.³⁷⁴⁷ Some reports note that children work in the fishing sector, risking drowning while out at sea. Some children also burn wood to produce charcoal, risking injury from burns.³⁷⁴⁸




In urban areas, children reportedly work in the informal sector, as street vendors, garbage collectors, delivery boys, donkey cart drivers and apprentices in fields such as mechanics.³⁷⁴⁹ Boys reportedly engage in all of these activities, many

of them working more than eight hours a day, six days a week and required to carry heavy loads.³⁷⁵⁰ Some apprentices are beaten and forced to work for many years by their master.³⁷⁵¹

Some male street children are former Koranic students, or *talibes*.³⁷⁵² In Mauritania, it is traditional practice to send boys to Koranic teachers to receive education, which may include vocational training or apprenticeship. However, some Koranic teachers, or *marabouts*, force *talibes* to beg for more than 12 hours a day without adequate food or shelter.³⁷⁵³ Most *talibes* in Mauritania are between ages 6 and 10 and come from the Pulaar tribes in the southern part of the country.³⁷⁵⁴

Girls, many of whom are between ages 7 and 12, work as domestic servants in urban households. Many work for 6 to 10 hours a day, often without pay. Some are beaten and sexually abused.³⁷⁵⁵ Many domestic servants in Mauritania reportedly come from the Senegal River Valley and Assaba and work in Nouakchott.³⁷⁵⁶

In Mauritania, children reportedly continue to be exploited in indentured servitude and slave-like practices in remote areas of the country.³⁷⁵⁷ Some of these children herd animals, such as cattle and goats, and perform domestic labor.³⁷⁵⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Mauritania is a source and destination country for trafficked children.³⁷⁵⁹ Reports indicate that children are trafficked within Mauritania for forced labor in agriculture, herding, domestic labor and fishing.³⁷⁶⁰ In addition, children are trafficked domestically by street gang leaders to sell drugs. Girls are also trafficked for domestic labor and sexual exploitation, and *talibes* for forced begging.³⁷⁶¹ *Talibes* are trafficked from Guinea, Guinea-Bissau, Mali and Senegal to Mauritania for forced begging.³⁷⁶² Girls are trafficked from Senegal and Mali for domestic service.³⁷⁶³

Research indicates that a lack of school infrastructure and limited availability of teachers impedes access to education, which increases the risk of children engaging in the worst forms of child labor.³⁷⁶⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14. However, if a child has not completed the required 6 years of education, the child may be restricted from employment until such education is complete.³⁷⁶⁵ At age 12, children may perform light work in establishments where their family members are employed, provided that they have the Ministry of Labor's authorization and maintain their schooling.³⁷⁶⁶ According to the Labor Code, children younger than age 14 are prohibited from night work.³⁷⁶⁷ The Labor Code also bans children younger than age 18 from work that is dangerous, beyond their strength or is likely to harm their safety, health or morals.³⁷⁶⁸ All laws regarding regular work also apply to apprenticeships.³⁷⁶⁹ However, the Government lacks a hazardous labor list.

The Penal Protection Code for Children establishes penalties for sexually exploiting a child and for inciting a child to beg or giving authority to another person to do so.³⁷⁷⁰ The law also prohibits the production of child pornography.³⁷⁷¹ However, the law does not prohibit the use of children in other illicit activities.³⁷⁷²

Law 2007-048 and Law 025/3003 prohibit forced and compulsory labor, as well as slavery and trafficking in persons.³⁷⁷³ The minimum age for both voluntary and compulsory recruitment into the military is 18.³⁷⁷⁴

According to the law, the Government has established the right to free primary education through age 14. However, in practice, the free education provision was not effectively enforced, as children must pay for school-related expenses.³⁷⁷⁵

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government of Mauritania took steps to establish a coordinating

mechanism to combat the worst forms of child labor by creating the Child Trafficking, Smuggling and Labor multistakeholder group, which includes members from NGOs and government and international organizations. The group met informally during the year.³⁷⁷⁶

The Ministry of Social Affairs, Family and Children (MSFC) has primary responsibility for both child labor policy and enforcing all child labor laws, including those related to the worst forms of child labor.³⁷⁷⁷ The Government of Mauritania has 66 labor inspectors who are responsible for following up on child labor violations.³⁷⁷⁸ However, no child labor inspections were performed during the reporting period.³⁷⁷⁹ The Direction of the Judiciary Protection of Children under the Ministry of Justice, the Commissariat for Human Rights and the Special Brigade for Minors under the Ministry of the Interior also undertake activities that protect children and enforce laws, including the worst forms of child labor.³⁷⁸⁰

During the reporting period, the Government convicted three individuals of child exploitation. One convicted individual received a 6-month sentence, of which they served 12 days in prison, and the two other convicted individuals each received a 6-month sentence that was suspended.³⁷⁸¹ It is unclear if the sentences are sufficient to serve as a deterrent.³⁷⁸² In addition, research indicates that a lack of Government funding continues to be an impediment to coordination and enforcement efforts.³⁷⁸³

Government Policies on the Worst Forms of Child Labor

After conducting a study on trafficking and the worst forms of child labor in 2009, the Ministry of Social Welfare and UNICEF determined that the government's policies at that time were not effective due to limited funding and noted that the prevalence of child labor in Mauritania continued to increase.³⁷⁸⁴ Therefore, with additional funding

and technical support from UNICEF, the National Children's Council of MSFC began to implement a national strategy and 3-year plan of action (2009-2012) for the protection of children.³⁷⁸⁵ The strategy and action plan aim to strengthen the legal system, increase access to social services for vulnerable children and establish a system to coordinate, monitor and evaluate service provision.³⁷⁸⁶ The question of whether this policy has an impact on child labor does not appear to have been assessed.

The PRSP 2006-2010 includes plans to increase access to quality education for all children.³⁷⁸⁷ The Government of Mauritania also has a National Program for the Development of the Education Sector (2001-2010), which aims to increase children's access to education, particularly among girls.³⁷⁸⁸ In addition, the Commissariat for Human Rights established a national plan to combat the vestiges of slavery, which includes education as a means to reduce poverty.³⁷⁸⁹ However, the Government has not yet adopted the plan. According to ILO, the Government of Mauritania lacks reliable data to be able to provide the plan's services to all victims of slavery or those at risk.³⁷⁹⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of Mauritania provided minimal support to social programs. The Government participated in a \$500,000 USAID-funded, UNICEF-implemented project to provide support to children engaged in slavery.³⁷⁹¹ The project is scheduled to run through September 2012.³⁷⁹² The project aims to strengthen legal frameworks and provide income-generating opportunities to victims of slavery, targeting women and children.³⁷⁹³ The project targets children engaged in the worst forms of child labor in the domestic service, commercial sexual exploitation and forced begging (*talibes*) sectors, among others.³⁷⁹⁴ In addition, the Ministry of Employment and Vocational Training reportedly provided microcredit opportunities to former

slaves in order to re-establish livelihoods.³⁷⁹⁵ Research has not uncovered what impact this project has had on the worst forms of child labor.

The Government of Mauritania continued to provide support to the two National Centers for the Protection of Children in Difficulty, located in Nouakchott, which provides shelter for vulnerable children, many of whom are *talibes*. In 2010, the Government provided a budget of \$307,000 toward the centers' operation.³⁷⁹⁶ MSFC held sensitization and awareness-raising events.³⁷⁹⁷

During the reporting period, the UN High Commissioner for Refugees repatriated over 2,500 Mauritanian refugees living in Senegal and Mali.

The Mauritanian refugees had been displaced by ethnic clashes in 1989, and in 2008, some 19,000 refugees had been repatriated before operations were forced to cease due to civil and political unrest.³⁷⁹⁸ The Government of Mauritania agency responsible for the repatriation process provided refugee children with educational services to ensure that they were protected and did not fall into the worst forms of child labor.³⁷⁹⁹

Research indicates that the scope of the programs to assist children involved in agriculture, herding, domestic service, the informal sector, street work and indentured servitude are not sufficient to meet the total need.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mauritania:

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and adopt a hazardous labor list in accordance with international standards.
- Draft and adopt a law that prohibits the use of children in illicit activities in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Formalize a coordinating mechanism to combat the worst forms of child labor.
- Take all necessary measures to effectively enforce child labor, forced labor and anti-trafficking laws, including labor inspections, investigation, prosecution and conviction of individuals.
- Provide sufficient funding for coordination and enforcement efforts.
- Effectively enforce free public education legal provisions.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies may have on addressing the worst forms of child labor.
- Redouble efforts to implement the plan of action to protect children and collect data to identify children in need of these services.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand the scope of programs to address the worst forms of child labor in agriculture, domestic service, informal sectors and other sectors where children work, as well as children in indentured servitude.

³⁷⁴⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2007. Data on children working and schooling from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁷⁴⁵ U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, section 1, para 1.

³⁷⁴⁶ Ministère des Affaires Sociales, de l'enfance et de la Famille and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, Nouakchott, January 10, 2010, para 1. See also Haimoud Ramdan, *La lutte contre la Précarité des Enfants en Mauritanie*, Université de Nouakchott, 17. See also Le Quotidien de Nouakchott official, Interview with USDOL consultant, May 15, 2008, 65. See also Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*. See also U.S. Department of State, "Mauritania," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154358.htm>, *ibid*.

³⁷⁴⁷ Ramdan, *La lutte contre la Précarité des Enfants*. See also SOS-Esclaves official, Interview with USDOL consultant, May 8, 2008. See also U.S. Embassy- Nouakchott official, E-mail communication to USDOL official, March 9, 2011. See also Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*.

³⁷⁴⁸ Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, 17. See also Ramdan, *La lutte contre la Précarité des Enfants*, 17. See also Le Quotidien de Nouakchott official, Interview, May 15, 2008, 65.

³⁷⁴⁹ Bechir Fall, *Enquete sur le Travail des Enfants et Opportunités d'Insertion a Nouakchott-Version Provisoire*, Ministry of Public Works and Employment and UNICEF, December 2006.

³⁷⁵⁰ *Ibid.*, 29-30, 33.

³⁷⁵¹ *Ibid.*, 29-30, 33. See also SOS-Esclaves official, Interview, May 8, 2008, 13.

³⁷⁵² U.S. Embassy- Nouakchott, *reporting, November 30, 2007*. See also U.S. Department of State, "Country Reports- 2010: Mauritania," section 6. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties*, pursuant to Article 44 of the Convention, June 17, 2009, 16-17; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/430/16/PDF/G0943016.pdf?OpenElement>.

³⁷⁵³ U.S. Embassy- Nouakchott, *reporting, November 30, 2007*, para 12. See also U.S. Department of State, "Country Reports- 2010: Mauritania," sections 6, 7d. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties*, 16-17.

³⁷⁵⁴ Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, para 1. See also Ba Samba Hamady, *Rapport Narratif de l'enquête Participative sur la Situation des « almuube » à Nouakchott Association Enfants et Développement en Mauritanie*, Save the Children, November 2006, 12.

³⁷⁵⁵ U.S. Department of State, "Country Reports- 2010: Mauritania," section 7d. See also Fall, *Enquete sur le Travail des Enfants et Opportunités d'Insertion a Nouakchott-Version Provisoire*, 19-20. See also Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, 57.

³⁷⁵⁶ Ministère de la Justice official, Interview with USDOL consultant, May 7, 2008, 27.

³⁷⁵⁷ U.S. Department of State, «Mauritania,» in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm#>.

³⁷⁵⁸ *Ibid*. See also UN General Assembly, *Report of the Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, Gulnara Shahinian*, Human Rights Council, 2010, 12; available from http://www2.ohchr.org/english/issues/slavery/rapporteur/docs/A.HRC.15.20.Add.2_en.pdf.page 12

³⁷⁵⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Mauritania."

³⁷⁶⁰ *Ibid*. See also Association Enfants Développement en Mauritanie (AEDM) official, Interview with USDOL consultant, May 12, 2008, 53.

³⁷⁶¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Mauritania." See also U.S. Department of State, "Country Reports- 2010: Mauritania," section 6.

³⁷⁶² U.S. Department of State, "Trafficking in Persons Report- 2010: Mauritania." See also Hamady, *Rapport Narratif*

de l'enquête Participative sur la Situation des « almuube » à Nouakchott Association Enfants et Développement en Mauritanie, 12. See also Association Enfants Développement en Mauritanie (AEDM) official, Interview, May 12, 2008, 53.

³⁷⁶³ U.S. Department of State, "Trafficking in Persons Report- 2010: Mauritania."

³⁷⁶⁴ U.S. Embassy- Nouakchott official, E-mail communication, March 9, 2011.

³⁷⁶⁵ Government of Mauritania, *Code du travail*, Loi No. 2004-017, (July 2004), article 153; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MRT&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY, *ibid.* See also Government of Mauritania, *Loi n° 2001-054 du portant obligation de l'enseignement*, (July 19, 2001), article 1.

³⁷⁶⁶ Government of Mauritania, *Code du travail. Loi No. 2004-017*, July 2004, articles 153-155, 164; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MRT&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

³⁷⁶⁷ *Ibid.*

³⁷⁶⁸ ILO NATLEX National Labor Law Database, *Arreté no. 239 du 17 septembere 1954*, accessed October 11, 2006; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MRT&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY, *ibid.*

³⁷⁶⁹ U.S. Embassy- Antananarivo, E-mail communication to USDOL official, March 24, 2011, *ibid.*

³⁷⁷⁰ Government of Mauritania, *Ordonnance 2005-015 portant protection penale de l'enfant*, (December 5, 2005), 25-16, 42.

³⁷⁷¹ U.S. Embassy- Nouakchott official, E-mail communication, March 9, 2011.

³⁷⁷² ILO Committee of Experts, *Individual Direct Request Worst Forms of Child Labor, 1999 (No. 182) Mauritania (ratification: 2001) Submitted: 2010*, February 17, 2011 2011, para 1; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

³⁷⁷³ *Ibid.*, para 1. See also Government of Mauritania, *Loi n° 2007- 048 portant incrimination de l'esclavage et réprimant les pratiques esclavagistes* (December 17, 2007), articles 1-3; available from <http://appablog.wordpress.com/2008/01/24/mauritanie-texte-de-la-loi-anti-esclavagiste-adoptee-par-les-deputes-mauritaniens/>. See also Government of Mauritania, *Loi n° 025/3003 portant repression de la traite des personnes*, (2003), articles 1-3.

³⁷⁷⁴ Coalition to Stop the Use of Child Soldiers, "Mauritania," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

³⁷⁷⁵ U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, section 2.2. See also U.S. Department of State, "Country Reports- 2010: Mauritania," section 6, *ibid.*, *ibid.*

³⁷⁷⁶ U.S. Department of State, "Mauritania," in *Trafficking in Persons Report- 2011*, Washington, DC, June 27, 2011; available from <http://www.state.gov/g/tip/rls/tiprpt/2011/index.htm>.

³⁷⁷⁷ U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, section 4.

³⁷⁷⁸ *Ibid.*, section 4. See also U.S. Embassy- Nouakchott official, E-mail communication, March 9, 2011.

³⁷⁷⁹ U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, sections 4, 5.

³⁷⁸⁰ *Ibid.*, sections 4, 5.

³⁷⁸¹ U.S. Embassy- Nouakchott official, E-mail communication to USDOL official, June 2, 2011. See also U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2011: Mauritania."

³⁷⁸² U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, section 5.

³⁷⁸³ Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, para 5. See also ILO Committee of Experts, *Individual Direct Request C182: Mauritania (2010)*, para 1.

³⁷⁸⁴ Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, para 4.

³⁷⁸⁵ Government of Mauritania, *Written Replies by the Government of Mauritania to the List of Issues Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Second Periodic Report of Mauritania*, April 22, 2009, 4-5; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/417/29/PDF/G0941729.pdf?OpenElement>.

³⁷⁸⁶ Ministère des Affaires Sociale de l'Enfance et de la Famille and UNICEF, *Strategie Nationale de Protection des Enfants en Mauritanie et Plan d'Action 2009-2013*, August 13, 2009, 51-55.

³⁷⁸⁷ International Monetary Fund, *Poverty Reduction Strategy Paper*, Washington, DC, January 2007; available from <http://www.imf.org/external/np/prsp/prsp.asp#R>. See also Government of Mauritania, *Programme National de Developpement de Secteur Educatif 2001-2010*, 2001; available from http://www.educationfasttrack.org/media/library/Mauritania_Education_Plan.pdf.

³⁷⁸⁸ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Madagascar (ratification: 2001)*, [online] 2007 [cited May 2, 2011],

paras 1, 2; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>, ILO Committee of Experts, *Individual Direct Request C182: Mauritania (2010)*.

³⁷⁸⁹ ILO Committee of Experts, *Individual Direct Request C182: Mauritania (2010)*, ILO Committee of Experts, *Direct Request, Convention 182*. See also Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, para 2.

³⁷⁹⁰ ILO Committee of Experts, *Individual Observation concerning Forced Labor Convention, 1930 (No. 29) Mauritania (ratification: 1961) Published: 2010*, March 17, 2011 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, para 2.

³⁷⁹¹ Ministère des Affaires Sociales and UNICEF, *Etude sur le Trafic, la Traite et les Pires Formes de Travail des Enfants en Mauritanie: Rapport Final*, paras 4, 7. See also U.S. Embassy-Nouakchott official, E-mail communication, March 9, 2011.

³⁷⁹² UNICEF, *Care to Child Victims of Slavery and Trafficking in Mauritania: First Progress Report*, Nouakchott, April 30,

2011, 2. See also U.S. Embassy- Nouakchott official, E-mail communication to USDOL official, July 21, 2011.

³⁷⁹³ U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, sections 4, 7. See also U.S. Embassy- Nouakchott official, E-mail communication, March 9, 2011.

³⁷⁹⁴ UNICEF, *Care to Child Victims of Slavery and Trafficking in Mauritania: First Progress Report*, 14-15.

³⁷⁹⁵ *Ibid.*, 17.

³⁷⁹⁶ U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, section 7. See also U.S. Embassy- Nouakchott official, E-mail communication, March 9, 2011.

³⁷⁹⁷ U.S. Embassy- Nouakchott, *reporting, February 11, 2011*, section 7.

³⁷⁹⁸ Integrated Regional Information Networks, “Mauritania/Senegal: Refugee returns resume”, IRINnews.org, [online], 2010 [cited March 12, 2011]; available from <http://www.irinnews.org/report.aspx?reportid=90828>.

³⁷⁹⁹ U.S. Embassy- Antananarivo, E-mail communication, March 24, 2011.

Mauritius

In 2010 the Government of Mauritius launched a Strategy for Special Education Needs and Inclusive Education in Mauritius, which complements its other efforts to keep children in school and prevent the worst forms of child labor. However, children continue to be involved in commercial sexual exploitation, primarily prostitution. Gaps remain in the Government's efforts to coordinate policy related to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Distribution of the Worst Forms of Child Labor

Children in Mauritius are engaged in the worst forms of child labor,³⁸⁰⁰ including in commercial sexual exploitation.³⁸⁰¹ Some children are lured into prostitution by their peers or through false offers of other employment. Some adult prostitutes reportedly force their sons and daughters into this form of commercial sexual exploitation.³⁸⁰² Although the prevalence is unknown, the UN Committee on the Elimination of Discrimination Against Women has expressed concern about girls as young as 10 in prostitution and about the scale of child prostitution in the tourism industry.³⁸⁰³ There are also reports of children engaged in the production of pornography.³⁸⁰⁴

Available evidence suggests a low incidence of other worst forms of child labor in Mauritius and its dependencies such as Rodrigues Island. However, some children reportedly work in street vending, agriculture and domestic service.³⁸⁰⁵ Children working on the streets are exposed to a variety of hazards, which may include severe weather, crime and accidents caused by proximity

to automobiles. Children's work in agriculture commonly involves perilous activities, such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Child domestic labor commonly involves long working hours and unsafe activities and often exposes children to physical and sexual exploitation by their employer. Some reports suggest that children are brought from Rodrigues Island to perform domestic work in Mauritius, where they are sexually exploited.³⁸⁰⁶

Laws and Regulations on the Worst Forms of Child Labor

The Employment Rights Act sets the minimum age for work at 16. Children younger than age 18 are prohibited from work that is likely to jeopardize their health, safety or physical, mental, moral or social development.³⁸⁰⁷ The Occupational Safety and Health (OSH) Act identifies these specific work activities. However, the OSH Act allows youth ages 16 to 18 to use certain dangerous machines if they have received sufficient training and are under adequate supervision.³⁸⁰⁸ It is illegal to employ youth ages 16 to 18 in any industrial setting between 10:00

p.m. and 5:00 a.m.³⁸⁰⁹ Employers are required to maintain records of all employees ages 16 to 18.³⁸¹⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The Child Protection Act forbids causing, inciting or allowing any child to engage in prostitution, with a penalty of fines and up to five years of imprisonment.³⁸¹¹ The Combating Trafficking in Persons Act establishes child trafficking as a criminal offense and requires Internet service providers to inform the police of any information that suggests or alludes to trafficking on its server.³⁸¹² The Computer Misuse and Cyber Crime Act of 2003 criminalizes child pornography.³⁸¹³ The Constitution prohibits forced labor and slavery.³⁸¹⁴

Education is free and compulsory to age 16.³⁸¹⁵

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Mauritius has established a coordinating mechanism to combat the worst forms of child labor. The Ministry of Gender Equality, Child Development and Family Welfare (MGE) is the lead agency of an interagency ad-hoc working

committee on trafficking, but this body has not been formalized.³⁸¹⁶

The Inspection and Enforcement Division of the Ministry of Labor, Industrial Relations, and Employment (MOLIRE) enforces all labor laws, including those related to child labor.³⁸¹⁷ It employs 45 inspectors³⁸¹⁸ and all regular labor inspections include monitoring for child labor. When a child labor violation is found, MOLIRE carries out unannounced follow-up inspections to deter repeat offenses.³⁸¹⁹ Prosecution is usually pursued against repeat offenders.³⁸²⁰ Violations related to the hazardous work provisions of the Occupational Safety and Health Act are referred to MOLIRE’s OSH Division for follow up.³⁸²¹

From June 2007 to May 2009, the most recent period for which data is available, MOLIRE detected four child labor violations. Fines were imposed on two employers and criminal action was undertaken in two cases.³⁸²² The Office of the Ombudsperson for Children is also empowered to investigate any suspected or reported case of child labor.³⁸²³ Data on the number of inspections conducted or child labor cases found in 2010 is unavailable.

The Police Brigade for the Protection of Minors (Minors’ Brigade), a unit of the Mauritius Police Force (MPF), looks for truant students in arcades, bus terminals, waterfronts and other areas frequented by youth. MGE, the National Children’s Council and NGOs also participate in these operations.³⁸²⁴ The Ministry of Education administers a Short Message Service (SMS) text messaging program which informs parents of a student’s unexpected absence from school.³⁸²⁵

MGE’s Child Development Unit (CDU) enforces the Child Protection Act’s prohibition of child pornography.³⁸²⁶ The CDU receives tips on all forms of child abuse, including commercial sexual exploitation of children (CSEC) and child trafficking through two hotlines that it administers. From January to October 2010, the CDU received reports of one case of child trafficking and two cases of child prostitution.³⁸²⁷

The CDU handles follow-up assistance to victims, while the Minors' Brigade investigates alleged CSEC and child trafficking cases.³⁸²⁸ The MPF maintains heightened vigilance in areas where trafficking and CSEC are known to occur.³⁸²⁹

In the reporting period, research found no information on criminal prosecutions or convictions related to CSEC or trafficking in persons (TIP) cases.

MGE provides training to police officers on CSEC. The MPF has also conducted a series of trainings on CSEC, child abuse and TIP for police officers working in stations around the country, as well as for the Police Prosecutor's Unit, the Criminal Investigation Unit, and the Passport and Immigration Office.³⁸³⁰ In early 2010, probation officers, Minors' Brigade officers, and representatives of the Ombudsman for Children, the MGE, and some NGOs attended a Capacity-Building Workshop on Counter-Trafficking.³⁸³¹ In October 2010, attorneys from the Attorney General's office and Office of the Director of Public Prosecutions also received anti-TIP training.³⁸³²

Government Policies on the Worst Forms of Child Labor

The Government's National Plan of Action on the Protection of Children Against Sexual Abuse, Including Commercial Sexual Exploitation of Children (NPA) includes awareness-raising, training of trainers and community members and service provision, among other activities.³⁸³³ It also includes data collection, but research has not revealed any efforts by the Government since 2002 to collect data on children involved in commercial sexual exploitation.³⁸³⁴ The NPA includes a Protocol of Assistance to Victims of Sexual Abuse that lays out procedures to be followed by police and other officials when handling sexual abuse cases, including CSEC.³⁸³⁵ The Government's Child Safety Online Action Plan aims to prevent sexual exploitation of children on the Internet by strengthening the legal framework and raising awareness among parents and children.³⁸³⁶

In 2010, the Government launched the Strategy for Special Education Needs and Inclusive Education in Mauritius, a major component of which is a program for at-risk primary school students outside of school hours that focuses on physical education and the arts.³⁸³⁷ The Government's National Policy Paper on the Family lays out strategies to support child welfare through holistic support for families, including job training for parents.³⁸³⁸ The Government's Education and Human Resources Strategy Plan 2008-2020 aims to improve equity of access to primary, secondary, and technical/vocational education, among other goals.³⁸³⁹

The draft UNDP Country Program for Mauritius includes improving the education of vulnerable children through programs such as the *Zones d'Education Prioritaire* (ZEP), discussed below.³⁸⁴⁰ Although the Government's PRSP does not explicitly discuss child labor, the PRSP and other poverty alleviation programs emphasize child retention in school as a means to ensure equal opportunity for all.³⁸⁴¹

The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government carries out a number of activities to prevent CSEC and to provide services to victims. Prevention-related activities include widespread public awareness raising through schools and community centers, as well as radio and television.³⁸⁴² The Government also holds CSEC workshops for vulnerable groups and participates in working groups with private sector and civil society actors on anti-trafficking and CSEC issues.³⁸⁴³ The Ministry of Tourism publishes and distributes pamphlets on trafficking to tourism companies, including tour operators and hotels.³⁸⁴⁴

In the area of victim services, the Government operates Drop-In Centers that provide counseling

and education to victims of sexual abuse, including CSEC and trafficking.³⁸⁴⁵ When victims report such abuses, child welfare officers are available to accompany them as they receive immediate medical care. These officers then work in conjunction with police if an official statement is needed.³⁸⁴⁶ The CDU provides a variety of follow-up support services including counseling, legal support and reintegration as appropriate.³⁸⁴⁷

If housing is needed, victims are referred to NGO shelters that receive Government funding.³⁸⁴⁸ However, because conditions are overcrowded and service providers overtaxed, victims do not always have access to comprehensive services.³⁸⁴⁹ As part of its restructuring of the CDU, the Government is taking steps to convert a Drop-In Center into a residential care center for victims of CSEC.³⁸⁵⁰ The CDU also operates Community Child Protection Programs at the district level, to educate and engage communities in combating CSEC.³⁸⁵¹

The Government provides free school materials, lunches, and medical examinations

to economically underprivileged students.³⁸⁵² The ZEP program, initially piloted on Rodrigues and Agalega islands, is being scaled up to primary schools throughout the country. This program has shown to reduce school drop-outs through enhanced community participation in education.³⁸⁵³ The Government also provides targeted education in personal and life skills to children aged 12-13 who are at risk of dropping out of school.³⁸⁵⁴ The public school system also includes a pre-vocational track for youth who are at risk of exploitation or drop-out.³⁸⁵⁵

The Ministry of Finance operates the Trust Fund for the Social Integration of Vulnerable Groups, which finances community development and family livelihood improvement programs.³⁸⁵⁶ MGE also operates the National Parental Empowerment Program to strengthen overall family livelihoods.³⁸⁵⁷

The question of whether these programs have an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mauritius:

IN THE AREA OF LAWS AND REGULATIONS:

- Remove the provision in the OSH Act that allows children ages 16 to 18 to use certain dangerous machines with training and supervision.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Formalize an interagency coordination mechanism on TIP.
- Investigate and prosecute CSEC crimes and punish offenders.
- Make data on prosecutions and convictions related to CSEC available and accessible.

IN THE AREA OF GOVERNMENT POLICY:

- Collect current data on the magnitude of CSEC, as called for in the National Plan of Action.
- Assess the impact that existing policies have had on the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Ensure that victims of CSEC have access to comprehensive services.
- Assess the impact that existing programs may have on addressing child labor, particularly CSEC.

³⁸⁰⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³⁸⁰¹ U.S. Embassy- Port Louis, *reporting, December 7, 2010*.

³⁸⁰² Ibid. See also U.S. Department of State, “Mauritius,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³⁸⁰³ UN Committee on the Elimination of Discrimination against Women, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Mauritius*, CEDAW/C/MAR/CO/5, New York, August 25, 2006; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/482/39/PDF/N0648239.pdf?OpenElement>.

³⁸⁰⁴ ECPAT International, *Global Monitoring Report on the status of action against commercial sexual exploitation of children: Mauritius*, Bangkok, 2007, 12; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-MAURITIUS.pdf.

³⁸⁰⁵ U.S. Embassy- Port Louis, *reporting, January 29, 2010*. See also U.S. Embassy- Port Louis, *reporting, January 15, 2009*. See also Government of Mauritius, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice “Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor”, Washington, DC, February 11, 2009.

³⁸⁰⁶ Intervention of Minister of Women’s Rights, Child Development, Family Welfare and Consumer Protection: 2nd Reading of Child Protection (Amendment) Bill 2005, May 12, 2005; available from http://www.gov.mu/portal/goc/women/file/intervention_minister051205.doc.

³⁸⁰⁷ Government of Mauritius, *Employment Rights Act*, Act No. 33 of 2008, (September 19, 2008), article 12; available from <http://www.gov.mu/portal/goc/labour/file/employment%20rights%20act%202008.pdf>.

³⁸⁰⁸ Government of Mauritius, *The Occupational Safety and Health Act*, Act No. 28 of 2005, (October 28, 2005), articles 8, 46, 51, 52; available from <http://www.gov.mu/portal/sites/legaldb/files/occupational%20safety%20&%20health%20act%202005.doc>, *ibid*.

³⁸⁰⁹ Government of Mauritius, *Employment Rights Act*, article 14.

³⁸¹⁰ *Ibid.*, article 13.

³⁸¹¹ Government of Mauritius, “Mauritius,” in *Legislation of Interpol Member States on Sexual Offences against Children*, 1994, sections 14, 18; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaMauritius.asp>, *ibid*.

³⁸¹² Government of Mauritius, *The Combating of Trafficking in Persons Act*, Act No. 2 of 2009, (May 8, 2009), section 11; available from <http://www.gov.mu/portal/goc/assemblysite/file/Act209.pdf>.

³⁸¹³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations: Mauritius*, CRC/C/MUS/CO/2 Geneva, March 17, 2006; available from <http://tb.ohchr.org/default.aspx?Symbol=CRC/C/MUS/CO/2>, *ibid*.

³⁸¹⁴ Government of Mauritius, *Constitution of the Republic of Mauritius*, (March 12, 1968), chapter 2, article 6; available from http://www.gov.mu/portal/site/AssemblySite/menuitem.ee3d58b2c32c60451251701065c521ca/?content_id=03654555fc808010VgnVCM100000ca6a12acRCD#pro, *ibid*.

³⁸¹⁵ UNESCO, *EFA Global Monitoring Report*, Paris, 2010, 338; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>

³⁸¹⁶ U.S. Embassy- Port Louis, *reporting, February 18, 2010*.

³⁸¹⁷ U.S. Embassy- Port Louis, *reporting, December 7, 2010*.

³⁸¹⁸ U.S. Department of State, “Mauritius,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154359.htm>.

³⁸¹⁹ Government of Mauritius, *Written communication, February 11, 2009*.

³⁸²⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Mauritius (ratification: 2000) Submitted: 2008*, March 25, 2011; available from <http://www.ilo.org/ilolex/>.

³⁸²¹ Government of Mauritius, *Written communication, February 11, 2009*.

³⁸²² ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Mauritius (ratification: 1990) Published: 2010*, March 25, 2011; available from <http://www.ilo.org/ilolex/>.

³⁸²³ Government of Mauritius, *The Ombudsperson for Children Act*, Act No. 41 of 2003, (November 10, 2003); available from [http://www.gov.mu/portal/goc/educationsite/file/The%20Ombudsperson%20for%20Children%20Act%20\(updated\)%202003.pdf](http://www.gov.mu/portal/goc/educationsite/file/The%20Ombudsperson%20for%20Children%20Act%20(updated)%202003.pdf).

³⁸²⁴ Government of Mauritius, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice “Request for Information on Efforts by

Certain Countries to Eliminate the Worst Forms of Child Labor”, Washington, DC, January 19, 2010. See also Government of Mauritius, *Written communication, February 11, 2009*.

³⁸²⁵ U.S. Embassy- Port Louis, *reporting, December 7, 2010*.

³⁸²⁶ Ibid.

³⁸²⁷ Ibid.

³⁸²⁸ Ibid.

³⁸²⁹ Government of Mauritius, *Written communication, January 19, 2010*.

³⁸³⁰ Government of Mauritius, *Written communication, February 11, 2009*, *ibid*.

³⁸³¹ International Organization for Migration, *Capacity-Building Workshop on Counter-Trafficking*, [online] [cited April 25, 2011]; available from <http://www.iom.int/jahia/Jahia/events/eventAF/cache/offonce?entryId=27128>, *ibid*.

³⁸³² U.S. Embassy- Port Louis, *reporting, March 1, 2011*.

³⁸³³ ECPAT International, *Global Monitoring Report: Mauritius*, 13. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Mauritius (ratification: 2000) Published: 2008*, March 25, 2011; available from <http://www.ilo.org/ilolex/>.

³⁸³⁴ U.S. Embassy- Port Louis, *reporting, March 1, 2011*.

³⁸³⁵ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Mauritius (ratification: 2000) Published: 2008*.

³⁸³⁶ U.S. Embassy- Port Louis, *reporting, December 7, 2010*.

³⁸³⁷ Ibid.

³⁸³⁸ Child Development Government of Mauritius - Ministry of Women’s Rights, Family Welfare and Consumer Protection, *National Policy Paper on the Family*, Port Louis, 2010.

³⁸³⁹ Government of Mauritius, *Education and Human Resources Strategy Plan 2008-2020*, Port Louis, October, 2009, 63, 77, 101; available from <http://www.gov.mu/portal/goc/educationsite/file/EHRSP%202008-2020.pdf>.

³⁸⁴⁰ UNDP and UNFP, *Draft country programme for the Republic of Mauritius (2009-2011)*, New York, June, 2008.

³⁸⁴¹ Government of Mauritius, *Written communication, February 11, 2009*.

³⁸⁴² Government of Mauritius, *Written communication, January 19, 2010*.

³⁸⁴³ Ibid.

³⁸⁴⁴ U.S. Embassy- Port Louis, *reporting, February 18, 2010*.

³⁸⁴⁵ Ibid. See also U.S. Department of State, “Country Reports- 2010: Mauritius,” section 6.

³⁸⁴⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Mauritius.”

³⁸⁴⁷ Child Development and Family Welfare Government of Mauritius - Ministry of Gender Equality, *Child Development Unit*, [online] March 9, 2011 [cited March 22, 2011]; available from <http://www.gov.mu/portal/site/women-site/menuitem.e164bad248cb0d54a3a5b31000b521ca/>.

³⁸⁴⁸ U.S. Embassy- Port Louis, *reporting, February 18, 2010*.

³⁸⁴⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Mauritius.”

³⁸⁵⁰ U.S. Embassy- Port Louis official, E-mail communication to USDOL official, March 23, 2011. See also Government of Mauritius - Child Development Unit, *Child Development Unit*, [online] March 9, 2011 [cited March 22, 2011]; available from <http://www.gov.mu/portal/site/women-site>.

³⁸⁵¹ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Mauritius (ratification: 2000) Published: 2008*.

³⁸⁵² U.S. Embassy- Port Louis, *reporting, January 29, 2010*.

³⁸⁵³ UNDP and UNFP, *Draft UNDP Country Programme*.

³⁸⁵⁴ U.S. Embassy- Port Louis, *reporting, January 29, 2010*.

³⁸⁵⁵ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Mauritius (ratification: 2000) Submitted: 2008*.

³⁸⁵⁶ Government of Mauritius, *Written communication, February 11, 2009*.

³⁸⁵⁷ U.S. Embassy- Port Louis, *reporting, January 29, 2010*.

Moldova

The Government of Moldova passed the National Action Plan on the Prevention and Elimination of the Worst Forms of Child Labor for 2011-2015. However, children continue to be engaged in the worst forms of child labor in agriculture and on the streets. There are no programs to address worst forms of child labor in these sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	30.1*
Attending School	5-14 yrs.	82.2
Combining Work and School	7-14 yrs.	Unavailable

* Population of working children: 214,286



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Moldova are engaged in the worst forms of child labor including in agriculture and on the streets.³⁸⁵⁸ A 2009-2010 Moldovan National Child Labor Survey estimated that 109,000 children were engaged in dangerous child labor, mostly in family businesses and on farms.³⁸⁵⁹ A 2007 ILO report noted that two-thirds of rural children had worked on farms by age 14, although it was not known how many of them were engaged in the worst forms of child labor. Reports indicate that school directors, farms and agricultural cooperatives signed contracts that required students to help with the harvest during the high season in autumn.³⁸⁶⁰ Children's work in agriculture may involve using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Children work on the streets in Moldova.³⁸⁶¹ Children working on the streets may be exposed to many dangers including severe weather, vehicle accidents and criminal elements.

Moldovan children are trafficked abroad and within the country for commercial sexual exploitation and forced labor.³⁸⁶²

In 2006 UNICEF reported that the migration of adults in search of work has left approximately 40,000 children without either parent.³⁸⁶³ These children often lack adult supervision and are at greater risk of trafficking, forced labor and sexual exploitation.³⁸⁶⁴

Laws and Regulations on the Worst Forms of Child Labor

Article 46 of the Labor Code sets the minimum age for employment at 16.³⁸⁶⁵ In certain cases, children age 15 can work with parental or legal authorization if the work will not interfere with their education, health or development.³⁸⁶⁶ Government Decision No. 562 approved a list of 32 jobs prohibited to persons younger than age 18.³⁸⁶⁷ There are no legal protections for children involved in street work.

The Constitution forbids forced labor and the exploitation of minors.³⁸⁶⁸ Article 206 of the Criminal Code prohibits trafficking in children for labor and sexual exploitation and lays out penalties for the use of children in illicit activities, forced labor, prostitution and the creation of pornography.³⁸⁶⁹ Article 6 of the Law on Child Rights also prohibits these activities as well as child soldiering.³⁸⁷⁰ The military recruitment age

is 18.³⁸⁷¹ The Law on Preventing and Combating Trafficking in Human Beings provides guidelines for combating child trafficking including prevention, victim assistance and repatriation for child victims.³⁸⁷²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The legal framework also includes several other laws that address child labor. These laws include the Law on Labor Force Migration which ensures protection and care of children left behind by migrant parents; a Law on Occupational Safety and Health which names children of working age as individuals in need of specific protections in the workplace; and the Code of Contraventions which establishes fines for those violating a child’s rights.³⁸⁷³

Education is free and compulsory through age 16.³⁸⁷⁴ The law also requires children to have access to education in their native language.³⁸⁷⁵ Many schools are not adequately funded, and parents are charged for school supplies and text books. Roma children are particularly vulnerable to barriers in accessing education due to poverty, and some Roma children are denied access to education in their native language.³⁸⁷⁶

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee on the Elimination of Child Labor coordinates all child labor issues and is chaired by the Deputy Minister of Labor, Social Protection and Family. It includes representatives from the Government, workers’ organizations, NGOs and academia.³⁸⁷⁷

The National Committee for Combating Trafficking in Persons coordinates government efforts to combat human trafficking including child trafficking. Parliament also appoints an ombudsperson who specializes in child protection.³⁸⁷⁸ The ombudsperson ensures that the interests of children are given consideration by central and local public authorities.³⁸⁷⁹

The Labor Inspection Office (LIO) is the division within the Ministry of Labor, Family and Social Protection that is responsible for enforcing all labor laws in the Republic of Moldova. Within the LIO, the Child Labor Monitoring Unit enforces child labor laws.³⁸⁸⁰ In the first nine months of 2010, labor inspectors participated in four training activities on child labor including a 1-day Global Child Labor Conference.³⁸⁸¹

The law permits child labor inspections for both legally registered workplaces and individual persons, thus covering informal worksites. Inspectors are also allowed to seek assistance from local public administrators to suspend licenses of employers who repeatedly neglect labor inspection recommendations.³⁸⁸² In 2010, the LIO uncovered 440 child labor violations.³⁸⁸³ The LIO focused on violations in agriculture and discovered 405 children younger than age 18 working on 14 farms, including 245 children under the age of 16.³⁸⁸⁴ As a result, 40 children were removed from the worst forms of child labor. However, the LIO lacked the authority to penalize employers.³⁸⁸⁵

The Center for Combating Trafficking in Persons (CCTIP) is responsible for investigating child trafficking cases. CCTIP employs 40 police officers with an additional 43 officers at individual police stations who also specialize in enforcing the

Criminal Code.³⁸⁸⁶ CCTIP officers and prosecutors are trained on interviewing child victims of trafficking and exploitation. The CCTIP annual budget is approximately \$250,000.³⁸⁸⁷ In 2010, the Government opened 19 investigations on child trafficking. There were nine cases tried in the reporting period that resulted in three convictions and 16 child victims assisted.³⁸⁸⁸ The Ministry of Foreign Affairs and European Integration operates a call center to provide advisory and emergency assistance on issues related to trafficking.³⁸⁸⁹

Government Policies on the Worst Forms of Child Labor

In 2010, the Government approved a National Action Plan on the Prevention and Elimination of the Worst Forms of Child Labor for 2011-2015. The national action plan outlines 49 action items to be implemented by 30 stakeholders working on child labor issues.³⁸⁹⁰ The actions items include training key stakeholders on the prevention of the worst forms of child labor, institutionalizing a child labor monitoring system and developing public informational campaigns on child labor issues.³⁸⁹¹ The Ministry of Labor, Social Protection and Family is responsible for monitoring the implementation of the plan and the national steering committee will draft biannual progress reports.³⁸⁹²

In 2007 the Collective Convention on Elimination of Worst Forms of Child Labor was signed by the Government, the National Confederation of Employers, the Trade Unions Confederation and the Free Trade Union Confederation.³⁸⁹³ This agreement outlined actions aimed at eliminating the worst forms of child labor and included specific work activities and hazards prohibited to children such as underground work and work which exposes them to machinery, electric shock, extreme temperatures and chemical or biological agents.³⁸⁹⁴

The National Youth Strategy and its Plan of Action for 2009-2013 aim to facilitate youth employment, provide access to education, encourage youth participation in public life, build the capacity of

youth institutions and develop health and social protection services. The Government allocated \$24 million for the strategy's implementation.³⁸⁹⁵ The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

In December 2010 the National Plan for Prevention and Combating of Trafficking in Human Beings (2010-2011) was approved. This plan lays out specific actions to be taken to combat child trafficking including building capacity of those providing services to child victims, developing standards for child interviews and ensuring access to education for those most at risk.³⁸⁹⁶

Although education in native languages is legally mandated, there does not appear to be a policy in place to ensure overall compliance with the law.

Social Programs to Eliminate the Worst Forms of Child Labor

During 2010, the Government participated in a 4-year, USDOL-funded global project worth \$4 million that aimed to assist countries in establishing or implementing their national plans of action to eliminate the worst forms of child labor.³⁸⁹⁷ The project assisted in the drafting of the national action plan.³⁸⁹⁸ The project also worked with the Government to define the roles and responsibilities of key stakeholders in the fight against child labor as well as to develop a code of conduct for teachers and social workers with provisions on child labor.³⁸⁹⁹

In the spring of 2010, the Government organized a month-long awareness-raising campaign centered on World Day Against Child Labor. Activities included 41 information sessions on child labor presented to student athletes and orphans, a drawing competition, an educational stage play, and a soccer tournament.³⁹⁰⁰ These activities were a part of a 1-year, \$700,000 project funded by the Government of Germany to build the capacity of key institutions and increase outreach for the elimination of child labor in Eastern

Europe including Albania, Kosovo, Moldova, and Ukraine.³⁹⁰¹

The Government also participated in a project funded by the government of Norway to eliminate child labor in agriculture.³⁹⁰² This project ended in June 2010.³⁹⁰³ There is no evidence of other projects to address the worst forms of child labor in agriculture.

The National Referral System, implemented by the Ministry of Social Protection, Labor and Family in collaboration with the IOM, offers assistance to victims of trafficking and child labor. The program started in 2006 with five pilot regions and has expanded to 24 regions, two municipalities and one town.³⁹⁰⁴ The Government also participates in USDOS-funded programs to address human trafficking. These programs, with a total of \$1.17 million in funding, build capacity of local government officials and police to better investigate and try trafficking cases as well as strengthen victim identification and assistance.³⁹⁰⁵ One project supports the development of a monitoring system to assess the implementation of the National Referral System. Another works in the remote rural areas of secessionist

Transnistria to provide anti-trafficking training to health, education, judicial and law enforcement officials.³⁹⁰⁶

During the reporting period, national and local governments worked with civil society to conduct workshops for secondary school students on the topic of trafficking in persons prevention, domestic violence and interpersonal relationships. Peer-to-peer trainers trained 5,800 students and distributed brochures on trafficking.³⁹⁰⁷

The Government provides \$29 to children from vulnerable families to cover the cost of school supplies.³⁹⁰⁸ This program may increase education access and thereby decrease child labor, although there is no evidence that the impact of the program on child labor has been assessed.

While the Government of Moldova provides some financial support to programs addressing both child labor and trafficking, all major child labor programs have been donor funded. These programs do not appear to be sustainable without outside financial assistance.³⁹⁰⁹ The Government does not participate in programs designed to directly address child labor in street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Moldova:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact laws to provide protections for children working on the streets.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide the LIO with the authority not only to remove children from the worst forms of child labor but also to levy fines against their employers.
- Monitor schools to ensure that children are not charged extra educational fees or required to participate in farm work during the harvest season.

IN THE AREA OF GOVERNMENT POLICIES:

- Assess the impact the National Youth Strategy and its Plan of Action for 2009-2013 may have on addressing the worst forms of child labor.
- Develop and implement a detailed action plan to provide native language education.

IN THE AREA OF SOCIAL PROGRAMS:

- Ensure current child labor programs are sustainable by providing increased financial support.
- Enact programs to prevent children's involvement in exploitative child labor in agriculture and street work.
- Increase school funding to ensure that children have access to mandated free education through age 16.

³⁸⁵⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁸⁵⁹ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para 1.1.

³⁸⁶⁰ U.S. Department of State, "Moldova," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7.d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>. See also U.S. Department of State, "Moldova," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7.d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

³⁸⁶¹ United Nations, *Common Country Assessment: Republic of Moldova*, Chisinau, July 2005, 37; available from http://www.un.md/key_doc_pub/doc/CCA_Eng_last.pdf.

³⁸⁶² *ibid.*, section 7.d. See also U.S. Department of State, "Moldova," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

³⁸⁶³ Vladimir Lozinski, *Lack of jobs in Moldova leaves children without parental care*, [October 17, 2006 2006] [cited April 25, 2011]; available from http://www.unicef.org/infobycountry/moldova_36200.html.

³⁸⁶⁴ U.S. Embassy- Chisinau, *reporting, February 3*, February 3, 2010, para. 39.

³⁸⁶⁵ Government of Moldova, *Labour Code of the Republic of Moldova*, N 154-XV from 28.03.2003, (2003), Article 46; available from <http://www.lexadin.nl/wlg/legis/nofr/oeur/arch/mol/labour.doc>.

³⁸⁶⁶ *Ibid.*, Article 46. See also Moldova Embassy- Washington official, E-mail communication to USDOL official, May 17, 2011.

³⁸⁶⁷ Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁶⁸ Government of Moldova, *Constitution of the Republic of Moldova*, (1994), Articles 44 and 50; available from www.e-democracy.md/en/legislation/constitution. See also Moldova

Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁶⁹ U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 4 and 5. See also Embassy of Moldova, *Submission to USDOL Representative*, July 19, 2009.

³⁸⁷⁰ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 2.3. See also Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁷¹ Coalition to Stop the Use of Child Soldiers, "Moldova," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

³⁸⁷² Government of Moldova, *Law on Preventing and Combating Trafficking in Human Beings*, No. 241-XVI of 20 October 2005, (2005), Chapter IV; available from www.legislationline.org/topics/country14/topic/14.

³⁸⁷³ U.S. Embassy- Chisinau, *reporting, February 3, 2010*, para. 7-8.

³⁸⁷⁴ *Law of the Republic of Moldova on Education*, No.547, (July 21, 1995), Article 9; available from <http://www.cepes.ro/services/pdf/Moldova.pdf>. See also U.S. Department of State, "Country Reports- 2010: Moldova," section 6.

³⁸⁷⁵ *Law on Education*, Article 8.

³⁸⁷⁶ U.S. Department of State, "Country Reports- 2010: Moldova," section 6. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations: Republic of Moldova*, CRC/C/MDA/CP/3, Geneva, February 20, 2009, para. 62; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/408/12/PDF/G0940812.pdf?OpenElement>.

³⁸⁷⁷ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 2.1 and 3.1.

³⁸⁷⁸ *Ibid.*, para. 3.1.

³⁸⁷⁹ Centrul pentru Drepturile Omului din Moldova, *Report ENOC*, [[cited April 25, 2011]; available from www.ombudsman.md/md/act2509/.

³⁸⁸⁰ U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 6. See also Embassy of Moldova, *Submission to USDOL Representative*.

³⁸⁸¹ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 4.5.

³⁸⁸² U.S. Embassy- Chisinau, *reporting, January 23, 2009*.

³⁸⁸³ Moldova Embassy- Washington official, E-mail communication, May 17, 2011.

³⁸⁸⁴ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 4.6 and 4.7.

³⁸⁸⁵ *Ibid.*, para. 4.8. See also U.S. Department of State, "Country Reports- 2010: Moldova," section 7.d.

- ³⁸⁸⁶ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 5.3.
- ³⁸⁸⁷ *Ibid.*, para. 5.4 and 5.5.
- ³⁸⁸⁸ *Ibid.*, para. 5.6 and 5.8.
- ³⁸⁸⁹ National Committee for Combating Trafficking in Persons, *2010 National Report on preventing and combating trafficking in persons in Moldova*.
- ³⁸⁹⁰ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para 6.1. See also Government of Moldova, *Draft National Action Plan on Prevention and Elimination of Most Severe Forms of Child Labor for Years 2011-2015*, 2011.
- ³⁸⁹¹ Government of Moldova, *Draft National Action Plan*, 2, 3, and 8.
- ³⁸⁹² U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 6.2.
- ³⁸⁹³ Moldova Embassy- Washington official, E-mail communication, May 17, 2011.
- ³⁸⁹⁴ Government of Moldova, *Collective convention on elimination of worst forms of child labour*, (2007), 3-5; available from http://www.un.md/un_ag_mol/ILO/Convention_engl_12%2007%2007.pdf.
- ³⁸⁹⁵ ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, August 24, 2009, 7.
- ³⁸⁹⁶ Government of Moldova, *Decision approving the Specific Additional National Plan for Prevention and Combating of Trafficking in Human Beings for the years 2010-2011*, No. 1170 of December 21, 2010, (2010), 2, 4, and 12.
- ³⁸⁹⁷ ILO-IPEC, *Project Development, Awareness Raising and Support for the Implementation of the Global Action Plan on the Elimination of the Worst Forms of Child Labour by 2016*, Technical Progress Report, Geneva, October 15, 2010, 1.
- ³⁸⁹⁸ Moldova Embassy- Washington official, E-mail communication, May 17, 2011.
- ³⁸⁹⁹ ILO-IPEC, *Project Development, Awareness Raising and Support for the Implementation of the Global Action Plan on the Elimination of the Worst Forms of Child Labour by 2016, Technical Progress Report*, 4. See also Moldova Embassy- Washington official, E-mail communication, May 17, 2011.
- ³⁹⁰⁰ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 7.4.
- ³⁹⁰¹ ILO-IPEC official, E-mail communication to USDOL official, April 27, 2011, 1 and 6.
- ³⁹⁰² U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para 7.1.
- ³⁹⁰³ U.S. Embassy - Chisinau official, E-mail communication to USDOL official, March 17, 2011.
- ³⁹⁰⁴ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 7.2.
- ³⁹⁰⁵ U.S. Department of State, *Anti-Trafficking Projects Awarded During Fiscal Years 2009 and 2010*, [online] 2010 [cited April 25, 2011]; available from www.state.gov/g/tip/rls/other/2010/149560.htm#eur.
- ³⁹⁰⁶ *Ibid.*
- ³⁹⁰⁷ National Committee for Combating Trafficking in Persons, *2010 National Report on preventing and combating trafficking in persons in Moldova*.
- ³⁹⁰⁸ U.S. Department of State, "Country Reports- 2010: Moldova," section 6.
- ³⁹⁰⁹ U.S. Embassy- Chisinau, *reporting, January 6, 2011*, para. 8.

Mongolia

The Government of Mongolia participated in programs and developed institutional mechanisms to eliminate the worst forms of child labor. However, children continue to engage in the worst forms of child labor, many as herders. Children working in artisanal mining are particularly in danger. There are gaps in the legal framework for prosecuting criminal offenders, specifically regarding commercial sexual exploitation, forced labor, and trafficking.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.7*
Attending School	5-14 yrs.	79.1
Combining Work and School	7-14 yrs.	11.3

* Population of working children: 43,132

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor³³⁷³

Children are engaged in the worst forms of child labor in Mongolia,³⁹¹⁰ most commonly in herding and animal husbandry.³⁹¹¹ Herding exposes children to extreme cold and frostbite, exhaustion, animal attacks, assault or beatings, nonpayment of wages and accidents such as falling off horses or being cut by sharp knives while slaughtering livestock.³⁹¹²

Many children mine gold, coal and fluorspar both on the surface and underground in artisanal mines.³⁹¹³ In mining, children handle mercury and explosives, transport heavy materials, stand in water for prolonged periods, work in extreme climate conditions, risk falling into open pits and enter tunnels up to 10 meters deep at risk of collapse.³⁹¹⁴

Children also perform work as market traders, street vendors, porters, dumpsite scavengers, horse jockeys, domestic laborers, construction workers and in the service sector in hotels and restaurants.³⁹¹⁵ Children scavenge in dump sites


where they are exposed to unhygienic conditions, extreme weather and health problems caused by inhaling smoke from burning garbage.³⁹¹⁶ Child porters often carry loads exceeding legal limits or push carts weighing up to one ton.³⁹¹⁷ Horse jockeys risk injury or death from accidents or falls.³⁹¹⁸

Worst forms of child labor such as child prostitution and child trafficking also exist in Mongolia. Child prostitution including child sex tourism is a continuing problem.³⁹¹⁹ Girls are trafficked internally and forced into prostitution in saunas and massage parlors.³⁹²⁰ Girls are also trafficked to China, Macau, Malaysia and South Korea for sexual exploitation and forced labor.³⁹²¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law sets the minimum age for employment at 16, but allows children at age 15 to work with the permission of a parent or guardian. Under certain conditions children as young as 14 may participate in vocational education for up to 30 hours.³⁹²² Protections are lacking for

children who work for informal businesses, family businesses or without a formal contract.³⁹²³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Order No. 107 List of Jobs Prohibited to Minors 2008, issued by the Ministry of Social Welfare and Labor (MOSWL), lists locations, professions and conditions of work for which it is prohibited to employ minors under age 18. Children under 18 are barred from mining, or working as load carriers, horse breakers or animal trainers, or at garbage dump sites. Child herders are prohibited from working at distances greater than 1000 meters during unfavorable weather or natural disasters.³⁹²⁴ Horse jockeying is not specifically mentioned in the Order. The Order does not specify whether it is applicable to all children or whether it applies to informal businesses, family businesses or those working without a formal contract.³⁹²⁵ The 2002 Criminal Code and the 1996 Law on the Protection of the Rights of the Child prohibit the use of children in exploitative activities such as begging.³⁹²⁶

During the reporting period, MOSWL revised the Standards for Clothes and Safety Equipment for

Horse Jockeys, thereby strengthening occupational safety and health standards for children engaged in this activity.³⁹²⁷

Forced labor, human trafficking and sexual exploitation and use of children in other illegal activities are prohibited in the Criminal Code.³⁹²⁸ Trafficking and forced child labor are both prohibited.³⁹²⁹ The Code prohibits engaging children in prostitution and in pornography.³⁹³⁰ Offenses such as prostitution are mentioned not only in the Criminal Code repeatedly, but also in the administrative Law on Banning Prostitution. Each prescribes a different penalty.³⁹³¹ The way these overlapping laws are interpreted and prosecuted has resulted in the arrest of child victims of commercial sexual exploitation instead of the perpetrators, or the issuance of lesser penalties against the perpetrators through conviction on lesser offenses. The definitions in these laws are unclear, specifically regarding forced labor and prostitution, allowing for ambiguous interpretation by law enforcement and judicial officials.³⁹³²

The minimum age for both voluntary and compulsory military recruitment is 18, as mandated in the Law on Civil Military Duties and the Legal Status of Military Personnel.³⁹³³

Primary and lower secondary education is free and compulsory for 10 years, generally from ages 6 to 16, as mandated by the Education Law.³⁹³⁴

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government established a tripartite Working Group on the Development of a National Program for the Elimination of the Worst Forms of Child Labor 2011–2016 to replace the National Steering Committee on Child Labor, which closed during the year. The Working Group, which includes officials from MOSWL, coordinates national efforts to eliminate the worst forms of child labor.³⁹³⁵

The enforcement of child labor laws, including the worst forms of child labor, is conducted by the General Agency of Specialized Inspection (GASI), Department to Monitor Financial, Labor and Social Welfare.³⁹³⁶ Inspections cover only registered businesses, which mean they fail to protect the majority of children engaged in the worst forms of child labor in Mongolia.³⁹³⁷ GASI employs 45 inspectors, of which only 10 conduct inspections of workplaces for compliance with labor laws, financial systems and social security systems.³⁹³⁸ Only one child labor inspection was reported in 2010, resulting in the removal of 238 children, however, no penalty was issued.³⁹³⁹

In addition, the Confederation of Mongolian Trade Unions (CMTU) employs 45 labor inspectors to monitor labor law compliance, including child labor laws.³⁹⁴⁰ CMTU is mandated by GASI to conduct inspections of labor conditions, and the inspectors are authorized by GASI to issue citations and penalties. CMTU inspection results are incorporated into GASI monitoring systems.³⁹⁴¹ CMTU reported having a referral system with local authorities should child laborers need social services. Research did not identify the number or results of CMTU inspections. Information regarding the training provided to CMTU inspectors on child labor issues is not available. Overall, the level of monitoring and enforcement does not appear to be sufficient to deter the widespread occurrence of child labor in Mongolia.

MOSWL is responsible for the National Council for Coordinating the Implementation of the National Program for Preventing and Protecting Children and Women from Trafficking or Sexual Exploitation, in collaboration with other ministries, law enforcement agencies and civil society organizations.³⁹⁴²

The State Investigations Department Special Police Unit to Combat Trafficking is responsible for enforcing criminal laws including child trafficking, forced child labor and commercial sexual exploitation of children. In 2010, the police

conducted 76 investigations and identified 18 children to be removed from the worst forms of child labor. No convictions were reported.³⁹⁴³ The failure to convict those responsible for the trafficking and commercial sexual exploitation of children permits violators to act with impunity, and therefore does not protect the child victims.

Child victims of trafficking or commercial sexual exploitation are sometimes prosecuted for crimes committed as a direct result of their victimization.³⁹⁴⁴ Victim identification and protection is inconsistent.³⁹⁴⁵

Government Policies on the Worst Forms of Child Labor

The Government completed implementation of the third phase of its National Program of Action for the Development and Protection of Children (NPADPC) 2002–2010.³⁹⁴⁶ This program provided a framework for national efforts to address children's issues, and specifically included the elimination of the worst forms of child labor as an objective.³⁹⁴⁷ Strategies for achieving this objective included expanding training on child labor, conducting national research, improving child labor monitoring systems and taking urgent action in specific sectors such as mining.³⁹⁴⁸ Objective 12 of the NPADPC was to protect children against violence in accordance with international standards including prevention of trafficking and commercial sexual exploitation of children.³⁹⁴⁹ It remains unclear whether the NPADPC was effectively implemented. Reports found that the resources allocated to the relevant components of the policy were not adequately tracked, and the monitoring of objectives was weak.³⁹⁵⁰ Research has not identified an assessment of the results of this program.

A new National Program for the Elimination of the Worst Forms of Child Labor 2011–2016 is to be developed by the newly formed working group. The National Program has not yet been finalized or articulated into a Plan of Action.³⁹⁵¹ Research has not concluded whether funding has

been made available to implement the National Program.

The National Development Strategy calls for supporting child laborers through education, vocational training, and health services.³⁹⁵²

The National Plan of Action on Commercial Sexual Exploitation and Trafficking of Children and Women addresses trafficking in persons and commercial sexual exploitation, particularly for women and children.³⁹⁵³ The Program on Development of Small-Scale Mining also addresses child labor. The State Policy on Herders clarifies the conditions and criteria for engaging children in herding to eliminate the worst forms of child labor in that sector.³⁹⁵⁴ Research did not conclude whether these policies were effectively implemented or enforced to protect children from hazardous labor in mining or herding.

In Ulaanbaatar, where a third of Mongolians reside, the mayor's office coordinates the Subnational Action Group to implement the Subnational Action Plan in partnership with law enforcement, municipal and social agencies and employers.³⁹⁵⁵ This Subnational Action Group primarily works as a coordination mechanism between agencies, and also monitors children engaged in or at risk of child labor and collects and shares information on child labor.³⁹⁵⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Mongolia is participating in a USDOL-funded project, implemented by ILO-IPEC, from 2009–2013 to develop and implement a National Program for the Elimination of the Worst Forms of Child Labor. During the reporting period, a review of relevant legislation was conducted and a National Program draft was created.³⁹⁵⁷

The Government of Mongolia also participated in a USDOL-funded \$2.9 million project, from September 2005 through May 2010: Support to the Government's Sub-program to Eliminate the Worst Forms of Child Labor: Time-Bound Measures through 2010.³⁹⁵⁸ As a part of this program, the Government of Mongolia launched community-based child labor monitoring systems to address child labor in the informal sector.³⁹⁵⁹ The project targeted mining, herding, child domestic labor, prostitution and the informal sector.³⁹⁶⁰ By the end of the project, 8,056 children had been withdrawn and prevented from child labor and 740 girls from commercial sexual exploitation.³⁹⁶¹ Research found no evidence of Government efforts to continue the services provided by this program.

Through the comprehensive Subnational Action Plan in Ulaanbaatar, social workers are trained to monitor and provide services to eliminate the worst forms of child labor, including livelihoods support to households of child laborers on the condition that their children attend school.³⁹⁶² Through the Action Plan, Ulaanbaatar Police conducted an awareness-raising program about the worst forms of child labor, using the media and school classroom activities. Pilot programs under the Action Plan during the reporting period included household censuses to track school attendance rates.³⁹⁶³ The activities under the Subnational Action Plan are limited in scope and geographical coverage.

Government social welfare support to households, including the conditional cash transfer "Child Money Program," was halted by the Government in 2009 in anticipation of a new Law on Social Welfare to better target beneficiaries.³⁹⁶⁴ Research did not confirm whether the new law would include conditions, eligibility requirements or a monitoring and enforcement mechanism. Households continue to go without such poverty reduction programs, which are intended to help to eliminate the need for child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mongolia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to provide protections to all children, particularly those working in unregistered or family businesses, without a labor contract, and in agriculture.
- Amend MOSWL Order No. 107 to specify that the list of prohibited jobs applies to all children in hazardous sectors and applies to any type of employer.
- Amend the Criminal Code and administrative laws to clarify the definitions of forced labor, prostitution and trafficking and to clearly differentiate between the perpetrators and victims of crimes and the appropriate penalties to levy.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create mechanisms to protect children employed by unregistered businesses, family businesses and in the informal sector.
- Increase the number of inspections for child labor compliance and impose penalties for child labor violations in accordance with the law.
- Ensure that labor inspectors at GASI and CMTU receive adequate training on child labor issues.
- Increase the number of convictions for violations of child labor laws, including instances of child trafficking, forced child labor and commercial sexual exploitation of children; and impose penalties appropriate for the crime, in accordance with the law.
- Provide protection and direct assistance to child victims of human trafficking, forced labor and commercial sexual exploitation.
- Ensure consistency in the interpretation and application of laws on human trafficking, forced labor and commercial sexual exploitation. Ensure that victims are not mistakenly arrested or detained.

IN THE AREA OF POLICIES:

- Finalize the National Program for the Elimination of the Worst Forms of Child Labor 2011–2016.
- Articulate the National Program for the Elimination of the Worst Forms of Child Labor 2011–2016 into a Plan of Action and provide sufficient resources for its full implementation.
- Conduct a comprehensive evaluation of the 2002–2010 National Program of Action for the Development and Protection of Children to assess its effective implementation strategies and develop a new NPADPC with further measures specifically targeting child labor elimination.
- Provide resources and create mechanisms to monitor the enforcement of the policies to protect children in mining and herding sectors.

IN THE AREA OF PROGRAMS:

- Swiftly enact the Law on Social Welfare so that the Child Money Program may be reinstated to support households to eliminate child labor. Ensure that the program would better target beneficiaries, include conditions to eliminate child labor and include a monitoring and enforcement mechanism for those conditions.
- Build on the achievements and apply best practices of the Subnational Action Plan in Ulaanbaatar to all city districts and to other Subnational jurisdictions.
- Ensure the sustainability of efforts under the Timebound Program by continuing to implement monitoring systems, legislative amendment processes and services to child laborers.

³⁹¹⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁹¹¹ Understanding Children's Work, *Understanding Children's Work and Youth Employment Outcomes in Mongolia*, Rome, June 2009, para. 78; available from <http://ucw-project.org/pdf/publications/Mongolia.pdf>. See also ILO and National Human Rights Commission of Mongolia, *The Worst Forms of Child Labour in Mongolia - Study Report*, Ulaanbaatar, 2008, section 6; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=14815>.

³⁹¹² ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, page 77. See also ILO and Ministry of Food Agriculture and Light Industry, *Final Report on Assessment of Occupational and Employment Conditions of Children Working in Livestock Sector of Mongolia*, Ulaanbaatar, 2009, pages 19, 21, 22, 35; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=14856>, *ibid.*

³⁹¹³ ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 24-28. See also Understanding Children's Work, *UCW Report 2009*, page 37.

³⁹¹⁴ ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 24-28. See also Understanding Children's Work, *UCW Report 2009*, page 37.

³⁹¹⁵ ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 49-50. See also Understanding Children's Work, *UCW Report 2009*, para 112. See also U.S. Department of State, "Mongolia," in *Country Reports on Human Rights Practices-2010*, Washington, DC, April 8, 2011, page 23; available from <http://www.state.gov/documents/organization/160094.pdf>. See also U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 1.

³⁹¹⁶ Understanding Children's Work, *UCW Report 2009*, para 110. See also ILO and National Human Rights Commission

of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 40-47.

³⁹¹⁷ ILO and National Human Rights Commission of Mongolia, *Worst Forms of Child Labour in Mongolia 2008*, pages 48-54.

³⁹¹⁸ *Ibid.*, pages 78-79.

³⁹¹⁹ U.S. Department of State, "Country Reports- 2010: Mongolia," page 17. See also U.S. Department of State, "Mongolia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³⁹²⁰ U.S. Department of State, "Trafficking in Persons Report- 2010: Mongolia."

³⁹²¹ *Ibid.*

³⁹²² Government of Mongolia, *Law on Labour of Mongolia*, (May 14, 1999), articles 71.1, 109.1-109.3; available from <http://www.investmongolia.com/law25.pdf>.

³⁹²³ *Ibid.* See also ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Mongolia (ratification: 2002) Published: 2010*, April 26, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

³⁹²⁴ Government of Mongolia, *List of Jobs and Occupations Prohibited to Minors*, Minister for Social Security and Labor (2008).

³⁹²⁵ *Ibid.* See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Mongolia (ratification: 2001) Published: 2008*, April 26, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

³⁹²⁶ Government of Mongolia, *Criminal Code of Mongolia*, (2002), article 115; available from <http://www.unhcr.org/refworld/docid/3ed919fd4.html>. See also Government of Mongolia, *Law on the Protection of the Rights of the Child with Amendments*, article VII.

³⁹²⁷ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 2.) 1.

³⁹²⁸ Government of Mongolia, *Criminal Code*, articles 113-115, 121-126.

³⁹²⁹ *Ibid.*, articles 113, 121. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Mongolia."

³⁹³⁰ Government of Mongolia, *Criminal Code*, articles 115, 123.

³⁹³¹ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 2.) 3.

³⁹³² *ibid.* See also U.S. Department of State, "Trafficking in Persons Report- 2010: Mongolia."

³⁹³³ Coalition to Stop the Use of Child Soldiers, "Mongolia," in *Child Soldiers Global Report 2008*, London, 2008; available

from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

³⁹³⁴ UN Human Rights Council, *Report of the Special Rapporteur on the Right to Education, Vernor Munoz Villabos: Mongolia*, A/HRC/14/25/Add.3, Geneva, May 17, 2010, pages 7-8; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/133/94/PDF/G1013394.pdf>.

³⁹³⁵ ILO-IPEC, *GAP Project*, Technical Progress Report, Geneva, September 2010. See also Understanding Children's Work, *UCW Report 2009*, para. 187. See also U.S. Embassy-Ulaanbaatar, *reporting, January 28, 2011*, section 3.) 1.

³⁹³⁶ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 4.) 1.

³⁹³⁷ Understanding Children's Work, *UCW Report 2009*, para. 180.

³⁹³⁸ U.S. Embassy- Ulaanbaatar official, E-mail communication to USDOL official, March 18, 2011.

³⁹³⁹ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 4.) 5-8.

³⁹⁴⁰ *Ibid.*, section 4.) 1. See also U.S. Embassy- Ulaanbaatar official.

³⁹⁴¹ U.S. Embassy- Ulaanbaatar official.

³⁹⁴² U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 3.)1. See also Understanding Children's Work, *UCW Report 2009*, para. 184.

³⁹⁴³ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 5.)1-9.

³⁹⁴⁴ U.S. Department of State, "Trafficking in Persons Report-2010: Mongolia." See also U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 2.) 3.

³⁹⁴⁵ U.S. Department of State, "Trafficking in Persons Report-2010: Mongolia."

³⁹⁴⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Mongolia*, pursuant to Article 44 of the Convention on the Rights of the Child, January 2010, para. 13; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-MNG-CO-3-4.pdf>. See also UNICEF, *National Programme of Action for the Development and Protection of Children - Mongolia*, National Action Programme, Ulaanbaatar, 2002, section 25; available from <http://www.unicef.org/mongolia/UNICEFNPAEng.pdf>.

³⁹⁴⁷ Understanding Children's Work, *UCW Report 2009*, para. 182.

³⁹⁴⁸ UNICEF, *National Action Programme*, section 19.

³⁹⁴⁹ *Ibid.*, section 18.1.4.

³⁹⁵⁰ Understanding Children's Work, *UCW Report 2009*, para. 182.

³⁹⁵¹ ILO-IPEC, *GAP, Technical Progress Report*. See also U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 6.) 2.

³⁹⁵² Understanding Children's Work, *UCW Report 2009*, para 181.

³⁹⁵³ *Ibid.*, para. 184.

³⁹⁵⁴ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, Technical Progress Report, Geneva, September 2009, page 8.

³⁹⁵⁵ U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, sections 3.) and 6.)

³⁹⁵⁶ *Ibid.*

³⁹⁵⁷ ILO-IPEC, *GAP, Technical Progress Report*. See also U.S. Department of Labor, *ILAB Technical Cooperation Project Summary: Support to the Global Action Plan, Baseline Surveys, Evaluations, and Preparation of FY2009 Project Documents*, 2011.

³⁹⁵⁸ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, Final Technical Progress Report, Geneva, December 2010.

³⁹⁵⁹ *Ibid.*

³⁹⁶⁰ Understanding Children's Work, *UCW Report 2009*, para. 186.

³⁹⁶¹ ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour, Final Technical Progress Report*.

³⁹⁶² U.S. Embassy- Ulaanbaatar, *reporting, January 28, 2011*, section 6.)

³⁹⁶³ *Ibid.*, section 6.)

³⁹⁶⁴ International Monetary Fund, "Joint Statement by Mongolia's Minister of Finance, Governor of Mongolbank, and IMF staff Mission to Mongolia", [online], October 15, 2010 [cited April 26, 2011]; available from <http://www.imf.org/external/np/sec/pr/2010/pr10387.htm>. See also Newswire.mn, "Mongolia May Restart Child Money Program," Newswire.mn (Ulaanbaatar), May 25, 2010; available from http://www.newswire.mn/index.php?option=com_content&task=view&id=716&Itemid=60.

Montenegro

The Government of Montenegro has established a legal framework to prevent the worst forms of child labor. However, there is no list of hazardous tasks or occupations prohibited for children, and gaps remain in the monitoring and enforcement of laws, as well as the development of government policies on the worst forms of child labor. Children continue to work on the street, in forced organized begging, and construction. Roma children are particularly vulnerable to this kind of exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	12.9
Attending School	5-14 yrs.	87.7
Combining Work and School	7-14 yrs.	14.4



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Montenegro are engaged in the worst forms of child labor,³⁹⁶⁵ particularly in begging and informal work on the streets, including washing car windows, sorting through rubbish, and selling small goods. Children may work on the streets or beg to provide financial support for their families.³⁹⁶⁶ Working on the streets may expose children to severe weather, harsh working conditions, dangerous machines and tools, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

In rural communities, young children work in agriculture.³⁹⁶⁷ This work may involve using potentially dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

Montenegro is a source, destination, and transit country for children trafficked for forced labor and commercial sexual exploitation. Children in Montenegro are also subjected to forced prostitution.³⁹⁶⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law of 2006 establishes the minimum age for work at 15 and the minimum age for hazardous work at 18.³⁹⁶⁹ However, there is no list of hazardous tasks or occupations that are prohibited to children.

The Constitution calls for special protections for children against psychological, physical, economic, and all other kinds of exploitation or abuse. Article 63 of the Constitution explicitly bans forced labor.³⁹⁷⁰

Articles 209 and 210 of the Criminal Code prohibit the enabling or procurement of a child for sexual acts and the recruitment, sale, and incitement of persons for the purposes of prostitution. The Criminal Code stipulates greater penalties for those who perpetrate this act against a minor.³⁹⁷¹ Articles 444 and 445 of the Criminal Code explicitly ban trafficking in children for the purposes of labor, commercial sexual exploitation, forced prostitution, forced begging, and pornography.³⁹⁷²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Law on Labor Inspection empowers labor inspectors to suspend or shut down employers who commit gross violations of the labor laws.³⁹⁷³ A recent amendment to the Labor Law authorizes labor inspectors to issue monetary penalties for violation of labor provisions.³⁹⁷⁴

In 2010, the Government ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, effective March 1, 2011.³⁹⁷⁵

Article 75 of the Constitution stipulates that education is free and compulsory for children up to age 14.³⁹⁷⁶

Institutional Mechanisms for Coordination and Enforcement

The Office of the National Anti-Trafficking Coordinator is the major entity responsible for overseeing efforts to combat human trafficking, including trafficking of children. It regularly reports on the progress being made concerning these issues.³⁹⁷⁷ However, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

The Council on Children's Rights, the main body for coordinating the national plan for children, and the Deputy Ombudsman for Children's Rights are in place to coordinate efforts to protect children.³⁹⁷⁸ However, research indicates that the Council on Child Rights is not operational. Furthermore, the mandate for the Deputy Ombudsman is not explicitly or legally defined and research found no information linking the Deputy Ombudsman's duties to combating the worst forms of child labor in particular.³⁹⁷⁹

The Labor Inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing child labor laws. It has 43 inspectors who are responsible for monitoring conditions in workplaces throughout the country.³⁹⁸⁰ For the purpose of conducting inspections, the Ministry regularly provides the Labor Inspectorate with an updated registry of companies, enterprises, and legal entities that are subject to taxation. In 2010, the Labor Inspectorate conducted over 14,268 labor inspections and found no violations of child labor in the formal sector.³⁹⁸¹

The Government provides awareness training courses to officials charged with enforcing child labor laws.³⁹⁸²

Government agencies involved in enforcing anti-trafficking laws include the Chief State Prosecutor, Montenegrin courts, the Ministry of the Internal Affairs and the Police Directorate, as well as the Ministries of Health, Justice, Labor and Social Welfare, and Education.³⁹⁸³ Anti-trafficking efforts within the Police Directorate are led by the organized crime department of the police.³⁹⁸⁴ The Government has established a unified system for collecting data on law enforcement through the Office of the National Anti-Trafficking Coordinator. The Montenegrin courts, the Chief State Prosecutor, and the Police Directorate all contribute information to this database.³⁹⁸⁵

The Government investigated, prosecuted, and convicted 12 suspects in cases that involved trafficking charges from 2009 to the present, although it is unknown how many of these cases involved children. The Government also arrested and initiated prosecutions against several Roma

adults for allegedly organizing and forcing their own relatives, young Roma children, to beg on the streets.³⁹⁸⁶

There have been allegations that some police officers are facilitating forced prostitution of children. In February 2010, three police officers were arrested and charged for abuse of their authority for their suspected involvement in the forced prostitution of young girls.³⁹⁸⁷

Government Policies on the Worst Forms of Child Labor

As part of the Strategy Paper on Poverty Reduction and Social Inclusion, the Government developed the National Strategy for Social and Child Protection to ensure the essential rights of the most vulnerable groups of society, including Roma and their children.³⁹⁸⁸ Additionally, the Government continues to implement a national action plan for the regional framework Decade of Roma Inclusion 2005-2015 and the National Strategy for the Improvement of Roma Position in Montenegro 2008-2012.³⁹⁸⁹ These policies aim to improve the living standards for Roma and other minorities. The Government allocated approximately \$500,000 dollars for the first year of the National Strategy for the Improvement of Roma Position in Montenegro and pledged to allocate 0.2 percent of its total budget each year

to finance activities prescribed by the strategy.³⁹⁹⁰ For 2011, however, the Government allocated only \$428,000 of the \$2,857,000 that should have been pledged under the national strategy.

The question of whether existing policies have had an impact on the worst forms of child labor does not appear to have been assessed.³⁹⁹¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government funds the Center for Children and Youth, which provides temporary assistance for child victims of trafficking and organized begging, including psychological care, legal aid, and vocational training.³⁹⁹² The National Anti-Trafficking Coordinator's Office funds the center in Podgorica, an expense which accounted for approximately 60 percent of the annual anti-trafficking budget of 111,000 Euro (approximately \$152,000) in 2010.³⁹⁹³

The Government also sponsors public awareness campaigns and education initiatives for the Roma population, as well as general public awareness campaigns, public service announcements, and conferences on human trafficking.³⁹⁹⁴ However, the Government lacks programs that target children who engage in potentially hazardous agricultural work or those working on the streets.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Montenegro:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact a list of hazardous activities and occupations that are prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.

IN THE AREA OF GOVERNMENT POLICIES:

- Assess the impact that social policies may have on addressing the worst forms of child labor.
- Assess whether funding for the implementation of the National Strategy for Improvement of the Roma Position in Montenegro 2008-2012 is adequate.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs that specifically address the problem of children performing work that is likely to be harmful to their health and safety, including work in agriculture and on the streets.

³⁹⁶⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2000-2011. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁹⁶⁶ U.S. Department of State, "Montenegro," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 6, 7c, and 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154441.htm>. See also U.S. Embassy- Podgorica, *reporting, March 25, 2011*.

³⁹⁶⁷ *Ibid.*, section 7d.

³⁹⁶⁸ U.S. Department of State, "Montenegro (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.

³⁹⁶⁹ ILO NATLEX National Labor Law Database, *Labor Law of 2008*, April 18, 2011, articles 16, 17; available from <http://www.gov.me/files/1227178179.doc>.

³⁹⁷⁰ ILO NATLEX National Labor Law Database, *Constitution of the Republic of Montenegro*, April 18, 2011, article 63; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MGO&p_classification=01.01&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

³⁹⁷¹ Government of Montenegro, *Criminal Code of the Republic of Montenegro of 2004*, April 18, 2011, articles 209, 210; available from <http://www.legislationonline.org/documents/action/popup/id/4168/preview>.

³⁹⁷² *Ibid.*, articles 444, 445.

³⁹⁷³ ILO NATLEX National Labor Law Database, *Law on Labour Inspection*, April 18, 2011, article 7; available from <http://www.ilo.org/dyn/natlex/docs/>

MONOGRAPH/81588/88702/F642528465/MGO81588.pdf. See also ILO Labour Administration and Inspection Programme, *Labour Inspection Country Profile: Montenegro*, [online] July 1, 2009 [cited April 28, 2011]; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114178/index.htm. See also U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁷⁴ U.S. Embassy- Podgorica, *reporting, February 5, 2010*.

³⁹⁷⁵ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁷⁶ UNESCO, *Education for All Global Monitoring Report, 2010*; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>. See also ILO NATLEX National Labor Law Database, *Constitution of the Republic of Montenegro*, article 75.

³⁹⁷⁷ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁷⁸ U.S. Department of State, "Country Reports- 2010: Montenegro," section 6. See also U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁷⁹ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁸⁰ U.S. Embassy- Podgorica, *reporting, March 25, 2011*.

³⁹⁸¹ *Ibid.*

³⁹⁸² U.S. Department of State, "Country Reports- 2010: Montenegro," section 7d.

³⁹⁸³ *Ibid.* See also U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁸⁴ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁸⁵ *Ibid.*

³⁹⁸⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

³⁹⁸⁷ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁸⁸ U.S. Embassy- Podgorica, *reporting, February 5, 2010*.

³⁹⁸⁹ *Ibid.*

³⁹⁹⁰ *Ibid.*

³⁹⁹¹ U.S. Embassy- Podgorica, *reporting, March 25, 2011*.

³⁹⁹² U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

³⁹⁹³ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁹⁴ *Ibid.*

Morocco

The Government of Morocco passed a new decree expanding the list of hazardous occupations prohibited for minors as a means to combat the worst forms of child labor. However, many children continue to engage in dangerous work, particularly in agriculture and domestic service, some under conditions of involuntary servitude. Continuing legislative and enforcement gaps leave these children unprotected.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5*
Attending School	5-14 yrs.	82.9
Combining Work and School	7-14 yrs.	Unavailable

* Population of working children: 150,178



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Morocco³⁹⁹⁵ are engaged in the worst forms of child labor, mostly in agriculture.³⁹⁹⁶ Unsafe activities in agriculture commonly include using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Young girls are sent to work as live-in domestic servants, many before they reach age 10.³⁹⁹⁷ Parents often sell their daughters or receive payment of wages in exchange for their daughters' servitude.³⁹⁹⁸ These *petites bonnes* ("little maids") often face conditions of involuntary servitude, including long hours without breaks, physical, verbal and sexual abuse, withheld wages and even restrictions on their movement.³⁹⁹⁹ Frequently, they are sent from rural villages to more urban areas and are unable to contact their families or make their way home.⁴⁰⁰⁰ Most *petites bonnes* are denied an education, and illiteracy rates are especially high among this population.⁴⁰⁰¹

Children also work in automobile repair, carpentry and construction, where they may use

dangerous tools and equipment and face exposure to chemicals, dust and high levels of noise.⁴⁰⁰² Children may also work cutting trees, tanning hides and fishing.⁴⁰⁰³ Fishing exposes children to risks such as drowning. Children reportedly work with artisans, producing handicrafts, textiles and carpets.⁴⁰⁰⁴ They are often sent to be artisan apprentices before reaching age 12.⁴⁰⁰⁵ Some boys are subject to involuntary servitude as apprentices for mechanics and artisans and in the construction industry.⁴⁰⁰⁶






Street children are an ongoing concern, with thousands of children on the streets of Casablanca, Marrakech, Fès and Mèknes.⁴⁰⁰⁷ They engage in diverse forms of work, including selling cigarettes, begging, shining shoes, washing cars and working as porters and packers in ports.⁴⁰⁰⁸ In general, children living and working on the streets face a high risk of engaging in illicit activities, including sexual exploitation, violence and drug abuse.⁴⁰⁰⁹

Some children are subject to commercial sexual exploitation.⁴⁰¹⁰ Child prostitution has been reported principally in the cities of Azrou, Beni Mellal and Mèknes, but also in Tangier, Agadir,

Marrakech, Rabat and Casablanca.⁴⁰¹¹ Former child domestic servants are especially likely to engage in prostitution as they frequently end up on the streets once they escape their domestic employer.⁴⁰¹² Boys and girls are exploited for sex tourism, especially in Tangiers, Agadir, Marrakech and El Hajeb, popular tourist sites that attract customers from the Persian Gulf and Europe.⁴⁰¹³ Children are also trafficked to countries in the Middle East and Europe for forced labor, commercial sexual exploitation and other illicit activities.⁴⁰¹⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2004 establishes the minimum age for employment 15 and limits the number of hours that children younger than age 16 can work.⁴⁰¹⁵ However, the Labor Code makes exceptions for minors to work beyond nighttime hourly restrictions in seasonal or time-sensitive agricultural activities.⁴⁰¹⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Labor Code does not apply to those who work independently, for businesses with less than five

employees or in private residences, thus excluding domestic servants from the Labor Code.⁴⁰¹⁷ The draft domestic worker's bill has not yet been passed.⁴⁰¹⁸

During the reporting period, the Government issued Decree No. 2.10.183 which refines and expands the list of hazardous occupations prohibited for children younger than age 18 to better protect minors from dangerous activities.⁴⁰¹⁹ The list addresses some work in agriculture, including hazards such as use of pesticides and sharp blades. Working in tanneries and slaughtering animals is also prohibited.⁴⁰²⁰ The Labor Code also prohibits some hazardous activities for children younger than age 18, including work in underground mines.⁴⁰²¹

Forced or compulsory child labor is prohibited in the Labor Code and Penal Code.⁴⁰²²

The commercial sexual exploitation of children, including pornography and prostitution, is also prohibited under the Penal Code.⁴⁰²³ An amendment to the Penal Code forbids sex tourism.⁴⁰²⁴

Morocco does not have a specific trafficking in persons law, but child trafficking can be prosecuted using articles from the Penal Code and Immigration Law.⁴⁰²⁵

Education is free and compulsory for children ages 6 to 15.⁴⁰²⁶

The minimum age for voluntary military recruitment is 18, and there is no military conscription.⁴⁰²⁷

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Social Development, Family and Solidarity (MOSDFS) coordinates child labor efforts and oversees the National Plan of Action for Children (PANE) in cooperation with other ministries.⁴⁰²⁸

The Ministry of Employment and Professional Training (MOEPT) enforces the Labor Code and implements child labor laws.⁴⁰²⁹ The MOEPT Director of Work heads the Child Labor Task Force to coordinate this effort.⁴⁰³⁰

MOEPT employs 420 general labor inspectors nationwide, all of whom have received training on child labor issues.⁴⁰³¹ One inspector in each of the 45 inspectorate offices concentrates on children's issues and receives up to 14 weeks of specialized training on child labor.⁴⁰³² In the first six months of 2010, labor inspectors filed 877 reports on the inspection of alleged incidents of child labor, issued 142 formal warnings and imposed 45 fines to employers.⁴⁰³³

The Ministry of the Interior is responsible for enforcing the Penal Code's prohibitions on prostitution and trafficking.⁴⁰³⁴ In addition, the Ministry of Justice (MOJ) prosecutes criminal offenses, such as commercial sexual exploitation of children and child trafficking.⁴⁰³⁵ According to the most recent available statistics, in 2009, there were 80 people prosecuted for facilitating the prostitution of a minor, and 12 individuals prosecuted for sexual exploitation for profit.⁴⁰³⁶ Research did not reveal the sentences delivered to those convicted. MOJ reports that 10 foreigners were prosecuted in 2009 for crimes such as inciting a minor for prostitution and the violent rape of a minor, with sentences ranging from one month to two years in prison.⁴⁰³⁷ In 2010, in a groundbreaking case, a woman was convicted of abuse of her child maid and sentenced to one year in prison.⁴⁰³⁸

Government Policies on the Worst Forms of Child Labor

The Government, led by MOSDFS, is carrying out the broad PANE 2006-2015, which focuses on children's health, protection, participation and education. PANE includes the issue of child labor and pilot programs focusing on street children and domestic child labor.⁴⁰³⁹

The issue of child labor has been mainstreamed into Government policies and programs, such as the King's 2005 National Initiative for Human Development (NIHD) and the second phase NIHD launched in 2010. NIHD serves as a framework to reduce poverty through improved education and health facilities, access to electricity and drinking water, attention to the needs of girls and women and income and employment initiatives, such as microfinance. Reducing child labor is one of the goals of the initiative.⁴⁰⁴⁰

Many students, especially girls, do not have access to education for the compulsory 9 years.⁴⁰⁴¹ Middle and secondary schools are particularly scarce in rural areas. To address the issues of education access and quality, the Government is implementing the Emergency Plan (2009-2012) for education reform.⁴⁰⁴² The question of whether this policy has an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As part of PANE, Inqad, a national pilot program implemented through MOSDFS, is tasked with combating domestic child labor through judicial reform and cooperation with civil society.⁴⁰⁴³ Inqad activities include national awareness-raising campaigns on the exploitation risks for domestic servants.⁴⁰⁴⁴ MOSDFS is also piloting the INDIMAJ program, as set forth in PANE, to provide services to street children.⁴⁰⁴⁵ Research did not identify the scale or results of these pilot programs.

Livelihood projects implemented under NIHD have resulted in improved employment, housing and access to education and medical services for Moroccans.⁴⁰⁴⁶ Programs aimed at increasing school enrollment and reducing dropout rates include the Tayssir Program, focused on primary school reform, and the Iqtane Program, focused on secondary schools.⁴⁰⁴⁷ The question of whether these projects' improvements in access

to education have had an impact on the worst forms of child labor does not appear to have been addressed.

During the reporting period, the Government participated in a 3-year, \$3 million project funded by USDOL to combat the worst forms of child labor through direct education services. The project, which ended in October 2010, withdrew or prevented 8,620 children from the worst forms of child labor.⁴⁰⁴⁸ Children in rural areas accessed education through community schools and received housing in dormitories or transportation

to distant formal schools. The project developed a model for after-school tutoring for at-risk children and conducted a study of the effects of the tutoring program to encourage countrywide adoption of the model.⁴⁰⁴⁹ Research has not identified whether the Government has adopted this model.

Although the Government of Morocco has participated in a number of programs to address some of the worst forms of child labor, research found no evidence that it has carried out programs specifically to assist children involved in agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Morocco:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to restrict nighttime work hours of children in seasonal or time-sensitive agricultural activities.
- Amend legislation to apply to children engaged in hazardous activities working in agriculture or businesses.
- Adopt legislation to protect domestic workers and to prevent children under the legal working age from domestic servitude.

IN THE AREA OF POLICIES:

- Provide all children ages 6 to 15 access to education.
- Assess the impact that existing educational reform policies may have on addressing child labor.

IN THE AREA OF PROGRAMS:

- Develop targeted programs to address children working in agriculture.
- Assess the impact that existing education and livelihoods programs may have on addressing child labor.

³⁹⁹⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data on working children and school attendance are from 2003. Data on children combining working and schooling are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's

work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁹⁹⁶ U.S. Department of State, "Morocco," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, 37; available from <http://www.state.gov/documents/organization/160470.pdf>.

³⁹⁹⁷ Ibid. See also ILO Committee of Experts, *Report of the Committee of Experts on the Application of Conventions and*

Recommendations, 2011, 358; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_151556.pdf.

³⁹⁹⁸ U.S. Department of State, “Country Reports- 2010: Morocco,” 37. See also ILO Committee of Experts, *Report of the Committee of Experts*, 358.

³⁹⁹⁹ ILO Committee of Experts, *Report of the Committee of Experts*, 358. See also Human Rights Watch, “Morocco: ‘Hidden’ Child Workers Face Abuse,” HRW, [online], December 21, 2005 [cited April 29, 2011]; available from http://www.hrw.org/legacy/english/docs/2005/12/21/morocc12278_txt.htm.

⁴⁰⁰⁰ Human Rights Watch, “Morocco: ‘Hidden’ Child Workers Face Abuse”. See also U.S. Department of State, “Morocco,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.

⁴⁰⁰¹ ILO Committee of Experts, *Report of the Committee of Experts*, 358. See also Human Rights Watch, “Morocco: ‘Hidden’ Child Workers Face Abuse”.

⁴⁰⁰² Naoufel Cherkaoui, “Child Labour Blights Morocco Development”, Magharebia, [online], June 16, 2010 [cited April 29, 2011]; available from http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2010/06/16/feature-01.

⁴⁰⁰³ Ibid. See also U.S. Consulate- Casablanca, *reporting, January 27, 2011*, para 1.1.

⁴⁰⁰⁴ U.S. Department of State, “Country Reports- 2010: Morocco,” 37.

⁴⁰⁰⁵ Ibid.

⁴⁰⁰⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.”

⁴⁰⁰⁷ Imane Belhaj, “Shelters for Morocco’s street children are a drop in an ocean”, Magharebia, [online], March 14, 2008 [cited April 29, 2011]; available from http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/reportage/2008/03/14/reportage-01.

⁴⁰⁰⁸ International Society for Prevention of Child Abuse and Neglect (ISPCAN), “Street Children in Morocco: Analysis of the Situation,” *The Link* 15, no. 3 (Winter 2006); available from <http://www.ispcan.org/resource/resmgr/link/link15.3.english.pdf>. See also Belhaj, “Shelters for Morocco’s street children”.

⁴⁰⁰⁹ International Society for Prevention of Child Abuse and Neglect (ISPCAN), “Street Children in Morocco.” See also Belhaj, “Shelters for Morocco’s street children”.

⁴⁰¹⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.”

⁴⁰¹¹ U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 5. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Morocco: Report for the WTO General Council Review of the Trade Policies of Morocco (Geneva, 24 to 26 June 2009)*, Geneva, June 2009, 7; available from http://www.ituc-csi.org/IMG/pdf/WTO_report_Morocco_Final_EN.pdf.

⁴⁰¹² Maria Daif, “Reportage. Les Filles des Rues”, Telquel, [online], June 26, 2009 [cited May 2, 2011]; available from <http://www.telquel-online.com/163/sujet2.shtml>. See also l’Association Bayti, “Petites bonnes et filles des rues”, *Esclavage Moderne*, [online], [cited May 2, 2011]; available from http://www.esclavagemoderne.org/img_doc/maroc_les_petites_bonnes.pdf.

⁴⁰¹³ U.S. Consulate- Casablanca, *reporting, February 22, 2010*, 6. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001) Published: 2010*, April 29, 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁴⁰¹⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.”

⁴⁰¹⁵ Government of Morocco, *Le Nouveau Code de Travail*, (2004), articles 143, 172; available from <http://www.maroc.ma/NR/rdonlyres/9A951844-BCA6-4468-9EFD-7460E229E00F/0/codedetravail.pdf>.

⁴⁰¹⁶ Ibid., articles 172-173.

⁴⁰¹⁷ Ibid., article 4. See also ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Morocco (ratification: 2000) Published: 2010*, March 4, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11761&chapter=6&query=Morocco%40ref&highlight=&querytype=bool&context=0>. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards*.

⁴⁰¹⁸ ILO Committee of Experts, *Individual Direct Request C182: Morocco (2010)*. See also Siham Ali, “Morocco pushes for law against gender abuse, child labour”, Magharebia, [online], October 20, 2010 [cited May 2, 2011]; available from http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2010/10/20/feature-02. See also U.S. Consulate- Casablanca, *reporting, January 27, 2011*.

⁴⁰¹⁹ Laila Zerrou, “Travail des enfants : La liste des travaux dangereux s’élargit”, *Aujourd’hui Le Maroc*, [online], December 27, 2010 [cited May 2, 2011]; available from <http://new.aujourdhui.ma/couverture-details79907.html>.

⁴⁰²⁰ Ibid.

⁴⁰²¹ Government of Morocco, *Nouveau Code de Travail 2004*, articles 145-147, 179-181.

⁴⁰²² Ibid., article 10. See also ILO Committee of Experts, *Individual Direct Request C182: Morocco (2010)*.

⁴⁰²³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Concluding Observations: Morocco*, March 17, 2006, para 4; available from <http://www.unhcr.org/refworld/publisher,CRC,CONCOBSERVATIONS,MAR,45377ed80,0.html>.

⁴⁰²⁴ ILO Committee of Experts, *Individual Direct Request C182: Morocco (2010)*.

⁴⁰²⁵ U.S. Consulate- Casablanca, *reporting, February 23, 2011*, section 14 A-B.

⁴⁰²⁶ U.S. Department of State, “Morocco,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136075.htm>.

⁴⁰²⁷ Coalition to Stop the Use of Child Soldiers, “Morocco,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁴⁰²⁸ U.S. Consulate- Casablanca, *reporting, January 27, 2011*, section 7.

⁴⁰²⁹ Ibid., section 3.

⁴⁰³⁰ Ibid.

⁴⁰³¹ Ibid., section 4.

⁴⁰³² Ibid.

⁴⁰³³ Ibid.

⁴⁰³⁴ Ibid., section 5.

⁴⁰³⁵ Ibid.

⁴⁰³⁶ U.S. Consulate- Casablanca, *reporting, February 23, 2011*, section 14E.

⁴⁰³⁷ U.S. Consulate- Casablanca, *reporting, January 27, 2011*, section 5.6.

⁴⁰³⁸ Ibid.

⁴⁰³⁹ Ibid., section 7.1.

⁴⁰⁴⁰ Ibid., section 7.2. See also Fadoua Jouti, “People First: The National Initiative for Human Development” (paper presented at the 1st EMUNI Research Souk 2009 (EMUNI Res 2009): The Euro-Mediterranean Student Research Multi-conference, Unity and Diversity of Euro-Mediterranean Identities, CITY, 2009); available from http://www.emuni.si/Files//Denis/Conferences/EMUNI_ReS/2009/Proceeding/AlAkhawayn/Jouti.pdf. See also Morocco Board, “Morocco Fights Poverty Through ‘Human Development’ Approach”,

MoroccoBoard.com, [online], August 3, 2010 [cited May 2, 2011]; available from <http://www.moroccoboard.com/projects/2395-morocco-fights-poverty-through-human-development-approach>.

⁴⁰⁴¹ U.S. Department of State, “Country Reports- 2010: Morocco,” 31. See also The World Bank, “Kingdom of Morocco: Moving out of Poverty in Morocco”, Social and Economic Development Group Middle East and North Africa Region, [online], July 2007 [cited May 2, 2011]; available from <http://siteresources.worldbank.org/INTMOROCCO/Resources/Morocco.Moving.out.of.Poverty.DEF.ENG.pdf>. See also USAID, “Dormitories Keep Moroccan Girls in School”, [online], March 2009 [cited May 2, 2011]; available from http://www.usaid.gov/press/frontlines/fl_mar09/p6_morocco.html.

⁴⁰⁴² Morocco Board, “Implementation of Morocco’s ‘Education Emergency program 2009-2012’”, MoroccoBoard.com, [online], June 8, 2010 [cited May 2, 2011]; available from <http://www.moroccoboard.com/projects/1104-the-world-bank-supports-the-implementation-of-moroccos-education-emergency-program-2009-2012>.

⁴⁰⁴³ U.S. Consulate- Casablanca, *reporting, January 27, 2011*, section 7.1. See also ILO Committee of Experts, *Report of the Committee of Experts*, 359. See also Ministère du Développement Social de la Famille et de la Solidarite, *Programmes: INQAD*, [online] 2009 [cited May 4, 2011]; available from <http://www.social.gov.ma/fr/Index.aspx?mod=3&rub=14&srub=113>.

⁴⁰⁴⁴ U.S. Consulate- Casablanca, *reporting, January 27, 2011*, section 7.1. See also ILO Committee of Experts, *Report of the Committee of Experts*, 359. See also Ministère du Développement Social de la Famille et de la Solidarite, *Programmes: INQAD*.

⁴⁰⁴⁵ Ministère du Développement Social de la Famille et de la Solidarite, *Programmes: INDIMAJ*, [online] 2009 [cited May 4, 2011]; available from <http://www.social.gov.ma/fr/Index.aspx?mod=3&rub=14&srub=112>.

⁴⁰⁴⁶ CIA, *The World Factbook: Morocco*, [online] April 25, 2011 [cited May 4, 2011]; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html>. See also Jouti, “People First: The National Initiative for Human Development”. See also Morocco Board, “Morocco Fights Poverty Through ‘Human Development’ Approach”.

⁴⁰⁴⁷ Management Systems International, *Combating Child Labor through Education in Morocco (Project Dima Adros)*, Final Technical Progress Report, Rabat, February 2011, section V.

⁴⁰⁴⁸ Ibid.

⁴⁰⁴⁹ Ibid.

Mozambique

The Government of Mozambique has participated in projects to combat trafficking in persons. However, gaps remain in its legal framework, complaints of child trafficking routinely go uninvestigated, and current social protection programs raise awareness but fail to address sectors such as agriculture and domestic service where the majority of children work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mozambique are engaged in the worst forms of child labor,⁴⁰⁵⁰ many of them in agriculture and domestic service.⁴⁰⁵¹ Children work in the production of tobacco. Reportedly, children also labor in the production of cotton, cashews, copra (dried coconut meat), seaweed, tea and sugar on farms and small plots known as *machambas*.⁴⁰⁵² Children's work in agriculture involves long hours, often with no pay.⁴⁰⁵³ Children perform domestic labor in third party homes.⁴⁰⁵⁴ Some domestic servants work up to 15 hours per day and are subject to physical abuse, including burns.⁴⁰⁵⁵

Children in Mozambique herd livestock hunt and work in the fishing industry.⁴⁰⁵⁶ They also work in mining and carpentry.⁴⁰⁵⁷ Children work on the streets, vending items, collecting scrap metal and begging.⁴⁰⁵⁸ Children working on the streets may be exposed to multiple dangers including severe weather, vehicle accidents and criminal elements. Some children in Mozambique are subject to debt bondage.⁴⁰⁵⁹ Children also work in restaurants

and informal bars known as *barracas*.⁴⁰⁶⁰ Girls, including some who are employed in *barracas*, also engage in prostitution.⁴⁰⁶¹ Child prostitution is especially prevalent in rural areas, border towns and in the regions of Maputo, Beira and Nacala.⁴⁰⁶²

Mozambique is a source, destination, and transit country for child trafficking.⁴⁰⁶³ Children are trafficked internally and to South Africa and Swaziland for commercial sexual exploitation and forced labor in agriculture, mines and domestic service.⁴⁰⁶⁴ Girls from Zimbabwe, Zambia and Malawi are trafficked to Mozambique for commercial sexual exploitation and forced domestic service.⁴⁰⁶⁵

Access to quality education is a critical component in preventing the economic exploitation of children.⁴⁰⁶⁶ Access to education in Mozambique is limited by teacher shortages, indirect schooling costs, a lack of schools and sanitation facilities and disparities in access to education among provinces.⁴⁰⁶⁷ Additionally, despite government efforts, some children risk losing access to school because they do not have the birth records needed






for enrollment.⁴⁰⁶⁸ There is also a significant prevalence of verbal, physical and sexual abuse in schools, including teachers demanding sex as a condition for advancement to the next grade. This abuse is a factor in children's, especially girls', withdrawal from school.⁴⁰⁶⁹ Finally, an estimated 1.2 million orphaned children are in Mozambique, many of whom lost their parents to HIV/AIDS.⁴⁰⁷⁰ These children are particularly vulnerable to poor school attendance and to engaging in the worst forms of child labor.⁴⁰⁷¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law establishes the minimum age for employment at 15 and the minimum age for hazardous work at 18. Labor laws apply to the informal sector including home work, domestic service and work in rural areas.⁴⁰⁷² Children between ages 12 and 15 may work with the approval of the Ministries of Labor, Health and Education; these children are issued legal documents establishing the conditions under which they are allowed to work.⁴⁰⁷³ The Labor Law also restricts the conditions under which minors between ages 15 and 18 may work. Minors under age 18 are not permitted to work in unhealthy, dangerous or physically taxing occupations; they must undergo a medical examination and be paid at least minimum wage.⁴⁰⁷⁴ Although the Labor Law does not prohibit children between ages 15 and 18 from working at night, this protection is provided for in the Child Protection Act.⁴⁰⁷⁵ While the Labor Law upholds international conventions, such as ILO Convention 182, it does not specifically identify hazardous labor for children or define the worst forms of child labor.⁴⁰⁷⁶

The Constitution guarantees the right to education for all.⁴⁰⁷⁷ The Child Protection Act provides for progressively free and compulsory education through primary school.⁴⁰⁷⁸ However, evidence suggests this goal has not been met.⁴⁰⁷⁹ Primary school covers a period of 6 years and begins at age 6.⁴⁰⁸⁰ This standard makes children ages 12 to 14 vulnerable to the worst forms of child labor as

they are not required to be in school but are below the minimum age to work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

The Constitution prohibits forced labor.⁴⁰⁸¹ The Law on Military Service sets the age for military conscription at 18, which can be lowered in times of war.⁴⁰⁸² Act 3/97 prohibits the use of children in the transport and sale of illegal drugs.⁴⁰⁸³

Existing laws do not protect children from sexual exploitation, although the Trafficking in Persons Act does protect children from being trafficked for sexual exploitation.⁴⁰⁸⁴ Otherwise, despite enactment of the Child Protection Act, the laws relating to child prostitution, child pornography and child sex-tourism are not consistent with international legal standards.⁴⁰⁸⁵ For example, although children are protected from exposure to pornography, it is not prohibited to use, procure or offer children under age 18 for the production of pornography or pornographic purposes.⁴⁰⁸⁶ While the Child Protection Act does not provide protection from the sexual exploitation of children, the Act requires the Government to adopt legislation protecting

children from all forms of sexual exploitation. However, legislation has not yet been adopted to meet this requirement.⁴⁰⁸⁷ Additionally, although the Child Protection Act was passed in 2008, the implementation procedures and regulatory frameworks to operationalize the law have not yet been implemented.⁴⁰⁸⁸

Although child prostitution is not illegal under the Penal Code, the Code does provide penalties for rape and corruption of the morals of a minor.⁴⁰⁸⁹ The Penal Code also prohibits the trafficking of persons out of the country for sexual exploitation. However, it does not prohibit internal trafficking or trafficking for forced labor.⁴⁰⁹⁰ The Government is in the process of revising the Penal Code; provisions to protect children from all forms of trafficking are expected to be included in the revised Penal Code. It is unknown whether provisions to protect children from sexual exploitation will be included.⁴⁰⁹¹

The Trafficking in Persons Law covers trafficking-related gaps in the Penal Code; police have enforced anti-trafficking laws found in the Trafficking in Persons Law. Despite police enforcement, the law lacks implementing regulations.⁴⁰⁹² While prosecutions are conducted under the law, it is unclear whether implementing regulations are required for prevention and protection efforts.⁴⁰⁹³ Implementing regulations would also clarify the roles and responsibilities of the ministries involved in anti-trafficking efforts.⁴⁰⁹⁴

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Mozambique does not have a specific mechanism to coordinate policy on the worst forms of child labor, it uses the National Council on the Rights of the Child (CNAC), an interagency commission led by the Ministry of Women and Social Action (MIMAS), to coordinate the welfare of children. The Council is comprised of religious and civil society representatives and the Ministries of

Labor (MITRAB), Justice, Education, Health, Interior and Youth and Sports.⁴⁰⁹⁵ Created in 2009, the commission met for the first time in July 2010. MIMAS receives less than 1 percent of the total government budget and relies on international organizations for office supplies and technical support; therefore, the sustainability and effectiveness of this commission is likely to be limited.⁴⁰⁹⁶

MITRAB is responsible for the enforcement of hazardous child labor laws.⁴⁰⁹⁷ Within MITRAB, the Labor Inspection Office employs 130 labor inspectors. Labor inspectors primarily inspect commercial establishments.⁴⁰⁹⁸ As most children do not work in commercial establishments, but rather in small-scale agriculture, they may not be protected by enforcement efforts. Reportedly, this office routinely lacks vehicles to conduct inspections.⁴⁰⁹⁹ Research found no information regarding the number of inspections conducted during the reporting period. There is no mechanism in place to publicly report labor law violations.⁴¹⁰⁰

The National Police Force, the Criminal Investigation Branch (PIC) and the Labor Inspectorate General share responsibilities for the enforcement of all criminal laws, including forced child labor, child trafficking, the commercial sexual exploitation of children and the use of children for illicit activities.⁴¹⁰¹ The Government of Mozambique has established special gender-sensitive police units.⁴¹⁰² In addition, the PIC has a seven-person unit devoted to anti-trafficking, and there is a system in place for reporting instances of the sexual exploitation of children.⁴¹⁰³ However, evidence suggests a lack of procedures to identify victims of child trafficking as well as a lack of services for child victims of commercial sexual exploitation.⁴¹⁰⁴ Nevertheless, the Government maintains approximately 231 help desks called *gabinetes de atendimento* where trafficking victims can go to police stations and file complaints and receive assistance.⁴¹⁰⁵ During the reporting period, members of the police basic training program

received 30 hours of UNICEF training on child abuse, as well as training on trafficking.⁴¹⁰⁶ Despite these efforts, the Ministries of Justice and Interior, including the police, reportedly have insufficient financial and human resources to improve their effectiveness in enforcing laws pertaining to children.⁴¹⁰⁷

During the past two years, 230 cases of trafficking were reported throughout Mozambique. Of those cases, 140 were uncovered by the PIC.⁴¹⁰⁸ Twenty-eight of the 230 cases have been resolved and the rest remain under investigation.⁴¹⁰⁹ During the reporting period, 53 arrests were made, and 34 trafficking related convictions were handed down. All convictions received the appropriate penalties according to the anti-trafficking law.⁴¹¹⁰ However, research indicates that investigations of human trafficking rarely result in prosecutions and convictions.⁴¹¹¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of a policy framework that addresses the worst forms of child labor. However, the Government of Mozambique has other policies and action plans that affect child labor. The National Action Plan for Children (2006-2011), implemented by CNAC, prioritizes basic education and social protection for children and takes measures to prevent child labor, prostitution and trafficking.⁴¹¹² In addition, the National Plan of Action for Orphans and Vulnerable Children (2006-2010) addresses the impact of HIV on children.⁴¹¹³ Although CNAC is mandated to implement the National Action Plan for Children and the National Action Plan for OVC, implementation was hindered by limited resources.⁴¹¹⁴

In March 2011, Mozambique and other members of the Community of Portuguese-Speaking countries approved four target areas where they will focus efforts to combat child labor. They include the exchange of information and experiences, awareness-raising campaigns, use of

statistical methodologies to collect child labor data and technical cooperation and training.⁴¹¹⁵

Other plans and strategies affect child labor in Mozambique. The National Action Plan on Birth Registration aims to clear away a backlog of birth registrations and to strengthen and decentralize the birth registration system nationwide.⁴¹¹⁶ The Strategic Plan for Education and Culture (2006-2010/2011) aims to ensure primary education is free and compulsory through higher primary school (grades 6 and 7) and to improve post-primary education.⁴¹¹⁷ The plan also proposes to increase access to education for female students, support the construction of new schools and encourage the training and recruitment of teachers.⁴¹¹⁸ The Employment and Professional Training Strategy (2006-2015) has an objective of raising awareness and disseminating information on labor laws, including laws pertaining to the worst forms of child labor.⁴¹¹⁹ The Poverty Reduction Strategy plan establishes targets for access to education and social assistance for vulnerable children.⁴¹²⁰ The impact of these plans and policies on the worst forms of child labor has not been assessed.

The Government has adopted the Strategic Plan of Action on Combating Trafficking in Persons, especially Women and Children in the Southern African Development Community (SADC).⁴¹²¹ Mozambique has also signed the Community of Portuguese Speaking Countries (CPLP) Declaration against child labor, which calls for a CPLP plan of action and aims to eliminate the worst forms of child labor by 2016.⁴¹²²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of Mozambique made efforts to combat the worst forms of child labor. The Government hosted conferences and created brochures and posters about child trafficking. It also implemented training and capacity building programs to combat trafficking for social workers, local officials, border

guards, members of the judiciary, officials from the public prosecutor's office and other justice administration offices.⁴¹²³ The Government partnered with civil society organizations to provide a reintegration process for street children. The program provided shelters and schooling to prepare children for reintegration.⁴¹²⁴ Despite these efforts, the Government of Mozambique has limited resources for assisting trafficking victims, including a lack of safe houses and no formal referral system.⁴¹²⁵

The Government of Mozambique participated in two projects implemented by the IOM. The first was a nation-wide trafficking awareness campaign in preparation for the football World Cup in 2010.⁴¹²⁶ The second was a regional program to prevent trafficking in persons in southern Africa. The program built law enforcement capacity, conducted research on trafficking, produced information campaigns and provided assistance and reintegration options to victims of trafficking.⁴¹²⁷

The Government participated in two programs focused on Lusophone Africa. The first was a 4-year, \$200,000, Brazilian-funded project to combat the worst forms of child labor.⁴¹²⁸ The second was a 2-year, \$500,000, USDOL-funded project that helps participating countries develop national action plans and promotes south-south cooperation between Lusophone speaking countries for the purpose of eliminating worst forms of child labor.⁴¹²⁹

Government officials received training from UNICEF on the use of radio broadcasts to communicate to the public about issues of child abuse, including child labor.⁴¹³⁰ The Government of Mozambique is also participating in a 10-year UNESCO literacy initiative.⁴¹³¹ The impact of this literacy program on child labor has yet to be assessed.

The Government is not currently involved in social programs to eliminate the worst forms of child labor in sectors where the majority of children work such as in agriculture and domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mozambique:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to identify hazardous labor for children and to define the worst forms of child labor.
- Raise the age of compulsory education to be consistent with the minimum age for employment.
- Ensure children under age 18 are prohibited from military conscription in all circumstances.
- Amend both the Child Protection Act and the revised Penal Code to include protection for all children from all forms of sexual exploitation.
- Adopt implementing regulations for the Trafficking in Persons Act and the Child Protection Act.
- Amend the Child Protection Act so that provisions relating to child prostitution, child pornography, child trafficking and child sex-tourism are consistent with international legal standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Ministries of Labor, Interior, Justice and Women and Social Action to coordinate information on the worst forms of child labor.
- Increase targeting of the Labor Inspection Office in sectors with a high incidence of child labor, including agriculture and domestic service.
- Create a mechanism to coordinate policy on the worst forms of child labor.
- Investigate all complaints of child trafficking and ensure all offenders are prosecuted and receive penalties.
- Gather and make publicly available information about enforcement.

IN THE AREA OF POLICY:

- Ensure the National Action Plan for Children and the National Action Plan for Orphans and Vulnerable Children have access to the resources necessary for implementation.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools.
- Assess the impact that existing policies may have on addressing child labor.

IN THE AREA OF PROGRAMS:

- Develop social protection programs that assist children working in sectors such as agriculture and domestic service and provide adequate services, such as safe houses, for victims of the worst forms of child labor.
- Implement programs to improve children's access to safe, free and compulsory education.
- Assess the impact of the UNESCO literacy program on child labor.

⁴⁰⁵⁰ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁴⁰⁵¹ U.S. Embassy - Maputo, *Reporting*, December 20, 2010, para 1. See also, ILO Committee of Experts, "CEACR: Individual Observation concerning Worst Forms of

Child Labour Convention 1999 (No. 182) Mozambique (ratification: 2003) Published: 2010," (2010); available from <http://www.iloilex.org>. See also, ILO, *O Impacto do Trabalho Infantil, Particularmente nas suas Piores Formas, na Frequencia e Desempenho Escolar em Mocambique*, August 2006, 30. See also, U.S. Department of State, "Country Reports on Human Rights Practices- 2010," Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135967.htm>.

⁴⁰⁵² U.S. Embassy - Maputo, *Reporting*, February 6, 2010. See also, American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Project Document, September 2005, 4. See also, Rui Benfica, Julieta Zandamela, Arlindo Miguel, and Natércia de Sousa,

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Namibia

The Government of Namibia is implementing several programs to target children involved in trafficking. However, children continue work in harmful conditions in agriculture and domestic service. Significant gaps remain in the legal framework to provide protection from hazardous child labor, child prostitution, child trafficking and the use of children for illicit activities.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Namibia,⁴¹³² primarily in domestic service and agriculture.⁴¹³³ Approximately half of all working children in Namibia are engaged in domestic service.⁴¹³⁴ Domestic servants work long hours for little to no pay and are exposed to physical, psychological and sexual abuse.⁴¹³⁵ Children's work in agriculture commonly involves dangerous activities such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Children raise livestock and herd cattle in isolated areas. Reportedly, Namibian children also herd sheep.⁴¹³⁶

Children are engaged in charcoal production and they unload goods, including chemicals, for truck drivers.⁴¹³⁷ Children are also coerced by adults to commit crimes.⁴¹³⁸

Boys and girls as young as age 12 are engaged in prostitution. These children, including street children, engage in prostitution in the capital, coastal towns and along main transport routes.⁴¹³⁹ Children subjected to prostitution are exploited by their families or are recruited or forced by other adults or older children.⁴¹⁴⁰

Namibia is a source, destination and transit country for trafficked children. Children are trafficked within and to Namibia for many purposes, including domestic service, commercial sexual exploitation, agricultural labor, cattle herding and charcoal production.⁴¹⁴¹ Namibian children are trafficked to South Africa, Zambia and Angola for commercial sexual exploitation and work with livestock.⁴¹⁴²






Access to education is a critical component in preventing the economic exploitation of children.⁴¹⁴³ Access to schooling in Namibia is inhibited by indirect school costs such as uniforms, books and boarding costs.⁴¹⁴⁴ Another factor affecting access to education in Namibia is the issue of birth registration.⁴¹⁴⁵ Unable to prove citizenship, many unregistered Namibian children risk losing access to school.⁴¹⁴⁶

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act sets the minimum age for work at 14.⁴¹⁴⁷ The Constitution sets the minimum age for hazardous work at 16 and prohibits children from employment that would interfere with their education or is likely to harm their physical health

or mental, spiritual, moral, or social development. The Government also maintains a list of hazardous work prohibited to children.⁴¹⁴⁸ The Labor Act specifically prohibits children under age 15 from working in any mine, industrial, or construction setting and from engaging in night work, unless authorized by the Minister of Labor.⁴¹⁴⁹ However, the Minister of Labor can identify special tasks in which children may enter hazardous work at age 14.⁴¹⁵⁰ In addition, the Labor Act applies only to contractual work. As a result, children performing non-contractual work would not be covered by these laws.⁴¹⁵¹

The Combating of Immoral Practices Act, as amended in 2000, and the Children’s Act of 1960, prohibit parents, guardians or those holding custody of a child from offering the child for prostitution.⁴¹⁵⁵ However, it does not prohibit other persons from doing so.⁴¹⁵⁶ Additionally, the law does not prohibit the recruitment, use or sale of a child in prostitution or benefiting from the proceeds of child prostitution.⁴¹⁵⁷ While children are not provided comprehensive protections from sexual exploitation, the act of rape is prohibited under the Combating Rape Act of 2000, and the economic exploitation of children is prohibited under the Constitution.⁴¹⁵⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	14
	Free Public Education	Yes

The Constitution and Labor Act prohibit slavery and forced labor and provide penalties for violators.⁴¹⁵² The Prevention of Organized Crime Act of 2004 prohibits and provides penalties for domestic and international trafficking in persons and the recruitment, harboring, transportation, transfer and receipt of persons for the purposes of commercial sexual exploitation and forced labor.⁴¹⁵³ The Government recently launched a public consultation on the Child Care and Protection Bill to address child trafficking, but the bill has yet to be adopted by the National Assembly.⁴¹⁵⁴

Namibia’s ratification of the CRC Optional Protocol on Armed Conflict prohibits conscription into the armed forces and sets the minimum age for voluntary military service at age 18.⁴¹⁵⁹ The Constitution mandates free and compulsory education for all children until they have completed primary school or until age 16, whichever is sooner.⁴¹⁶⁰ Because free and compulsory education begins at age 7 and extends for seven years, education is compulsory through a minimum age of 14.⁴¹⁶¹ Although free education is guaranteed in the Constitution, the Education Act of 2001 authorizes schools to establish funds for school development to be paid by parents.⁴¹⁶² School fees may impede access to education for vulnerable children.⁴¹⁶³

Institutional Mechanisms for Coordination and Enforcement

In 2005, the Government established the Participatory Advisory Committee on Child Labor (PACC) to coordinate information on child labor. The PACC includes several government ministries, businesses, trade unions, and international organizations and is supposed to meet on a monthly basis.⁴¹⁶⁴ The PACC met six times during the reporting period.⁴¹⁶⁵ The Government also has an interministerial group that coordinates trafficking issues. The group includes the police, the Office of the Prosecutor General and the Ministries of Gender Equality and Child Welfare

(MGECW), Home Affairs and Immigration (MHAI) and Finance.⁴¹⁶⁶

The Ministry of Labor and Social Welfare (MLSW) is responsible for the enforcement of child labor laws, including forced labor.⁴¹⁶⁷ The MLSW Labor Inspectorate coordinates the enforcement of labor laws and works with a variety of Government agencies including the police, regional councils and the Ministries of Education, Gender Equality and Child Welfare to carry out inspections.⁴¹⁶⁸ The Labor Inspectorate employed 40 labor inspectors, all of whom received training on child labor during the reporting period. As of 2009, two inspectors based in Windhoek were dedicated solely to child labor inspections.⁴¹⁶⁹ Although the labor inspectorate budget is unknown, the MLSW lacks the vehicles and personnel necessary to conduct frequent inspections.⁴¹⁷⁰ The number of inspections conducted during the reporting period is unknown. However, the labor inspectorate identified five new cases of child labor during the reporting period and it followed up with all 111 cases of child labor identified through inspections during the previous reporting period.⁴¹⁷¹ Of the cases from the previous year, 100 offending employers were compliant with the inspectorate and no longer employ children.⁴¹⁷² Of the remaining 11 noncompliant offenders, 9 have open, ongoing criminal cases against them. The status of the remaining two cases is unknown.⁴¹⁷³ Four children were returned to their families by social workers.⁴¹⁷⁴

The MGECW and the Woman and Child Protection Unit, an interministerial organization operating within the Ministry of Safety and Security (but effectively run by the police), are respectively responsible for therapeutic counseling and enforcement of criminal laws regarding the worst forms of child labor, including trafficking and commercial sexual exploitation.⁴¹⁷⁵ The Woman and Child Protection Unit employs 104 officers in 15 units around the country. The MGECW employs approximately 80 social workers throughout the country to provide

counseling and referral services to victims of trafficking.⁴¹⁷⁶ During the reporting period members of the MGECW, the police and members of other ministries received training from the IOM on how to handle trafficking cases.⁴¹⁷⁷ The police also received training on how to handle child sex abuse cases.⁴¹⁷⁸ The number of investigations and prosecutions conducted for the worst forms of child labor during the reporting period is unknown, though there have been no trafficking related prosecutions or convictions to date.⁴¹⁷⁹

Government Policies on the Worst Forms of Child Labor

The National Development Plan (2007-2012) includes as its objectives: to harmonize all laws and policies on child labor, to ensure that existing child labor laws are enforced and to expand the scope of inspections to include agriculture, domestic service and the informal economy.⁴¹⁸⁰ Child labor concerns are also included in the National Policy on Orphans and Vulnerable Children (OVC), the National Gender Policy (1997), the Education for All National Plan (2001-2015) and the Education and Training Sector Improvement Program (2006-2011).⁴¹⁸¹ The impact of these policies on the worst forms of child labor is unknown.

A multi-stakeholder group led by the MGECW began drafting a national action plan on trafficking and gender-based violence. The plan was not completed during the reporting period. In addition, the Government currently participates in a USDOL-funded project that aims to create a stand-alone national action plan targeted specifically on the worst forms of child labor.⁴¹⁸²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government implemented several nationally sponsored initiatives to address the worst forms of child labor. For instance, the Government, in coordination with UNICEF, opened 21 hospital-

based birth registration facilities and 22 sub regional offices in rural areas.⁴¹⁸³ In an attempt to combat the trafficking of children, the MHAI has an office in the maternity ward at Katutura State Hospital to ensure that every child born receives a birth certificate.⁴¹⁸⁴ The Government runs a toll-free hotline, operated by the Namibian police, for reporting crimes, including child trafficking.⁴¹⁸⁵ The Government also has a database to record statistics on trafficking and child labor.⁴¹⁸⁶

The Government maintained 15 women's and children's centers to assist victims of sexual assault.⁴¹⁸⁷ It is also currently rehabilitating 13 buildings to be used as shelters for victims of gender-based violence, trafficking and the worst forms of child labor.⁴¹⁸⁸ In addition, Namibia runs three "one-stop-shops" for victim protection. These facilities provide lodging and medical and psychosocial care for victims.⁴¹⁸⁹ The Government provides subsidies and funding to NGOs that assist victims of trafficking.⁴¹⁹⁰ It also provides scholarships and welfare programs for orphans, including those affected by HIV/AIDS.⁴¹⁹¹

The MLSW conducted public awareness campaigns on child labor, using various media outlets including television, radio and

newspaper.⁴¹⁹² The Government also conducted outreach programs to educate parents about the dangers of trafficking, conducted a media campaign against trafficking and gender-based violence and incorporated trafficking related information into legal literacy programs.⁴¹⁹³ Namibia continued to participate in the 4-year, \$4.7 million, USDOL-funded regional project to support the implementation of national child labor action plans. The project has helped the Namibian Government to mainstream child labor issues into legislative and policy frameworks.⁴¹⁹⁴ It also aims to withdraw and prevent children in South Africa, Botswana, and Namibia from engaging in exploitative labor.⁴¹⁹⁵ In Namibia, the project will withdraw and prevent 2,100 children from the worst forms of child labor, particularly those engaged in hazardous work in agriculture and those involved in commercial sexual exploitation, with a special focus on children affected by HIV and AIDS.⁴¹⁹⁶

While the Government implements programs to combat the worst forms of child labor, its efforts do not sufficiently target areas where the majority of children work such as domestic service and agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Namibia:

IN THE AREA OF LAWS AND REGULATIONS:

- Publish and implement the new list of hazardous child labor.
- Amend the Labor Act to prohibit the inclusion of children in hazardous work at age 14 with the Minister of Labor's permission and to set the minimum age for any such work at 18.
- Ensure that all working children are provided with protection from exploitation through the worst forms of child labor, including children performing noncontractual labor.
- Modify the Education Act to ensure all education is truly free, as mandated by the Constitution.
- Amend the Combating of Immoral Practices Act to prohibit any person offering a child, including male children, for prostitution and from recruiting, using, selling and benefiting from the proceeds of male and female child prostitution.
- Seek swift passage of the revisions to the Child Care and Protection Bill to better address child trafficking.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide appropriate resources to the Labor Inspectorate for enforcement.
- Publish data pertaining to the worst forms of child labor.
- Provide training to the Police's Women and Child Protection Unit on the worst forms of child labor to improve the likelihood of successful prosecutions and conviction of offenders.
- Ensure existing labor laws are appropriately applied to all offenders of child labor laws on their first offense.

IN THE AREA OF POLICY:

- Assess the impact existing policies have on the worst forms of child labor.
- Finish drafting and adopt the national action plan on trafficking and gender-based violence.
- Take measures to ensure children have access to quality education and to ensure children's safety in schools.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in the worst forms of child labor, including by developing appropriate social protection programs for the withdrawal and prevention of children working in domestic service and agriculture.

⁴¹³² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴¹³³ Government of Namibia, *Namibia Child Activities Survey: Report of Analysis*, Ministry of Labour and Social Welfare, 2005, 51, 62; available from [hard copy on file]. See also, International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, Geneva, November 2009, 17; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf. See also, U.S. Embassy- Windhoek, *Reporting*, January 16, 2009, paragraphs 1, 3.

⁴¹³⁴ Government of Namibia, *Namibia Child Activities Survey*, 51, 62.

⁴¹³⁵ Hilma Shindondola-Mote, *The Plights of Namibia's Domestic Workers*, Labor Resource and Research Institute, 2008; available from <http://www.larri.com.na/files/Domestic%20Workers%20Report%202008.pdf>.

⁴¹³⁶ U.S. Embassy - Windhoek, *Reporting*, January 28, 2011, paragraphs 1, 11. See also, U.S. Embassy - Windhoek, *Reporting*, February 22, 2011, paragraph 19.

⁴¹³⁷ U.S. Embassy - Windhoek, *Reporting*, February 05, 2010, section 1 paragraph 2, section 2 paragraph 3. See also, ILO-IPEC, *Implementation Plan of the Programme Towards the Elimination of the Worst Forms of Child Labour in Namibia, 2004-2007*, Geneva, 2005, 8-9; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=4511>. See also, U.S. Embassy - Windhoek, *Reporting*, January 18, 2008, paragraph 3. See also, U.S. Embassy- Windhoek official, E-mail communication to USDOL official, June 21, 2010. See also, U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 2.

⁴¹³⁸ Government of the Republic of Namibia, *National Plan of Action for Orphans and Vulnerable Children*, Windhoek, October 2007, 13; available from www.unicef.org/infobycountry/files/NPAforOVC-Vol1.pdf. See also, ILO-IPEC, *Implementation Plan of TECL*, 9. See also, ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, Project Document, Geneva, September 25, 2008, 23. See also, ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour, 2010 (No. 182) Namibia (ratification: 2000) Submitted: 2010*, March 15, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁴¹³⁹ ILO-IPEC, *TECL, Phase II, Project Document*, 23. See also, Africa News, “Namibia: Prostitution Rife in Oshikango”, IRINnews.org, [online], April 8, 2008 [cited January 5, 2010]; available from <http://allafrica.com/stories/200804080585.html>. See also, ILO-IPEC, *Implementation Plan of TECL*, 9. See also, Integrated Regional Information Networks, “Namibia: Underage sex-workers have few other options to survive”, IRINnews.org, [online], October 24, 2005 [cited July 28, 2010]; available from <http://www.irinnews.org/report.aspx?reportid=56813>. See also, Government of the Republic of Namibia, *National Plan of Action*, 12-13. See also, Francois-X Bangamwabo, “Towards the Elimination of the Worst Forms of Child Labour in Namibia: The Implementation and Internalisation of International Law Relating to the Worst Forms of Child Labour,” *Namibian Law Journal* 2, no. 2 (2010), 60-61; available from http://www.kas.de/wf/doc/kas_20324-1522-2-30.pdf?100817120329. See also, Bjorn Harald Nordveit, “Discourses of Education, Protection and Child Labor: Case Studies of Benin, Namibia and Swaziland,” *Discourse: Studies in the Cultural Politics of Education* 31, no. 5 (October 15, 2010), 707; available from <http://www.dx.doi.org/10.1080/01596306.2010.516954>. See also, ILO Committee of Experts, *Individual Direct Request C182: Namibia (2010)*. See also, International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 17.

⁴¹⁴⁰ Bangamwabo, “Towards the Elimination of the Worst Forms of Child Labour in Namibia: The Implementation and

Internalisation of International Law Relating to the Worst Forms of Child Labour,” 61.

⁴¹⁴¹ U.S. Embassy- Windhoek, *Reporting*, February 19, 2010, paragraph 3. See also, U.S. Embassy - Windhoek, *Reporting*, February 12, 2009, paragraph 4. See also, ILO-IPEC, *TECL, Phase II, Project Document*, 23. See also, Africa News, “Namibia ‘Slavery’ Threatens San”, July 26, 2007 [cited January 05, 2010]; available from <http://allafrica.com/stories/200707260811.html>. See also, Africa News, “Namibia: Human Trafficking Mirrors Society’s Underbelly”, allAfrica.com, [online], February 6, 2009 [cited December 31, 2009]; available from <http://allafrica.com/stories/printable/200902060690.html>. See also, U.S. Department of State, “Namibia,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also, Government of the Republic of Namibia, *A Baseline Assessment of Human Trafficking in Namibia: A Nationally Representative Qualitative Assessment*, Ministry of Gender Equality and Child Welfare, Windhoek, June 2009, 11; available from http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/Final_Human_Trafficking_Report_Namibia_100216.pdf. See also, U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 12. See also, United Nations Committee Against Torture, *List of Issues Prior to the Submission of the Second Periodic Report of Namibia (CAT/C/NAM/2)*, January 25 2010, 9. See also, The Namibian, “Labour Inspections on Farms Targeting Child Labour”, The Namibian, [online], September 27, 2010 [cited September 27, 2010]; available from http://www.namibian.com.na/index.php?id=28&tx_ttnews%5Btt_news%5D=72923&no_cache=1. See also, U.S. Department of State, “Namibia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/>. See also, ILO Committee of Experts, *Individual Direct Request C182: Namibia (2010)*.

⁴¹⁴² U.S. Embassy- Windhoek, *Reporting, January 16, 2009*, paragraph 5. See also, U.S. Embassy- Windhoek, *Reporting, February 19, 2010*, paragraph 3, 6. See also, ILO-IPEC, *TECL, Phase II, Project Document*, 23.

⁴¹⁴³ UNESCO, *Education: Child Workers*, [online] 2011 [cited August 25, 2011]; available from <http://www.unesco.org/new/en/education/themes/strengthening-education-systems/inclusive-education/child-workers/>.

⁴¹⁴⁴ U.S. Department of State, “Namibia,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

⁴¹⁴⁵ Bloemen Shantha, “Birth registration effort aims to protect child rights in Namibia”, UNICEF, [online], October 28, 2009 [cited December 30, 2009]; available from http://www.unicef.org/infobycountry/namibia_51570.html. See

also, U.S. Department of State, “Country Reports- 2010: Namibia.”

⁴¹⁴⁶ Shantha, “Birth registration effort aims to protect child rights”. See also, U.S. Department of State, “Country Reports- 2010: Namibia.”

⁴¹⁴⁷ Government of Namibia, *Labor Act*, (December 31, 2007), 12; available from http://www.parliament.gov.na/acts_documents/81_3971_gov_notice_act_11.pdf. See also, ILO Committee of Experts, *Individual Direct Request C182: Namibia (2010)*.

⁴¹⁴⁸ Government of Namibia, *Constitution*, (February 1990), article 15; available from http://www.servat.unibe.ch/law/icl/wa00000_.html. See also, ILO-IPEC, *Children in Hazardous Work*, 2011, 73.

⁴¹⁴⁹ Government of Namibia, *Labor Act*, 13-14.

⁴¹⁵⁰ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 17.

⁴¹⁵¹ Bangamwabo, “Towards the Elimination of the Worst Forms of Child Labour in Namibia: The Implementation and Internalisation of International Law Relating to the Worst Forms of Child Labour,” 75.

⁴¹⁵² Government of Namibia, *Constitution*, article 9. See also, Government of Namibia, *Labor Act*, chapter 2, section 4.

⁴¹⁵³ Government of Namibia, *Prevention of Organized Crime Act*, No. 289, (December 19, 2004), 8, 15; available from http://www.parliament.gov.na/acts_documents/228_act_29_of_2004.pdf. See also, U.S. Embassy- Windhoek, *Reporting, February 19, 2010*, paragraph 13.

⁴¹⁵⁴ IPS- Inter Press Service, “Namibia: Behind the new child bill”, CRIN.org, [online], August 25, 2009 [cited December 28, 2009]; available from <http://www.crin.org/resources/infoDetail.asp?ID=20737&flag=news>. See also, New Era, “Namibia: Child law under revision”, CRIN.org, [online], April 20, 2009 [cited December 28, 2009]; available from <http://www.crin.org/resources/infoDetail.asp?ID=20097&flag=news>. See also, Clever Mapaure and Lena N Kangandjela, “Work in progress: The Child Care and Protection Act in Namibia,” in *Children’s Rights in Namibia*, ed. Oliver Ruppel, Windhoek: Konrad Adenauer Foundation, 2009, 135-136; available from http://www.kas.de/upload/auslandshomepages/namibia/children_Rights/Children_g.pdf. See also, Namibia Law Journal Trust, *Child Care and Protection Bill*, 2010; available from <http://www.namibialawjournal.org/index.php?module=Pages&func=display&pageid=20&page=59>.

⁴¹⁵⁵ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 17. See also, Government of the Republic of Namibia, *Baseline Assessment of Human Trafficking*, 43. See also, U.S. Embassy-Windhoek official, E-mail communication to USDOL official, July 26, 2011.

⁴¹⁵⁶ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 17. See also, Government of the Republic of Namibia, *Baseline Assessment of Human Trafficking*, 43. See also, ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour, 2008 (No. 182) Namibia (ratification: 2000) Submitted: 2008*, December 29, 2009; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁴¹⁵⁷ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 17. See also, Government of the Republic of Namibia, *Baseline Assessment of Human Trafficking*, 43. See also, ILO Committee of Experts, *Individual Direct Request C182: Namibia (2008)*.

⁴¹⁵⁸ Government of Namibia, *Constitution*, article 15. See also, Government of Namibia, *Combatting Rape Act of 2000*, 2000; available from <http://www.lac.org.na/laws/pdf/comrape.pdf>.

⁴¹⁵⁹ Coalition to Stop the Use of Child Soldiers, “Namibia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=147>.

⁴¹⁶⁰ Government of Namibia, *Constitution*, article 20.

⁴¹⁶¹ ILO Committee of Experts, *Individual Direct Request C182: Namibia (2010)*. See also, Government of Namibia, *Education for All National Plan of Action 2002-2015*, 2002; available from <http://planipolis.iiep.unesco.org/upload/Namibia/Namibia%20EFA%20NPA.pdf>.

⁴¹⁶² Nordveit, “Discourses of Education, Protection and Child Labor,” 705. See also, ILO Committee of Experts, *Individual Direct Request C182: Namibia (2010)*.

⁴¹⁶³ The Namibian Sun, “The Victims of Poverty in Namibia/Africa”, The Namibian Sun, [online], November 9, 2010 [cited March 23, 2011]; available from <http://sun.com.na/story/victims-poverty-namibiaafrica>. See also, USAID Namibia, *Africa Education Initiative*, [online] 2006 [cited March 23, 2011]; available from <http://www.usaid.gov/na/eddi.htm>.

⁴¹⁶⁴ U.S. Embassy - Windhoek, *Reporting, February 05, 2010*, section 2c paragraph 2. See also, U.S. Department of State, “Country Reports- 2009: Namibia,” section 7. See also, ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labour (TECL), Phase II*, Technical Progress Report (TPR) - South Africa, Botswana & Namibia, September 2009, August 28, 2009, 5.

⁴¹⁶⁵ U.S. Embassy - Windhoek, *Reporting, February 05, 2010*, 2c.2, 2d.1. See also, U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 8. See also, U.S. Embassy-Windhoek official, E-mail communication to USDOL official, April 15, 2011.

⁴¹⁶⁶ U.S. Embassy - Windhoek, *Reporting, February 22, 2011*, paragraph 45.

⁴¹⁶⁷ U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraphs 9 and 14.

⁴¹⁶⁸ Ibid., paragraph 9.

⁴¹⁶⁹ U.S. Embassy - Windhoek, *Reporting, February 05, 2010*, section 2c paragraphs 1, 5. See also, U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 10.

⁴¹⁷⁰ U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 10. See also, U.S. Department of State, “Country Reports- 2010: Namibia.”

⁴¹⁷¹ U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 11. See also, U.S. Embassy - Windhoek, *Reporting, February 22, 2011*, paragraph 4.

⁴¹⁷² U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 11.

⁴¹⁷³ Ibid., paragraph 11. See also, U.S. Embassy- Windhoek official, Email Communication, April 15, 2011.

⁴¹⁷⁴ U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 11.

⁴¹⁷⁵ U.S. Embassy - Windhoek, *Reporting, February 05, 2010*, section 2d, paragraph 1. See also, U.S. Embassy- Windhoek, *Reporting, February 19, 2010*, paragraphs 2, 9. See also, U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 14. See also, U.S. Embassy - Windhoek official, E-mail communication to USDOL official, November 17, November 17, 2010.

⁴¹⁷⁶ U.S. Embassy - Windhoek, *Reporting, February 05, 2010*, section 2d, paragraph 1. See also, U.S. Embassy- Windhoek, *Reporting, February 19, 2010*, paragraphs 2, 9. See also, U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 14. See also,

⁴¹⁷⁷ U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 16. See also, U.S. Embassy - Windhoek, *Reporting, February 22, 2011*, paragraph 20.

⁴¹⁷⁸ U.S. Department of State, “Country Reports- 2010: Namibia.”

⁴¹⁷⁹ U.S. Embassy - Windhoek, *Reporting, February 22, 2011*, paragraph 8.

⁴¹⁸⁰ ILO-IPEC, *TECL, Phase II, Project Document*, 26-27. See also, U.S. Embassy - Windhoek, *Reporting, February 05, 2010*, section 2e, paragraph 2. See also, Bangamwabo, “Towards the Elimination of the Worst Forms of Child Labour in Namibia: The Implementation and Internalisation of International Law Relating to the Worst Forms of Child Labour,” 89-92.

⁴¹⁸¹ ILO-IPEC, *TECL, Phase II, Project Document*, 21, 25, 27. See also, Government of the Republic of Namibia, *National Plan of Action*, 7. See also, International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 18. See also, ILO Committee of Experts, *Individual Direct Request C182: Namibia (2008)*. See also, Government of Namibia, *Education and Training Sector Improvement Program (ETSIP): Phase I (2006-2011)*, February 2007, 6; available from <http://planipolis.iiep.>

unesco.org/upload/Namibia/Namibia%20ETSIP%202007.pdf. See also, Elizabeth Terry, “The need for a coordinated approach to facilitate access to education: A key finding of the research into child labour in Namibia” (paper presented at the RECLISA Southern African regional child labour conference, Windhoek, July 2006), 3.

⁴¹⁸² ILO-IPEC, *TECL, Phase II, Project Document*, i, 2, 3, 5, 85. See also, Nangula Shejvali, “Namibia receives funding to eliminate child labour”, *The Namibian*, [online], October 14, 2008 [cited December 28, 2009]; available from [http://www.namibian.com.na/index.php?id=28&tx_ttnews\[tt_news\]=50259&no_cache=1](http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=50259&no_cache=1). See also, ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labour (TECL), Phase II*, Technical Progress Report, March 2010, 4-5.

⁴¹⁸³ U.S. Embassy - Windhoek, *Reporting, February 22, 2011*, paragraph 11. See also, U.S. Department of State, “Country Reports- 2010: Namibia.”

⁴¹⁸⁴ Shantha, “Birth registration effort aims to protect child rights”.

⁴¹⁸⁵ U.S. Embassy - Windhoek, *Reporting, February 05, 2010*, section 2d, paragraph 3.

⁴¹⁸⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Namibia.” See also, U.S. Embassy - Windhoek, *Reporting, February 05, 2010*, paragraph 2g.

⁴¹⁸⁷ U.S. Department of State, “Country Reports- 2010: Namibia.”

⁴¹⁸⁸ U.S. Embassy- Windhoek, *Reporting, February 19, 2010*, paragraph 24. See also, U.S. Department of State, “Country Reports- 2010: Namibia.”

⁴¹⁸⁹ U.S. Embassy - Windhoek, *Reporting, February 22, 2011*, paragraph 25.

⁴¹⁹⁰ Ibid., paragraph 40.

⁴¹⁹¹ U.S. Department of State, “Country Reports- 2010: Namibia.”

⁴¹⁹² U.S. Embassy - Windhoek, *Reporting, January 28, 2011*, paragraph 9.

⁴¹⁹³ U.S. Embassy - Windhoek, *Reporting, February 22, 2011*, paragraphs 7, 41.

⁴¹⁹⁴ ILO-IPEC, *TECL, Phase II, Project Document*, i, 2, 3, 5, 85. See also, ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labour (TECL), Phase II*, Technical Progress Report, September 2010, 6. See also, Shejvali, “Namibia receives funding to eliminate child labour”.

⁴¹⁹⁵ ILO-IPEC, *TECL, Phase II, Project Document*, i, 2, 3, 5, 85. See also, ILO-IPEC, *TECL Phase II, Technical Progress Report (September 2010)*, 6. See also, Shejvali, “Namibia receives funding to eliminate child labour”.

⁴¹⁹⁶ ILO-IPEC, *TECL, Phase II, Project Document*, 4.

Nepal

The Government of Nepal continues to improve access to schooling as a means to combat the worst forms of child labor. However, the worst forms of child labor remain a significant problem. Nepal's low minimum age for hazardous work contributes to children performing dangerous work in a number of sectors, most commonly in agriculture. Children also continue to be trapped in bonded labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Nepal are engaged in the worst forms of child labor;⁴¹⁹⁷ more than three quarters of child laborers work in agriculture, which may expose them to occupational safety risks including dangerous machinery and tools, heavy loads, and harmful pesticides.⁴¹⁹⁸ Children also work in the production of bricks, spending long hours in dust-filled environments. They carry loads of bricks on their heads and suffer from back injuries.⁴¹⁹⁹ Children are also found working in mining and stone breaking, dangers from which include falling off steep hillsides, working in unstable tunnels at risk of collapse and injuring eyes and hands while breaking rocks.⁴²⁰⁰ In the construction sector, children operate heavy machinery and may face many dangers due to a lack of proper safety precautions.⁴²⁰¹ Child rag pickers and recyclers in Nepal are exposed to sharp glass, metal objects and dangerous chemicals, and work long hours often in both the early morning and late evening collecting items to recycle.⁴²⁰²

Children endure unsafe conditions in the carpet sector, often inhaling harmful dust, using

hazardous chemicals and working in cramped spaces. Their duties can include wool spinning, thread rolling, wool dyeing, carpet weaving, edge trimming and carpet washing.⁴²⁰³ Children are also subject to working long hours in poor lighting and cramped working conditions in *zari* (embroidered textile) production.⁴²⁰⁴ Child porters carry heavy loads for long hours and are vulnerable to injuries.⁴²⁰⁵ Children also work in domestic service, in shops and restaurants, in transportation and in the entertainment sector, potentially exposing them to dangerous machinery, mental or physical abuse and working long hours into the night.⁴²⁰⁶

Bonded labor is also prevalent in Nepal. There are two kinds of child bonded laborers in Nepal -- *Kamaiyas*, who are born into a family legacy of bonded labor, and other bonded child laborers, who commonly come from large, landless families.⁴²⁰⁷ As bonded laborers, children work in carpet weaving, domestic service, rock breaking, brick manufacturing and embroidery of textiles.⁴²⁰⁸ Bonded child laborers can also be exploited as commercial sex workers.⁴²⁰⁹

Nepali children are also vulnerable to being trafficked.⁴²¹⁰ They are trafficked to India to work in the embroidery and garment industries, in circuses and in metal workshops. Some also work in domestic service or are forced to beg.⁴²¹¹ Nepal is also a source country for children trafficked to India and the Middle East for commercial sexual exploitation. Internal trafficking occurs for commercial sexual exploitation and indentured work as domestic servants or factory workers.⁴²¹²

In February 2010, the Communist Party of Nepal-Maoist released the last of the 3,000 individuals who had been recruited by the Maoists as children, often forcibly, to serve in combat and in various battlefield support functions.⁴²¹³ While there has been a reduction in children's involvement in armed conflict, children continue to perform illegal tasks for criminal organizations involved in violence in the Terai area.⁴²¹⁴

Laws and Regulations on the Worst Forms of Child Labor

The Child Labor (Prohibition and Regulation) Act of 2000 establishes the minimum age for work at 14 and the minimum age for hazardous work at 16. Penalties for violating the law include imprisonment.⁴²¹⁵ The minimum age for hazardous work is not consistent with international standards and fails to protect children ages 16 and 17 from work that could jeopardize their health and safety.

Nepali law also prohibits forced or compulsory labor. The Kamaiya Labor (Prohibition) Act of 2002 forbids keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and Kamaiya laborers.⁴²¹⁶ The voluntary military recruitment age in Nepal is 18.⁴²¹⁷

Finally, the Government has laws against trafficking and sexually exploiting children and involving children in illicit activities. The Trafficking in Person and Transportation Control Act prohibits trafficking in persons and

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	No
	Free Public Education	Yes

prostitution and prescribes imprisonment for violations.⁴²¹⁸ Another law, the Children's Act, punishes persons who use children younger than 16 in immoral activities, including taking pornographic photographs.⁴²¹⁹ This law also protects children younger than 16 from involvement in "immoral professions" and in the sale, distribution, or trafficking of alcohol and drugs.⁴²²⁰ However children ages 16 and 17 are not covered. These children may face criminal penalties if found in activities such as prostitution and the sale of drugs. Further, there is no prohibition against taking pornographic photographs of children ages 16 and 17.⁴²²¹

While education is not compulsory in Nepal, the law guarantees the right to free primary education for children between the ages of 6 and 12.⁴²²² However, in practice, the costs of teacher fees, books and uniforms are prohibitive for many families, and some children are not sent to school.⁴²²³ Additionally, the absence of compulsory education laws may push children into the worst forms of child labor.

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee and a high-level inter-ministerial committee coordinate child labor eradication efforts. The National Steering Committee is headed by the Ministry of Labor and Transport Management (MoLTM) and is comprised of other government departments.⁴²²⁴

The National Human Rights Commission's Office of the National Rapporteur on Trafficking is responsible for monitoring the Government's response to trafficking and the effectiveness of its anti-trafficking policies.⁴²²⁵

MoLTM is the primary national agency responsible for enforcing child labor laws.⁴²²⁶ MoLTM's Department of Labor, which is responsible for the labor inspectorate, operates on an annual budget of \$127,000. This is the smallest budget of any department within MoLTM.⁴²²⁷ In 2010, MoLTM budgeted for 12 labor inspector positions nationwide, although some of these positions remained vacant.⁴²²⁸ Inspectors are tasked with handling all types of labor code violations.⁴²²⁹ However, they lack the authority to monitor the types of nontraditional establishments where many child laborers are found, including home-based enterprises and nonregistered establishments in the informal and agricultural sectors.⁴²³⁰ Labor inspectors received basic training for enforcement in the formal sector.⁴²³¹ MoLTM does not maintain records on the number or types of labor inspections it conducts or the sanctions imposed. Therefore it is unclear whether child labor violations were found or any perpetrators were punished.⁴²³²

At the local level, District Child Welfare Boards (DCWBs) have limited legal authority to enforce child labor laws and may issue civil fines.⁴²³³ These DCWBs are the entities that receive complaints of forced child labor violations. However, the Government maintains no data on the number of cases reported.⁴²³⁴

The Ministry of Land Reform and Management is responsible for enforcing laws that prohibit bonded labor laws in agriculture.⁴²³⁵ The Ministry of Law's Office of the Attorney General and the Ministry of Home Affairs are responsible for anti-trafficking enforcement.⁴²³⁶ Women and Children's Service Centers (WCSC) at the district level investigate crimes against women and children including trafficking.⁴²³⁷ However, as of February 2011, they employed only 56 investigators nationwide.⁴²³⁸ Law enforcement statistics on the number of trafficking and child trafficking cases for the year were unavailable as this information is not collected.⁴²³⁹

The National Rapporteur on Trafficking and the Central Child Welfare Board are tasked with monitoring the enforcement of laws related to the commercial sexual exploitation of children at the national level.⁴²⁴⁰ At the district level, Chief District Officers and Women Development Officers are responsible for enforcement.⁴²⁴¹ Additionally, district-level Monitoring and Action Committees investigate reports of commercial sexual exploitation, including the exploitation of children.⁴²⁴²

Government Policies on the Worst Forms of Child Labor

MoLTM's National Master Plan on Child Labor 2004-2014 calls for eliminating the worst forms of child labor by 2009 and all forms of child labor by 2014.⁴²⁴³ The Government is currently in the process of revising this plan, and has published preliminary results in its draft National Master Plan on the Prevention and Elimination of Child Labor 2011-2020. The draft national plan adjusts the Government's timetable. Under this draft plan the goal is to eliminate the worst forms of child labor by 2016 and eliminate all forms of child labor by 2020.⁴²⁴⁴

The Government's School Sector Reform Plan aims to expand access to education and to provide alternative schooling and non-formal education to vulnerable populations. Out-of-school children

(which include child laborers) are the primary beneficiaries identified in the plan.⁴²⁴⁵ The National Planning Commission's 2007 Interim Three-Year Plan addresses hazardous child labor through a social awareness and reintegration campaign. It expands education opportunities to working children and provides skills training to youth older than 14 who may be especially vulnerable.⁴²⁴⁶ The Government is currently revising the interim plan and expects the new interim plan will also include a goal of eliminating child labor.⁴²⁴⁷

The Government also has a National Plan of Action to Combat Trafficking.⁴²⁴⁸ Forty-one women's police units, in conjunction with NGOs, help provide referral services to trafficking victims including girls. NGOs have also received limited funding to provide rehabilitation services, medical care, and legal services to trafficking victims.⁴²⁴⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Nepal relies largely on donor funding for programs to address the worst forms of child labor. The Government is participating in two projects funded by USDOL. The 3-year, \$4.25 million New Path New Steps project runs through December 2012.⁴²⁵⁰ This project provides new learning and employment opportunities for exploited and at-risk children and aims to withdraw 8,000 children and prevent 7,000 children from commercial sexual exploitation, domestic service, brick factories, mining, portering and the embroidered textile sectors.⁴²⁵¹ During the reporting period, achievements of the project included supporting the repatriation of trafficked children from India, conducting research on the prevalence of child domestic labor, improving school management, establishing a case management system and advising the Ministry of Education on its Education Guarantee Scheme.⁴²⁵² The Government is also participating in a USDOL-funded ILO-IPEC project to conduct data collection on child labor.⁴²⁵³

The Government participated in a USDOL-funded project to assist former child bonded laborers and their families, which concluded in December 2010. This project withdrew 1,919 children and prevented 6,025 children from exploitative labor.⁴²⁵⁴ The project was successful in creating community-based child labor committees to monitor child labor at the local level. The project also provided technical assistance to the MoLTM to update its Master Plan on Child Labor.⁴²⁵⁵

The Government is currently participating in a 2.5 year, \$550,000 project funded by UNICEF to support efforts to withdraw 1,000 children from the worst forms of child labor through skills development, awareness raising, and improved enforcement.⁴²⁵⁶ Through a different UNICEF-funded project, the Government also provides rehabilitation assistance to children formerly associated with the Maoist rebel forces. Each former child soldier is entitled to receive \$140 upon discharge and can access rehabilitation services which include formal schooling, vocational training, health education training, and business training.⁴²⁵⁷

MoLTM also supports several programs to reduce child labor. These programs include a child labor elimination fund, a child labor rehabilitation fund, and a child development and rehabilitation grant to five day care centers.⁴²⁵⁸

The Government continued to rescue and rehabilitate freed Kamaiya bonded laborers, some of whom are children, and provide them with land, home construction materials and livelihood training.⁴²⁵⁹ However, not all freed Kamaiyas have received these services.⁴²⁶⁰

In 2010, the Government supported the implementation of the Education Guarantee Scheme in four Village Development Committees (VDCs). The scheme identifies out-of-school children, including child laborers, and financially supports the VDCs' plans to enroll them in schools.⁴²⁶¹ As noted above, indirect and informal

school costs continue to impede children's access to education.

The Ministry of Women, Children, and Social Welfare (MWCSW) provided \$110,000 to support eight shelter homes for victims of trafficking

maintained by NGOs in fiscal year 2009-2010.⁴²⁶² Additionally, MWCSW provided \$275,000 to support the opening of 15 emergency shelters for victims of abuse, including child victims of trafficking.⁴²⁶³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nepal:

IN THE AREAS OF LAWS AND REGULATIONS:

- Amend laws so that they are in line with ILO Convention 182 by--
- Raising the minimum age for entry into hazardous work from age 16 to 18.
 - Legally defining a child as any person younger than age 18 and ensuring that all children are equally protected under laws that prohibit the worst forms of child labor.
- Establish a compulsory education age for children.

IN THE AREAS OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors and devote more resources to enforcing child labor laws.
- Address the gap in child labor enforcement in home-based enterprises and nonregistered establishments in the informal and agricultural sectors.
- Increase the DCWB's power to enforce child protection laws.
- Enhance data that is collected and made available on the worst forms of child labor to include--
 - Complaints/reports on child labor made to the DCWBs aggregated at a national level.
 - Records on type of labor inspections the MoLTM conducts and sanctions imposed on violators.
 - Data collected by district-level Women Development Offices to identify the number of child trafficking victims.

IN THE AREA OF POLICIES:

- Finalize the draft National Master Plan on the Prevention and Elimination of Child Labour 2011–2020.

IN THE AREA OF PROGRAMS:

- Expand existing programs to assist Kamaiya bonded child laborers.
- Assess the impact of VDCs on child laborers.

⁴¹⁹⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴¹⁹⁸ ILO Committee of Experts, *Individual Direct Request, concerning Minimum Age Convention, 1973 (No. 138) Nepal (ratification: 1997)*, 2010; available from <http://www.ilo.org/ilolex/gbe/ceacr2010.htm>. See also U.S. Embassy - Kathmandu, *reporting*, February 1, 2011, 3.

⁴¹⁹⁹ World Education, *Children Working in Brick Factories - Child Labour Status Report 2009*, 2009, 7. See also World Education, *Naya Bato Naya Paila (New Path New Steps) Project Document*, Boston, September 30, 2009, 13. See also International Research on Working Children, *The Worst Forms of Child Labour in Asia: Main Findings from Bangladesh and Nepal*, 2010, 11; available from http://www.childlabour.net/documents/worstformsAsiaproject/WOFAS%20presentatie%20samenvatting_2010.pdf.

⁴²⁰⁰ World Education, *Children Working in Mining Industry - Child Labour Status Report 2009*, 2009, 2. See also World Education, *New Path New Steps, Project Document* 13. See also Siddharth Kara, *On the Trail of Human Trafficking: Stone Breaking Industry in Nepal*, [September 13, 2010 [cited March 14, 2011]; available from <http://www.cnn.com/2010/WORLD/asiapcf/09/13/kara.nepal.stone.breaking.labor/index.html?iref=allsearch#>.

⁴²⁰¹ U.S. Embassy- Kathmandu, *reporting*, February 9, 2010, 1-2. See also World Education, *The Brighter Futures Program Summary Report 2002-2009*, 2009, 4. See also World Education, *New Path New Steps, Project Document* 14, 15.

⁴²⁰² World Education, *Children Working in Recycling Industry - Child Labour Status Report 2009*, 2009, 7.

⁴²⁰³ World Education, *Children Working in Carpet Industry - Child Labour Status Report 2009*, 2009, 5. See also Kara, *On the Trail of Human Trafficking: Stone Breaking Industry in Nepal*.

⁴²⁰⁴ World Education, *New Path New Steps, Project Document* 14. See also Macro International, *In-Country Research and Data Collection on Forced Labor and Child Labor in the Production of Goods in Nepal*, 2008, 2.

⁴²⁰⁵ World Education, *Children Working in Portering - Child Labour Status Report 2009*, 2009, 4. See also Brian Crawford Shannon Doocy, Daniela Lewy, and Earl Wall, “Nutrition

and Injury Among Child Porters in Eastern Nepal,” (2005), 18; available from http://www.dtiassociates.com/ilab-iclp/fullpapers/Doocy_Crawford_Lewy_Wall.pdf. See also International Research on Working Children, *The Worst Forms of Child Labour in Asia*, 14.

⁴²⁰⁶ World Education, *Children Working in Private Homes - Child Labour Status Report 2009*, 2009, 2. See also World Education, *Children Working in Transport Sector - Child Labour Status Report 2009*, 2009, 4. See also World Education, *New Path New Steps, Project Document* 12 - 14. See also World Education, *Brighter Futures Summary Report*, 4. See also Government of Nepal, *Report on the Nepal Labour Force Survey 2008*, July 2009, 139; available from <http://www.cbs.gov.np/Surveys/NLFS-2008%20Report.pdf>. See also International Research on Working Children, *The Worst Forms of Child Labour in Asia*, 16.

⁴²⁰⁷ ILO-IPEC, *Sustainable Elimination of Child Bonded Labour in Nepal Phase II*, Project Document, Geneva, 2006, 6. See also William F. Stafford Jr., *Understanding Bonded Child Labour in Asia*, Child Workers in Asia, Bangkok, 2007, 23-25; available from http://www.crin.org/docs/CWA_%20UnderstandingBondedChildLabour.pdf. See also Macro International, *In-Country Research: Nepal*, 2.

⁴²⁰⁸ ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II, Project Document*, 6. See also William F. Stafford Jr., *Bonded Child Labour in Asia*, 23-25. See also Macro International, *In-Country Research: Nepal*, 2. See also U.S. Embassy- Kathmandu, *reporting*, February 9, 2010, 4. See also Kara, *On the Trail of Human Trafficking: Stone Breaking Industry in Nepal*.

⁴²⁰⁹ William F. Stafford Jr., *Bonded Child Labour in Asia*, 23-25. See also U.S. Department of State, “Nepal,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160061.pdf>.

⁴²¹⁰ U.S. Department of State, “Nepal (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010, 246; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴²¹¹ *ibid.*, 246. See also U.S. Embassy - Kathmandu, *reporting*, November 18, 2010, 1.

⁴²¹² U.S. Department of State, “Trafficking in Persons Report- 2010: Nepal,” 246. See also U.S. Department of State, “Country Reports- 2010: Nepal,” section 5, 7d. See also Siddharth Kara, *On the Trail of Human Trafficking: Sex Industry in Nepal*, [August 31, 2010 [cited March 11, 2011]; available from <http://www.cnn.com/2010/WORLD/asiapcf/08/31/kara.nepal.massage.parlour/index.html?iref=allsearch#>.

⁴²¹³ UN News Centre, *Nepal: UN hails release of all child soldiers by Maoists* [February 8, 2010 [cited March 18, 2011];

available from <http://www.un.org/apps/news/story.asp?NewsID=33696&Cr=Nepal&Cr1#>. See also UNICEF, *Last group of Maoist child soldiers discharged in Nepal*, [February 17, 2010 [cited March 18, 2011]; available from http://www.unicef.org/infobycountry/nepal_52791.html, *ibid*.

⁴²¹⁴ Thaindian News, *Nepal's children still in line of fire: UN*, [April 24, 2010 [cited March 18, 2011]; available from http://www.thaindian.com/newsportal/world-news/nepals-children-still-in-line-of-fire-un_100353039.html. See also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict in Nepal*, April 13, 2010, 4; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/275/78/PDF/N1027578.pdf?OpenElement>.

⁴²¹⁵ 19 Government of Nepal, *Child Labor (Prohibition and Regulation) Act*, No. 14, (2000), chapter 1, section 2(b); available from http://www.nepaldemocracy.org/documents/national_laws/childlabour_act.htm.

⁴²¹⁶ 20 Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002), chapter 2 and 3.

⁴²¹⁷ Coalition to Stop the Use of Child Soldiers, "Nepal," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁴²¹⁸ Government of Nepal, *Trafficking in Person and Transportation (Control) Act*, 2064 Bikram Era, (2007), article 15(a). See also U.S. Department of State, "Trafficking in Persons Report- 2010: Nepal," 247.

⁴²¹⁹ Government of Nepal, *Children's Act*, (1992), chapter 2, section 16(2) and 16(3); available from http://www.nepaldemocracy.org/documents/national_laws/children_act.htm.

⁴²²⁰ *Ibid.*, chapter 2(a), section 16(1-4).

⁴²²¹ Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, chapter 2, section 3.

⁴²²² U.S. Department of State, "Country Reports- 2010: Nepal," section 6.

⁴²²³ *Ibid.*, section 6.

⁴²²⁴ U.S. Embassy - Kathmandu, *reporting, February 1, 2011*, 4.

⁴²²⁵ *Ibid.*, 6.

⁴²²⁶ *Ibid.*, 4.

⁴²²⁷ *Ibid.*, 4.

⁴²²⁸ *Ibid.*, 4.

⁴²²⁹ *Ibid.*, 4.

⁴²³⁰ ILO Committee of Experts, *Individual Direct Request, concerning Minimum Age Convention, 1973 (No. 138) Nepal (ratification: 1997)*.

⁴²³¹ U.S. Embassy - Kathmandu, *reporting, February 1, 2011*, 5.

⁴²³² *Ibid.*, 5.

⁴²³³ U.S. Embassy - Kathmandu, *reporting, February 9, 2010*, 5.

⁴²³⁴ *Ibid.*, 5.

⁴²³⁵ *Ibid.*, 5.

⁴²³⁶ U.S. Embassy - Kathmandu, *reporting, February 1, 2011*, 5.

⁴²³⁷ U.S. Embassy - Kathmandu, *reporting, February 9, 2010*, 7.

⁴²³⁸ U.S. Embassy - Kathmandu, *reporting, February 1, 2011*, 6.

⁴²³⁹ *Ibid.*, 7.

⁴²⁴⁰ *Ibid.*, 6.

⁴²⁴¹ *Ibid.*, 6.

⁴²⁴² World Education, *New Path New Steps*, Technical Progress Report, Boston, March 31, 2010, 1, 2. See also World Education, *New Path New Steps, Project Document 6*.

⁴²⁴³ Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Kathmandu, 2004, 10.

⁴²⁴⁴ Ministry of Labour and Transport Management, *National Master Plan on the Prevention and Elimination of Child Labour in Nepal: 2011- 2020*, 2010, 3.

⁴²⁴⁵ Ministry of Education, *School Sector Reform Plan 2009 - 2015*, Kathmandu, August 2009; available from http://planipolis.iiep.unesco.org/upload/Nepal/Nepal_School_Sector_Reform_2009.pdf.

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⁴²⁴⁷ U.S. Embassy - Kathmandu, *reporting, February 1, 2011*, 7.

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⁴²⁴⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Nepal."

⁴²⁵⁰ World Education, *New Path New Steps, Project Document* 1.

⁴²⁵¹ *Ibid.*, 2.

⁴²⁵² World Education, *Naya Bato Naya Paila (New Path New Steps) Technical Progress Report*, Boston, September 30, 2010, 7 - 9

⁴²⁵³ U.S. Department of Labor, *“Enhancing National Capacity in Child Labour Data Collection, Analysis and Dissemination through Technical Assistance to Surveys, Research and Training*, 2011.

⁴²⁵⁴ U.S. Department of Labor, *Sustainable Elimination of Child Bonded labor in Nepal - Phase 2*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007. See also ILO-IPEC, *Sustainable Elimination of Child Bonded Labour in Nepal Phase II*, Final Technical Progress Report: December 2010, Geneva, 2010, 4.

⁴²⁵⁵ ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II, Final Technical Progress Report*, 5.

⁴²⁵⁶ UNICEF, *Combating Child Labour in Nepal Project Summary*, 2009.

⁴²⁵⁷ UN News Centre, *Nepal: UN hails release of all child soldiers by Maoists* See also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict in Nepal*, 3.

⁴²⁵⁸ U.S. Embassy - Kathmandu, *reporting, February 1, 2011*, 8. See also UNICEF, *Last group of Maoist child soldiers discharged in Nepal*.

⁴²⁵⁹ Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, Chapter 4, Article 9. See also U.S. Department of State, “Country Reports- 2010: Nepal,” section 7c.

⁴²⁶⁰ Kara, *On the Trail of Human Trafficking: Sex Industry in Nepal*, 3. See also Actionaid Ireland, *Kamaiya Housing Project in Nepal*, [2010 [cited March 18 2011]; available from http://www.actionaid.ie/what_we_do/project_updates/kamaiya_housing_project_nepal/. See also U.S. Department of State, “Country Reports- 2010: Nepal,” section 7c. See also U.S. Embassy - Kathmandu, *reporting, November 18, 2010*, 1.

⁴²⁶¹ Himalayan Times, *Government to Implement Primary Education Guarantee Plan*, [April 17, 2010 [cited March 18, 2011]; available from <http://www.thehimalayantimes.com/printNepaliNews.php?id=239443>. See also Ministry of Education, *Memo: Assured Implementation of Primary Level Education Program*, 2010. See also World Education, *New Path New Steps, September 2010 Technical Progress Report*, 8.

⁴²⁶² U.S. Department of State, “Trafficking in Persons Report- 2010: Nepal,” 247.

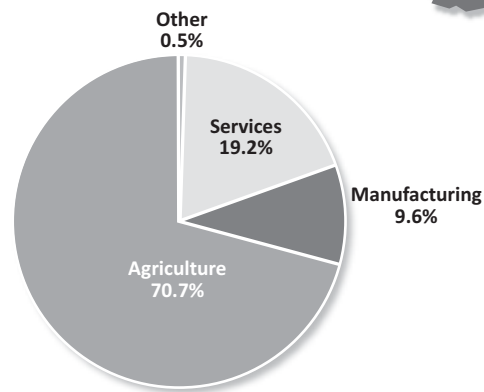
⁴²⁶³ *Ibid.*, 247.

Nicaragua

The Government of Nicaragua has collaborated with the mining industry and coffee producers to reduce child labor and has strengthened its policy framework to address the worst forms of child labor in those sectors. However, hazardous child labor in agriculture and the commercial sexual exploitation of children continue to exist. Gaps exist in the enforcement of child labor laws and in programs that address exploitative child labor in some agricultural and informal sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.4
Attending School	5-14 yrs.	84.9
Combining Work and School	7-14 yrs	7.0



Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Children in Nicaragua are engaged in the worst forms of child labor,⁴²⁶⁴ especially in agriculture and commercial sexual exploitation.⁴²⁶⁵ Children work producing crops such as coffee, bananas and tobacco. These children often carry heavy loads, use dangerous tools and are exposed to dangerous pesticides and fertilizers.⁴²⁶⁶ Children also work long hours under risk of physical injury in tasks such as breeding livestock, crushing stone, extracting pumice, mining for gold and collecting mollusks and shellfish.⁴²⁶⁷ In addition, children work as street vendors, which may expose them to multiple dangers, including severe weather, vehicle accidents and criminal elements.⁴²⁶⁸ Children also work as domestic servants in third-party homes, where they face long hours and are often subjected to abuse. Some children engage in construction, which may require them to carry heavy loads and use dangerous tools.⁴²⁶⁹ Children may also

work in the transportation sector, isolated from their families and often riding precariously on the exterior of vehicles or entering and exiting moving vehicles.⁴²⁷⁰ A significant number of children work in the informal sector, and some are engaged in garbage dump scavenging.⁴²⁷¹ Children reportedly are working in the production of oranges, African palm, sugarcane, fireworks, cigars and bread.⁴²⁷² Although there were no new cases in 2010, child pornography has been reported as a problem in Nicaragua.⁴²⁷³

Children are also exploited in prostitution.⁴²⁷⁴ Nicaragua is a source and transit country for minors trafficked for sexual exploitation.⁴²⁷⁵ Some children are trafficked within Nicaragua for sex tourism, which is reportedly on the rise, and to work as domestic servants.⁴²⁷⁶ Persons without legal identification documents are at an increased risk of trafficking, and UNICEF has indicated that more than one-third of Nicaraguan children have not been formally registered with






the Government.⁴²⁷⁷ Nicaraguan children are recruited to work without pay on farms in Costa Rica.⁴²⁷⁸ Children from poor rural areas, especially girls, are among the most vulnerable to trafficking. The victims are often deceived with promises of good jobs and then forced to work as prostitutes in urban areas or neighboring countries.⁴²⁷⁹ The Government reports that trafficking is a significant problem and that trafficking victims and brothel owners are linked to organized crime.⁴²⁸⁰ The Government believes that the lack of economic opportunities, increased regional trade, semi-porous borders and the development of communications technology have been factors contributing to the recruitment of children and youth into commercial sexual exploitation and trafficking.⁴²⁸¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at age 14.⁴²⁸² Children ages 14 to 16 must have parental permission and be under the supervision of the Ministry of Labor (MOL) in order to work.⁴²⁸³ Minors are prohibited from engaging in work that may interfere with their schooling or that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues.⁴²⁸⁴ The law imposes fines for violators and allows inspectors to close establishments employing children.⁴²⁸⁵ The Labor Code requires employers of adolescent domestic workers under age 18 to facilitate and promote their education.⁴²⁸⁶

In June 2010, in consultation with civil society organizations and employers' and workers' groups, the MOL published an updated list of types of work that are harmful to the health, safety and morals of children, applicable to both the informal and formal sectors.⁴²⁸⁷ In October 2010, the MOL issued regulations specific to the 2010-2011 coffee harvest prohibiting children under age 14 from working, protecting adolescents of legal working age and ensuring minimum wages.⁴²⁸⁸

The Constitution prohibits forced labor, slavery, and indentured servitude.⁴²⁸⁹ The Constitution was amended in 1995 to prohibit compulsory military service. The minimum legal age for entry into the armed forces is 18.⁴²⁹⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Penal Code establishes penalties related to the commercial sexual exploitation of children, including for the procurement or recruitment of children under age 18 for prostitution.⁴²⁹¹ Promoting, filming or selling child pornography is prohibited.⁴²⁹² The Penal Code also prohibits trafficking of persons and imposes increased penalties for trafficking of individuals under age 18.⁴²⁹³

The Constitution requires compulsory education through primary school, which is about age 15.⁴²⁹⁴ However, children in Nicaragua can begin work at the age of 14, increasing their risk of involvement in exploitative labor. The Constitution establishes the right to free primary education, but associated school costs prohibit some children from attending school.⁴²⁹⁵

Institutional Mechanisms for Coordination and Enforcement

The MOL's National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI) has been the primary institution that sets the priorities on child labor policy.⁴²⁹⁶ CNEPTI consists of a consortium of government agencies and NGOs that address child labor issues in the country through awareness-raising strategies and coordination of direct action programs.⁴²⁹⁷ However, CNEPTI has not officially convened since September 2009.⁴²⁹⁸

The MOL is responsible for enforcing labor laws.⁴²⁹⁹ The MOL's Inspector General's Office is responsible for inspecting all child labor violations.⁴³⁰⁰ The Child Labor Inspections Unit conducts training on child labor. It also regulates and integrates child labor issues into labor inspections and works with the Nicaraguan National Police (NNP), Ministry of Family and the Human Rights Attorney for Children to enforce child labor laws.⁴³⁰¹

CNEPTI uses its revenues from fines to raise awareness and protect minors.⁴³⁰² The Ministry of Family administers a general hotline to report the welfare of children, including the exploitation of children.⁴³⁰³ In 2010, the hotline fielded approximately 6,000 calls, 31 of which dealt with human trafficking or commercial sexual exploitation.⁴³⁰⁴ In 2010, the MOL had 87 total inspectors; three were dedicated to conducting child labor investigations.⁴³⁰⁵ Nonetheless, Government officials and child labor experts have reported that child labor inspections in agricultural areas are limited due to resource and personnel constraints.⁴³⁰⁶ From January through April 2010, 205 child labor inspections were conducted; in 2010, 406 child labor infractions by employers were identified.⁴³⁰⁷ The MOL reported that it removed 64 children from hazardous work in 2010.⁴³⁰⁸ However, no information is available

on the number of prosecutions or convictions for child labor cases.⁴³⁰⁹

The Ministry of Government is responsible for combating trafficking, operating an anti-trafficking unit, leading the National Coalition against Trafficking in Persons (NCATIP) and supporting a national protocol to repatriate children and adolescents who have been victims of trafficking.⁴³¹⁰ Nonetheless, a 2009 evaluation of a USDOL-funded project found that institutional weaknesses in some of the agencies that participate in the NCATIP could hinder the effectiveness of the protocol.⁴³¹¹ The Public Ministry's Gender Unit has two national-level prosecutors and 35 department-level prosecutors who handle cases of child exploitation, including child trafficking, commercial sexual exploitation and the use of children in illegal activities.⁴³¹²

The NNP maintains a national hotline for reporting child trafficking.⁴³¹² In 2010, the Government convicted three individuals for trafficking of minors.⁴³¹⁴ The Government provides limited shelter and services to child trafficking victims; international organizations and NGOs are the principal service providers assisting trafficking victims.⁴³¹⁵

Government Policies on the Worst Forms of Child Labor

The Government's National Time-Bound Program, developed to create a coordinated policy for the elimination of the worst forms of child labor, is led by CNEPTI.⁴³¹⁶ In December 2010, the Government officially launched the Roadmap for the Elimination of the Worst Forms of Child Labor by 2015, which had been developed by multiple ministries, employer groups, unions and other civil society organizations, with assistance from the ILO and IDB.⁴³¹⁷ However, an action plan to implement the Roadmap has not yet been issued.⁴³¹⁸ The MOL has collaboration agreements with the Chamber of Mines and the Mining

Union, and with coffee plantations to prevent and eliminate the worst forms of child labor.⁴³¹⁹ In recognition of World Day Against Child Labor, in June 2010 coffee producers re-affirmed their commitment to support educational opportunities for children of coffee workers and to share good practices with other producers.⁴³²⁰

The Government's Policy on Special Protection for Children and Adolescents includes special protections for victims of commercial sexual exploitation and trafficking in persons.⁴³²¹ As a member of the Central American Parliament Commission on Women, Children, Youth and Family, the Government is participating in a regional Plan to Support the Prevention and Elimination of Human Trafficking and Commercial Sexual Exploitation of Children and Adolescents.⁴³²²

The Government oversees the implementation of the 10-year National Action Plan for Children and Adolescents, which supports children's rights.⁴³²³ The National Program for Decent Work in Nicaragua (2008–2011) supports efforts to eliminate the worst forms of child labor by 2015 and includes specific provisions for assistance to CNEPTI and the National Commission against Commercial Sexual Exploitation.⁴³²⁴ Additionally, the Government of Nicaragua's poverty reduction strategy incorporates policy actions to eradicate child labor.⁴³²⁵ Nevertheless, the Government has not fully developed concrete steps for the implementation of the above plans and programs to achieve its objectives against child labor.

The Government is striving to achieve its Millennium Development and Education for All goals by 2015. With support from the World Bank and USAID, the Government has implemented poverty reduction strategies that have contributed to improved educational access, attendance and quality in primary schools.⁴³²⁶ Secondary schools have not been targeted as a priority, and secondary school attendance remains

low— increasing the risk of children's engagement in exploitative work.⁴³²⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

CNEPTI has been making efforts to raise awareness about the negative effects of exploitative child labor, supporting national child labor surveys, involving children and adolescents in cultural and rights-based programs and coordinating direct action programs in various sectors in which the worst forms of child labor occur.⁴³²⁸ The Coffee Harvest Plan (*Plan Cosecha de Café*), supported by CNEPTI, aims to develop a comprehensive approach to assist children whose parents work in the coffee harvest and improve educational opportunities for children on the coffee plantations.⁴³²⁹ The MOL has been collaborating with coffee producers, other government ministries, and civil society organizations to achieve a child-labor free coffee harvest in the Department of Jinotega. The Ministry has identified the need to extend these strategies to reach more children who work in other agricultural sectors.⁴³³⁰

The Government of Nicaragua is participating in a USDOL-funded 3-year, \$5 million initiative primarily in the coffee-growing Departments of Madriz and Jinotega that seeks to withdraw and prevent 10,045 children from exploitative labor and provide them with education and training opportunities.⁴³³¹ The project has raised awareness among parents and business owners about the hazards of child labor and generated commitments among coffee plantation owners to construct new schools on coffee plantations, provide school materials and eliminate child labor.⁴³³²

First Lady Rosario Murillo, in coordination with the Ministries of Government, Family, Health, Education and Labor, oversees a child labor initiative called Program Love (Programa Amor) that targets 25,000 street children and their

families primarily in Managua and aims to provide education for children and vocational training for parents.⁴³³³ However, there are varied reports about the program's effectiveness.⁴³³⁴ The Ministry of Education and Sport implements a national literacy and education campaign for children and young persons excluded from the educational system.⁴³³⁵

With assistance from the United Nations Population Fund, the Government conducts a

birth registration campaign that targets rural areas and indigenous communities along the Atlantic Coast. The campaign facilitates access by undocumented children to social services and helps reduce their vulnerability to trafficking.⁴³³⁶

Despite these efforts, current programs do not appear to be sufficient to address the extent of the worst forms of child labor in Nicaragua, particularly in the production of tobacco, crushed stone and pumice.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nicaragua:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Dedicate more human and financial resources to the enforcement of child labor laws, including in the informal sector.
- Enforce the labor laws regarding domestic workers and raise awareness about employers' obligation to ensure the education of adolescent workers.
- Identify priority areas of child labor that CNEPTI should address and monitor progress by meeting on a regular basis.
- Enhance efforts to fight child trafficking by conducting awareness-raising campaigns; increasing resources to victims; expanding birth registration campaigns nationwide; and improving institutional capacity, coordination and information-sharing among actors involved in national, bilateral and regional anti-trafficking campaigns.

IN THE AREA OF POLICIES:

- Develop concrete action plans to promote the objective of eliminating the worst forms of child labor by 2015.
- Pursue implementation of the Roadmap for the Elimination of the Worst Forms of Child Labor in Nicaragua by 2015.

IN THE AREA OF PROGRAMS:

- Develop strategies and devote resources to improve attendance in secondary education.
- Expand awareness-raising and identify strategies to reduce the demand for child sex tourism and commercial sexual exploitation.
- Dedicate greater resources to expand services that assist child trafficking victims.
- Make publicly available information on Programa Amor and its results in order to inform future efforts.
- Develop programs to address the worst forms of child labor in the production of tobacco, crushed stone, pumice and other sectors with a high incidence of exploitative child labor.
- Apply good practices and strategies to eliminate child labor in the coffee sector to other sectors, including by raising awareness and partnering with business owners to eliminate child labor in their production processes.

⁴²⁶⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴²⁶⁷ Government of Nicaragua - Ministerio del Trabajo (CNEPTI), *Son incontables sus riesgos y daños*, 16-18, 26-27. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also Government of Nicaragua- Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*, Managua, 2008, 8. See also U.S. Embassy - Managua, *reporting*, February 2, 2010. See also U.S. Embassy- Managua, *reporting*, April 28, 2009.

⁴²⁶⁸ Government of Nicaragua - Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also U.S.

Embassy- Managua, *reporting*, February 10, 2011, section 7d, U.S. Department of State, "Country Reports- 2010: Nicaragua," section 7d.

⁴²⁶⁹ ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*.

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⁴²⁷² Government of Nicaragua - Ministerio del Trabajo (CNEPTI), *Son incontables sus riesgos y daños*. See also Government of Nicaragua - Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*. See also U.S. Embassy - Managua, *reporting*, February 2, 2010. See also U.S. Embassy- Managua, *reporting*, April 28, 2009. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also U.S. Department of State, "Country Reports- 2010: Nicaragua," section 6. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*, [online] 2009 [cited May 23, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23545&chapter=9&query=%28Nicaragua%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Country Reports- 2010: Nicaragua," section 7d.

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⁴²⁷⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Nicaragua." See also U.S. Department of State, "Country Reports- 2010: Nicaragua," section 5.

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⁴³³³ Ricardo Cuadra, *Presentan Programa Amor. El Gobierno de Reconciliación y Unidad Nacional, comprometido a promover y defender el derecho de nuestros niños, niñas y adolescentes, presentó el Programa Amor*, [2008 [cited June 13, 2011]; available from http://www.elpueblopresidente.com/ACTUALIDAD/220908_programaamor.html?print. See also U.S. Embassy- Managua, *reporting, February 13, 2009*. See also ILO Committee of Experts, *Observation concerning Minimum Age Convention, 1973 (No. 138) Nicaragua (ratification: 1981)*, published 2010.

⁴³³⁴ Centro Nicaraguense de Derechos Humanos, *Derechos Humanos de Nicaragua 2010*, Managua, May 2011, 179-

180; available from <http://www.cenidh.org/>. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000), submitted 2010*. See also Raúl Lenín Rivas, *Nicaragua: Programa Amor ha rescatado a más de 12 mil niños en riesgo*, [2009 [cited June 13, 2011]; available from <http://www.tercerainformacion.es/spip.php?article11740>. See also La Prensa, *Programa Amor en la sombra*, [2010 [cited August 2, 2011]; available from <http://www.laprensa.com.ni/2010/05/24/nacionales/25511>. See also *ibid*.

⁴³³⁵ ILO Committee of Experts, *Observation concerning Minimum Age Convention, 1973 (no. 138) Nicaragua (ratification: 1981)*, published 2010.

⁴³³⁶ U.S. Department of State, “Country Reports- 2010: Nicaragua,” section 2. See also U.S. Embassy - Managua, *Email communication to USDOL official*, October 19, 2010.

Niger

The Government of Niger supported limited vocational training and awareness raising programs to reduce the worst forms of child labor. However, these were not adequate to address Niger's child labor problem and failed to address the numerous children working in agriculture and domestic service. Significant gaps also exist in the enforcement of Niger's child labor laws.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	41.5*
Attending School	5-14 yrs.	30.4
Combining Work and School	7-14 yrs.	15.8

* Population of working children: 2,077,634

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Niger are engaged in the worst forms of child labor, including in agriculture and domestic service. In the agriculture sector, some evidence suggests that the worst forms of child labor are used in the production of peppers and rice.⁴³³⁷ Children's work in agriculture commonly involves hazardous activities, such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Children in rural areas also herd livestock and are exposed to hazards such as working long hours and severe weather.⁴³³⁸

Children work in dangerous conditions in mines and quarries, including in the production of salt, gypsum and gold where they break rocks; extract, process and hoist ore; and transport heavy loads.⁴³³⁹ In Niger, many child miners and children working around the mines suffer from breathing problems and may be subject to cave-ins and mercury contamination when crossing dangerous terrain.⁴³⁴⁰ Interviews of approximately 400 children in mining sites, conducted in 2009, found

that 38 percent of these children reported having been the victim of an accident at the work site.⁴³⁴¹

Children, especially girls, working in domestic service and street vending are at risk of physical or sexual harassment.⁴³⁴² In urban areas, street children are prevalent; they are found begging or performing tasks such as dishwashing and portering.⁴³⁴³ Children working on the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.

Children work in manufacturing and maintenance, including in tanneries, welding and metal work. Children also work in slaughterhouses, which exposes them to health and safety risks.⁴³⁴⁴ Children in these sectors engage in hazardous activities such as long hours of work and exposure to dangerous machinery and tools.

Some children in Niger work in conditions of forced labor. In some cases, this stems from the traditional practice of sending boys, called *talibes*, to Koranic teachers to receive education, which may include vocational training or

apprenticeship.⁴³⁴⁵ Some of these boys are forced by their teachers to beg and surrender the money they have earned or perform labor.⁴³⁴⁶ In addition, among nomadic populations, traditional forms of caste-based servitude still exist in parts of Niger.⁴³⁴⁷ Slaves, including children, are often forced to work long hours as shepherds, agricultural workers or domestic servants.⁴³⁴⁸ Girls who work as domestic servants are sometimes coerced into prostitution. Commercial sexual exploitation of children also exists along the highway near the Nigerian border.⁴³⁴⁹


Niger serves as a source, transit and destination country for children trafficked for forced labor and commercial sexual exploitation.⁴³⁵⁰ Children are trafficked internally for forced labor in mines, agriculture, begging, domestic service and commercial sexual exploitation.⁴³⁵¹ Children from Benin, Nigeria, Togo and Ghana are trafficked to Niger for exploitative labor on the streets as menial laborers.⁴³⁵² Nigerien children are trafficked to work as beggars or manual laborers in Nigeria and Mali.⁴³⁵³

During the reporting period, the Government frequently failed to pay primary and secondary school teachers, which resulted in teacher strikes and the loss of education for children.⁴³⁵⁴ In addition, during the reporting period, food shortages in the south prompted many rural Nigerians to leave their villages to seek food and work, which increased the risk of rural children’s involvement in the worst forms of child labor.⁴³⁵⁵ In Niger, children may also enter the workforce at a young age due to the limited number of schools.⁴³⁵⁶

Laws and Regulations on the Worst Forms of Child Labor

The 1996 Labor Code sets the minimum age for employment at 14, including for apprenticeships. This law also requires that no child or apprentice be employed in work that exceeds his or her strength and that employers guarantee certain

minimum sanitary conditions.⁴³⁵⁷ However, Decree No. 67-126/MFP/T of September 1967, which establishes the minimum age for hazardous labor at 16, authorizes such children to work in certain hazardous activities and does not adequately address all categories of hazardous labor as well as related safety concerns such as requiring training, instruction, supervision and other necessary protections for this group of workers.⁴³⁵⁸ In addition, the Government lacks protections for children involved in domestic service and street work.⁴³⁵⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	12
	Free Public Education	Yes

Children in Niger are required to attend school only until age 12. The gap between the compulsory education age and minimum age for work makes children particularly vulnerable to the worst forms of child labor as they are not required to attend school, but are not legally permitted to work either.⁴³⁶⁰ In addition, despite the legal guarantee for free education under the Law on the Orientation of the Educational System, some primary school fees continue to be charged, and the cost of books is prohibitive for many families.⁴³⁶¹

The Minister of Mining reports that it sought to issue artisanal mining licenses only when there was an agreement not to use child labor.⁴³⁶² However, limited reports indicate that the Government of Niger has yet to adopt such legislation that makes the issuance of mining licenses contingent on an agreement to not use child labor.⁴³⁶³

The Labor Code prohibits and provides criminal penalties for forced and bonded labor.⁴³⁶⁴ The 2006 Penal Code criminalizes slavery and provides appropriate penalties (up to 30 years imprisonment) for such acts and includes specific reference to children under 18 who might be put into such a situation by parents or guardians.⁴³⁶⁵ The Penal Code also specifically prohibits inciting a person to beg; however, such acts are categorized as a misdemeanor and may be punished by a fine and up to 1 year of imprisonment.⁴³⁶⁶ These restrictions and penalties do not appear sufficient to deter forced begging.

In October 2010, the Government of Niger adopted a new constitution that included a provision prohibiting slavery. However, additional information was not available at the time of research.⁴³⁶⁷

In 2010, the Government adopted the Law on Combating Trafficking in Persons. This law aims to prevent and fight trafficking in persons, especially of women and children; protect, support and assist trafficking victims by ensuring that their rights are respected; and punish traffickers for trafficking offenses.⁴³⁶⁸ Traffickers of children may also be prosecuted under the Penal Code, which criminalizes kidnapping.⁴³⁶⁹ The Penal Code also defines and sets penalties for several components of commercial sexual exploitation but does not capture all such crimes. It criminalizes carnal knowledge of children under age 13, facilitating prostitution and owning a brothel, but it does not directly criminalize prostitution. Such crimes might be considered offenses under the prohibition against indecency, but this is

not clear from the law.⁴³⁷⁰ The lack of legislation criminalizing all forms of commercial sexual exploitation leaves children vulnerable and unprotected.⁴³⁷¹

According to Ordinance No. 96-033 (1996), military service is obligatory and does not establish a minimum age for voluntary or compulsory recruitment. However, as of 2007, the Government signed the Paris Commitments, which protects children from recruitment and use in armed forces.⁴³⁷²

Institutional Mechanisms for Coordination and Enforcement

Niger established a national child labor steering committee, which coordinates efforts with the Child Labor Division, to reduce worst forms of child labor. This steering committee, established through the Ministry of Community Development in 2006, is responsible for screening proposals for child labor action plans and includes representatives from eight ministries as well as representatives from NGO and UN agencies.⁴³⁷³ The Child Labor Division is responsible for conducting child labor studies, raising awareness and drafting action plans on the worst forms of child labor.⁴³⁷⁴

The 2010 Law on Combating Trafficking in Persons established the National Commission to Coordinate Efforts to Combat Trafficking in Persons (CNLTP).⁴³⁷⁵ The National Commission against Forced Labor and Discrimination with the Ministry of Civil Service and Labor (MCSL) coordinates efforts to eliminate slavery and forced labor. This commission includes representatives of the ILO, labor unions, civil society and traditional chiefs.⁴³⁷⁶ In Niger, regional committees—supported by vigilance committees in 30 localities—coordinate child trafficking initiatives. Members of the vigilance committees report suspected cases of child trafficking to law enforcement personnel.⁴³⁷⁷

The MCSL is also charged with enforcing labor laws, including those provisions governing hazardous labor for children under age 18. It has nine regional labor inspectorates and approximately 100 inspectors responsible for investigating and enforcing all elements of the Labor Code, including child labor.⁴³⁷⁸

Inspectors conduct both routine and complaint-based inspections in the formal sector. Limiting inspections to the formal sector may leave children working on the streets and as domestic servants unprotected.⁴³⁷⁹ According to the ILO Committee of Experts, the labor inspectorate acutely lacks both human and material resources, although each regional inspection service does have a vehicle to visit worksites.⁴³⁸⁰ As a result, during the reporting period, there were no child labor inspections.⁴³⁸¹ However, during the reporting period, a complaint was lodged by the Coalition of African NGOs Working with Children, which led to the conviction of two people for the trafficking of five girls. The penalty included a 6-month suspended sentence and a \$100 fine.⁴³⁸² Research indicates that the penalty for child trafficking was not commensurate with the crime and was not sufficient to deter future acts.⁴³⁸³

The Ministry of Justice is the lead agency on trafficking in persons. With the adoption of the 2010 Law on Combating Trafficking in Persons, the Government will establish a National Agency to Combat Trafficking in Persons (ANLTP). The ANLTP will be charged with adopting and implementing policies and programs on trafficking in persons.⁴³⁸⁴

In 2010, the Government provided training to law enforcement officers, including the police, *gendarmes* (a military body charged with police duties among civilian populations) and the National Guard on child protection and trafficking in persons.⁴³⁸⁵ Law enforcement officials are also trained to ask for the regional ECOWAS-sanctioned Authorization Certificate when children are crossing borders without

their parents.⁴³⁸⁶ During the reporting period, the Government, with support from local and international NGOs, rescued and rehabilitated 89 child victims of trafficking.⁴³⁸⁷

Government Policies on the Worst Forms of Child Labor

In March 2000, Niger adopted a National Action Policy (NAP) against Child Labor, which provided a framework for some actions but did not address child labor in the rural sector.⁴³⁸⁸ In July 2010, an updated NAP for the period of 2010–2015 was reviewed and validated by the MCSL; however, the Government has yet to adopt this policy.⁴³⁸⁹

In 2007, the Government developed an action plan to target the exploitation of children by religious instructors, but this has reportedly not been adopted or implemented due to a lack of funding.⁴³⁹⁰ The Government also adopted an NAP to combat the sexual exploitation of children in 2005.⁴³⁹¹ Although the Government has developed policies to address some of the worst forms of child labor, research found no evidence of a policy on trafficking.⁴³⁹²

Child labor concerns are also incorporated in the following national development agendas and policy documents: National Policy on Education, Vocational and Professional Training, Accelerated Development and Poverty Reduction Strategic Plan (2008–2012), Poverty Reduction Strategy Paper and the United Nations Development Assistance Framework (2009–2013).⁴³⁹³ Niger's Education Sector Plan (2002–2012), which gives priority to basic education, has contributed to an increase in school attendance for girls and a reduction in the average number of hours children work per week.⁴³⁹⁴ However, Government policy dictates that in practice, children of any age who fail the same grade twice are expelled from public schools. This practice makes children particularly vulnerable to the worst forms of child labor as they may not be permitted to be in school, but are not legally permitted to work either.⁴³⁹⁵

In 2010, the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims trafficked for the purpose of exploitative labor and hazardous child labor. Begging was included as a form of exploitation, reflecting the regional need to combat this growing problem.⁴³⁹⁶

In 2010, Niger also took steps to combat the use of child soldiers at a regional level, by signing the N'Djamena Declaration. This declaration notes the intent to eliminate the practice of child soldiers, provide services to victims, prosecute recruiters and establish national and cross-border monitoring mechanisms.⁴³⁹⁷ However, there have not been reports of the use of child soldiers since 2007.⁴³⁹⁸

The MCSL and National Institute of Statistics conduct surveys related to the worst forms of child labor with the support of partners such as UNICEF and ILO-IPEC. However, Niger does not appear to have published comprehensive data related to the worst forms of child labor since 2000.⁴³⁹⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the MCSL, in partnership with ILO-IPEC, conducted a workshop for 22 performing artists on the worst forms of child labor so that they could raise public awareness.⁴⁴⁰⁰ The Government of Niger, in partnership with ILO-IPEC, also conducted a capacity-building workshop for labor unions, employers' organizations, government agencies and implementing agencies on the causes and consequences of domestic child labor. It is unknown if labor inspectors received training under this initiative.⁴⁴⁰¹ In addition, the Government organized a town hall meeting in Agadez to raise awareness of child labor among community leaders and law enforcement personnel.⁴⁴⁰²

During the reporting period, the Government concluded a 4-year, \$3 million, USDOL-funded regional project, which withdrew or prevented 4,682 children from hazardous artisanal gold mining in Niger and Burkina Faso.⁴⁴⁰³ Niger continues to participate in two other regional USDOL-funded projects, including a 4-year, \$7.9 million project and a 3-year, \$5 million project. These projects are designed to strengthen ECOWAS's Child Policy and Strategic Plan of Action and to develop programs focusing on child trafficking as it pertains to the strategic plan.⁴⁴⁰⁴

In 2010, the Government removed children from the workforce and re-enrolled them in school and vocational training programs.⁴⁴⁰⁵ In line with this effort, the Government, in partnership with UNICEF, provided children with vocational training.⁴⁴⁰⁶ In addition, the Ministry of Basic Education provided training to teachers on educating child laborers.⁴⁴⁰⁷

Niger also conducted several anti-trafficking education campaigns and participated in a project to combat irregular migration and trafficking in persons with support from the IOM.⁴⁴⁰⁸ Niger also continued its campaign to raise awareness of the importance of civil registry documents, such as birth certificates and national identity cards, in an effort to combat human trafficking.⁴⁴⁰⁹

In 2010, the Government also launched programs to improve the Koranic school system and school attendance in mining areas.⁴⁴¹⁰ Since 2006, Niger's national monitoring unit has supported programs to combat begging.⁴⁴¹¹

Across Niger, the scale of social protection programs and services aimed at preventing the worst forms of child labor does not meet the needs, especially in sectors where the majority of children work, such as agriculture and domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Niger:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Code to raise the minimum age for hazardous work to 18 and define the specific hazardous occupations that are illegal for children.
- Ensure protection for child domestic servants and children working on the street.
- Amend the Penal Code to provide stiffer penalties for all acts of forced labor, including forced begging.
- Enact legislation criminalizing all forms of commercial sexual exploitation of children and provide appropriate penalties.
- Implement the Law on the Orientation of the Educational System in Niger, which establishes free education.
- Increase the minimum age for compulsory education to at least 14.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources to conduct systematic inspections on the worst forms of child labor in all sectors of the economy.
- Ensure penalties for violating child labor laws are commensurate with the crime and deter future acts.
- Gather and make publicly available information about child labor investigations and convictions.

IN THE AREA OF POLICIES:

- Adopt and implement the updated National Action Plan (NAP) to Combat Child Labor.
- Adopt a comprehensive national policy that addresses all relevant worst forms of child labor, such as trafficking.
- Implement strategies to improve school retention by reducing the incidence of grade repetition.
- Conduct and make publicly available research on the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand and increase resources for social programs that prevent and withdraw children from the worst forms of child labor, particularly in agriculture and domestic service.
- Develop programs to lessen the impact food shortages may have on rural populations.
- Improve access to education by building more schools and ensure timely and consistent compensation for teachers.

⁴³³⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance and combining work and schooling are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms

of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also Government of Niger, *Enquête Pilote sur le Travail des Enfants*, National Institute of Statistics, May 2008, 13. See also U.S. Embassy- Niamey, *reporting, January 12, 2011*. See also Djibrilla Idrissa, *Rapport de l'Examen Periodique Universel du Niger*, Association pour la Defense des Enfants du Niger, Niamey, June 30, 2010, 3-4; available from http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/NE/ADENI_AssociationpourlaD%C3%A9fensesdesEnfantsduNiger_F.pdf.

⁴³³⁸ Idrissa, *Rapport de l'Examen Periodique Universel du Niger*, 4. See also U.S. Department of State, «Niger,» in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, 28; available from <http://www.state.gov/documents/organization/160137.pdf>.

⁴³³⁹ Government of Niger, *Strategie de Developpement Accelere et de Reduction de la Pauvrete 2008-2012*, August, 2007, 56. See also Ali Ramadan Sekou Maina, *Etude transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina Faso, au Mali, et au Niger*, ILO-IPEC, Geneva, December, 2009, 5, 31. See also ILO-IPEC, *Child Labour in Salt Mining: The Problem*, [online] June 2006 [cited March 18, 2011]; available from <http://www.ilo.org/ipecc/areas/Miningandquarrying/MoreaboutCLinmining/lang--en/index.htm>. See also Government of Niger, *Enquête de Base sur le Travail des Enfants sur les Sites d'Orpaillage de Komabangou et M'bangou (Niger)*, ILO-IPEC, October 2009, 20. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Niger (ratification: 2000) Published: 2008*, March 24, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10394&chapter=6&query=Niger%40ref&highlight=&querytype=bool&context=0>.

⁴³⁴⁰ ILO-IPEC, *Girls in Mining: Research Findings from Ghana, Niger, Peru, and United Republic of Tanzania*, 2007, 4-6, 8; available from <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=5304>.

⁴³⁴¹ Ali Ramadan Sekou Maina, *Etude transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina Faso, au Mali, et au Niger*, 11.

⁴³⁴² Government of Niger, *Enquête Pilote sur le Travail des Enfants*, 13. See also UNICEF, «Aichatou's story: New skills protect a former street vendor from exploitation in Niger», [unicef.org](http://www.unicef.org/girlseducation/niger_46412.html?q=printme), [online], November 17, 2008 [cited May 6, 2011]; available from http://www.unicef.org/girlseducation/niger_46412.html?q=printme.

⁴³⁴³ UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*, [online] June 15, 2007 [cited March 6, 2011]; available from http://www.unicef.org/infobycountry/niger_39997.html?q=printme. See also UNICEF, «Aichatou's story: New skills protect a former street vendor from exploitation in Niger». See also Integrated Regional Information Networks, «Niger: Youths are demographic time bomb», [IRINnews.org](http://www.irinnews.org), [online], September 12, 2008 [cited March 6, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=80323>. See also U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 1.1.

⁴³⁴⁴ U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 1.1.

⁴³⁴⁵ IOM, «Traditional Practices Being Abused to Exploit

Children in West Africa, Warns IOM», [iom.int](http://www.iom.int), [online], November 26, 2006 [cited March 6, 2011]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>. See also U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 1.1. See also ILO Committee of Experts, *Individual Observation C182: Niger (2008)*.

⁴³⁴⁶ IOM, «Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM». See also Government of Niger, ANDDH, and UNICEF, *Rapport de l'etude nationale sur le trafic des personnes au Niger*, March 2005, 10, 12. See also U.S. Department of State, «Country Reports- 2010: Niger», 24.

⁴³⁴⁷ U.S. Department of State, «Country Reports- 2010: Niger», 26, 27. See also Integrated Regional Information Networks, «Niger: New slavery study welcomed by human rights experts», [IRINnews.org](http://www.irinnews.org), [online], May 31, 2007 [cited March 6, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=72487>. See also Anti-Slavery International, «Niger slavery: Background», [guardian.co.uk](http://www.guardian.co.uk), [online], October 27, 2008 [cited April 20, 2011]; available from <http://www.guardian.co.uk/world/2008/oct/27/humanrights1>.

⁴³⁴⁸ ILO Committee of Experts, *Individual Observation concerning Forced Labour Convention, 1930 (No. 29) Niger (ratification: 1961) Published: 2008*, February 5, 2010, article 1(1), 2(1); available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9685&chapter=6&query=Niger%40ref&highlight=&querytype=bool&context=0>. See also Anti-Slavery International, «Niger slavery: Background».

⁴³⁴⁹ U.S. Department of State, «Country Reports- 2010: Niger», 23.

⁴³⁵⁰ U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 2.b.

⁴³⁵¹ UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*. See also U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 2.b.

⁴³⁵² U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 2.b. See also UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*.

⁴³⁵³ Integrated Regional Information Networks, «Niger: When religious teachers traffic their students», [IRINnews.org](http://www.irinnews.org), [online], August 26, 2009 [cited March 5, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=85857>. See also U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 2.b.

⁴³⁵⁴ U.S. Department of State, «Country Reports- 2010: Niger.»

⁴³⁵⁵ allAfrica, «Niger: As Country Faces Severe Food Shortages, UN and Partners Appeal for Aid», allafrica.com, [online], February 10, 2010 [cited March 6,

2011]; available from <http://www.allafrica.com/stories/printable/201002100955>. See also AFP, “Famine closes schools in Niger”, *news24.com*, [online], April 3, 2010 [cited March 11, 2011]; available from <http://www.news24.com/Africa/News/Famine-closes-schools-in-Niger-20100402>. See also Integrated Regional Information Networks, “Mali-Niger: Good early warning, slow response”, *IRINnews.org*, [online], October 22, 2010 [cited March 09, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=90845>.

⁴³⁵⁶ Will Bartholomew, “Rescuing a Child From a Gold Mine”, *crs-blog.org*, [online], 2007 [cited March 22, 2011]; available from <http://crs-blog.org/rescuing-a-child-from-a-gold-mine/>. See also Ali Ramadan Sekou Maina, *Etude transfrontaliere sur le travail des enfants dans le secteur de l'orpillage traditionnel au Burkina Faso, au Mali, et au Niger*, 37.

⁴³⁵⁷ Government of Niger, *Code du travail*, Public Law Number 96-039, (June 29, 1996), articles 99-100; available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/44750/66561/F96NER01.htm#a095>.

⁴³⁵⁸ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Niger (ratification: 1978) Submitted: 2008*, February 5, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21619&chapter=9&query=Niger%40ref&highlight=&querytype=bool&context=0>.

⁴³⁵⁹ Government of Niger, *Code du travail*, articles 99-100. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Niger (ratification: 2000) Submitted: 2008*, February 5, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21887&chapter=9&query=Niger%40ref&highlight=&querytype=bool&context=0>.

⁴³⁶⁰ Laetitia Antonowicz, Frédéric Lesné, Stéphane Stassen, and John Wood, *Africa Education Watch: Good Governance Lessons for Primary Education*, Transparency International February, 2010, 6; available from http://www.transparency.org/news_room/in_focus/2010/african_education_watch#5. See also U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 2.2. See also U.S. Embassy- Niamey official, E-mail communication to USDOL official, April 12, 2011.

⁴³⁶¹ UNESCO, *EFA Global Monitoring Report: Reaching the marginalized*, Oxford University Press, Paris, 2010, 338; available from <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>. See also Laetitia Antonowicz, Frédéric Lesné, Stéphane Stassen, and John Wood, *Africa Education Watch: Good Governance Lessons for Primary Education*, 21. See also Government of Niger, *Law on the Orientation of the Educational System in Niger*, Public Law Number 98-12, (June 1, 1998), articles 2, 6-9; available from <http://www.men.ne/titre1.html>.

⁴³⁶² ILO Committee of Experts, *Individual Observation C182: Niger (2008)*. See also U.S. Embassy- Niamey official, E-mail communication to USDOL official, May 24, 2011.

⁴³⁶³ U.S. Embassy- Niamey official, E-mail communication, May 24, 2011.

⁴³⁶⁴ Government of Niger, *Code du travail*, article 4.

⁴³⁶⁵ Government of Niger, *Code pénal*, Public Law Number 2003-025, (June 13, 2003), articles 270.1-270.5; available from <http://juriniger.lexum.umontreal.ca/juriniger/displayDocument.do?id=5090>. See also ILO Committee of Experts, *Individual Observation C29: Niger (2008)*.

⁴³⁶⁶ Government of Niger, *Code pénal*, articles 179-181. See also Government of Niger, *Initial Report on the Implementation of the Provisions of the African Charter on the Rights and Welfare of the Child*, Ministry of Women's Empowerment and Child Protection, May 2008, 55. See also ILO Committee of Experts, *Individual Observation C182: Niger (2008)*.

⁴³⁶⁷ U.S. Department of State, “Niger,” in *Trafficking in Persons Interim Assessment*, Washington, DC, April 5, 2011; available from <http://www.state.gov/g/tip/rls/reports/2011/160017.htm>.

⁴³⁶⁸ Government of Niger, *Law on Combating Trafficking in Persons*, Public Law Number 2010-86, (December 16, 2010), article 3.

⁴³⁶⁹ Government of Niger, *Code pénal*, articles 248-249, 255-258.

⁴³⁷⁰ *Ibid.*, articles 278-279, 282, 291-293.

⁴³⁷¹ *Ibid.*

⁴³⁷² Coalition to Stop the Use of Child Soldiers, “Sierra Leone,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

⁴³⁷³ Government of Niger, *Initial Report on the Implementation of the Provisions of the African Charter on the Rights and Welfare of the Child*, 52. See also Government of Niger, *Establishment of the Steering Committee of the 'Fight against Child Labor' Project*, Public Law Number 00003/MAT/DC, (May 30, 2006). See also Catholic Relief Services, *Combating Exploitive Child Labor through Education in Niger*, Technical Progress Report, September 27, 2006, 3.

⁴³⁷⁴ U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 3.1.

⁴³⁷⁵ U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 2.a. See also Government of Niger, *Law on Combating Trafficking in Persons*, articles 2, 4.

⁴³⁷⁶ U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 3.1.

⁴³⁷⁷ *Ibid.*, para 3.1.

⁴³⁷⁸ U.S. Embassy- Niamey, *reporting, February 25, 2010*, para 2c.2. See also Government of Niger, *Code du travail*, articles

248-264. See also U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 2.4.

⁴³⁷⁹ U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 4.6. See also ILO Committee of Experts, *Individual Observation concerning Labour Inspection Convention, 1947 (No. 81) Niger (ratification: 1979) Published: 2008*, February 5, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9781&chapter=6&query=Niger%40ref&highlight=&querytype=bool&context=0>.

⁴³⁸⁰ ILO Committee of Experts, *Individual Observation C81: Niger (2008)*. See also ILO Committee of Experts, *Individual Observation C182: Niger (2008)*, article 5.

⁴³⁸¹ U.S. Embassy- Niamey, *reporting, January 12, 2011*, paras 4.7, 4.9. See also U.S. Department of State, "Country Reports- 2010: Niger," 29.

⁴³⁸² U.S. Embassy- Niamey, *reporting, January 12, 2011*, paras 4.7, 4.9. See also U.S. Department of State, "Country Reports- 2010: Niger," 29. See also U.S. Department of State, "Trafficking in Persons Interim Assessment."

⁴³⁸³ U.S. Embassy- Niamey official, E-mail communication, May 24, 2011.

⁴³⁸⁴ U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 3.b. See also Government of Niger, *Law on Combating Trafficking in Persons*, articles 2, 4.

⁴³⁸⁵ U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 7.1. See also U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 4.f.

⁴³⁸⁶ U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 3.d.

⁴³⁸⁷ *Ibid.*, para 5.f.

⁴³⁸⁸ ILO-IPEC, *Prevention and Elimination of Child Labour in Mining in West Africa*, Technical Progress Report, Geneva, September 15, 2009, 62.

⁴³⁸⁹ *Ibid.* See also U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 2.1.

⁴³⁹⁰ U.S. Department of State, "Niger," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>. See also U.S. Embassy- Niamey official, E-mail communication, April 12, 2011.

⁴³⁹¹ U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 6.1.

⁴³⁹² ILO Committee of Experts, *Individual Observation C182: Niger (2008)*.

⁴³⁹³ ILO-IPEC, *Prevention and Elimination of Child Labour in Mining in West Africa*, Technical Progress Report, Geneva, March 10, 2008, 11. See also Programme des Nations Unies pour le Développement, "Réunion Conjointe de Stratégie pour la validation de l'UNDAF 2009-2013",

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⁴³⁹⁴ Mamadou Thiam, *How changes in Schooling Affect Child Labor: The case of 3 FTI Countries*, 3, 6-7; available from http://www.educationfasttrack.org/media/library/Education_Child_Labor.pdf.

⁴³⁹⁵ Laetitia Antonowicz, Frédéric Lesné, Stéphane Stassen, and John Wood, *Africa Education Watch: Good Governance Lessons for Primary Education*, 6. See also U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 2.2. See also U.S. Embassy- Niamey official, E-mail communication, April 12, 2011.

⁴³⁹⁶ ECOWAS, *Regional Policy On Protection And Assistance To Victims Of Trafficking In Persons In West Africa*, Accra, April 3, 2009.

⁴³⁹⁷ Regional Conference- Ending Recruitment and Use of Children by Armed Forces and Groups Contributing to Peace Justice and Development, *N'Djamena Declaration*, N'Djamena, June 9, 2010. See also Salma Zulfiqar and Hector Calderon, "N'Djamena Declaration adopted", unicef.org, [online], June 11, 2010 [cited March 22, 2011]; available from http://www.unicef.org/infobycountry/chad_53966.html?q=printme.

⁴³⁹⁸ U.S. Embassy- Niamey official, E-mail communication, May 24, 2011.

⁴³⁹⁹ Ali Ramadan Sekou Maina, *Etude transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina Faso, au Mali, et au Niger*. See also Government of Niger, *Enquête Pilote sur le Travail des Enfants*. See also Government of Niger, ANDDH, and UNICEF, *Rapport de l'étude nationale sur le trafic des personnes au Niger*. See also data provided in the chart at the beginning of this country report, which is based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011.

⁴⁴⁰⁰ U.S. Embassy- Niamey, *reporting, January 12, 2011*, para 7.1.

⁴⁴⁰¹ *Ibid.*, para 2.1.

⁴⁴⁰² *Ibid.*, para 7.1.

⁴⁴⁰³ ILO-IPEC, *Prevention and Elimination of Child Labour in Mining in West Africa*, Project Document, Geneva, September 30, 2005, 36. See also ILO-IPEC, *Prevention and Elimination of Child Labour in Artisanal Gold Mining (Orpaillage) in West Africa*, Technical Progress Report, Geneva, April 8, 2010, 16.

⁴⁴⁰⁴ USDOL-ILAB, *Eliminating the Worst Forms of Child Labor in West Africa by Strengthening Sub-Regional Cooperation through ECOWAS*, Technical Cooperation Project Summary, Washington, DC, January 19, 2010. See also USDOL-ILAB, *Eliminating the Worst Forms of Child Labor in West Africa by Strengthening Sub-Regional Cooperation through ECOWAS-II*, Technical Cooperation Project Summary, Washington, DC, March 1, 2011.

⁴⁴⁰⁵ U.S. Embassy- Niamey, *reporting, January 12, 2011*, paras 7.4, 7.5.

⁴⁴⁰⁶ Sandra Bisin, “Giving young women in Niger the skills to earn a safer living”, [unicef.org](http://www.unicef.org/infobycountry/niger_52297.html), [online], January 04, 2010 [cited March 25, 2011]; available from http://www.unicef.org/infobycountry/niger_52297.html.

⁴⁴⁰⁷ U.S. Department of State, “Country Reports- 2010: Niger,” 29.

⁴⁴⁰⁸ ILO Committee of Experts, *Individual Observation C182: Niger (2008)*. See also IOM, *Regulating Migration*, [online] [cited March 9, 2011]; available from <http://www.iom.int/jahia/Jahia/niger>. See also U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 3.e, 6.1.

⁴⁴⁰⁹ U.S. Embassy- Niamey, *reporting, March 5, 2011*, para 3.e, 6.a.

⁴⁴¹⁰ U.S. Embassy- Niamey, *reporting, January 12, 2011*, paras 7.4, 7.5.

⁴⁴¹¹ ILO Committee of Experts, *Individual Observation C182: Niger (2008)*. See also IOM, *Regulating Migration*.

Nigeria

During the reporting period, Nigeria took steps to combat the trafficking of children, and four more states ratified the Federal Child Rights Acts. However this legislation has not been universally adopted and forced and unsafe child labor in agriculture and domestic service remain pressing issues. The Government lacks a policy framework to combat all worst forms of child labor. Gaps and contradictions in the legal framework also undermine Government efforts to combat the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	36.3*
Attending School	5-14 yrs.	61.7
Combining Work and School	7-14 yrs.	28.1

* Population of working children: 15,963,078

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Nigeria are engaged in the worst forms of child labor, particularly in agriculture and domestic service.⁴⁴¹² In rural areas, most children work in agriculture, producing products like cassava, cocoa and tobacco. Children working in agriculture in Nigeria use dangerous tools, carry heavy loads and work long hours for very little or no pay.⁴⁴¹³ Children engaged in work on cocoa plantations are exposed to pesticides and apply chemical fertilizers without protective gear, and sometimes work under conditions of forced labor.⁴⁴¹⁴ Although evidence is limited, there is also reason to believe that the worst forms of child labor occur in the production of tobacco.⁴⁴¹⁵

In urban areas, many children work as domestic servants. Children working in domestic service do arduous tasks, work long hours and may be exposed to physical and sexual abuses by their employers.⁴⁴¹⁶

Street children, mostly girls, engage in hawking. Children who work as hawkers carry heavy loads and are vulnerable to sexual abuse and sexually transmitted diseases.⁴⁴¹⁷ They often drop out of school to work. Additionally, street children work as porters and scavengers, and a growing number of them engage in begging.⁴⁴¹⁸ Children working on the streets may be exposed to multiple dangers, including a lack of shelter, vehicle accidents, and exploitation by criminal elements.

Commercial sexual exploitation of children, especially girls, also occurs in some Nigerian cities, including Port Harcourt and Lagos, and there are reports of girls in some Nigerian refugee camps engaging in prostitution.⁴⁴¹⁹

Children in Nigerian riverine communities are engaged in fishing. Many of these children work long hours processing fish and are at risk of drowning and waterborne diseases.⁴⁴²⁰

Children work in Nigeria in forced labor in mines and quarries, producing gravel and granite. Such work puts children at risk of injury or death from exposure to dust, falling rocks and carrying heavy loads.⁴⁴²¹

In Nigeria, it is traditional to send boys, called *almajirai*, to Koranic teachers to receive an education, which may include a vocational or apprenticeship component.⁴⁴²² While some boys receive lessons, others are forced by their teachers to beg and surrender the money they earn; such boys may go without adequate food or shelter.⁴⁴²³ Reports suggest that some *almajirai* children in Nigeria may be deliberately scarred or injured to arouse sympathy and thus encourage donations.⁴⁴²⁴ The number of *almajirai* in urban areas is reportedly on the rise.⁴⁴²⁵

Nigeria is a source, transit and destination country for child trafficking.⁴⁴²⁶ Children in Nigeria are trafficked internally for work in domestic service, agriculture, street-peddling and begging.⁴⁴²⁷ Children are also trafficked from Nigeria for work in the worst forms of child labor in West and Central Africa as well as to the U.K. and Saudi Arabia.⁴⁴²⁸ Children are trafficked into Nigeria from the Central African Republic and Liberia for work in agriculture, domestic service, vending and mining.⁴⁴²⁹ They are trafficked from Togo for the same jobs and for commercial sexual exploitation.⁴⁴³⁰ Chadian children are trafficked to Nigeria to herd cattle, while children from Niger are trafficked to Nigeria to beg and perform manual labor.⁴⁴³¹ Beninese boys are also trafficked into Nigeria to work in granite mines and gravel quarries.⁴⁴³²

Laws and Regulations on the Worst Forms of Child Labor

The Government of Nigeria has the authority to establish labor standards,⁴⁴³³ though legislative power to protect children is reserved to the states. The Federal Labor Act sets a minimum age of employment at 12 and is in force in all 36 states

of Nigeria. Nigeria’s Labor Act establishes an exception to its minimum age law, permitting children at any age to do light work in domestic service or work alongside a family member in agriculture or horticulture.⁴⁴³⁴

The Federal 2003 Child Rights Act, which codifies the rights of all children in Nigeria, raises the minimum age to 14 and supersedes the Labor Act.⁴⁴³⁵ However, each state is required to implement the provisions of the Child Rights Act in its territory.⁴⁴³⁶ During the reporting period, Niger State adopted the Child Rights Act, bringing the number of states that have adopted it to 24.⁴⁴³⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	12*
	Minimum Age for Hazardous Work	15*
	Compulsory Education Age	15*
	Free Public Education	Yes

The Child Rights Act also prohibits the worst forms of child labor, including the forced labor of children and use of children for prostitution or in armed conflict. Additionally, it prohibits the use of children, including the *almajirai*, in street hawking and begging.⁴⁴³⁸ The Child Rights Act imposes strict penalties for abuses, creates family courts and effectively raises Nigeria’s child rights law to international standards.⁴⁴³⁹

States may also enact additional provisions to bolster protection for working children within their territory. Certain states within Nigeria have taken this step and closed gaps in the law.⁴⁴⁴⁰ For example, the Abia State Child's Rights Law (2006) prohibits domestic service outside of the home or family environment to all children under age 18.⁴⁴⁴¹

However, in states that have not adopted the Child Rights Act, there may be no state-level law protecting children from worst forms of child labor.⁴⁴⁴² Such states may also continue to permit children as young as 12 to work and allow children of any age to perform light work in domestic service or agriculture and horticulture.⁴⁴⁴³

Child labor laws in Nigeria are often contradictory and inconsistent. Different definitions and age requirements in the Child Rights Act and the Labor Act lead to gaps in Nigeria's framework of laws that limit their effectiveness in addressing the worst forms of child labor. While the Child Rights Act applies appropriately stringent penalties for violating the hazardous labor provisions, the Labor Act may not apply penalties stiff enough to deter violations.⁴⁴⁴⁴ Neither Nigeria's Labor Act nor its Child Rights Act lays out a comprehensive list of hazardous activities prohibited to children nor do they establish a clear minimum age for hazardous work.⁴⁴⁴⁵

The Labor Act sets different age thresholds for various hazardous activities. For example, a youth age 15 or older may work in industries or on vessels when they are run by family members.⁴⁴⁴⁶ The law prohibits youth under age 16 from being employed underground or working with machines but explicitly permits children ages 16 to 18 to perform these hazardous activities.⁴⁴⁴⁷ However, the same law forbids the employment of young persons under age 18 in work injurious to their health, safety or morals.⁴⁴⁴⁸

The Constitution of Nigeria prohibits forced labor, slavery or servitude.⁴⁴⁴⁹ The 2003 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act applies throughout

Nigeria and prohibits trafficking, prostitution, pornography, drug trafficking and the forced or compulsory recruitment of children into armed conflict.⁴⁴⁵⁰ Nigerian law punishes such offenses appropriately with fines and imprisonment.⁴⁴⁵¹

However, some of the states that apply Shari'a may treat children as offenders rather than victims. For example the *Shari'a* Penal Code of the state of Zamfara defines an offender as anyone who "does any obscene or indecent act in a private or public place, or acts or conducts himself/herself in an indecent manner."⁴⁴⁵² Treating child victims of commercial sexual exploitation as offenders runs counter to internationally-accepted standards for the treatment of such children.⁴⁴⁵³

Though education is the prerogative of the state governments, the Federal Constitution of Nigeria makes primary education free and compulsory when "practicable" in all states.⁴⁴⁵⁴ However, the term "practicable" introduces ambiguity in the concept of free universal education, which is not yet realized in Nigeria.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Nigeria has established a coordinating mechanism to combat the worst forms of child labor. However, Nigeria does have a National Agency for Prohibition of Trafficking in Persons (NAPTIP) program, which coordinates the fight against trafficking.

The Federal Ministry of Labor and Productivity (MOLP) is principally responsible for ensuring that federal labor laws are enforced. MOLP's Division of Inspectorate with 441 inspectors is responsible for investigating all labor law violations, including those provisions related to child labor.⁴⁴⁵⁵ Labor inspectors are deployed to all 36 states as well as the Federal Territory of Abuja.⁴⁴⁵⁶ MOLP does not keep separate statistics on the number of violations of the worst forms of child labor. In 2009, the Government of Nigeria

reportedly conducted 1,500 inspections, of which 150 specifically concerned child labor. Of the 150 child labor investigations, 50 resulted in additional investigations, but none led to a prosecution, conviction, fine or penalty.⁴⁴⁵⁷ Although working onboard seafaring vessels is explicitly permitted to children age 15 and above, there were no labor inspectors responsible for conducting inspections on these vessels, creating a gap in the child labor enforcement framework.⁴⁴⁵⁸ Given the size of the country and the scope of the worst forms of child labor problems in Nigeria, the number of inspections is not adequate. In addition, the numbers of worst forms of child labor violations are not publicly available.

At the state level, all 36 states have specific ministries responsible for children's affairs.⁴⁴⁵⁹ States may also undertake other measures which aid in the enforcement of labor provisions. For example, an Ondo State report has established a child labor monitoring system in cocoa plantations.⁴⁴⁶⁰

The National Police Force has the primary responsibility for enforcing all laws against forced labor and commercial sexual exploitation, particularly prostitution.⁴⁴⁶¹ However, the National Police are not trained on state laws and may not have the knowledge of such laws protecting children from a particular worst form of child labor within a specific state. This limits the capacity of the National Police to enforce laws protecting children from the worst forms of child labor.⁴⁴⁶²

States are prohibited from having their own police forces; however, some that enforce *Shari'a* are permitted to have religious boards (*Hisbah*). They enforce laws, including those against prostitution, but do not have the power to arrest or detain.⁴⁴⁶³ Except for those cases linked to trafficking, no statistics are available for the number of investigations, prosecutions or convictions related to forced labor, commercial sexual exploitation or other worst forms of child labor.

In 2009, NAPTIP, which is responsible for enforcing anti-trafficking legislation, increased

its staff from 555 to 669 during the reporting period.⁴⁴⁶⁴ NAPTIP staffed 22 units in those states with the worst trafficking problems.⁴⁴⁶⁵ From January to July 2010, the most recent period for which such statistics are publicly available, NAPTIP reported that it had rescued 1,047 trafficking victims, including adults and babies sold.⁴⁴⁶⁶ The National Police Force and the Nigerian Immigration Service also have anti-trafficking units responsible for combating trafficking, while other agencies, such as the National Drug Enforcement Agency, help identify traffickers and their victims.⁴⁴⁶⁷ However, the National Police Force does not keep statistics on the number of investigations nor the number of cases brought to trial.

Government Policies on the Worst Forms of Child Labor

The draft Nigeria Child Labor Policy and related draft National Action Plan were prepared in 2005–2006 but have never been adopted. Nevertheless, the Ministry of Labor reports that components of the draft National Child Labor Policy are being implemented.⁴⁴⁶⁸

The Government of Nigeria has a 2008 National Plan of Action on Trafficking in Persons, which provides government entities and NGOs a coordination framework for research, protection, prevention and prosecution. Along with this plan, the Government has a national policy on protection and assistance to trafficked persons in Nigeria, which provides for services to trafficking victims such as protection and rehabilitation.⁴⁴⁶⁹

Policies concerning the trafficking of children for exploitative labor were strengthened during the reporting period by the adoption of the ECOWAS Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa, which includes a focus on specific sectors, such as child begging.⁴⁴⁷⁰ As part of its efforts to work with regional neighbors, Nigeria takes part in a joint committee with Benin to combat child trafficking, which is implementing a 2009–2010 joint action plan to combat the trafficking of children from

Zakpota, Benin to Abeokuta, Nigeria for labor in stone quarries.⁴⁴⁷¹ Nigeria's approved decent work plan includes elements such as vocational training for youth that link with the fight against the worst forms of child labor.⁴⁴⁷²

During the reporting period, the Federal Ministry of Education released the National Framework for the Development and Integration of *Almajiri* Education in the Universal Basic Education Scheme.⁴⁴⁷³ *Almajiri* schools are to be regulated by state governments to more effectively address the challenges facing traditional Islamic Education Sector as they relate to itinerancy and begging.⁴⁴⁷⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2007, the MOLP has been working to develop codes of conduct for various sectors, including mining, construction and fishing; and in 2008, Nigeria conducted a national survey to identify the prevalence and nature of child labor, although results from this survey have not been made publicly available.⁴⁴⁷⁵

The Government of Nigeria is participating in a 4-year regional project, (2009–2013), funded by USDOL at \$7.95 million, which aims to establish a national action plan to eliminate the worst forms of child labor and institute a formal list of hazardous labor for children in Nigeria.⁴⁴⁷⁶ To assist in implementation of the Benin/Nigeria Agreement, the Government also participates in a 3-year, \$5 million regional project funded by USDOL. It aims to withdraw and prevent children from being trafficked to Nigeria from Benin for mining and associated activities around mining sites. It provides livelihood alternatives for families of withdrawn and prevented children. Additionally, the project worked with countries within the ECOWAS community to develop child labor monitoring systems.⁴⁴⁷⁷

The Government continues to target hazardous child labor in agriculture through its participation in the Sustainable Tree Crops Program. This program incorporates child labor issues into its

teachings on pest and quality management, raising awareness on particularly hazardous aspects of agricultural work for children.⁴⁴⁷⁸ In addition, Terre des Hommes continues to implement activities aimed at reducing child labor in granite quarries and gravel pits, including by working with local government officials, among others, to repatriate children forced to work there.⁴⁴⁷⁹

During the reporting period, the Government of Nigeria raised awareness on exploitative child labor through the MOLP and on trafficking through NAPTIP.⁴⁴⁸⁰ Since 2001, the Government of Nigeria has been partnering with the IOM to build capacity, provide direct services and raise awareness on trafficking of minors. Similarly, Nigeria has been collaborating with UNODC since 2002 on programs aimed at reducing trafficking of both adults and minors.⁴⁴⁸¹

During the reporting period, Nigeria supported efforts to increase birth registration as a targeted part of reducing the trafficking of children.⁴⁴⁸² NAPTIP, with the support of the American Bar Association–Rule of Law Initiative, has launched a database to connect its regional offices and improve its data collection.⁴⁴⁸³ Nigeria continues to operate shelters for trafficking victims and reunite or repatriate trafficked children.⁴⁴⁸⁴ NAPTIP operates seven shelters with capacity for 420 beds for rescued children in regions across the country.⁴⁴⁸⁵ In addition, The Ministry of Women's Affairs and Social Development operates four shelters across the country with a total capacity of 240 children and nonresidential drop-in centers, where at-risk children can access social services.⁴⁴⁸⁶

NGOs and states also run programs to address trafficking. NGOs support shelters to which government officials may send rescued children; however, due to a lack of resources during the reporting period, these shelters were only able to care for a very limited number of victims.⁴⁴⁸⁷ Some states have also taken steps to prevent trafficking. For example, 26 states have established anti-trafficking networks to raise awareness.⁴⁴⁸⁸

Nigeria has a program to withdraw street children, including those who have been trafficked into street hawking and provides them with educational or vocational skills development.⁴⁴⁸⁹ With the assistance of UNICEF and NGOs, some state education agencies also support nonformal education efforts aimed at street children. This effort includes using a radio program to provide educational lessons.⁴⁴⁹⁰

Despite the many projects across Nigeria, the scale of such programs is not sufficient to reach all Nigerian children engaged in or vulnerable to the worst forms of child labor, especially children in begging, mining, domestic service and hazardous agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nigeria:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to make the minimum age, and provisions related to light work, conform to international standards.
- Address contradictory and inconsistent provisions in the Child Rights Act and the Labor Act, particularly with regard to definitions and ages.
- Publish a comprehensive list of hazardous activities prohibited to minors and a specific age for hazardous work.
- Strengthen penalties for child labor violations.
- Ensure that those states applying Shari'a as the Penal Code do not treat child victims in commercial sexual exploitation as offenders.
- Ensure that child labor inspections occur on vessels and in all other sectors and locations where child labor is prevalent.
- Address provisions of the Federal Constitution that create ambiguity in the provision of free universal education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate and monitor efforts to combat the worst forms of child labor.
- Collect and make statistics on child labor enforcement publicly available.
- Take all necessary measures to enforce labor laws and other laws related to the worst forms of child labor.
- Ensure that national police are aware of the state level laws addressing the worst forms of child labor.
- Ensure that penalties for violations of the hazardous labor provisions within the Labor Act are stiff enough to deter violations.

IN THE AREA OF POLICY:

- Update and officially adopt the draft national child labor policy and establish a national action plan to target all worst forms of child labor.
- Continue to collect and make publicly available data on the prevalence of working children, including the national survey on child labor.

IN THE AREA OF PROGRAMS:

- Establish and expand programs to provide services to children working in agricultural, begging, domestic service and mining.
- Establish more shelters for victims of trafficking.

⁴⁴¹² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁴¹³ B.O. Lawal and O. Akintayo, “Children Participation in Vegetable Production and Associated Hazards in Oyo State: Nigeria: Implications for Poverty Alleviation and Extension,” *Journal of Applied Sciences Research* 3, no. 6 (October 13, 2007), 445-448; available from <http://www.insipub.com/jasr/2007/444-449.pdf>. See also A.E. Adeokoya and O.O. Fasine, “Occupational Safety Needs of Farm Children in South West Nigeria,” *Pakistan Journal of Social Sciences* 4, no. 1 (2007), 19-21. See also U.S. Embassy- Abuja, *reporting, May 28, 2008*.

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Oman

The Government of Oman appears to have eliminated child labor in camel racing. However, children engaged in the informal economy, particularly the agriculture and fishing industries may be vulnerable to the worst forms of child labor. Further legislation is needed to ensure adequate protection of children employed in hazardous conditions.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is little evidence that children are engaged in the worst forms of child labor⁴⁴⁹¹ in Oman.

Children reportedly work in the informal economy, particularly in agriculture and fishing.⁴⁴⁹² Children's work in agriculture commonly involves unsafe activities, such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Working in fishing may expose children to risks such as drowning.

Although prevalent until a few years ago, there is no current evidence that children younger than age 18 are engaged in camel racing, a cultural tradition historically practiced by Omani children and adults.⁴⁴⁹³

Research has found little evidence of any children in Oman involved in human trafficking.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for most employment in Oman is 15.⁴⁴⁹⁴ Children younger than age 18 may not engage in mining, quarrying or other occupations deemed hazardous by the Occupational Safety and Health Committee.⁴⁴⁹⁵ The labor law also restricts work that can be performed by children younger than age 16.⁴⁴⁹⁶ Omani law bars children from working between 6 p.m. and 6 a.m. or for more than six hours a day on weekends and holidays.⁴⁴⁹⁷ The 2010 ILO Committee of Experts Report claims that the Government is developing a list of 43 hazardous occupations prohibited for children younger than age 18.

The Omani Equestrian and Camel Federation (OECF) stipulated that all camel jockeys must be at least age 18 to participate in races by the 2009-2010 racing season. This regulation took effect in 2005 and required the camel-racing industry to raise the minimum age of camel jockeys from 14 to 18 by 2009.⁴⁴⁹⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

The Penal Code prohibits trafficking in children and inciting a child to prostitution; both are punishable by imprisonment.⁴⁴⁹⁹ The Penal Code also makes it a crime for a person to produce, keep, distribute or expose pornographic letters or pictures.⁴⁵⁰⁰

The Government prohibits forced or compulsory labor, including work by children.⁴⁵⁰¹

The military is voluntary; the minimum age to join is 18.⁴⁵⁰²

While education in Oman is free and universal up to age 16, it is not compulsory, which makes children more susceptible to child labor.⁴⁵⁰³

Institutional Mechanisms for Coordination and Enforcement

Oman’s human trafficking law established the National Committee for Combating Human Trafficking (NCCHT), which is chaired by the Inspector General of the Royal Oman Police (ROP). NCCHT raises awareness on human trafficking through public forums, training programs, media campaigns and interviews.⁴⁵⁰⁴

Research found no evidence of a coordinating mechanism to address other worst forms of child labor.

The Ministry of Manpower (MOM) and ROP are responsible for monitoring and enforcing child labor laws.⁴⁵⁰⁵ The Inspection Department of MOM conducts regular visits to private sector establishments to ensure their implementation of laws and the protection of laborers rights.⁴⁵⁰⁶ The department employs 180 inspectors. Child labor compliance is monitored during routine inspections of private sector establishments.⁴⁵⁰⁷

MOM and ROP share information on labor cases if criminal penalties are sought.⁴⁵⁰⁸ During the reporting period, MOM received 4,503 labor violation complaints and further action was sought in 1,614 of these cases.⁴⁵⁰⁹ There were no cases of child labor during the reporting period.⁴⁵¹⁰

Under the Labor Law, inspectors have jurisdiction to inspect private sector entities for labor noncompliance.⁴⁵¹¹ Research was unable to determine if any mechanisms exist to assure labor compliance in the informal sector, where underage child labor occurs.

Labor inspectors were trained over the reporting period on the enforcement of new labor reforms and monitoring anti-trafficking activities.⁴⁵¹² Research did not identify if training specific to child labor occurred during the reporting period.

The OECF conducts unannounced visits to race tracks to ensure that children younger than age 18 are not participating in camel races.⁴⁵¹³ All camel jockeys are required to provide the OECF with their names and provide proof of age. There were no reports of children engaging in camel racing during the reporting period.⁴⁵¹⁴

ROP takes the lead on developing human trafficking cases for court. It has recently opened a new and permanent shelter for victims of trafficking, providing them with rehabilitation and victim reintegration services.⁴⁵¹⁵ In 2010, indictments and convictions of trafficking did not include any underage children.⁴⁵¹⁶

Government Policies on the Worst Forms of Child Labor

NCCHT oversees the National Plan for Combating Human Trafficking (NPCHT), which outlines the Government's human trafficking procedures and their application according to Omani law. The NPCHT lays out the roles and responsibilities of governmental organizations that are involved in combating trafficking.⁴⁵¹⁷ Although the Government of Oman has adopted the NPCHT, research found no evidence of policies on other worst forms of child labor.

In 2010, the ILO Committee of Experts expressed concern over the lack of national research on the prevalence of child trafficking.⁴⁵¹⁸ In addition, the Government lacks information on the prevalence and conditions of child labor in the informal sectors, such as agriculture and fishing.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

While research has not identified programs that directly address child labor, some Government

programs may serve to prevent or alleviate the problem.

The Government began a Decent Work Program 2010-2013 during the reporting period that strives to build the employability of Oman's workforce through programs such as small- and medium-enterprise support services. The Government also strengthened vocational education and training programs.⁴⁵¹⁹

No evidence was found of research into the question of whether these initiatives impact child labor.

The NPCHT's anti-trafficking efforts include the implementation of awareness-raising activities on human trafficking in schools and among the general population, the provision of social services for trafficking victims and coordination with international organizations on trafficking developments.⁴⁵²⁰

During 2010, ILO assisted the Government and key stakeholders in efforts to combat human trafficking.⁴⁵²¹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Oman:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a list of hazardous occupations for children younger than age 18.
- Establish a compulsory age for school that is consistent with the minimum age for employment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all relevant worst forms of child labor.
- Conduct in-depth research on child labor in agriculture and the fishing industry.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact existing programs may have on child labor.

⁴⁴⁹¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

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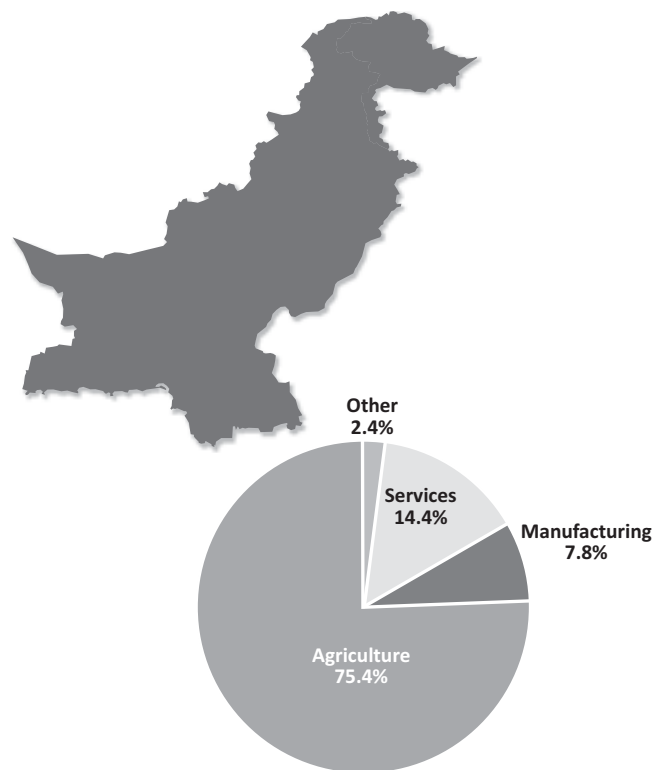
Pakistan

The Government of Pakistan participated in several projects in 2010 that aim to eliminate the worst forms of child labor. Children, however, are still engaged in the worst forms in agriculture and are subject to bonded labor, often in brick making. Significant gaps remain in the legal framework and in enforcement efforts to address the issue.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	15.9*
Attending School	10-14 yrs.	68.6
Combining Work and School	10-14 yrs.	1.8

* Population of working children: 2,844,995



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁵²²

Children in Pakistan are engaged in the worst forms of child labor, primarily in agriculture, and are subjected to bonded labor, often in brick making.⁴⁵²³ In agriculture, they may engage in unsafe and unhealthy activities such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Children also work in manufacturing activities that can be harmful to their health. For instance, children who produce glass bangles are exposed to high temperatures and toxic chemicals.⁴⁵²⁴ Children are found working in dangerous conditions in the carpet weaving, informal construction, transport, leather tanning, deep sea fishing and surgical instrument industries.⁴⁵²⁵ In the carpet weaving industry children often work long hours and are vulnerable to physical and sexual abuse.⁴⁵²⁶

Children in urban areas are often employed as domestic servants.⁴⁵²⁷ Such work may involve long hours and exposure to physical and sexual exploitation by employers.

Children of Afghan refugees, who live along the borders of Pakistan, are frequently involved in street work including rag picking. Some collect medical waste.⁴⁵²⁸ These children may be exposed to multiple dangers including severe weather and criminal elements, or may be involved in vehicle accidents.

Some children in Pakistan are forced to work as bonded laborers, often in brick making. This practice also occurs in carpet weaving, agriculture and coal mining.⁴⁵²⁹ Entire families are sometimes forced into debt bondage after borrowing money from a landowner.⁴⁵³⁰ Often, bonded laborers are unable to pay their debts. Their movements may be restricted by armed guards and they may be subjected to violence or resale.⁴⁵³¹

Child trafficking continues to be a problem with children kidnapped, rented, or sold for work in agriculture, domestic service, prostitution or begging.⁴⁵³² Girls who are sold into forced marriages are sometimes subsequently trafficked internationally for prostitution.⁴⁵³³ Disabled

children are sold or kidnapped and taken to countries such as Iran where they are forced to beg.⁴⁵³⁴ Despite concerted efforts to eliminate the practice, evidence suggests that boys are still trafficked to the Gulf States to work as camel jockeys.⁴⁵³⁵

There are reports of children being used by non-state militant groups in armed conflict.⁴⁵³⁶ Non-state groups kidnap children or coerce parents into giving away their children to spy, fight or die in suicide attacks.⁴⁵³⁷ Reports indicate that children as young as 11 are recruited by pro-Taliban insurgents and trained as suicide bombers.⁴⁵³⁸

Children along the border with Afghanistan are used in illegal smuggling operations. They carry heavy loads of small arms, drugs and household goods across the border.⁴⁵³⁹ Occasionally there are dangerous encounters with law enforcement, and some children have been shot and killed by border police.⁴⁵⁴⁰


Children are reportedly working in the production of incense, textiles, tobacco, sugar cane and gemstones as well as the process of stone crushing.⁴⁵⁴¹

Devastating floods ravaged Pakistan in the summer of 2010, destroying homes, schools and medical facilities.⁴⁵⁴² The floods wiped out infrastructure and caused an economic catastrophe that increased children’s vulnerability to child labor.⁴⁵⁴³ The 2010 floods also forced families to abandon their homes, leaving children unable to access schools.⁴⁵⁴⁴

While education is free and compulsory through age 16, access to education is still limited. In conflict zones, schools and infrastructure are often damaged.⁴⁵⁴⁵ Children displaced by conflict also have limited education access in displaced persons camps and communities to which they have fled.⁴⁵⁴⁶

Laws and Regulations on the Worst Forms of Child Labor

Under the 1991 Employment of Children Act, children of any age may be employed, provided that those under age 14 are not employed in occupations or processes deemed hazardous by the Government.⁴⁵⁴⁷ Four occupations and 34 processes appear on the Government’s hazardous list. They include manufacturing, mixing, and applying pesticides and insecticides; working at railway stations or ports; carpet weaving; construction; working in the glass bangle industry; and manufacturing cement, explosives, and other products that involve the use of toxic substances.⁴⁵⁴⁸ Brick making, a sector in which many child laborers work and some bonded child laborers work, is not specifically included on the list of prohibited hazardous occupations or processes. Further, the list only prohibits occupations and processes for children under age 14, leaving children ages 15 to 17 unprotected from dangerous or harmful work. The Government also lacks protections for children involved in domestic service and street work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	No
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	16
	Free Public Education	Yes

Bonded labor, forced labor and human trafficking are prohibited by law. The Bonded Labor System Abolition Act (BLSA) of 1992 eliminates the liability of bonded laborers to repay their debt and frees property tied to this debt.⁴⁵⁴⁹ Part II of the Constitution of Pakistan outlaws all forms of forced labor.⁴⁵⁵⁰ The Prevention and Control of Human Trafficking and Smuggling Ordinance 2002 prohibits the trafficking of children internationally for exploitative activities.⁴⁵⁵¹ The Government uses Sections 17 through 23 of the Emigration Ordinance to prosecute internal trafficking cases.⁴⁵⁵²

The Penal Code prohibits prostitution of anyone under age 18.⁴⁵⁵³ Pakistan's laws do not specifically prohibit child pornography, but the Penal Code outlaws the circulation of any "obscene material."⁴⁵⁵⁴

Pakistan does not have military conscription. The minimum voluntary recruitment age is 17.⁴⁵⁵⁵ The Pakistan Penal Code bars anyone other than state forces from recruiting and arming men, and the Anti-Terrorism Act addresses the issue of forced conscription.

The proposed Child Protection Bill 2009 would criminalize child pornography and internal child trafficking as well as many other crimes against children.⁴⁵⁵⁶ A draft Employment and Services Conditions Act 2009 has also been developed that would, if enacted, make it unlawful to employ children under age 14 in any sector.⁴⁵⁵⁷ These laws have yet to be adopted.⁴⁵⁵⁸

In 2010, Khyber Pakhtunkhwa became the first of Pakistan's provinces to pass comprehensive legislation, the Child Protection and Welfare Act, which provides for the care, protection, welfare, training and education of at-risk children.⁴⁵⁵⁹

In April 2010, Pakistan passed the 18th Amendment to the Constitution, which guarantees free and compulsory education to children through age 16.⁴⁵⁶⁰

Institutional Mechanisms for Coordination and Enforcement

The Federal Ministry of Labor and Manpower chairs the National Steering Committee on Child Labor which includes representatives from government ministries, employers' groups, and workers' organizations.⁴⁵⁶¹ Provincial coordination committees along with Child Labor Resource Cells conduct research, build capacity, and coordinate child labor activities at the provincial level.⁴⁵⁶²

Provincial departments of labor and labor courts perform inspections in industrial areas and markets to identify child labor violations and pursue legal action against employers.⁴⁵⁶³ These bodies do not enforce child labor laws in agricultural settings.⁴⁵⁶⁴ In Punjab, routine factory labor inspections have been replaced by a self-declaration system whereby factory owners post declarations regarding workplace safety, health and wage issues in their factories. Some of those factories are then chosen at random for inspection.⁴⁵⁶⁵ Because declarations are not mandatory and the review of declarations is the only method used to select companies for inspection, many factories go uninspected and there are no penalties for not complying with the self-declaration policy.⁴⁵⁶⁶

The number of labor inspectors or inspections completed throughout Pakistan is unknown, except in the case of Khyber Pakhtunkhwa province, which includes 38 employees including labor inspectors and officers and the assistant director of labor.⁴⁵⁶⁷

The Government does not collect data on the number of violations, children assisted or penalties imposed for those found to commit child labor violations.⁴⁵⁶⁸

There is no evidence that labor inspectors were trained in child labor issues during the reporting period.⁴⁵⁶⁹ The Ministry of Labor reports a lack of funding for salaries, facilities and transportation nationwide, which limits its ability to conduct labor investigations.⁴⁵⁷⁰

According to the International Confederation of Free Trade Unions, inspections do not take place in establishments employing less than 10 people, which is where most child labor occurs. Further, the All Pakistan Federation of Trade Unions reports that labor inspection responsibilities have been transferred to local bodies that are often headed by industrialists or landlords, and the inspectorates are therefore subservient to them.⁴⁵⁷¹ These constraints in the labor inspection system reduce the likelihood that child labor violations will be reported, making prosecution, conviction, and punishment of violators unlikely.⁴⁵⁷²

Bonded labor legislation is enforced by local vigilance committees. They are responsible for implementing the BLSA, assisting in rehabilitating bonded laborers, and helping the laborers achieve the objectives of the law.⁴⁵⁷³ The committees include the deputy commissioner of each district and representatives from the police, judiciary, municipal authorities, workers and employers groups.⁴⁵⁷⁴

District magistrates were originally authorized to implement the BLSA; however, their positions have since been eliminated.⁴⁵⁷⁵ These circumstances contrive to hamper the effectiveness of BLSA enforcement and since the law's passage in 1992, there have been no convictions under the act.⁴⁵⁷⁶

The anti-trafficking unit of the Federal Investigation Agency (FIA) is the lead agency responsible for enforcing transnational trafficking-related laws.⁴⁵⁷⁷ FIA cooperates with other governments on trafficking cases, operates a hotline for victims, and publishes information on anti-trafficking efforts on its website.⁴⁵⁷⁸ The Government does not collect data on the number of criminal investigations, prosecutions, children assisted or convictions of child traffickers and those using children in other exploitative forms of labor. It is unclear whether children identified in criminal worst forms of child labor are recognized as victims or criminals.⁴⁵⁷⁹

The Ministry of Social Welfare's Child Protection Management Information System (CPMIS) collects data from police, child protection agencies, detention centers and other organizations regarding child trafficking, family care, sexual exploitation, violence against children and juvenile justice.⁴⁵⁸⁰ Data from the CPMIS is not yet available and therefore, the monitoring system's effectiveness can not be assessed.⁴⁵⁸¹

Government Policies on the Worst Forms of Child Labor

The Government of Pakistan's 2000 National Policy and Plan of Action to Combat Child Labor (NPPA) highlights three objectives: withdraw children from hazardous occupations, rehabilitate child laborers and eliminate all forms of child labor.⁴⁵⁸² It outlines a strategy for combating child labor that includes awareness raising, establishing child labor resource centers, conducting surveys to expand knowledge on child labor, strengthening enforcement, expanding education facilities and implementing poverty alleviation measures.⁴⁵⁸³ The policy outlines resources to be allocated to implementation including \$1.16 million from the Government and a fixed yearly contribution by the quasi-governmental education assistance agency, Pakistan Bait-ul-Mal, and the non-profit Islamic educational trust, the Iqra Fund.⁴⁵⁸⁴ Implementation of the plan is ongoing.⁴⁵⁸⁵

In 2008, the Government of Pakistan's National Action Plan for Children was adopted.⁴⁵⁸⁶ One goal of this plan is to prohibit, restrict, and regulate child labor with a view to its ultimate elimination.⁴⁵⁸⁷ The plan lays out 14 key strategies and actions including harmonizing work between government agencies, NGOs and donors; promoting research on child labor issues; developing non-formal education for child laborers; providing micro-credit for families of child laborers; and conducting national surveys on child labor. The policy also addresses child trafficking and outlines key objectives for its elimination.⁴⁵⁸⁸

Both of the aforementioned plans mandate child labor surveys; however, such surveys have not been conducted since 1996.⁴⁵⁸⁹ The lack of recent data hampers the Government's ability to assess the impact of recently closed child labor programs and to develop policies or plans for future child labor initiatives.⁴⁵⁹⁰

The Federal Investigation Agency has a National Action Plan for Combating Human Trafficking. This plan lays out prevention, prosecution and protection strategies for ending human trafficking including child trafficking.⁴⁵⁹¹ It provides for awareness-raising efforts, service provider training, data collection and the establishment of victims' shelters. The plan also outlines which ministry, agency or unit is responsible for each action.⁴⁵⁹²

The Government of Pakistan has incorporated the elimination of the worst forms of child labor into other development and poverty reduction policies. The current Poverty Reduction Strategy Paper reiterates the commitment to the NPPA and incorporates the reduction of child labor in its target-setting process.⁴⁵⁹³ The 2001 National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers addresses the issue of exploitative child labor.⁴⁵⁹⁴

In May 2010, the Ministry of Labor and Manpower released a new labor policy. This policy focused on establishing labor courts, developing a registration system for the labor force and increasing the minimum wage.⁴⁵⁹⁵ In addition, the policy recommitments the Government to ending hazardous child labor, including work in brick kilns, a sector not mentioned in the list of hazardous labor.⁴⁵⁹⁶ This policy does not include specific actions to be carried out or a timeline for implementation.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government continued to administer National Centers for Rehabilitation of Child Labor to remove children age 5 to 14 from hazardous labor and provide them with education, clothing, and a stipend. There are 292 centers, which have provided primary education to 15,045 students since 1995.⁴⁵⁹⁷ Children have been withdrawn from hazardous labor in brick making, carpet weaving, mining, leather tanning, construction, glass bangle manufacturing, and agriculture.⁴⁵⁹⁸

The Government specifically targets bonded laborers for support services and programming. The Ministry of Labor and Manpower provided legal services to bonded laborers during 2010.⁴⁵⁹⁹ The project has an annual budget of \$21,000 and has benefited more than 700 bonded laborers since 2005, including children.⁴⁶⁰⁰

The Punjab Provincial Government continued implementation of its own \$1.4 million project (launched at the end of 2008) aimed at eliminating bonded labor in brick kilns. This project to date has helped nearly 7,000 child bonded laborers and has provided \$467,000 in microloans to help free laborers from debt.⁴⁶⁰¹ The Sindh provincial government has continued to implement its \$116,000 project (launched at the end of 2005), which provided state-owned land for housing camps and constructed 75 low-cost housing units for freed bonded laborer families.⁴⁶⁰² Given the magnitude of the bonded labor situation in Pakistan, the resources allocated to these programs are insufficient to properly address the problem.

Pakistan participates in a \$5.7 million European Commission-funded project to combat the worst forms of child labor.⁴⁶⁰³ The project, which works in many informal sectors with bonded and forced child labor, includes a national survey

on child labor and strategies to raise awareness and mainstream child trafficking and child labor initiatives into national policies. The Government makes in-kind contributions and dedicates personnel to the project.⁴⁶⁰⁴

The Government also participates in a 4.5-year, \$1.5 million USDOL-funded project to provide education and training programs for children in Balakot, Khyber Pakhtunkhwa province who were left vulnerable to hazardous child labor by the earthquake on October 8, 2005.⁴⁶⁰⁵ The project targets 550 children for withdrawal and 2,900 children for prevention from hazardous work. The project establishes rehabilitation centers, which provide nonformal education and rehabilitation to children withdrawn from hazardous labor.⁴⁶⁰⁶ In 2010, this project conducted a needs-assessment of families affected by the devastating floods and began preparations to open a rehabilitation center to serve the needs of this population.⁴⁶⁰⁷

A 5-year \$4.4 million USDOL-funded project to eliminate child labor in smuggling, automobile

workshops, construction, embroidery, agriculture and street vending concluded in September 2010. The project withdrew 8,158 children from hazardous work in these sectors and prevented 7,682 children from entering this type of work.⁴⁶⁰⁸ The project also established early childhood education for children at risk of entering hazardous child labor.⁴⁶⁰⁹ In an effort to make school attendance more attractive, the project provided furniture for local schools and trained teachers to provide a healthy and supportive school environment for the children.⁴⁶¹⁰ Programs in place to address the issue of access to education are not widespread enough to address the scope of the problem specifically in conflict areas and the flood zone.

While the Government of Pakistan has a number of initiatives to address the worst forms of child labor, projects focused on street work and agriculture are insufficient to address the scope of the problem. In addition, there is no evidence of programs specifically targeting child domestics.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Pakistan:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt the draft Employment and Services Conditions Act of 2009 to prohibit children below age 14 from working.
- Revise the 1991 Employment of Children Act to prohibit children under age 18 from engaging in hazardous work and include brick making as a prohibited occupation.
- Enact laws to provide protections for child domestic servants and children working on the streets.
- Adopt the draft Child Protection Bill to clearly criminalize child pornography and internal child trafficking.

IN THE AREA OF ENFORCEMENT:

- Provide the provincial Departments of Labor the authority to perform labor inspections in establishments with fewer than 10 workers and in agricultural settings.
- Revise the self-declaration labor monitoring system in Punjab to require employers to post reports on workplace safety, health and wages and thereby be subject to random inspection.
- Provide adequate funding for labor inspections.
- Train labor inspectors in child labor issues.
- Create centralized mechanisms for child labor inspection.
- Create centralized mechanisms and reassign implementation authority for BLSA enforcement from the district magistrate to an active government agency.
- Collect and publish enforcement data for child labor violations and criminal violation of child trafficking laws.

IN THE AREA OF POLICY:

- Conduct sectoral surveys on areas with a high-incidence of child labor to increase the knowledge base in these areas, inform policy and program planning and determine the impact of interventions.
- Amend the 2010 Labor Policy to include specific actions to be carried out and a timeline for implementation.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand government programs to reach a larger number of bonded child laborers.
- Target government programs to reach children working in the most prevalent worst forms of child labor including street work, agriculture and domestic service.

⁴⁵²² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2007-2008. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴⁵³⁶ Coalition to Stop the Use of Child Soldiers, "Kazakhstan," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also Integrated Regional Information Networks, "Pakistan: Child soldiers in Swat Valley," *IRINnews.org*, [online], May 26, 2008 [cited April 29, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=78400>. See also U.S. Embassy- Islamabad, *reporting, March 26, 2010*, 3, 13.

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- ⁴⁵⁷² UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan*, CRC/C/PAK/CO/3-4, Geneva, October 15, 2009, 21.
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⁴⁵⁹¹ Federal Investigation Agency, *Pakistan National Action Plan for combating Human Trafficking*, [online] [cited April 26, 2011]; available from www.fia.gov.pk/HUMAN.htm.

⁴⁵⁹² Ibid.

⁴⁵⁹³ *National Legislation and Policies Against Child Labour in Pakistan*, [online] June 8, 2009 [cited April 29, 2011]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipecc/responses/pakistan/national.htm>. See also International Monetary Fund, *Pakistan: Poverty Reduction Strategy Paper*, Washington, DC, 2004, 119.

⁴⁵⁹⁴ U.S. Embassy- Islamabad, *reporting, March 26, 2010*.

⁴⁵⁹⁵ ILO-IPEC, *Pakistan Earthquake- Child Labour Response, Technical Progress Report*, 2.

⁴⁵⁹⁶ Government of Pakistan, *Labour Policy 2010*, 2010, 5; available from www.lmis.gov.pk/publications/LPP.pdf.

⁴⁵⁹⁷ U.S. Embassy- Islamabad, *reporting, January 26, 2011*, para. 7.1.b.

⁴⁵⁹⁸ Ibid., para. 6.4.

⁴⁵⁹⁹ U.S. Embassy- Islamabad, *reporting, March 26, 2010*.

⁴⁶⁰⁰ Ibid.

⁴⁶⁰¹ U.S. Embassy- Islamabad, *reporting, January 26, 2011*, para. 7.1.a.

⁴⁶⁰² U.S. Embassy- Islamabad, *reporting, March 9, 2010*, part 3, page 11.

⁴⁶⁰³ ILO-IPEC Geneva official, E-mail communication to USDOL official, April 20, 2011.

⁴⁶⁰⁴ U.S. Embassy- Islamabad, *reporting, March 26, 2010*.

⁴⁶⁰⁵ U.S. Department of Labor, *Pakistan Earthquake- Child Labour Response*, Technical Cooperation Project Summary, Washington, DC.

⁴⁶⁰⁶ Ibid.

⁴⁶⁰⁷ ILO-IPEC, *Pakistan Earthquake- Child Labour Response, Technical Progress Report*, 6.

⁴⁶⁰⁸ U.S. Department of Labor, *Mitigating Child Labour through Education in Pakistan (MCLEP)*, Technical Cooperation Project Summary.

⁴⁶⁰⁹ Save the Children- UK, *Mitigating Child Labour through Education in Pakistan (MCLEP)*, Technical Progress Report, September 25, 2010.

⁴⁶¹⁰ Ibid.

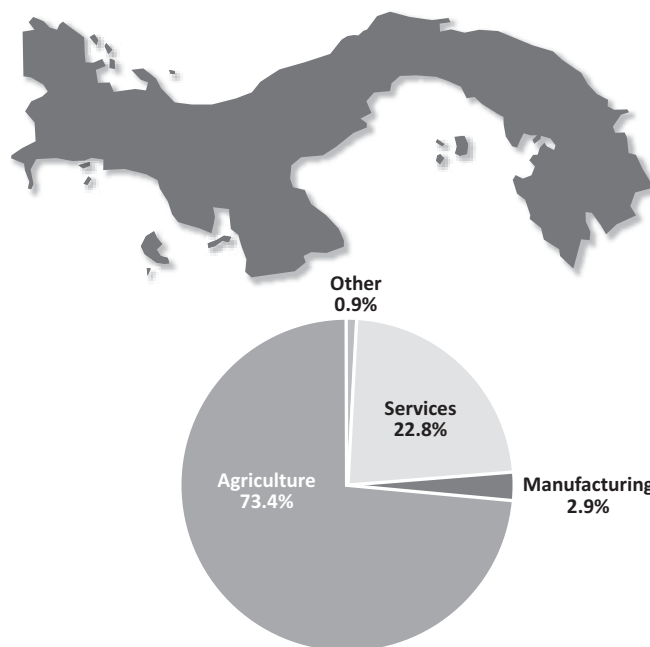
Panama

The Government of Panama has a strong policy framework to combat the worst forms of child labor. However, gaps remain in legal prohibitions on some worst forms of child labor. In addition, children continue to engage in the worst forms of child labor in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	7.3*
Attending School	5-14 yrs.	93.2
Combining Work and School	7-14 yrs.	7.6

* Population of working children: 47,963



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Panama,⁴⁶¹¹ primarily in agriculture and urban informal sector work. Children working in agriculture are often exposed to pesticides, carry heavy loads, and work in extreme weather conditions. Children cultivate coffee and melons and to a lesser extent, sugarcane. Although limited, there is some evidence that the worst forms of child labor are also used in the production of corn, onions, tomatoes, and yucca.⁴⁶¹² Children from indigenous communities frequently migrate with their families to work in agriculture. Farm owners often pay according to the amount harvested, leading families to bring their children to work alongside them to harvest greater amounts.⁴⁶¹³ Children are also engaged in work in the fishing sector, which may expose them to risks such as drowning.⁴⁶¹⁴

In urban areas, children work on the streets selling goods, shining shoes, washing cars, and assisting bus drivers. These activities often carry the risk of illness and injury, as they require high physical exertion and exposure to densely transited areas with the risk of auto accidents.⁴⁶¹⁵



Many children, mostly girls of indigenous descent, work as domestic servants, where they are vulnerable to abuse.⁴⁶¹⁶ Evidence also indicates that children, principally girls, are victims of forced labor in domestic service. Children are victims of commercial sexual exploitation, particularly in rural areas and in the city of Colon, and limited evidence indicates that some girls are also trafficked for the purpose of commercial sexual exploitation.⁴⁶¹⁷

According to the Government of Panama, the rate of child labor among indigenous children is approximately three times the national rate.⁴⁶¹⁸ Children of indigenous descent face greater barriers to accessing education services, and many must travel significant distances to reach school increasing the risk that these children enter the workforce rather than attend school.⁴⁶¹⁹

According to the Government's 2010 child labor survey, the number of children working between the ages of 5 to 17 years in Panama decreased to 60,702 from 89,767 in 2008.⁴⁶²⁰ The ILO has indicated that government policies may have contributed to this decline.⁴⁶²¹

Laws and Regulations on the Worst Forms of Child Labor

Panama's Constitution, Family Code, and Labor Code set the minimum age for employment at age 14 and at age 15 for children who have not completed primary school.⁴⁶²² Similarly, the Law on Education establishes that children under age 15 cannot work or participate in other activities that deprive them of their right to attend school regularly.⁴⁶²³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Constitution allows children below the minimum age to work under conditions established by laws.⁴⁶²⁴ The Family and Labor Codes appear to allow for light work in agriculture that does not prejudice school attendance starting at age 12,⁴⁶²⁵ but provisions regarding hours of work are not well defined. The Labor Code states that minors 12 to 15 years of age may be employed in agriculture if the work is outside regular schooling hours.⁴⁶²⁶ Similarly, the Family Code permits children between the ages of 12 and 14 to perform agricultural labor as long as the work does not interfere with schooling.⁴⁶²⁷

Neither provision sets limits on the total number of hours that children may work, nor defines the kinds of light work that children may perform in agriculture, which the CEACR has also noted with concern.⁴⁶²⁸

Various laws and an executive decree govern dangerous work performed by children. The Family Code and the Labor Code prohibit children under age 18 from certain activities and types of hazardous work, including work in venues where alcohol is sold, in public transport, with electricity, with toxic substances, and underground.⁴⁶²⁹ Both the Labor Code and Penal Code establish penalties for employing children in dangerous or illegal occupations.⁴⁶³⁰ Panamanian law also criminalizes the use of children in certain activities involving illegal substances.⁴⁶³¹

Executive Decree No. 19 of 2006 provides a comprehensive list of the hazardous work for children, banned both by the Labor and Penal Codes. The decree clarifies the types of work considered unsafe for children under age 18, including work under water or on ships and work that involves exposure to pesticides or extreme weather conditions, using heavy equipment or dangerous tools, or carrying heavy loads to transport goods or people, and recycling trash.⁴⁶³² The decree indicates that violations related to hazardous child labor will be sanctioned in accordance with existing laws, though it is unclear whether this occurs in practice.⁴⁶³³

There are additional protections in the Panamanian Penal Code against the worst forms of child labor. The Penal Code prohibits soliciting and paying for prostitution with a minor and benefiting from the proceeds of child prostitution.⁴⁶³⁴ Additionally, the Penal Code provides comprehensive prohibitions against child pornography, including its production, distribution, possession, or promotion. Child sex tourism is also prohibited.⁴⁶³⁵ Trafficking of minors domestically and internationally for sexual purposes is punishable with prison and fines.⁴⁶³⁶

The Penal Code does not include a ban on child trafficking for forced labor, but prohibits the sale of children and provides for penalties that are increased if actions result in sexual exploitation, forced labor, or servitude of children.⁴⁶³⁷ Panama also has no laws that explicitly prohibit the use of forced or compulsory child labor, although the Constitution of Panama, as well as the Panamanian Penal Code, afford related protections that can be used to sanction forced labor.⁴⁶³⁸ The Family Code guarantees children protection against being kidnapped, sold, or trafficked for any purpose, but does not include penalties.⁴⁶³⁹

Institutional Mechanisms for Coordination and Enforcement

The Committee for the Eradication of Child Labor and the Protection of Adolescent Workers (*Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente*, CETIPPAT) coordinates various efforts to combat child labor, including the implementation of the country's National Plan for the Eradication of Child Labor and the Protection of Young Workers. CETIPPAT is led by the First Lady and is comprised of the Ministries of Labor (*Ministerio de Trabajo y Desarrollo Laboral*, MITRADEL), Education, Health, and Agriculture, as well as representatives from civil society and workers' and employers' organizations.⁴⁶⁴⁰ In addition, the National Commission for the Prevention of Crimes of Sexual Exploitation (*Comisión Nacional para la Prevención de Delitos de Explotación Sexual*, CONAPREDES) coordinates Government efforts to combat the commercial sexual exploitation of children and is led by the Office of the Attorney General. Members of the CONAPREDES include the Attorney General, and the Ministries of Labor, Education, Social Development, and Health.⁴⁶⁴¹

The MITRADEL is charged with enforcement of child labor laws. In February 2010, the MITRADEL established the National Bureau against Child Labor and for the Protection of Adolescent Workers, which is charged with overseeing child labor inspections; carrying

out education programs for employers, parents, and children on child labor; and implementing the National Plan for the Eradication of Child Labor and the Protection of Young Workers.⁴⁶⁴² MITRADEL employed 124 labor inspectors during the reporting period, all of whom were trained to identify child labor violations. In 2010, MITRADEL provided trainings on child labor to Government officials, including 157 MITRADEL staff.⁴⁶⁴³ MITRADEL had a budget of approximately \$440,000 to combat child labor. Approximately \$185,000 was dedicated to the child labor survey conducted during the reporting period.⁴⁶⁴⁴

Complaints related to child labor may be filed through hotlines run by the MITRADEL or the Ministry of Social Development (MIDES), in-person at one of the MITRADEL offices or at social service centers throughout the country run by MIDES.⁴⁶⁴⁵ The MITRADEL refers cases of children found in exploitative work in the informal sector to the Child and Adolescent Courts and the National Secretariat for Childhood, Adolescence, and Family (SENNIAF).⁴⁶⁴⁶

During the reporting period, MITRADEL received a total of 231 child labor complaints and referred 389 children to the CETIPPAT for services.⁴⁶⁴⁷ In addition, MIDES received 19 complaints via its hotline and 128 complaints through its social service centers. All of these cases were referred to SENNIAF for services.⁴⁶⁴⁸ Although information was not available on the number of inspections carried out in response to the complaints, the MITRADEL reports that a total of 1,020 inspections on child labor violations were carried out in 2010.⁴⁶⁴⁹

The Department of Judicial Investigations within the Public Ministry is responsible for investigating trafficking cases and operated a unit of 5 staff dedicated to investigating trafficking in persons for sexual exploitation, an increase of 2 staff people over the previous reporting

period.⁴⁶⁵⁰ There are 14 attorneys specializing in the prosecution of commercial sexual exploitation of children and trafficking cases nationwide.⁴⁶⁵¹ During the reporting period, police and judicial officials received training on trafficking and commercial sexual exploitation of children and participated in a regional Central America conference to foster cooperation in trafficking investigations and exchange of best practices.⁴⁶⁵² The MITRADEL also provided training to its labor inspectors to identify cases of commercial sexual exploitation of children during the reporting period.⁴⁶⁵³ The Government continued to operate a special trafficking victims unit inside the National Immigration Office. This unit provides protection and legal assistance to trafficking victims and oversees prevention efforts, such as education campaigns.⁴⁶⁵⁴

During the reporting period, the Government investigated 15 cases of child pornography, 7 cases of facilitating child prostitution, 11 cases of child sex trafficking and 17 cases of payment for prostitution with a minor.⁴⁶⁵⁵ However, information on the number of resulting convictions was not available.

Government Policies on the Worst Forms of Child Labor

Panama continued implementation of its National Plan for the Eradication of Child Labor and the Protection of Young Workers (2007-2011). The national plan is administered through CETIPPAT, and the goals include raising awareness, strengthening national legislation, improving the quality of life of at-risk families, reintegrating child workers into the educational system, and producing systems to monitor working children.⁴⁶⁵⁶ During the reporting period, CETIPPAT implemented the national plan by conducting seminars and awareness raising initiatives on both the national and regional level, reaching over 1,000 participants, including parents, teachers, children, and private sector and union leaders.⁴⁶⁵⁷

In 2010, Panama adopted the Roadmap towards the Elimination of Child Labor, which aims to achieve the goals of the national plan to eliminate the worst forms of child labor by 2015 and all child labor by 2020 by strengthening anti-poverty, health, and educational programs and policies.⁴⁶⁵⁸ The Government initiated the planning for implementation of the roadmap and carried out awareness raising activities with agriculture sector representatives of the National Council of Private Enterprise, a private sector association. The Government also carried out awareness raising efforts with indigenous groups and as part of the World Day against Child Labor.⁴⁶⁵⁹

CONAPREDES undertook activities to implement a National Plan of Action against Commercial Sexual Exploitation of Children (2008-2010), which aims to strengthen assistance to victims, improve public policy, and strengthen law enforcement.⁴⁶⁶⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government has implemented social programs to combat poverty among the most vulnerable and increase children's and families' access to basic and vocational education. A conditional cash transfer program, Network of Opportunities (*Red de Oportunidades*), provides cash transfers to families conditioned on their participation in health and education services. The program also offers training to beneficiaries to improve income generation opportunities.⁴⁶⁶¹ The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed.

The SENNIAF implemented programs to identify children engaged in the worst forms of child labor and commercial sexual exploitation to remove them from exploitative situations and provide them services. During 2010, 81 children were identified and subsequently assisted.⁴⁶⁶²

The Government also provided shelter and other

services and funded NGOs specifically to assist child victims of commercial sexual exploitation and trafficking.⁴⁶⁶³ In addition, the Government continued to participate in a \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁴⁶⁶⁴

Although the Government of Panama has implemented programs to address the commercial

sexual exploitation of children, research found no evidence that it has carried out programs to assist children involved in agriculture and domestic service where indigenous children are particularly vulnerable to exploitative work. In addition, Government programs assisting children in urban informal work do not reach many children working in this type of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Panama:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to explicitly prohibit forced labor, generally, and trafficking in persons for the purpose of forced labor, specifically.
- Establish clear regulations for the conditions under which children between the 12 and 14 may engage in light agricultural work, including limits on the number of hours children can work and the types of activities they may perform.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make publicly available information on the number of inspections carried out and their results.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact that the national conditional cash transfer program, Network of Opportunities, may have on addressing the worst forms of child labor.
- Develop social programs to address the worst forms of child labor in agriculture and domestic service.
- Expand social programs addressing child labor in urban informal work.
- Take special measures, through social and educational programming, to protect children of indigenous descent from labor abuses and labor law violations, with a particular focus on agriculture and domestic service.

⁴⁶¹¹ The statistics in the chart at the beginning of the report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2008. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁴⁶¹² Casa Esperanza and Creative Association International, *Situación del Trabajo Infantil en Zonas Agrícolas Productoras de Melón de Exportación, Tomate Industrial y Cebolla*, June 2006, 37, 40, 60. See also ILO-IPEC, *Prevention and Elimination of Child Labour and Hazardous Work in Panama, PHASE II, Project Document*, Geneva, September 15, 2006, 9. See also U.S. Embassy- Panama, reporting, February 22, 2011.

⁴⁶¹³ U.S. Department of State, "Panama," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrprt/2010/index.htm>.

⁴⁶¹⁴ U.S. Embassy- Panama, reporting, February 22, 2011.

⁴⁶¹⁵ U.S. Embassy- Panama, reporting, February 23, 2010. See also U.S. Embassy- Panama, reporting, February 22, 2011. See also Government of Panama, *Comentarios de la Encuesta de Trabajo Infantil, 2010*, 11; available from <http://www.contraloria.gob.pa/inec/Publicaciones/05-03-33/Comentario.pdf>. See also Agenzia Fides, "America/Panama-Child labor is a "social distortion" denounces the Archbishop of Panama," Agenzia Fides, [online], June 14, 2011 [cited July 22, 2011]; available from <http://www.fides.org/aree/news/newsdet.php?idnews=29253&lan=eng>. See also UNifeed, *Panama/Child Labor (MDGs)*, [online] September 8, 2010 [cited July 22, 2011]; available from www.unmultimedia.org/tv/unifeed/d/15856.html. See also Government of Panama and ILO-IPEC, *Análisis del trabajo infantil en Panamá 2000-2008: Síntesis de resultados, 2010*; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=16455>.

⁴⁶¹⁶ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas*, 2006, 42, 44; available from <http://www.oit.org.pe/ipecc/documentos/panama.pdf>. See also ILO, *Give Girls a Chance*, 2009, 3; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=10290>. See also Instituto Nacional de Estadística y Censo, *Comentarios de la Encuesta de Trabajo Infantil, Octubre 2010*, 2010, 11; available from <http://www.contraloria.gob.pa/inec/Publicaciones/05-03-33/Comentario.pdf>.

⁴⁶¹⁷ U.S. Department of State, "Panama," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14,

2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>.

⁴⁶¹⁸ Instituto Nacional de Estadística y Censo, *Comentarios de la Encuesta de Trabajo Infantil*, Octubre 2010, 12.

⁴⁶¹⁹ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas*, 29.

⁴⁶²⁰ U.S. Embassy- Panama, reporting, February 22, 2011.

⁴⁶²¹ ILO-IPEC, *Disminuye trabajo infantil en Panamá*, [July 22, 2011 [cited July 22, 2011]; available from <http://white.oit.org.pe/ipecc/alcuentros/interior.php?notCodigo=1844>.

⁴⁶²² Government of Panama, *Constitución Política de la República de Panamá con reformas hasta 2004*, (1972), article 70; available from <http://pdba.georgetown.edu/Constitutions/Panama/constitucion2004.pdf>. See also *Código de la Familia*, (1994), article 508; available from http://www.legalinfo-panama.com/legislacion/familia/codfam_index.htm. See also *Código de Trabajo*, (August 12, 1995), articles 117(1) and 117(2); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42679/67564/S95PAN01.htm>.

⁴⁶²³ *Ley Orgánica de Educación*, (September 24, 1946); available from <http://www.asamblea.gob.pa/busca/index-legispan.asp>.

⁴⁶²⁴ Government of Panama, *Constitución Política*, article 70.

⁴⁶²⁵ *Código de Trabajo*, article 119. See also *Código de la Familia*, article 716.

⁴⁶²⁶ *Código de Trabajo*, article 119. See also ILO and Paula Antezana Rimassa, *Trabajo Infantil en la Agricultura*, 2007, 40-41; available from http://white.oit.org.pe/ipecc/documentos/trabajo_infantil_en_la_agricultura.pdf.

⁴⁶²⁷ *Código de la Familia*, article 716. There is some conflict between the provisions of the laws discussed above and the Agriculture Code. That Code prohibits children less than 14 years of age from paid work in agriculture, even with parental permission. However, because the Family Code repeals or amends any laws referring to family or minors that are inconsistent with the Code, and the Agriculture Code was passed in 1962, while the Family Code was passed in 1994, the Family Code age limitations likely controls in case of discrepancy. See also *Código Agrario de la República de Panamá*, *Ley 37*, (September 21, 1962), article 403; available from http://190.34.208.115/Legis-Agro/Codigo_Agrario/Codigo_Agrario.asp. See also *Código de la Familia*, article 838. See also *Código de Trabajo*, article 119.

⁴⁶²⁸ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Panama (ratification: 2000) Submitted: 2006, May 24, 2011*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18523&chapter=9&query=%28C138%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>. See also *Código de la Familia*, article 716. See also *Código de Trabajo*, article 119.

- ⁴⁶²⁹ Código de Trabajo, article 118. See also Código de la Familia, article 510.
- ⁴⁶³⁰ Código de Trabajo, article 125. See also Código Penal de la República de Panamá Adoptado por la Ley 14 de 2007, con las modificaciones y adiciones introducidas por la Ley 26 de 2008, la Ley S de 2009, la Ley 68 de 2009 y la Ley 14 de 2010, (April 26, 2010), article 203; available from http://www.oas.org/juridico/mla/sp/pan/sp_pan-int-text-cp.pdf.
- ⁴⁶³¹ Código Penal de Panamá, article 318.
- ⁴⁶³² Government of Argentina, Decreto Ley 326/56, (January 20, 1956); available from http://www.trabajo.gov.ar/asesoramiento/files/decreto_%20ley%20_326_56.doc.
- ⁴⁶³³ Creative Associates International Inc., Destino: Combating Exploitive Child Labor through Education in Panama (El Destino hacia la Educación: Disminuyendo y Erradicando el Trabajo Infantil para Nuevas Oportunidades), Government Performance Results Act Reporting, Washington, DC, September 16, 2008, 2.
- ⁴⁶³⁴ Código Penal de Panamá, articles 176 and 182.
- ⁴⁶³⁵ Ibid., article 180, 181, 183-186.
- ⁴⁶³⁶ Ibid., articles 177 and 179. See also ILO Committee of Experts, Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Panama (ratification: 1966) Submitted: 2010, May 24, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23934&chapter=9&query=%28C029%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.
- ⁴⁶³⁷ Código Penal de Panamá, article 207.
- ⁴⁶³⁸ Government of Panama, Constitución Política, articles 21 and 40. See also Código Penal de Panamá, article 149. See also U.S. Embassy- Panama official, E-mail communication to USDOL official, April 20, 2011. See also Eduardo Mendoza, “Ejecutivo analiza proyecto sobre la trata de personas”, [online], March 3, 2011 [cited April 26, 2011]; available from <http://www.prensa.com/hoy/panorama/2521853.asp>.
- ⁴⁶³⁹ Código de la Familia, article 489(17).
- ⁴⁶⁴⁰ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011, June 2006, 39-40; available from http://www.oit.org.pe/ipecc/documentos/plan_nacional_cetipat_completo.pdf.
- ⁴⁶⁴¹ Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, Plan Nacional para la Prevención y Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 2008, 9, 30-38; available from http://white.oit.org.pe/ipecc/documentos/plan_nacional_pana.pdf. See also U.S. Embassy- Panama official, E-mail communication, July 13, 2011.
- ⁴⁶⁴² Decreto, DM57-2010, (February 23, 2010); available from http://white.oit.org.pe/ipecc/documentos/decreto_creacion_direccion_trabajo_infantil_panama_2010.pdf. See also U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁴³ U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁴⁴ Ibid.
- ⁴⁶⁴⁵ U.S. Embassy- Panama, reporting, February 23, 2010. See also U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁴⁶ U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁴⁷ Ibid.
- ⁴⁶⁴⁸ Ibid.
- ⁴⁶⁴⁹ U.S. Embassy- Panama official, E-mail communication, July 13, 2011. See also Government of Panama - Ministry of Labor, Dirección Nacional de Inspección del Trabajo Dpto. de Atención al Menor Trabajador: Periodo 2010, 2011.
- ⁴⁶⁵⁰ U.S. Embassy- Panama, reporting, February 22, 2011. See also U.S. Embassy- Panama, reporting February 23, 2010.
- ⁴⁶⁵¹ U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁵² Ibid.
- ⁴⁶⁵³ U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁵⁴ U.S. Embassy- Panama, reporting, March 10, 2010.
- ⁴⁶⁵⁵ U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁵⁶ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011, 5-8.
- ⁴⁶⁵⁷ U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁵⁸ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente and ILO-IPEC, Hoja de Ruta para hacer de Panamá un país libre de trabajo infantil y sus peores formas, 2009, 3, 4, 6, 8, 11, 12; available from <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1769>.
- ⁴⁶⁵⁹ U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁶⁰ Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, Plan Nacional para la Prevención y Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 27.
- ⁴⁶⁶¹ Ministerio de Desarrollo Social, “¿Que es la Red de Oportunidades?”, 2010; available from http://www.mides.gob.pa/?page_id=2927.
- ⁴⁶⁶² U.S. Embassy- Panama, reporting, February 22, 2011.
- ⁴⁶⁶³ U.S. Department of State, “Trafficking in Persons Report-2010: Panama.”
- ⁴⁶⁶⁴ ILO-IPEC official, E-mail communication to USDOL official, April 15, 2011.

Papua New Guinea

During the reporting period, the Lukautim Pikinini (Child) Act of 2009 came into force. Among other things, it prohibits employment that interferes with a child's education and criminalizes some forms of child labor. The lack of free education combined with the absence of compulsory education laws may make children vulnerable to the worst forms of child labor. Children are found working as domestic servants and in commercial sexual exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Papua New Guinea are engaged in the worst forms of child labor,⁴⁶⁶⁵ many in domestic service and some in commercial sexual exploitation. Some of these children are held in indentured servitude in order to pay off family debts.⁴⁶⁶⁶ Child domestic labor commonly involves long hours of work and dangerous activities and may expose children to physical and sexual exploitation by their employers.

The commercial exploitation of children, including forced prostitution, typically occurs in bars and nightclubs.⁴⁶⁶⁷ There are reports that children are also exploited through the production of pornography and are trafficked internally and from neighboring countries.⁴⁶⁶⁸

Although evidence is limited, there is reason to believe children engage in work in agriculture, including on tea and coffee farms.⁴⁶⁶⁹ Children's work in agriculture commonly involves harmful activities, such as using dangerous machinery and

tools, carrying heavy loads and applying toxic pesticides.





In urban areas, children work as street vendors.⁴⁶⁷⁰ Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.

Substantial school fees have created a marked barrier to children's education. Children not attending school may be more susceptible to engaging in worst forms of child labor.⁴⁶⁷¹

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum age for work and hazardous work at 16.⁴⁶⁷² There is no specific list of hazardous work prohibited for children, although the Act states generally that children may not be engaged in employment in "industrial undertakings," the fishing industry or under circumstances that are injurious or likely to be injurious.⁴⁶⁷³ Children between ages 16 and 17 may only work between 6:00 p.m. and 6:00 a.m.

if working in a family business. Children age 11 to 18 may work in family businesses by obtaining medical clearance, parental permission and a work permit.⁴⁶⁷⁴ A permit will not be issued for work considered harmful to the child's health or their physical, mental or spiritual development.⁴⁶⁷⁵ Street trading by children of any age between the hours of 8:00 p.m. and 6:00 a.m. or at any time on a Sunday is prohibited by the Child Welfare Act.⁴⁶⁷⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	No
	Free Public Education	No

A new child protection and rights act, the Lukautim Pikinini (Child) Act of 2009, came into force in April 2010, replacing the previous Child Welfare Act.⁴⁶⁷⁷ The Act specifically addresses the harmful employment of children and prohibits employment that interferes with a child's education.⁴⁶⁷⁸

The Constitution prohibits forced labor.⁴⁶⁷⁹ The Criminal Code forbids the abduction, kidnapping or procurement of girls younger than age 18 for sexual exploitation.⁴⁶⁸⁰ It also explicitly criminalizes the trafficking of children for commercial sexual exploitation and slavery.⁴⁶⁸¹ The

prostitution of children up to age 18 is prohibited, and children in prostitution are protected from criminal charges.⁴⁶⁸²

The Criminal Code prohibits the use, procurement or offer of a child for the production of pornography or for pornographic performances.⁴⁶⁸³ There are no legislative provisions forbidding the sale and trafficking of children for the purpose of labor exploitation.⁴⁶⁸⁴

There is no compulsory military service in Papua New Guinea. The minimum age for voluntary military service is 18, or 16 with parental approval.⁴⁶⁸⁵

There is no compulsory age for education. The lack of standards in this area may increase the risk of children's involvement in the worst forms of child labor.⁴⁶⁸⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Papua New Guinea has established a coordinating mechanism to combat the worst forms of child labor.

The Department of Labor and Industrial Relations is responsible for enforcing child labor and trafficking laws, while the Office of the Director for Child Welfare in the Department of Community Development is responsible for implementing the Lukautim Pikinini (Child) Act.⁴⁶⁸⁷ The Government employs 55 labor inspectors who cover all 19 provinces in the country.⁴⁶⁸⁸ They are responsible for enforcing the country's labor laws, including but not limited to child labor laws. Labor inspectors lack the authority to arrest or issue spot fines.⁴⁶⁸⁹ Senior staff in the Department of Community Development note that a lack of technical competence and coordination among enforcement agencies impairs child labor law enforcement.⁴⁶⁹⁰ An additional obstacle noted was the lack of manpower, particularly regarding labor inspectors and police officers.⁴⁶⁹¹

The Police Sexual Offenses Squad is responsible for enforcing laws against child commercial sexual exploitation and the use of children in illicit activities.⁴⁶⁹²

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Decent Work calls for the elimination of child labor.⁴⁶⁹³ Reports state that the Government is also working with NGOs to implement the National Action Plan against Commercial Sexual Exploitation of Children 2006-2011.⁴⁶⁹⁴

In an effort to increase primary school enrollment, the Government abolished school fees for students in first and second grade during the reporting period.⁴⁶⁹⁵ Fees still exist for the other primary levels.⁴⁶⁹⁶

The lack of official data and other statistical information does not allow for an accurate

assessment of the full nature and extent of the worst forms of child labor in Papua New Guinea.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government is participating in a regional project funded by the European Commission called Tackling Child Labor through Education (TACKLE). With a 4-year, Å16 million (a little over \$23 million) budget, TACKLE aims to withdraw children engaged in child labor in the Pacific region.⁴⁶⁹⁷ In Papua New Guinea specifically, the project intends to improve government capacity to implement and enforce child labor laws and policy, and to work with social partners and civil society towards these goals. The project was put on hold in November of 2010 due to staffing issues.⁴⁶⁹⁸

Despite this effort, TACKLE alone is not sufficient to combat all worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Papua New Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a more specific list of hazardous occupations and activities forbidden for children.
- Establish a compulsory school age for all children that is equivalent to or greater than the minimum age for work.
- Extend legal protection to young children working in family businesses and all children in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make enforcement data on the worst forms of child labor available.
- Provide inspectors with the authority to enforce labor laws.

IN THE AREA OF GOVERNMENT POLICIES:

- Collect and publish data and other statistical information to facilitate an accurate assessment of the full nature and extent of the worst forms of child labor in Papua New Guinea.
- Abolish school fees for all primary levels.

IN THE AREA OF SOCIAL PROGRAMS:

- Resume implementation of the TACKLE project.
- Institute programs that address the worst forms of child labor, specifically in domestic service and commercial sexual exploitation.

⁴⁶⁶⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁶⁶⁶ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Papua New Guinea (ratification: 2000) Submitted: 2006, November 11, 2010*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18909&chapter=9&query=Papua+New+Guinea%40ref&highlight=&querytype=bool&context=0>. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Papua New Guinea: Report for the WTO General Council Review of the Trade Policies of Papua New Guinea*, November 16 and 18, 2011, 1; available from http://www.ituc-csi.org/IMG/pdf/report_PNG-final.pdf. See also U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 16, 2011, Section 7d.

⁴⁶⁶⁷ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Papua New Guinea (ratification: 2000) Published: 2011, April 10, 2011*; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=12716&chapter=6&query=Papua+New+Guinea%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*. See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report*, 2006, 33. See also U.S. Department of State, “Country Reports- 2010: Papua New Guinea,” section 7.

⁴⁶⁶⁸ ILO Committee of Experts, *Individual Observation C182: Papua New Guinea (2011)*. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*, May 12, 2010; available from http://www.endchildlabor.org/db_infoBank.cfm. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*. See also ILO Committee of Experts, *Individual Direct Request C182: Papua New Guinea (2006)*. See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific*.

⁴⁶⁶⁹ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also Department of Community Development official, Interview with USDOL Consultant, June 20, 2006. See also Department of Labor and Industrial Relations

official, Interview with USDOL Consultant, June 26, 2006. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*.

⁴⁶⁷⁰ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also Department of Community Development official, Interview, June 20, 2006.

⁴⁶⁷¹ U.S. Department of State, “Country Reports- 2010: Papua New Guinea,” section 6.

⁴⁶⁷² U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also ILO Committee of Experts, *Individual Direct Request C182: Papua New Guinea (2006)*. See also The Law Library of Congress, *Child Labor Papua New Guinea*, February 2008. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Papua New Guinea*.

⁴⁶⁷³ The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁶⁷⁴ U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136005.htm>. See also The Law Library of Congress, *Child Labor Papua New Guinea*. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Papua New Guinea*, 5.

⁴⁶⁷⁵ U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁶⁷⁶ The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁶⁷⁷ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also U.S. Embassy- Port Moresby official, E-mail communication to USDOL official, April 26, 2010.

⁴⁶⁷⁸ Bosorina Robby, “New Child Protection Act Launched,” *The National*, 2010; available from www.thenational.com.pg/?q=node/6770. See also Kritoe Keleba with Nancy Sullivan, *Street Children of Papua New Guinea: A public policy challenge*, Department for Community Development Child Welfare Branch, April 10, 2010, 20; available from www.nancysullivan.net/pdf/companyreport-streetchildrenofpauanewguinea.pdf.

⁴⁶⁷⁹ U.S. Embassy- Port Moresby, *reporting, February 14, 2011*. See also *Constitution of the Independent State of Papua New Guinea*.

⁴⁶⁸⁰ ILO Committee of Experts, *Individual Direct Request C182: Papua New Guinea (2006)*.

⁴⁶⁸¹ U.S. Department of State, “Papua New Guinea,” in *Trafficking in Persons Report- 2010, Trafficking in Persons Report- 2010: Papua New Guinea*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴⁶⁸² The Protection Project, *Papua New Guinea*; available from <http://www.protectionproject.org/papua.doc>. See also ILO Committee of Experts, *Individual Direct Request C182: Papua New Guinea (2006)*. See also U.S. Embassy- Port Moresby, reporting, February 23, 2009.

⁴⁶⁸³ U.S. Embassy- Port Moresby, reporting, February 14, 2011.

⁴⁶⁸⁴ ILO Committee of Experts, *Individual Observation C182: Papua New Guinea (2011)*.

⁴⁶⁸⁵ U.S. Embassy- Port Moresby, reporting, February 14, 2011. See also Coalition to Stop the Use of Child Soldiers, "Papua New Guinea," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>.

⁴⁶⁸⁶ U.S. Department of State, "Country Reports- 2010: Papua New Guinea," section 6.

⁴⁶⁸⁷ U.S. Embassy- Port Moresby, reporting, February 14, 2011. See also U.S. Department of State, "Country Reports- 2010: Papua New Guinea," section 7. See also U.S. Embassy- Port Moresby official, E-mail communication, April 26, 2010.

⁴⁶⁸⁸ U.S. Embassy- Port Moresby, reporting, February 14, 2011.

⁴⁶⁸⁹ Ibid.

⁴⁶⁹⁰ U.S. Embassy- Port Moresby official, E-mail communication, April 26, 2010.

⁴⁶⁹¹ Ibid. See also ILO Committee of Experts, *Individual Observation C182: Papua New Guinea (2011)*.

⁴⁶⁹² U.S. Embassy- Port Moresby, reporting, February 14, 2011. See also The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁶⁹³ ILO-IPEC, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, 2005, 27; available from <http://www.ilo.org/public/english/region/asro/bangkok/14arm/download/combating.pdf>.

⁴⁶⁹⁴ PNG Children's Foundations Inc., PACE, and UNICEF, *The National Action Plan Against Commercial Sexual Exploitation of Children in Papua New Guinea (July 2006-June 2011)*, 2006. See also U.S. Embassy- Port Moresby, reporting, February 23, 2009.

⁴⁶⁹⁵ U.S. Department of State, "Country Reports- 2010: Papua New Guinea."

⁴⁶⁹⁶ Ibid.

⁴⁶⁹⁷ EuropeAid, *EC and ILO launch project to tackle child labour in African, Caribbean and Pacific countries*, press release, June 10, 2008; available from http://ec.europa.ed/europaid/where/acp/documents/ec_tackle_pressrelease_en.pdf.

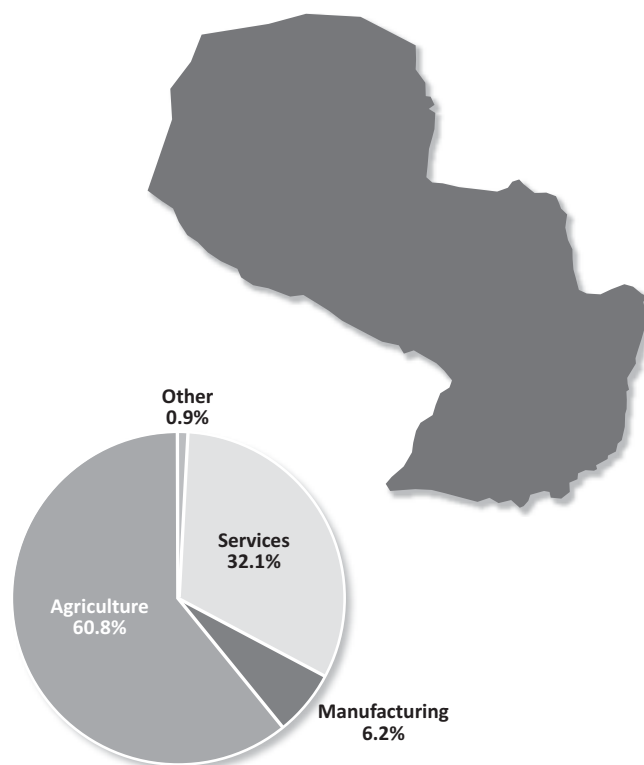
⁴⁶⁹⁸ U.S. Embassy- Port Moresby, reporting, February 14, 2011.

Paraguay

The Government of Paraguay has implemented social programs to combat child labor, including through cash transfer initiatives conditioned on removing children from exploitative work. However, a number of barriers exist in the effective reduction of the worst forms of child labor, including the limited allocation of resources for the enforcement of child labor laws. In addition, children continue to work in agriculture and domestic service where they may face a variety of occupational health and safety risks.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	15.3
Attending School	5-14 yrs.	90.3
Combining Work and School	10-14 yrs.	12.1



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor⁴⁶⁹⁹ in Paraguay, particularly in agriculture. Children, primarily boys and many of indigenous descent, work in the production of cotton. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of soy, sesame, wheat, tobacco, manioc, peanuts, beans, sugarcane and stevia (a plant-based sweetener).⁴⁷⁰⁰ Children working in agriculture may use hazardous tools, carry heavy loads, and apply harmful pesticides.

Children, primarily girls and many of indigenous descent, work as *criadas*, or child domestic servants who often work long hours and may be subject to physical and sexual exploitation by their employer.⁴⁷⁰¹ Children also work as street vendors and in markets, where risks include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.⁴⁷⁰²

Children, primarily boys, also work in the production of limestone, as well as in the manufacturing, construction, and transportation sectors which may require them to carry heavy loads and expose them to vehicular accidents and toxic dust.⁴⁷⁰³ Children also reportedly work in the production of bricks.⁴⁷⁰⁴

Children in Paraguay are trafficked for commercial sexual exploitation and forced domestic service from rural to urban areas, including Asunción, Encarnación, and Ciudad del Este. Limited evidence suggests that in the Chaco region, indigenous children work raising cattle, a potentially dangerous activity, and sometimes work under conditions of debt bondage.⁴⁷⁰⁵ The production of child pornography is a problem in Paraguay.⁴⁷⁰⁶ Children reportedly smuggle drugs along the border with Brazil.⁴⁷⁰⁷

Laws and Regulations on the Worst Forms of Child Labor

The Child and Adolescent Code establishes 14 as the minimum age for work, and light work is permitted for children between the ages of 12 and 14. The Government, however, has not yet adopted regulations governing the nature and conditions of the light work permitted for children between ages 12 and 14.⁴⁷⁰⁸ A List of Work Endangering Children Decree 4951 prohibits children under age 18 from working in 26 broad classifications of work including work with dangerous tools, toxic substances, cattle, prolonged exposure to extreme climactic conditions, and work in public transport, public areas, mines, and domestic service. The Labor Code establishes fines for employing children under age 18 in dangerous forms of work.⁴⁷⁰⁹ However, research has not identified the specific legal provisions that stipulate penalties for violations of the List of Work Endangering Children or which ministries enforce the Decree.⁴⁷¹⁰ The age to which education is compulsory is 14.⁴⁷¹¹

The Penal Code prohibits commercial sexual exploitation of children and adolescents, including recruiting, facilitating, and benefitting economically from child prostitution.⁴⁷¹² It also prohibits child pornography, including its production, distribution, and possession.⁴⁷¹³ Both the Constitution and the Penal Code prohibit slavery, forced labor, or analogous conditions. The Penal Code establishes penalties for forced labor.⁴⁷¹⁴

July 2009 revisions to the Penal Code increased penalties for the international trafficking of persons. Penalties are higher when a child is trafficked.⁴⁷¹⁵ However, current legislation does not comprehensively prohibit internal trafficking for forced labor and commercial sexual exploitation.⁴⁷¹⁶

The law establishes 18 as the minimum age for conscription into the military.⁴⁷¹⁷ No legislation to prohibit the recruitment of children for illicit activities, such as drug trafficking, could be identified.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Council for Children and Adolescents (National Council) is the national coordinating body that establishes policies to protect children’s rights and approves specific programs aimed at children and adolescents. The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) is responsible for developing and implementing child labor policies.⁴⁷¹⁸ It includes representatives from the Ministries of Labor, Health and Social Welfare, and Education and Culture, the Children’s and Adolescents’ Secretariat, the Social Action Secretariat, the Women’s Secretariat, and civil society.⁴⁷¹⁹

The Ministry of Justice and Labor is responsible for inspecting workplaces for child labor. It can

issue fines against businesses found employing children in work prohibited by the Labor Code.⁴⁷²⁰ Child laborers identified by inspections are referred to other agencies for educational and social services. The Ministry of Justice and Labor employs 30 labor inspectors in Asunción and 9 inspectors in regional offices, who inspect for all types of labor violations, including child labor.⁴⁷²¹ This number of inspectors does not appear to be commensurate with the magnitude and scope of child labor in the country. Inspectors received training on child labor issues during the reporting period.⁴⁷²² The Ministry of Justice and Labor had just one vehicle to enforce labor laws. The Ministry of Justice and Labor indicated that it conducted 1,500 labor inspections in 2010.⁴⁷²³

The Public Ministry's Special Directorate to Fight the Trafficking of Persons and Commercial Sexual Exploitation of Children is responsible for enforcing criminal laws related to the worst forms of child labor. It has a unit staffed by two prosecutors specializing in human trafficking and sexual exploitation of children who receive regular high-quality training on those topics.⁴⁷²⁴ The Public Ministry also acts on referrals from the Ministry of Justice and Labor and the Child and Adolescent Secretariat in cases of dangerous and criminal child labor law violations.⁴⁷²⁵ The National Police operates a unit that investigates cases of trafficking and the commercial sexual exploitation of children. The unit employs 33 persons and operates in six cities.⁴⁷²⁶ In February 2011, the National Police established a mandatory training on human trafficking.⁴⁷²⁷ Along with local prosecutors, the anti-trafficking unit at the Attorney General's Office's investigates and prosecutes human trafficking cases. In 2010, the Government of Paraguay opened investigations into more than 100 cases, mostly related to commercial sexual exploitation, and indicted 38 individuals.⁴⁷²⁸ It also investigated and charged a police officer and a public registry employee with possible complicity in separate cases of human trafficking. However, it did not convict any individuals for such crimes.⁴⁷²⁹

The Women's Secretariat and the Child and Adolescent Secretariat have offices dedicated to combating trafficking of children. The Women's Secretariat, the Child and Adolescent Secretariat, and the Public Ministry maintain hotlines to report cases of trafficking and the commercial sexual exploitation of children and receive referrals from law enforcement agencies to provide social services to trafficking victims.⁴⁷³⁰

Government Policies on the Worst Forms of Child Labor

In October 2010, the National Council approved a new National Strategy for the Prevention and Eradication of Child Labor and Protection of Working Adolescents (2010 – 2015), which seeks to coordinate policies to combat the worst forms of child labor, provide access to free and quality education to child laborers and livelihood alternatives for their families, raise awareness of child labor, and improve enforcement of child labor laws.⁴⁷³¹ In August 2010, the Ministry of Justice and Labor approved an inter-institutional guide as part of the national plan to provide a coordinated institutional response for assisting child laborers.⁴⁷³²

In 2010, the government adopted the National Plan for Development 2010-2020, which includes goals for reducing child labor as part of broader efforts to reduce social exclusion and poverty.⁴⁷³³

In addition, Paraguay participates in MERCOSUR's *Niñosur* (Southern Child) Initiative, which aims to defend the rights of children and adolescents in the region. The initiative works to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.⁴⁷³⁴ During the reporting period, MERCOSUR member countries met to exchange good practices in systems to protect children and adolescents from commercial sexual exploitation as part of the *Niñosur* Initiative.⁴⁷³⁵

Paraguay's National Tourism Office is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism. The group, whose members also include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay, and Venezuela, conducts prevention and awareness-raising campaigns.⁴⁷³⁶

During the reporting period, the National Secretariat for Children and Adolescents signed an inter-institutional agreement with the National Bureau for Public Contracts to ensure that any goods or services procured by the government are not produced through child labor.⁴⁷³⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Paraguay operated several programs to combat poverty and prevent/remove children in or at risk of the worst forms of child labor. One is the Embrace program which assists children engaged in exploitative urban work by providing their families with cash transfers conditioned on children's school attendance and withdrawal from work.⁴⁷³⁸ The program also operates 14 centers in 11 cities in Paraguay providing education and training, nutritional support, and access to health services.⁴⁷³⁹ The program helped approximately 1,000 households and almost 2,000 children below age 14 during 2010.⁴⁷⁴⁰ The Embrace program is in the process of expanding to target child labor in more sectors. During the reporting period, the program launched a pilot project to remove children from trash picking in the area of Encarnación.⁴⁷⁴¹

A second program serves the Chaco region. It is also a cash transfer program conditioned on families' withdrawal of children from child labor and meeting education and health requirements and helped 700 families and approximately 1,300 children younger than age 14.⁴⁷⁴²

The Government also operates the *Tekopora* program, which provides conditional cash transfers to families in moderate to extreme poverty. Its primary objective is to increase school attendance among poor children. Currently, this initiative operates in 14 of the Paraguay's 17 departments. In 2011, the Government began to link the *Tekopora* program and the Embrace program to more effectively assist working children.⁴⁷⁴³ These efforts will only reach a small portion of children affected by the worst forms of child labor, however.

Education programs also address child labor issues. For example, the Ministry of Education and Culture continues to require that all schools gather information on the working status of children and has implemented teacher trainings on child labor issues.⁴⁷⁴⁴

The Government has also participated in a number of international-donor-funded projects to eradicate the worst forms of child labor in Latin America. During the reporting period, USDOL funded a \$6.75 million, 4-year project to promote collaboration across four countries—Bolivia, Brazil, Ecuador, and Paraguay—to combat the worst forms of child labor among socially excluded populations, including children of indigenous and Afro-descent. It began in 2009 and aims to withdraw 3,600 children from and prevent another 3,000 children from entering the worst forms of child labor through education interventions.⁴⁷⁴⁵ The Government also participated in donor-funded initiatives and worked with local NGOs to combat child trafficking. The Government worked with the IDB on a \$1.2 million regional project to combat the trafficking and sexual exploitation of children in municipalities of Argentina, Brazil, Paraguay, and Uruguay and aims to strengthen local organizations and governments that work in prevention, detection, and victim assistance.⁴⁷⁴⁶

The Government also provided some funding to NGOs to assist trafficking victims in Asuncion and Ciudad del Este, which furnish short-term legal, medical, and psychological services.⁴⁷⁴⁷

The Government of Paraguay has initiated a range of programs to combat child labor and its

causes. However, although the Government has implemented programs to address child labor in urban informal work, research found no evidence that the current programs reach children working in agriculture and domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Paraguay:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to prohibit trafficking in persons within the national territory.
- Adopt legislation prohibiting the use of children in illicit activities, such as drug smuggling.
- Publicize the legislation that establishes sanctions for violations of the Decree 4951, the List of Work Endangering Children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources available to the Ministry of Justice and Labor in the form of vehicles and personnel to conduct child labor inspections.
- Ensure that human trafficking cases are resolved and that guilty individuals are convicted.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand the Tekopora and Embrace programs to provide assistance to more families and children affected by the worst forms of child labor.
- Create and expand social programs to reach children working in domestic service and agriculture.

⁴⁶⁹⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁷⁰⁰ U.S. Embassy- Asunción, *reporting*, July 23, 2008. See also ILO, Cooperación Española, and el Desarme y la Libertad Movimiento por La Paz, *El Trabajo Infantil en Canindeyu, Paraguay*, Geneva, 2005, 20; available from http://white.oit.org.pe/ipec/boletin/documentos/ti_rural_py.pdf. See also ILO-IPEC, *Sembrando Futuro*, [online] July 2004 [cited May 3, 2010]; available from <http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=502>.

⁴⁷⁰¹ ILO-IPEC and Roberto Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 2006, 83-84; available from http://white.oit.org.pe/ipec/documentos/estadisticas_py_07.pdf. See also UN Forum on Indigenous Issues, *Mission to Paraguay*, 2009, 16; available from http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf.

⁴⁷⁰² ILO-IPEC and Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 49-51, 83. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 2007, 22; available from http://white.oit.org.pe/ipec/documentos/tmc_paraguay.pdf.

⁴⁷⁰³ U.S. Embassy- Asunción, *reporting*, July 23, 2008. See also Ministerio de Trabajo y Justicia, "MJT descubre explotación de niños en caleras y canteras de Vallemi", [online], 2009 [cited May 8, 2011]; available from <http://www.mjt.gov.py/prensa/2009/setiembre/mjt-descubre-explotacion-de-ninos-en-caleras-y-canteras-de-vallemi>.

⁴⁷⁰⁴ La Coordinadora para la Eliminación del Trabajo Infantil and IPEC, *Dejame ser niño, Dejame ser niña* (Paraguay: 2011), DVD. See also Ministry of Justice and Labor, Interview with USDOL officials, July 6, 2011.

⁴⁷⁰⁵ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Project Document, 2009, 14. See also U.S. Department of State, "Paraguay," in *Trafficking in Persons Report- 2011*, Washington, DC, June 27, 2011; available from <http://www.state.gov/g/tip/rls/tiprpt/2011/>. See also United Nations

Forum on Indigenous Issues, *Mission to Paraguay*, 2009, 16; available from http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf.

⁴⁷⁰⁶ U.S. Department of State, "Trafficking in Persons Report- 2011: Paraguay." See also ILO-IPEC, *Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia*, 2007, 83; available from http://white.oit.org.pe/ipec/documentos/verdades_desafios_py.pdf. See also Paraguay.com, "Ediles denuncian inacción de Evanhy ante pornografía infantil", [online], 2010 [cited May 8, 2011]; available from <http://www.paraguay.com/nacionales/ediles-denuncian-inaccion-de-evanhy-ante-pornografia-infantil-24703>. See also Vivaparaguay.com, "Primer Condena por Pornografía Infantil en Paraguay", [online], March 31, 2010 [cited May 8, 2011]; available from http://www.vivaparaguay.com/new/index.php?option=com_content&view=article&id=23750:primer-condena-por-pornografia-infantil-en-paraguay&catid=4:nacionales&Itemid=7.

⁴⁷⁰⁷ ILO-IPEC, *Collection of good practices and lessons learned related to the prevention and elimination of commercial sexual exploitation (CSE) of girls, boys and adolescents: Income Generation*, Asunción, 2005, 35-36; available from http://white.oit.org.pe/ipec/documentos/genera_ingre_py_br_eng.pdf.

⁴⁷⁰⁸ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Paraguay (ratification: 2004) Submitted: 2008*, May 9, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21629&chapter=9&query=Paraguay@ref&highlight=&querytype=bool&content=0>. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, 1680, (May 30, 2001), article 58; available from <http://www.senado.gov.py/leyes/ups/leyes/26031680.doc>.

⁴⁷⁰⁹ Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*, Decree 4951, (March 22, 2005); available from <http://www.presidencia.gov.py/decretos/D4951.pdf>. See also Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley, Código del Trabajo*, 213/93, (June 15, 1993), article 389; available from <http://www.senado.gov.py/leyes/ups/leyes/2648Ley496.DOC>.

⁴⁷¹⁰ Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*. See also Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley, Código del Trabajo*, article 122. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, articles 63-66.

⁴⁷¹¹ UNESCO, *EFA Monitoring Report: Education for All by 2015: Will We Make It?*, 2007, 280; available from <http://unesdoc.unesco.org/images/0015/001547/154743e.pdf>.

⁴⁷¹² Government of Paraguay, *Código de la Niñez y la Adolescencia*, article 31. See also Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, 3440, (1997), articles 129a and 139;

available from <http://www.hsph.harvard.edu/population/domesticviolence/paraguay.penalcode.08.doc>.

⁴⁷¹³ Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, article 140.

⁴⁷¹⁴ Government of Paraguay, *Constitución Política de la República del Paraguay*, (1992), article 10, 54; available from http://www.senado.gov.py/leyes/?pagina=ley_resultado&id=2865. See also Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, article 129c.

⁴⁷¹⁵ Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, articles 129b and 129c.

⁴⁷¹⁶ Ibid. See also U.S. Embassy- Asunción, *reporting*, February 17, 2010. See also U.S. Department of State, “Trafficking in Persons Report- 2011: Paraguay.”

⁴⁷¹⁷ ILO Committee of Experts, *Individual Direct Request C138: Paraguay (2008)*.

⁴⁷¹⁸ Government of Paraguay, *Código de la Niñez y la Adolescencia*, article 43, *ibid.* See also U.S. Embassy- Asunción, *reporting* December 2, 2010.

⁴⁷¹⁹ U.S. Embassy- Asunción, *reporting*, December 2, 2010.

⁴⁷²⁰ Ibid.

⁴⁷²¹ Ibid.

⁴⁷²² Ibid.

⁴⁷²³ Ministry of Justice and Labor, Interview, July 6, 2011.

⁴⁷²⁴ U.S. Embassy- Asunción, *reporting*, December 2, 2010.

⁴⁷²⁵ Ibid.

⁴⁷²⁶ Ibid.

⁴⁷²⁷ U.S. Department of State, “Trafficking in Persons Report- 2011: Paraguay.”

⁴⁷²⁸ Ibid.

⁴⁷²⁹ Ibid.

⁴⁷³⁰ U.S. Embassy- Asunción, *reporting*, December 2, 2010. See also Secretaría Nacional de la Niñez y Adolescencia, *Explotación Sexual de niños, niñas y adolescentes*, [online] [cited March 24, 2011]; available from http://www.senna.gov.py/index.php?option=com_content&view=article&id=186:8-de-marzo-2011&catid=1:noticias&Itemid=65.

⁴⁷³¹ Government of Paraguay, *Estrategia Nacional de Prevención y Erradicación del Trabajo Infantil y Protección del Trabajo Adolescente (2010-2015)*, 2010. See also National Council for Children and Adolescents, *Resolución No. 03*, October 13, 2010.

⁴⁷³² U.S. Embassy- Asunción, *reporting*, December 2, 2010.

⁴⁷³³ Government of Paraguay, *Paraguay para todos y todas: Propuesta de Política Pública para el Desarrollo Social 2010-2020*, 2010, 23, 111; available from <http://www.sas.gov>

[.py/xhtml/notisas/archivo/2010/abr/noti_amplio/PLAN_DESARROLLO_06+abr+2010.pdf](http://www.sas.gov.py/xhtml/notisas/archivo/2010/abr/noti_amplio/PLAN_DESARROLLO_06+abr+2010.pdf).

⁴⁷³⁴ Niño Sur, *Quienes Participan, Niño Sur*, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index2.asp?id=124>. See also Niño Sur, *Explotación sexual Infantil. Trata, Tráfico y Venta*, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index2.asp?id=126>.

⁴⁷³⁵ Niño Sur, *Actividades, Niño Sur*, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index3.asp?id=123>.

⁴⁷³⁶ Grupo de Acción Regional de las Américas, *Acciones Paraguay*, [online] 2010 [cited March 24, 2011]; available from http://www.grupodeaccionregional.org/index.php?option=com_content&view=category&layout=blog&id=156&Itemid=105&lang=es.

⁴⁷³⁷ Secretaría de la Niñez y la Adolescencia and Dirección Nacional de Contrataciones Públicas, *Convenio de Cooperación Interinstitucional entre la Secretaría de la Niñez y la Adolescencia (SNNA) y la Dirección Nacional de Contrataciones Públicas (DNCP)*, 2010; available from <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1778>.

⁴⁷³⁸ Secretaría Nacional de la Niñez y la Adolescencia, *Programa Abrazo*, [online] [cited March 24, 2011]; available from http://www.senna.gov.py/index.php?option=com_content&view=article&id=38:programa-abrazo&catid=32:proteccion&Itemid=2.

⁴⁷³⁹ Ibid. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

⁴⁷⁴⁰ Secretaría Nacional de la Niñez y la Adolescencia, *Programa Abrazo*.

⁴⁷⁴¹ Ministry of Justice and Labor, Interview, July 6, 2011.

⁴⁷⁴² Secretaría de Acción Social, *Programa ÑOPYTYVÔ*, [online] [cited March 24, 2011]; available from http://www.sas.gov.py/xhtml/DGPSyDH/dgpsydh_dnopytyvo.html. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 12.

⁴⁷⁴³ ILO-IPEC, *Combating WFCL promoting horizontal cooperation in selected countries of South America (Bolivia, Brazil, Ecuador and Paraguay)*, Technical Progress Report, April 6, 2011, 8.

⁴⁷⁴⁴ U.S. Embassy- Asunción, *reporting*, December 2, 2010.

⁴⁷⁴⁵ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, 5-8, 61.

⁴⁷⁴⁶ IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] [cited March 24, 2011]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266>.

⁴⁷⁴⁷ U.S. Embassy- Asunción, *reporting*, February 17, 2010.

Peru

The Government of Peru has comprehensive prohibitions on the commercial sexual exploitation of children and child trafficking. However, social programs for the prevention and elimination of child labor do not reach some of the most vulnerable children. In addition, the worst forms of child labor persist in many sectors, especially in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	23.4*
Attending School	6-14 yrs.	76.2
Combining Work and School	7-14 yrs.	40.5

* Population of working children: 1,310,399



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Peru,⁴⁷⁴⁸ primarily in agriculture and urban informal work. In agriculture, for example, children cultivate coca, often working long hours, performing difficult tasks and facing exposure to dangerous chemicals.⁴⁷⁴⁹ Other crops children reportedly produce include cotton, rice, coffee, and sugarcane. Children also work in gold mines where they are exposed to chemicals such as lead and arsenic.⁴⁷⁵⁰ In urban areas, children produce bricks and fireworks, where they may be harmed by dangerous chemicals, extreme heat, and carrying heavy loads. Children also work as street vendors, street performers, beggars, bus assistants, shoe shiners, car washers, and scavengers in garbage dumps.⁴⁷⁵¹ These types of urban informal activities can expose them to toxic substances, heavy traffic, and high physical exertion. Children, mainly girls, work in domestic service in both rural and urban areas and are vulnerable to physical and sexual abuse.⁴⁷⁵²

Some children, especially girls from the poorest areas of Peru, are trafficked into commercial sexual exploitation and domestic service through


false offers of employment.⁴⁷⁵³ Child sex tourism is reportedly a problem, particularly in Iquitos, Madre de Dios, and Cuzco.⁴⁷⁵⁴

Girls who work in the mining industry are often sexually exploited.⁴⁷⁵⁵ In addition, limited evidence suggests that forced child labor is a problem in informal gold mines, and transportation.⁴⁷⁵⁶ Drug traffickers and narco-terrorist group Shining Path are reported to use children to grow food crops and coca, as well as to transport drugs and precursor chemicals.⁴⁷⁵⁷ There are also credible reports that Shining Path is using child soldiers in the Apurimac-Ene River Valley.⁴⁷⁵⁸ Reports also indicate that children are recruited to transport drugs across the border between Peru and Bolivia.⁴⁷⁵⁹

Laws and Regulations on the Worst Forms of Child Labor

The Law of Minor Children sets the general minimum age for employment at 14 and places some restrictions on the ability of children ages 14 and above to work legally. For employment in nonindustrial agricultural work, the minimum age is 15; for work in the industrial, commercial, and surface mining sectors the age is 16; and for work

in the industrial fishing sector the age is 17.⁴⁷⁶⁰
The age to which education is compulsory in Peru is 16.⁴⁷⁶¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	16
	Free Public Education	Yes

The Law of Minor Children prohibits night work for children under age 15 and requires children under age 18 to receive a permit from the Ministry of Labor in order to work.⁴⁷⁶² The Government has in place a List of Hazardous Occupations for Children under age 18 which includes 29 types of dangerous activities prohibited under the Law of Minor Children. These dangerous activities include domestic work, mining, work in fireworks production, dangerous work in agriculture, work in public areas and in public transport, work in garbage dumps and in manufacturing.⁴⁷⁶³ During the reporting period, the government published an updated list of hazardous occupations for children which allows for modifications of the list as necessary.⁴⁷⁶⁴ However, the provisions within the Law of Minor Children allow children to work in fishing and mining, activities prohibited by the List of Hazardous Occupations for Children.⁴⁷⁶⁵ Peru's Constitution and other legislation prohibit all forms of compulsory labor, including forced labor, debt bondage, and servitude.⁴⁷⁶⁶ Peru's

Penal Code prohibits the prostitution of children, including selling, recruiting, using, and benefiting economically from the crime. The Penal Code also prohibits child pornography, including its production, sale, use, and possession.⁴⁷⁶⁷ The Law against Trafficking in Persons and Illegal Migrant Smuggling prohibits all forms of trafficking in persons and penalties increase significantly for child trafficking.⁴⁷⁶⁸ The Military Service Law sets the minimum age at 18, and prohibits forced recruitment into the armed services or any defense or armed groups.⁴⁷⁶⁹ Peru's Decree 22095 prohibits the recruitment of children for the production, sale, and trafficking of illicit drugs.⁴⁷⁷⁰

Institutional Mechanisms for Coordination and Enforcement

The Government of Peru operates a National Commission for the Prevention and Eradication of Child Labor (CPETI), which is led by the Ministry of Labor and meets once a month to coordinate government actions against child labor. Members of CPETI include the Ministry of Education, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior, and the Ministry of Health, among others.⁴⁷⁷¹

The Ministry of Labor is charged with enforcing child labor laws and employs 70 inspectors who specialize in child labor inspections. The Ministry of Labor coordinated with municipal-level child protection offices, the Public Ministry, and the Ministry of Women and Social Development to document complaints of violations of child labor laws during the year, and referred cases to relevant social protection and legal services.⁴⁷⁷² During the reporting period, 100 labor inspectors received training on issues related to child labor from foreign government-funded programs, and an additional 1,181 regional government officials and labor inspectors were trained in 2010.⁴⁷⁷³ However, inspectors frequently lacked sufficient resources, such as transportation and fuel, to effectively carry out inspections.⁴⁷⁷⁴

During the reporting period, the Ministry of Labor conducted inspections of the mining sector,

identifying 13 child laborers. As a result, the children were removed from the worksite and linked with social services.⁴⁷⁷⁵ Information was not available on inspections in other sectors.

Between January and October 2010, 11 businesses were fined a total of \$6,300 for illegally employing children; however, it is unclear whether these fines were ever collected. Information on the types of businesses that employed these children was not available.⁴⁷⁷⁶

The Government of Peru also operates the National Commission against Forced Labor, led by the Ministry of Labor, and the Multi-Sectoral Committee against Trafficking in Persons, led by the Ministry of Interior, which coordinate government efforts to combat forced labor and trafficking in persons, respectively. However, in practice a lack of inter-agency coordination hampers information collection.⁴⁷⁷⁷

The Trafficking Investigation Unit of the Peruvian National Police investigates cases of trafficking in persons and the commercial sexual exploitation of children.⁴⁷⁷⁸ During the reporting period, 259 police were trained to identify and investigate cases of trafficking in persons and assist victims.⁴⁷⁷⁹ The Ministry of the Interior maintains a hotline to receive reports of trafficking in persons.⁴⁷⁸⁰ Information on the number of investigations of child trafficking and the commercial sexual exploitation of children was not available.

Government Policies on the Worst Forms of Child Labor

The CPETI is charged with overseeing the implementation of the National Plan for the Prevention and Eradication of Child Labor. Established in conjunction with the National Plan of Action for Children, the plan identifies the worst forms of child labor that occur in Peru and focuses on three strategic goals: preventing and eradicating child labor among children under age 14, preventing and eradicating the worst forms of child labor among children under age 18, and

protecting the wellbeing of adolescent workers between ages 14 and 18.⁴⁷⁸¹ The CPETI is in the process of decentralizing, and has established regional-level commissions in 23 of the 25 regions in Peru. However, not all of the regional commissions have plans of action against child labor in place and they are often not funded.⁴⁷⁸²

The Ministry of Education adopted a policy directive “0086-2008-ED” in 2008 that sets standards for tutoring activities in public schools. This directive includes a goal of combating child labor, especially the worst forms.⁴⁷⁸³

Peru is a member of the Joint Regional Group for the Americas. The group—whose members also include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Suriname, Uruguay, and Venezuela—conducts prevention and awareness-raising campaigns.⁴⁷⁸⁴

The Government of Peru has adopted the 2006-2010 United Nations Development Assistance Framework, which, among other goals, aims to build government capacity to combat child labor through effective policies and programs.⁴⁷⁸⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Ministry of Labor operates the Building Peru program which offers temporary work and technical training to low-income households, and requires beneficiaries to commit to withdrawing their children from child labor. During the 2010 calendar year, the program budget totaled \$55.7 million.⁴⁷⁸⁶

The Government of Peru implemented national anti-poverty and employment training programs. The Government’s *Juntos* program provides cash transfers to the poorest and most vulnerable households in 14 of the country’s 25 departments, and has an annual budget of \$220 million.⁴⁷⁸⁷ *Juntos* reaches a total of more than 470,000 households and over 1 million children in rural areas of Peru, and it conditions transfers on beneficiaries’ participation in health and education

services.⁴⁷⁸⁸ The Ministry of Labor's My Business program trains households on entrepreneurship skills and increasing family income. The Value Peru program, which aims to address unemployment resulting from the economic crisis, provided job training to 16,290 young persons during the reporting period.⁴⁷⁸⁹ In addition, the Ministry of Labor runs a Pro-Youth program that provides vocational instruction and on-the-job training to children and youth between the ages of 16 to 24 from low-income households.⁴⁷⁹⁰ During 2010, 12,000 youth from low-income families were trained.⁴⁷⁹¹ The question of whether these programs have an impact on child labor does not appear to have been addressed.

The Government participated in donor-funded efforts to combat child labor, taking part in a 4-year, USDOL-funded project to combat child labor which withdrew 5,633 children and prevented 6,224 children from exploitative work in the urban informal sector in Lima, Callao,

Trujillo, and Iquitos. The project developed alternative education programs for out-of-school child laborers and increased the capacity of local governments to address child labor.⁴⁷⁹² The Government also participates in a 4-year regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁴⁷⁹³

Furthermore, the Government implements the Street Educators Program to assist children engaged in street work. The program connects working children and their families to educational and social services with the goal of withdrawing them from exploitative work and improving family welfare.⁴⁷⁹⁴

Although some programs have worked to address the worst forms of child labor in urban areas, they reach only a fraction of these children. Research has found no evidence of programs to assist children working in agriculture, mining, domestic work and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Peru:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise Article 51 of the Law of Minor Children to ban children's work prohibited by the List of Hazardous Occupations for Children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Allocate sufficient resources to the Ministry of Labor to carry out child labor inspections.
- Make publicly available the number of child labor inspections carried out and resulting sanctions/penalties imposed.
- Take measures to strengthen coordination and information sharing among government ministries represented in the National Commissions against Forced Labor and Human Trafficking.
- Make publicly available the number of investigations of child trafficking and commercial sexual exploitation of children, as well as the resulting penalties imposed.

IN THE AREA OF POLICIES:

- Install regional commissions in all regions and require the development of plans of action against child labor and the allocation of sufficient funding to implement them.

IN THE AREA OF SOCIAL PROGRAMS:

- Create social programs to reach children working in unsafe occupations in agriculture, domestic service, and commercial sexual exploitation.
- Expand social programs to reach children working in the urban informal sector.
- Carry out research of the impact of the cash transfer program and the employment training programs on children's school attendance and participation in child labor.
- Assess the impact of the national anti-poverty and employment training programs on child labor.

⁴⁷⁴⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2008. Data on children combining working and schooling are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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Philippines

The Government of the Philippines expanded social programs to low income and vulnerable families, including the conditional cash transfer program. The worst forms of child labor continue to exist, especially in agriculture and domestic service. Significant legislative gaps remain, including compulsory education and protection for domestic workers.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.3*
Attending School	5-14 yrs.	79.6
Combining Work and School	7-14 yrs.	11.3

* Population of working children: 2,736,901



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Philippines are engaged in the worst forms of child labor,⁴⁷⁹⁵ including agriculture and domestic service. Many children in agriculture work long hours, use dangerous machinery and tools, carry heavy loads and apply harmful pesticides. Children work in the production of sugarcane, coconuts, corn, rice, rubber, tobacco, bananas and other fruits and vegetables.⁴⁷⁹⁶

Children are commonly employed as domestic servants or *kasambahays*.³ Many child domestics work long hours, and their isolation in homes makes them susceptible to sexual harassment, verbal and physical abuse. Child domestic servants are often denied access to education.⁴⁷⁹⁸ Domestic workers are sometimes subjected to nonpayment or garnishing of wages or conditions of bonded or forced labor.⁴⁷⁹⁹

Children are also involved in compressor mining to extract gold, which requires them to dive into pools of mud with an oxygen tube.⁴⁸⁰⁰ Deep-sea

fishing is another hazardous occupation in which children work. Dangerous activities include diving from platforms to cast and retrieve nets in deep water, and dragging nets alongside boats, which can result in falls, drowning or entanglement in the net.⁴⁸⁰¹

In addition, boys and girls work in home-based manufacturing industries that range from fireworks to fashion accessories.⁴⁸⁰²

Children may also be found living, working, scavenging and begging on the streets. They are exposed to multiple dangers including criminal elements and severe weather.⁴⁸⁰³






Children's exploitation in the prostitution, pornography and sex tourism industries is a significant problem.⁴⁸⁰⁴ In addition, children, primarily girls, are trafficked domestically from rural to urban areas for forced domestic service and commercial sexual exploitation.⁴⁸⁰⁵ Children, particularly girls, are also trafficked from the Philippines internationally throughout Asia and the Middle East for forced labor and prostitution.⁴⁸⁰⁶

Children are also known to be involved in other illicit activities such as the trafficking of drugs.⁴⁸⁰⁷

There are no reports of children in the government armed forces in the Philippines but child soldiering is a problem among anti-government and terrorist organizations. The Moro Islamic Liberation Front and the New People’s Army have indicated willingness to stop the recruitment and use of children as child soldiers, but the current status of children in their ranks is unclear.⁴⁸⁰⁸ The Abu Sayyaf Group, a terrorist organization, continues to recruit and use child soldiers.⁴⁸⁰⁹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 15 and the minimum age for hazardous work at 18.⁴⁸¹⁰ The Labor Code, however, also allows children younger than 15 to work in nonhazardous activities when under the responsibility of their parents or guardians.⁴⁸¹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Republic Act No. 9231, Providing for the Elimination of the Worst Forms of Child Labor

and Affording Stronger Protection for the Working Child, mandates the Government to protect and remove children from the worst forms of child labor, including forced labor, child trafficking, prostitution, pornography and the use of a child for illicit activities. It defines and prohibits worst forms of child labor, barring children from using dangerous machinery or tools, transporting heavy loads, working underground or underwater, handling explosives or being exposed to unsafe substances; and it prescribes stringent penalties.⁴⁸¹²

The Labor Code and Republic Act No. 9231 do not offer child domestic workers adequate legal protections. The Labor Code mandates that child domestic workers under the age of 18 be provided elementary education, which rarely happens in practice.⁴⁸¹³ The *Batas Kasambahay*, or Domestic Workers Bill, has been introduced to Congress repeatedly in different versions, but it has yet to be enacted.⁴⁸¹⁴ During the reporting period, the Senate passed the proposed bill; however, it remains stalled under debate in the House. This bill would require household workers to have a written employment contract and be enrolled in the social security system, and it would make it illegal for employers to withhold wages or for workers to be bonded by debt.

Republic Act No. 9775, the Anti-Child Pornography Act of 2009, protects children against exploitation in pornography and establishes strict penalties for persons responsible for the production, distribution and publication of child pornography.⁴⁸¹⁵ Republic Act No. 9208, the Anti-Trafficking in Persons Act of 2003, prohibits trafficking in persons, including the recruitment, transfer or harboring of children for prostitution, pornography or forced labor. The Act stipulates strict penalties for those convicted of trafficking of children.⁴⁸¹⁶

Military recruitment is voluntary at age 17 for training and 18 for service.⁴⁸¹⁷ The recruitment, transport or use of children under age 18 in armed conflict, including as guards, couriers or spies, is prohibited in the Special Protection of Children

against Abuse, Exploitation and Discrimination Act, the Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child and the Anti-Trafficking in Persons Act of 2003.⁴⁸¹⁸

Education is free for children ages 6 to 15; however, school attendance is compulsory only at the primary level, from ages 6 to 11.⁴⁸¹⁹ Children ages 12 to 14 are particularly vulnerable to the worst forms of child labor as they are not required to be in school and are not legally permitted to work. Despite a policy of free education, in practice the costs of books, uniforms, meals, and transportation are prohibitive for many families.⁴⁸²⁰ In addition, school locations are often not accessible for rural students, especially at the secondary level.⁴⁸²¹

Institutional Mechanisms for Coordination and Enforcement

The National Child Labor Committee (NCLC), which is headed by the Department of Labor and Employment (DOLE) and comprised of 15 other agencies, coordinates national efforts to combat child labor.⁴⁸²² The NCLC is intended to promote information sharing at the national level, and this coordinating mechanism has been replicated at the regional and provincial levels.⁴⁸²³

DOLE is the primary government agency responsible for the enforcement of child labor laws. It employs 219 labor and employment officers nationwide who monitor for child labor violations as part of their general labor law compliance inspections.⁴⁸²⁴ In July 2010, DOLE launched the Labor Enforcement and Action Program (LEAP) to intensify inspections to protect workers rights, including enforcement of child labor laws.⁴⁸²⁵ Under LEAP, the number of inspections is increasing significantly from 2009. DOLE reportedly inspected 27,764 establishments in 2010.⁴⁸²⁶ Inspections focus on compliance with core labor standards in businesses with 10 to 199 employees, such as in cooperatives, factories,

restaurants and security companies.⁴⁸²⁷ This targeted approach still fails to address much of the agriculture sector, where most child labor occurs.

Even with the increase in inspections, between January and October 2010, DOLE identified only 35 child laborers through workplace inspections, an additional 50 child laborers were identified during a DOLE assessment of informal gold mines in Mindanao, and 26 children were found in sugarcane plantations in Iloilo and Negros Occidental.⁴⁸²⁸ Twenty cases of child labor violations were filed in 2010 by the Department of Social Welfare and Development (DSWD) and Philippine National Police Office of the Prosecutor.⁴⁸²⁹ The small number of child labor violations uncovered during the period relative to the scope and prevalence of child labor points to gaps in the labor inspection process. Further information on fines imposed or other penalties is not available. Research did not indicate whether sanctions were issued in these cases.

DOLE also leads an innovative regional mechanism for detecting, monitoring and reporting children working in abusive and risky situations through the *Sagip Batang Manggagawa* (SBM-“Rescue the Child Laborers”) Quick Action Teams (QAT). The SBM-QAT is composed of Government agencies and law enforcement, local governments and NGOs.⁴⁸³⁰ SBM-QATs respond to reports of possible instances of child labor in the formal and nonformal sectors and coordinate a response among the relevant agencies for each case. Some reports indicate that SBM-QATs lack sufficient resources to carry out their mission. Between January and September 2010, the SBM-QAT reportedly rescued 35 child laborers across 6 regions, many from commercial sexual exploitation.⁴⁸³¹ Research did not confirm whether these children were the same as those reportedly identified by DOLE during workplace inspections. These children were referred to DSWD for rehabilitation and reintegration.⁴⁸³² However, it is unclear whether subsequent legal action was taken against their employers under Philippine law.

Research did not confirm whether the Philippines has enforcement and protection mechanisms for children working on the streets, or as domestic servants or in other residential-based sectors.

The Inter-Agency Council Against Trafficking (IACAT) coordinates, monitors and oversees ongoing implementation of efforts to combat child trafficking. IACAT is chaired by the Department of Justice (DOJ) and co-chaired by DSWD, and is comprised of relevant Government agencies and NGOs.⁴⁸³³ IACAT did not receive any budgeted, line-item funding from the national Government for fiscal year 2010, but Congress approved a budget of approximately \$500,000 for 2011.⁴⁸³⁴ During the reporting period, IACAT and the DOJ established the National Anti-Trafficking Task Force as a mechanism for collaboration between the police and prosecutors, as well as social service providers, to develop stronger cases against traffickers. DOJ subsequently strengthened the trafficking task force at the Manila airport and created four regional trafficking task forces in Cebu, Zamboanga, Davao and Bicol.⁴⁸³⁵ In March 2011, IACAT launched a national trafficking hotline to provide immediate response or aid to emergency calls or refer cases to appropriate government agencies or NGO partners.⁴⁸³⁶

The Philippine National Police (PNP) and the National Bureau of Investigation (NBI) are the principal law enforcement agencies for child trafficking and commercial sexual exploitation.⁴⁸³⁷ From January to October 2010, the PNP investigated 88 cases of child trafficking involving 112 children. Of those, 79 cases were filed for prosecution in court. In addition, NBI reported 125 cases of both adult and child trafficking under investigation between January and September 2010, of which 17 were filed for prosecution.⁴⁸³⁸ The NBI does not disaggregate data by age groups, so it is unclear how many of those cases involved minors. In addition, it is unclear whether the same cases were counted by both agencies. In 2010, the Government reported convicting 10 individuals on charges of sex trafficking; however, only 3 of the 9 cases involved minors.⁴⁸³⁹

Government Policies on the Worst Forms of Child Labor

The Government has two primary policy instruments to prevent and eliminate child labor. The Philippine National Strategic Framework for Plan Development for Children, 2000–2025, also known as “Child 21,” sets out broad goals to achieve improved quality of life for Filipino children by 2025.⁴⁸⁴⁰ The Philippine Program against Child Labor (PPACL) Strategic Framework 2007–2015 lays out the blueprint for reducing the incidence of child labor by 75 percent by 2015.⁴⁸⁴¹ To achieve this goal, PPACL identifies five strategic approaches to prevent, protect and reintegrate children from the worst forms of child labor.⁴⁸⁴² To translate this strategic framework into action, the Plan of Action (2008–2010) was developed to identify concrete programs, projects and activities with specific indicators as benchmarks.⁴⁸⁴³

The goal of reducing exploitative child labor has also been mainstreamed into the following national development agendas under the United Nations frameworks: Millennium Development Goals (2000–2015), Medium Term Philippine Development Plan (2004–2010 and 2011–2016), Philippine Decent Work Common Agenda (2010), Education for All National Plan (2004–2015), Basic Education Reform Agenda and United Nations Development Assistance Framework Workplan (2011).⁴⁸⁴⁴ The President also prioritized child and forced labor concerns in his 2010 labor agenda to be implemented by DOLE.⁴⁸⁴⁵

Research did not conclude whether these policies were fully operationalized to reach vulnerable children nationwide, or effectively implemented to protect children from the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Under the PPACL, the Government is implementing a number of programs to eliminate child labor. DOLE’s Project Angel Tree provided

703 child laborers with educational and livelihood assistance from January through November 2010.⁴⁸⁴⁶ DOLE's *Kabuhayan para Sa Magulang ng Batang Manggagawa* (KASAMA), or Livelihood for Parents of Child Laborers program, provided funds to 101 parents of working children, from January through September 2010, in exchange for the removal of those children from exploitative labor.⁴⁸⁴⁷

In February 2010, DOLE issued a memo to its regional offices requiring them to allocate 5 percent of the Workers Income Augmentation program funds for the implementation of the DOLE Child Labor Prevention and Elimination program.⁴⁸⁴⁸ In 2010, 2,685 children were reported to have been prevented or removed from child labor through livelihoods and education services.⁴⁸⁴⁹

It is not clear whether these programs target all sectors where children are known to work.

DOLE's Youth Education-Youth Employability program provides disadvantaged youth ages 15 to 24, such as former child laborers, with the resources to pursue post-secondary education through either academic or vocational courses.⁴⁸⁵⁰

The Department of Education has an Alternative Learning System program that offers nonformal education to all out-of-school children, including child laborers, and offers them opportunities to attain education equivalency. While education equivalency has been difficult for many child laborers, this avenue continues to be an option for them to gain access to formal institutions, such as those that provide higher education or workforce development.⁴⁸⁵¹

The DSWD provides cash transfers, through the *Pantawid Pamilyang Pilipino* program to low income and vulnerable families. The cash transfer is conditional upon children's monthly school attendance rate of at least 85 percent and regular medical check-ups and immunizations.⁴⁸⁵² In

2010, cash transfers were awarded to 2.34 million households.⁴⁸⁵³ In 2010, DSWD also provided school nutrition to 361,288 vulnerable children, including those who also receive cash transfer benefits.⁴⁸⁵⁴ The impact of this program on the worst forms of child labor does not appear to have been assessed.

The Government is participating in a USDOL-funded \$6.6 million program from 2007 to 2011, which will withdraw and prevent a total of 30,400 children from the worst forms of child labor through education and livelihoods interventions in the National Capital Region, Bulacan, Camarines Norte, Iloilo, Negros Occidental, Negros Oriental, Cebu, Leyte and Davao del sur, Compostela Valley.⁴⁸⁵⁵ Children are withdrawn and prevented from work in the following sectors: sugarcane plantations, other commercial agriculture, child domestic work, commercial sexual exploitation, deep-sea fishing, mines and quarries, garbage scavenging and pyrotechnics.

Another USDOL-funded \$4.75 million project, implemented by ILO-IPEC from 2009 to 2013 will withdraw and prevent 8,500 children from the worst forms of child labor through the provision of educational and noneducational services in Quezon, Masbate, Northern Samar and Bukidnon.⁴⁸⁵⁶ The project targets children engaged in farming, mining, fishing and working as child domestics as well as children trafficked for commercial sexual exploitation and forced labor.

The Government, at national and regional levels, coordinates with the *Kasambahay* Program to provide immediate services to child domestic workers including shelter, psychological support and reintegration.⁴⁸⁵⁷

Given the scope and magnitude of child labor in the Philippines, the limited reach of these programs is not sufficient to combat child labor, especially in agriculture and domestic service sectors.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Philippines:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the age of compulsory schooling to 15, the minimum age for work.
- Enact the *Batas Kasambahay* to extend legal protections to domestic workers, including minors of legal working age.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Target child labor inspections in sectors and establishments where children work including agriculture.
- Create enforcement and protection mechanisms for children working on the streets, as domestic servants or in other residence-based sectors.
- Disaggregate trafficking data reported by NBI by age group and ensure that trafficking data is not reported in duplicate by both NBI and PNP.

IN THE AREA OF POLICIES:

- Fully implement education policies to ensure that all children have access to nearby schools and without prohibitive costs for education-related expenses.
- Operationalize policies to eliminate the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand programs that indirectly combat child labor to all sectors in which children work, specifically those providing education services to children and livelihood support to parents of child laborers.
- Assess the impact of the *Pantawid Pamilyang Pilipino* conditional cash transfer program on the worst forms of child labor.
- Expand programs combating child labor, especially targeting the agriculture and domestic service sectors where children are known to work.

⁴⁷⁹⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴⁸⁰⁴ *Ibid.*, page 26. See also U.S. Department of State, "Philippines," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>. See also Claire Delfin, "Child pornography: Evil that preys silently on poor Filipino children", *GMAnews.tv*, [online], November 18, 2008 [cited May 9, 2011]; available from <http://www.gmanews.tv/story/134282/Child-pornography-Evil-that-preys-silently-on-poor-Filipino-children#>.

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⁴⁸¹⁰ Government of the Philippines, *The Labor Code of the Philippines*, (May 1, 1974), chapter II, article 139; available from <http://www.cfo.gov.ph/pdf/PD%20No.%20442.pdf>.

⁴⁸¹¹ *Ibid.*, chapter II, article 139.

⁴⁸¹² Government of the Philippines, *Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protections for the Working Child*, Republic Act No. 9231, (December 19, 2003), sections 3 and 6; available from http://www.lawphil.net/statutes/repacts/ra2003/ra_9231_2003.html.

⁴⁸¹³ Government of the Philippines, *Labor Code*, chapter III, article 146.

⁴⁸¹⁴ Philippine Commission on Women, *Kasambahay Bill Situationer*. See also Anti-Slavery International, *Domestic*

Workers in the Philippines. See also Mario B. Casayuran, “Jinggoy bill guarantees more benefits for domestic helpers”, *The Manila Bulletin Newspaper*, [online], July 3, 2010 [cited May 10, 2011]; available from <http://www.mb.com.ph/node/265052/jinggoy-bill-guarantee>. See also U.S. Embassy-Manila, *reporting, January 28, 2011*, section II) 5.

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⁴⁸¹⁷ Coalition to Stop the Use of Child Soldiers, “Global Report 2008- Philippines.”

⁴⁸¹⁸ *Ibid.* See also Government of the Philippines, *Act for the Elimination of the Worst Forms of Child Labor*, section 3. See also Government of the Philippines, *Anti-Trafficking in Persons Act of 2003*, section 4(h). See also Government of the Philippines, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*, (June 17, 1992), article X, Section 22(b); available from http://www.lawphil.net/statutes/repacts/ra1992/ra_7610_1992.html.

⁴⁸¹⁹ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Philippines (ratification: 1998) Published: 2010*, May 10, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also Right to Education Project, *National law and policies on minimum ages- Philippines*, May 10, 2011 2008; available from <http://www.right-to-education.org/country-node/488/country-minimum>. See also U.S. Department of State, “Country Reports- 2010: Philippines,” page 26.

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⁴⁸²² U.S. Embassy- Manila, *reporting, January 28, 2011*, section III) 1.

⁴⁸²³ *Ibid.*, section III) 1.

⁴⁸²⁴ *Ibid.*, sections IV) 1,3, and 6.

⁴⁸²⁵ Government of the Philippines- Department of Labor and Employment, *Baldoz outlines intensified labor standards enforcement program*, Press Release, Manila, July 25, 2010; available from <http://www.dole.gov.ph/secondpage.php?id=1262>. See also Government of the Philippines- Department of Labor and Employment- Region 9 ZamPen, *Human trafficking suspects charged in Zamboanga City court- DOLE*, Press Release, Zamboanga City, August 25, 2010; available from <http://www.ro9.dole.gov.ph/default.php?retsamlakygee=109&resource=b74df323e3939b563635a2cba7a7afba>.

⁴⁸²⁶ Philippines- Department of Labor and Employment official, E-mail communication to USDOL official, August 24, 2011.

⁴⁸²⁷ Government of the Philippines- Department of Labor and Employment, *Baldoz outlines intensified labor standards enforcement program*, Press Release. See also U.S. Department of State, “Country Reports- 2010: Philippines,” page 36.

⁴⁸²⁸ U.S. Embassy- Manila, *reporting, January 28, 2011*, section IV) 7.

⁴⁸²⁹ *Ibid.*, section IV) 9.

⁴⁸³⁰ *Ibid.*, section IV) 2. See also ILO-IPEC, *Philippine Child Labour Laws and Legislation*, [online] [cited May 10, 2011]; available from http://ipecphils.tripod.com/phillaws/p2_4.htm#sagipbm.

⁴⁸³¹ U.S. Embassy- Manila, *reporting, January 28, 2011*, sections IV) 2 and 7.

⁴⁸³² *Ibid.*, section IV) 7.

⁴⁸³³ *Ibid.*, section III) 2.

⁴⁸³⁴ *Ibid.*, section V) 4.

⁴⁸³⁵ *Ibid.*, section V) 2.

⁴⁸³⁶ Jerrie M. Abella, “PHL govt launches anti-human trafficking hotline”, *GMAnews.tv*, [online], March 20, 2011 [cited August 10, 2011]; available from <http://www.gmanews.tv/story/215729/nation/phl-govt-launches-anti-human-trafficking-hotline>.

⁴⁸³⁷ U.S. Embassy- Manila, *reporting, January 28, 2011*, section V) 1.

⁴⁸³⁸ *Ibid.*, section V) 6.

⁴⁸³⁹ *Ibid.*, section V) 9.

⁴⁸⁴⁰ *Ibid.*, section VI) 1. See also UNICEF, *Child 21. A Legacy to the Filipino Children of the 21st Century, Philippines National Strategic Framework for Plan Development for Children, 2000-2025*, [online] 2000 [cited May 10, 2011]; available from <http://www.childfriendlycities.org/en/search-view?ProductID=621>. See also Government of the Philippines, *response to U.S. Department of Labor TVPRA Report*, pages 3 and 9.

⁴⁸⁴¹ Government of the Philippines- Department of Labor and Employment- Bureau of Workers with Special Concerns, *Philippine Program Against Child Labor*, [online] May 4, 2010 [cited May 10, 2011]; available from <http://www.bwsc.dole.gov.ph/bwscweb/programs/philippine-program-against-child-labor>. See also U.S. Embassy- Manila, *reporting, January 28, 2011*, sections VI) 1 and VII) 2.

⁴⁸⁴² Government of the Philippines- Department of Labor and Employment- Bureau of Workers with Special Concerns, *Philippine Program Against Child Labor*, *ibid.* See also Embassy of the Philippines Government of the Philippines, *Philippine Government Statement Concerning Multi-Sectoral*

Action Against Child Labor in the Agricultural Sector in the Philippines, submitted in response to the public meeting of the U.S. Department of Agriculture Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products, Washington, D.C., May 04, 2010, page 2. See also Government of the Philippines, *response to U.S. Department of Labor TVPRA Report*, page 9.

⁴⁸⁴³ Government of the Philippines, *esponse to the public meeting of the U.S. Department of Agriculture Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products*, page 2. See also Government of the Philippines, *response to U.S. Department of Labor TVPRA Report*, page 9.

⁴⁸⁴⁴ U.S. Embassy- Manila, *reporting, January 28, 2011*, section VI) 1. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Philippines (ratification: 1998) Published: 2008*, May 10, 2011 2008; available from <http://www.ilo.org/ilolex/english/ilquery.htm>.

⁴⁸⁴⁵ U.S. Embassy- Manila, *reporting, January 28, 2011*, section VI) 1.

⁴⁸⁴⁶ *Ibid.*, section VII) 1. See also Government of the Philippines, *response to U.S. Department of Labor TVPRA Report*, page 11.

⁴⁸⁴⁷ U.S. Embassy- Manila, *reporting, January 28, 2011*, section VII) 1. See also Government of the Philippines, *response to U.S. Department of Labor TVPRA Report*, page 11.

⁴⁸⁴⁸ Government of the Philippines, *response to U.S. Department of Labor TVPRA Report*, page 10. See also U.S. Embassy- Manila, *reporting, January 28, 2011*, section IV) 4.

⁴⁸⁴⁹ Government of the Philippines- Department of Labor and Employment- Bureau of Workers with Special Concerns, *2010 Year-end Report*, [online] April 1, 2011 [cited May 10, 2011]; available from <http://www.bwsc.dole.gov.ph/bwscweb/programs/2010-year-end-report>. See also Government of the Philippines- Department of Labor and Employment- Bureau of Workers with Special Concerns, *Status of Various BWSC Programs*, [online] October 22,

2010 [cited May 10, 2011]; available from <http://www.bwsc.dole.gov.ph/bwscweb/programs/status-of-various-bwsc-programs/page-2>.

⁴⁸⁵⁰ Government of the Philippines- Department of Labor and Employment- Bureau of Workers with Special Concerns, *Youth Education- Youth Employability (YE-YE) Project*, [online] May 5, 2010 [cited May 10, 2011]; available from <http://www.bwsc.dole.gov.ph/bwscweb/special-projects/youth-education-youth-employability-ye-ye-project/page-2>.

⁴⁸⁵¹ U.S. Embassy- Manila, *reporting, January 28, 2011*, section VII) 1.

⁴⁸⁵² Government of the Philippines- Department of Social Welfare and Development, *Cash Incentives for Families in Philippines to Keep Children Healthy, In School*, [online] September 2, 2010 [cited May 10, 2011]; available from <http://www.dswd.gov.ph/index.php/archive/2096-cash-incentives-for-families-in-philippines-to-keep-children-healthy-in-school>. See also U.S. Embassy- Manila, *reporting, January 28, 2011*, section VII) 1. See also Government of the Philippines, *response to U.S. Department of Labor TVPRA Report*, page 11.

⁴⁸⁵³ U.S. Embassy- Manila, *reporting, January 28, 2011*, section VII) 1.

⁴⁸⁵⁴ *Ibid.*, section VII) 1.

⁴⁸⁵⁵ U.S. Department of Labor, *Combating Child Labor through Education in the Philippines: The ABK Initiative Phase II Technical Cooperation Project Summary*, 2011; available from http://www.dol.gov/ilab/projects/asia/Philippines_ABK_PhaseII.htm, *ibid.*

⁴⁸⁵⁶ U.S. Department of Labor, *Towards a Child Labour-Free Philippines: Supporting the 'Philippine Program Against Child labour' in Building on Past Gains and Addressing Challenges 2010*; available from http://www.dol.gov/ilab/projects/asia/Philippines_CECL.htm.

⁴⁸⁵⁷ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Philippines (ratification: 2000) Published: 2010*, May 10, 2011; available from <http://www.ilo.org/ilolex/english/ilquery.htm>.

Russia

The Government of Russia implemented a national fund that provides social welfare assistance to the country's significant population of homeless and orphaned children, many of whom are engaged in unhealthy and unsafe work on the streets. The Government is also taking steps to combat child pornography. However, the Government has not designated an agency or other body to coordinate national action and policy to combat the worst forms of child labor. In addition to working in the informal sector, street children continue to engage in illegal and dangerous work, including forced begging.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Russia are engaged in the worst forms of child labor,⁴⁸⁵⁸ many of them begging or working in the informal sector on the streets of major cities. Children working on the streets perform potentially dangerous activities, including servicing automobiles, carrying heavy loads, and collecting trash (which may contain toxic or injurious materials). Children, including street children, are also found working in construction, textile and trade shops, and in the industrial sector.⁴⁸⁵⁹ Street children, particularly those who are homeless and orphaned, are vulnerable to involvement in illegal activities such as prostitution, pornography, and selling drugs or stolen goods.⁴⁸⁶⁰

In rural areas, children primarily work in agriculture.⁴⁸⁶¹ This may involve risks to their safety and health, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Experts






from the National Foundation for the Prevention of Cruelty to Children reported in 2010 that there is a worsening trend in children using hazardous chemicals, working in close proximity to motorized vehicles, or working in adverse weather conditions.⁴⁸⁶²

Commercial sexual exploitation of children, especially in large cities, remains a concern.⁴⁸⁶³ Moscow and St. Petersburg are hubs of child trafficking and child commercial sexual exploitation. Children are trafficked internally to these cities and other regions of Russia and from Moldova and Ukraine, and forced into begging or prostitution.⁴⁸⁶⁴ Both girls and boys are trafficked for prostitution, child sex tourism, and pornography.⁴⁸⁶⁵

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of employment at 16, with exceptions for 15-year-olds who have completed general education and

children under age 14 working in the performing arts, if such work will not harm their health or moral development.⁴⁸⁶⁶ Children under age 18 are prohibited from engaging in night work, dangerous work, underground work, or work that may be harmful to their health or moral development. This includes carrying heavy loads and the production, transportation, and sale of toxic substances (including tobacco, alcohol, and drugs).⁴⁸⁶⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Constitution prohibits forced labor and the Criminal Code explicitly outlaws the engagement of a known minor in slave labor.⁴⁸⁶⁸ Article 127.1 of the Criminal Code prohibits the purchase, sale, recruitment, transportation, harboring, and receiving of a person for the purpose of exploitation, with higher penalties imposed when the victim is a known minor. It is punishable under the Criminal Code to involve a minor in a crime.⁴⁸⁶⁹ Involving a minor in prostitution and creating or circulating pornography depicting a known minor are also punishable under the Criminal Code.⁴⁸⁷⁰ However, Russian law does not criminalize the possession of child pornography

nor does it provide a definition of the term “child pornography.”⁴⁸⁷¹ This may hamper enforcement efforts because of a lack of clear guidance regarding what can be prosecuted as child pornography.

The minimum age for both voluntary and compulsory military recruitment in Russia is 18.⁴⁸⁷² Education is free and compulsory for children up to age 15.⁴⁸⁷³

Institutional Mechanisms for Coordination and Enforcement

The Government has a federal office to protect children’s rights, the Office of the Children’s Ombudsman. In 2010, the number of regional ombudsmen was increased to 56 from 25 the previous year.⁴⁸⁷⁴ Regional ombudsmen have the authority to investigate potential violations of children’s rights, inspect institutions and offices dealing with minors, and conduct evaluations of legislation affecting children.⁴⁸⁷⁵ However, research revealed no evidence that the Government of Russia has established a mechanism to coordinate efforts to specifically combat the worst forms of child labor.

The Federal Labor and Employment Service (FLES) is responsible for enforcing child labor laws; in 2008, the most recent period for which statistics are available, 10,000 child labor violations were reported by FLES.⁴⁸⁷⁶ Fines totaling \$49,600 were paid by employers who violated child labor laws. FLES noted that children are found working in hazardous conditions for low pay in a variety of sectors.⁴⁸⁷⁷ Research did not reveal information on the number of child labor inspections, violations or penalties assessed in 2009 or 2010.

The Ministry of Internal Affairs (MIA) and other law enforcement entities are responsible for enforcing criminal laws against forced child labor, trafficking, commercial sexual exploitation, and the use of children in illicit activities.⁴⁸⁷⁸ The Public Prosecutor is charged with enforcing laws

related to hazardous child labor and prosecuting violations identified by MIA and FLES. During the reporting period, a small number of law enforcement personnel were trained on trafficking issues.⁴⁸⁷⁹

In 2008, the most recent period for which data is available, MIA registered 356 cases involving the production or distribution of pornography, opened investigations in 159 of those cases, and brought indictments in 157 of the investigated cases.⁴⁸⁸⁰ Official data is unavailable on the number of investigations, prosecutions, or convictions for child trafficking or other crimes relating to the worst forms of labor.

In 2010, the Government significantly increased efforts to monitor and combat child pornography, initiating several cases against individuals suspected of producing and disseminating child pornography.⁴⁸⁸¹ It also continued to operate two centers dedicated to receiving information on illegal content sources on the Internet, including child pornography. Each center has its own hotline for receiving information.⁴⁸⁸²

The ILO Committee of Experts examined the Russian Federation's compliance with the provisions of Convention 182, noting that the Government had repeatedly failed to provide information on the impact of its efforts to prevent child trafficking as required of signatories to the Convention.⁴⁸⁸³

Government Policies on the Worst Forms of Child Labor

The Government continues to implement a child welfare policy, "Children of Russia," although research found no evidence to determine whether

this policy addresses the worst forms of child labor.⁴⁸⁸⁴

Current policy and programming efforts may not be sufficiently targeting populations in need, such as rural children engaged in or at risk of hazardous labor in agriculture, because the Government does not collect and analyze national statistics on child labor.

Russia has engaged in multilateral discussions on cross-border trafficking policy; in December 2010, it became party to the Program of Collaboration of Member States of the Commonwealth of Independent States in the Struggle against Human Trafficking for 2011–2013. The plan calls for the establishment of a TIP reporting mechanism, a national TIP plan of action and TIP monitoring, data collection and analysis.⁴⁸⁸⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Russia continued the Fund for Children's Support, a child welfare program it initiated in 2008. Among other goals, the Fund is intended to support the rehabilitation of orphans and disadvantaged children, including homeless children, through social programs and activities.⁴⁸⁸⁶ The Fund implemented 109 regional programs in 2010, more than double the amount of programs implemented in 2009. For 2010, the Fund for Children's Support committed \$4 million to a program targeting violence against children, including sexual exploitation.⁴⁸⁸⁷

Despite the above programs, the Government does not have programs to combat the worst forms of child labor in agriculture and other sectors.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Russia:

IN THE AREA OF LAWS AND REGULATIONS:

- Criminalize possession of child pornography.
- Codify a legal definition of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to specifically combat the worst forms of child labor.
- Gather and report timely statistics on the investigation and prosecution of violations of the worst forms of child labor.

IN THE AREA OF POLICY:

- Assess the impact that the Children of Russia policy may have on addressing the worst forms of child labor.
- Collect data on the nature and prevalence of child labor to guide the design of policy and programming.
- Formalize the agreement made with migrant-sending countries in the Commonwealth of Independent State to adopt a new joint cooperation strategy to combat trafficking in persons.

IN THE AREA OF PROGRAMS:

- Implement programs to combat all relevant worst forms of child labor, including programs for children working in agriculture and child victims of commercial sexual exploitation, in particular.

⁴⁸⁵⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁸⁵⁹ U.S. Department of State, “Russia,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154447.htm>. See also ILO, *Russia: A “vector” of hope for street children in St. Petersburg*, July 27, 2006; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_071238/index.htm. See also U.S. Embassy-Moscow, *reporting, December 29, 2010*, 3.

⁴⁸⁶⁰ ILO, *Russia: A “vector” of hope for street children in St. Petersburg*. See also U.S. Department of State, “Russia (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>. See also Elena Tjurjukanova and Institute for Urban Economics, *Human Trafficking in the Russian Federation: Inventory and*

Analysis of the Current Situation and Responses, UN/IOM Working Group on “Trafficking in Human Beings,” Moscow, 2006, 50; available from http://www.unicef.org/russia/ru_human_trafficking_eng.pdf.

⁴⁸⁶¹ *Ibid.*, section 7d.

⁴⁸⁶² U.S. Embassy- Moscow, *reporting, December 29, 2010*.

⁴⁸⁶³ *Ibid.* See also U.S. Department of State, “Trafficking in Persons Report- 2010: Russia.”

⁴⁸⁶⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Russia.”

⁴⁸⁶⁵ U.S. Embassy- Moscow, *reporting, December 29, 2010*.

⁴⁸⁶⁶ Government of Russia, *Labor Code of the Russian Federation of 31 December 2001*, 197-FZ, article 63, (February 1, 2002); available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/60535/65252/E01RUS01.htm>.

⁴⁸⁶⁷ *Ibid.*, chapter 42, article 265.

⁴⁸⁶⁸ Government of Russia, *The Constitution of the Russian Federation*, (December 25, 1993); available from <http://www.legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>. See also Government of Russia, *Criminal Code of the Russian Federation*, 63-FZ, (June 13, 1996); available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>.

⁴⁸⁶⁹ Government of Russia, *Criminal Code*.

⁴⁸⁷⁰ Ibid.

⁴⁸⁷¹ U.S. Department of State, “Country Reports- 2010: Russia,” section 6.

⁴⁸⁷² Coalition to Stop the Use of Child Soldiers, “Russian Federation,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁴⁸⁷³ UNESCO, *Education for All Global Monitoring Report*, 2010; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>.

⁴⁸⁷⁴ U.S. Embassy- Moscow, *reporting, December 29, 2010*. See also U.S. Department of State, “Country Reports- 2010: Russia,” section 6.

⁴⁸⁷⁵ U.S. Department of State, “Country Reports- 2010: Russia,” section 6.

⁴⁸⁷⁶ Ibid., section 7d.

⁴⁸⁷⁷ Ibid.

⁴⁸⁷⁸ U.S. Embassy- Moscow, *reporting, December 29, 2010*.

⁴⁸⁷⁹ Ibid.

⁴⁸⁸⁰ U.S. Department of State, “Country Reports- 2010: Russia,” section 6.

⁴⁸⁸¹ U.S. Embassy- Moscow, *reporting, December 29, 2010*.

⁴⁸⁸² U.S. Department of State, “Country Reports- 2010: Russia,” section 6.

⁴⁸⁸³ ILO Committee of Experts, *Examination of individual case concerning Convention No. 182: Worst Forms of Child Labour, 1999 Russian Federation (ratification: 2003) Published: 2009*, April 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=851&chapter=13&query=%28C182%29+%40ref+%2B+%28Russian+Federation%29+%40ref&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Russian Federation (ratification: 2003) Submitted: 2008*, April 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21903&chapter=9&query=%28C182%29+%40ref+%2B+%28%28Russian+Federation%29%29+%40ref+%2B+%23YEAR%3E2005&highlight=&querytype=bool&context=0>.

⁴⁸⁸⁴ Ibid. See also U.S. Embassy- Moscow, *reporting, December 29, 2010*.

⁴⁸⁸⁵ U.S. Embassy- Moscow, *reporting, February 16, 2011*.

⁴⁸⁸⁶ U.S. Embassy- Moscow, *reporting, December 29, 2010*. See also “All-Russian Contest of Children Support Social Projects to Be Held in Russian Regions,” *Vladivostok Times* (Vladivostok), February 1, 2009; available from <http://vladivostoktimes.ru/show/?id=34603&p=12>.

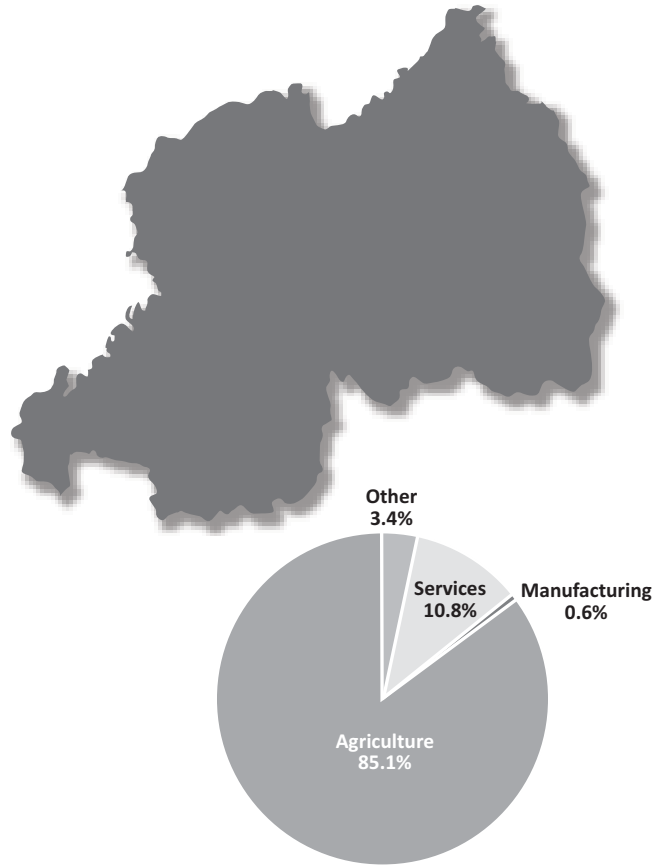
⁴⁸⁸⁷ U.S. Embassy- Moscow, *reporting, December 29, 2010*.

Rwanda

The Government of Rwanda has strengthened its legal framework against the worst forms of child labor by passing a Ministerial Order listing the prohibited worst forms of child labor. Despite this effort, Rwanda has not devoted sufficient resources to effectively enforce its child labor laws. Children continue to work in dangerous conditions, especially in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.1
Attending School	5-14 yrs.	82.9
Combining Work and School	7-14 yrs.	24.1



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Rwanda are engaged in the worst forms of child labor, including in agriculture and domestic service.⁴⁸⁸⁸ Children's work in agriculture commonly involves unsafe activities such as using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Children produce tea and are reportedly working in the production of coffee, potatoes, corn, beans, sorghum, bananas, rice and sugar.⁴⁸⁸⁹ Children are herd livestock, sometimes working long hours outside.⁴⁸⁹⁰ In Rwanda, children are found working in domestic service. Many child domestics do not attend school and may be vulnerable to sexual and other forms of abuse by their employers.⁴⁸⁹¹




Reportedly, children produce charcoal and work as porters.⁴⁸⁹² They also work on construction sites and engage in heavy manual labor such as brick making, digging and mining.⁴⁸⁹³ Children in rural Kigali also collect sand, exposing themselves to

waterborne diseases.⁴⁸⁹⁴ In the town of Nachonga, in Gasabo District, in Rulindo District and in the city of Gikongoro, children working in quarries risk eye and lung damage from stone dust.⁴⁸⁹⁵ In Rwanda, children living and working on the streets beg and carry goods. Children working on the streets may be exposed to multiple dangers including severe weather, criminal elements and may be involved in vehicle accidents.⁴⁸⁹⁶

Prostitution and trafficking also occur in Rwanda. Older women sometimes coerce girls to provide sexual services in exchange for cash, protection, and living quarters.⁴⁸⁹⁷ Loosely structured prostitution networks recruit children from secondary schools.⁴⁸⁹⁸ Girls are known to be trafficked internally into domestic servitude and prostitution.⁴⁸⁹⁹ Children are also trafficked to Uganda, Tanzania, Kenya and Europe for forced agricultural labor, commercial sexual exploitation and domestic servitude.⁴⁹⁰⁰ In a few isolated cases, children have been trafficked into Rwanda.⁴⁹⁰¹

Laws and Regulations on the Worst Forms of Child Labor

Rwanda's Labor Law sets the minimum age for work at 16 and the minimum age for hazardous work at 18. The law prohibits children under age 18 from night work and work that is difficult, unsanitary or dangerous.⁴⁹⁰² It also prohibits children from working in the worst forms of child labor, which are defined as in ILO Convention 182 to include slavery or similar practices, forced or bonded labor, the use or recruitment of children into armed conflict, illicit activities or prostitution and any work whose nature is detrimental to the health, security or morals of a child.⁴⁹⁰³ The 2010 Ministerial Order on the worst forms of child labor prohibits children from working at industrial institutions and in domestic service, mining and quarrying, construction, brick making and applying fertilizers and pesticides.⁴⁹⁰⁴ In addition to the national laws, some districts have enacted laws against hazardous child labor, sanctioning employers and parents for violations.⁴⁹⁰⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Penalties for violations of the Labor Law provisions on the worst forms of child labor and hazardous work are stringent, with up to 20 years incarceration and fines.⁴⁹⁰⁶ However, the Labor Law only covers contractual employment leaving most of Rwanda's working children unprotected.⁴⁹⁰⁷

The Labor Law also prohibits child trafficking and the Law on Prevention and Punishment of Gender-Based Violence prohibits and provides penalties for gender-based human trafficking.⁴⁹⁰⁸ The Law Relating to Rights and Protection of the Child against Violence prohibits slavery; child rape; recruiting, using or profiting from child prostitution; and using children in pornographic publications or for illicit activities.⁴⁹⁰⁹ The Law Relating to the Rights and Protection of the Children against Violence also prohibits children under age 18 from military service.⁴⁹¹⁰

Institutional Mechanisms for Coordination and Enforcement

The National Advisory Committee on Child Labor coordinates government efforts relating to the worst forms of child labor and is responsible for reviewing child labor laws, advocating for the inclusion of child labor policies in national development plans, overseeing the implementation of child labor interventions and conducting field visits to assess child labor and raise awareness.⁴⁹¹¹ This group meets quarterly and includes representatives from the Ministry of Public Service and Labor (MIFOTRA); the Rwandan National Police (RNP); the National Human Rights Commission; the Ministry of Youth; the Ministry of Education; the Ministry of Gender and Family Promotion (MIGEPROF); the Ministry of Local Government; Community Development and Social Affairs; the Ministry of Sports and Culture; the Rwanda Demobilization and Reintegration Commission (RDRC); Rwandan trade unions; the ILO; UNICEF; the Private Sector Federation and Winrock International.⁴⁹¹² At the

village level, 149 Local Child Labor Committees (LCLCs) monitor incidents of child labor.⁴⁹¹³

To enforce child labor laws, MIFOTRA also employs 30 labor inspectors, one per district, who are supervised by the district authorities and work with the RNP. However, some are constrained by a lack of resources, such as transportation.⁴⁹¹⁴ There is also one labor inspector at the national level supervised by the Directorate General in charge of labor. MIFOTRA trains labor inspectors at least twice a year to identify and investigate child labor violations.⁴⁹¹⁵ In 2010, the U.S. Embassy in Kigali, in collaboration with the Government, provided training to district labor inspectors on child labor and trafficking in persons.⁴⁹¹⁶ MIFOTRA assesses the labor inspectors' performance at least every six months. Several times a year, labor inspectors train employers and local authorities on child labor issues.⁴⁹¹⁷ The Government reports that the criteria for conducting child labor inspections is based on whether the type of work may harm the child's health, physical and mental development, morals and education.⁴⁹¹⁸ Inspections can be conducted without prior notice, and labor inspectors may issue warnings, which must be corrected by the offender within seven days. Otherwise, the labor inspector may ask the authorities to close the institution under investigation temporarily.⁴⁹¹⁹ Data regarding child labor inspections, prosecutions and penalties is not available.⁴⁹²⁰

Within villages, citizens can report instances of child labor to the local volunteer officer in charge of social affairs.⁴⁹²¹ If the officer cannot resolve the problem, it may be referred to the village leader, who may contact the police. The district authorities' personal performance contracts include targets for increasing school enrollment, which is likely to reduce child labor.⁴⁹²²

The RNP enforces criminal laws relating to the worst forms of child labor. Within the Criminal Investigation and Scientific Police of the RNP,

there is a Child Protection Unit with a network of investigators throughout the country responsible for cases of child abuse, including the use of children in commercial sexual exploitation.⁴⁹²³ In collaboration with MIGEPROF, the RNP established a gender desk at its headquarters to respond to complaints of gender-based violence. The RNP also operates a free hotline to report incidences of gender-based violence, which is also used for reporting child abuse, including child labor.⁴⁹²⁴

Trafficking cases are referred to the RNP and the Directorate General of Immigration and Emigration.⁴⁹²⁵ The Government trains the RNP specifically in the issues of sex crimes, crimes against children and preventing transnational child trafficking; however some officials lack awareness and training on laws pertaining to internal trafficking.⁴⁹²⁶ In addition, there have been indications that some members of the RNP are not sensitized to the needs of child trafficking victims and that some children found engaged in commercial sexual exploitation were detained in Kigali's Gikondo transit center for months before being released.⁴⁹²⁷ In January 2011, the RNP provided and supported various trainings on trafficking in persons to its officers.⁴⁹²⁸ In 2010, the police investigated a child trafficking and child prostitution case and, in both instances, the victims were returned to their families and received medical care. These investigations led to one conviction with the suspect serving a sentence of 30 years in prison.⁴⁹²⁹

Immigration and customs officers assist with the enforcement of child trafficking laws and receive training on document verification and passenger profiling. Standard procedure requires these officials to verify that all children transported across the border are traveling with the permission of their parents or guardian.⁴⁹³⁰ In 2010, police and immigration officials prevented 72 children from crossing the border without proper identification.⁴⁹³¹

Government Policies on the Worst Forms of Child Labor

The 2003 National Policy for Orphans and Other Vulnerable Children includes strategies to address the worst forms of child labor by improving working conditions, providing support to needy families and strengthening the education system.⁴⁹³² In 2007, the Government adopted the National Strategic Plan of Action for Orphans and Other Vulnerable Children in Rwanda (NSP) which provides a more detailed framework to achieve the objectives of the National Policy for Orphans and Other Vulnerable Children.⁴⁹³³ The services offered to orphans and vulnerable children (OVCs) include health care, shelter, education and psychological support. However, due to the sheer magnitude of the problem, three-fourths of OVCs have not received government assistance.⁴⁹³⁴

Rwanda has also made policy commitments to combat child labor in its National Employment Policy and Economic Development and Poverty Reduction Strategy (2008-2012) (EDPRS).⁴⁹³⁵ The Government of Rwanda's long term development plan and Vision 2010 also includes child protection issues.⁴⁹³⁶ The question of whether these programs have an impact on child labor does not appear to have been addressed. In addition, the Nine Years Basic Education (9YBE) policy mandates that the first nine years of basic education are free and compulsory, even though in practice, the costs of uniforms and school supplies are prohibitive for many families.⁴⁹³⁷

In addition, the Government still has not finalized its 2008 National Policy for the Elimination of Child Labor and 2007 5-year Action Plan to Combat Child Labor.⁴⁹³⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the RDRC operated a rehabilitation center in Muhazi for 111 former child combatants and in collaboration with UNICEF, 43 former child

combatants were rehabilitated and 90 reunited with their families.⁴⁹³⁹ The Government also raised public awareness of child soldiers' issues with the hope that communities will be more welcoming to children returning from armed conflict.⁴⁹⁴⁰ There were no reports in 2010 that children were being recruited into armed conflict by the National Congress for the Defense of the People (CNDP) in the Democratic Republic of the Congo.⁴⁹⁴¹

Rwanda continued to operate a rehabilitation center for street children, which offers psychosocial counseling, education and reintegration services to more than 300 boys. The Government also partnered with private organizations to support 30 childcare institutions across the country that provided shelter, basic needs and rehabilitation for approximately 1,988 street children.⁴⁹⁴² The Government also launched a two-week educational camp for children living and working on the streets.⁴⁹⁴³

The Government continued to participate in the project Rwanda Education Alternatives for Children (REACH), which is funded by USDOL at \$4.5 million from September 2009 to March 2013. The project aims to withdraw 4,800 children and prevent 3,500 children from exploitative child labor, particularly in the agricultural sector, by providing educational services, strengthening child labor and education policies and ensuring the sustainability of these efforts.⁴⁹⁴⁴

The Government also built more than 3,000 classrooms to accommodate additional students.⁴⁹⁴⁵ It is too early to determine the impact the additional classrooms will have on the worst forms of child labor.

During the reporting period, the Government, in partnership with international organizations and NGOs, established a center to provide gender-based violence victims, including child domestics and children engaged in commercial sexual exploitation, with free medical, psychosocial support and police assistance.⁴⁹⁴⁶ The Government

of Rwanda also initiated a high-profile public campaign to discourage intergenerational sex and sexual procurement.⁴⁹⁴⁷ In addition, the MIFOTRA raised public awareness of the worst forms of child labor through radio shows,

television announcements and skits.⁴⁹⁴⁸ Despite these initiatives, Rwanda's social programs are not sufficient to assist vulnerable children, including children working on the streets.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Rwanda:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure protection for children working in exploitative noncontractual labor activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve measures to investigate, prosecute and convict individuals involved in the worst forms of child labor, including by:
 - Increasing resources and the capacity of labor inspectors.
 - Making information publicly available on child labor investigations and prosecutions.
 - Increasing training among enforcement officials on internal child trafficking and the rights of trafficking victims, specifically underage girls engaged in prostitution.

IN THE AREA OF POLICIES:

- Finalize, adopt and implement the National Policy for the Elimination of Child Labor and 5-year Action Plan on child labor.
- Assess the impact that policies such as the National Employment Policy, Vision 2010 and Economic Development and Poverty Reduction Strategy, may have on addressing child labor.
- Ensure that school costs, such as fees and the cost of uniforms, do not diminish the impact of the Nine Years Basic Education policy.

IN THE AREA OF PROGRAMS:

- Develop additional social protection programs to assist vulnerable and orphaned children and children working on the streets.

⁴⁸⁸⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data on working children and school attendance are from 2008. Data on children combining working and schooling are from 2008. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also Government of Rwanda, *Rwanda National Child Labour Survey*, Kigali, 2008, 29-31, 37, 40; available from http://statistics.gov.rw/images/PDF/Rwanda_child_labour_report_english_NISR.pdf. See also Winrock International, Forum for African Women Educationalists, and Netherlands Development Organization, *Baseline Assessment on Child Labor in Seven Districts: Nyarugenge, Nyaruguru, Gicumbi, Nyamasheke, Rubavu, Kayonza, and Nyagatare*, November 2010, 73-74, 91. See also Mary Strode, Emily Wylde, and Yussuf Murangwa, *Labour Market and Economic Activity Trends in Rwanda*, National Institute of Statistics of Rwanda, 2008, 3, 20; available from <http://statistics.gov.rw/images/PDF/EICV%20Labour%20Market%20and%20Economic%20Activities%20Trends.pdf>.

⁴⁸⁸⁹ Government of Rwanda, *Rwanda National Child Labour Survey*, 29-30. See also Winrock International, Forum for African Women Educationalists, and Netherlands Development Organization, *Baseline Assessment on Child Labor in Seven Districts*, 91-92. See also Fidèle Nsengiyumva, *National Coffee Censes- Final Report*, Rwanda Coffee Development Authority, November 2009, 41. See also Winrock International official, E-mail communication to USDOL official, November 5, 2010. See also Dan Ngabonziza, "27 rescued from child labour", [newtimes.co.rw](http://www.newtimes.co.rw), [online], 2011 [cited April 11, 2011]; available from <http://www.newtimes.co.rw/print.php?issue=14592&print&article=40069>.

⁴⁸⁹⁰ Government of Rwanda, *Rwanda National Child Labour Survey*, 30. See also Timothy Kisambira, "Child Labor is a Threat to Rwanda's Vision 2020", [eac.int](http://www.eac.int), [online], April 10, 2009 [cited December 28, 2010]; available from http://www.eac.int/gender/index.php?option=com_content&view=article&id=57&catid=57. See also Winrock International, Forum for African Women Educationalists, and Netherlands Development Organization, *Rwanda Education Alternatives for Children (REACH)- Project Document*, March 2011, 4, 17.

⁴⁸⁹¹ Winrock International, Forum for African Women Educationalists, and Netherlands Development Organization, *Baseline Assessment on Child Labor in Seven Districts*, 65, 66, 73. See also Government of Rwanda, *Rwanda National Child Labour Survey*, 27-28. See also World Vision, *KURET Final Report: Baseline study and situational analysis of child labor and education in HIV/AIDS affected Communities in Rwanda*, November 2005, 39-40. See also Strode, Wylde, and Murangwa, *Labour Market and Economic Activity Trends*, 7.

⁴⁸⁹² U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2a.1. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Rwanda (ratification: 1981) Published: 2010*, December 28, 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also Karen Tietjen, *Combating Exploitive Child Labor through Education in Kenya, Uganda, Rwanda and Ethiopia Together Project: Rwanda Country Report*, Independent Midterm Evaluation, Macro International Inc., March 2007, 5; available from <http://www.dol.gov/ilab/programs/ocft/tcp/KURET-report2.pdf>.

⁴⁸⁹³ Kisambira, "Child Labor is a Threat to Rwanda's Vision 2020". See also Government of Rwanda, *Rwanda National Child Labour Survey*, 43.

⁴⁸⁹⁴ World Vision, *KURET Final Report*, 38.

⁴⁸⁹⁵ Kisambira, "Child Labor is a Threat to Rwanda's Vision 2020".

⁴⁸⁹⁶ Phillip Rushworth, "Rwanda: Giving Hope to Kigali's Street Children", allafrica.com, [online], September 29, 2009 [cited January 19, 2011]; available from <http://allafrica.com/stories/200909300148.html>. See also Human Rights Watch, *Swept Away: Street Children Illegally Detained in Kigali*, New York, May 14, 2006, 3; available from <http://www.hrw.org/en/reports/2006/05/14/swept-away>. See also Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, June 2008, 22; available from www.dol.gov/ilab/programs/ocft/20090602/rwanda08.pdf.

⁴⁸⁹⁷ U.S. Embassy- Kigali, *reporting, February 15, 2011*, para 2.b.

⁴⁸⁹⁸ *Ibid.*, para 2.b.

⁴⁸⁹⁹ *Ibid.*, para 2.b.

⁴⁹⁰⁰ UNODC, *Organised Crime and Trafficking in Eastern Africa: A Discussion Paper*, Nairobi, November 2009, 19; available from http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Organised_Crime_and_Trafficking_in_Eastern_Africa_Discussion_Paper.pdf. See also ILO-IPEC, *Rapid assessment report in trafficking of children into worst forms of child labour, including child soldiers in Uganda*, Status Report, February 2007, 28; available from http://www.ilo.org/public/english/region/afpro/daressalaam/download/c_trafficking_uganda.

pdf. See also U.S. Department of State, “Rwanda,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010, 282-283; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴⁹⁰¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.

⁴⁹⁰² Government of Rwanda, *Law regulating Labour in Rwanda*, Public Law Number 13/2009, (May 27, 2009), article 4, 6; available from <http://www.mifotra.gov.rw/documents/Laws/NEW%20LABOUR%20LAW%20N13.2009%20OF%2027.5.2009.pdf>.

⁴⁹⁰³ *Ibid.*, article 72.

⁴⁹⁰⁴ Government of Rwanda, *Ministerial order determining the list of worst forms of child labour, their nature, categories of institutions that are not allowed to employ them and their prevention mechanisms*, Public Law Number 06, (July 13, 2010), article 4-6.

⁴⁹⁰⁵ Martina Nicolls and Lou Witherite, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project*, 2009, 30.

⁴⁹⁰⁶ Government of Rwanda, *Law regulating Labour in Rwanda*, article 168.

⁴⁹⁰⁷ *Ibid.*, article 1-3. See also ILO Committee of Experts, *Individual Direct Request C138: Rwanda (2010)*.

⁴⁹⁰⁸ Government of Rwanda, *Law on prevention and punishment of gender-based violence*, Public Law Number 59, (September 10, 2008), article 28; available from <http://www.hsph.harvard.edu/population/domesticviolence/rwanda.genderviolence.08.pdf>. See also Government of Rwanda, *Law regulating Labour in Rwanda*, article 72.

⁴⁹⁰⁹ Government of Rwanda, *Law Relating to Rights and Protection of the Child Against Violence*, Public Law Number 27/2001, (April 28, 2001), 33, 38-42; available from http://www.adh-geneva.ch/RULAC/pdf_state/Law-27-2001-Protection-Child-Against-Violence.pdf.

⁴⁹¹⁰ *Ibid.*, article 19.

⁴⁹¹¹ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2c.1.

⁴⁹¹² *Ibid.*, para 2c.1. See also U.S. Embassy- Kigali official, E-mail communication to USDOL official, October 21 2010.

⁴⁹¹³ Nicolls and Witherite, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project*, 24.

⁴⁹¹⁴ Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, Public Law Number 07, (July 13, 2010), article 2-3. See also Ministry of Public Service and Labour, *Strategies Issues Paper: Structure, Programmes and Budget for the Ministry of Public Service and Labour 2009-2012*, Kigali, June 2008,

5, 10. See also U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2d.1, 2d.3, 2d.4.

⁴⁹¹⁵ Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, article 2. See also U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2d.5.

⁴⁹¹⁶ U.S. Embassy- Kigali, *Labor Inspector Training Summary Report*, February 2, 2011.

⁴⁹¹⁷ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2d.5.

⁴⁹¹⁸ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Rwanda (ratification: 2000) Published: 2010*, June 9, 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁴⁹¹⁹ Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, article 7-8.

⁴⁹²⁰ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2d.6-10.

⁴⁹²¹ *Ibid.*, para 2d.2.

⁴⁹²² *Ibid.*, para 2d.2, 2f.4. See also U.S. Embassy- Kigali official, E-mail communication, October 21, 2010.

⁴⁹²³ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2e.1, 2e.3. See also Government of Rwanda, *Rwanda National Police: Child Protection Unit*, [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article26&var_recherche=child. See also Government of Rwanda, *Rwanda National Police: The Criminal Investigation and Scientific Police*, [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article29&var_recherche=child.

⁴⁹²⁴ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2d.2. See also Government of Rwanda, *Rwanda National Police: RNP Strategies*, [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article31&var_recherche=child.

⁴⁹²⁵ U.S. Embassy- Kigali, *reporting, January 28, 2011*, 2e.1.

⁴⁹²⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda.” See also Government of Rwanda, *RNP Strategies*.

⁴⁹²⁷ U.S. Embassy- Kigali, *reporting, February 15, 2011*, para 5.g.

⁴⁹²⁸ *Ibid.*, para 4.f.

⁴⁹²⁹ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2e.6-10.

⁴⁹³⁰ *Ibid.*, para 2e.5.

⁴⁹³¹ U.S. Embassy- Kigali, *reporting, February 15, 2011*, para 2.c.

⁴⁹³² Government of Rwanda, *National Policy for Orphans and Other Vulnerable Children*, 2003, 19-21; available from www.unicef.org/southafrica/SAF_resources_ovcrwanda.doc.

⁴⁹³³ Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children*, 4-6.

⁴⁹³⁴ *Ibid.*, XIX, 6.

⁴⁹³⁵ Winrock International, *Rwanda Education Alternatives for Children (REACH)*, Technical Progress Report, September 25, 2010, 4. See also Government of Rwanda, *National Employment Policy*, MIFOTRA, Kigali, December 2007, 22; available from <http://www.mifotra.gov.rw/documents/Policies/National%20Employment%20Policy.pdf>. See also Government of Rwanda, *Economic Development and Poverty Reduction Strategy 2008-2012*, September 2007, 90; available from http://www.undp.org.rw/EDPRS_2008-2012.pdf.

⁴⁹³⁶ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2f.4-5.

⁴⁹³⁷ John Bridgeland, Stu Wulsin, and Mary McNaught, *Rebuilding Rwanda: From Genocide to Prosperity through Education*, Civic Enterprises, LLC, 2009, 27; available from <http://www.civcenterprises.net/pdfs/rebuildingrwanda.pdf>. See also Government of Rwanda, *Nine Years Basic Education Implementation, Fast Track Strategies*, Ministry of Education, November 2008, 3; available from http://www.mineduc.gov.rw/IMG/pdf/9_year_B_E.pdf. See also U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2f.4-5.

⁴⁹³⁸ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2f.1. See also U.S. Embassy- Kigali official, E-mail communication to USDOL official, April 6, 2011.

⁴⁹³⁹ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2g.1. See also Government of Rwanda, *Rwanda Demobilization & Reintegration Programme: Annual Activity*

Report, 2010; available from <http://www.rdr.org.rw/Documentation/RDRP%20ANNUAL%20REPORT%202010.pdf>.

⁴⁹⁴⁰ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2g.1.

⁴⁹⁴¹ U.S. Embassy- Kigali, *reporting, February 15, 2011*, para 2.b.

⁴⁹⁴² Fred Ndoli, "Rwanda: 300 Ex-Street Children Given Vocational Training", *allAfrica.com*, [online], February 10, 2010 [cited December 28, 2010]; available from <http://allafrica.com/stories/201002100066.html>. See also U.S. Department of State, "Rwanda," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 08, 2011, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.

⁴⁹⁴³ Stevenson Mugisha, "Rwanda: Ex-Street Children Undergo Civic Education", *allAfrica.com*, [online], June 26, 2010 [cited January 5, 2011]; available from <http://allafrica.com/stories/printable/201006280813.html>.

⁴⁹⁴⁴ Winrock International, Forum for African Women Educationalists, and Netherlands Development Organization, *REACH Project Document*, 1, 4-5.

⁴⁹⁴⁵ Government of Rwanda, *Budget Execution Report- 2009/10*, Ministry of Education.

⁴⁹⁴⁶ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2g.1. See also U.S. Embassy- Kigali, *reporting, February 15, 2011*, para 5.a.

⁴⁹⁴⁷ U.S. Department of State, "Country Reports- 2010: Rwanda," section 7d.

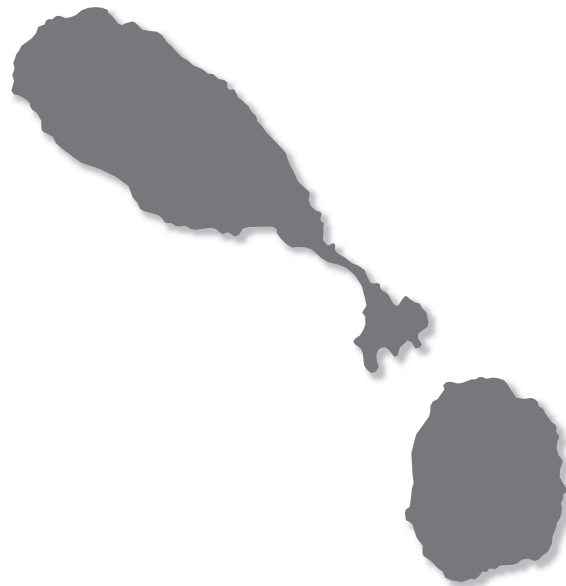
⁴⁹⁴⁸ U.S. Embassy- Kigali, *reporting, January 28, 2011*, para 2g.1.

Saint Kitts and Nevis

Saint Kitts and Nevis does not appear to have a significant child labor problem; however, children work in agriculture and as domestic servants may be vulnerable to worst forms abuses. Gaps in legislation do not adequately protect some children from being employed in hazardous conditions.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁹⁴⁹






Children in Saint Kitts and Nevis may be engaged in the worst forms of child labor, particularly in agriculture, where they assist with livestock farming and vegetable production.⁴⁹⁵⁰ Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying of heavy loads and applying harmful pesticides.

Children are also found working as domestic servants in other households, which is an acceptable social practice.⁴⁹⁵¹ Child domestic labor may involve long hours of work and may expose children to risks of physical and sexual exploitation from their employers.

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons and Children Act and the Employment of Children (Restriction) Ordinance set the minimum age for employment at 16, including employment that is likely to harm the health, safety or morals of the employed child. The Employment of Children (Restriction) Ordinance does not define types of hazardous work.⁴⁹⁵² Children ages 16 and 17

appear to lack legal protection from employment in hazardous conditions.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution explicitly prohibits forced or slave labor.⁴⁹⁵³ Trafficking is also prohibited and criminalized by the Prevention of Trafficking in Persons Bill.⁴⁹⁵⁴

A person who procures children for prostitution may be prosecuted under the Probation and Child Welfare Board Act, which prohibits the infliction of non-accidental injury on a child by a caretaker, including sexual abuse or activities of a sexual nature.⁴⁹⁵⁵

The Education Act of 2005 makes schooling free and compulsory until age 16 and attendance is strictly enforced by school truancy officers.⁴⁹⁵⁶

Institutional Mechanisms for Coordination and Enforcement

Although the worst forms of child labor do not appear to be widely prevalent, research found no evidence that the Government of Saint Kitts and Nevis has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is the lead agency responsible for the enforcement of laws regarding the worst forms of child labor. It has nine labor inspectors responsible for investigating all labor violations, including those related to children.⁴⁹⁵⁷ There were no reported complaints, inspections, prosecutions or violations related to the worst forms of child labor during the reporting period.⁴⁹⁵⁸

The police force takes the lead in any trafficking investigation and refers suspected cases of child

trafficking to the Ministry of Social Development, which oversees child abuse cases.⁴⁹⁵⁹

Government Policies on the Worst Forms of Child Labor

The Government's White Paper on Education Development and Policy 2009-2019 outlines the Ministry of Education's developments and policies, including improving access to and quality of education for all children.⁴⁹⁶⁰ The Government holds monthly assessment meetings to monitor the impact of the plan; however, according to a Ministry of Education official, neither working children nor dropout rates is a major concern in Saint Kitts and Nevis.⁴⁹⁶¹ The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Ministry of Education offers vocational educational opportunities to children who are failing in the public schools.⁴⁹⁶² The question of whether these programs have an impact on child labor does not appear to have been addressed.

Research found no evidence of any programs to address the worst forms of child labor in agriculture and domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Kitts and Nevis:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend current laws to increase the minimum age for hazardous employment to 18 and to define work that is hazardous for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Assess the impact that the existing policy may have on addressing children engaged in domestic service and agriculture.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing child labor.
- Implement programs to address the worst forms of child labor in agriculture and domestic service.

⁴⁹⁴⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in these report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁹⁵⁰ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, para 2.

⁴⁹⁵¹ Ibid. See also U.S. Department of State, “Saint Kitts and Nevis,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154517.htm>.

⁴⁹⁵² ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Kitts and Nevis (ratification: 2000) Submitted: 2010*, March 1, 2011, paras 5, 7; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁴⁹⁵³ Government of the Federation of Saint Kitts and Nevis, *Federation of Saint Christopher and Nevis Constitutional Order of 1983*, No. 881, (June 23, 1983), article 6; available from <http://pdba.georgetown.edu/Constitutions/Kitts/kitts83.html>.

⁴⁹⁵⁴ U.S. Department of State, “Saint Kitts and Nevis,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136124.htm>. See also IOM, *Counter-Trafficking Activities in St. Kitts and*

Nevis: An Overview of 2008, January 2009; available from <http://www.iom.int/unitedstates/ct/PDFs/Building%20Capacity/2008/St.%20Kitts%20and%20Nevis-%20Activities%20Summary%202008.pdf>.

⁴⁹⁵⁵ ILO Committee of Experts, *Individual Direct Request C182: Saint Kitts and Nevis (2010)*, para 3.

⁴⁹⁵⁶ UNESCO, “Saint Kitts and Nevis,” in *World Data on Education: 7th Edition, 2010/2011*, June 2010, 2; available from http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Saint_Kitts_and_Nevis.pdf. See also U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, paras 3E, 4H. See also U.S. Embassy- Bridgetown official, E-mail communication to USDOL official, March 11, 2011 (1:58 p.m.).

⁴⁹⁵⁷ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, paras 4D-1, 4D-3.

⁴⁹⁵⁸ Ibid., paras 4D-3, 4D-6, 4D-7, 4D-8, 4D-9.

⁴⁹⁵⁹ U.S. Embassy- Bridgetown, *reporting, February 5, 2010*, sections 2D-I-1, 2D-II-1.

⁴⁹⁶⁰ Government of Saint Kitts and Nevis, White Paper on Education and Development, 2009-2019: Raising the Standard, Maximising Resources, Aligning with Best Practices - Promoting Success for All, March 2009, 2; available from http://planipolis.iiep.unesco.org/upload/Saint%20Christopher%20and%20Nevis/St_Kitts_Nevis_White_Paper_Ed_Development_and_Policy_2009-2019.pdf.

⁴⁹⁶¹ U.S. Embassy- Bridgetown official, E-mail communication to USDOL official, March 11, 2011 (2:33 p.m.).

⁴⁹⁶² U.S. Embassy- Bridgetown, *reporting, January 28, 2011*, para 3F.

Saint Lucia

The Government of Saint Lucia has strengthened its legal framework by enacting a new anti-trafficking law. However, gaps remain in its efforts to protect children from the worst forms of child labor, in particular regarding the minimum age for work law, and in data collection and research. Although there is limited information on the prevalence of hazardous child labor, there are reports that children work in the banana harvest and the informal sector. It is not clear whether the lack of evidence of the worst forms of child labor is indicative of a small problem, or a hidden one.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although there is limited information on the prevalence of the worst forms of child labor in Saint Lucia,⁴⁹⁶³ children helped harvest bananas in rural areas, where they may have been exposed to harmful pesticides. However, Hurricane Tomas wiped out the banana sector in November 2010, ending the year's harvest.⁴⁹⁶⁴

The Government has indicated that child labor appears to be an issue in the informal sector, although additional details on the specific types of work are unavailable.⁴⁹⁶⁵

Laws and Regulations on the Worst Forms of Child Labor




The Employment of Women, Young Persons, and Children Law Revised Ordinances of 1957 sets the minimum age for employment at 14.⁴⁹⁶⁶ In 2006, the Government proposed Labor Code No.

37 to increase the minimum age for employment to 15.⁴⁹⁶⁷ The legislation has not been enacted by Parliament.⁴⁹⁶⁸

The Education Act No. 41 of 1999 provides for compulsory education from age 5 to 15.⁴⁹⁶⁹ The Occupational Health and Safety Act prohibits the employment of persons under age 18 in industrial undertakings.⁴⁹⁷⁰ It also lists certain types of work that are prohibited.⁴⁹⁷¹ Research has not revealed whether there are prohibitions on hazardous work in other sectors of the economy.

The Constitution prohibits slavery, servitude, and forced labor for children of all ages.⁴⁹⁷² The Criminal Code bans prostitution, the procurement of, or engaging in sexual relations with any male or female under age 18.⁴⁹⁷³ In 2010, the Government enacted the Counter-Trafficking Act No. 7, which criminalizes the trafficking of children for labor or commercial sexual exploitation.⁴⁹⁷⁴ The Government passed the Counter-Trafficking Act in order to implement its

commitments under the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons.⁴⁹⁷⁵

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

Saint Lucia does not have a military force as the police force is responsible for the security of the country. The minimum age for recruitment to the police force is 18.⁴⁹⁷⁶

Institutional Mechanisms for Coordination and Enforcement

The Government of Saint Lucia has established a National Coalition against Trafficking in Persons, which consists of representatives from the Gender Relations Divisions, the Human Services Division, the Police, and the Immigration Service. The National Coalition against Trafficking in Persons coordinates efforts to detect and investigate trafficking cases and protect victims.⁴⁹⁷⁷ Although this mechanism exists to combat trafficking in persons, research found no evidence of coordinating mechanisms to combat other worst forms of child labor.

The Director of Gender Relations has developed sensitization trainings in order to educate police officers and social workers about child labor

issues, including trainings on how to react to and identify possible victims, referral protocols, and victim protection.⁴⁹⁷⁸

The Department of Labor of the Ministry of Labor, Information, and Broadcasting is responsible for enforcing child labor statutes.⁴⁹⁷⁹ The Government has seven labor inspectors to cover all aspects of labor violations, including child labor.⁴⁹⁸⁰ These inspectors conduct spot investigations, check records to verify compliance with the law, and are empowered to take legal action against employers found to have employed underage workers. There have been no cases filed to date.⁴⁹⁸¹

Anti-trafficking enforcement is among the responsibilities of the Police Department. The Police Department refers suspected cases of child trafficking to the Child Welfare Board, which oversees child abuse cases.⁴⁹⁸²

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Saint Lucia has any policies to specifically address the worst forms of child labor.⁴⁹⁸³ However, the Government has recognized the need to conduct solid research and statistical analysis to obtain more information on the prevalence of the worst forms of child labor. Such research has not been undertaken to date.⁴⁹⁸⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Government of Saint Lucia participated in an OAS training to increase awareness of trafficking among enforcement agencies. The program trained 40 Saint Lucian law enforcement officials in areas such as distinguishing between trafficking and smuggling as well as victim identification, assistance, and protection.⁴⁹⁸⁵ Although the Government of Saint Lucia has implemented programs to address the trafficking of children, research found no evidence that it has carried out programs to assist children involved in agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Lucia:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age for employment to 15.
- Ensure prohibitions on hazardous work in sectors other than industrial undertakings.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt policies to combat child labor in agriculture and the informal sector.
- Conduct a comprehensive study to assess the nature and extent of the worst forms of child labor in the country.

IN THE AREA OF SOCIAL PROGRAMS:

- Use the results of the study on the worst forms of child labor to assess the need for social programs to assist children working in agriculture.

⁴⁹⁶³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁹⁶⁴ U.S. Department of State, “Saint Lucia,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154518.htm>. See also UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent and the Grenadines*, November 2006; available from http://www.unicef.org/barbados/cao_resources_vulnerability.pdf. See also U.S. Embassy- Bridgetown, *reporting, January 28, 2011*.

⁴⁹⁶⁵ ILO, *Country Baseline Under the ILO Declaration Annual Review (2000-2008): Saint Lucia*, 2010; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_cl_lca.pdf.

⁴⁹⁶⁶ Ibid.

⁴⁹⁶⁷ ILO Committee of Experts, *Individual Direct Request concerning Worst forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000) Submitted: 2010*, April 18, 2011; available from <http://bravo.ilo.org/ilolex/cgi->

[lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref&highlight=&querytype=bool&context=0](http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref&highlight=&querytype=bool&context=0). See also ILO Declaration Experts and ILO Governing Body, *The Effective Abolition of Child Labour: Country Baseline Under the ILO Declaration Annual Review (2000-2010): Saint Lucia*, April 18, 2010; available from http://natlex.ilo.ch/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

⁴⁹⁶⁸ ILO Declaration Experts and ILO Governing Body, *ILO Declaration Experts and Governing Body, Country Baseline Under the ILO Declaration Annual Review: Saint Lucia (2010)*.

⁴⁹⁶⁹ ILO, *Country Baseline Under the ILO Declaration Annual Review (2000-2008): Saint Lucia*. See also Government of Saint Lucia, *Education Act No. 41 of 1999*; available from <http://planipolis.iiep.unesco.org/upload/Saint%20Lucia/Saint%20Lucia%20Education%20Act%201999.pdf>

⁴⁹⁷⁰ ILO Declaration Experts and ILO Governing Body, *ILO Declaration Experts and Governing Body, Country Baseline Under the ILO Declaration Annual Review: Saint Lucia (2010)*. See also ILO Committee of Experts, *Individual Direct Request C182: Saint Lucia (2010)*.

⁴⁹⁷¹ ILO Committee of Experts, *Individual Direct Request C182: Saint Lucia (2010)*.

⁴⁹⁷² Government of Saint Lucia, *Saint Lucia Constitutional Order of 1978*, (December 20, 2978); available from <http://pdba.georgetown.edu/Constitutions/Lucia/Luc78.html>.

⁴⁹⁷³ Government of Saint Lucia, *Criminal Code*, (2004).

⁴⁹⁷⁴ Caribbean Financial Action Task Force, *Anti-Money Laundering and Combating the Financing of Terrorism*, May 27, 2010; available from [http://www.cfatf-gafic.org/downloadables/Follow-Up_reports/Saint_Lucia_1st_Follow-up_Report_\(Final\)_English.pdf](http://www.cfatf-gafic.org/downloadables/Follow-Up_reports/Saint_Lucia_1st_Follow-up_Report_(Final)_English.pdf). See also Government of Saint Lucia, *Report to the 11th Session of the Regional Conference on Women in Latin America and the Caribbean*, June 2010; available from <http://www.eclac.org/mujer/noticias/paginas/6/38906/SaintLucia.pdf>. See also Government of Saint Lucia, *Counter-Trafficking Act of 2010*, (February 1, 2010); available from (hard copy on file). See also U.S. Embassy- Bridgetown, *reporting, May 23, 2011*.

⁴⁹⁷⁵ Caribbean Financial Action Task Force, *Mutual Evaluation of Saint Lucia: First Follow-up Report*.

⁴⁹⁷⁶ Coalition to Stop the Use of Child Soldiers, "Saint Lucia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁴⁹⁷⁷ U.S. Department of State, "Saint Lucia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136125.htm>.

⁴⁹⁷⁸ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*.

⁴⁹⁷⁹ *Ibid.*

⁴⁹⁸⁰ *Ibid.*

⁴⁹⁸¹ *Ibid.*

⁴⁹⁸² U.S. Embassy- Bridgetown, *reporting, February 5, 2010*.

⁴⁹⁸³ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*.

⁴⁹⁸⁴ ILO, *Country Baseline Under the ILO Declaration Annual Review (2000-2008): Saint Lucia*.

⁴⁹⁸⁵ Caribbean Net News, "OAS to train officials in St. Lucia and St. Vincent to combat trafficking in persons," (May 12, 2010); available from <http://www.caribbeannetnews.com/news-23106--38-38--.html> (hard copy on file).

Saint Vincent and the Grenadines

Saint Vincent and the Grenadines does not appear to have a significant child labor problem; however, children are found working in agriculture and are possibly victims of commercial sexual exploitation. Significant gaps in the law and a lack of policy to combat the worst forms of child labor provide insufficient protection, which result in children being vulnerable to exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






In Saint Vincent and the Grenadines, some children are engaged in the worst forms of child labor,⁴⁹⁸⁶ mainly in agriculture, which may put them at risk from applying harmful pesticides and carrying heavy loads.⁴⁹⁸⁷

There have been reports of trafficking in Saint Vincent, including children who are trafficked internally for the purposes of commercial sexual exploitation. However, the full extent of trafficking in Saint Vincent and the Grenadines is unknown.⁴⁹⁸⁸ There are also reports that minors continue to work informally and seasonally in the cultivation of marijuana, although research has not revealed whether or not these children work voluntarily or if they have been coerced.⁴⁹⁸⁹

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons and Children (EWYP) Act sets the minimum age for

employment, including hazardous work, at 14.⁴⁹⁹⁰ Children below the age of 18 are prohibited from working at night.⁴⁹⁹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	16
	Free Public Education	Yes

The EWYP Act also authorizes the Governor-General to establish regulations regarding the health, welfare, and safety of young persons and children.⁴⁹⁹² However, there are no regulations prohibiting hazardous occupations or conditions for children.

The Constitution of Saint Vincent and the Grenadines prohibits forced or slave labor.⁴⁹⁹³ Causing or encouraging prostitution, commissioning sexual intercourse, or undertaking an indecent assault on a girl under the age of 15 is prohibited.⁴⁹⁹⁴ No laws specifically address trafficking, although related offenses may be prosecuted under other provisions in the Penal Code.

The law provides for free and compulsory education through the Education Act of 2006, which states that all children ages 5 to 16 must attend school.⁴⁹⁹⁵

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Saint Vincent and the Grenadines has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is responsible for the enforcement of child labor laws.⁴⁹⁹⁶ Within the Ministry, five inspectors are responsible for monitoring all labor issues and complaints, including child labor. During the reporting period, no inspections were conducted related to child

labor nor were there any reports of child labor complaints.⁴⁹⁹⁷

The Police Force is responsible for investigating trafficking in persons cases and referring the cases to the Ministry of Social Development.⁴⁹⁹⁸ There were no cases of suspected trafficking in 2010.⁴⁹⁹⁹

Government Policies on the Worst Forms of Child Labor

Although the worst forms of child labor do not appear to occur significantly in Saint Vincent and the Grenadines, research found no evidence of policies to address existing child labor, including children working in agriculture and child victims of commercial sexual exploitation.⁵⁰⁰⁰ Research has also not revealed whether the Government keeps official statistics on the prevalence and scope of the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Children Against Poverty bridging program was launched with a total of 56 participating primary schools to develop children's skills through an engaging curriculum. The project goal was to use education as a means of breaking the cycle of poverty.⁵⁰⁰¹ The Ministry of Education also operates five multipurpose centers that offer technical and vocational education services to children ages 15 to 17 to prevent school dropouts.⁵⁰⁰² The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Vincent and Grenadines:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment of Women, Young Persons, and Children Act to make 18 the minimum age for engaging in hazardous work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor, particularly in agriculture.

IN THE AREA OF POLICIES:

- Conduct a rigorous study to assess whether the worst forms of child labor are indicative of a small problem or a hidden problem that requires further follow up.
- Use the information obtained from the study to develop a national plan of action to address the worst forms of child labor, particularly for children in agriculture.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.

⁴⁹⁸⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁹⁸⁷ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*.

⁴⁹⁸⁸ U.S. Department of State, “St. Vincent and the Grenadines,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/123357.pdf>.

⁴⁹⁸⁹ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*.

⁴⁹⁹⁰ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) St. Vincent and the Grenadines (ratification: 2006) Submitted: 2010*, April 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24850&chapter=9&query=Saint+Vincent+and+the+Grenadines%40ref&highlight=&querytype=bool&context=0>.

⁴⁹⁹¹ Ibid.

⁴⁹⁹² ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) St. Vincent and the Grenadines (ratification: 2001) Submitted: 2009*, April 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=ilo>

[ng&document=23561&chapter=9&query=%28Saint+Vincent+and+the+Grenadines%29+%40ref&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23561&chapter=9&query=%28Saint+Vincent+and+the+Grenadines%29+%40ref&highlight=&querytype=bool&context=0).

⁴⁹⁹³ Government of Saint Vincent and the Grenadines, *Constitution of Saint Vincent and the Grenadines*, (October 27, 1979); available from <http://pdba.georgetown.edu/Constitutions/Vincent/stvincent79.html>.

⁴⁹⁹⁴ Government of Saint Vincent and the Grenadines, *Criminal Code of Saint Vincent and the Grenadines*, (October 6, 1988).

⁴⁹⁹⁵ ILO Committee of Experts, *Individual Direct Request C138: St. Vincent and the Grenadines (2010)*.

⁴⁹⁹⁶ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*.

⁴⁹⁹⁷ U.S. Department of State, “St. Vincent and the Grenadines,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154519.htm>. See also U.S. Embassy- Bridgetown, *reporting, January 28, 2011*.

⁴⁹⁹⁸ U.S. Embassy- Bridgetown, *reporting, February 16, 2011*.

⁴⁹⁹⁹ Ibid.

⁵⁰⁰⁰ U.S. Embassy- Bridgetown, *reporting, January 28, 2011*.

⁵⁰⁰¹ “CAP Bridging Program Officially Launched Today”, NBC Radio, [online], July 7, 2010 [cited April 18, 2011]; available from <http://www.nbcsvg.com/profiles/blogs/cap-bridging-program>.

⁵⁰⁰² UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent and the Grenadines*, November 2006; available from http://www.unicef.org/barbados/cao_resources_vulnerability.pdf.

Samoa

Children in Samoa work in agriculture and as street vendors, although the lack of data makes it difficult to determine the scope of the problem. While there is no legal entitlement to free education in Samoa, the Government continued its support for a program to achieve universal primary education by providing school fee grants to government and mission schools. Samoan laws provide no protection against hazardous work by children below age 18.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although data are limited, children in Samoa are reportedly engaged in the worst forms of child labor.⁵⁰⁰³ The lack of official data and other information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Samoa.

There are indications that children in rural areas work in agriculture.⁵⁰⁰⁴ Work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Similarly, children reportedly work as street vendors in Apia, Samoa's capital, and in a few other locations, including the international airport.⁵⁰⁰⁵ Children who work on the streets may be exposed to multiple dangers including severe weather, vehicle accidents and criminal elements.






Children are reportedly employed in domestic service.⁵⁰⁰⁶ Domestic labor by children may involve

long work hours, which often prevent children from attending school, and exposure to physical and sexual exploitation by their employers.

Laws and Regulations on the Worst Forms of Child Labor

The Labor and Employment Act of 1972 sets the minimum age for employment at 15 and allows children under age 15 to engage in "safe and light work suited to the capacity of the child." The Act prohibits children under the age of 15 from working with dangerous machinery, in any occupation or place where working conditions are likely to harm their physical or moral health, or on any vessel not under the personal charge of a parent or guardian.⁵⁰⁰⁷ Samoa's labor laws treat anyone age 15 and over as an adult worker and include no protections for hazardous work. Moreover, the Act covers only individuals who work in a fixed location, and the Government has not established whether or not work outside of a fixed place of employment (such as street vending by children) contravenes the country's labor laws.⁵⁰⁰⁸

The Constitution prohibits forced or compulsory labor, but an exception to this provision is given for work or service required by Samoan custom.⁵⁰⁰⁹ Research did not identify the specific work activities that fall under “Samoan custom.”

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	No

The Crimes Ordinance Act (COA) prohibits inducing a female of any age into sexual relations through fraudulent means.⁵⁰¹⁰ Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is also punishable under COA.⁵⁰¹¹ No specific criminal provision exists regarding child pornography; however, child pornography cases can be prosecuted under a provision of the Penal Code that prohibits the distribution or exhibition of indecent matter.⁵⁰¹² Provisions of COA are insufficient to provide adequate protection to boys against commercial sexual exploitation, since several of the provisions detailed above exclude males.

No comprehensive law prohibits trafficking in persons, but kidnapping any person with the intent to transport him or her out of the country

or to hold the individual for service is a crime punishable under COA. Furthermore, no person under age 16 may give consent to “being sent or taken out” of Samoa.⁵⁰¹³

The Education Act of 2009 makes education compulsory for children under age 15.⁵⁰¹⁴ The Act stipulates that a child under age 15 cannot be involved in street vending or work of any kind during school hours or at any other time during which this work would interfere with the child’s school attendance, participation in school activities or educational development.⁵⁰¹⁵

As there are no armed forces maintained by the Government of Samoa, there is no minimum age for conscription.⁵⁰¹⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Samoa has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Commerce, Industry, and Labor (MCIL) is the primary government agency designated to enforce laws related to hazardous or forced child labor.⁵⁰¹⁷ The Ministry of Women, Community and Social Development and the Ministry of Education may be called upon to help with investigations.⁵⁰¹⁸

Inspectors from the MCIL investigate complaints of violations of the Labor and Employment Act, including complaints of child labor violations and refer them to the Ministry of Police (MOP) and the Office of the Attorney General for enforcement.⁵⁰¹⁹ Eight inspectors from MCIL are assigned to carry out varied inspections.⁵⁰²⁰ No information was identified on the number of enforcement actions or the number of violations found during the reporting period.

Trafficking-related investigations are conducted by the Transnational Crimes Unit of the MOP.⁵⁰²¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor in agriculture, domestic service and street vending.

The Government did not collect information on exploitative child labor in 2010.⁵⁰²² The Government last conducted a study on child labor in 2005.⁵⁰²³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, in partnership with Australia and New Zealand, the Government launched the Samoa School Fee Grant Scheme (SSFGS), which will provide free education to all primary-school-aged children enrolled in government and mission schools.⁵⁰²⁴ Approximately 96 percent of Samoan

primary-school students attend schools covered by the SSFGS program, while the remainder are enrolled in private schools.⁵⁰²⁵ One of the program's aims is to discourage street vending by children by making schooling affordable to parents otherwise unable to pay school fees.⁵⁰²⁶

The school-fee reimbursement program, however, does not abrogate school fees; it only offers subsidies for school fees.⁵⁰²⁷ In addition, the program is partly financed by Australia and New Zealand, which have only committed to funding the SSFGS initiative for a three-year period.⁵⁰²⁸

Besides efforts to discourage street vending by children through the SSFGS, research has not found evidence of any programs by the Government specifically intended to address the worst forms of child labor in agriculture, street vending or domestic services.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Samoa:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to provide specific protections against hazardous work activities for all children under age 18.
- Amend provisions in the COA prohibiting the commercial sexual exploitation of children to apply to include boys under age 18.
- Ensure appropriate legal protection for children involved in street vending.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make accessible data on the number and type of inspections related to the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Establish policies to address relevant worst forms of child labor in Samoa.
- Conduct comprehensive research to better understand the extent and nature of the worst forms of child labor in agriculture, domestic service and street vending to better guide program and policy design.

IN THE AREA OF SOCIAL PROGRAMS:

- Provide for free primary education.
- Develop and implement programs to address relevant worst forms of child labor in Samoa, including children working under exploitative conditions in agriculture, street work and domestic service.

⁵⁰⁰³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁰⁰⁴ U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160100.pdf>.

⁵⁰⁰⁵ U.S. Embassy- Apia, *reporting, February 9, 2011*. See also U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁵⁰⁰⁶ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁵⁰⁰⁷ Government of Samoa, *Labour and Employment Act*, (1972), articles 32(1), 32(2), 32(3); available from http://www.paclii.org/ws/legis/consol_act/laea1972228/.

⁵⁰⁰⁸ U.S. Department of State, “Country Reports- 2010: Samoa.”

⁵⁰⁰⁹ Government of Samoa, *Constitution of the Independent State of Western Samoa*, (1960), articles 8(1), 8(2); available from http://www.paclii.org/ws/legis/consol_act/cotisows1960535/.

⁵⁰¹⁰ Government of Samoa, *Crimes Ordinance*, (1961), article 55; available from http://www.paclii.org/ws/legis/consol_act/co1961135/.

⁵⁰¹¹ *Ibid.*, articles 58L, 58M.

⁵⁰¹² *Ibid.*, article 43.

⁵⁰¹³ *Ibid.*, articles 83A(1), 83B.

⁵⁰¹⁴ Government of Samoa, *Education Act*, (2009), article 2; available from http://www.paclii.org/ws/legis/num_act/ea2009104/.

⁵⁰¹⁵ *Ibid.*, article 20.

⁵⁰¹⁶ Coalition to Stop the Use of Child Soldiers, “Samoa,” in *Child Soldiers Global Report 2008*, London, 2008; available

from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁰¹⁷ U.S. Embassy- Apia official, E-mail communication to USDOL official, March 16, 2011. See also U.S. Embassy- Apia, *reporting, February 9, 2011*.

⁵⁰¹⁸ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁵⁰¹⁹ U.S. Embassy- Apia, *reporting, February 9, 2011*. See also U.S. Embassy- Apia official, E-mail communication to USDOL official, March 16, 2011.

⁵⁰²⁰ U.S. Embassy- Apia, *reporting, February 9, 2011*.

⁵⁰²¹ U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136007.htm>. See also Government of Samoa, *Transnational Crime Unit - Ministry of the Prime Minister and Cabinet*, [online] [cited May 13, 2011]; available from <http://www.mpmc.gov.ws/tcu.html>.

⁵⁰²² U.S. Embassy- Apia, *reporting, February 9, 2011*.

⁵⁰²³ Ministry of Women, Community, and Social Development, *Child Vendors Pilot Survey*, 2005; available from <http://www.mwcsd.gov.ws/publications/new%20publications/Child%20Vendors%20Pilot%20Survey%20report.pdf>.

⁵⁰²⁴ Government of Samoa, *Millennium Development Goals: Second Progress Report*, 2010; available from http://www.mof.gov.ws/Portals/195/Services/Aid%20Coordination/mdg_report.pdf. See also U.S. Embassy- Apia, *reporting, February 9, 2011*.

⁵⁰²⁵ Government of Samoa, *Millennium Development Goals: Second Progress Report*.

⁵⁰²⁶ *Ibid.*

⁵⁰²⁷ *Ibid.*

⁵⁰²⁸ Government of Australia, *Aid Activities in Samoa*, 2010; available from http://www.ausaid.gov.au/country/cbrief.cfm?dcon=9205_8231_8940_8250_1457&countryid. See also U.S. Embassy- Apia official, E-mail communication, March 16, 2011.

São Tomé and Príncipe

The Government of São Tomé and Príncipe is participating in a regional program to combat the worst forms of child labor. However, gaps remain in the country's legal framework and enforcement system to protect children from labor exploitation. Children in São Tomé and Príncipe are engaged in the worst forms of child labor, including in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.4*
Attending School	5-14 yrs.	68.8
Combining Work and School	7-14 yrs.	13.7

* Population of working children: 6,218



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in São Tomé and Príncipe are engaged in the worst forms of child labor,⁵⁰²⁹ including in agriculture.⁵⁰³⁰ Children's work in agriculture may involve using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Though child labor is most common on farms and plantations in the country's rural areas, children in towns and urban centers also engage in dangerous work, namely street vending and begging.⁵⁰³¹ Children working on the street are at risk of exposure to severe weather and criminal elements and may be involved in accidents caused by proximity to automobiles.

Some children in São Tomé and Príncipe are also involved in domestic service.⁵⁰³² Child domestic labor commonly entails long hours and may expose children to physical and sexual exploitation by their employers. They may also perform unsafe tasks in carpentry and artisanal workshops.⁵⁰³³

Commercial sexual exploitation of children is reportedly a problem in São Tomé and Príncipe.⁵⁰³⁴

Laws and Regulations on the Worst Forms of Child Labor

The Law on Individual Labor Contracts sets the minimum age for work in São Tomé and Príncipe at 14 and the minimum age for hazardous work at 18.⁵⁰³⁵ The law also limits children younger than age 18 from working more than 7 hours per day and 35 hours per week.⁵⁰³⁶ Children ages 14 to 17 must obtain parental consent to work.⁵⁰³⁷ Though the legislation calls for the development of a list of hazardous occupations from which children will be prohibited, research found no evidence that one has been developed.

The Constitution of São Tomé and Príncipe prohibits forced or compulsory labor.⁵⁰³⁸ The Criminal Code sets the age of legal consent for sexual intercourse at 12, protecting some very young children from certain forms of sexual exploitation.⁵⁰³⁹ However, no law explicitly protects all children younger than age 18 from commercial sexual exploitation. In fact,

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

child prostitutes between ages 12 and 18 are viewed by the law as criminals and are subject to prosecution.⁵⁰⁴⁰ The law prohibits human trafficking.⁵⁰⁴¹ The Government has drafted a new Penal Code with specific penalties for trafficking offenses and crimes against children. As of the date of publication of this report, the President had returned the draft legislation to the National Assembly for further revision.⁵⁰⁴²

The Constitution guarantees the provision of free and compulsory basic education.⁵⁰⁴³ The Basic Education System Law establishes six years of mandatory basic education, providing free schooling to children through sixth grade or age 15, whichever comes first.⁵⁰⁴⁴ However, in practice, many students in rural areas stop attending school after fourth grade.⁵⁰⁴⁵ Many schools do not provide education through the sixth grade. Those that do are largely concentrated in district capitals and inaccessible to rural children.⁵⁰⁴⁶ Children who stop attending school before reaching the minimum age for employment are especially vulnerable to the worst forms of child labor as they are not in school but may not legally work.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of São Tomé and Príncipe has established a coordinating mechanism to combat the worst forms of child labor.

The Department of Labor Inspection within the Ministry of Labor, Solidarity and Family Affairs is responsible for enforcing labor laws, including those regarding exploitative child labor. However, the department lacks basic equipment for conducting inspections. It is housed in a single office, has outdated and malfunctioning computers and no vehicle.⁵⁰⁴⁷ The Department of Labor Inspection forms teams to deal with labor exploitation on an ad hoc basis. The teams comprise members from other government agencies, including immigration officials, the police, tax administration officials, social workers, and members of the social security administration.⁵⁰⁴⁸ The Government employs 15 labor inspectors that work in small teams throughout the country.⁵⁰⁴⁹

Complaints regarding the worst forms of child labor may be lodged with the Department of Labor Inspection or the police.⁵⁰⁵⁰ There were no complaints during the reporting period. Although inspections of exploitative labor were conducted, these cases did not involve children.⁵⁰⁵¹

The Ministry of Justice and the Ministry of Internal Affairs are responsible for combating trafficking in persons. During the reporting period, no instances of child trafficking were reported.⁵⁰⁵²

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any national policies to address the worst forms of child labor. However, in March 2011, São Tomé and Príncipe and other members of the Community of Portuguese-Speaking countries approved

four target areas in which they will focus efforts to combat child labor. These areas include the exchange of information and experiences, awareness-raising campaigns, use of statistical methodologies to collect child labor data and technical cooperation and training.⁵⁰⁵³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government began participating in a USDOL-funded program to combat the worst forms of child labor in five Lusophone countries in Africa. The 2-year, \$500,000 project aims to foster information sharing between Brazil and target Lusophone

countries about best practices for eliminating the worst forms of child labor. Additionally, the program will provide technical assistance for countries to develop or refine national action plans on child labor.⁵⁰⁵⁴

The Government supports three centers that provide shelter, education and skills training to 250 at-risk children, including street children and orphans.⁵⁰⁵⁵ Police and immigration officials participated in trainings on human trafficking.⁵⁰⁵⁶

Government programs are insufficient to reach all children engaged in the worst forms of child labor, particularly those in agriculture and domestic service, as well as those victimized in commercial sex exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sao Tomé and Príncipe:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a list of hazardous occupations in which children younger than age 18 are prohibited from working.
- Amend the law to protect all children younger than age 18 from commercial sexual exploitation, including prostitution.
- Pass and enforce the draft Penal Code.
- Explore ways to increase access to schooling and enforce the compulsory education law.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Address the resource needs of the Department of Labor Inspection to effectively enforce child labor laws.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop new and expand existing programs to reach more children in the worst forms of child labor, particularly those in agriculture, domestic service and commercial sex work.

⁵⁰²⁹ The statistics in the chart to the left are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For

more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁵⁰³⁰ U.S. Embassy- Libreville, reporting, March 30, 2011. See also U.S. Department of State, "Sao Tome and Principe," in Country Reports on Human Rights Practices- 2010, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154365.htm>. See also R. Winslow, A Comparative Criminology Tour of

the World: Sao Tome and Principe, 2007; available from http://www-rohan.sdsu.edu/faculty/rwinslow/africa/sao_tome_principe.html.

⁵⁰³¹ Claudia Reis, “Trabalho infantil começa a ser cada vez mais frequente em Sao Tome e Principe”, iOnline, [online], June 16, 2010 [cited February 14, 2011]; available from <http://www.ionline.pt/conteudo/64787-trabalho-infantil-comeca-ser-cada-vez-mais-frequente-em-sao-tome-e-principe>. See also UNICEF, Democratic Republic of Sao Tome e Principe: 2006 Multiple Indicator Cluster Survey, London, August 2007. See also U.S. Embassy- Libreville, reporting, March 12, 2010.

⁵⁰³² Reis, “Trabalho infantil começa a ser cada vez mais frequente em Sao Tome e Principe”. See also U.S. Embassy- Libreville, reporting, March 30, 2011. See also U.S. Department of State, “Country Reports- 2010: Sao Tome and Principe,” section 7d.

⁵⁰³³ Reis, “Trabalho infantil começa a ser cada vez mais frequente em Sao Tome e Principe”. See also U.S. Embassy- Libreville, reporting, March 30, 2011. See also U.S. Department of State, “Country Reports- 2010: Sao Tome and Principe,” section 7d.

⁵⁰³⁴ Childs Rights Information Network, Sao Tome and Principe: Children’s Rights References in the Universal Periodic Review, Office of the United Nations High Commissioner for Human Rights, January 31, 2011; available from <http://ftp.crin.org/resources/infoDetail.asp?ID=23920&flag=report#>.

⁵⁰³⁵ Government of São Tomé and Príncipe, Regime Jurídico das Condições Individuais de Trabalho, (June 11, 1992), articles 128, 129; available from http://www.legis-palop.org/index.php?option=com_docman&task=cat_view&gid=62&Itemid=76&limitstart=10.

⁵⁰³⁶ Ibid., article 136.

⁵⁰³⁷ U.S. Embassy- Libreville, reporting, March 30, 2011.

⁵⁰³⁸ Government of São Tomé and Príncipe, Constituição da República Democrática de São Tomé e Príncipe, (January 25, 2003), article 32; available from <http://www.gov.st/data/filestorage/docs/constistp.pdf>. See also U.S. Department of State, “Country Reports- 2010: Sao Tome and Principe,” section 7c.

⁵⁰³⁹ UN Committee on the Rights of the Child, Initial Reports of States Parties due in 1993: São Tomé and Príncipe, prepared by Government of São Tomé and Príncipe, pursuant to Article 44 of the Convention on the Rights of the Child, December 1, 2003; available from <http://tb.ohchr.org/default.aspx?country=st>.

⁵⁰⁴⁰ Childs Rights Information Network, Children’s Rights References.

⁵⁰⁴¹ U.S. Embassy- Libreville, reporting, March 30, 2011.

⁵⁰⁴² U.S. Embassy- Libreville, reporting, March 10, 2011.

See also U.S. Embassy- Libreville, reporting, March 30, 2011. See also U.S. Embassy- Libreville official, E-mail communication to USDOL official, July 14, 2011.

⁵⁰⁴³ Government of São Tomé and Príncipe, Constituição Política da República, article 55.

⁵⁰⁴⁴ Government of Sao Tome and Principe, II Report on the Implementation of the convention on the Rights of the Child, Libreville, November 2008. See also U.S. Department of State, “Country Reports- 2010: Sao Tome and Principe,” section 6.

⁵⁰⁴⁵ Winslow, A Comparative Criminology Tour of the World: Sao Tome and Principe. See also U.S. Department of State, “Country Reports- 2010: Sao Tome and Principe,” section 6.

⁵⁰⁴⁶ Childs Rights Information Network, Children’s Rights References. See also Right to Education Project, National law and policies on minimum age- Sao Tome and Principe, [online] 2008 [cited February 15, 2011].

⁵⁰⁴⁷ U.S. Embassy- Libreville, reporting, March 30, 2011. See also U.S. Embassy- Libreville, reporting, March 12, 2010.

⁵⁰⁴⁸ U.S. Embassy- Libreville, reporting, March 12, 2010. See also U.S. Embassy- Libreville, reporting, March 30, 2011.

⁵⁰⁴⁹ U.S. Embassy- Libreville, reporting, March 30, 2011. See all U.S. Embassy- Libreville official, E-mail communication to USDOL official, July 14, 2011.

⁵⁰⁵⁰ U.S. Embassy- Libreville, reporting, March 30, 2011.

⁵⁰⁵¹ Ibid.

⁵⁰⁵² U.S. Embassy- Libreville, reporting, March 10, 2011.

⁵⁰⁵³ Community of Portuguese-Speaking Countries, Declaração de Luanda, Ministras e os Ministros do Trabalho e dos Assuntos Sociais dos Países da Comunidade de Língua Portuguesa, Luanda, March 29, 2011; available from <http://www.cplp.org/id-2281.aspx>. See also Community of Portuguese-Speaking Countries, II Reunião de pontos focais para área do Trabalho Infantil da CPLP, Maputo, October 28, 2010; available from <http://www.cplp.org/Default.aspx?ID=2281>. See also Community of Portuguese-Speaking Countries, Resolução sobre a Prevenção e a Eliminação da Exploração do Trabalho Infantil na CPLP, Luanda, March 29, 2011; available from <http://www.cplp.org/Default.aspx?ID=2281>.

⁵⁰⁵⁴ ILO-IPEC, Supporting Actions to Meet the 2015 Targets to Eliminate the Worst Forms of Child Labor in Lusophone Countries in Africa through Knowledge, Awareness Raising and South-South Cooperation, Technical Cooperation Project Summary, Geneva, December 2010.

⁵⁰⁵⁵ Winslow, A Comparative Criminology Tour of the World: Sao Tome and Principe. See also U.S. Embassy- Libreville, reporting, March 30, 2011. See also U.S. Embassy- Libreville, reporting, March 10, 2011.

⁵⁰⁵⁶ U.S. Embassy- Libreville, reporting, March 10, 2011.

Senegal

The Government of Senegal participates in programs to combat the worst forms of child labor. However, law enforcement and inspection capacity remain insufficient. Children are engaged in the worst forms of child labor, they work in dangerous conditions in agriculture and are trafficked into a number of occupations, including forced begging.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	30.0*
Attending School	5-14 yrs.	47.9
Combining Work and School	7-14 yrs.	16.9

* Population of working children: 857,353



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Senegal are engaged in the worst forms of child labor.⁵⁰⁵⁷ They work in dangerous conditions in agriculture and are trafficked into a number of occupations, including forced begging.⁵⁰⁵⁸ Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Limited evidence suggests that children in rural areas also work in forestry and cattle herding, which may expose them to disease or injury.⁵⁰⁵⁹

Many children work in the fishing sector.⁵⁰⁶⁰ In Senegal, fishing commonly involves the use of explosives to kill large quantities of fish.⁵⁰⁶¹ Children involved in fishing may be exposed to other dangers, including severe weather and drowning.

Children are also engaged in domestic service in homes where they may work long hours and may be exposed to physical and sexual exploitation by their employers.⁵⁰⁶² Many are victims of human trafficking. Girls as young as

age 10 are brought from abroad and from rural areas in Senegal to work as domestics in the country's urban centers.⁵⁰⁶³ Similarly, children are trafficked domestically and internationally for work in prostitution and sex tourism.⁵⁰⁶⁴ Both girls and boys are involved in commercial sexual exploitation, sometimes with the involvement of adult pimps.⁵⁰⁶⁵

In Senegal, it is traditional practice to send boys to Koranic teachers called *marabouts* to receive education, which may include vocational training and apprenticeship. Some *marabouts* force their students, called *talibés*, to beg on the streets for money and food and to surrender their earnings.⁵⁰⁶⁶ *Marabouts* typically set a daily quota that *talibés* must meet or face beatings.⁵⁰⁶⁷ Some who fail to meet quotas are forced to spend the night on the street.⁵⁰⁶⁸ Tens of thousands of *talibés*, mostly under age 12, are estimated to be in situations of forced begging. On the streets, they work long hours and are vulnerable to car accidents, disease and severe weather, including scorching heat.⁵⁰⁶⁹ These boys often live in overcrowded, unsanitary conditions; receive inadequate food and medical care; and are vulnerable to sexual exploitation.⁵⁰⁷⁰

Talibés are typically trafficked to major cities from rural areas within Senegal and from neighboring countries.⁵⁰⁷¹ Senegalese children are also trafficked to The Gambia and Mauritania for forced begging by religious teachers.⁵⁰⁷² Although evidence is limited, there is reason to believe some *talibés* are used to harvest cashews, mangos and oranges. These children typically work long hours. In the Casamance region, *talibés* working in the fields are exposed to land mines left from a 27-year conflict in the region.⁵⁰⁷³ In Thies, *talibés* collect garbage from homes, sometimes carrying very heavy loads.⁵⁰⁷⁴

Other children engage in street work independently. They typically vend goods, shine shoes and wash cars.⁵⁰⁷⁵ Children working on the streets may be exposed to multiple dangers including severe weather, vehicle accidents and criminal elements.

Children in Senegal work in dangerous conditions in gold mines. Though the extent of the problem is unknown, children also work in salt mines and rock quarries.⁵⁰⁷⁶ They are exposed to unsafe and unhealthy working conditions such as carrying heavy loads, sifting through dirt using mercury to attract precious metals and working without protective gear.⁵⁰⁷⁷ Children also perform dangerous work in construction, automobile repair, metal and wood work and at dumpsites.⁵⁰⁷⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment, including apprenticeships, at 15.⁵⁰⁷⁹ *Arrêté ministériel n° 3750* and *3751* prohibit children from working in hazardous conditions and identify circumstances in which children under age 18 cannot work or can only work under certain conditions.⁵⁰⁸⁰ An exception within these laws allows boys under age 16 to work in underground mines and quarries if they are doing “light work,” such as sorting and loading ore, handling and hauling trucks within specified weight limits and handling ventilation

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

equipment.⁵⁰⁸¹ However, limiting children to “light work” does not protect against common dangers associated with underground mining, including noise-induced hearing loss, heat stroke, rock falls, fires, explosions, equipment accidents, entrapment, electrocution and radon exposure.⁵⁰⁸² *Arrêté ministériel n° 3749* prohibits activities considered to be worst forms of child labor and includes, among others, forced labor, slavery, prostitution, begging for a third party, drug trafficking, scavenging garbage, slaughtering animals, work with dangerous products and work that imperils the health, safety or morality of children.⁵⁰⁸³

The Constitution bans forced labor.⁵⁰⁸⁴ During the reporting period, Senegal adopted a law defining slavery as a crime against humanity.⁵⁰⁸⁵ Military recruits must be age 18 or older.⁵⁰⁸⁶

The Penal Code prohibits the procurement of a person into prostitution or acting as an intermediary for prostitution. If the crime involves a minor younger than age 13, sentences are more severe.³¹ Law n° 2005-06 prohibits all forms of

trafficking and provides stringent penalties.⁵⁰⁸⁸ Law n° 2005-02 proscribes begging and establishes penalties for those who enable, coerce or force others to beg for their profit.⁵⁰⁸⁹

The Constitution mandates state provision of free education.⁵⁰⁹⁰ Law n°2004-2037 requires children to attend school through age 16.⁵⁰⁹¹

Institutional Mechanisms for Coordination and Enforcement

The Government of Senegal has established several bodies tasked with coordinating efforts to combat worst forms of child labor. The National Intersectoral Committee, chaired by the Ministry of Labor (MOL), is responsible for coordinating initiatives to address child labor.⁵⁰⁹² The committee is comprised of employers' organizations, 20 ministries, religious leaders, international agencies and governors from various regions.⁵⁰⁹³ However, the committee does not meet regularly and is not actively pursuing its mandate.⁵⁰⁹⁴

The Ministry of Family also coordinates another national committee against child labor.⁵⁰⁹⁵ Further, the Partnership for the Withdrawal and Reinsertion of Street Children (PARRER) coordinates efforts to address the problem of street children, including *talibés*. PARRER comprises government ministries, civil society, religious groups and aid agencies.⁵⁰⁹⁶ Redundancy between these bodies creates confusion and hinders effective collaboration and implementation of efforts.⁵⁰⁹⁷

The MOL is responsible for enforcing child labor laws through the Labor Inspections Office and the use of social security inspectors.⁵⁰⁹⁸ Labor inspectors monitor and enforce minimum age and all other labor laws in the formal wage sector, which includes state-owned corporations, private enterprises and cooperatives.⁵⁰⁹⁹ If an incident of child labor is found during an inspection, the inspector informs the business owner that the child should be removed from work. If the child

is not removed within the specified timeframe, the case is turned over to a local tribunal for adjudication.⁵¹⁰⁰ As this process does not penalize violators on their first offense, it may not deter employers from exploiting children in the workplace.

Based on the most recent data available, approximately 147 MOL employees are charged with carrying out labor inspections.⁵¹⁰¹ MOL's Child Labor Unit is responsible for maintaining a database of child labor violations and monitoring and evaluating child labor activities. However, the unit does not receive sufficient budgetary support. The unit's work is carried out through part-time contributions of MOL staff whose primary responsibilities are to other units.⁵¹⁰² No child labor violations were reported as a result of inspections during the reporting period.⁵¹⁰³

The Ministry of Justice and police lead enforcement efforts involving child trafficking, begging, commercial sexual exploitation and the use of children for illicit activities.⁵¹⁰⁴ However, with few exceptions, Koranic schools are not subject to government regulation or inspection.⁵¹⁰⁵ The Ministry of Education intends to create a *daara* inspection unit, increase monitoring and integrate religious schools into the national education system.⁵¹⁰⁶

The Children's Unit of the police force specializes in child protection. However, the unit's territorial jurisdiction is limited to Dakar and the office employs only two agents.⁵¹⁰⁷ Though other police stations in Senegal are expected to report cases involving children to the unit, research found no evidence that this occurs regularly.⁵¹⁰⁸ There is also a police vice squad responsible for combating sex tourism, including sex tourism related to children. The vice squad patrols tourist areas, including beaches, hotels, bars, nightclubs and massage parlors.⁵¹⁰⁹ Local police and *gendarmes* are responsible for intervening in cases where children face physical abuse in forced labor situations.⁵¹¹⁰

During the reporting period, seven Koranic teachers were convicted of forcing students to engage in begging. The convictions marked the first application of the 2005 law outlawing forced begging.⁵¹¹¹ The teachers were sentenced to 6 months imprisonment with a suspended sentence and a fine of \$200.⁵¹¹² However, the sentence does not conform to penalties stipulated by the 2005 law, which mandates a 2- to 5-year prison sentence and a fine of at least \$1,090. The law also prohibits that a sentence be suspended when the offence is committed against a child.⁵¹¹³

Government Policies on the Worst Forms of Child Labor

The Government has developed a national action plan on trafficking in persons that will focus on implementing trafficking prevention and awareness campaigns and enhancing law enforcement and victim protection. However, the action plan remains in draft form and is awaiting cabinet approval.⁵¹¹⁴

The Government has integrated child labor issues into several relevant development policies, including its United Nations Development Assistance Framework (2007–2011);⁵¹¹⁵ the Ten-Year Education and Training Program (2000–2015), which aims to provide universal quality primary education to all children by 2015;⁵¹¹⁶ the Poverty Reduction Strategy Paper (2006–2010), which promotes better conditions for *talibés* and focuses on social protection and risk management for vulnerable groups, including children;⁵¹¹⁷ and its National Social Protection Strategy (2005–2015), which classifies children as a specific vulnerable group and includes provisions for their protection against harmful practices, exploitation and violence.⁵¹¹⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has established a program to combat trafficking and the worst forms of child labor. Coordinated by the Ministry of the

Family, the program aims to enhance government capacity to design and implement local initiatives to address child trafficking and other worst forms of child labor, particularly forced begging, forced labor of girls and commercial sexual exploitation.⁵¹¹⁹ At the local level, technical monitoring committees, composed of public and private stakeholders, oversee implementation of the project. As a result of the program, some departmental governments have developed individual action plans to address child labor.⁵¹²⁰

The Government currently participates in several multimillion dollar projects to eliminate the worst forms of child labor, including a 4-year, \$5.2 million regional Spanish-funded project and a 3-year, \$1.79 million UN-funded project to ameliorate the conditions of at-risk children in Senegal.⁵¹²¹

The Government continues to participate in a 3-year, \$7.9 million regional project funded by USDOL. The program is designed to strengthen ECOWAS's Child Policy and Strategic Plan of Action and to develop programs focusing on child trafficking as it pertains to the strategic plan.⁵¹²² In December 2010, the Government began participating in a second USDOL-funded regional project. The \$5 million, 3-year program is meant to expand and extend the work of the initial project.⁵¹²³

The Government runs the Ginndi Center, which provides shelter and counseling for children, including runaway *talibés* and other street children. During the reporting period, the Center assisted 2,536 children, 786 of whom were victims of forced begging.⁵¹²⁴ The Center operates a toll-free child protection hotline through which the public can report violations of children's rights, including instances of child labor abuses.⁵¹²⁵ The Government also oversees Senegal's NGO-run children's shelters. However, these shelters are often filled to capacity and the total number of facilities is insufficient in relation to the number of children on the streets.⁵¹²⁶

The Government participates in a variety of initiatives aimed at combating child trafficking. During the reporting period, for example, the Government engaged in training to strengthen cooperation between national agencies and nongovernmental institutions to enhance identification and protection of child victims.⁵¹²⁷

The Government coordinates several programs that specifically target *talibés*. During the reporting period, the government participated in seminars to raise awareness about forced begging among local officials, NGOs and civil society. The Ministry of Women, Family, Social Development and Women's Entrepreneurship and the Ministry of Education provide support to religious schools that do not force their students to beg and meet national education standards.⁵¹²⁸ Two prominent efforts include a pilot project that provides the

boys food and educational services and an \$8 million Japan-funded project to withdraw and prevent children from forced work.⁵¹²⁹ During the reporting period, the Government funded PARRER with \$50,000 to continue prevention programs, including a public awareness campaign.⁵¹³⁰ Given the rising number of *talibés* in forced begging, current Government programs are not extensive enough to effectively combat the problem.⁵¹³¹

Despite the efforts discussed above, existing programs are unable to reach all children in the worst forms of child labor, including those engaged in commercial sexual exploitation, domestic service and hazardous work in agriculture, mining and forestry.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Senegal:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the law to prohibit all children under age 18 from engaging in any work in underground mines and quarries.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Consolidate coordinating mechanisms on child labor by:
 - Ensuring responsible bodies are meeting regularly and actively functioning to meet mandates.
 - Eliminating redundancy and defining distinct scopes of responsibility.
- Penalize labor law violators on their first offense to create a stronger disincentive to illegally employ children.
- Assess the sufficiency of resources provided to authorities tasked with enforcing child labor laws, particularly the Child Labor Unit of the MOL.
- Act swiftly to create and adequately equip a *daara* inspection unit to increase monitoring and remediation of forced begging practices in Koranic schools.
- Expand the jurisdiction and capacity of the police's children's unit or implement systems to connect local police forces and the unit to better track and combat child labor.
- Carry out sentences mandated by Law n° 2005-02, which prohibits forced begging.

IN THE AREA OF POLICIES:

- Approve and adopt the National Action Plan on Trafficking in Persons.

IN THE AREA OF PROGRAMS:

- Develop new and expand existing programs to combat the worst forms of child labor, by:
 - Opening more shelters and service centers for street children, including former *talibés*.
 - Establishing more extensive programming to address the most pressing worst forms of child labor such as forced begging, commercial sexual exploitation, domestic service and hazardous work in agriculture, mining and forestry.

⁵⁰⁵⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data on working children, school attendance, and children combining work and school are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education

Statistics: Sources and Definitions" section of this report.

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- ⁵⁰⁶⁰ U.S. Embassy- Dakar, reporting, March 2, 2011. See also Government of Senegal, *Enquete Nationale sur le Travail des Enfants*, 74-77, 79. See also UN Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography, Mission to Senegal, 5. See also U.S. Department of State, «Country Reports- 2010: Senegal,» section 7d.
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- ⁵⁰⁶⁶ Human Rights Watch, *Off the Backs of Children: Forced Begging and Other Abuses against Talibes in Senegal*, New York, April 2010, 2, 15, 17, 26, 30. See also Emily Delap, *Begging for Change: Research findings and recommendations on forced child begging in Albania/ Greece, India and Senegal*, 2009, 6-7, 10, 11; available from http://www.antislavery.org/includes/documents/cm_docs/2009/b/beggingforchange09.pdf. See also IOM, «Traditional Practices being Abused to Exploit Children in West Africa, warns IOM». See also International Trade Union confederation, *Internationally Recognized Core Labour Standards in Niger and Senegal: Report for the WTO General Council Review of the Trade Policies of Niger and Senegal*, Geneva, November 11, 2009, 11.
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- ⁵⁰⁷⁰ *Ibid.*, 42, 45.
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Serbia

The Government of Serbia has the legal and policy infrastructure to combat trafficking. However, the use of street children—notably ethnic Roma—in begging remains a serious problem. Gaps exist in efforts to monitor and evaluate the impact that its policies and programs have on the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.0
Attending School	5-14 yrs.	92.5
Combining Work and School	7-14 yrs	6.7



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor




Children in Serbia, mostly Roma, are engaged in the worst forms of child labor,⁵¹³² many of them in organized begging. Roma children in the streets beg, sell narcotics and small goods, and wash car windows.⁵¹³³ These children may be exposed to severe weather and criminal elements, and may be involved in accidents caused by proximity to vehicles.

To a lesser extent, children work on farms.⁵¹³⁴ Children's work in agriculture may involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.

Children, mostly Roma, engage in prostitution. Serbia is a destination, transit, and source country for the trafficking of children for the purposes of sexual and labor exploitation.⁵¹³⁵

Laws and Regulations on Child Labor

The Constitution sets the minimum age for work at 15 and for hazardous work at 18.⁵¹³⁶ However, no provision outlines a specific list of activities or occupations that are hazardous to children.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Constitution bans slavery or positions similar to slavery, including human trafficking and forced labor.⁵¹³⁷ The Criminal Code of Serbia prohibits child prostitution, trafficking, and enslavement of children.⁵¹³⁸ The Law on the Protection Program for Participants in Criminal Proceedings of

2006 regulates the protection of and assistance to victims of human trafficking, including children.⁵¹³⁹

The Criminal Code provides stringent sentences for traffickers.⁵¹⁴⁰ The Law on Foreigners allows victims of human trafficking to obtain temporary visas.⁵¹⁴¹

There is legislation that stipulates punishment for producing or showing pornographic materials involving children under the age of 14. This includes the use of computer networks for sex crimes against children.⁵¹⁴²

The Criminal Code does not specifically prohibit the use, procurement or offering of a child for the production and trafficking of drugs and other illicit activities.

Article 32 of the Constitution and section 43 of the law on elementary school stipulates that education is free and compulsory for children up to age 15.⁵¹⁴³

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Serbia has established the Agency for Coordination and Protection of Trafficking Victims to coordinate efforts to combat trafficking in persons,⁵¹⁴⁴ research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

The Labor Inspectorate, an agency within the Ministry of Labor and Social Policy, is responsible for the enforcement of labor laws, including child labor laws.⁵¹⁴⁵ In 2010, the Serbian Labor Inspectorate decreased the number of labor inspectors from 300 to 261, eliminating 39 positions. These inspectors lack necessary equipment to facilitate proper coverage of rural areas.⁵¹⁴⁶ In 2010, the Labor Inspectorate recorded no official reports or complaints of child labor in the formal economy.⁵¹⁴⁷ Research did not identify data on the number of inspections conducted.

The Ministry of Internal Affairs leads efforts to enforce anti-trafficking laws. The state

prosecutor's office and the Ministry of Internal Affairs are also responsible for enforcing laws against commercial sexual exploitation.⁵¹⁴⁸ Every local police station has an anti-trafficking unit. State and border police have full-time anti-trafficking units.⁵¹⁴⁹ Additionally, the Service for Fighting Organized Crime (SBPOK) has an anti-trafficking department and works with INTERPOL to share information regarding instances of child trafficking.⁵¹⁵⁰ Training is provided to a variety of government officials on how to recognize, investigate, and prosecute trafficking, as well as how to provide proper assistance to victims.⁵¹⁵¹

In 2010, the Agency for Coordination of Protection of Trafficking Victims identified and rescued 42 child victims and potential victims of trafficking. Of these children, 34 were trafficked for sexual exploitation.⁵¹⁵² Other children were identified and rescued from trafficking for the purposes of begging and petty crime.⁵¹⁵³

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Children (NPA) aims to reduce poverty, protect children from abuse, exploitation, and violence, and to ensure quality education and better healthcare for all children.⁵¹⁵⁴ The NPA has not been allocated resources by the central Government, though some communities have used it as a framework to create mechanisms to protect children, and funding has been provided in some municipal budgets.⁵¹⁵⁵

The Government has been implementing a poverty reduction strategy with the goal of reducing poverty in Serbia by half by the end of 2010 through targeting the poorest and most vulnerable social groups for financial assistance and protection.⁵¹⁵⁶ The Government has also implemented policies that focus on social protection for Roma children, including the 2005–2015 Roma Decade Framework.⁵¹⁵⁷ The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

In 2010, the Ministry of Internal Affairs helped launch the United Nations Global Initiative to Fight Human Trafficking program for Serbia. Through this initiative, the Government works to actualize the National Action Plan to Combat Trafficking for 2009–2011.⁵¹⁵⁸ The Government is also implementing the Strategy for Fighting Human Trafficking from 2006 that specifically seeks to protect victims of child trafficking.⁵¹⁵⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government is implementing the Child Allowance Program, which provides cash benefits to poor families conditional on school enrollment for children ages 7 and older.⁵¹⁶⁰

A Ministry of Education project—Assistance to Roma Children in Education—seeks to encourage regular attendance of Roma children at school and provide training to help them learn the Serbian

language so that they might better integrate into a school environment.⁵¹⁶¹ Research found no information assessing the impact these education programs have on the worst forms of child labor.

All social service centers in the country are required to provide 24-hour access for child victims of trafficking.⁵¹⁶² In addition, the Government provides free access to social and medical care for foreign and domestic trafficking victims and provides them with witness/victim protection services.⁵¹⁶³

In 2008, the Government sold postage stamps to raise funds for a rehabilitation center for victims of human trafficking. The Agency for the Coordination of the Protection of Trafficking Victims continues to use monies earned from the sale of these stamps to finance the activities of NGOs that provide services to human trafficking victims.⁵¹⁶⁴

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Serbia:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact a list of hazardous activities and occupations prohibited to children.
- Amend the Criminal Code to specifically prohibit the use, procuring, or offering of a child for the production and trafficking of drugs and other illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.
- Provide inspectors with the necessary tools and equipment to conduct thorough investigations in rural areas.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies promoting development, particularly for the Roma minority, may have on addressing the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Conduct research on the impact that existing education programs may have on addressing the worst forms of child labor.

⁵¹³² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2000-2011. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵¹³³ U.S. Department of State, "Serbia," in Country Reports on Human Rights Practices- 2011, Washington, DC, April 8, 2011, sections 7c, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154449.htm>. See also ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labor Convention (No. 182) Serbia (ratification: 2003): 2008, April 27, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21906&chapter=9&query=%28C182%29+%40ref+%2B+%28Serbia%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy-Belgrade, reporting, February 9, 2010.

⁵¹³⁴ U.S. Embassy- Belgrade, reporting, February 9, 2010.

⁵¹³⁵ U.S. Department of State, "Serbia," in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁵¹³⁶ Government of Serbia, Constitution of the Republic of Serbia, (September 30, 2006); available from [http://www.venice.coe.int/docs/2006/CDL\(2006\)089-e.asp](http://www.venice.coe.int/docs/2006/CDL(2006)089-e.asp).

⁵¹³⁷ Ibid.

⁵¹³⁸ Government of Serbia, Criminal Code of the Republic of Serbia, (February 28, 2006); available from <http://legislationline.org/documents/section/criminal-codes>.

⁵¹³⁹ ILO Committee of Experts, Individual Direct Request C182: Serbia (2008).

⁵¹⁴⁰ U.S. Embassy- Belgrade, reporting, February 17, 2011.

⁵¹⁴¹ ILO Committee of Experts, Individual Direct Request C182: Serbia (2008).

⁵¹⁴² U.S. Embassy- Belgrade, reporting, February 17, 2011.

⁵¹⁴³ ILO Committee of Experts, Individual Direct Request concerning Minimum Age Convention (No. 138) Serbia (ratification: 2000): 2008, April 18, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&t>

[extbase=iloeng&document=21632&chapter=9&query=Serbia%40ref&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21632&chapter=9&query=Serbia%40ref&highlight=&querytype=bool&context=0).

⁵¹⁴⁴ ILO Committee of Experts, Individual Direct Request C182: Serbia (2008).

⁵¹⁴⁵ U.S. Embassy- Belgrade, reporting, December 23, 2010.

⁵¹⁴⁶ Ibid.

⁵¹⁴⁷ Ibid.

⁵¹⁴⁸ U.S. Embassy- Belgrade official, e-mail communication, May 18, 2011.

⁵¹⁴⁹ U.S. Embassy- Belgrade, reporting, February 17, 2011.

⁵¹⁵⁰ ILO Committee of Experts, Individual Direct Request C182: Serbia (2008).

⁵¹⁵¹ U.S. Embassy- Belgrade, reporting, February 17, 2011.

⁵¹⁵² Ibid.

⁵¹⁵³ Ibid.

⁵¹⁵⁴ Government of Serbia, Republic of Serbia: National Progress Report on the Objectives of the Special Session of UN General Assembly on Children (2002), December 17, 2007; available from http://www.unicef.org/worldfitforchildren/index_41713.html.

⁵¹⁵⁵ Ibid.

⁵¹⁵⁶ Ibid. See also Government of Serbia, Second Progress Report on the Implementation of the Poverty Reduction Strategy in Serbia, August 2007; available from http://www.prsp.gov.rs/download/Second_Progress_Report_on_the_Implementation_of_the_Poverty_Reduction_Strategy_in_Serbia_2_8_2007.pdf.

⁵¹⁵⁷ U.S. Embassy- Belgrade official, e-mail communication, May 18, 2011.

⁵¹⁵⁸ United Nations Global Initiative to Fight Human Trafficking: Serbia, UN GIFT Serbia programme launched, September 16, 2010; available from <http://www.ungiftserbia.org/?p=182>.

⁵¹⁵⁹ ILO Committee of Experts, Individual Direct Request C182: Serbia (2008).

⁵¹⁶⁰ World Bank, Serbia: Doing More with Less; Addressing the Fiscal Crisis by Increasing Public Sector Productivity, June 16, 2009; available from <http://serbiamdtf.org/Resources/Doing%20More%20with%20Less%20-%20Addressing%20the%20Fiscal%20Crisis%20by%20Increasing%20Public%20Sector%20Productivity%20%28June%202009%29.pdf>.

⁵¹⁶¹ ILO Committee of Experts, Individual Direct Request C182: Serbia (2008).

⁵¹⁶² Ibid.

⁵¹⁶³ U.S. Embassy- Belgrade, reporting, February 17, 2011.

⁵¹⁶⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Serbia."

Seychelles

There is no evidence of the worst forms of child labor in Seychelles. Notwithstanding the absence of a demonstrated problem, the National Bureau of Statistics began training officers in 2009 to help establish official statistics and documentation on human trafficking. To date, no official government statistics have been released on human trafficking. Legal provisions offer more protection for girls than boys and for children working in international trade zones less than in other areas.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in Seychelles.⁵¹⁶⁵

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of the Republic of Seychelles sets the minimum age for work at 15 and provides for a higher minimum age for employment deemed dangerous, unhealthy or otherwise harmful to normal childhood development.⁵¹⁶⁶

The Conditions of Employment Regulations, 1991 specify that children under age 18 are prohibited from night employment and work in the restaurant, tourism or entertainment industries. However, children ages 15 to 17 may do so with the written approval of a “competent officer,” although a definition for “competent officer” is not provided in the legislation.⁵¹⁶⁷ This provision is inconsistent with international standards, whereby the absolute minimum age for hazardous work is 16. Children ages 12 to 14 may engage in occasional, non-recurrent light work, provided it occurs outside of school hours.⁵¹⁶⁸ Despite

the above protections, the Government has not developed a comprehensive list of hazardous work prohibited to children under age 18.⁵¹⁶⁹

The International Trade Zone (Conditions of Employment) Order 17 governs employment conditions in international trade zones and prohibits within them the employment of children younger than age 15.⁵¹⁷⁰ However, it does not contain any provision prohibiting children from engaging in hazardous work.

The Constitution provides for freedom from slavery, servitude and forced or obligatory labor.⁵¹⁷¹ The Penal Code of 1955 explicitly forbids forced labor, trafficking in slaves or kidnapping for the purposes of involuntary confinement, slavery or removal from Seychelles.⁵¹⁷² The 2005 Penal Code Act criminalizes the prostitution and sexual exploitation of children.⁵¹⁷³ Specific provisions prohibit the procurement, recruitment or exploitation of girls under age 21, domestically or internationally, for the purposes of prostitution. It also prohibits the procurement or detainment of any girl against her will with the intent to engage in sexual conduct or for the purposes of prostitution. Because these specific provisions do

not seem to cover boys, it is unclear if boys are afforded the same level of protection as girls.⁵¹⁷⁴ The Penal Code also prohibits production or possession of indecent material of any child under age 18, or exhibition of indecent material to any child under age 18.⁵¹⁷⁵

During the reporting period, the Government ratified the Optional Protocol to the Convention on the Rights of the Child (CRC) on the Involvement of Children in armed conflict.⁵¹⁷⁶

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The National Council for Children, a partially government-funded NGO, advocates for

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

children’s interests and rights through awareness-raising activities and by providing training and counseling. Training programs are targeted at both children and adults and include a module developed to explain the provisions of the CRC.⁵¹⁷⁷

The Ministry of Education, Employment and Human Resources is the primary agency responsible for investigating and enforcing child labor laws. During the reporting period, the Ministry reported no cases of child labor that required investigation, nor were any children found working in key sectors.⁵¹⁷⁸

The Department for Social Development, part of the Ministry of Social Development and Culture, is the primary agency responsible for implementing anti-child prostitution policies.⁵¹⁷⁹

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor. Notwithstanding the absence of a demonstrated problem, the National Bureau of Statistics (NBS) began training officers in 2009 to help establish official statistics and documentation on human trafficking, including child trafficking.⁵¹⁸⁰ To date, no official government statistics have been released on human trafficking.⁵¹⁸¹ Research could not determine the current status of the NBS program and did not find any evidence of an effort to collect data on all other worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor. However, the Government has implemented some social programs specifically aimed at improving the welfare of children.⁵¹⁸² The Government works to fund child welfare initiatives including the Children’s Homes Foundation, which provides housing for orphans and children from families facing financial difficulties, and the Children’s Fund, which targets children most in need.⁵¹⁸³ In 2010, under the Children’s Fund, the Government increased funding for after-school care services.⁵¹⁸⁴ It also continues a program subsidizing bus fares for needy students.⁵¹⁸⁵

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Seychelles:

IN THE AREA OF LAWS AND REGULATIONS:

- Eliminate legal provisions that potentially allow for children under age 16 to engage in hazardous labor if given the approval of a “competent officer.”
- Develop a comprehensive list of hazardous employment prohibited to all children under age 18.
- Amend International Trade Zone (Conditions of Employment) Order 17 to ensure that child labor laws for international trade zones are consistent with other national laws on the employment of children.
- Clarify the Penal Code to specifically prohibit the trafficking of boys and the procuring or detainment of boys for the purposes of prostitution.

IN THE AREA OF POLICY:

- Consider expanding the work of the NBS to collect data on all worst forms of child labor, in addition to trafficking.
- Make public any relevant data collected thus far by the NBS.

⁵¹⁶⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵¹⁶⁶ Government of Seychelles, Constitution of the Republic of Seychelles, (June 18, 1993), article 31; available from <http://www.cmseducation.org/wconstats/seychelles.html>.

⁵¹⁶⁷ Government of Seychelles, Conditions of Employment Regulations, 1991, 1991, articles 21 and 22; available from http://www.employment.gov.sc/docs/acts/Employment_Act_Reg_Electronic_1991.pdf.

⁵¹⁶⁸ Ibid.

⁵¹⁶⁹ ILO Committee of Experts, Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Seychelles (ratification: 2000) Submitted: 2010, April 5, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24839&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Seychelles (ratification: 1999) April 5, 2011 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&docum>

[ent=25342&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25342&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0), ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Seychelles (ratification: 1999) Submitted: 2010, April 5, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25342&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0>.

⁵¹⁷⁰ Government of Seychelles, International Trade Zone (Conditions of Employment) Order, (February 10, 1997), S.I.14, 17(1); available from http://www.siba.net/index.php?s=file_download&id=36.

⁵¹⁷¹ Government of Seychelles, Consitution, article 17.

⁵¹⁷² Government of Seychelles, Penal Code, (February 1, 1955), CAP. 73, chapter 25, articles 239-251; available from <http://www.unhcr.org/refworld/docid/4d67afc82.html>.

⁵¹⁷³ Government of Seychelles, “Seychelles,” in Legislation of Interpol Member States on Sexual Offences against Children, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSeychelles.pdf>.

⁵¹⁷⁴ Ibid.

⁵¹⁷⁵ Ibid.

⁵¹⁷⁶ United Nations Treaty Database, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict, April 14, 2011; available from http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en.

⁵¹⁷⁷ U.S. Embassy- Port Louis, reporting, February 18, 2010. See also National Council for Children, Services, [online] 2011 [cited April 7, 2011]; available from <http://www.ncc.sc/p/services>. See also National Council for Children, Training Modules, [online] 2011 [cited April 19, 2011]; available from <http://www.ncc.sc/p/training-modules>.

⁵¹⁷⁸ U.S. Department of State, "Seychelles," in Country Reports on Human Rights Practices- 2010, Washington, DC, April 8, 2011, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154367.htm>.

⁵¹⁷⁹ U.S. Embassy- Port Louis, reporting, March 1, 2011.

⁵¹⁸⁰ U.S. Embassy- Port Louis, reporting, February 18, 2010.

⁵¹⁸¹ U.S. Embassy- Port Louis, reporting, March 1, 2011.

⁵¹⁸² U.S. Embassy- Port Louis, reporting, December 7, 2010.

⁵¹⁸³ U.S. Embassy- Port Louis, reporting, March 25, 2010. See also Children's Home Foundation, What We Do, [online] [cited April 14, 2011]; available from <http://www.childhomesfoundation.org.sc/pages/Homes.aspx>. See also Seychelles NATION, "President Extends Special Fund for School Children," Seychelles NATION (2010); available from <http://www.nation.sc/imprimer.php?art=18283>.

⁵¹⁸⁴ U.S. Embassy - Port Louis, reporting, December 7, 2010.

⁵¹⁸⁵ U.S. Embassy -Port Louis, reporting, March 25, 2010.

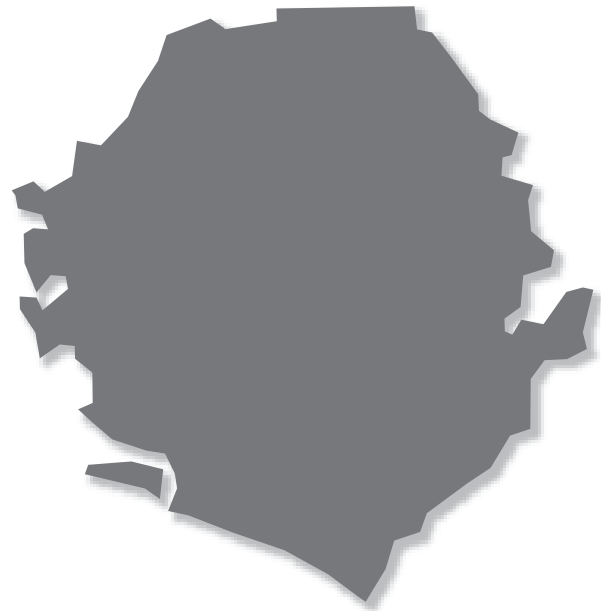
Sierra Leone

The Government of Sierra Leone participates in donor-funded social protection programs for the elimination of the worst forms of child labor. However, the worst forms of child labor continue to exist especially in agriculture, mining, fishing, and domestic work. Significant gaps remain in the enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	58.5*
Attending School	5-14 yrs.	67.8
Combining Work and School	7-14 yrs	44.0

* Population of working children: 977,088



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵¹⁸⁶

Children in Sierra Leone are engaged in the worst forms of child labor,⁵¹⁸⁷ particularly in agriculture and mining. Reports indicate that child labor in agriculture is pervasive in rural areas, with children as young as age 5 working in the fields.⁵¹⁸⁸ Children working in agriculture may be exposed to chemicals, injured by dangerous machinery or tools and suffer physical harm from repetitive motions and carrying heavy loads.⁵¹⁸⁹

Thousands of children in Sierra Leone, primarily boys between ages 10 and 17, labor in alluvial diamond mines.⁵¹⁹⁰ Alluvial diamond mining relies on labor-intensive methods to locate diamonds such as digging and sifting through mud and sand. The mining is usually performed by informal and small-scale mining operations that operate outside of the regulatory framework.⁵¹⁹¹

Children engaged in alluvial diamond mining undertake hazardous activities, such as repeatedly shoveling and transporting gravel, and are exposed to infectious and mosquito-borne diseases that thrive in alluvial mining areas. The children suffer

back and chest pain and fatigue as a result of the activities they perform.⁵¹⁹² Children also risk injury and death from mine pits collapsing.⁵¹⁹³

One study found that nearly half of all child miners in the Kono District, the hub of Sierra Leonean diamond mining, work 8 to 10 hours per day, while more than half work at least six days each week.⁵¹⁹⁴ Although mine owners and operators typically do not employ girls or children under age 10 in direct mining activities, the mining sector occupies these two groups in support roles. Young boys in this group generally provide food and water and take responsibility for less strenuous mining activities, while girls in support roles often work as vendors, hawking items such as drinks and cigarettes.⁵¹⁹⁵

Children in Sierra Leone are also engaged in stone crushing in granite quarries in unsafe and unhealthy labor conditions, including carrying heavy loads and working long hours.⁵¹⁹⁶ In large dumpsites in Freetown, children as young as age 10 are engaged in digging and gathering metal scraps, among other items. Reports indicate that more than 50 children frequent the dumpsites on a daily basis.⁵¹⁹⁷ These children are exposed

to unhealthy and hazardous labor conditions, including chemicals, and risk injury.⁵¹⁹⁸

Children are also engaged in the fishing industry and, while evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of particular types of fish, including snapper, mackerel and herring.⁵¹⁹⁹ Reports note that in addition to performing tasks such as mending nets, children engaged in the fishing industry also labor on boats that fish in the open sea for several days in a row.⁵²⁰⁰ Fishing exposes children to risks, including risk of drowning and working in cramped and insalubrious shipping vessels.

Sierra Leonean children are engaged in street vending. Some adults use children to steal or to beg.⁵²⁰¹ Children working on the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements. Even further, street children are engaged in commercial sexual exploitation cities such as Freetown and Bo.⁵²⁰²

Some reports indicate that children are engaged in domestic labor, which commonly involves long hours and exposure to physical and sexual exploitation by their employers.⁵²⁰³

Sierra Leone is a source, transit and destination country for children and women trafficked for the purpose of forced labor and commercial sexual exploitation.⁵²⁰⁴ The majority of the trafficked victims are children trafficked from rural provinces or refugee communities to urban and mining areas.⁵²⁰⁵ During the reporting period, eight child trafficking victims were repatriated from Guinea, back to their homes in Sierra Leone.⁵²⁰⁶ While statistics on trafficking are limited, a UNICEF report published in 2005 indicated that child trafficking occurs “quite frequently.”⁵²⁰⁷






Sierra Leone was engaged in an 11-year civil war that ended in 2002, which left many children

vulnerable to the worst forms of child labor. One of the side effects of the war is a large number of street children who are engaged in the worst forms of child labor.⁵²⁰⁸

Laws and Regulations on the Worst Forms of Child Labor

During the year, the Government of Sierra Leone ratified two key child labor conventions: 138 (minimum age for work) and 182 (worst forms of child labor).⁵²⁰⁹

The Child Rights Act, enacted in 2007, sets the minimum age for employment at 15. The law also states that children must be age 15 or have completed basic education (whichever is later) before entering into an apprenticeship in either the formal or informal sector.⁵²¹⁰ Children are also prohibited from performing night work between the hours of 8:00 p.m. and 6:00 a.m.⁵²¹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The law allows children age 13 and older to engage in light work and prohibits children under age 18 from being employed in hazardous work, defined as work that is dangerous to a child’s health,

safety or morals. The law identifies the following activities as hazardous: seafaring; mining and quarrying; carrying heavy loads; working in bars; working in places where machines are used; and working in environments where chemicals are produced or used.⁵²¹² Any person who violates the age restrictions within the Child Rights Act could face 2 years of imprisonment and/or a fine.⁵²¹³

The Constitution of Sierra Leone prohibits forced and compulsory labor.⁵²¹⁴ The Anti-Human Trafficking Act criminalizes all forms of human trafficking and the commercial sexual exploitation of children, including profiting from child pornography and prostitution.⁵²¹⁵ The Child Rights Act stipulates that the government will intervene to protect children who are forced to beg or are exposed to moral or physical danger. The age for voluntary recruitment into the armed forces is 18.⁵²¹⁶

Some of the labor penal codes in Sierra Leone are outdated; therefore, their prescribed penalties do not commiserate with the severity of the crimes.⁵²¹⁷

Institutional Mechanisms for Coordination and Enforcement

The Child Rights Act established an interagency exchange of information coordinating role for the Commission for Children.⁵²¹⁸ However, the Government had not yet established the Commission by the end of 2010, and research has not uncovered evidence that the Government of Sierra Leone has established a coordinating mechanism to combat the worst forms of child labor.⁵²¹⁹

The Child Protection Unit of the Ministry of Social Welfare, Gender and Children's Affairs (MOSWGCA) has the primary responsibility for protecting children. District labor officers are responsible for initial investigations and enforcement of child labor provisions in the Child Rights Act at the district level, and the District Councils are responsible for the enforcement in

the informal sector. Following an investigation, labor officers and district councils refer cases to the police for possible prosecution.⁵²²⁰

The Ministry of Labor also enforces child labor laws and employs 10 labor inspectors to investigate child labor abuses.⁵²²¹ Due to the Government's funding limitations, the inspectors lack adequate equipment and transportation.⁵²²² The Ministry of Labor has also taken steps to establish a Child Labor Unit, although research indicates that the unit is still not operational. After gathering evidence in child labor investigations, the Ministry of Labor hands cases over to the police for possible action.⁵²²³

The Ministry of Mineral Resources, charged with enforcing regulations against the use of child labor in mining activities, has 300 to 400 monitors in the field who sometimes intervene if child labor is found.⁵²²⁴ Although the Ministry has the ability to suspend the licenses of mining operators who engage in child labor, evidence suggests that the Ministry has failed to implement this provision.⁵²²⁵ In addition, many local community leaders and chiefs have enacted mechanisms to punish and deter violations—with varying success.⁵²²⁶ Research could not identify the number of inspections or prosecutions (if any) for child labor violations during the reporting period.⁵²²⁷ Nevertheless, research indicates that the Government has not effectively enforced laws against child labor or against forced and bonded child labor.⁵²²⁸

The Government has established a task force, led by the Family Support Unit of the Sierra Leone Police (SLP), to coordinate anti-trafficking efforts and an Inter-Ministerial Committee on Trafficking co-chaired by the Ministry of Justice and MOSWGCA.⁵²²⁹ It includes the Ministries of Education, Internal Affairs, Information, Labor, Health, Foreign Affairs, Local Government, Youth and Tourism.⁵²³⁰ Research has not uncovered the effectiveness of the coordination mechanism.

In 2004, the Government of Sierra Leone also established the Human Rights Commission, which aims to coordinate efforts to protect and promote human rights through awareness-raising; monitor and investigate complaints regarding human rights violations; and produce and publish annual reports. Research has not identified activities undertaken by the Commission during the reporting period or uncovered the effectiveness of the coordination mechanism.⁵²³¹

The Government of Sierra Leone continued to support to the Special Court of Sierra Leone established by the Government of Sierra Leone and the UN and was mandated to try human rights violation cases that occurred since 1996.⁵²³² During the year, the prosecution continued of Charles Taylor, the former President of Liberia and leader of the National Patriotic Front of Liberia rebel group. The list of charges includes war crimes, crimes against humanity and other international humanitarian law violations as well as the procurement and use of child soldiers in Liberia and Sierra Leone.⁵²³³

Government Policies on the Worst Forms of Child Labor

The Child Rights Act expresses the Government's formal policy on child labor.⁵²³⁴ The Government's 2008-2012 Poverty Reduction Strategy Paper includes policies to fight child labor by achieving universal primary education and by preventing the employment of children in the mining sector.⁵²³⁵ In addition, the Government of Sierra Leone has an Education Sector Plan (2007–20015) and a UN Development Assistance Framework (2008–2010).⁵²³⁶ Research could not identify plans to monitor the effects of these policies on the prevalence of the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the year, the Government of Sierra Leone started undertaking a National Child Labor Survey, with support from the ILO. The survey report could be released in June 2011.⁵²³⁷

The Government participated in Countering Youth and Child Labor through Education (CYCLE), a four-year, \$6 million DOL-funded regional project in Sierra Leone and Liberia.⁵²³⁸ An independent evaluation of the project concluded that CYCLE removed tens of thousands of children in both countries from the worst forms of child labor. Specific activities within the framework of CYCLE included enrolling children in public and private schools or vocational training institutions; raising awareness about the positive effects of education and the perils of the worst forms of child labor; and building government and civil society capacity to continue child labor initiatives.⁵²³⁹

In addition, during the reporting period, the Government of Sierra Leone continued to participate in the 4-year, EU-funded, TACKLE project. The project funding level is \$21.1 million and aims to combat child labor through education in Sierra Leone, along with 10 other countries.⁵²⁴⁰ TACKLE also has the objective of strengthening the government's capacity to implement and enforce policies to prevent child labor.⁵²⁴¹

Nevertheless, the Government's investment in social programs continues to be insufficient to address the scope of child labor in Sierra Leone, particularly among children working in agriculture, mining, fishing and domestic labor sectors.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sierra Leone:

IN THE AREA OF LAWS AND REGULATIONS:

- Update labor penal codes to ensure that penalties commiserate with the severity of violations.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor such as in mining and agriculture sectors.
- Fully establish the National Commission for Children and Child Labor Unit.
- Increase the Ministry of Labor's efforts to enforce worst forms of child labor laws and appropriately fund labor inspectors.
- Ensure the Ministry of Mineral Resources revokes the licenses of operators who employ child labor.
- Step up efforts to enforce child labor and forced labor laws.
- Make available data on child labor inspections and prosecutions.

IN THE AREA OF POLICIES:

- Monitor implementation of policies and make the data available, including the data from the National Labor Survey.

IN THE AREA OF SOCIAL PROGRAMS:

- Develop and provide funding for social programs to eliminate the worst forms of child labor in agriculture, mining, fishing and domestic labor sectors.

⁵¹⁸⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and children combining working and schooling are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵¹⁸⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and children combining working and schooling are from 2005. Data on school attendance are from 2006. Reliable data

on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵¹⁸⁸ U.S. Embassy- Freetown, *reporting, February 12, 2010*, para 1. See also U.S. Department of State, "Sierra Leone," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160143.pdf>. See also International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards in Sierra Leone: Report for the WTO General Council Review of the Trade Policies of Sierra Leone*, Geneva, February 9 and 11, 2005, 4-5; available from <http://www.icftu.org/www/pdf/clssierraleone2005.pdf>. See also International Rescue Committee, *Child Labor and Education in Sierra Leone: Needs and Resource Assessment in Targeted Communities*, New York, June 2006, 12.

⁵¹⁸⁹ International Confederation of Free Trade Unions, *Core Labour Standards* 5-7.

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- ⁵¹⁹⁴ M. Bøås, *Living in a material world*, 56-58.
- ⁵¹⁹⁵ *Ibid.*, 53, 63, 70. See also The International Human Rights Clinic at Harvard Law School, *Digging in the Dirt*, 21-23, 29-31.
- ⁵¹⁹⁶ Macro International, *In-Country Research: Summaries of Goods Researched*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008.
- ⁵¹⁹⁷ allAfrica, “Sierra Leone: Living off Scaps”, allAfrica.com, [online], October 4, 2008 [cited March 11, 2011]; available from <http://allafrica.com/stories/200810060112.html>.
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- ⁵²²¹ U.S. Department of State, “Sierra Leone,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also U.S. Embassy- Freetown, *reporting, February 12, 2010*, para 5. See also U.S. Embassy- Freetown official, E-mail communication, May 24, 2011.
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Solomon Islands

The Government of Solomon Islands issued a National Children's Policy with National Plan of Action for 2010-2015 to improve legislation, enforcement, coordination and services for children. However, significant gaps remain in the laws against the worst forms of child labor and in the enforcement of those laws. Commercial sexual exploitation of boys and girls continues to be a problem, particularly in association with the fishing and logging industries.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable








Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in the Solomon Islands are engaged in the worst forms of child labor.⁵²⁴² Both boys and girls are engaged in commercial sexual exploitation associated with the logging, tourism and fishing industries in areas near logging camps, on fishing boats and in Honiara, the capital city.⁵²⁴³ Girls are trafficked within the Solomon Islands to logging camps for commercial sexual exploitation, and there are reports that some children are brought by their parents to foreign and local fishing ships for commercial sexual exploitation with fishermen.⁵²⁴⁴ Children are also involved in the sale and production of illegal, homebrewed alcohol.⁵²⁴⁵ Although research is limited, there are reports that children are also used in pornography.⁵²⁴⁶

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act permits children as young as age 12 to work.⁵²⁴⁷ Children under age 15 are prohibited from working in industry or on ships, and children under age 16 are prohibited from

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	12
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	No
	Free Public Education	No

working in underground mines.⁵²⁴⁸ Children between ages 16 and 18 are barred from working in mines or on ships without a medical certificate and at night without specific written permission from the Commissioner of Labor.⁵²⁴⁹ The Solomon

Islands does not have a comprehensive law prohibiting children under age 18 from hazardous work nor does it have a comprehensive list of hazardous occupations. In addition, according to the Commissioner of Labor, the existing penalties and fines for employing children in hazardous conditions are too insignificant to serve as a disincentive.⁵²⁵⁰

Education in the Solomon Islands is neither free nor compulsory. The lack of standards in this area may increase the risk of children's involvement in the worst forms of child labor.⁵²⁵¹

The Constitution prohibits slavery and forced labor.⁵²⁵² The Penal Code criminalizes production, possession and distribution of pornography.⁵²⁵³ Selling or hiring minors under age 15 and girls under age 18 for prostitution is punishable as a criminal offense.⁵²⁵⁴ Some general provisions in the Penal Code against prostitution, kidnapping and abduction could be applied to prosecute sex and labor trafficking. Prostitution laws do not cover boys between the ages of 15 and 18 and leave boys without legal protections.⁵²⁵⁵

There are no government armed forces in the Solomon Islands.⁵²⁵⁶ The law allows that if needed, forces can be drawn from the Solomon Islands Police Force, which has a minimum recruiting age of 18.⁵²⁵⁷

Institutional Mechanisms for Coordination and Enforcement

The National Advisory Committee on Children advises the Cabinet on issues affecting children, coordinates the implementation of the CRC, and develops advocacy materials to promote the rights of children.⁵²⁵⁸ However, research found no evidence that the Government has established a coordinating mechanism to combat the worst forms of child labor specifically.

The Commissioner of Labor—the head of the Labor Division in the Ministry of Commerce, Industry, Labor, and Immigration (MOCILI)—is responsible for enforcing child labor laws.⁵²⁵⁹ The Labor Division was allocated SB\$25,000

(US\$3,252) during the reporting period for all of its operations, including conducting inspections.⁵²⁶⁰ The Ministry of Labor (MOL) employs a desk officer to work on ILO labor standards and child labor issues.⁵²⁶¹ Information was not identified on the number of labor inspectors, enforcement actions or the number of violations found during the reporting period. Sources, including the Government, note that lack of sufficient capacity and resources has prevented meaningful enforcement of the laws.⁵²⁶²

The Royal Solomon Islands Police, in partnership with the Australian-led Regional Assistance Mission to the Solomon Islands Participating Police Force, appears to be the only body responsible for enforcing laws related to trafficking and commercial sexual exploitation.⁵²⁶³ Research did not identify information regarding enforcement actions to combat commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

In 2010, the Government issued a National Children's Policy with a National Plan of Action for 2010–2015.⁵²⁶⁴ The policy acknowledges the current gaps in legislation, enforcement and programs for the protection of children and commits to a substantial improvement of services and legal framework over the next 5 years. The objectives of this policy include ratifying the optional protocols to the United Nation's CRC, raising the minimum age for employment to 18 years, achieving universal primary education and creating a mechanism for coordination and enforcement of child protection laws and policies.⁵²⁶⁵

However, the National Plan of Action's 2010 indicator was not achieved because the country failed to ratify the CRC optional protocols. In addition, the Plan fails to include the Labor Division of the MOCILI in the planned coordination mechanism.⁵²⁶⁶

The Government signed its first Decent Work Program with the ILO for 2009–2012. Priorities

include promoting decent employment for youth and making progress toward eliminating child labor.⁵²⁶⁷

Social Programs to Eliminate or Prevent Child Labor

Workshops on human trafficking were held throughout 2010 for community stakeholders, including representatives from local organizations and Ministries of Women and Family Affairs,

Foreign Affairs, Health, Commerce and Justice. These workshops were meant to clarify the definition of human trafficking, identify stakeholders and examine local case studies and regional anti-human trafficking efforts.⁵²⁶⁸ Although the Government has implemented programs to combat trafficking, research found no evidence that it has carried out programs to combat the commercial sexual exploitation of children.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Solomon Islands:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to increase the minimum ages for employment and hazardous work to 14 and 18, respectively, and institute a list of hazardous occupations.
- Enact legislation and/or policy to fulfill commitments under The National Children's Policy of "Free and Compulsory Education for All Boys and Girls by 2015."
- As part of the ongoing review of the Penal Code of 1963:
 - Amend laws to prohibit the prostitution of boys under age 18.
 - Ensure that laws contain comprehensive protections against the trafficking of children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make information on inspections and investigations regarding the worst forms of child labor publicly available.
- Allocate sufficient funds to ensure that enforcement agencies have adequate resources and the capacity to effectively enforce worst forms of child labor laws.

IN THE AREA OF POLICIES:

- Commit to meeting goals outlined in the National Children's Policy with a National Plan of Action for 2010–2015, including ratification of the CRC Optional Protocols.
- Consider including MOCILI in the coordination mechanism for enforcement outlined in the National Plan.

IN THE AREA OF SOCIAL PROGRAMS:

- Initiate programs to address the worst forms of child labor, particularly the commercial sexual exploitation of children.

⁵²⁴² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education

Statistics: Sources and Definitions" section.

⁵²⁴³ UNICEF Pacific, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, Suva, 2008; available from http://www.unicef.org/pacificislands/Small_CESEC.pdf. See also Solomon Islands Department of Home Affairs official, Interview with USDOL official, June 20, 2006. See also Tania Herbert, *Commercial Sexual Exploitation of Children in the Solomon Islands: A Report Focusing on the Presence of the Logging Industry in a Remote Region*, Christian Care Center of the

Church of Melanesia, Honiara, July 2007; available from <http://www.melanesiangeo.org/resources/Solomons%20Child%20Exploitation.pdf>. See also Solomon Islands Port Authority official, Interview with USDOL consultant, June 28, 2006. See also Rory Callinan, "Generation Exploited," *Time* 167, no. 13 (March 27, 2006); available from <http://www.time.com/time/magazine/article/0,9171,1174745,00.html>.

⁵²⁴⁴ U.S. Department of State, "Solomon Islands (Special Cases)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105660.pdf>. See also Herbert, *Logging Industry: Solomon Islands*. See also Callinan, "Generation Exploited."

⁵²⁴⁵ Solomon Islands Central Magistrate's Court official, Interview with USDOL consultant, June 23, 2006. See also Solomon Islands Police official, Interview with USDOL consultant, September 3, 2006.

⁵²⁴⁶ Callinan, "Generation Exploited." See also UNICEF Pacific, *Commercial Sexual Exploitation in the Pacific*. See also Solomon Islands National Council of Women official, Interview with USDOL consultant, June 23, 2006.

⁵²⁴⁷ *Labour Act (Chapter 73)*, (1996); available from <http://www.paclii.org>

⁵²⁴⁸ *Ibid.*, articles 46-48.

⁵²⁴⁹ *Ibid.*, article 49.

⁵²⁵⁰ U.S. Embassy- Port Moresby, *reporting, March 16, 2011*.

⁵²⁵¹ U.S. Department of State, "Solomon Islands," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrprt/2009/eap/136009.htm>.

⁵²⁵² *Constitution of Solomon Islands*, (July 7, 1978), article 6; available from http://www.paclii.org/sb/legis/consol_act/c1978167/ See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in the Solomon Islands: Report for the WTO General Council Review of the Trade Policies of the Solomon Islands*, Geneva, May 6 and 8, 2009; available from http://www.ituc-csi.org/IMG/pdf/WTO_report_Solomon_final0509.pdf

⁵²⁵³ *Penal Code (Chapter 26)*, (1996), article 173; available from http://www.paclii.org/sb/legis/consol_act/pc66/

⁵²⁵⁴ *Ibid.*, articles 149-150. See also Coalition to Stop the Use of Child Soldiers, "Solomon Islands," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/solomon-islands>

⁵²⁵⁵ *Penal Code*, articles 144, 248, 250. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Solomon Islands."

⁵²⁵⁶ U.S. Embassy- Port Moresby, *reporting, March 16, 2011*. See also Coalition to Stop the Use of Child Soldiers, "Global Report 2008: Solomon Islands."

⁵²⁵⁷ Salote Austin, Osborn Cains, Anafia Norton, Penelope Taylor, Marie Wernham, and Freida, *Protect Me with Love and Care: A Baseline Report for the Solomon Islands*, UNICEF Pacific, Suva, November, 2009; available from http://www.unicef.org/pacificislands/UNICEF_Solomon_Report1.pdf

⁵²⁵⁸ Government of Solomon Islands, *National Children's Policy with National Plan of Action*, Ministry of Women, Youth & Children Affairs, April 15, 2010.

⁵²⁵⁹ U.S. Embassy- Port Moresby, *reporting, March 16, 2011*. See also U.S. Department of State, "Country Reports- 2009: Solomon Islands," section 7.

⁵²⁶⁰ U.S. Embassy- Port Moresby, *reporting, March 16, 2011*.

⁵²⁶¹ ILO, *Country Baseline under the ILO Declaration Annual Review (2000-2009): Solomon Islands: The effective abolition of child labour*, Status Report, Geneva, 2009; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf

⁵²⁶² International Trade Union Confederation, *Review of Trade Policies of the Solomon Islands*. See also Solomon Islands Ministry of Labor official, Interview with USDOL consultant, June 12, 2006. See also ILO, *Country Baseline: Solomon Islands, Status Report*. See also U.S. Department of State, "Country Reports- 2009: Solomon Islands."

⁵²⁶³ U.S. Embassy- Port Moresby, *reporting, March 16, 2011*. See also Callinan, "Generation Exploited." See also Herbert, *Logging Industry: Solomon Islands*.

⁵²⁶⁴ Government of Solomon Islands, National Children's Policy with National Action Plan.

⁵²⁶⁵ *Ibid.*

⁵²⁶⁶ *Ibid.*

⁵²⁶⁷ ILO, Fact Sheet: Solomon Islands, Status Report, Bangkok, 2010; available from http://bravo.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120549/index.htm

⁵²⁶⁸ American Bar Association, Workshop Brings Anti-Human Trafficking Stakeholders Together, [online] December 2010 [cited February 1, 2011]; available from www.abanet.org/rol/news/news_solomon_islands_anti_human_trafficking_workshop_1210.shtml.

Somalia

During the reporting period, the Transitional Federal Government established a Focal Point for Human Rights and Child Protection to address child soldiering issues and other forms of child labor. However, there is currently no clear minimum age for employment, no compulsory education, and no instruments for monitoring or combating child labor. Children engage in the worst forms of child labor in agriculture and continue to be recruited by armed groups for use in conflict, including the Transitional Federal Government's armed forces.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.8
Attending School	5-14 yrs.	48.9
Combining Work and School	7-14 yrs.	20.2



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Somalia,⁵²⁶⁹ many of them in agriculture, including caring for livestock. Children also reportedly work in the production of bananas, lemon, mangoes, sesame and maize.⁵²⁷⁰ Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Furthermore, children handling livestock are vulnerable to kicks, crushes, falls and infectious diseases transmitted from animals to humans.⁵²⁷¹

Children also work on the streets selling cigarettes, washing cars and shining shoes.⁵²⁷² Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements. Children are forced to break rocks for gravel, work in quarries and perform construction.⁵²⁷³ There are also reports of children being forced into prostitution.⁵²⁷⁴






Armed groups and militias, including al-Shabaab and Hizbul Islam, systematically recruit children. There are also reports that the Transitional Federal Government (TFG) continues to recruit and use children in military operations. Some of the conscripted children plant roadside bombs, operate checkpoints and are trained to conduct assassinations.⁵²⁷⁵

Somalia is believed to be a source, destination and transit country for child trafficking.⁵²⁷⁶ Children are reportedly trafficked for forced labor and sexual exploitation by armed militias. There have also been reports that children are trafficked from Somalia to Djibouti, Malawi, Saudi Arabia, Yemen and Tanzania for commercial sexual exploitation and exploitative labor, and to South Africa for prostitution.⁵²⁷⁷

Laws and Regulations on the Worst Forms of Child Labor

Due to the collapse of the Central Government in 1991, Somalia lacks a clear legal framework on child labor. Three distinct entities have

concurrently governed Somalia since 1991: the self-declared Republic of Somaliland in the northwest; the semi-autonomous region of Puntland in the northeast; and iterations of a southern Central Government, the most recent of which is the TFG in Mogadishu.⁵²⁷⁸

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	No
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	No

It is unclear if there is currently a minimum age for employment in any governing entity, and there is no list of hazardous activities prohibited for children.⁵²⁷⁹ The pre-1991 Labor Code established the minimum age for employment at 15.⁵²⁸⁰ Additionally the pre-1991 Labor Code prescribed different minimum ages for certain hazardous activities. For example, the minimum age for employment in construction was 16, and for work on a vessel or underground, the minimum age was 18.⁵²⁸¹ However, it is unclear whether the Labor Code still applies because the 2004 TFG charter requires the government to establish a minimum age for employment.⁵²⁸² This legal gap leaves children unprotected under the law from the worst forms of child labor.

The 2004 TFG Charter prohibits forced labor and military service for children under age 18.⁵²⁸³ It also prohibits child prostitution.⁵²⁸⁴

No laws specifically prohibiting human trafficking exist in any of the three regions.⁵²⁸⁵ There is no age for compulsory education, and education for children is not free.⁵²⁸⁶

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the TFG established a Focal Point for Human Rights and Child Protection. The mandate of this Focal Point is to address child soldiering issues and other forms of child labor.⁵²⁸⁷ No mechanisms in the other two government entities have been established to coordinate efforts to combat child labor.

In all three regions of Somalia, the Ministries of Labor, Justice, Interior and Security are responsible for enforcing laws relating to the worst forms of child labor.⁵²⁸⁸ There was no funding provided to agencies for inspections, and no inspectors were employed to enforce child labor laws.⁵²⁸⁹

No formal judicial system exists under the TFG. In Somaliland and Puntland, a judicial system does exist; however, the extent of its activity in issues of child labor, trafficking or commercial sexual exploitation is unclear.⁵²⁹⁰ No incidences of these issues were investigated or reported in any of the three regions in 2010.⁵²⁹¹

Government Policies on the Worst Forms of Child Labor

The TFG has taken steps to end child recruitment for military operations, including signing an anti-recruitment pledge with the UN Special Representative of the Secretary General for Children and Armed Conflict.⁵²⁹² Somalia does not have a comprehensive policy or plan to address all worst forms of child labor.⁵²⁹³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the TFG implemented a more thorough vetting process

for recruitment and training in order to prevent engaging children in military efforts.⁵²⁹⁴ For the vetting process, African Union doctors and military officials monitored recruitment drives.

Although the TFG has taken these steps, research found no evidence that the TFG or any other governing entity has carried out programs to assist children in other worst forms of child labor.⁵²⁹⁵

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Somalia:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a legal framework on child labor that includes a minimum age for work and a list of hazardous work activities.
- Adopt laws prohibiting human trafficking, forced labor and military service for children younger than age 18 throughout all regions of Somalia.
- Establish an age for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Enforce the prohibitions laid out in the 2004 TFG Charter on forced labor and military service for children younger than age 18.
- Establish an infrastructure to address criminal worst forms of child labor.

IN THE AREA OF GOVERNMENT POLICIES ON CHILD LABOR:

- Adopt a comprehensive policy and action plan to combat the worst forms of child labor.
- Make education free for all children.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Develop programs to prevent and address child soldiering and other worst forms of child labor in all areas of the country.

⁵²⁶⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵²⁷⁰ U.S. Embassy- Nairobi, *reporting, February 4, 2011*. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*. See also U.S. Department of State, "Somalia," in *Country Reports*

on Human Rights Practices- 2008, Washington, DC, February 25, 2009, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119024.htm>.

⁵²⁷¹ U.S. Embassy- Nairobi, *reporting, February 4, 2011*.

⁵²⁷² U.S. Department of State, "Country Reports- 2008: Somalia," section 7d. See also Integrated Regional Information Networks, "Somalia: Conflict, drought force more children onto Hargeisa streets", IRINnews.org, [online], October 22, 2008 [cited April 25, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=81052>. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

⁵²⁷³ U.S. Embassy- Nairobi, *reporting, February 4, 2011*. See also U.S. Department of State, "Country Reports- 2008: Somalia," section 7d. See also U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135976.htm>. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

- ⁵²⁷⁴ U.S. Embassy- Nairobi, *reporting, February 4, 2011*.
- ⁵²⁷⁵ Ibid. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, S/2009/158, March 26, 2009; available from <http://daccess-ods.un.org/TMP/3496331.html>. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Somalia*, S/2008/352, May 30, 2008; available from <http://www.mineaction.org/downloads/1/S2008352.pdf>. See also U.S. Department of State, "Country Reports- 2008: Somalia," section: child soldiers. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*. See also U.S. Department of State, "Somalia (Special Cases)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm>. See also Coalition to Stop the Use of Child Soldiers, "Somalia," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=196>. See also UN News Service, "UN identifies most persistent users of child soldiers in armed conflicts," [online], May 21, 2010 [cited May 16, 2011]; available from <http://www.un.org/apps/news/story.asp?NewsID=34778&Cr=coomaraswamy&Cr1#>. See also Jeffrey Gettleman, "U.N. Voices Concern on Child Soldiers in Somalia," *The New York Times* (New York City), June 16, 2010; available from http://www.nytimes.com/2010/06/17/world/africa/17somalia.html?_r=1&pagewanted=print. See also Jeffrey Gettleman, "Children Carry Guns for a U.S. Ally, Somalia," *The New York Times* (New York City), June 13, 2010; available from <http://www.nytimes.com/2010/06/14/world/africa/14somalia.html?pagewanted=print>. See also BBC News, "Alarm over Somalia's child soldiers," BBC News, [online], July 29, 2009 [cited September 22, 2010]; available from <http://news.bbc.co.uk/2/hi/8173079.stm>.
- ⁵²⁷⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Somalia." See also Integrated Regional Information Networks, "Somalia: Tragic Cargo- Part One", IRINnews.org, [online], June 8, 2006 [cited February 4, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=59251>.
- ⁵²⁷⁷ U.S. Embassy- Nairobi, *reporting, February 4, 2011*. See also U.S. Department of State, "Country Reports- 2009: Somalia," section 6. See also U.S. Department of State, "Country Reports- 2008: Somalia," section 6.
- ⁵²⁷⁸ U.S. Department of State, "Country Reports- 2008: Somalia," section 1. See also U.S. Department of State, "Country Reports- 2009: Somalia," section 1. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Somalia."
- ⁵²⁷⁹ U.S. Department of State, "Country Reports- 2009: Somalia," section 7. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Somalia."
- ⁵²⁸⁰ Government of Somalia, *Law No. 65 to Promulgate the Labour Code*, (October 18, 1972), article 93; available from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127639.pdf.
- ⁵²⁸¹ Ibid., article 95.
- ⁵²⁸² Transitional Federal Government of Somalia, *Transitional Federal Charter for the Somali Republic*, 2004, article 18(4); available from <http://www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf>.
- ⁵²⁸³ Ibid., article 26(d).
- ⁵²⁸⁴ U.S. Department of State, "Country Reports- 2009: Somalia," section 7.
- ⁵²⁸⁵ U.S. Department of State, "Trafficking in Persons Report- 2010: Somalia." See also U.S. Department of State, "Country Reports- 2009: Somalia," section 7.
- ⁵²⁸⁶ U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 6, 2011, section 6; available from <http://www.state.gov/documents/organization/160144.pdf>.
- ⁵²⁸⁷ U.S. Embassy- Nairobi, *reporting, February 4, 2011*.
- ⁵²⁸⁸ U.S. Embassy- Nairobi, *reporting, March 1, 2010*.
- ⁵²⁸⁹ U.S. Embassy- Nairobi, *reporting, February 4, 2011*. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*.
- ⁵²⁹⁰ U.S. Embassy- Nairobi, *reporting, March 1, 2010*.
- ⁵²⁹¹ U.S. Embassy- Nairobi, *reporting, February 4, 2011*.
- ⁵²⁹² USDOS official, E-mail communication to USDOL official, November 18, 2010.
- ⁵²⁹³ U.S. Embassy- Nairobi, *reporting, March 1, 2010*.
- ⁵²⁹⁴ U.S. Embassy- Nairobi, *reporting, February 4, 2011*. See also USDOS official, E-mail communication, November 18, 2010.
- ⁵²⁹⁵ USDOS official, E-mail communication, November 18, 2010.

South Africa

The Government of South Africa implemented the Children's Amendment Act and the Child Justice Act and enacted new regulations concerning hazardous child labor. However, children continue to work in agriculture and domestic service. Resource constraints for social programs remain an impediment to the Government's efforts to assist children engaged in and vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in South Africa are engaged in the worst forms of child labor,⁵²⁹⁶ many in agriculture and domestic service.⁵²⁹⁷ Children's work in agriculture can involve working long hours, using dangerous tools and performing physically arduous tasks, as well as exposure to pesticides.⁵²⁹⁸ Evidence suggests that children are involved in forestry and in the harvesting of bananas, citrus fruits, grapes, litchi, mango and sugarcane.⁵²⁹⁹ Children, especially boys, reportedly care for livestock.⁵³⁰⁰

In many cases, children employed as domestic servants, in many cases, work long hours and isolated in homes where they are susceptible to abuse and sexual harassment.⁵³⁰¹ Children are employed in taverns and liquor stores to clean, stock supplies, prepare food, and serve alcohol, work which can increase their access to alcohol, and put them at risk of physical and sexual abuse from adults.⁵³⁰² Children in South Africa also scavenge in landfills and dumpsites for recyclable materials.⁵³⁰³ This work involves working long



hours and carrying heavy loads in the midst of dangerous machinery, moving vehicles and burning toxins.⁵³⁰⁴ Children in rural areas often spend hours each day fetching water for their families and hauling heavy loads over long distances.⁵³⁰⁵

Some children in South Africa are exploited in prostitution.⁵³⁰⁶ Children are also forced by adults to commit crimes.⁵³⁰⁷ Criminal gangs have compelled children to search abandoned mines for gold.⁵³⁰⁸

South Africa remains a country of origin, transit, and destination for children trafficked for the purposes of sexual exploitation and forced labor.⁵³⁰⁹ Children from China, Lesotho, Malawi, Mozambique, Swaziland and Thailand are trafficked to South Africa for commercial sexual exploitation.⁵³¹⁰ Children from Malawi, Mozambique and Zimbabwe are trafficked to South Africa for agricultural work.⁵³¹¹ South African girls are also trafficked internally and internationally for prostitution and domestic service.⁵³¹² South African boys are trafficked internally for farm work and street vending.⁵³¹³

Laws and Regulations on the Worst Forms of Child Labor

According to the Basic Conditions of Employment Act 75 of 1999, the minimum age for work is 15 and the minimum age for hazardous work is 18.⁵³¹⁴ Employers may hire children younger than age of 15 to work in the performing arts with permission from the South African Department of Labor (SADOL).⁵³¹⁵ In January 2010, SADOL published new regulations containing a list of hazardous activities that are prohibited for children younger than age 18.⁵³¹⁶ These activities include the production and sale of alcohol, mining, scavenging in garbage dumps and exposure to hazardous substances.⁵³¹⁷ The regulations prohibit the employment of children in work that takes place in cold, hot or noisy environments; involves respiratory hazards, elevated spaces, lifting of heavy objects; or interferes with a child's access to nutrition, health care, or education.⁵³¹⁸ The regulations also provide guidelines for the employment of children in work that requires overnight separation from their parents or guardians.⁵³¹⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

The Children's Amendment Act prohibits the use of children for slavery, slave-like practices, trafficking, commercial sexual exploitation, and illicit activities.⁵³²⁰ The act was officially implemented on April 1, 2010.⁵³²¹ The Criminal Law Amendment Act 32 of 2007 defines and criminalizes human trafficking for sexual exploitation.⁵³²² Despite these provisions, the Government does not have a national anti-trafficking law.⁵³²³

The Defense Act 42 of 2002 establishes age 18 as the minimum age for voluntary military service, military training and conscription, even in times of national emergency.⁵³²⁴

The Child Justice Act No. 75 of 2008 was implemented on April 1, 2010.⁵³²⁵ The act allows for the diversion of child offenders from the formal criminal justice system to alternative forms of justice, such as victim-offender mediation and family councils.⁵³²⁶ It calls for the creation of one-stop child justice centers and for the prosecution of adults who use children for illicit activities.⁵³²⁷ The Child Justice Act requires court officials to consider whether an adult has compelled a child to commit a crime when determining the child's placement in the justice system.⁵³²⁸

Public education is free and compulsory under the 1994 South African Schools Act. However, families are required to pay local school fees as well as fees for books, uniforms, and other school-related expenses.⁵³²⁹ Despite the law, the Government has only declared 55 percent of schools to be "no fee."⁵³³⁰ School fees vary depending on the municipality and region.⁵³³¹

Institutional Mechanisms for Coordination and Enforcement

The Intersectoral Committee on Child Labor coordinates efforts to combat the worst forms of child labor. The committee is chaired by SADOL and members include representatives from commercial agriculture, trade unions, government agencies and the South African Police Service

(SAPS).⁵³³² In 2010, the committee was scheduled to meet in April, July and September.⁵³³³

SADOL and the South African Department of Justice (SADOL) are responsible for enforcing child labor laws.⁵³³⁴ SADOL inspectors identify suspected cases of child labor and human trafficking and forward evidence to SADOL for follow-up.⁵³³⁵ Depending on the type of offense, child labor violations are tried in either a criminal or labor court.⁵³³⁶ SADOL and SADOL do not make statistics publicly available on the number of child labor cases opened, closed or resolved or the number of convictions made.⁵³³⁷ SADOL does publish statistics on the number of inspections conducted and the number of labor complaints received and addressed, but it does not disaggregate its data by child labor violations.⁵³³⁸ According to the Government, SADOL inspectors have difficulty accessing farms to assess compliance with national labor laws, including prohibitions against child labor.⁵³³⁹ Although they have legal authority, inspectors frequently do not enter farms without an invitation because they are afraid that farmers will treat them as intruders potentially exposing them to safety risks.⁵³⁴⁰

The National Prosecution Authority (NPA) prosecutes human trafficking cases.⁵³⁴¹ The Sexual Offenses and Community Affairs Unit within NPA leads a Trafficking in Persons Task Team, which is composed of the Departments of Labor, Home Affairs, Justice and Social Development as well as and other representatives of national law enforcement.⁵³⁴² Among the goals of the team is the development of a national strategy against human trafficking for sexual exploitation.⁵³⁴³ The Human Trafficking Desk within SAPS seeks to monitor and evaluate efforts to investigate trafficking crimes, trains human trafficking investigators and refers human trafficking cases to provincial SAPS units.⁵³⁴⁴ During the reporting period, the police, social workers, prosecutors, immigration officials, and other government officials were trained on human trafficking and child labor issues as part of preparation for the

FIFA World Cup.⁵³⁴⁵ Despite these efforts, the Government reports that it does not gather systematic data on human trafficking cases and that prosecutors and investigators lack sufficient training on how to identify human trafficking situations.⁵³⁴⁶

There is no data on the number of children engaged in the worst forms of child labor.⁵³⁴⁷

Government Policies on the Worst Forms of Child Labor

The National Child Labor Program of Action for South Africa, Phase II, 2008-2012 (CLPA) is the Government's primary policy instrument to prevent and eliminate child labor in South Africa.⁵³⁴⁸ It calls for activities across the Government and the promotion of new laws against the worst forms of child labor.⁵³⁴⁹ It also includes a list of indicators to monitor the Government's efforts against child labor.⁵³⁵⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of South Africa promoted social programs that impact the worst forms of child labor. The Government provided direct cash transfers to the households of vulnerable children to alleviate poverty.⁵³⁵¹ The Government also implemented a no-fee school program that covers the poorest primary schools.⁵³⁵² The South African Department of Foreign Affairs, in partnership with IOM, supports and develops the capacity of the Government and civil society groups to deal with the problem of trafficking.⁵³⁵³ The NPA implements the South African Government-European Union co-funded Programme of Assistance to the South African Government to Prevent, React to Human Trafficking and Provide Support to Victims of Crime, part of the Government's National Strategy to Combat Human Trafficking through prevention, response and support for victims.⁵³⁵⁴ The Government also

operates *Thuthuzela* Care Centers that provide medical services, counseling and legal support to victims of sexual exploitation.⁵³⁵⁵

The Government of South Africa provides funding to an NGO operated hotline, which refers reports of child labor violations to government protection agencies or the police.⁵³⁵⁶

The Government participates in a 4-year, \$4.75 million regional project funded by USDOL and implemented by ILO-IPEC in three countries, including South Africa. In South Africa, the project conducts awareness campaigns on child labor, assists SADOL with technical support in implementing CLPA and targets 4,200 children for withdrawal and prevention from the worst forms of child labor, including dangerous work in agriculture.⁵³⁵⁷ The project has developed procedures to help police and justice officials recognize and prosecute adults who exploit child offenders; created strategies to reduce the use of child labor in fetching water; and conducted a

study on children involved in scavenging landfills and dumpsites.⁵³⁵⁸ The project also supported the development of a child labor code of conduct for the tourist industry.⁵³⁵⁹

The Government of South Africa funds grant programs, including child care dependency grants, child support grants and foster care grants, which help children and their families, including those vulnerable to the worst forms of child labor by encouraging them to remain in school and not enter the labor market. During the reporting period, the age of eligible grant recipients increased to 17.⁵³⁶⁰

The Government has identified constraints on its capacity to offer social protection for children. For example, birth certificates are required to qualify for services, yet more than 20 percent of babies are not registered by their first birthday.⁵³⁶¹ Also, the child protection system lacks the skilled staff to assist the majority of children who need care.⁵³⁶²

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in South Africa:

IN THE AREA OF LAW:

- Pass comprehensive anti-trafficking in persons legislation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Report on the number of child labor cases opened, closed and resolved and the number of convictions.
- Provide sufficient training and systems for law enforcement personnel to identify the worst forms of child labor, including human trafficking cases.
- Establish and enforce appropriate procedures to allow for labor inspections in all regulated areas.
- Collect systematic data on the number of child laborers and on the worst forms of child labor.

IN THE AREA OF POLICY:

- Ensure that education is freely available to all children.

IN THE AREA OF SOCIAL PROGRAMS:

- Institute programs to address the worst forms of child labor in agriculture and domestic service.
- Implement programs to ensure that all children have birth certificates.
- Allocate resources to better support children in the social protection system.

⁵²⁹⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵²⁹⁷ Government of South Africa, *The National Child Labour Programme of Action for South Africa, Phase 2: 2008-2012, Draft 4.4*, Pretoria, June 2007, 15, 59. See also Judith Streak, “Harvesting Childhood: Causes, nature, and impact of child agricultural labour,” *HSRC Review* vol. 5, no. 3 (September 2007); available from http://www.hsrc.ac.za/HSRC_Review_Article-61.phtml.

⁵²⁹⁸ Social Surveys Africa, *Report on Conceptualization of Research into Child Labour in Commercial Agricultural in South Africa*, Pretoria, April 7, 2006, 19-29, 23, 39-40. See also Government of South Africa, *The Child Labour Programme of Action for South Africa Phase 2 (2008-2012), Draft 4.4*, Pretoria, June 2007, 62-63. See also H. A. Rother, “Falling through the Regulatory Cracks: Street selling of Pesticides and Poisoning among Urban Youth in South Africa,” *International Journal of Occupational and Environmental Health* 16, no. 2 (2010), 202.

⁵²⁹⁹ Judith Streak, Andrew Dawes, Deborah Ewing, Susan Levine, Sharmla Rama, and Lameez Alexander, “The causes, nature and impact of child work and labour in South Africa: A study of three purposively selected sites (Final Report),” *HSRC* (2007); available from http://www.hsrc.ac.za/research/output/outputDocuments/4835_Sreak_Causesnatureandimpactofchildlabour.pdf.

⁵³⁰⁰ *Ibid.*, 38, 53, 65.

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⁵³⁵² Government of South Africa, *Situation Analysis of Children*, 73.

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⁵³⁵⁴ IOM, *EYE on Human Trafficking*, Pretoria, February 22, 2010, 5; available from <http://iom.org.za/site/>. See also Government of South Africa, *Tsireledzani: understanding the dimensions of human trafficking in Southern Africa*, ii. See also South African Law Reform Commission, *South African Law Reform Commission Project 131*, para 1.12

⁵³⁵⁵ Government of South Africa, *Tsireledzani: understanding the dimensions of human trafficking in Southern Africa*, ii, 50.

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⁵³⁶² *Ibid.*, 101.

Sri Lanka

During the reporting period, the Government of Sri Lanka took a major step by adopting a comprehensive child labor policy to eliminate the worst forms of child labor. In addition, the Government adopted the child labor hazardous occupations list. Despite these significant gains, research found limited evidence that the Government prosecuted those responsible for violating laws to protect children from the worst forms of child labor, including armed conflict and trafficking. Children in Sri Lanka also continue to engage in the worst forms of child labor in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Sri Lanka are engaged in the worst forms of child labor,⁵³⁶³ including agriculture.⁵³⁶⁴ Children's work in agriculture commonly involves exploitative activities, such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Children are also employed in domestic service, a largely unregulated and undocumented sector.⁵³⁶⁵ Some child domestics are subject to physical, sexual and emotional abuse.⁵³⁶⁶ Children also work as street vendors.⁵³⁶⁷ Children working on the street are exposed to a variety of risks, including severe weather, accidents caused by proximity to automobiles and vulnerability to criminal elements. Children reportedly work in the mining, fishing, construction and manufacturing—including fireworks, tiles and coir—sectors.⁵³⁶⁸ Coir is a natural fiber extracted from the husk of a coconut, which is used in products such as floor mats, door mats, brushes and mattresses.

Children, mostly males, are exploited in prostitution in coastal areas as part of sex tourism.⁵³⁶⁹ There is limited evidence that some children working in agriculture are subject to debt bondage and some children, including those younger than age 12, have been kidnapped and forced to work in the fireworks and fishing industries.⁵³⁷⁰

Children are trafficked internally for the purposes of commercial sexual exploitation, forced labor and domestic service.⁵³⁷¹ Children are also trafficked abroad to work as domestic servants, primarily in Middle Eastern countries, where they are vulnerable to labor and sexual exploitation.⁵³⁷²

Since the end of Sri Lanka's conflict in 2009, children are reportedly no longer newly recruited by non-State armed forces as child soldiers.⁵³⁷³

Children in Sri Lanka are able to access school. Reports indicate that almost all children complete nine years of the required basic education.⁵³⁷⁴

However, both the 2-decade long civil conflict and the 2004 tsunami devastated specific parts of the country, creating major educational disparities in the affected areas.⁵³⁷⁵

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons and Children Act sets the minimum age for employment at 14 and the minimum age for employment in hazardous work at 18.⁵³⁷⁶ In 2011, the Government adopted a list of 51 hazardous occupations and/or working conditions prohibited for children. The list contains all of the major occupations and/or working conditions most prevalent in the worst forms of child labor, with the exception of domestic service.⁵³⁷⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Children between ages 14 to 17 may engage in light work in family-run farms or as a part of their technical education as long as their employment does not prevent them from attending school.⁵³⁷⁸ Children age 15 and older may be employed at sea.⁵³⁷⁹

The minimum age for voluntary recruitment in the armed forces is 18.⁵³⁸⁰ The Penal Code, Amendment Act No. 16 of 2006, criminalizes and prescribes penalties for individuals who engage children younger than age 18 in debt bondage, forced labor, slavery, armed conflict or trafficking.⁵³⁸¹ The Penal Code, Amendment Acts No. 22 of 1995 and No. 29 of 1998, criminalizes and prescribes penalties for individuals who engage children younger than age 18 in pornography and prostitution.⁵³⁸²

Children in Sri Lanka are provided free and compulsory education until age 14.⁵³⁸³

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee on Child Labor is chaired by the Secretary of the Ministry of Labor and Labor Relations (MOLRR).⁵³⁸⁴ The National Steering Committee is tasked with the implementation of the Roadmap for the Elimination of the Worst Forms of Child Labor by 2016, the Government’s principal policy on child labor. The National Steering Committee includes representatives from key government agencies, employer and workers’ organizations, ILO, UNICEF and other NGOs.⁵³⁸⁵

The National Child Protection Authority (NCPA) is an independent agency under the Ministry of Child Development and Women’s Affairs (MCDWA). It shares responsibility with the National Steering Committee for coordinating action to protect children.⁵³⁸⁶ This body’s mandate includes formulating policies on child abuse and exploitation, coordinating groups that combat child abuse and exploitation, conducting research and mobilizing resources.⁵³⁸⁷ The NCPA is mandated to assist children who are victims of physical and sexual abuse, sexual exploitation and armed conflict.⁵³⁸⁸ The NCPA and the Women and Children’s Bureau of the Sri Lankan Police (WCBSLP) are the key agencies responsible for coordinating efforts to combat child trafficking,

forced child labor, commercial sexual exploitation of children and the use of children in illicit activities.⁵³⁸⁹

The Department of Labor (DOL) within MOLRR and the NCPA are responsible for enforcing child labor laws.⁵³⁹⁰ DOL works closely with the NCPA's Police Unit and the WCBSLP to enforce child labor laws.⁵³⁹¹ The NCPA and the WCBSLP are the key agencies responsible for enforcing laws against child trafficking, forced child labor, commercial sexual exploitation of children and the use of children working in illicit activities.⁵³⁹²

DOL's labor inspectorate employs 462 labor officers to enforce all labor laws, including those related to child labor. The NCPA's Police Unit has 22 officers, and the NCPA has 50 child protection officers in the districts.⁵³⁹³ The WCBSLP has 66 police officers. In addition, the WCBSLP has branches in 41 police stations throughout the country. In police stations without a WCBSLP, police officers in charge oversee functions of the division.⁵³⁹⁴

In 2010, DOL conducted child labor training for labor officers, including 300 newly recruited labor officers, police officers and probation officers.⁵³⁹⁵ The NCPA conducted several child trafficking trainings for their officers, but research found no evidence of child trafficking training for the WCBSLP.⁵³⁹⁶

Complaints of violations for child labor, child trafficking, forced child labor, commercial sexual exploitation of children and the use of children working in illicit activities can be made via two hotlines, operated by either the NCPA or the WCBSLP.⁵³⁹⁷ DOL conducted inspections and directly received 150 child labor complaints from January to October 2010; the NCPA received 154 child labor complaints from January to December 2010 via the hotline; and the WCBSLP received 211 child labor complaints from January to June 2010 via the hotline.⁵³⁹⁸ Of these complaints, DOL identified 11 cases of child labor violations.⁵³⁹⁹

NCPA officers received 85 child trafficking complaints between January and December 2010, and the WCBSLP received nine child trafficking complaints between January and June 2010.⁵⁴⁰⁰ Research found no evidence of convictions and penalties of any child labor and trafficking cases.

While the Government acknowledges the previous recruitment and use of children in armed conflict by non-State armed forces, the Government has taken minimal steps towards prosecuting and convicting violators of the law.⁵⁴⁰¹

Government Policies on the Worst Forms of Child Labor

The Government's child labor policy is the Roadmap 2016 to End the Worst Forms of Child Labor 2011-2016. Issued by MOLRR and published during the reporting period, the Roadmap specifies timebound goals, including developing and/or strengthening the management, coordination, implementation, resource mobilization and reporting on the elimination of the worst forms of child labor.⁵⁴⁰² The Roadmap also provides mainstreaming strategies for specific sectors of child labor, including armed conflict, plantations, fisheries and tourism. In addition, the Roadmap outlines strategies to mainstream child labor issues with social protection and education goals.⁵⁴⁰³ The Government is anticipated to allocate funding for the implementation of the first year of the policy.⁵⁴⁰⁴

The Government also has a National Plan of Action to Combat Trafficking of Children for Exploitative Employment 2001-2011, which prioritizes four main areas—legal reform and law enforcement; institutional strengthening and research; prevention; and rescue, rehabilitation and reintegration of child trafficking victims.⁵⁴⁰⁵

The Government has presented several policies and plans for rehabilitating former child soldiers but none have received cabinet approval.⁵⁴⁰⁶

The Government's main national development plan, *Mahinda Chintana*—A Vision for New Sri Lanka 2006-2016, includes policies on combating child labor.⁵⁴⁰⁷ Among a number of strategies, the *Mahinda Chintana* addresses poverty through social safety nets, encourages parents to send their children to school instead of work and enforces legislation on the minimum age for work.⁵⁴⁰⁸

Social Programs to Eliminate or Prevent Child Labor

In 2011, the Government's Roadmap is expected to begin withdrawal and prevention programs for 100,000 children engaged in or at risk of engaging in exploitative child labor, as well as economic support for 600 households of children engaged in or at risk of engaging in exploitative child labor.⁵⁴⁰⁹

The Ministry of Education has programs for vulnerable children working on plantations. These children receive educational services

beyond typical government schooling, including additional classes for secondary students. Teachers in these areas are also provided supplementary teacher training.⁵⁴¹⁰

The Government has reported the provision of rehabilitation and reintegration programs for all former child soldiers from non-State armed groups heavily involved in the recent conflict.⁵⁴¹¹ Specifically, the Government provided three residential educational and vocational training facilities for child ex-combatants. These facilities offer catch-up education classes and facilitate family visits to reintegrate the children into their communities.⁵⁴¹²

Between 2008 and 2009, the Department of Census and Statistics conducted a Child Labor Survey with technical support from ILO and funding from USDOL. The survey results have yet to be released.⁵⁴¹³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sri Lanka:

IN THE AREAS OF LAWS AND REGULATIONS:

- Create protections for children engaged in domestic service.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Support implementation of the Roadmap to End the Worst Forms of Child Labor.
- Provide child trafficking training for WCBSLP officers.
- Create and publish data on monitoring systems of the investigations, convictions and penalties for child labor and trafficking.
- Prosecute individuals violating laws related to children and armed conflict.

IN THE AREA OF SOCIAL PROGRAMS:

- Publish the National Child Labor Survey and its results.

⁵³⁶³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵³⁶⁴ ILO-IPEC, *Child Labour and Responses in South Asia*, [online] September 11, 2009 [cited April 26, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipecc/responses/srilanka/index.htm>. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Sri Lanka: Report for the WTO General Council Review of the Trade Policies of Sri Lanka*, November 3 and 5, 2010. See also U.S. Department of State, “Sri Lanka,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/documents/organization/160476.pdf>. See also U.S. Embassy- Colombo, *reporting, January 19, 2011*. See also University of Colombo, *Situation Report on Child Labour: Plantation, Fireworks Industry, Tile Industry, Coir Industry & Fishery*, Social Policy Analysis & Research Center, Colombo, March 2008.

⁵³⁶⁵ ILO-IPEC, *Child Labour and Responses in South Asia*. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards*. See also U.S. Department of State, “Country Reports- 2010: Sri Lanka.” See also U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵³⁶⁶ U.S. Department of State, “Country Reports- 2010: Sri Lanka.”

⁵³⁶⁷ Ibid. See also U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵³⁶⁸ U.S. Department of State, “Country Reports- 2010: Sri Lanka.” See also U.S. Embassy- Colombo, *reporting, January 19, 2011*. See also University of Colombo, *Situation Report on Child Labour*.

⁵³⁶⁹ U.S. Department of State, “Sri Lanka,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Sri Lanka (ratification: 2001) Published: 2010*, February 23, 2011; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11927&chapter=6&query=\(Sri+Lanka\)%40ref&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11927&chapter=6&query=(Sri+Lanka)%40ref&highlight=&querytype=bool&context=0). See also ECPAT, *Sri Lanka: Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation*

of Children, 2006; available from http://www.ecpat.net/A4A_2005/PDF/South_Asia/Global_Monitoring_Report-SRI_LANKA.pdf.

⁵³⁷⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Sri Lanka.” See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

⁵³⁷¹ International Trade Union Confederation, *Internationally Recognised Core Labour Standards*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Sri Lanka.” See also ILO Committee of Experts, *Individual Observation C182: Sri Lanka (2010)*. See also ILO-IPEC, *Child Labour and Responses in South Asia*. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

⁵³⁷² U.S. Embassy- Colombo, *reporting, February 17, 2010*.

⁵³⁷³ U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵³⁷⁴ Ibid.

⁵³⁷⁵ Sarah Crowe and Mervyn Fletcher, “New Child-Friendly Schools Bring New Hope to Communities in Sri Lanka,” UNICEF, [online], July 15, 2010 [cited February 23, 2011]; available from http://www.unicef.org/emerg/sri_lanka_54316.html. See also Rob McBride, “Education Revitalizes Displaced Communities in Sri Lanka,” UNICEF, [online], May 4, 2010 [cited February 23, 2011]; available from http://www.unicef.org/education/sri_lanka_53536.html.

⁵³⁷⁶ Government of Sri Lanka, *Employment of Women, Young Persons and Children Act No.24 of 2006*, (August 21, 2006). See also ILO-IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka*, [online] September 11, 2009 [cited April 27, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipecc/responses/srilanka/national.htm>.

⁵³⁷⁷ Government of Sri Lanka, *Government Notification of Employment of Women, Young Persons and Children Act No.47 of 1956*, (August 17, 2010). See also U.S. Embassy- Colombo, *reporting, January 19, 2011*. See also Government of Sri Lanka, *Final Government Notification of Employment of Women, Young Persons and Children Act No.47 of 1956*, (March 4, 2011).

⁵³⁷⁸ U.S. Embassy- Colombo, *reporting, January 20, 2009*. See also U.S. Embassy- Colombo, *reporting, February 8, 2010*. See also U.S. Embassy- Colombo, *reporting, January 19, 2011*. See also Government of Sri Lanka, *Employment of Women, Young Persons and Children Act of 2006*.

⁵³⁷⁹ U.S. Embassy- Colombo, *reporting, February 8, 2010*. See also U.S. Embassy- Colombo, *reporting, January 19, 2011*. See also Government of Sri Lanka, *Employment of Women, Young Persons and Children Act of 2006*.

⁵³⁸⁰ Coalition to Stop the Use of Child Soldiers, “Sri Lanka,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/sri-lanka>. See also UN Committee on the Rights of the Child,

Consideration of Reports Submitted by States Parties Under Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: Sri Lanka, 1, Geneva, October 1, 2010.

⁵³⁸¹ Government of Sri Lanka, *Penal Code, Amended 2006*, No. 16, (April 24, 2006).

⁵³⁸² Government of Sri Lanka, *Penal Code, Amended 1995*, No. 22, (October 31, 1995). See also Government of Sri Lanka, *Penal Code, Amended 1998*, No. 29, (June 4, 1998). See also Government of Sri Lanka, “Sri Lanka,” in *Legislation of Interpol Member States on Sexual Offences against Children*, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSriLanka.asp>.

⁵³⁸³ Gamini Lokuge, “Eliminating all Forms of Child Labour,” *Daily News*, [online], June 25, 2010 [cited February 23, 2011]; available from <http://www.dailynews.lk/2010/06/25/fea03.asp>.

⁵³⁸⁴ U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵³⁸⁵ *Ibid.*

⁵³⁸⁶ U.S. Department of State, “Country Reports- 2010: Sri Lanka.” See also U.S. Embassy- Colombo, *reporting, February 8, 2010*.

⁵³⁸⁷ National Child Protection Authority, *Functions of the NCPA*, [online] 2010 [cited July 16, 2010]; available from <http://www.childprotection.gov/lk/functions.html>.

⁵³⁸⁸ *Ibid.*].

⁵³⁸⁹ U.S. Embassy- Colombo, *reporting, February 8, 2010*.

⁵³⁹⁰ *Ibid.* See also U.S. Department of State, “Country Reports- 2010: Sri Lanka.”

⁵³⁹¹ U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵³⁹² U.S. Embassy- Colombo, *reporting, February 8, 2010*.

⁵³⁹³ U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵³⁹⁴ *Ibid.*

⁵³⁹⁵ *Ibid.*

⁵³⁹⁶ *Ibid.*

⁵³⁹⁷ U.S. Embassy- Colombo, *reporting, February 8, 2010*.

⁵³⁹⁸ U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵³⁹⁹ *Ibid.*

⁵⁴⁰⁰ *Ibid.*

⁵⁴⁰¹ Coalition to Stop the Use of Child Soldiers, *Report to the Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, April 2010. See also Coalition to Stop the Use of Child Soldiers and Watch List on Children and Armed Conflict, *Children Affected by Armed Conflict in Sri Lanka: Recommendations to the Security Council Working Group*, February 2010.

⁵⁴⁰² Government of Sri Lanka, *Sri Lanka’s Roadmap 2016 on the Worst Forms of Child Labour*, Ministry of Labour Relations and Productivity Promotion, 2010.

⁵⁴⁰³ *Ibid.*

⁵⁴⁰⁴ U.S. Embassy- Colombo official, E-mail communication to USDOL official, May 3, 2011.

⁵⁴⁰⁵ Government of Sri Lanka (National Child Protection Authority) and ILO-IPEC, “Formulation of Public Policy and a National Plan of Action to Combat the Trafficking of Children for Exploitative Employment” (paper presented at the National Consultative Workshop, Kalutara, October 3-4, 2001).

⁵⁴⁰⁶ U.S. Embassy- Colombo official, E-mail communication to USDOL official, March 17, 2011.

⁵⁴⁰⁷ U.S. Embassy- Colombo, *reporting, February 8, 2010*.

⁵⁴⁰⁸ Government of Sri Lanka, *Mahinda Chintana: Vision for a New Sri Lanka*, Department of National Planning, Ministry of Finance and Planning, 2010; available from www.treasury.gov.lk/docs/MahindaChintanaTenYearDevelopmentPlan.pdf.

⁵⁴⁰⁹ Government of Sri Lanka, *Roadmap*.

⁵⁴¹⁰ U.S. Embassy- Colombo, *reporting, February 8, 2010*. See also U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵⁴¹¹ U.S. Embassy- Colombo, *reporting, January 19, 2011*.

⁵⁴¹² ILO Committee of Experts, *Individual Observation C182: Sri Lanka (2010)*.

⁵⁴¹³ U.S. Embassy- Colombo, *reporting, January 19, 2011*. See also ILO-IPEC, *Child Labour and Responses in South Asia*.

Suriname

The Government of Suriname provides some legal protections to prevent the worst forms of child labor. However, gaps remain in the legislative framework and enforcement of laws related to child labor. Further, the Government lacks a comprehensive policy to address child labor. Children in Suriname continue to engage in the worst forms of child labor, including in agriculture and prostitution.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.0*
Attending School	5-14 yrs	94.0
Combining Work and School	7-14 yrs	8.1

* Population of working children: 8,044

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Suriname are engaged in the worst forms of child labor,⁵⁴¹⁴ including in agriculture and prostitution.⁵⁴¹⁵ Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Children are also believed to be involved in dangerous work in street vending and mining.⁵⁴¹⁶ Children working on the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.




Child prostitution is a problem, particularly in Paramaribo and around mining camps in the country's interior.⁵⁴¹⁷ Anecdotal evidence and reports from local NGOs suggest boys and girls are trafficked to the interior for commercial sex as well as forced labor in mining.⁵⁴¹⁸

Recent information and statistics on child labor in Suriname remain limited. With funding from UNICEF, the Government is coordinating the launch of a child labor survey. However, the survey was not implemented in 2010 as intended.⁵⁴¹⁹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 1963 sets the minimum age for employment at 14 and the minimum age for hazardous work at 18.⁵⁴²⁰ Children under age 18 are prohibited from working between 7:00 p.m. and 6:00 a.m. Minors under age 15 are banned from working on boats.⁵⁴²¹ The Safety Act also limits children's engagement in hazardous activities, prohibiting children under age 18 from engaging in activities that may be injurious to their health and safety.⁵⁴²² The National Commission for the Eradication of Child Labor (NCECL) created a draft state decree containing a list of hazardous activities prohibited for children.⁵⁴²³ However, the Government has yet to adopt this hazardous activities list.⁵⁴²⁴

The Constitution bans forced or compulsory labor.⁵⁴²⁵ Suriname's Penal Code prohibits prostitution as well as the use of children for the production of pornography and illicit activities.⁵⁴²⁶ The Penal Code also proscribes all forms of human trafficking.⁵⁴²⁷

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Suriname does not have military conscription. The law does not set a minimum age for voluntary recruitment into the armed forces.⁵⁴²⁸

The Constitution guarantees free education at all levels and makes primary education compulsory, which is completed around age 12.⁵⁴²⁹ Children between ages 12 and 14 are particularly vulnerable to the worst forms of child labor, as they are no longer required to attend school and cannot yet work legally.⁵⁴³⁰ During the reporting period, the Government introduced a law that would establish 11 years of compulsory education, compelling children to stay in school until the age of 17. The law has not yet been passed.⁵⁴³¹

Institutional Mechanisms for Coordination and Enforcement

The NCECL is responsible for coordinating efforts to combat child labor. It comprises 11 members, with representation from the Ministries of Social Affairs, Education and Labor, Technology and Environment (MLTE) as well as labor unions, private sector entities, academic institutions and NGOs.⁵⁴³² NCECL is tasked with formulating a

national policy to eliminate child labor, developing programs that target indigenous children, establishing a list of hazardous work prohibited for children and monitoring Suriname's compliance with international child labor standards.⁵⁴³³

The Anti-trafficking Working Group, chaired by the Ministry of Labor, coordinates the Government's anti-trafficking efforts.⁵⁴³⁴ It has seven members, six from government agencies and one representing the NGO community. Initiatives overseen by the Working Group include those that target the worst forms of child labor such as forced child prostitution.⁵⁴³⁵

MLTE is responsible for enforcement of child labor and related laws.⁵⁴³⁶ MLTE employs 63 inspectors.⁵⁴³⁷ During the reporting period, it conducted inspections of companies, checking for compliance in several areas, including child labor.⁵⁴³⁸

The Ministry of Justice and Police (MJP) is responsible for enforcement of criminal laws related to child labor and for monitoring and enforcement of child labor laws outside of established companies, including on the streets. The youth affairs police cover law enforcement involving children under age 18, and therefore are jointly responsible for child labor-related crimes.⁵⁴³⁹ However, children found working by the youth police are generally registered and sent home without being referred to any relevant services.⁵⁴⁴⁰

The MJP leads efforts against child trafficking.⁵⁴⁴¹ The special anti-trafficking police unit conducts bimonthly checks of brothels to ensure children are not being exploited in prostitution or held in conditions of forced labor.⁵⁴⁴² The Trafficking in Persons Police Unit (TIPPU) investigates reports and allegations of trafficking in persons, including those involving children.⁵⁴⁴³ A child trafficking case is usually resolved within 6 to 9 months.⁵⁴⁴⁴ Child trafficking victims are typically referred to shelters that provide necessary services.⁵⁴⁴⁵

During the reporting period, two trafficking cases involved minors. Both resulted in prosecutions and convictions.⁵⁴⁴⁶ Information on the number

of inspections, prosecutions and convictions involving other worst forms child labor were not available.

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government has established a child labor policy.⁵⁴⁴⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participated in a regional project funded by the Canadian government to combat the worst forms of child labor. Project outcomes have included a sub regional workshop on combating child labor among indigenous communities and the formation of a national committee on child labor.⁵⁴⁴⁸

The anti-trafficking working group runs an information campaign that targets journalists, religious groups, government agencies, youth organizations, labor unions, brothel owners and

NGOs.⁵⁴⁴⁹ The Government also funds shelters that provide services to victims of trafficking, including children.⁵⁴⁵⁰ The Child and Youth Hotline provides confidential advice to children in need, including victims of the worst forms of child labor.⁵⁴⁵¹ During the reporting period, the Government launched a TIP hotline for citizens to provide police information about trafficking cases.⁵⁴⁵²

The Government implements vocational and educational programs for school drop-outs and other vulnerable children.⁵⁴⁵³ The Government is also implementing a program to improve basic education, which is supported by the Inter-American Development Bank. The project aims to enhance education quality and reduce student dropout rates.⁵⁴⁵⁴ However, the question of whether these programs have an impact on child labor does not appear to have been addressed.

Existing social programs are not extensive enough to reach all vulnerable children. In particular, the Government does not have programs that target children engaged in agriculture, street work, mining or commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Suriname:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt and enact a list of hazardous occupations prohibited for children under 18.
- Establish the minimum military recruitment age at 18.
- Raise the compulsory education age to at least 14, the minimum age for work, by passing education legislation introduced during the reporting period.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create a mechanism to refer children discovered in exploitative labor to appropriate services, helping prevent their return to work.
- Make information on the number of inspections, convictions and prosecutions related to child labor publicly available.

IN THE AREA OF POLICIES:

- Adopt policies to address child labor.

IN THE AREA OF PROGRAMS:

- Finalize planning and carry out implementation of the national child labor survey, making results publicly available.
- Expand and develop social programs to assist children engaged in or vulnerable to the worst forms of child labor, particularly agriculture, street work, commercial sexual exploitation and mining.
- Assess the impact that existing programs may have on child labor.

⁵⁴¹⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children, school attendance and children combining work and school are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁴¹⁵ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 1.2. See also U.S. Department of State, "Suriname," in Country Reports on Human Rights Practices- 2010, Washington, DC, April 8, 2011, sections 6, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154520.htm>.

⁵⁴¹⁶ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 1.2. See also U.S. Department of State, "Suriname," in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Department of State, "Country Reports- 2010: Suriname," section 7d.

⁵⁴¹⁷ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 1.2. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Suriname."

⁵⁴¹⁸ U.S. Department of State, "Trafficking in Persons Report- 2010: Suriname."

⁵⁴¹⁹ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 6.1.

⁵⁴²⁰ Clive Pegus, A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform, ILO Subregional Office for the Caribbean, June 2005, 25, 27. See also U.S. Embassy- Paramaribo, reporting, March 17, 2011, 2.2.

⁵⁴²¹ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 2.3.

⁵⁴²² Pegus, A Review of Child Labour Laws of Suriname, 27.

⁵⁴²³ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Suriname (ratification: 2006) Submitted: 2010, August 10, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25337&chapter=9&query=Suriname%40ref&highlight=&querytype=bool&context=0>.

⁵⁴²⁴ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 2.3.

⁵⁴²⁵ Government of Suriname, 1987 Constitution with Reforms of 1992, (1992), article 15; available from <http://www.georgetown.edu/pdba/Constitutions/Suriname/english.html>.

⁵⁴²⁶ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 2.4. See also Pegus, A Review of Child Labour Laws of Suriname, 29.

⁵⁴²⁷ U.S. Embassy- Paramaribo, reporting, March 8, 2011. See also Pegus, A Review of Child Labour Laws of Suriname, 29.

⁵⁴²⁸ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 2.4b. See also Coalition to Stop the Use of Child Soldiers, "Suriname," in Child Soldiers Global Report 2008, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁴²⁹ Government of Suriname, Constitution, article 39.

⁵⁴³⁰ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 2.2.

⁵⁴³¹ Ibid.

⁵⁴³² U.S. Department of State, "Country Reports- 2010: Suriname," section 7d. See also U.S. Embassy- Paramaribo, reporting, March 17, 2011, 3.

⁵⁴³³ U.S. Department of State, "Country Reports- 2010: Suriname," section 7d.

⁵⁴³⁴ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 4.2. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Suriname."

⁵⁴³⁵ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 4.2, 5.2. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Suriname."

⁵⁴³⁶ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 4.2.

⁵⁴³⁷ Ibid., 4.3. See also U.S. Embassy- Paramaribo, reporting, February 19, 2010.

⁵⁴³⁸ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 4.3.

⁵⁴³⁹ Ibid., 4.2.

⁵⁴⁴⁰ Ibid.

⁵⁴⁴¹ Ibid.

⁵⁴⁴² U.S. Department of State, "Trafficking in Persons Report- 2010: Suriname." See also U.S. Embassy- Paramaribo, reporting, February 19, 2010.

⁵⁴⁴³ U.S. Embassy- Paramaribo, reporting, February 19, 2010.

⁵⁴⁴⁴ Ibid.

⁵⁴⁴⁵ ILO Committee of Experts, Individual Direct Request C182: Suriname (2010).

⁵⁴⁴⁶ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 5.6, 5.10.

⁵⁴⁴⁷ Ibid., 3.

⁵⁴⁴⁸ Ibid., 7.1.

⁵⁴⁴⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Suriname.”

⁵⁴⁵⁰ U.S. Embassy- Paramaribo, reporting, March 8, 2011.

⁵⁴⁵¹ U.S. Department of State, “Country Reports- 2010: Suriname,” section 6. See also U.S. Embassy- Paramaribo, reporting, February 19, 2010.

⁵⁴⁵² U.S. Embassy- Paramaribo, reporting, March 8, 2011.

⁵⁴⁵³ U.S. Embassy- Paramaribo, reporting, March 17, 2011, 1.2.

⁵⁴⁵⁴ Inter-American Development Bank, Program for Improving Basic Education, Project Profile, March 11, 2010; available from <http://www.iadb.org/projects/project.cfm?id=SU-L1019&lang=en>.

Swaziland

The Government of Swaziland strengthened its enforcement mechanism and policy framework through the establishment of the Human Trafficking Task Force and the Strategy and Action Program on the Elimination of Child Labor. However, gaps still exist in the country's child labor laws, and the integration of child labor into its existing social programs is limited. Children continue to engage in work in agriculture and livestock herding.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.6*
Attending School	5-14 yrs	74.3
Combining Work and School	7-14 yrs	8.1

* Population of working children: 27,102



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Swaziland,⁵⁴⁵⁵ many of them working in agriculture and livestock herding. Children are employed to pick cotton and harvest sugarcane. Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides and herbicides.⁵⁴⁵⁶ Although information about the worst forms of child labor in Swaziland is limited, reports indicate that in addition to agriculture, working children are primarily engaged in herding in remote locations and domestic service.⁵⁴⁵⁷ Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.⁵⁴⁵⁸

Children also work as porters, transporting heavy loads in self-made carts, and as bus attendants and taxi conductors, collecting fees and calling out routes while climbing in and out of moving vehicles.⁵⁴⁵⁹ Children working on the streets may be exposed to multiple dangers including severe weather, vehicle accidents, and criminal

elements.⁵⁴⁶⁰ Children also work 14-hour days in textile factories.⁵⁴⁶¹

Children are used for illicit activities and commercial sexual exploitation, including to commit crimes and to distribute alcohol in liquor outlets, where they are exposed to sexual harassment.⁵⁴⁶² Reports suggest that children may also grow, manufacture and sell drugs and may engage in commercial sexual exploitation at truck stops, bars and brothels.⁵⁴⁶³ Swazi boys, as well as boys who migrate from Mozambique to Swaziland, work in commercial agriculture, market vending, herding and portering. Some of these boys subsequently become victims of forced labor, as their employers reportedly do not allow them to leave.⁵⁴⁶⁴

Anecdotal evidence suggests that Swaziland is a source, destination and transit country for child trafficking for the purposes of domestic servitude, sexual exploitation and forced labor in agriculture.⁵⁴⁶⁵ Swazi girls are trafficked internally into the cities of Mbabame and Manzini and internationally to South Africa and Mozambique

for domestic service and commercial sexual exploitation.⁵⁴⁶⁶

While primary education is free, parents are expected to contribute to the costs of education through payment of fees or building funds for the construction of schools.⁵⁴⁶⁷ Inability to make these contributions may serve as a barrier to education.

Swaziland has one of the world’s highest HIV/ AIDS prevalence rates, affecting almost a quarter of the population. As a result, there are over 100,000 orphans who are at risk of entering into the worst forms of child labor.⁵⁴⁶⁸

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act of 1980 sets the minimum age for employment in industrial undertakings at 15, but it does not set a minimum age for other sectors. As most working children in Swaziland are not employed in industrial undertakings, many are therefore left unprotected by the law.⁵⁴⁶⁹ The law distinguishes between a child—under age 15—and a young person—between ages 15 and 18.⁵⁴⁷⁰ A child may not work more than four hours continuously or six hours a day. The employment of a child or young person is prohibited in places mainly used for the sale and consumption of alcohol, places where their morals may be impaired, underground or in dangerous or unhealthy places.⁵⁴⁷¹ Despite the above protections, the Employment Act does not include children in contract work, leaving children who work in agriculture and as domestic servants unprotected by the law. Further, the Employment Act does not specify the types of work considered to be hazardous or the worst forms of child labor.⁵⁴⁷²

Children are required to attend school until age 12.⁵⁴⁷³ This standard makes children ages 12 to 15 particularly vulnerable to the worst forms of child labor, as they are not required to be in school and are below the minimum age for work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	12
	Free Public Education	Yes

The Crimes Act criminalizes prostitution. The draft Sexual Offenses and Domestic Violence bill aims to specifically prohibit child prostitution and to provide more stringent penalties; however, the bill has yet to be enacted.⁵⁴⁷⁴ The General Pornography Act prohibits pornography.⁵⁴⁷⁵ Laws in Swaziland do not appear to prohibit the use, procuring or offering of a child for illicit activities.⁵⁴⁷⁶

The Trafficking and People Smuggling (Prohibition) Act criminalizes trafficking, covering both internal and international forms of trafficking and providing penalties for violators, including up to 25 years’ imprisonment for the trafficking of children for any purpose.⁵⁴⁷⁷ The Act also has provisions for victim compensation through the surrender of convicted offenders’ moveable property.⁵⁴⁷⁸

The Constitution prohibits slavery and forced labor, but under the Swazi Administration Order No. 6 of 1998, the Government may demand compulsory work from its citizens for cultivation,

road construction and anti-soil erosion works, with stringent penalties for noncompliance. It is unclear whether children are engaged in Government-sponsored compulsory work.⁵⁴⁷⁹ The Umbutfo Swaziland Defense Force Act sets the minimum age for conscription and voluntary recruitment into the military at 18.⁵⁴⁸⁰

Institutional Mechanisms for Coordination and Enforcement

The Program Advisory Committee on Child Labor (PACC) is charged with developing a national policy to address the worst forms of child labor, with the Ministry of Enterprise and Employment as its Secretariat. No information on PACC's activities during the reporting period is available.⁵⁴⁸¹ Community-based child labor committees are responsible for coordinating and monitoring activities to combat child labor at the local level.⁵⁴⁸²

The Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling, established by the Prime Minister, coordinates the implementation of the recent trafficking legislation and includes representatives from multiple government and law enforcement agencies, including UNICEF, UNDP and NGOs. The Task Force held human trafficking workshops during the reporting period.⁵⁴⁸³ No information is available on the Task Force's efforts to develop a national plan of action and operating procedures. The Task Force is to meet regularly and provide quarterly reports to the Prime Minister's office.⁵⁴⁸⁴ No information on whether these meetings have taken place is available.

The Ministry of Enterprise and Employment, the Department of Social Welfare under the Deputy Prime Minister's Office and the police are the federal agencies designated to enforce child labor laws.⁵⁴⁸⁵ It is unknown how many labor inspectors are responsible for the enforcement of labor laws, including those related to child labor,

or if they receive training. However, child labor issues are included on the routine labor inspection questionnaire.⁵⁴⁸⁶ While complaints regarding child labor can be made to the abovementioned entities, reports indicate that there are no records regarding child labor complaints.⁵⁴⁸⁷ In addition, at the time of reporting, the Government did not conduct investigations into child labor violations.⁵⁴⁸⁸

Within the Royal Swaziland Police Service, the Domestic Violence, Child Protection and Sexual Offenses Unit is responsible for the enforcement of criminal laws relating to the worst forms of child labor, including trafficking.⁵⁴⁸⁹ No specific child labor inspections took place in 2010, and no information is available on funding and training for these enforcement agencies.⁵⁴⁹⁰

No trafficking prosecutions were made during the reporting period; however, trafficking cases involving minors were investigated, and two arrests were made. No information is available on funding and training for these enforcement agencies.⁵⁴⁹¹ The Government also established a Sexual Offenses Unit to combat sexual violence against children and women and to provide services to victims.⁵⁴⁹²

Government Policies on the Worst Forms of Child Labor

The Strategy and Action Program on the Elimination of Child Labor (2008) in Swaziland serves as the primary policy framework for the prevention and elimination of child labor.⁵⁴⁹³ This plan aims to eradicate the worst forms of child labor by 2015 and includes specific roles for the Ministry of Education and the Ministry of Enterprise and Employment to ensure its implementation in national institutions.⁵⁴⁹⁴ Though it plans to conduct a Labor Force Survey, the Government has not made it a policy to collect data on the worst forms of child labor.⁵⁴⁹⁵

The Government integrated child labor concerns into its National Plan of Action for Orphans and Vulnerable Children (OVC) (2006-2010), which provides children in this population with counseling, psychosocial support, access to shelter and protection from exploitation, including trafficking. The plan also supports OVCs' enrollment in school.⁵⁴⁹⁶

Swaziland has a National Policy on Children (2009), a National Social Development Policy (2009), an Education Plan and a National Development Strategy; however, the question of whether these policies have an impact on child labor does not appear to have been addressed.⁵⁴⁹⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government launched its Red Light 2010 Campaign to combat the trafficking and sexual exploitation of children leading up to and during the FIFA 2010 World Cup.⁵⁴⁹⁸ In addition, the Swaziland Action Group Against Abuse, in partnership with World Hope South Africa, began a series of workshops throughout Swaziland

to educate people on human trafficking and preventative measures.⁵⁴⁹⁹

In 2010, the Government launched a program to provide free primary education to all children for those in first through third grade.⁵⁵⁰⁰ During the reporting period, the government instituted a shoe and clothing collection campaign for poor school children.⁵⁵⁰¹ The Government also provides free textbooks to primary school students, supports school feeding programs and exempts OVCs from payment of school fees and pays these fees on their behalf.⁵⁵⁰² Late payment or nonpayment of school fees by the Government may impact students' ability to remain enrolled in school.⁵⁵⁰³

The Government works with WFP on Protracted Relief and Recovery Operations, targeting vulnerable children and providing school feeding and improved access to education for OVCs.⁵⁵⁰⁴

Despite the initiatives described here, the Government has not implemented social protection programs specifically targeting the elimination of the worst forms of child labor in agriculture, herding, domestic service or other sectors where children work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Swaziland:

IN THE AREA OF LAW AND REGULATIONS:

- Amend the Employment Act to prohibit the worst forms of child labor, include a list of hazardous occupations and extend its protections to children working under contracts and in nonindustrial undertakings.
- Raise the compulsory education age to 15.
- Enact the Sexual Offenses and Domestic Violence Bill to further protect children from commercial sexual exploitation and prostitution.
- Enact legislation to prohibit the use, procuring or offering of a child for illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that children are not engaged in government-sponsored compulsory work permitted by Order No. 6 of 1998.
- Report the activities of PACC and the Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling.
- Strengthen measures to investigate, prosecute and convict individuals involved in the worst forms of child labor, which includes:
 - Developing a system to record child labor complaints.
 - Ensuring adequate training for law enforcement officers, judges and prosecutors on child labor laws and the newly enacted Trafficking and People Smuggling Prohibition Act.

IN THE AREA OF GOVERNMENT POLICY ON CHILD LABOR:

- Assess current government social policies and their impact on child labor.
- Increase efforts to provide free and compulsory education, including expanding free primary education for children beyond third grade.
- Continue efforts under the OVC plan and extend activities to serve vulnerable children engaged in child labor.
- Collect data on the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Expand and improve programs to combat the worst forms of child labor, which includes:
 - Developing social protection programs for the elimination of child labor in agriculture, herding and domestic service.
 - Integrating a child labor component into existing social programs to support vulnerable children.

⁵⁴⁵⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁵⁴⁵⁷ U.S. Embassy- Mbabane, reporting, January 20, 2009, paras e-f. See also U.S. Embassy- Mbabane, reporting, February 23, 2010, section 3a. See also U.S. Embassy- Mbabane, reporting, February 3, 2010, section 2a. See also U.S. Department of State, "Swaziland," in Country Reports on Human Rights Practices- 2009, Washington, DC, March 11, 2010, section 7d.; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135979.htm>. See also International Trade Union Confederation, Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland, Geneva, November 4-6, 2009, 20; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf. See also U.S. Embassy- Mbabane, reporting, January 27, 2011, para 5.

⁵⁴⁵⁸ U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d. See also U.S. Embassy- Mbabane, reporting, February 3, 2010, section 2a.

⁵⁴⁵⁹ ILO-IPEC, TECL Paper 12, 5-7. See also U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d.

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⁵⁴⁶⁴ U.S. Department of State, "Swaziland," in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/category,COI,,,SWZ,4c1883c323,0.html>. See also International Trade Union Confederation, Internationally Recognized Core Labour Standards, 22. See also U.S. Embassy- Mbabane, reporting, February 23, 2010, section 3b.

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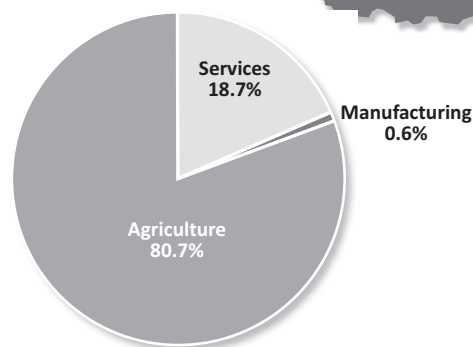
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Tanzania

The Government of the United Republic of Tanzania prepared its Plan of Action to Combat Commercial Sexual Exploitation of Children, enacted the Anti-Trafficking Law, and implemented a number of policies and programs to support children and families impacted by the worst forms of child labor. However, funding for these efforts is limited and enforcement remains weak. Exploitative child labor continues in agriculture and fishing.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	27.9
Attending School	5-14 yrs.	75.4
Combining Work and School	7-14 yrs	24.2



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵⁵⁰⁵

The United Republic of Tanzania (Tanzania) includes Mainland Tanzania and the semi-autonomous archipelago of Zanzibar.⁵⁵⁰⁶ Children in Tanzania are engaged in the worst forms of child labor, including in agriculture and fishing. In Mainland Tanzania, children work in the cultivation of coffee, sisal, tea, timber, and tobacco and in Zanzibar, they work in the production of cloves. These children work with dangerous tools, are exposed to pesticides and chemical fertilizers, and carry heavy loads.⁵⁵⁰⁷ Reportedly, children are also involved in the production of cashews, rice, seaweed and sugarcane.⁵⁵⁰⁸ Children in Tanzania are engaged in fishing, including for Nile perch, in which they are exposed to risks of injury by being entangled in nets and using sharp tools to clean fish. Children in fishing camps are also susceptible to sexual exploitation.⁵⁵⁰⁹

Children in Tanzania work in artisanal mines and stone quarries, including in the production of tanzanite, in which they crush stones with dangerous tools and carry heavy loads. Some engage in sex work in mining camps.⁵⁵¹⁰ Children in Zanzibar are reportedly involved in making gravel.⁵⁵¹¹






Girls are commonly employed as domestic servants, sometimes by force.⁵⁵¹² Domestic servants are known to work long hours and may be sexually abused. Girls who flee abusive households may be exploited as prostitutes.⁵⁵¹³

In urban areas, children are exposed to injuries scavenging for scrap metal and other items to sell.⁵⁵¹⁴ In Zanzibar, children work in the tourism industry, as guides and street vendors, sometimes for long hours. Girls, including those employed as cleaners in tourist hotels, have been exploited through prostitution.⁵⁵¹⁵

Trafficking for forced labor and commercial sexual exploitation is a problem in Tanzania. Poor rural children in particular are trafficked internally for forced labor and commercial sexual exploitation.⁵⁵¹⁶ Some Tanzanian girls are coerced into prostitution in tourist areas and forced into domestic work.⁵⁵¹⁷

Laws and Regulations on the Worst Forms of Child Labor

The Constitution stipulates which laws in Tanzania apply to the entire United Republic; however, labor laws are not among them. Therefore, Mainland Tanzania and Zanzibar have separate legal regimes governing child labor.⁵⁵¹⁸ Mainland Tanzania is subject to the Employment and Labor Relations Act No. 6 2004, which prohibits the employment

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

of children younger than age 14, except in the case of light work, and prohibits children younger than age 18 from working in dangerous environments. The law also establishes criminal penalties for anyone using illegal child labor or forced labor.⁵⁵¹⁹ The Government maintains a list of the worst forms of child labor, which was updated during

the reporting period but has yet to be finalized and officially published.⁵⁵²⁰ While Mainland Tanzania has a strong legal framework, the Employment and Labor Relations Act does not apply to individual members of the Tanzanian Peoples Defense Forces, the Police Force, the Prisons Service, and the National Service.⁵⁵²¹

The Sexual Offences and Provisions Act 1998 includes penalties for procuring a child younger than age 18 for sexual abuse, for indecent exhibition, or for sexual intercourse.⁵⁵²² The Penal Code also punishes those knowingly living off the earnings of prostitution.⁵⁵²³

The Child Act 2009 harmonizes all mainland laws pertaining to children.⁵⁵²⁴ The law prohibits the employment of children in exploitative labor in the formal and informal sectors and prohibits forced child labor, children working in hazardous work, and the sexual exploitation of children.⁵⁵²⁵ The act includes a list of hazardous activities from which children in Mainland Tanzania are prohibited.

There is no law similar to the Child Act to protect children in Zanzibar.⁵⁵²⁶ The Zanzibar Employment Act No 11 prohibits child labor, including the worst forms of child labor. However, the Employment Act does not include a list of hazardous work prohibited to children.⁵⁵²⁷ The Penal Code of Zanzibar reportedly includes provisions relating to the worst forms of child labor, and the Zanzibar Guidelines Against Child Labor defines both child labor and hazardous work.⁵⁵²⁸ However, research did not determine the content of these guidelines or the comprehensiveness of such definitions.

In addition to the Mainland Tanzania and Zanzibar legal frameworks on child labor, some districts have incorporated restrictions against child labor into their individual by-laws.⁵⁵²⁹

The Anti-Trafficking in Persons Act 2008 is applicable to both Mainland Tanzania and

Zanzibar.⁵⁵³⁰ The law covers all aspects of trafficking in persons and considers trafficking of children to be “severe trafficking,” a criminal offense with heavier penalties.⁵⁵³¹ Military recruitment of children younger than age 18 years is prohibited by law, though children ages 16 and 17 may volunteer with parental consent.⁵⁵³²

Institutional Mechanisms for Monitoring and Enforcement

The Prime Minister’s Office Regional Administration and Local Government (PMORALG) is the chair of the National Intersectoral Committee on Child Labor. With representation from various government ministries and NGOs the committee coordinates action to bring attention to child labor issues and is committed to strengthening local structures to eliminate child labor.⁵⁵³³ District-level entities also report on the prevalence of working children and current village and district-level child labor interventions to the PMORALG; however regional governments are not involved. The committee did not implement any activities to strengthen local structures during the reporting period.⁵⁵³⁴

In Mainland Tanzania, the Ministry of Labor, Employment, and Youth Development is responsible for the enforcement of child labor laws.⁵⁵³⁵ As the lead agency on child labor issues, the Ministry of Labor works closely with the Ministry of Community Development, Women, and Children, the Ministry of Home Affairs, the Ministry of Education, the Ministry of Agriculture, and the Ministry of Health and Social Welfare, as well as the PMORALG.⁵⁵³⁶ The Ministry of Labor maintains a separate Child Labor Unit. During the reporting period the unit had three staff members and a budget of \$32,000.⁵⁵³⁷

The Ministry of Labor has a total of 90 labor officers in Tanzania.⁵⁵³⁸ Their training includes a child labor component. Each region also has one or more labor officers responsible for enforcing labor laws, including those related to child labor.

There are no labor officers at the district level.⁵⁵³⁹ The Ministry of Community Development, Gender and Children and the Ministry of Health and Social Welfare are responsible for the district government-employed community development officers and social welfare officers who monitor child labor at the district and village levels and report findings to the PMORALG.⁵⁵⁴⁰

Zanzibar’s Ministry of Labor, Youth and Women, which was responsible for enforcing the archipelago’s child labor laws, was restructured and renamed during the reporting period.⁵⁵⁴¹ It is not clear whether the newly formed Ministry of Labor, Economic Empowerment and Cooperatives will remain the lead ministry for the enforcement of child labor.⁵⁵⁴² The Labor Commission, under the Ministry of Labor, is responsible for matters related to labor inspections.⁵⁵⁴³ The Ministry of Social Welfare and Youth Development in Zanzibar is responsible for all child protection issues and created a separate Child Protection Unit.⁵⁵⁴⁴

Throughout Tanzania, at the district and community level, child labor committees identify and monitor children engaged in exploitative child labor.⁵⁵⁴⁵ Child labor cases are usually resolved by district courts, and children engaged in exploitative labor are referred to social welfare officers for services and support. While district courts have jurisdiction over child labor cases, the Commission for Mediation and Arbitration responsible for other types of labor violations, can also mediate and arbitrate child labor law violations that have been reported to them or can send them to district courts.⁵⁵⁴⁶ The distance and cost of traveling to district courts may deter rural inhabitants from taking complaints to them.⁵⁵⁴⁷ The police investigate cases of child labor reported to police stations, and in some cases, refer them to labor officers or solicit the assistance of social welfare officers.⁵⁵⁴⁸ The Mainland Child Labor Unit received one child labor complaint during the reporting period.⁵⁵⁴⁹ However, no data was available on the number of child labor cases, violations or prosecutions in 2010.⁵⁵⁵⁰

The Inter-Ministerial Committee on Human Trafficking, headed by the Ministry of Health and Social Welfare, advocates for the implementation of the Anti-Trafficking Act. The committee met twice during the reporting period.⁵⁵⁵¹ Tanzania's Anti-Trafficking Law includes provisions to establish an Anti-Trafficking Committee responsible for promoting, defining and coordinating policy to prevent trafficking.⁵⁵⁵² Research found no information on whether this committee will replace the Inter-Ministerial Committee on Human Trafficking.⁵⁵⁵³

The Interpol Office of Transnational Crimes within the police force includes the position of an officer responsible for trafficking. The police also have an independent trafficking desk.⁵⁵⁵⁴ Despite these positions, there are no budgets allocated for activities to support anti-trafficking efforts.⁵⁵⁵⁵ Trafficking cases, including those related to child trafficking, can be reported through Interpol and NGO hotlines. Prosecutors and police received limited training on trafficking and providing assistance to victims' assistance.⁵⁵⁵⁶ The Ministry of Labor and the Ministry of Home Affairs are responsible for the enforcement of trafficking. No information is available on the total number of prosecutions related to child trafficking. However, there was a report of one man prosecuted, convicted and sentenced to 12 years in jail for child trafficking in Mainland Tanzania.⁵⁵⁵⁷

Government Policies on the Worst Forms of Child Labor

The National Action Plan for the Elimination of Child Labor for Mainland Tanzania (2009) highlights key stakeholders and ministries responsible for child labor interventions and proposes strategies including poverty alleviation, capacity building for enforcement and protection mechanisms and monitoring and evaluation to combat the worst forms of child labor.⁵⁵⁵⁸ Zanzibar also has a National Action Plan for the Elimination of Child Labor (2009), which gives authority to the Zanzibar Child Labor Steering Committee, chaired by the Permanent Secretary of the Chief

Minister's Office and composed of key officials from various implementing agencies responsible for child labor, to provide policy guidance for the national action plan. The National Steering Committee exchanges information with the National Intersectoral Coordinating Committee in Mainland Tanzania.⁵⁵⁵⁹ District labor officers oversee the implementation of the national action plans in individual districts in Mainland Tanzania and Zanzibar, in partnership with education officers, social welfare officers, and women and child welfare officers.⁵⁵⁶⁰

In addition to child labor specific policies, the National Strategy for Growth and Reduction of Poverty (NSGRP) 2005-2010 mentions child labor and considers child laborers among the most vulnerable populations.⁵⁵⁶¹ The policy commits the government to: reduce the percentage of children engaged in child labor to less than 10 percent by 2010 link former child laborers to educational alternatives and increase primary school enrollment, attendance and completion for child laborers and other vulnerable children.⁵⁵⁶² Research did not find information on the Government's achievements towards these indicators. The NSGRP II, finalized in July 2010, does not explicitly mention child labor, including in the agriculture and fishing sectors, in which there is a high prevalence of working children.⁵⁵⁶³ The policy, however, does contain provisions for improving illiteracy rates and low participation of out-of-school children, promoting children's rights, and providing social protection interventions to assist vulnerable populations, which may include families of working children.⁵⁵⁶⁴ The second Zanzibar Strategy for Growth and Poverty Reduction, published in October 2010, includes a number of specific activities to reduce child labor, including providing support for the rehabilitation and re-integration of children withdrawn from child labor into the education system, building capacity of district officials and civil society to adapt simple versions of child labor educational materials, formulating child labor by-laws, supporting

long-term economic interventions in support of households with children engaged in and at-risk of engaging in child labor, and strengthening the system for inspection and enforcement of child labor laws.⁵⁵⁶⁵ There is no information on whether these activities have been budgeted or implemented. These poverty reduction plans contribute to the Government of Tanzania's National Development Vision of 2025.⁵⁵⁶⁶

The Primary Education Development Plan (PEDP) and the PRSP eliminated school fees in Tanzania.⁵⁵⁶⁷ However, students or their parents were required to contribute money to cover school building projects and the school feeding programs as well as the construction of classrooms and provision of teachers' houses.⁵⁵⁶⁸ These requirements increase the risk of children's involvement in the worst forms of child labor.

The Ministry of Community Development, Gender and Children prepared the Plan of Action to Combat Commercial Sexual Exploitation of Children in 2010.⁵⁵⁶⁹ Research found no information on the status of this plan of action.

A number of other Government policies target child labor, including the National Costed Plan of Action for Most Vulnerable Children 2007-2010, which includes child laborers among its most vulnerable children; the National Employment Policy 2007, which requires the Government and partners to provide child labor guidelines and programs; the United Republic of Tanzania Child Development Policy, which has a goal of eliminating the worst forms of child labor; the Zanzibar Child Protection Policy, which supports the Government's commitment to the Convention on the Rights of the Child; and the National Social Protection Framework, which identifies child labor as a coping mechanism for families with economic risks and proposes strategies to improve sustainable livelihoods.⁵⁵⁷⁰

The Government has focused on training as a means to address child labor and developed a number of policies and institutions to support

this effort, including the Zanzibar Vocational Education and Training Policy (2005), which provides government and private job training and preparation to youth; a Ministry of Education-managed alternative education program, which assists adults and children who have dropped out of school; the Mainland Tanzania Complimentary Basic Education and Training (COBET) program, which targets child laborers and provides child labor components in its curricula; and the Vocational Education and Training Authority, which provides skills and entrepreneurship training to rural populations and incorporates child labor targets.⁵⁵⁷⁰ Tanzania's Secondary Education Development Programme (SEDP) and the PEDP also contributed to increased enrollments in schools.⁵⁵⁷¹ The question of whether these programs had an impact on child labor has not been addressed.

Children involved in or at risk of becoming involved in child labor are identified by the Most Vulnerable Children Committees, which operate at the ward and village levels.⁵⁵⁷² The Ministry of Labor also established child labor committees in some districts, which work in coordination with USDOL-funded projects.⁵⁵⁷³ Districts are guided by the District Framework for Interventions on Child Labor in Tanzania, which outlines a strategic approach in district-based action against child labor.⁵⁵⁷⁴ Districts integrate child labor into individual district development plans and budgets, and many do this by promoting of enrollment and retention in basic education and targeting vulnerable households in poverty reduction initiatives.⁵⁵⁷⁵ Some districts have included child labor in their annual budgeting and planning process, with a focus on the employment sectors prevalent in particular districts.⁵⁵⁷⁶

The Government prioritized data collection, both through the Integrated Labor Force Survey, 2006 and the Zanzibar Labor Force Survey to identify child laborers and specify economic activities in which children participate, including the hazards facing these children.⁵⁵⁷⁷ In collaboration with

UCW the Government conducted a preliminary analysis of the situation of children and youth.⁵⁵⁷⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

A \$5.6 million, USDOL-funded project, which ended in November 2010 withdrew and prevented 10,596 children from the worst forms of child labor in agriculture. The Government supported the monitoring of schools and worksites, classroom inspections, payment to COBET teachers in selected districts, provision of agricultural inputs to project beneficiaries, awareness-raising television advertisements, and in-kind contributions, including office space.⁵⁵⁷⁹ The Government actively participated in a sustainability conference held by the project to develop six resolutions related to child protection and the worst forms of child labor and to ensure that project activities could be sustained beyond the life of the project.⁵⁵⁸⁰ The Government also adopted the Strategy for Vocational Skills Development with project support.⁵⁵⁸¹ Child labor has also been prioritized in Tanzania's Decent Work Country Program assisted by ILO.⁵⁵⁸² USDOL is currently funding a \$1.71 million project, "Strengthening Labor Law Compliance", which supports the labor inspection component of ILO's child labor projects.⁵⁵⁸³

The Government of Tanzania issued a nationwide circular encouraging the establishment of

feeding programs in all government schools.⁵⁵⁸⁴ No funding was available, however, to assist districts in implementing this new government initiative.⁵⁵⁸⁵

The Ministry of Labor piloted a child labor monitoring system with the National Orphans and Vulnerable Children Database in three districts in Tanzania. No information was available on the use of this monitoring system.⁵⁵⁸⁶

The Government has promoted nationwide enrollment in basic education, which involves community mobilization and increased budgetary allocations to ensure that enrollment covers children from poor, vulnerable families.⁵⁵⁸⁷ The National Empowerment Fund supports poverty reduction efforts at the region and district levels, channeled through financial institutions in the rural areas. The Tanzania Social Action Fund provides funding grants and a conditional cash transfer program to vulnerable populations, including children.⁵⁵⁸⁸ The question of whether the Government's basic education program and National Empowerment Fund have an impact on the worst forms of child labor does not appear to have been addressed.

The Government of Tanzania currently contributes the majority of budgetary funds for the East African Regional Training Academy for immigration officials, which provides instruction in anti-trafficking.⁵⁵⁹⁰

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tanzania:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure protections for children in Zanzibar’s laws comparable to those outlined in the Child Act, which only applies to Mainland Tanzania.
- Update the Employment and Labor Relations Act to include members of the Tanzanian Peoples Defense Forces, the Police Force, the Prisons Service and the National Service, which are currently not bound by any provisions in the law, including those on child labor.
- Establish a list of hazardous work and hazardous activities prohibited for children in Zanzibar.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide funding to the Child Labor Unit for field visits, educational activities, or district-level child labor interventions.
- Clarify which ministry is responsible for coordinating and enforcing child labor laws in Zanzibar.
- Publically make available information on child trafficking violations and prosecutions in Mainland Tanzania and in Zanzibar.
- Increase funding for labor officers and ensure that labor inspectors receive training and resources to conduct inspections focused on child labor.
- Increase the number of child labor cases tried through the justice system in district courts or resolved through the Commission for Mediation and Arbitration. Provide legal aid, transportation or other assistance to help poor families access district courts.

IN THE AREA OF POLICY:

- Integrate concrete actions to support the elimination of child labor into the NSGRP II for Mainland Tanzania.
- Ensure that child labor activities in the Zanzibar Strategy for Growth and Poverty Reduction are budgeted.
- Implement the Plan of Action to Combat Commercial Sexual Exploitation of Children.
- Assess the impact of all relevant policies on the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Develop concrete programs building on past USDOL-funded projects to support, withdraw and prevent children engaged in hazardous labor, especially in agriculture and fishing.
- Expand the pilot child labor monitoring system to all districts in Tanzania. Ensure that all labor inspectors have access to this data and share with police, teachers and other actors to strengthen monitoring and enforcement of child labor laws.
- Implement school feeding programs in all government schools and provide grants to support families unable to afford associated costs of education.
- Assess the impact that the Government’s basic education program and National Empowerment Fund have on addressing the worst forms of child labor.

⁵⁵⁰⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁵⁵⁰⁹ USDOL, Trip Report of Site Visit by U.S. Department of Labor Officials to Tanzania: May 15-28, Washington, DC, May 2010, 3, 4. See also Government of Tanzania, Key Findings on Child Labour in Tanzania: Based on the Analysis of Findings of the Integrated Labour Force Survey, 2006, Dar es Salaam, January 2009, 10, 13. See also Revolutionary Government of Zanzibar- Ministry of Labour, Youth, and Women and Children Development, National Action Plan for the Elimination of Child Labour, 3. See also Government of Tanzania- Ministry of Labour, Employment, and Youth Development, Review on Enforcement of Child Labour Legislation, 35. See also Basic Education Coalition, "Too Much Work, Too Little School." See also ILO-IPEC, Support for the Time-Bound Programme on the Worst Forms of Child Labour in Tanzania- Phase II, Project Document, Geneva, September 2005, 3. See also USDOL, List of Goods Produced by Child Labor or Forced Labor 2010 Report Required by the Trafficking Victims Protection Reauthorization Act (Sources), Washington, DC, May 2010, 16.

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⁵⁵⁸³ Association of Tanzania Employers, *Code of Practice for Employers on Child Labour in Commercial Agriculture*, Washington, DC, n.d., 7. See also ILO-IPEC, *Support for the Timebound Program, Technical Progress Report (March 2010)*. See also ILO, *Decent Work Country Programme: Tanzania*, Geneva, August 2006, 11, 12; available from <http://www.ilo.org/public/english/bureau/program/dwcp/download/tanzania.pdf>.

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Thailand

The Government of Thailand approved the five-year anti-trafficking policy for 2011-2016 and began participating in a four-year child labor project in shrimp and seafood processing. However, the Government has not yet updated its list of hazardous child labor occupations and working conditions or finalized its ministerial regulations on fishing and domestic workers. Children continue to be engaged in the worst forms of child labor in agriculture as well as in the shrimp and seafood processing industries.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.0
Attending School	5-14 yrs.	96.3
Combining Work and School	7-14 yrs	14.4



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Thailand are engaged in the worst forms of child labor,⁵⁵⁹¹ including in agriculture⁵⁵⁹² and the shrimp and seafood processing industries.⁵⁵⁹³ Children in agriculture help to produce sugarcane. Children reportedly work in the production of cassava, corn and rice and in harvesting seeds.⁵⁵⁹⁴ These children are often exposed to long working hours, the use of dangerous tools and pesticides.

Children, mostly boys, work in fishing and are subject to physical abuse and harsh working conditions. They carry heavy loads, work without safety equipment, work long hours and earn below minimum wage.⁵⁵⁹⁵ Children process fish and seafood, including shrimp, and are subject to long and late hours; foul smelling, dangerous, dirty and damp working conditions; and a lack of safety equipment.⁵⁵⁹⁶

Children also work at gas stations, entertainment venues, markets and restaurants.⁵⁵⁹⁷ They are exposed to excessive working hours, night work and high levels of noise, dust and smoke.⁵⁵⁹⁸

Children, primarily girls, work in domestic service, which may result in excessive work hours, physical and sexual abuse from their employers and the inability to leave their employer's home.⁵⁵⁹⁹ Children also work in manufacturing, including garment production.⁵⁶⁰⁰ These children are mostly found in factories along the Burmese border. They work long hours and operate dangerous machines.⁵⁶⁰¹ In urban areas, street children sell and beg.⁵⁶⁰² Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements. Children are reportedly working in construction.⁵⁶⁰³

Children in Thailand are exploited in prostitution and pornography.⁵⁶⁰⁴ Children from Burma, Cambodia, China, Laos and Vietnam are trafficked

to Thailand for commercial sexual exploitation.⁵⁶⁰⁵ Children are also trafficked into Bangkok or other urban areas to sell and beg and to work as domestic workers.⁵⁶⁰⁶

Ethnic minority, stateless and migrant children are most at risk of engaging in the worst forms of child labor, particularly in the informal sector.⁵⁶⁰⁷ Migrant children may be subjected to forced labor in agriculture, garment factories, shrimp and seafood processing, deep-sea fishing and domestic service.⁵⁶⁰⁸ Migrant children also sell items on the street or beg, which leaves them vulnerable to exploitation.⁵⁶⁰⁹


Thailand continues to experience an ethno-nationalist separatist insurgency based in the three southernmost provinces, which have a majority Malay-Muslim population. Children, teachers and other education personnel have been killed or wounded in the conflict, which has forced the intermittent closure of schools in this region.⁵⁶¹⁰ NGOs have reported that insurgents have trained and used children in the armed conflict.⁵⁶¹¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Protection Act (LPA) sets the minimum age for employment at 15 and the minimum age for hazardous employment at 18.⁵⁶¹²

The Ministerial Regulation for the Protection of Workers in the Agricultural Sector permits children ages 12 to 15 to engage in work during school vacation, work that is not hazardous and light work in agriculture provided that children receive parental permission.⁵⁶¹³ The minimum age for children working in sea fishing is 16. However, children between ages 15 and 16 may undertake this work with parental consent or engage in this work if a parent is aboard the same fishing vessel.⁵⁶¹⁴ The LPA protections for child workers do not apply to child domestic workers. Therefore, there are no requirements for minimum age, hours worked or occupational health and safety.⁵⁶¹⁵ The LPA permits the Government to create separate

ministerial regulations for home work. The Ministry of Labor (MOL) is currently drafting the Ministerial Regulation on Labor and Welfare Protection for Domestic Workers in Non-Business Establishments. These regulations would further protect workers by specifying weekly and annual holidays.⁵⁶¹⁶ However, regulations have not been completed, leaving child domestics less protected.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The LPA outlines hazardous working conditions prohibited for children including work which involves chemicals and heavy equipment. The LPA prescribes penalties for employing children under such conditions.⁵⁶¹⁷ The Child Protection Act prohibits the employment of children in work that might cause them physical or mental harm or hinder their development. It also prohibits the use of children in begging, criminal acts or any other exploitative activity and imposes strict fines for any violations.⁵⁶¹⁸ The Government is in the process of updating the hazardous occupations and/or working conditions list.⁵⁶¹⁹ However, the update has not been completed, enabling children to be at risk in certain sectors in which they do not have ministerial regulations, such as seafood and seafood processing.

During the reporting period, the Government made efforts to protect all workers, including children, in the informal economy by announcing the Home-Based Worker Protection Act. This act requires home-based businesses to formally register all workers and requires employers to pay a minimum wage to all workers. The act will have an impact in the shrimp and garment industries, which are often composed of home-based businesses. The act was made official through publication in the Royal Gazette in November 2010 and went into effect in May 2011.⁵⁶²⁰

The Constitution prohibits forced labor.⁵⁶²¹ The Military Service Act prohibits the use of children younger than age 18 in armed conflict. Those who use children for armed conflict, either State or non-State entities, are subject to prosecution under the Penal Code and the Child Protection Act.⁵⁶²² The Prevention and Suppression of Prostitution Act establishes penalties for the sexual exploitation of children.⁵⁶²³ The Child Protection Act prohibits the involvement of children in illicit activities, including gambling and alcohol-related activities.⁵⁶²⁴ The Anti-Trafficking in Persons Act prohibits all forms of trafficking, including trafficking for the purposes of forced labor and sexual exploitation.⁵⁶²⁵ The Prevention and Suppression of Prostitution Act, the Anti-Trafficking in Persons Act, the Child Protection Act, the LPA and the Penal Code all specify penalties for violations against children.⁵⁶²⁶

Both Thai and migrant children have the right to compulsory education until age 15. The 2007 Constitution entitles all children to free education until grade 12.⁵⁶²⁷

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government approved the National Committee to Eliminate the Worst Forms of Child Labor to coordinate the implementation of child labor policies and plans,

harmonize cooperation and report semiannually to the Thai Cabinet on child labor.⁵⁶²⁸ The National Committee is chaired by MOL, with representation from other government agencies, employer and worker associations and civil society groups.⁵⁶²⁹ The Government also established two subcommittees that will report to the National Committee—one for monitoring the National Policy and Plan to Eliminate the Worst Forms of Child Labor 2009-2014 and the other for developing a list of hazardous activities related to the worst forms of child labor.⁵⁶³⁰

The Department of Labor Protection and Welfare (DLPW) within MOL enforces the labor law and conducts labor inspections, including inspections for child labor.⁵⁶³¹ For 2010 and 2011, the DLPW allocated approximately \$3.3 million for labor inspections. During the reporting period, MOL and international organizations provided training to labor officers on child labor issues. MOL employed 678 labor inspectors, a number that the Government recognizes as insufficient to monitor 387,177 workplaces adequately.⁵⁶³²

From October 2009 to September 2010, MOL labor inspectors inspected 51,344 workplaces and identified children legally and lawfully working in workplaces. The labor inspectors did not find any cases of child labor violations.⁵⁶³³ The DLPW prioritized inspections in the garment, seafood and seafood processing industries and in small and unregistered businesses to a lesser extent. MOL also reported that it would focus on workplaces with concentrations of illegal migrant laborers and laborers ages 15 to 17.⁵⁶³⁴ However, Thai labor inspectors do not speak migrant or ethnic minority languages, which may impede their ability to conduct adequate inspections.⁵⁶³⁵

MOL also used the Child Labor Protection Network as another mechanism for oversight of labor violations. The network is composed

of government agencies, NGOs, employers, academics and community groups. Its purpose is to raise awareness, disseminate information and provide a mechanism for reporting labor violations. During the reporting period, the network reported child labor and trafficking violations to MOL.⁵⁶³⁶

The Government operates two hotlines to receive complaints about labor violations, including exploitative child labor and trafficking.⁵⁶³⁷ However, operators receive complaints in Thai or English, languages not spoken by many migrants who are most in need of assistance. In 2010, the DLPW reported several cases of child labor violations. The Government fined the employers.⁵⁶³⁸

The Anti-Trafficking in Persons Committee (ATP), chaired by the Prime Minister, and Anti-Trafficking in Persons Coordinating and Monitoring Subcommittee, chaired by the Deputy Prime Minister, are Thailand's main trafficking coordinating mechanisms.⁵⁶³⁹ In 2010, the ATP granted \$200,000 from its anti-trafficking fund to execute a range of activities.⁵⁶⁴⁰ The ATP has multiple subcommittees that cover a range of topics, including data collection and implementation of the national anti-trafficking policy.⁵⁶⁴¹ The various subcommittees meet regularly.⁵⁶⁴²

The Anti-Human Trafficking Division of the Royal Thai Police is responsible for enforcing laws related to human trafficking.⁵⁶⁴³ The Ministry of Social Development and Human Security's (MSDHS) Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups provided training to multidisciplinary teams on anti-trafficking.⁵⁶⁴⁴

In 2010, the Royal Thai Police investigated 70 anti-trafficking cases, including 58 prostitution cases, 2 forced begging cases and 10 forced labor cases.⁵⁶⁴⁵ While data is available on the nationality of the

victims, data is not disaggregated by age or gender. Therefore, it is unclear how many of these cases involved children.

Government Policies on the Worst Forms of Child Labor

The National Policy and Plan (NPP) to Eliminate the Worst Forms of Child Labor 2009-2014 is Thailand's comprehensive policy framework to address the worst forms of child labor. It is designed to protect both Thai and non-Thai children. The strategy includes the prevention, protection and withdrawal of children from the worst forms of child labor, the improvement of legislation and law enforcement on the worst forms of child labor and the capacity building of officials who administer policies and programs on the worst forms of child labor.⁵⁶⁴⁶ However, the NPP lacks operational targets and indicators as well as specific budget allocations and goals, and it does not mainstream child labor issues into policies of other departments of MOL and other ministries at the central and provincial levels.⁵⁶⁴⁷ During the reporting period, Provincial Operation Centers for Providing Assistance to Women and Child Laborers in 60 provinces created child labor action plans.⁵⁶⁴⁸

The Government approved the National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons 2011-2016.⁵⁶⁴⁹

Along with Burma, Cambodia, China, Laos and Vietnam, Thailand is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking. Their plan of action for 2008-2010 included training and capacity building, national plans of multilateral and bilateral partnerships, legal frameworks and management.⁵⁶⁵⁰

A Government policy mandates 12 years of free education for all children regardless of their legal status.⁵⁶⁵¹ However, access to education, particularly for migrant children and ethnic minority children, is impacted by a variety of

factors, including a lack of awareness among local government officials of education policies for migrant children, security concerns among undocumented workers, burdensome student registration requirements, class instruction only in Thai language, indirect financial costs such as school uniforms and textbooks and pressure from migrant families for children to work rather than attend school.⁵⁶⁵²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government created Central and Provincial Operation Centers for Providing Assistance to Women and Child Laborers. The centers coordinate efforts among relevant agencies to combat the worst forms of child labor. They also collect and disseminate information on the worst forms of child labor and report their activities to the National Committee. In 2010, the Government allocated \$100,000 for the central and provincial centers.⁵⁶⁵³

In 2010, the Government began participating in a \$9 million, USDOL-funded project to eliminate child labor in the shrimp and seafood processing industry. The project aims to strengthen policy frameworks to protect the rights of Thai and migrant children; work with the shrimp and seafood processing industry to better comply with labor laws; and provide education and other services to children and families in the targeted

areas who are engaging or may be at risk of engaging in exploitative labor.⁵⁶⁵⁴

The Government also continued to participate in a \$3.78 million, USDOL-funded project to eliminate child labor in agriculture, fishing, seafood processing, services and domestic work. The project also addresses migrant and trafficked children. Over the life of the project, over 7,000 children were removed from or were prevented from entering into the worst forms of child labor through the provision of educational services.⁵⁶⁵⁵ In addition, the project encouraged employers to participate in national and local policy development and coordination; increased occupational safety and health interventions; provided educational services and income-generation opportunities; created child labor monitoring and referral systems; fostered cross-border networks; and enhanced the knowledge and research base on child labor in Thailand.⁵⁶⁵⁶

MSDHS' Bureau of Anti-Trafficking in Women and Children coordinates services to trafficking victims through the National Operation Center on the Prevention and Suppression of Human Trafficking. The National Operation Center oversees 76 Provincial Operation Centers for the Prevention and Suppression of Human Trafficking.⁵⁶⁵⁷

The Government intends to initiate a national child labor survey but has yet to begin implementation of the survey.⁵⁶⁵⁸

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Thailand:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to extend protections to all children working in the worst forms of child labor, particularly those working in domestic service.
- Revise the list of hazardous occupations and working conditions for children.
- Enforce the Home-Based Workers' Protection Act.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Recruit labor inspectors and hotline operators who speak ethnic minority languages in areas where migrant or ethnic minority workers exist.
- Disaggregate the anti-trafficking database by age and gender.

IN THE AREA OF POLICIES:

- Operationalize the NPP by creating operational targets and indicators, allocating a specific budget and mainstreaming child labor into other departments of MOL and across ministries at the central and provincial levels.
- Strengthen efforts to assist migrant and ethnic minority children engaged in or at risk of engaging in the worst forms of child labor by strengthening the provision of supplementary education for migrant children.

IN THE AREA OF SOCIAL PROGRAMS:

- Initiate a national child labor survey.

⁵⁵⁹¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁵⁵⁹³ ILO-IPEC, Combating the Worst Forms of Child Labour in Shrimp and Seafood Processing Areas in Thailand, Project Document, December 17, 2010. See also U.S. Department of State, "Country Reports- 2010: Thailand." See also Surapone Ptanawanit and Boribanbanpotkate, Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand.

⁵⁵⁹⁴ Research and Development Institute, Assessing the Situation of Selected Worst Forms of Child Labour in Udon Thani Province, Khon Kaen University, June, 2006.

⁵⁵⁹⁵ U.S. Embassy- Bangkok, reporting, January 4, 2011. See also U.S. Embassy- Bangkok, reporting, March 4, 2010. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms 2006 Project Document See also ILO, The Mekong Challenge: Underpaid, Overworked and Overlooked. See also Surapone Ptanawanit and Boribanbanpotkate, Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand. See also U.S. Embassy- Bangkok, reporting, June 9, 2008.

⁵⁵⁹⁶ U.S. Embassy- Bangkok, reporting, January 4, 2011. See also U.S. Embassy- Bangkok, reporting, June 9, 2008. See also ILO, The Mekong Challenge: Underpaid, Overworked and Overlooked. See also Surapone Ptanawanit and Boribanbanpotkate, Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand. See also Solidarity Center, The True Cost of Shrimp, 2008. See also ILO-IPEC, Combating the Worst Forms of Child Labour in Shrimp and Seafood Processing. See also U.S. Department of State, "Country Reports- 2010: Thailand."

⁵⁵⁹⁷ ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms 2006 Project Document See also Surapone Ptanawanit and Boribanbanpotkate, Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand.

⁵⁵⁹⁸ Surapone Ptanawanit and Boribanbanpotkate, Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand.

⁵⁵⁹⁹ U.S. Embassy- Bangkok, reporting, January 4, 2011. See also ILO, The Mekong Challenge: Underpaid, Overworked and Overlooked. See also U.S. Embassy- Bangkok, reporting, March 4, 2010. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms 2006 Project Document See also U.S. Department of State, "Country Reports- 2010: Thailand."

⁵⁶⁰⁰ ILO, The Mekong Challenge: Working Day and Night, 2006; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/workingdayandnight-english.pdf>. See also U.S. Embassy- Bangkok, reporting, January 4, 2011. See also U.S. Embassy- Bangkok, reporting, March 4, 2010. See also U.S. Department of State, "Country Reports- 2010: Thailand." See also ILO, The Mekong Challenge: Underpaid, Overworked and Overlooked.

⁵⁶⁰¹ ILO, The Mekong Challenge: Working Day and Night.

⁵⁶⁰² U.S. Embassy- Bangkok, reporting, January 4, 2011. See also U.S. Department of State, "Country Reports- 2010: Thailand."

⁵⁶⁰³ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶⁰⁴ Ibid. See also ECPAT International, "Thailand," in Global Monitoring: Report on the Status of Action Against Commercial Sexual Exploitation of Children, 2006; available from http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-THAILAND.pdf. See also U.S. Department of State, "Country Reports- 2010: Thailand."

⁵⁶⁰⁵ ECPAT International, "Global Monitoring Report 2006: Thailand."

⁵⁶⁰⁶ U.S. Embassy- Bangkok, reporting, February 25, 2010.

⁵⁶⁰⁷ U.S. Embassy- Bangkok, reporting, January 4, 2011. See also U.S. Embassy- Bangkok, reporting, March 4, 2010. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms 2006 Project Document

⁵⁶⁰⁸ U.S. Embassy- Bangkok, reporting, March 4, 2010. See also ILO, The Mekong Challenge: Underpaid, Overworked and Overlooked. See also United Nations General Assembly, Report of the Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography, March 15, 2007. See also U.S. Department of State, "Country Reports- 2010: Thailand."

⁵⁶⁰⁹ U.S. Embassy- Bangkok, reporting, January 4, 2011. See also U.S. Embassy- Bangkok, reporting, March 4, 2010. See also Friends-International, The Nature and Scope of the Foreign Child Beggar Issue (Especially as Related to

Cambodian Child Beggars) in Bangkok, October, 2006. See also Nattha Keenapan, "Begging Some Difficult Questions", www.unicef.org, [online], April 2007 [cited February 5, 2010]; available from http://www.unicef.org/thailand/reallives_6619.html. See also U.S. Department of State, "Country Reports- 2010: Thailand."

⁵⁶¹⁰ U.S. Department of State, "Country Reports- 2010: Thailand." See also Human Rights Watch, Targets of Both Sides: Violence Against Students, Teachers, and Schools in Thailand's Southern Border Provinces, New York, 2010. See also UNESCO, Education Under Attack, 2010. See also Coalition to Stop the Use of Child Soldiers, Briefing Paper: Child Recruitment and Use in Southern Thailand, December, 2008. See also United Nations, UN Condemns Attacks on Schoolchildren in Southern Thailand, Bangkok, March 20, 2007. See also Brendan O'Malley, Education Under Attack, UNESCO, April 27, 2007. See also U.S. Embassy- Bangkok official, Email communication to USDOL official on July 12, 2011.

⁵⁶¹¹ Child Rights Information Network, "Thailand: Training of 'Child Soldiers' Condemned", www.crin.org, [online], January 29, 2008; available from http://www.crin.org/email/crinmail_detail.asp?crinmailD=2583. See also Justice for Peace Foundation, Thailand: Preventing Children's Association With Village Defence Militias in Southern Thailand, March 3, 2011; available from http://www.child-soldiers.org/Preventing_childrens_association_with_village_defence_militias_in_southern_Thailand.Press_statement.pdf. See also Coalition to Stop the Use of Child Soldiers, "Thailand," in Child Soldiers Global Report 2008, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also U.S. Embassy- Bangkok official, Email communication to USDOL official on July 12, 2011.

⁵⁶¹² Government of Thailand, Labour Protection Act, (1998); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/49727/65119/E98THA01.htm>.

⁵⁶¹³ U.S. Embassy- Bangkok, reporting, January 30, 2009. See also ILO, Extending Labour Law to All Workers: Promoting Decent Work in the Informal Economy in Cambodia, Thailand and Mongolia, 2006.

⁵⁶¹⁴ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶¹⁵ Ibid. See also ILO, Domestic Workers in Thailand: Their Situation, Challenges and the Way Forward, ILO Subregional Office for East Asia, January, 2010.

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⁵⁶¹⁷ Government of Thailand, Labour Protection Act.

⁵⁶¹⁸ Government of Thailand, Child Protection Act.

⁵⁶¹⁹ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶²⁰ Ibid.

⁵⁶²¹ Government of Thailand, Constitution; available from <http://www.asianlii.org/th/legis/consti/2007/l.html>.

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⁵⁶²⁶ Government of Thailand, Prevention and Suppression of Prostitution Act. See also Government of Thailand, Penal Code. See also Government of Thailand, Anti-Trafficking in Persons Act.

⁵⁶²⁷ U.S. Embassy- Bangkok, reporting, January 4, 2011. See also ILO-IPEC, Combating the Worst Forms of Child Labour in Shrimp and Seafood Processing.

⁵⁶²⁸ U.S. Embassy- Bangkok, reporting, January 4, 2011. See also U.S. Embassy- Bangkok official, Email communication to USDOL official on July 12, 2011.

⁵⁶²⁹ Government of Thailand, National Policy and Plan to Eliminate the Worst Forms of Child Labour (2009-2014), 2009.

⁵⁶³⁰ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶³¹ Ibid. See also U.S. Embassy- Bangkok, reporting, March 4, 2010. See also Government of Thailand, Thailand’s Efforts in the Prevention and the Elimination of Child Labor, 2009.

⁵⁶³² U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶³³ Ibid.

⁵⁶³⁴ Ibid. See also U.S. Embassy- Bangkok, reporting, March 4, 2010. See also Government of Thailand, Thailand’s Efforts in the Prevention and the Elimination of Child Labor in 2009.

⁵⁶³⁵ U.S. Embassy- Bangkok official, E-mail communication to USDOL official, November 17, 2010.

⁵⁶³⁶ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶³⁷ U.S. Embassy- Bangkok, reporting, March 4, 2010.

⁵⁶³⁸ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶³⁹ U.S. Embassy- Bangkok, reporting, March 4, 2010. See also Government of Thailand, Thailand’s Efforts in the Prevention and Suppression of Human Trafficking, 2009.

⁵⁶⁴⁰ U.S. Embassy- Bangkok, reporting, February 18, 2011.

⁵⁶⁴¹ Government of Thailand, Thailand’s Efforts in the Prevention and Suppression of Human Trafficking in 2010.

⁵⁶⁴² Ibid.

⁵⁶⁴³ U.S. Embassy- Bangkok, reporting, March 4, 2010.

⁵⁶⁴⁴ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶⁴⁵ Government of Thailand, Thailand’s Efforts in the Prevention and Suppression of Human Trafficking in 2010.

⁵⁶⁴⁶ U.S. Embassy- Bangkok, reporting, January 4, 2011. See also Government of Thailand, Thailand’s Efforts in the

Prevention and the Elimination of Child Labor in 2009. See also ILO-IPEC, Combating the Worst Forms of Child Labour in Shrimp and Seafood Processing.

⁵⁶⁴⁷ ILO-IPEC, Combating the Worst Forms of Child Labour in Shrimp and Seafood Processing.

⁵⁶⁴⁸ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶⁴⁹ Government of Thailand, Thailand’s Efforts in the Prevention and Suppression of Human Trafficking in 2010.

⁵⁶⁵⁰ United Nations Inter-Agency Project on Human Trafficking, “COMMIT: The Coordinated Mekong Ministerial Initiative Against Trafficking”, UNIAP, [cited March 1, 2010]; available from <http://www.no-trafficking.org/commit.html>.

⁵⁶⁵¹ U.S. Department of State, “Country Reports- 2010: Thailand.” See also U.S. Embassy- Bangkok official, E-mail communication to USDOL official, May 20, 2011.

⁵⁶⁵² Integrated Regional Information Networks, “Thailand: Burmese Migrant Children Missing Out on Education”, IRINnews.org, [online], June 15, 2009 [cited May 20, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=84844>. See also VSO International, Migrant Schools: a Human Rights Perspective, 2009; available from http://www.vsointernational.org/Images/migrant-schools-a-human-rights-perspective_tcm76-23048.pdf. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms in Thailand: Owning Up to Safe Work, Good Practices and Lessons Learned, 2010.

⁵⁶⁵³ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶⁵⁴ U.S. Embassy- Bangkok, reporting, January 4, 2011.

⁵⁶⁵⁵ ILO-IPEC, Combating the Worst Forms of Child Labour in Shrimp and Seafood Processing.

⁵⁶⁵⁶ ILO-IPEC, Support for National Action to Combat Child Labor and Its Worst Forms in Thailand, September, 2010.

⁵⁶⁵⁷ ILO-IPEC, Owning Up to Safe Work: How Employers Learned the Value in Protecting Young Employees. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms in Thailand: Out of the Heat, Good Practices and Lessons Learned, 2010. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms in Thailand: Serving the Underserved, Good Practices and Lessons Learned, 2010. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms in Thailand: Child Scrutiny, Good Practices and Lessons Learned, 2010. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms in Thailand: Bridges to Better Migration, Good Practices and Lessons Learned, 2010. See also ILO-IPEC, Support for National Action to Combat Child Labour and Its Worst Forms in Thailand: Fact Gathering, Good Practices and Lessons Learned, 2010.

⁵⁶⁵⁸ Government of Thailand, Thailand’s Efforts in the Prevention and Suppression of Human Trafficking in 2009. See also U.S. Embassy- Bangkok, reporting, March 4, 2010.

⁵⁶⁵⁹ ILO-IPEC, Support for National Action to Combat Child Labor and Its Worst Forms in Thailand.

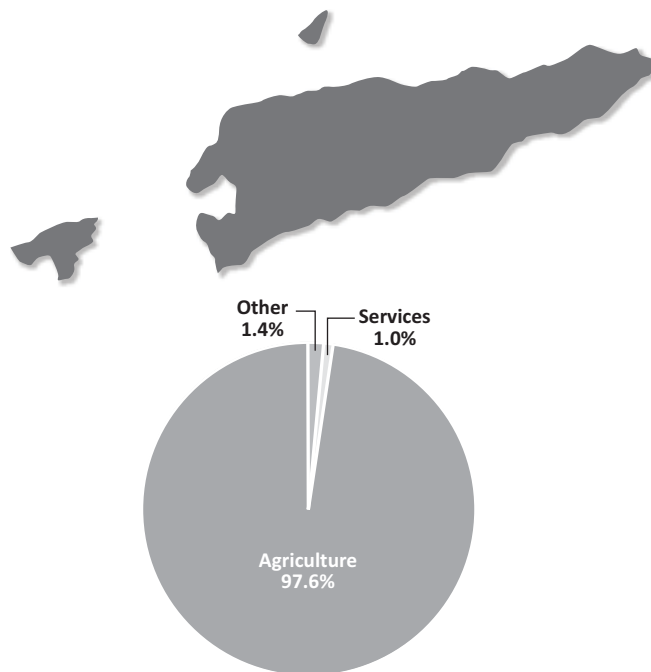
Timor-Leste

During the reporting period, the Government of Timor-Leste increased the number of labor inspectors it employs to investigate labor conditions. Still, there is little evidence of inspection or enforcement activity. Children continue to be engaged in the worst forms of child labor, many in agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	19.9*
Attending School	7-14 yrs.	69.7
Combining Work and School	10-14 yrs.	12.6

* Population of working children: 26,268



Prevalence and Distribution of the Worst Forms of Child Labor

Children in Timor-Leste are engaged in the worst forms of child labor, many of them in agriculture.⁵⁶⁵⁹ Within agriculture, many children cultivate and process coffee.⁵⁶⁶⁰ Children working in agriculture may use potentially dangerous machinery and tools, carry heavy loads and apply harmful pesticides. Additionally, children work in fishing where they may be at risk of drowning and exposure to the elements.⁵⁶⁶¹

Children are found working in the streets where they participate in a variety of activities such as selling fruit, vegetables, fuel, newspapers, mobile phone cards and DVDs.⁵⁶⁶² Children working as street vendors may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements. Children are also engaged in domestic work.⁵⁶⁶³ Although many children work for biological and adoptive families, a small percentage of children work for third parties and are vulnerable to long hours of work and to physical and sexual exploitation.⁵⁶⁶⁴ Children also work in construction.⁵⁶⁶⁵

In a few cases, particularly in rural areas, families are forced to have their children work as indentured servants in order to settle outstanding debts.⁵⁶⁶⁶

Children are reportedly trafficked for sexual purposes, particularly prostitution.⁵⁶⁶⁷ In these cases, children are often lured to Dili from rural areas.⁵⁶⁶⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 15, although children working in family-owned businesses or vocational schools are exempt.⁵⁶⁶⁹ Furthermore, a child between age 12 and 14 can perform “light work”; however, the specific activities deemed “light work” are not clarified within the Labor Code. It is illegal for any children between age 15 and 18 to perform work that jeopardizes their health, safety or morals.⁵⁶⁷⁰ The Labor Code does not explicitly define activities considered hazardous work for children.

The Law of Basic Education provides free and compulsory education for children ages 6-14.⁵⁶⁷¹

The law forbids compulsory labor at any age.⁵⁶⁷² Trafficking in persons is prohibited, and the law provides for specific penalties for those who traffic minors.⁵⁶⁷³

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	No

The minimum age for compulsory and voluntary recruitment into military service is 18.⁵⁶⁷⁴

Institutional Mechanisms for Coordination and Enforcement

The Government of Timor-Leste created a Child Labor Commission to design and develop policies on child labor.⁵⁶⁷⁵ This Commission was created with the financial and technical assistance of ILO and the Government of Brazil.⁵⁶⁷⁶ The commission was not operational during the reporting period. However, the Government of Timor-Leste is currently working with the ILO to finalize the establishment of the commission.⁵⁶⁷⁷

The government's anti-trafficking efforts are coordinated by an inter-agency Trafficking Working Group which is chaired by the Ministry of Foreign Affairs and includes the Ministries of Justice, Social Solidarity, the Victims Protection

Unit of the National Police and the Office for the Promotion of Gender Equality.⁵⁶⁷⁸

The National Division of Social Services within the Ministry of Social Solidarity (MSS) enforces child labor laws in conjunction with the National Police of Timor-Leste.⁵⁶⁷⁹ The MSS hired 12 new labor inspectors during the reporting period, for a total of 20, although none is specifically dedicated to child labor.⁵⁶⁸⁰ It is unclear if child labor inspections are incorporated into general labor inspections, and no data are available on the total number of child labor inspections during the reporting period.⁵⁶⁸¹ The government has no mechanism for filing complaints about child labor violations.⁵⁶⁸² During the reporting period, there were no reported child labor law violations or convictions.⁵⁶⁸³

The Ministry of Defense and Security oversees the Immigration Police, Border Police and the National Police Force, all of which work to enforce laws against trafficking.⁵⁶⁸⁴ None of these enforcement agencies investigates the other worst forms of child labor.⁵⁶⁸⁵

Government Policies on the Worst Forms of Child Labor

In collaboration with ILO and worker representatives, the Government developed the Decent Work Country Program (DWCP).⁵⁶⁸⁶ The DWCP contains three main priorities and outcomes, the first being the improvement of youth employment conditions and opportunities.⁵⁶⁸⁷ It does not, however, directly address the worst forms of child labor.

In March 2011, Timor-Leste and other members of the Community of Portuguese-Speaking countries approved four target areas where they will focus efforts to combat child labor. They include the exchange of information and experiences, awareness-raising campaigns, use of statistical methodologies to collect child labor data and technical cooperation and training.⁵⁶⁸⁸

Social Programs to Eliminate the Worst Forms of Child Labor

The Government has participated in international and local NGO programs to assist street children and promote youth employment, including literacy programs, scholarship schemes, skills training and media development about children's rights.⁵⁶⁸⁹ During the reporting period, several projects aimed at improving education throughout Timor-Leste continued to receive funding

from the World Bank and other development partners.⁵⁶⁹⁰ The question of whether these programs have an impact on child labor does not appear to have been addressed.

While the Government has implemented programs that target some of the more vulnerable youth populations, research found no evidence that it has carried out programs to specifically address worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Timor-Leste:

IN THE AREA OF LAWS AND REGULATIONS:

- Review exemptions in labor legislation to ensure adequate protections for all children involved in family-owned businesses and vocational education.
- Define and prohibit hazardous work for children.
- Specify the activities considered "light work" in the Labor Code.
- Establish a compulsory age for schooling that is equivalent to or greater than the minimum age for work

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Create a mechanism to file child labor complaints.
- Track and publish the results of enforcement efforts.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on child labor.
- Institute programs to address the worst forms of child labor, especially in agriculture.

⁵⁶⁵⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2007. Data on children combining working and schooling are from 2007. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources

and Definitions" section of this report. See U.S. Embassy-Dili, reporting, January 28, 2011. See also ILO-IPEC, Rapid Assessment on Child Labor in Timor Leste, Jakarta, December 2007, 10. See also U.S. Embassy- Dili, reporting, February 4, 2010. See also U.S. Embassy- Dili, reporting, February 12, 2008.

⁵⁶⁶⁰ ILO-IPEC, Rapid Assessment, 10, 26. See also U.S. Embassy- Dili, reporting, February 12, 2008.

⁵⁶⁶¹ U.S. Embassy- Dili, reporting, February 12, 2008. See also ILO-IPEC, Rapid Assessment.

⁵⁶⁶² U.S. Embassy- Dili, reporting, January 28, 2011. See also U.S. Embassy- Dili, reporting, February 12, 2008. See also ILO-IPEC, Rapid Assessment, 10, 26.

⁵⁶⁶³ U.S. Embassy- Dili, reporting, January 28, 2011. See also ILO-IPEC, Rapid Assessment, 10, 25, 27.

- ⁵⁶⁶⁴ ILO-IPEC, Rapid Assessment, pg 10, 25, 27.
- ⁵⁶⁶⁵ U.S. Embassy- Dili, reporting, February 12, 2008. See also ILO-IPEC, Rapid Assessment.
- ⁵⁶⁶⁶ U.S. Department of State, “Timor Leste,” in Country Reports on Human Rights Practices- 2009, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/drl/rls/hrrpt/2009/eap/136011.htm>.
- ⁵⁶⁶⁷ U.S. Embassy- Dili, reporting, January 28, 2011. See also U.S. Department of State, “Timor Leste (Tier 2),” in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Department of State, “Timor Leste,” in Trafficking in Persons Report- 2009, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm>. See also ILO-IPEC, Rapid Assessment, 10. See also U.S. Department of State, “Country Reports- 2009: Timor Leste.”
- ⁵⁶⁶⁸ U.S. Department of State, “Trafficking in Persons Report- 2009: Timor Leste.”
- ⁵⁶⁶⁹ Government of Timor Leste, Timor Leste Labour Code, (May 1, 2002), section 11. See also U.S. Department of State, “Country Reports- 2009: Timor Leste.”
- ⁵⁶⁷⁰ Government of Timor Leste, Labour Code, section 11.
- ⁵⁶⁷¹ U.S. Embassy- Dili Official, email USDOL Official, July 15, 2011.
- ⁵⁶⁷² Government of Timor Leste, Constitution of the Democratic Republic of East Timor, (2002), section 50. See also Government of Timor Leste, Labour Code.
- ⁵⁶⁷³ Government of Timor Leste, Immigration and Asylum Act, No. 9, (2003), article 81. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Timor Leste.”
- ⁵⁶⁷⁴ Coalition to Stop the Use of Child Soldiers, “Timor Leste,” in Child Soldiers Global Report 2008, London, 2008.
- ⁵⁶⁷⁵ UN Committee on the Rights of the Child, Consideration of Reports Submitted by State Parties, February 14, 2008, paras 5, 12. See also U.S. Embassy- Dili, reporting, January 28, 2011.
- ⁵⁶⁷⁶ IPEC, Landmark event: Signing Ceremony in Brazil opens the door to wider South-South cooperation, Newsletter, November 2009.
- ⁵⁶⁷⁷ U.S. Embassy- Dili Official, E-mail Communication, July 15, 2011.
- ⁵⁶⁷⁸ U.S. Embassy- Dili, reporting, February 13, 2009.
- ⁵⁶⁷⁹ ILO-IPEC, Rapid Assessment, 23. See also U.S. Embassy- Dili, reporting, February 4, 2010.
- ⁵⁶⁸⁰ U.S. Embassy- Dili, reporting, January 28, 2011. See also ILO-IPEC, Rapid Assessment.
- ⁵⁶⁸¹ U.S. Embassy- Dili, reporting, January 28, 2011.
- ⁵⁶⁸² Ibid. See also U.S. Embassy- Dili, reporting, February 4, 2010.
- ⁵⁶⁸³ U.S. Embassy- Dili, reporting, January 28, 2011. See also U.S. Embassy- Dili, reporting, February 4, 2010.
- ⁵⁶⁸⁴ U.S. Embassy- Dili, reporting, February 13, 2009.
- ⁵⁶⁸⁵ U.S. Embassy- Dili, reporting, January 28, 2011.
- ⁵⁶⁸⁶ Government of Timor Leste, Timor Leste Decent Work Country Programme 2008-2013, June 1, 2009; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/policy/wcms_116154.pdf.
- ⁵⁶⁸⁷ Ibid.
- ⁵⁶⁸⁸ Community of Portuguese-Speaking Countries, II Reunião de pontos focais para área do Trabalho Infantil da CPLP, Maputo, October 28, 2010; available from <http://www.cplp.org/Default.aspx?ID=2281>. See also Community of Portuguese-Speaking Countries, Declaração de Luanda, Ministras e os Ministros do Trabalho e dos Assuntos Sociais dos Países da Comunidade de Língua Portuguesa, Luanda, March 29, 2011; available from <http://www.cplp.org/id-2281.aspx>. See also Community of Portuguese-Speaking Countries, Resolução sobre a Prevenção e a Eliminação da Exploração do Trabalho Infantil na CPLP, Luanda, March 29, 2011; available from <http://www.cplp.org/Default.aspx?ID=2281>.
- ⁵⁶⁸⁹ ILO-IPEC, Rapid Assessment.
- ⁵⁶⁹⁰ The World Bank, All Projects, [online] 2011 [cited February 17, 2011]; available from <http://web.worldbank.org/external/default/main?menuPK=294056&pagePK=141143&piPK..> See also The World Bank, Assisting Timor Leste’s youth and adults in gaining access to education: Timor-Leste second chance education project, [online] 2011 [cited February 17, 2011]; available from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/TIMORLESTEEXTN/0,,contentMDK:22796671~pagePK:1497618~piPK:217854~theSitePK:294022,00.html?cid=3001_165. See also The World Bank, Timor Leste: Promoting Youth Empowerment and Inclusion By Expanding Skills and Opportunities for Youth Groups, [online] 2011 [cited February 17, 2011]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/TIMORLESTEEXTN/0,,contentMDK:22519621~menuPK:294027~pagePK:2865066~piPK:2865079~theSitePK:294022,00.html>. See also U.S. Embassy- Dili Official, E-mail Communication, July 15, 2011.

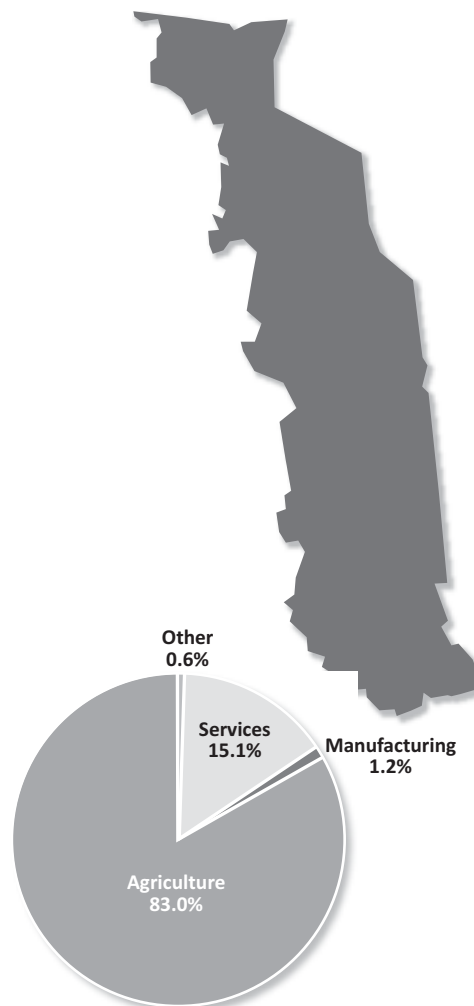
Togo

The Government of Togo has established regional child labor committees and increased the number of labor inspectors from 26 to 62. Despite such efforts, Togo has not devoted sufficient resources to enforce its child labor laws effectively, even though a large number of children work in dangerous conditions, especially in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.7*
Attending School	5-14 yrs.	72.4
Combining Work and School	7-14 yrs.	27.2

* Population of working children: 663,914



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Togo are engaged in the worst forms of child labor, including in agriculture and domestic service.⁵⁶⁹¹ Roughly half of all working children are engaged in agriculture, harvesting goods such as cotton, cocoa and coffee.⁵⁶⁹² Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides and herbicides.⁵⁶⁹³

Approximately one-quarter of working children are employed as domestic servants. The majority are girls ages 5 to 14.⁵⁶⁹⁴ Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.⁵⁶⁹⁵ Reports also indicate that girls perform domestic duties, such

as fetching water and doing the laundry, for their school teachers.⁵⁶⁹⁶ This work may reduce the time children spend on learning and may put them in vulnerable situations while working in private homes.

Children earn money performing a variety of other activities which could pose risks to their health and well-being. Such work includes raising livestock, handling gasoline, cutting sheet iron, capturing crabs at night, working in rock quarries, transporting heavy loads of stones and collecting sand for construction.⁵⁶⁹⁷ Children also work in the streets as porters and small-scale traders. Children working on the streets are exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.⁵⁶⁹⁸ Children are also involved in prostitution and in the sex tourism industry in Lome.⁵⁶⁹⁹

Children are also found in other activities constituting the worst forms of child labor, such as forced begging. The practice of sending Muslim boys to Koranic schools, or *daaras*, is a tradition in certain communities and is more common in Togo's Savanes region.⁵⁷⁰⁰ While some of these boys receive lessons, others are forced by their teachers to perform manual labor, including agricultural work that may pose health and safety risks.⁵⁷⁰¹

Children in Togo are trafficked for forced labor in domestic service and commercial sexual exploitation.⁵⁷⁰² In the Maritime, West, Central and Kara regions, girls are frequently trafficked for domestic service, market work, and commercial sexual exploitation.⁵⁷⁰³ The customary practice of *confiage*, which involves sending a child to a relative or friend for school, may place children at risk of exploitation by internal trafficking.⁵⁷⁰⁴ Children are also trafficked from Togo's central and northern villages to Europe, the Republic of the Congo and other West African nations, such as Nigeria, where they work on plantations, in stone quarries, markets and homes.⁵⁷⁰⁵ Some Togolese boys are trafficked to Côte d'Ivoire for forced labor in fishing and construction.⁵⁷⁰⁶

In Togo, 39 percent of classrooms are considered in unsatisfactory condition, and children may enter the workforce at a young age due to the limited number of schools.⁵⁷⁰⁷






Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2006 sets the minimum age for employment at 15.⁵⁷⁰⁸ Law 1464 sets the minimum age for certain industrial and technical employment, including hazardous work, at 18. Law 1464 and the Labor Code also prohibit excessive work hours and night work for children.⁵⁷⁰⁹

The Labor Code prohibits forced and obligatory labor and the worst forms of child labor as defined in ILO Convention 182.⁵⁷¹⁰ However, these laws

do not establish penalties for employing children in hazardous child labor or work at night.⁵⁷¹¹ The Labor Code does not define forced and obligatory labor and does not impose penalties sufficient to deter it. Violators can receive three to six months' imprisonment, a fine or both.⁵⁷¹²

An additional law, the Child Code of 2007, further defines the worst forms of child labor, stiffens penalties for noncompliance with the minimum age law and prohibits the trafficking of children and the commercial sexual exploitation of children, including child pornography, child sex tourism and the use of children in illicit activities.⁵⁷¹³ The Law for the Repression of Child Trafficking and the Child Code prohibit the trafficking of children and establish penalties for violations.⁵⁷¹⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

According to Decree 2008-129, the Government has established the right to free primary education. However, in practice, schools in rural areas charge fees for attendance, and the costs of books and uniforms are prohibitive for many families.⁵⁷¹⁵

Institutional Mechanisms for Coordination and Enforcement

In 2001, the Government created the National Steering Committee for the Prohibition and Elimination of the Worst Forms of Child Labor to coordinate and supervise national efforts to combat the worst forms of child labor. The Child Labor Unit of the Ministry of Labor (MOL) acts as its secretariat.⁵⁷¹⁶ The National Steering Committee's responsibilities include promoting child labor legislation, mobilizing resources and collecting data. However, its actions to date have been limited to evaluating and approving NGO action programs to eliminate child labor.⁵⁷¹⁷ Members of the National Steering Committee attribute this shortcoming to their lack of financial resources.⁵⁷¹⁸ Its secretariat, the Child Labor Unit, is understaffed and has no budget.⁵⁷¹⁹

At the regional level, child labor committees coordinate child labor efforts and raise awareness. These committees include representatives from several ministries, the National Council of Employers, the National Committee for Children, unions and NGOs.⁵⁷²⁰ Reportedly, the regional child labor committees do not coordinate their efforts or share information with the National Steering Committee.⁵⁷²¹

The National Committee for the Reception and Social Reinsertion of Trafficked Children (CNARSEVT) is the focal point for trafficking information and statistics and coordinates actions against the worst forms of child labor. The MOL's Child Labor Unit is responsible for assisting CNARSEVT.⁵⁷²² Reports indicate that CNARSEVT has improved its coordination and recordkeeping in 2010. However, CNARSEVT remains ill-equipped and is not provided with timely and accurate statistics from Togolese ministries.⁵⁷²³

The MOL is also responsible for inspecting work conditions throughout Togo. In 2011, the MOL increased the number of labor inspectors from 26 to 62 and monitored 493 businesses for labor violations.⁵⁷²⁴ During the reporting period, 44 labor inspectors received training on child labor

laws and methods to monitor the incidence of child labor.⁵⁷²⁵ In addition, each of the six regional labor inspection offices received an annual operating budget of approximately \$5,500, with each of the three offices near the capital Lome receiving roughly \$15,000.⁵⁷²⁶ At the local level, parent and student associations and village development committees also monitor the child labor situation.⁵⁷²⁷ The Ministry of Justice and the Ministry of Social Action and National Solidarity (MASSN) are in charge of enforcing laws related to the worst forms of child labor. The MASSN maintains two social workers on-call 24 hours a day to assist trafficking victims.⁵⁷²⁸ In 2010, the MASSN held a seminar on child trafficking for lawyers, police and other stakeholders.⁵⁷²⁹

The police's child protection unit and MASSN investigate criminal violations relating to the worst forms of child labor.⁵⁷³⁰ The child protection unit—which consists of five police officers, two social service agents, a nurse, eight prison guards and one psychologist—manages child trafficking cases and, with the assistance of the Ministry of Justice, refers trafficking victims to appropriate services.⁵⁷³¹ In some cases, the child protection unit lacks resources to conduct investigations, and its employees must respond to calls in taxis and personal cars at their own expense.⁵⁷³²

No information is available on the number of child labor investigations conducted by the Government in 2010.⁵⁷³³ During the reporting period, 41 victims of child trafficking were recovered and 14 traffickers were arrested; five of the 14 traffickers were convicted and nine are awaiting trial. There is no information on whether the rescued children received appropriate services.⁵⁷³⁴ In Togo, no reporting system exists for trial court convictions in the interior of the country.⁵⁷³⁵ Furthermore, knowledge of the different laws protecting children among law enforcement personnel varies from region to region. The Maritime and Savanes regions' staffs do not have copies of many child labor laws to guide law enforcement personnel.⁵⁷³⁶

Government Policies on the Worst Forms of Child Labor

The National Strategy on Eliminating Child Labor through Education, Training and Apprenticeship (2006) is the primary government policy instrument to prevent and eliminate child labor in Togo, although the Government is currently drafting the National Action Plan on Child Labor.⁵⁷³⁷ The national strategy addresses the root causes of child labor such as poverty, weak education institutions and the lack of access to education, due to high associated costs.⁵⁷³⁸ Implemented by ILO-IPEC, this strategy supports universal basic education and education reform and strengthens the capacity of parents and teachers to combat exploitative child labor through awareness raising. The strategy includes specific interventions to assist working children and promotes education. However, it does not target sectors in which children are engaged in the worst forms of child labor nor include programs to withdraw children from exploitative labor.⁵⁷³⁹

Togo also has a National Plan of Action on Child Trafficking, which calls for legal and health services, including feeding and psychosocial support for child trafficking victims and awareness raising activities for local communities and border officials. The plan prioritizes the education of children and improvement of livelihoods for families and calls for the establishment of structures to monitor the trafficking of children.⁵⁷⁴⁰

The Government has also adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitative labor and hazardous child labor and includes provisions to combat the trafficking of children for begging.⁵⁷⁴¹

In 2010, the Government adopted the National Labor Policy, which includes child labor concerns. This policy aims to raise awareness among parents, employers and community leaders on child labor and provide labor inspectors with

additional training on the worst forms of child labor.⁵⁷⁴² This policy also calls for the adoption and implementation of the National Action Plan on Child Labor.⁵⁷⁴³

Child labor concerns are included in Togo's Education for All Program, Poverty Reduction Strategy Paper and United Nations Development System Framework (2008–2012).⁵⁷⁴⁴

The establishment of child labor policies and the inclusion of child labor as a priority in development goals are important accomplishments; however, some of the policies lack concrete action plans, making it difficult to assess their ability to combat the worst forms of child labor.⁵⁷⁴⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Government of Togo participated in the implementation of programs to combat the worst forms of child labor. For instance, the current 4-year, USDOL-funded \$5 million CECLET project, launched in 2007, aims to withdraw 4,000 children and prevent 6,000 children from exploitative child labor in urban informal sectors, domestic service, rural agriculture, trafficking and commercial sexual exploitation.⁵⁷⁴⁶ Togo also participated in two regional USDOL-funded projects, including a 4-year, \$7.9 million project, and a 3-year, \$5 million project. These projects are designed to eliminate the worst forms of child labor in West Africa by strengthening sub regional cooperation through ECOWAS.⁵⁷⁴⁷

Similar initiatives to combat the worst forms of child labor include the 4-year, \$5.3 million regional project funded by the Government of France, which provides educational services, including vocational training, as an alternative to early work and the worst forms of child labor.⁵⁷⁴⁸ Togo is also involved in a 2-year, \$2.8 million regional program to combat trafficking in children for labor exploitation in West Africa funded by the Government of Denmark.⁵⁷⁴⁹

During the reporting period, the Ministry of Social Affairs launched a campaign to disseminate the Child Code of 2007 and managed *Allo 111*, a hotline to report child abuse. In 2010, the *Allo 111* hotline received 380 trafficking-related calls.⁵⁷⁵⁰ Togo also participated in the World Day against Child Labor and assisted IPEC in its campaign to raise awareness.⁵⁷⁵¹ The Government, in cooperation with Terres des Hommes, contributed

to an ongoing project to prevent child trafficking and rehabilitate and reintegrate victims.⁵⁷⁵²

Despite the initiatives described here, Togo's social programs to combat the worst forms of child labor do not match the scope of the problem and rely largely on NGOs and international organizations for implementation; as a result, many of these interventions may not be sustainable over the long term.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Togo:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish penalties for violations of the laws governing hazardous child labor and children working at night.
- Clearly define forced and obligatory labor, and include sufficient penalties for violations of forced labor provisions.
- Implement Decree 2008-129 fully, which establishes free education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Promote coordination and information-sharing between the regional child labor committees and the National Steering Committee.
- Develop case tracking procedures and information-sharing guidelines for ministries involved in the National Committee for the Reception and Social Reinsertion of Trafficked Children.
- Provide the Child Labor Unit, National Steering Committee and the National Committee for the Reception and Social Reinsertion of Trafficked Children with sufficient financial and human resources to implement their mandate and carry out daily tasks.
- Strengthen measures to investigate, prosecute and convict individuals involved in the worst forms of child labor, including by:
 - Providing training for all personnel charged with the enforcement of child labor laws.
 - Providing child labor enforcement agencies with adequate resources to conduct investigations.
 - Creating a system for reporting court convictions from trials in the interior of the country.
 - Ensuring that all law enforcement personnel have access to child labor law reference materials and are aware of the different laws protecting children.
- Publish data on inspections, criminal investigations and prosecutions on the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all relevant worst forms of child labor such as domestic service.
- Strengthen the National Strategy on Eliminating Child Labor through Education, Training and Apprenticeship and the National Plan of Action on Child Trafficking by:
 - Addressing the unique situation of children working in the worst forms of child labor.
 - Developing timeframes and budgets for each intervention

IN THE AREA OF PROGRAMS:

- Ensure the Government's social protection programs to combat the worst forms of child labor are sufficient to address the scope of the problem and to promote the long-term sustainability of project initiatives.
- Improve access to education by building additional schools and rehabilitating schools in poor condition.
- Provide additional training to teachers to stop the practice of using students for domestic labor.

⁵⁶⁹¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011*. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also ILO-IPEC, *Combating Exploitative Child Labour through Education in Togo*, Project Document, Geneva, September 2008, 9. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Togo (ratification: 1984) Submitted: 2010*, December 27, 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also Direction Generale de la Statistique et de la Comptabilite Nationale de la Republique Togolaise, *Enquete Nationale sur le Travail des Enfants au Togo: Rapport Final*, ILO-IPEC, 2010, 44.

⁵⁶⁹² General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project: Fight against Child Labour through Education in Togo*, Lome, March 2009, annex II. See also U.S. Embassy- Lome, *reporting, January 31, 2011*, para 2. See also Direction Generale de la Statistique et de la Comptabilite Nationale de la Republique Togolaise, *Enquete Nationale sur le Travail des Enfants au Togo: Rapport Final*, 44.

⁵⁶⁹³ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 9. See also Direction Generale de la Statistique et de la Comptabilite Nationale de la Republique Togolaise, *Enquete Nationale sur le Travail des Enfants au Togo: Rapport Final*, 69-70.

⁵⁶⁹⁴ Direction Generale de la Statistique et de la Comptabilite Nationale de la Republique Togolaise, *Enquete Nationale sur le Travail des Enfants au Togo: Rapport Final*, 44. See also General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project*, annex II. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l'Enquete de Base sur le Travail des Enfants au Togo*, Lome, July 2010, 50-51.

⁵⁶⁹⁵ Samuel Grumiau, "Spotlight on Claudine Akakpo (CSTT-Togo)", ituc-csi.org, [online], January 4, 2010 [cited March 15, 2011]; available from <http://www.ituc-csi.org/spotlight-on-claudine-akakpo-cstt.html>. See also Integrated

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⁵⁶⁹⁶ Laetitia Antonowicz, *Too often in Silence: A report on school-based violence in West and Central Africa*, March 2010, 6, 31; available from http://www.unicef.org/wcaro/VAC_Report_english.pdf.

⁵⁶⁹⁷ U.S. Embassy- Lome, *reporting, January 31, 2011*, para 3. See also U.S. Embassy- Lome official, E-mail communication to USDOL official, March 23, 2010. See also General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project*, annex II. See also FAO, Sida, and Norwegian Ministry of Foreign Affairs, *Fisheries and HIV/AIDS in Africa: Investing in sustainable solutions, Workshop on child labour in fisheries and aquaculture*, April 14-16, 2010; available from http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/WorkshopFisheries2010/WFPresentations/KHolvoetChildLabour_HIVAIDS.pdf. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 10. See also "Une campagne contre le travail des enfants a Atakpame," *Togo-Presse* (Lome), August 4, 2010.

⁵⁶⁹⁸ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 9. See also Government of Togo, *La Politique Nationale de Protection de l'Enfant*, December 2008, 22. See also U.S. Department of State, "Togo," in *Country Reports on Human Rights Practices-2010*, Washington, DC, April 8, 2011 available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.

⁵⁶⁹⁹ Nicholas Martin-Achard and Hadrien Bonnaud, "UNICEF-supported centre helps rehabilitate child sex workers in Togo", [unicef.org](http://www.unicef.org), [online], December 31, 2008 [cited December 27, 2010]; available from www.unicef.org/protection/togo_46986.html?q=printme. See also ECPAT, *Togo: Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, 2007, 11-13; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-TOGO.pdf. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l'Enquete de Base sur le Travail des Enfants au Togo*, 87.

⁵⁷⁰⁰ IOM, "Traditional Practices being Abused to Exploit Children in West Africa, Warns IOM", [iom.int](http://www.iom.int), [online], November 22, 2006 [cited December 27, 2010]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>. See also Government of Togo, *La Politique Nationale de Protection de l'Enfant*, 22.

⁵⁷⁰¹ IOM, “Traditional Practices being Abused to Exploit Children in West Africa, Warns IOM”.

⁵⁷⁰² U.S. Department of State, “Togo,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Embassy- Lome, *reporting, February 17, 2011*, para 3.b.

⁵⁷⁰³ UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, Geneva, September 2006, 12, 30; available from www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Togo.” See also Alice Behrendt and Serigne Mor Mbaye, *L’impact psychosocial de la traite sur les enfants dans la région des Plateaux et la région Centrale au Togo*, 2008, 53-54; available from www.crin.org/docs/study_report_Togo.pdf.

⁵⁷⁰⁴ Integrated Regional Information Networks, “How to improve a ‘worst form of labour’”. See also Grumiau, “Spotlight on Claudine Akakpo”.

⁵⁷⁰⁵ Integrated Regional Information Networks, “Congo: Tackling child trafficking”, IRINnews.org, [online], July 16, 2008 [cited December 27, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=79284>. See also UNODC, *Measures to Combat Trafficking in Human Beings*, 12, 30. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Togo.” See also Behrendt and Mbaye, *L’impact psychosocial de la traite sur les enfants dans la région des Plateaux et la région Centrale au Togo*, 52-54. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l’Enquete de Base sur le Travail des Enfants au Togo*, 92. See also Integrated Regional Information Networks, “Togo: Inoussa Bouberri, ‘I have smuggled more than 100 children’”, IRINnews.org, [online], January 12, 2009 [cited December 27, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=82314>. See also Bernard Tolani Dada, “Nigeria: Immigration Intercepts 21 Togolese, Ghanaian in Akwa Ibom”, allafrica.com, [online], December 9, 2010 [cited January 5, 2011]; available from <http://a.africa.com/stories/printable/201012090823.html>. See also Integrated Regional Information Networks, “Togo: Law of silence trumps anti-trafficking rule”, IRINnews.org, [online], January 9, 2009 [cited December 27, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=82260>. See also U.S. Embassy- Lome, *reporting, February 17, 2011*, para 3.b.

⁵⁷⁰⁶ U.S. Department of State, “Cote d’Ivoire,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 114; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/>.

⁵⁷⁰⁷ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 13.

⁵⁷⁰⁸ Government of Togo, *Code du travail*, (December 5, 2006), article 150; available from www.droit-afrique.com/images/textes/Togo/Togo%20-%20Code%20du%20travail.pdf.

⁵⁷⁰⁹ Government of Togo, *Déterminant les travaux interdits aux enfants conformément au point 4 de l’article 151 de la loi No 2006-010 du 13 decembre 2006 portant code du travail*, Public Law Number Arrete No. 1464, (November 12, 2007), articles 2-12; available from <http://www.republicoftogo.com/>. See also Government of Togo, *Code du travail*, articles 144-146, 154.

⁵⁷¹⁰ Government of Togo, *Code du travail*, articles 4, 151.

⁵⁷¹¹ Ibid. See also Government of Togo, *Déterminant les travaux interdits aux enfants*.

⁵⁷¹² Government of Togo, *Code du travail*, article 4. See also U.S. Embassy- Lome, *reporting, February 17, 2011*, para 5c.

⁵⁷¹³ Government of Togo, *Code de l’enfant*, Public Law Number 2007-017, (July 6, 2007), articles 264, 387-389, 392, 394, 405, 411-412; available from <http://www.hsph.harvard.edu/population/fgm/togo.child.07.pdf>.

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⁵⁷¹⁷ Jeannet, *CECLET*, 25, 31, 37. See also Agbodan, *Etude sur lanalyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 21.

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- ⁵⁷²⁰ U.S. Embassy- Lome, *reporting, January 31, 2011*, para 13. See also Agbodan, *Etude sur l'analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*.
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- ⁵⁷²² U.S. Embassy- Lome, *reporting, January 31, 2011*, para 10, 12. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 15. See also U.S. Embassy- Lome, *reporting, February 17, 2011*, para 4.b.
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- ⁵⁷²⁵ ILO-IPEC, *Combating Exploitative Child Labour through Education, Technical Progress Report (September 6, 2010)*, 8.
- ⁵⁷²⁶ U.S. Embassy- Lome, *reporting, January 31, 2011*, para 14.
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- ⁵⁷²⁸ U.S. Embassy- Lome, *reporting, January 31, 2011*, para 11. See also U.S. Embassy- Lome, *reporting, February 17, 2011*, para 4.b, 6.e.
- ⁵⁷²⁹ U.S. Embassy- Lome, *reporting, January 31, 2011*, para 15. See also U.S. Embassy- Lome, *reporting, February 17, 2011*, para 5.f.
- ⁵⁷³⁰ U.S. Embassy- Lome, *reporting, January 31, 2011*, para 11. See also UNODC, *Global Report on Trafficking in Persons*, February 2009, 109; available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf. See also U.S. Embassy- Lome official, E-mail communication, March 22, 2011.
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- ⁵⁷³³ U.S. Embassy- Lome, *reporting, January 31, 2011*, para 16, 19.
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- ⁵⁷³⁵ U.S. Department of State, "Trafficking in Persons Report-2010: Togo."
- ⁵⁷³⁶ Agbodan, *Etude sur l'analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 24-26.
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- ⁵⁷³⁸ ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education*, 3-5.
- ⁵⁷³⁹ Ibid., 17-27.
- ⁵⁷⁴⁰ Government of Togo, *Plan National d'Action de Lutte Contre La Traite des Enfants a des Fins d'Exploitation de Leur Travail*, October 4, 2004.
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- ⁵⁷⁴² ILO-IPEC, *Combating Exploitative Child Labour in Togo through Education, Technical Progress Report, Geneva, April 18, 2011*, 10. See also Government of Togo, *Projet de politique nationale du travail au Togo*, November 2010, 23-24, Annex I.
- ⁵⁷⁴³ Government of Togo, *Projet de politique nationale du travail au Togo*, Annex I.
- ⁵⁷⁴⁴ Government of Togo, *Full Poverty Reduction Strategy Paper 2009-2011*, International Monetary Fund, Washington, DC, May 2009, 12, 20; available from http://planipolis.iiep.unesco.org/upload/Togo/Togo_PRSP_2009_2011.pdf. See also United Nations, *Plan Cadre des Nations Unies Pour l'Aide au Developpement Au Togo (UNDAF) 2008-2012*, Lome, April 6, 2007, 39; available from <http://www.undg.org/docs/7861/UNDAF-TOGO%202008-2012%2006%20avril%202007.pdf>. See also World Bank, *Education for All: Fast Track Initiative Catalytic Fund: Togo*, June 2009; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2010/01/12/000262044_20100114094733/Rendered/PDF/PID0Concept0Stage0Togo0EFA1FTI.pdf.

⁵⁷⁴⁵ ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education*, 17-27. See also Government of Togo, *Plan National d'Action de Lutte Contre La Traite des Enfants a des Fins d'Exploitation de Leur Travail*, 8.

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⁵⁷⁴⁸ ILO-IPEC, *La Formation Professionnelle et l'Apprentissage: Une alternative au travail precoce et aux pires formes de travail des enfants en afrique francophone*, January 2009; available from www.ilo.org/ipeginfo/product/

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⁵⁷⁴⁹ ILO-IPEC official, E-mail communication, July 17, 2010. See also ILO-IPEC official, E-mail communication, September 1, 2010.

⁵⁷⁵⁰ U.S. Embassy- Lome, *reporting, February 17, 2011*, para 6.e, 7.a. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Technical Progress Report (September 6, 2010)*, 3.

⁵⁷⁵¹ ILO-IPEC, *Combating Exploitative Child Labour through Education, Technical Progress Report (September 6, 2010)*, 7.

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Tonga

The lack of information regarding the worst forms of child labor may be an indicator of a small or hidden problem in Tonga. However, there are anecdotal reports of children engaged in farming and fishing. Gaps in the legal framework, such as the lack of a minimum age for employment, leave children unprotected from labor exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor






There is little available information about the extent and nature of the worst forms of child labor in Tonga.⁵⁷⁵³ However, there are anecdotal reports that children engage in farming and fishing.⁵⁷⁵⁴ Children engaged in agriculture may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads, while children involved in fishing are at risk of injuries and drowning.

Reportedly, foreign fishing crews solicit girls for sexual exploitation.⁵⁷⁵⁵ There have also been reports of children subjected to the worst forms of child labor as domestic workers.⁵⁷⁵⁶ Child domestic labor commonly involves long hours of work and hazardous activities, while often exposing children to physical and sexual exploitation by their employer.

Laws and Regulations on the Worst Forms of Child Labor

There is no legislation that specifies a minimum age for work or for hazardous forms of work.⁵⁷⁵⁷

However, children between the ages of 6 and 14 are required to attend school until at least six years of education have been completed.⁵⁷⁵⁸

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	No
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	18
	Free Public Education	Yes

The Constitution of Tonga prohibits forced or compulsory work and slavery.⁵⁷⁵⁹ Although prostitution is not illegal, the Criminal Offenses Act does prohibit the owning or operating of a brothel and the pimping and soliciting of a prostitute in a public place.⁵⁷⁶⁰ The Act also prohibits the abduction of girls under age 14 and the procurement of any girl under 21 for prostitution either within or outside the country.⁵⁷⁶¹ However, the Act does not prohibit the abduction of boys or the procurement or the attempt to procure boys for prostitution. The Transnational Crimes Act explicitly prohibits the trafficking and attempt at trafficking of children.⁵⁷⁶² The law also explicitly prohibits child pornography.⁵⁷⁶³

There is no military conscription in Tonga.⁵⁷⁶⁴ The minimum age for voluntary service is 18, but with parental approval children as young as age 16 can join the military in noncombat positions.⁵⁷⁶⁵

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tonga has established a coordinating mechanism to combat the worst forms of child labor.⁵⁷⁶⁶

The Ministry of Labor (MOL) is responsible for enforcement of child labor laws.⁵⁷⁶⁷ However, the MOL does not employ any labor inspectors. The Ministry has business license inspectors who look for violations of child labor laws in addition to their other inspection duties.⁵⁷⁶⁸ If a violation is reported, the Chief Labor Inspector personally investigates the allegation.⁵⁷⁶⁹ After a review by the MOL, complaints regarding prohibited worst forms of child labor are then handed over to the Ministry of Police (MOP).⁵⁷⁷⁰ No official statistics are available on the number of investigations into prohibited worst forms, but the head of the MOP's

domestic violence unit estimates that two or three investigations are conducted each year.⁵⁷⁷¹ No complaints were filed during the reporting period, nor were any investigations carried out.⁵⁷⁷²

The Ministries of Labor, Immigration, and Police are responsible for enforcing laws regarding forced labor, trafficking, the commercial sexual exploitation of children and the use of children in illicit activities.⁵⁷⁷³ No cases were investigated or prosecuted during the reporting period.⁵⁷⁷⁴

Government Policies on the Worst Forms of Child Labor

The Strategic Development Plan Nine (2009–2013) establishes Tonga's development goals for the next 3 years. The goals include improving both public and private technical and vocational education services, such as curriculum and facilities. The improvements are intended to specifically target women and children.⁵⁷⁷⁵ Priority in the new curriculum is given to strengthening competencies in agriculture, fishing and horticulture, business and marketing, plumbing, carpentry and motor maintenance.⁵⁷⁷⁶ The impact of this policy on the worst forms of child labor does not appear to have been addressed.

Education at the primary level is free and the Government raised the compulsory school age to 18 during the reporting period.⁵⁷⁷⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that the Government of Tonga has any programs targeted at combating the worst forms of child labor, specifically in farming, fishing or commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tonga:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for employment and raise the minimum age for hazardous work to 18.
- Define hazardous occupations and activities forbidden for children.
- Amend legislation to include boys as victims in prostitution-related crimes.
- Increase the minimum age for all military service to 18.

IN THE AREA OF COORDINATION ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Maintain and make publicly available records of investigations into worst forms of child labor.

IN THE AREA OF POLICIES:

- Conduct a study to better identify the extent and nature of the worst forms of labor in Tonga to design appropriate policies and programs
- Assess the impact the existing policies may have on addressing child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs to address the worst forms of child labor, specifically in farming, fishing and commercial sexual exploitation.

⁵⁷⁵³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁷⁵⁴ U.S. Embassy- Suva, *reporting, February 8, 2011*. See also U.S. Department of State, “Tonga,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160106.pdf>.

⁵⁷⁵⁵ U.S. Department of State, “Tonga,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136012.htm>. See also U.S. Embassy-Suva, *reporting, February 2, 2010*.

⁵⁷⁵⁶ U.S. Embassy- Suva, *reporting, February 8, 2011*.

⁵⁷⁵⁷ *Ibid.* See also U.S. Department of State, “Country Reports- 2010: Tonga,” section 7d. See also U.S. Embassy-Suva, *reporting, December 9, 2007*.

⁵⁷⁵⁸ Mili Kaitani and Chris McMurray, *Tonga. A Situation Analysis of Children, Women and Youth*, Government of Tonga with UNICEF, Suva, 2006.

⁵⁷⁵⁹ Government of Tonga, *Constitution of Tonga*, (1988), article 2; available from http://www.paclii.org/to/legis/consol_act/cot238/.

⁵⁷⁶⁰ U.S. Embassy- Suva, *reporting, February 8, 2011*. See also Government of Tonga, *Criminal Offenses Act*, (1988); available from http://www.paclii.org/to/legis/consol_act/co136/.

⁵⁷⁶¹ Government of Tonga, *Criminal Offenses Act*, articles 80, 81, 125, 126, 129.

⁵⁷⁶² U.S. Embassy- Suva, *reporting, February 8, 2011*.

⁵⁷⁶³ International Centre for Missing and Exploited Children, *Child Pornography: Model Legislation and Global Review*, 2008; available from http://www.icmec.org/en_X1/English_5th_Edition_.pdf.

⁵⁷⁶⁴ Government of Tonga, *Tonga Defence Services Act 1992*; available from <http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf>.

⁵⁷⁶⁵ *Ibid.*, article 25.

⁵⁷⁶⁶ U.S. Embassy- Suva, *reporting, February 8, 2011*. See also U.S. Embassy- Suva, *reporting, December 9, 2007*.

⁵⁷⁶⁷ U.S. Embassy- Suva, *reporting, February 8, 2011.*

⁵⁷⁶⁸ Ibid. See also U.S. Embassy- Suva official, E-mail communication to USDOL official, September 9, 2010.

⁵⁷⁶⁹ U.S. Embassy- Suva, *reporting, February 8, 2011.*

⁵⁷⁷⁰ Ibid.

⁵⁷⁷¹ Ibid. See also U.S. Embassy- Suva official, E-mail communication, September 9, 2010.

⁵⁷⁷² U.S. Embassy- Suva, *reporting, February 8, 2011.*

⁵⁷⁷³ Ibid.

⁵⁷⁷⁴ Ibid.

⁵⁷⁷⁵ Prime Ministers Office, *National Strategic Planning Framework*, Government of Tonga, February 2009, 3, 7;

available from www.sprep.org/att/IRC/eCOPIES/Countries/Tonga/62.pdf.

⁵⁷⁷⁶ Kingdom of Tonga and the Secretariat of the Pacific Community, *Joint Country Strategy 2009-2013 in support of Tonga's Strategic Development Plan 9 2009-2013*, Government of Tonga, September 2009 2009, 14, 20-21, 26, 28-29; available from www.spc.int/sppu/images/JCS/complete%20jcs%20lowr.pdf. See also Prime Ministers Office, *National Strategic Planning Framework*, 3, 7.

⁵⁷⁷⁷ U.S. Embassy- Suva official, E-mail communication, September 9, 2010. See also U.S. Embassy- Suva, *reporting, December 9, 2007.* See also Kaitani and McMurray, *Tonga. A Situation Analysis of Children, Women and Youth.*

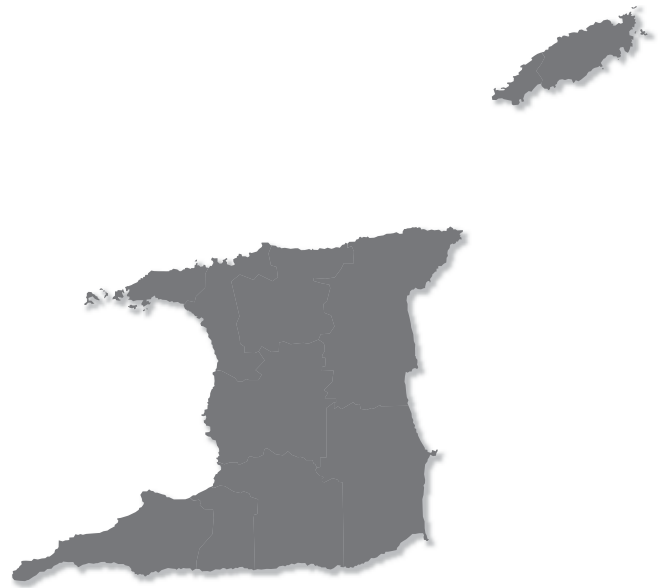
Trinidad and Tobago

The Government of Trinidad and Tobago continues to implement its national plan of action for children. However, children are found working in agricultural and domestic service. Gaps remain in the legislation to protect children from the worst forms of child labor, including a lack of a minimum age for hazardous work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.0*
Attending School	5-14 yrs.	97.8
Combining Work and School	7-14 yrs	3.3

* Population of working children: 5,975



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵⁷⁷⁸

Available information indicates that the worst forms of child labor are not a large problem in Trinidad and Tobago. However, some children engage in the worst forms of child labor, primarily in the small-scale agricultural sector, which commonly involves activities such as the use of potentially dangerous machines, tools, and pesticides and carrying heavy loads. Children also work in domestic service, which may involve long hours and put them at risk of physical and sexual exploitation.⁵⁷⁷⁹ Although evidence is limited, children may be engaged in prostitution.⁵⁷⁸⁰

Laws and Regulations on the Worst Forms of Child Labor

Trinidad and Tobago's Miscellaneous Provisions (Minimum Age for Admission to Employment) Act 2007 sets the minimum age for employment at 16.⁵⁷⁸¹ It also prohibits children younger than age 18 from working between 10:00 p.m. and 5:00 a.m., except in family enterprises.⁵⁷⁸² No current law establishes a minimum age for hazardous work.⁵⁷⁸³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	12
	Free Public Education	Yes

Education is free and compulsory but only through age 12.⁵⁷⁸⁴ This standard makes children ages 12 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work.

The Constitution prohibits forced or compulsory labor of children.⁵⁷⁸⁵ The Sexual Offences Act and the Children Act prohibit the commercial sexual exploitation of children, including prostitution.⁵⁷⁸⁶ Traffickers can be prosecuted under kidnapping and immigration laws.⁵⁷⁸⁷

Trinidad and Tobago has no compulsory military service, and the minimum age for recruitment to the armed forces is 18. However, children between ages 16 and 18 willing to join the armed forces may do so with written approval from a parent or guardian.⁵⁷⁸⁸

Institutional Mechanisms for Coordination and Enforcement

The Government has established a multiagency Human Trafficking Task Force to draft legislation, develop victim assistance policies and raise public awareness. Trafficking legislation is currently being drafted based on the Task Force recommendations accepted by the Cabinet during the reporting period.⁵⁷⁸⁹

The Children's Authority is responsible for ensuring the well-being of children but is not currently operational. The Government established the Child Protection Task Force in October 2010 to protect children and educate communities about child abuse, including child labor, until the Children's Authority is active.⁵⁷⁹⁰

The Ministry of Labor and Small and Micro-Enterprise (MLSME), the Ministry of the People and Social Development, the police and the family courts are responsible for monitoring and enforcing child labor laws.⁵⁷⁹¹ The Labor Inspectorate Unit (LIU) of MLSME investigates child labor violations in the workplace. It enforces hazardous labor laws through the Occupational Safety and Health Authority and forced child labor laws together with the Ministry of the People and Social Development.⁵⁷⁹² LIU employed

15 inspectors. According to government officials, this number is insufficient and LIU requested funding for 40 additional inspectors.⁵⁷⁹³ During the reporting period, LIU conducted 935 labor inspections and identified no cases of child labor.⁵⁷⁹⁴ However, the Government has not established mechanisms for monitoring informal work in sectors such as agriculture and domestic service, in which most children are working.⁵⁷⁹⁵

The police services handle crimes, such as trafficking of children for the purposes of commercial sexual exploitation and selling drugs.⁵⁷⁹⁶ No investigations or prosecutions were carried out for any such crimes.⁵⁷⁹⁷

Government Policies on the Worst Forms of Child Labor

The Ministry of the People and Social Development continued implementing a 4-year National Plan of Action for Children (2006-2010), which includes specific goals for combating commercial sexual exploitation of children and exploitative child labor.⁵⁷⁹⁸

Research found no evidence of efforts to collect data on the nature and incidence of the worst forms of child labor, which could be used to guide policy and inform programs.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Public Sector Investment Program received funding for 2010 to create a comprehensive public awareness campaign focusing on child labor.⁵⁷⁹⁹ However, research found no evidence that a general public awareness campaign was ever implemented.⁵⁸⁰⁰

There is no evidence of programs to address the two most common worst forms of child labor—agriculture and domestic work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Trinidad and Tobago:

IN THE AREA OF LAWS AND REGULATIONS:

- Legally specify a minimum age for hazardous employment.
- Raise the age of compulsory education to 16, the established minimum age for work.

IN THE AREA OF POLICIES:

- Collect data on the nature and incidence of the worst forms of child labor to guide policy and enforcement.
- Establish mechanisms for monitoring the worst forms of child labor in informal work, including in agriculture and domestic service.

IN THE AREA OF PROGRAMS:

- Implement the planned public awareness campaign.
- Implement programs to address the worst forms of child labor, including in agriculture and domestic service.

⁵⁷⁷⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and the World Bank surveys, child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2006. Data on children combining work and school are from 2008. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁷⁷⁹ U.S. Embassy- Port of Spain, reporting, March 25, 2011, 2.

⁵⁷⁸⁰ U.S. Department of State, "Trinidad and Tobago," in Country Reports on Human Rights Practices- 2010, Washington, DC, April 8, 2011, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154521.htm>.

⁵⁷⁸¹ Government of the Republic of Trinidad and Tobago, Miscellaneous Provisions (Minimum Age for Admission to Employment), Act No. 3 of 2007, (February 26, 2007); available from <http://www.ttparliament.org/legislations/a2007-03.pdf>.

⁵⁷⁸² U.S. Department of State, "Country Reports- 2010: Trinidad and Tobago," section 7d. See also U.S. Embassy- Port of Spain, reporting, March 25, 2011, 3.

⁵⁷⁸³ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labor, 1999 (No. 182) Trinidad and Tobago (ratification: 2003) Submitted: 2009, February 7, 2011, para 4; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁵⁷⁸⁴ Government of the Republic of Trinidad and Tobago, Education Act, (1966), article 76; available from http://www.vision2020.info.tt/pdf/Policies%20and%20Procedures/strategic_Corporate%20Plan/Education%20Act.pdf.

⁵⁷⁸⁵ Government of the Republic of Trinidad and Tobago, The Constitution of the Republic of Trinidad and Tobago with Reforms Through 2000, (August 1, 1976); available from <http://pdba.georgetown.edu/Constitutions/Trinidad/trinidad76.html>.

⁵⁷⁸⁶ Government of the Republic of Trinidad and Tobago, Sexual Offences Act, Act 27 of 1986, (1986), article 17; available from http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.28.pdf. See also U.S. Embassy- Port of Spain, reporting, March 25, 2011, 3.

⁵⁷⁸⁷ U.S. Embassy- Port of Spain, reporting, March 2, 2011, section 4-C.

⁵⁷⁸⁸ Coalition to Stop the Use of Child Soldiers, "Trinidad and Tobago," in Child Soldiers Global Report 2008, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁷⁸⁹ U.S. Embassy- Port of Spain, reporting, March 25, 2011, 4. See also U.S. Department of State, "Trinidad and Tobago," in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁵⁷⁹⁰ Government of the Republic of Trinidad and Tobago, Act No. 14 of 2008: An Act to Amend the Children's Authority Act, 2000, First Session, Ninth Parliament (2008), article 9; available from <http://www.ttparliament.org/legislations/a2008-14.pdf>. See also U.S. Embassy- Port of Spain, reporting, March 25, 2011, 4.

⁵⁷⁹¹ U.S. Embassy- Port of Spain, reporting, March 25, 2011, 4.

⁵⁷⁹² *Ibid.*, 5.

⁵⁷⁹³ *Ibid.*, 5.

⁵⁷⁹⁴ *Ibid.*, 5.

⁵⁷⁹⁵ *Ibid.*, 5.

⁵⁷⁹⁶ *Ibid.*, 6.

⁵⁷⁹⁷ *Ibid.*, 7.

⁵⁷⁹⁸ Ministry of Social Development, Caribbean Sub-Regional Meeting to Assess the Implementation of the Programme of Action of the International Conference on Population and Development (ICPD)- 15 Years After Its Adoption, Government of the Republic of Trinidad and Tobago, St. John's, Antigua and Barbuda, 2009, 8; available from http://www.cepal.org/celade/noticias/paginas/6/37126/ICPD15_CR_TrinTob.pdf. See also U.S. Embassy- Port of Spain, reporting, March 25, 2011, 8-9.

⁵⁷⁹⁹ U.S. Embassy- Port of Spain, reporting, February 17, 2010, 8.

⁵⁸⁰⁰ U.S. Embassy- Port of Spain official, E-mail communication to USDOL official, April 5, 2011.

Tunisia

Although the scope of the problem is unknown, children in Tunisia may be engaged in the worst forms of child labor in domestic service and agriculture. The Government of Tunisia continued its support for a program to achieve universal primary schooling and to improve the quality of education. However, the Government lacks adequate statistics on the prevalence and nature of the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Tunisia are reportedly engaged in the worst forms of child labor.⁵⁸⁰¹ However, the lack of official data and other information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor.

There are some reports that Tunisian children, mostly girls, work as domestic servants, which puts them at risk for physical, psychological and sexual abuse.⁵⁸⁰² There have been reports of girls trafficked internally to work as domestic servants.⁵⁸⁰³

Evidence indicates that children work in the agricultural sector, in which they may be exposed to chemicals, injured by dangerous machinery or tools and suffer physical harm from performing repetitive motions and carrying excessively heavy loads.⁵⁸⁰⁴

Children reportedly work in factories and as street vendors selling candy, cigarettes, and other small items.⁵⁸⁰⁵ Children working on the streets may

be exposed to multiple dangers including severe weather, vehicle accidents and criminal elements.


Laws and Regulations on the Worst Forms of Child Labor

Tunisia's Labor Code sets the minimum age for employment at 16 with some exceptions for work in family-run businesses and light work in the industrial and agricultural sectors, provided the work is not hazardous and does not interfere with schooling.⁵⁸⁰⁶ The Labor Code and the Child Protection Code both bar children younger than age 18 from hazardous work.⁵⁸⁰⁷ The Labor Code gives the Ministry of Social Affairs, Solidarity and Tunisians Abroad the authority to determine which jobs fall under this category.⁵⁸⁰⁸

Education is compulsory until age 16.⁵⁸⁰⁹ In addition, the Government of Tunisia provides free schooling beyond the age of compulsory education.⁵⁸¹⁰

The constitution and national laws forbid the use of forced or slave labor.⁵⁸¹¹ The Child Protection Code outlaws children's participation in wars or

armed conflicts and sets the age for voluntary military service at 18.⁵⁸¹² All male citizens are subject to compulsory recruitment into the military at age 20.⁵⁸¹³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Although there is no law that specifically criminalizes trafficking, the Tunisian Penal Code proscribes capturing, detaining or sequestering a person for forced labor.⁵⁸¹⁴ Child prostitution is forbidden under the Penal Code and the Child Protection Code, and the applicable provisions cover both girls and boys.⁵⁸¹⁵ Tunisian law also criminalizes the production and distribution of child pornography.⁵⁸¹⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tunisia has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Social Affairs is responsible for enforcing child labor laws through its labor

inspectors, including laws on hazardous labor.⁵⁸¹⁷ No information was available on the number of inspectors, their funding or the number of inspections carried out.

The Child Protection Code established a Child Protection Representative in each of the country’s governorates to enforce the Code.⁵⁸¹⁸ The mandate places a special emphasis on situations that threaten a child’s health or moral or physical integrity, including the worst forms of child labor. Nevertheless, there are concerns that having only one delegate per governorate is inadequate.⁵⁸¹⁹

Other institutions authorized to conduct labor inspections and file labor complaints are the Tunisian General Union of Labor and the Ministry of Women, Family, Children and Senior Citizens’ Affairs.⁵⁸²⁰

Similarly, there were no known investigations or prosecutions of trafficking offenses or convictions of trafficking offenders during the year.⁵⁸²¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor in agriculture, domestic service or street vending.

In addition, no evidence exists that the Government has conducted any recent research to determine the extent and nature of child labor that may be occurring in the country.⁵⁸²²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of programs to address child labor in agriculture, domestic service or street vending.

Tunisia, in cooperation with UNICEF, continued its participation in a multi-year plan to promote quality education and achieve universal primary education.⁵⁸²³

The World Bank-funded Education Quality Improvement Project, designed to facilitate the Government's efforts to promote primary and secondary education, concluded in September 2010.⁵⁸²⁴ The project boosted school enrollment and completion rates for children ages 6 to 18.⁵⁸²⁵

The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tunisia:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make data publicly available on the number of labor inspectors as well as the number and results of inspections of child labor violations.
- Increase the number of Child Protection Delegates.

IN THE AREA OF POLICIES:

- Conduct research on the worst forms of child labor to inform policy and programs.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs to specifically address the worst forms of child labor, including in agriculture, domestic service and street vending.
- Assess the impact that the education plan and project may have on addressing the worst forms of child labor.

⁵⁸⁰¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁵⁸⁰² U.S. Embassy - Tunis, *reporting, December 8, 2010*. See also U.S. Department of State, "Tunisia," in *Country Reports on Human Rights Practices - 2010*, Washington, DC, April 8, 2011, section 6, 7d; available from <http://www.state.gov/documents/organization/160078.pdf>. See also United Nations, *Concluding Observations of the Committee on the Elimination of Discrimination against Women, Forty-Seventh Session: Tunisia*, CEDAW/C/TUN/CO/6, October 22, 2010, section 48; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/463/92/PDF/G1046392.pdf?OpenElement>.

⁵⁸⁰³ U.S. Department of State, "Tunisia," in *Country Reports on Human Rights Practices - 2009*, Washington, DC,

March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136081.htm>. See also U.S. Department of State, "Tunisia," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142984.pdf>.

⁵⁸⁰⁴ U.S. Embassy - Tunis, *reporting, February 8, 2010*. See also U.S. Department of State, "Country Reports - 2010: Tunisia." See also International Bureau for Children's Rights, *Making Children's Rights Work in North Africa: Country Profiles on Algeria, Egypt, Libya, Morocco, and Tunisia*, August 2007; available from http://www.ibcr.org/eng/making_children_s_rights_work_in_africa.html.

⁵⁸⁰⁵ U.S. Embassy - Tunis, *reporting, February 8, 2010*. See also Hechmi Khalladi, "Quand on envoie les enfants mineurs - au charbon," *Le Temps*, [online], November 10, 2009 [cited March 24, 2011]; available from http://www.letemps.com.tn/pop_article.php?ID_art=35365+quand+on+envoie+les+enfants+le+temps&ct=clnk.

⁵⁸⁰⁶ Government of Tunisia, *Code du travail, 1996*, Loi no. 66-27, (April 30, 1966), articles 53-56; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44414/65029/F96TUN01.htm>.

⁵⁸⁰⁷ *Ibid.*, article 58. See also Government of Tunisia, *Code de*

la protection de l'enfant, Loi no. 95-92, (November 9, 1995), articles 3 and 20; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42904/64989/F95TUN01.htm>.

⁵⁸⁰⁸ Government of Tunisia, *Code du travail*, 1996, article 58.

⁵⁸⁰⁹ UNESCO, *Education for All Global Monitoring Report- The hidden crisis: Armed conflict and education*, [online] 2011 [cited March 30, 2011], statistical table no. 4; available from <http://unesdoc.unesco.org/images/0019/001907/190743e.pdf>.

⁵⁸¹⁰ U.S. Department of State, "Country Reports - 2010: Tunisia," section 1a.

⁵⁸¹¹ *Ibid.*, section 7c. See also International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards in Tunisia - Report for the WTO General Council Review of the Trade Policies of Tunisia*, September 28 and 30, 2005; available from <http://www.icftu.org/www/pdf/clstunisia2005.pdf>.

⁵⁸¹² Government of Tunisia, *Code de la protection de l'enfant*, articles 3, 18, 20.

⁵⁸¹³ Ministère de la Défense Nationale, *Le Service National*, [online] [cited March 24, 2011]; available from http://www.defense.tn/fr/index.php?option=com_content&task=view&id=37. See also Coalition to Stop the Use of Child Soldiers, "Tunisia," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁸¹⁴ U.S. Department of State, "Trafficking in Persons Report-2010: Tunisia," 327. See also United Nations, *Concluding Observations: Tunisia*.

⁵⁸¹⁵ Government of Tunisia, *Code de la protection de l'enfant*, article 25.

⁵⁸¹⁶ Government of Tunisia, "Tunisia," in *Legislation of Interpol Member States on Sexual Offences against Children*, 2011; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaTunisia.pdf>. See also Government of Tunisia, *Code penal*, (July 9, 1913), articles 232, 233; available from <http://www.jurisitetunisie.com/tunisie/codes/cp/menu.html>.

⁵⁸¹⁷ Government of Tunisia, *Code du travail*, 1996, articles 170, 171.

⁵⁸¹⁸ Government of Tunisia, *Code de la protection de l'enfant*, articles 28, 30.

⁵⁸¹⁹ Save the Children, *Child Rights Situation Analysis for Middle East and North Africa*, 2008; available from <http://resourcecentre.savethechildren.se/content/library/documents/child-rights-situation-analysis-middle-east-and-north-africa-region>.

⁵⁸²⁰ U.S. Embassy - Tunis, *reporting, February 8, 2010*.

⁵⁸²¹ U.S. Department of State, "Trafficking in Persons Report-2010: Tunisia," 327.

⁵⁸²² U.S. Embassy - Tunis, *reporting, February 8, 2010*. See also International Bureau for Children's Rights, *Making Children's Rights Work in North Africa*, 162-163. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Tunisia*, prepared by Government of Tunisia, pursuant to Consideration of Reports Submitted by States' Parties under Article 44 of the Convention, May 25 - June 11, 2010; available from <http://www.unhcr.org/refworld/category,COI,,TUN,4c32e1232,0.html>.

⁵⁸²³ UNICEF, *Tunisia Programme of Cooperation 2007-2011*, accessed March 24, 2011, 3; available from <http://www.unicef.org.tn/medias/Brochure%20ang.pdf>.

⁵⁸²⁴ Sreen Juma, *Tunisia: World Bank Supports Efforts to Improve Teaching, Learning in Schools*, Press Release, March 10, 2004; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20175801~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>. See also The World Bank, *Implementation Status & Results - Tunisia - Education Quality Improvement Program (EQIP) Phase 2*, 2010; available from http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/MNA/2010/09/23/1D496C1579E8FF4E852577A70050F525/1_0/Rendered/PDF/P0829990ISR0Di092320101285253056150.pdf.

⁵⁸²⁵ The World Bank, *Implementation Status & Results - Tunisia*.

Turkey

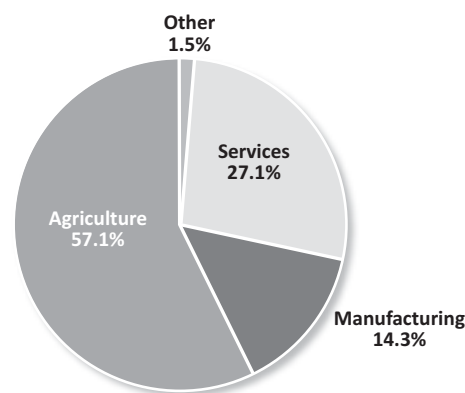
The Government of Turkey operates programs to address child labor in migrant agriculture and street work.

However, many children continue to be engaged in the worst forms of child labor, particularly in these sectors.

The lack of a comprehensive program to end the worst forms of child labor has become a challenge since the timebound program ended.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	2.6
Attending School	5-14 yrs.	92.4
Combining Work and School	6-14 yrs.	1.6



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Turkey, children are engaged in the worst forms of child labor,⁵⁸²⁶ particularly in agriculture and the urban informal sector. Children are involved in the agricultural production of cotton, tobacco, hazelnuts and sugar beets.⁵⁸²⁷ Children in agriculture often work long hours and are involved in activities such as using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.⁵⁸²⁸

Children are also exploited in street work.⁵⁸²⁹ According to the Government, as of December 2009, 8,298 children were found to be working on the streets.⁵⁸³⁰ There were reports of parents forcing their children to shine shoes, sell tissues and food, and beg.⁵⁸³¹ Children working on the streets may be exposed to many dangers including severe weather, vehicle accidents and criminal elements.

Children also work in small-scale enterprises in carpentry, auto and shoe repair, food processing

and the production of furniture, machines and textiles.⁵⁸³²

Trafficking is also a problem. The country is a destination and transit country for children trafficked primarily for commercial sexual exploitation.⁵⁸³³

Children reportedly work in the worst forms of child labor in the production of livestock, onions, tea, processed mussels, dried sliced tomatoes, bricks, leather goods and footwear.⁵⁸³⁴

Although education is free and compulsory, access to education services is still limited for some populations. Girls are often kept out of school because of the belief that education will ruin a girl's chance for marriage.⁵⁸³⁵ In some areas schools are far away and safe travel is a concern, especially for female children.⁵⁸³⁶ Poverty also keeps some children out of school, as families cannot afford school supplies.⁵⁸³⁷ Roma children also have limited access to education in Turkey.⁵⁸³⁸

Laws and Regulations on the Worst Forms of Child Labor

Labor Law No. 4857 establishes the minimum age for work at 15.⁵⁸³⁹ Children younger than age 16 are prohibited from employment in arduous or dangerous work.⁵⁸⁴⁰ The Regulation on Heavy and Dangerous Works lists the specific jobs prohibited for children in this age group.⁵⁸⁴¹ Decree No. 25425 on the fundamentals and principles of the employment of children and young workers (April 2004) lays out a separate list of hazardous occupations prohibited to all children younger than age 18.⁵⁸⁴² Children in Turkey are required to attend school only until they reach age 14.⁵⁸⁴³ This standard leaves children age 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

A number of sectors are not covered by the labor laws, including agricultural enterprises employing 50 or fewer workers, small shops employing up to three persons and domestic service. Article 4 of the Labor Act of Turkey specifically exempts activities and employment relationships in those

sectors from the provisions of the Labor Act.⁵⁸⁴⁴ These gaps in the Labor Act leave children vulnerable to dangerous labor conditions without legal protection.

In addition to barring children from hazardous work, Turkey prohibits forced or compulsory labor including by children.⁵⁸⁴⁵ Article 227 of the New Turkish Penal Code prohibits prostitution for persons younger than age 21 and the sexual exploitation of children in the production of pornography.⁵⁸⁴⁶ Article 80 of the Turkish Penal Code outlaws trafficking for the purposes of sexual exploitation and forced labor.⁵⁸⁴⁷ The age for military recruitment is 19.⁵⁸⁴⁸

Institutional Mechanisms for Coordination and Enforcement

The Disadvantaged Groups Department (DGD) of the Ministry of Labor and Social Security (MOLSS) is the primary agency coordinating the child labor efforts of the Ministry of Education, the Social Services and Child Protection Institution, the Ministry of the Interior, the Ministry of Justice and NGOs. The DGD acts as the secretariat of the National Guidance Committee, which monitors child labor and the activities of the Government to combat the problem.⁵⁸⁴⁹

Within the Ministry of Foreign Affairs, an ambassadorial-level official serves as coordinator of the Government’s Task Force on Human Trafficking. This task force includes officials from six ministries as well as representatives from NGOs, IOM and municipalities.⁵⁸⁵⁰

MOLSS conducts labor enforcement in workplaces that are covered by the labor law, including medium- and large-scale industrial and service sector enterprises.⁵⁸⁵¹ MOLSS inspectors are responsible for enforcing the child labor laws and are instructed to prioritize complaints alleging child labor.⁵⁸⁵² There are 841 labor inspectors, all of whom are authorized to conduct inspections on child labor.⁵⁸⁵³ Labor inspectors are provided

training on child labor issues, and the ILO handbook on child labor prevention is included in the inspectors' training materials.⁵⁸⁵⁴

In 2010 the Labor Inspection Board conducted 46,969 labor inspections, which revealed 22,271 employed youth. No children younger than age of 15 were found in heavy or dangerous work.⁵⁸⁵⁵ In 2010 MOLSS implemented a special child labor inspection project in the Ankara and Ivedik Organized Industrial Zones. In this project 230 workplaces were inspected and three underage workers were detected.⁵⁸⁵⁶

The Commission on Child Laborers Working on the Streets investigates instances of child street labor and proposes intervention programs. The commission includes the Ministers of Justice, Health, Education, Interior and Family and Women Affairs.⁵⁸⁵⁷

Complaints about child labor can be made by phone to a hotline operated by the Social Services Institution or to the Web site of the Prime Minister's Office Communications Center.⁵⁸⁵⁸

The Turkish National Police (TNP) employs 3,500 officers tasked with addressing children's issues.⁵⁸⁵⁹ These officers handle all issues related to the treatment and protection of children, but do not have a specific unit focused on child labor exploitation.⁵⁸⁶⁰ The TNP also investigates cases of human trafficking.⁵⁸⁶¹ The Ministry of Justice, the TNP and MOLSS provide anti-trafficking training to their employees.⁵⁸⁶² There is no information on the number of criminal investigations, victims, court cases or convictions for violations of human trafficking laws in 2010.

Government Policies on the Worst Forms of Child Labor

The Government of Turkey developed a National Timebound Policy and Program Framework in 2004 which aims to eliminate the worst forms of child labor by 2015. The policy prioritizes reducing poverty, improving the quality and

accessibility of education and increasing social awareness and sensitivity to the problem.⁵⁸⁶³ It also sets the roles of each participating agency and highlights the need to coordinate across services. It identifies the worst forms of child labor in Turkey, including street work, the informal urban economy, seasonal commercial agriculture and domestic service.⁵⁸⁶⁴ The policy articulates objectives, indicators, outputs, target groups, activities and responsibilities for the elimination of the worst forms of child labor. However, no new programs directly carrying out the country's timebound program have been implemented since 2006.⁵⁸⁶⁵

The Rural Development Plan (2010-2013), prepared by the Ministry of Agriculture and Rural Affairs, addresses child labor in agriculture and focuses specifically on seasonal migrant labor.⁵⁸⁶⁶

The Ninth Development Program, the National Program to Harmonize with the EU Acquis for membership and the 2007 Erdogan Government Program briefly mention child labor.⁵⁸⁶⁷ However, the question of whether these policies have an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period the Government did not implement a comprehensive program to support the Timebound Policy and Program Framework.

The Social Services and Child Protection Agency operates Child and Youth Centers to provide rehabilitation services to children working on the streets. At the centers, children are enrolled in education programs and have access to social, cultural, artistic and sports activities.⁵⁸⁶⁸ Children can also receive health screenings, occupational training, and psychosocial support. Families can receive financial support to assist with the child's education.⁵⁸⁶⁹

In line with the Rural Development Plan, the Government has instituted a project to improve the working conditions of seasonal agricultural workers. This program focuses on providing educational opportunities to the children of migrant laborers and supplying them with school supplies and uniforms.⁵⁸⁷⁰ The MOLSS allocated \$27.6 million for this project, which is being carried out in 28 provinces.⁵⁸⁷¹

In an effort to reduce poverty, the Government created a cash transfer program under the direction of the Social Assistance Solidarity Directorate and through the Social Assistance Solidarity Foundations. One of the conditions for families to participate in the program is for children between ages 6 and 15 to regularly attend primary school.⁵⁸⁷² Priority is given to families who work in seasonal agriculture and whose children attend dormitory schools.⁵⁸⁷³ While this program is not directly aimed at withdrawing children from the worst forms of child labor, it

may influence parents to take children out of work and send them to school.

The Ministry of National Education participates in a UNICEF project to increase the quality of primary education in Turkey. The program assists in the development of education standards across schools and aims to increase enrolment in primary education with a focus on gender parity.⁵⁸⁷⁴

The question of whether these poverty reduction and education programs have an impact on child labor does not appear to have been addressed.

To assist victims of human trafficking, the Ministry of Justice provides free legal services to foreign victims who choose to remain in Turkey to testify against traffickers.⁵⁸⁷⁵ The Ministry of Foreign Affairs also supports shelters for trafficking victims in Ankara and Istanbul, However, they continue to rely on external donor funding.⁵⁸⁷⁶ The facility for a third anti-trafficking shelter in Antalya was donated by the municipality.⁵⁸⁷⁷

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Turkey:

IN THE AREA OF LAWS AND REGULATIONS:

- Raise the compulsory education age to 15 to harmonize with the minimum age for work.
- Revise the Labor Act to expand protections to children working in agriculture and small businesses.

Amend laws to provide protections for child domestic workers and children working on the street.

IN THE AREA OF ENFORCEMENT:

- Publish data on the number of child trafficking investigations, victims assisted, court cases and convictions of child traffickers.

IN THE AREA OF POLICIES:

- Renew the Timebound Policy and Program for the Elimination of the Worst Forms of Child Labor in an effort to meet the Government's goal of eliminating the worst forms of child labor by 2015.
- Assess the impact that existing policies may have on child labor.

IN THE AREA OF PROGRAMS:

- Renew effective expired social programs in support of the country's timebound program.
- Assess the impact that existing programs may have on child labor.
- Provide adequate funding to shelters for human trafficking victims.

⁵⁸²⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁸²⁷ U.S. Embassy- Ankara, *reporting, March 30, 2010*, 1. See also IMPAQ, *Combating Exploitive Child Labor through Education in Turkey*, Project Document, May 17, 2005, 7.

⁵⁸²⁸ IMPAQ, *Combating Exploitive Child Labor through Education in Turkey*, Project Document, 7-8.

⁵⁸²⁹ U.S. Embassy- Ankara, *reporting, January 28, 2011*, para. A1. See also U.S. Embassy- Ankara, *reporting, March 30, 2010*, 2.

⁵⁸³⁰ U.S. Embassy- Ankara, *reporting, March 30, 2010*, 2.

⁵⁸³¹ U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7.d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>. See also U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

⁵⁸³² U.S. Department of State, "Country Reports- 2010: Turkey," section 7.d. See also U.S. Embassy- Ankara, *reporting, March 30, 2010*, 2. See also ILO Committee of Experts, *Individual Direct Request concernings Worst Forms of Child Labour Convention, 1999 (No. 182) Turkey (ratification: 2001) Submitted: 2006*, April 29, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18927&chapter=9&query=%28C182%29+%40ref+%2B+%28Turkey%29+%40ref&highlight=&querytype=bool&context=0>.

⁵⁸³³ U.S. Department of State, "Turkey," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁵⁸³⁴ U.S. Embassy- Ankara, *reporting, March 30, 2010*, 1. See also IMPAQ, *Combating Exploitive Child Labor through Education in Turkey*, Project Document, 7.

⁵⁸³⁵ U.S. Department of State, "Country Reports- 2010: Turkey," section 6. See also UNICEF, *Going door-to-door in Turkey for girls' education*, [online] December 29, 2005

[cited March 24, 2011]; available from www.unicef.org/infobycountry/Turkey_30668.html?q=printme.

⁵⁸³⁶ UNICEF, *Going door-to-door for girls' education*.

⁵⁸³⁷ Ibid.

⁵⁸³⁸ UNICEF Turkey, *A New Education Roadmap Developed for Roma Children*, [online] [cited March 24, 2011]; available from www.unicef.org.tr/en/content/article/707/a-new-education-roadmap-developed-for-roma-children.

⁵⁸³⁹ Government of Turkey, *Labor Act of Turkey*, No. 4857, (May 22, 2003), Article 71.

⁵⁸⁴⁰ Ibid., Article 85.

⁵⁸⁴¹ U.S. Embassy- Ankara, *reporting, January 28, 2011*, para. B2 and B3.

⁵⁸⁴² ILO Committee of Experts, *Individual Direct Request concernings Worst Forms of Child Labour Convention, 1999 (No. 182) Turkey (ratification: 2001) Submitted: 2009*, April 29, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23560&chapter=9&query=%28C182%29+%40ref+%2B+%28Turkey%29+%40ref&highlight=&querytype=bool&context=0>.

⁵⁸⁴³ 18 U.S. Department of State, "Country Reports- 2010: Turkey," section 6.

⁵⁸⁴⁴ Ibid., section 7.d. See also Government of Turkey, *Labor Act*, Article 4.

⁵⁸⁴⁵ U.S. Department of State, "Country Reports- 2010: Turkey," section 7.d.

⁵⁸⁴⁶ Government of Turkey, "Turkey," in *Legislation of Interpol Member States on Sexual Offenses Against Children, 2006*; available from www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaTurkey.pdf.

⁵⁸⁴⁷ U.S. Department of State, "Trafficking in Persons Report- 2010: Turkey." See also U.S. Embassy- Ankara, *reporting, March 12, 2010*, 2 and 4.

⁵⁸⁴⁸ UN Committee on the Rights of the Child, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of children in ARmed Conflict: Concluding Comment: Turkey*, CRC/C/OPAC/TUR/CO/1, Geneva, October 2, 2009; available from <http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/bed3dd7764468b53c125685e004653e7/756a706a94156299c125764e00473b4f?OpenDocument&Highlight=0,CRC%2FC%2FOPAC%2FTUR%2FCO%2F1>.

⁵⁸⁴⁹ U.S. Embassy- Ankara official, E-mail communication to USDOL official, October 23, 2010. See also U.S. Embassy- Ankara, *reporting, March 30, 2010*, 2.

⁵⁸⁵⁰ U.S. Department of State, "Country Reports- 2009: Turkey," section 6.

⁵⁸⁵¹ U.S. Department of State, "Country Reports- 2010: Turkey," section 7.d.

⁵⁸⁵² U.S. Embassy- Ankara, *reporting, January 23, 2009*, 2.

- ⁵⁸⁵³ U.S. Embassy- Ankara, *reporting, May 5, 2011*, para. 4.3.
- ⁵⁸⁵⁴ *Ibid.*, para. 4.5.
- ⁵⁸⁵⁵ *Ibid.*, para. 4.6.
- ⁵⁸⁵⁶ *Ibid.*, para. 4.6.
- ⁵⁸⁵⁷ ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound National Policy and Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, Technical Progress Report, Geneva, March 3, 2005, 2.
- ⁵⁸⁵⁸ U.S. Embassy- Ankara, *reporting, March 30, 2010*, 3.
- ⁵⁸⁵⁹ U.S. Embassy- Ankara, *reporting, January 23, 2009*, 3.
- ⁵⁸⁶⁰ *Ibid.*
- ⁵⁸⁶¹ U.S. Embassy- Ankara, *reporting, March 12, 2010*, 5.
- ⁵⁸⁶² *Ibid.*, 4 and 6.
- ⁵⁸⁶³ U.S. Embassy- Ankara, *reporting, March 30, 2010*, 5.
- ⁵⁸⁶⁴ *Ibid.*, 5.
- ⁵⁸⁶⁵ *Ibid.*, 5.
- ⁵⁸⁶⁶ U.S. Embassy- Ankara, *reporting, May 5, 2011*, para. 4.
- ⁵⁸⁶⁷ U.S. Embassy- Ankara, *reporting, March 30, 2010*, 4.
- ⁵⁸⁶⁸ U.S. Embassy- Ankara, *reporting, May 5, 2011*, para. 4.1.
- ⁵⁸⁶⁹ *Ibid.*, para. 4.1.
- ⁵⁸⁷⁰ *Ibid.*, para. 4.
- ⁵⁸⁷¹ *Ibid.*, para. 4.
- ⁵⁸⁷² U.S. Embassy- Ankara, *reporting, March 30, 2010*, 5.
- ⁵⁸⁷³ U.S. Embassy- Ankara, *reporting, January 28, 2011*, 5.
- ⁵⁸⁷⁴ UNICEF Turkey, *Quality Education*, [online] [cited March 24, 2011]; available from www.unicef.org/tr/en/knowledge/detail/20/quality-education-2.
- ⁵⁸⁷⁵ U.S. Department of State, "Country Reports- 2009: Turkey," section 6.
- ⁵⁸⁷⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Turkey."
- ⁵⁸⁷⁷ U.S. Embassy- Ankara, *reporting, March 16, 2010*.

Tuvalu

During the reporting period, the Government of Tuvalu passed the Tuvalu Counter Terrorism and Transnational Organized Crime Act during the reporting period to increase protection for trafficking victims. However, significant gaps exist in the legislative framework, in particular insufficient restrictions on hazardous work for children. Children in Tuvalu likely work in fishing and agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is little available information about the extent and nature of the worst forms of child labor in Tuvalu.⁵⁸⁷⁸ However, there are anecdotal reports that children work in farming and fishing.⁵⁸⁷⁹ Children engaged in agriculture may be exposed to chemicals or injured by dangerous machinery or tools and may suffer physical harm from repetitive motions and carrying excessively heavy loads. Children involved in fishing are at risk of injuries and drowning.

Members of the international community have raised concerns that children in Tuvalu may be exploited in commercial sexual activities, prostitution in particular, although the Government denies that this is a significant problem.⁵⁸⁸⁰ The economic transition underway, moving Tuvalu from a subsistence-based to a monetized economy, may lead some children to engage in commercial sexual activities in order to gain access to currency, as has occurred in other nations in the Pacific region.⁵⁸⁸¹

Anecdotal evidence suggests that children are also engaged in street work, sometimes selling





flower garlands in dangerous condition. Although the extent of the problem is unknown, there are reports that these children work on the streets, at night in dangerous neighborhoods and unsupervised.⁵⁸⁸²

Tuvaluan children who live on outer islands, who are often members of large families, who are disabled, or who do not have access to land and are some of the most disadvantaged members of society. Their low socioeconomic status may elevate their vulnerability to the worst forms of child labor.⁵⁸⁸³

Laws and Regulations on the Worst Forms of Child Labor

The Employment Ordinance sets the minimum age for paid employment at 14 and prohibits children younger than age 15 from performing hazardous labor.⁵⁸⁸⁴ The Employment Ordinance allows employers to hire a child to work in agricultural production, aboard a ship or during the night starting at age 16 with certain restrictions.⁵⁸⁸⁵ There are no protections for other types of work for children age 16 to 17. Other sections of the law define the terms of apprenticeships for workers younger than

age 18 and place restrictions on recruiting children to work.⁵⁸⁸⁶

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

Children in Tuvalu are not legally prevented from working in unhealthy environments or engaging in hazardous activities. There are no legal protections covering exposure to dangerous substances, temperatures, noise levels or the operation of dangerous machinery, equipment and tools. The law allows a child as young as age 14 to enter into a 5-year apprenticeship without providing for adequate legal protections. There are no restrictions on the type of work that a child apprentice may perform, and these trainees may lawfully live away from their families, increasing the child’s vulnerability to exploitation.⁵⁸⁸⁷

The Employment Ordinance also empowers the Labor Minister to exclude any industry from child labor laws by notice, although there is no information as to whether the country’s Labor Minister has exercised this authority.⁵⁸⁸⁸

The Penal Code prohibits employers and others from enslaving a child, forcing a child to work or

otherwise constraining a child’s movement.⁵⁸⁸⁹ The Penal Code establishes punishments for child prostitution and for trafficking minors for sexual purposes. Clients, facilitators and beneficiaries of the trade, as well as the young person’s consenting guardian(s) are all penalized.⁵⁸⁹⁰ The Government has protective statutes in place for female victims of prostitution, but there are no legal protections for boys older than age 15.⁵⁸⁹¹

The Tuvalu Counter Terrorism and Transnational Organized Crime Act of 2009, passed in 2010, provides additional protection for trafficking victims, particularly children.⁵⁸⁹² It expressly forbids the trafficking of children into and within Tuvalu for any purpose. It also provides legal protections from criminal prosecution to trafficking victims.⁵⁸⁹³

Tuvaluan sentences for all sexual and trafficking offenses designate maximum but not minimum sentences, which could lead to light sentences that are not commensurate with the gravity of the crime.⁵⁸⁹⁴

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tuvalu has established a coordinating mechanism to combat the worst forms of child labor.

The enforcement of child labor laws primarily rests with the Department of Labor, which is part of the Ministry of Foreign Affairs and External Trade, Environment and Labor (MFEL).⁵⁸⁹⁵ ILO reporting indicates that the Department of Labor, like many other parts of the Tuvalu administration, has limited institutional capacity, preventing it from carrying out its duties in an efficient and transparent manner.⁵⁸⁹⁶ There has never been a prosecution for child labor in Tuvalu.⁵⁸⁹⁷

An additional challenge faced by the Department of Labor is a lack of information and data

concerning all forms of child labor. This hinders its ability to target and measure enforcement efforts.⁵⁸⁹⁸

Assisted by immigration officers, the Tuvalu Police Force is the primary agency responsible for enforcing efforts to combat child trafficking and commercial sexual exploitation of children.⁵⁸⁹⁹ When the court has reasonable cause to suspect that a female child is being subjected to commercial sexual exploitation, it may issue the Tuvalu Police Force a warrant to search the premises and arrest the accused individual(s). The law does not protect boys in similar circumstances.⁵⁹⁰⁰ When a case of commercial sexual exploitation of a minor goes to trial, the court may appoint a guardian for the girl victim, but males lack this protection.⁵⁹⁰¹

Government Policies on the Worst Forms of Child Labor

Through Education for Life, the national education policy in place since 1988, the Government has achieved virtually universal primary education.⁵⁹⁰² School is compulsory and free for 8 years, approximately age 15.⁵⁹⁰³ During the reporting period the Tuvalu Department of Education (DOE) concentrated efforts on increasing access to education for children from vulnerable populations. DOE policy specifically targeted students who are at the greatest risk of being subjected to the worst forms of child labor, including children from low socioeconomic backgrounds, urban areas and isolated

communities, as well as girls, children with disabilities and school dropouts.⁵⁹⁰⁴ The question of whether this policy has an impact on child labor does not appear to have been addressed.

In 2010, the Tuvaluan Government worked with ILO on a 2-year Decent Work Country Program (DWCP).⁵⁹⁰⁵ Among its many goals, the DWCP aims to strengthen the country's labor laws, support the ratification of ILO Convention 182 and improve labor market monitoring systems.⁵⁹⁰⁶ The Government of Tuvalu has also requested assistance from the ILO to align its labor laws with current international labor standards, including the UN convention on the Rights of the Child.⁵⁹⁰⁷

The Government does not collect data on the worst forms of child labor. However, through its 2009 national budget, the Government requested that the National Statistics Office provide up-to-date information on the country's labor force, and the United Nations Populations Fund is lending financial assistance to launch Tuvalu's first labor force survey.⁵⁹⁰⁸ Research found no progress on this plan during the reporting period, and it is unclear whether a child labor module will be included in the survey.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tuvalu:

IN THE AREA OF LAWS AND REGULATIONS:

- Expand the type of labor and worksites considered hazardous for children and raise the minimum age for hazardous work to 18.
- Eliminate the discretion to exclude industries from child labor laws.
- Eliminate gender discrimination in laws relating to the prosecution of commercial sexual exploitation perpetrators and protections for child victims.
- Provide more structure and protection for underage apprentices with regard to types of work and worksites.
- Ensure punishments for all child labor law violations are commensurate with the gravity of the crimes.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Institute measures to increase the transparency and efficiency of Tuvalu government agencies in combating the worst forms of child labor.
- Compile national statistics on all child labor enforcement, including cases reported, investigated, prosecuted and closed.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies may have on child labor in Tuvalu.
- Progress with the labor force survey and consider including a child labor module.
- Conduct a study to better identify the extent and nature of the worst forms of labor in Tuvalu in order to design appropriate policies and programs

IN THE AREA OF PROGRAMS:

- Implement programs to address child labor

⁵⁸⁷⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

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⁵⁸⁸¹ Government of Tuvalu and the UN Development Programme, *Tuvalu Millennium Development Goals Report 2006*, Funafuti, Tuvalu, 2006, pg. 4, 6, 12, 19, 34; available from http://planipolis.iiep.unesco.org/format_liste1_en.php?Chp2=Tuvalu.

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⁵⁸⁸⁴ The Government of Tuvalu, *Employment Ordinance*, (April 22, 1966), articles 84-85; available from http://www.pacii.org/tv/legis/consol_act/eo202/. See also U.S. Embassy-Suva, *reporting*, February 8, 2011.

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⁵⁸⁸⁶ The Government of Tuvalu, *Employment Ordinance*, articles 43-44, 60, 91-101.

⁵⁸⁸⁷ *Ibid.*, articles 85, 91-98.

⁵⁸⁸⁸ *Ibid.*, article 83.

⁵⁸⁸⁹ The Government of Tuvalu, *The Constitution of Tuvalu*, (October 1, 1986), articles 74-75, 84-85; available from <http://tuvalu-legislation.tv/cms/index.php/legislation/current/all-by-category.html>. See also The Government of Tuvalu, *Penal Code (Revised 2008)*, (October 18, 1965), articles 132, 136, 140, 143, 145-146, 241-249; available from http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf.

⁵⁸⁹⁰ The Government of Tuvalu, *Penal Code (Revised 2008)*, article 131-149, 160.

⁵⁸⁹¹ *Ibid.*, articles 140-149.

⁵⁸⁹² The Government of Tuvalu, *Counter Terrorism And Transnational Organised Crime Act*, (November 30, 2009), articles 68, 72; available from [hard copy on file].

⁵⁸⁹³ *Ibid.*, article 67-68, 71-72.

⁵⁸⁹⁴ *Ibid.* See also Committee on the Elimination of Discrimination against Women, *Concluding Observations of*

the CEDAW, pg 8. See also The Government of Tuvalu, *Penal Code (Revised 2008)*, articles 128-149, 157-158, 160.

⁵⁸⁹⁵ U.S. Embassy- Suva, *reporting*, February 8, 2011.

⁵⁸⁹⁶ ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, pg 6, 11. See also Office of the High Commissioner for Human Rights, *Compilation Prepared by the Office of the High Commissioner for Human Rights*, pg 6. See also United Nations Development System - Fiji and Samoa, *United Nations Development Assistance Framework for the Pacific Subregion (2008-2012)*, May 2007, pg 12; available from http://www.undp.org/ws/Portals/12/pdf/RC/UNDAF_document.pdf.

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⁵⁸⁹⁸ ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, pg 6.

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⁵⁹⁰¹ *Ibid.*, article 144.

⁵⁹⁰² Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, pg 2. See also Office of the High Commissioner for Human Rights, *Compilation Prepared by the Office of the High Commissioner for Human Rights*, pg. 5. See also Government of Tuvalu and the UN Development Programme, *Tuvalu MDG Report 2006*, pg 12-13.

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⁵⁹⁰⁵ ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, pg. 4.

⁵⁹⁰⁶ *Ibid.*, pg. 10-17.

⁵⁹⁰⁷ *Ibid.*, pg 10. See also Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, pg 2-3.

⁵⁹⁰⁸ ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, pg 5-6, 16-17.

Uganda

The Government of Uganda continues to implement policy initiatives and some programs for the prevention and elimination of the worst forms of child labor, including for children affected by war. However, significant gaps remain in the Governments law enforcement efforts. In addition, there continue to be reports of forced child labor in the agriculture, fishing, and domestic labor sectors.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	31.1
Attending School	5-14 yrs.	84.2
Combining Work and School	7-14 yrs.	35.3

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵⁹⁰⁹

Children in Uganda are engaged in the worst forms of child labor, primarily agriculture and domestic service.⁵⁹¹⁰ It is estimated that the majority of children who work in Uganda are found in agriculture, producing coffee, tea and tobacco. Children who work on tobacco farms in Uganda are exposed to health hazards and risk developmental defects due to long working hours, exposure to tobacco fumes and the risk of respiratory diseases.⁵⁹¹¹ Evidence also exists that the worst forms of child labor are used in the production of maize, rice and sugarcane.⁵⁹¹² These children work long hours, use dangerous tools, are exposed to the elements and pesticides and carry heavy loads. Children in rural areas are three times more likely to work than children in urban areas, and child participation in work is highest in the eastern and central geographical regions.⁵⁹¹³

Many children in Uganda are also engaged in the worst forms of child labor as domestic servants.⁵⁹¹⁴ Child domestic servants in Uganda commonly lack clear terms of service, work long hours with

little or no pay and risk sexual exploitation and physical abuse from their employers.⁵⁹¹⁵

Children in Uganda work in fishing, in which they lack safety equipment and risk death from drowning. These children also receive little or no pay, work long hours processing and smoking fish and risk injuries from burns and fatigue.⁵⁹¹⁶ In the Karamoja region of Uganda, children herd cattle and may fall victim to cattle rustling. They risk being attacked by armed men, are isolated from their communities for a long time, are exposed to extreme weather conditions and are denied access to schooling.⁵⁹¹⁷

Other worst forms of child labor exist in the urban informal sector, in which children work as street vendors selling small items.⁵⁹¹⁸ Children working as street vendors in Uganda endure long hours of hard work for little or no pay, are exposed to physical dangers from vehicles and inclement weather and are at risk of commercial sexual exploitation. Some of these children end up as beggars on the streets.⁵⁹¹⁹ Children in Uganda are also engaged in the worst forms of child labor in cross-border trading with the Democratic Republic of Congo, Kenya, Rwanda

and Sudan, performing activities that include the transportation and loading of goods.⁵⁹²⁰

Children reportedly work in the production of charcoal, salt and stone.⁵⁹²¹

Children risk exposure to dangerous activities while working in bars and restaurants.⁵⁹²² Some children as young as age 10 are victims of commercial sexual exploitation.⁵⁹²³ Children in the custody of pimps and brothel owners are usually exposed to pornography and are used to produce pornographic materials.⁵⁹²⁴ Children used to produce pornographic materials in Uganda are often not paid or are robbed of their payments. These children are also exposed to sexually transmitted diseases, including HIV/AIDS.⁵⁹²⁵


Uganda is a source and destination country for the trafficking of children.⁵⁹²⁶ Children are trafficked internally for sexual exploitation and forced labor in fishing, agriculture and domestic service.⁵⁹²⁷ Children, specifically from the Karamoja region, are sold at cattle markets.⁵⁹²⁸ Ugandan children are also trafficked to Europe, the Middle East and East African countries for commercial sexual exploitation and forced labor. Children from Burundi, China, the Democratic Republic of the Congo (DRC), India, Kenya, Pakistan, Rwanda and Tanzania are trafficked to Uganda for commercial sexual exploitation and agricultural work.⁵⁹²⁹

There were no reports during the year that the Lord's Resistance Army (LRA) abducted and conscripted children within Uganda.⁵⁹³⁰ However, there are reports of ongoing abductions by the LRA in the neighboring countries of the DRC and Southern Sudan.⁵⁹³¹

Laws and Regulations on the Worst Forms of Child Labor

The Government of Uganda has several laws to protect children from the worst forms of child labor. According to the Employment Act, the minimum age for work in Uganda is 14.⁵⁹³² The law states that no child younger than age 18 may

be employed in hazardous work or between 7 p.m. and 7 a.m.⁵⁹³³ The Government of Uganda has drafted but not adopted a hazardous child labor list. There are also no laws to protect children working as domestic servants in Uganda.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Uganda has free and compulsory primary education until age 12, but the minimum age for work is 14, creating a gap between the minimum ages for compulsory education and work.⁵⁹³⁴ This standard makes children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work.

The President of Uganda signed the Anti-Trafficking in Persons Act of 2008 in 2010.⁵⁹³⁵ The act prohibits trafficking for the purpose of prostitution and trafficking in children and provides for protection, assistance and support for trafficking victims. The act also provides for reparation for victims of trafficking to and from Uganda.⁵⁹³⁶ The Ugandan Penal Code has not yet been updated to reflect the new law.

The Ugandan Constitution prohibits slavery and forced labor.⁵⁹³⁷ While trafficking in persons is not a specific violation under Ugandan law, related offenses such as abduction and detention of a person for sexual intent, trading in slaves and “defilement”—defined as having sex with a girl younger than age 18—can receive the death penalty.⁵⁹³⁸ Prostitution is illegal in Uganda as is the procurement and pimping of a prostitute. However, laws regarding the procurement and pimping of a prostitute are only applicable to female victims as are laws regarding the defilement of a child.⁵⁹³⁹ This leaves a gap in legislation with male victims being unprotected.

The minimum age for voluntary military service in Uganda is 18, and there is no conscription for the military.⁵⁹⁴⁰

Institutional Mechanisms for Coordination and Enforcement

The Government of Uganda has established a child labor steering committee to coordinate child labor issues. The committee includes representatives from the Ministry of Gender, Labor and Social Development (MGLSD), the Ministry of Education and Sports, the Ministry of Local Government, the Ministry of Agriculture and Health, the National Organization of Trade Unions, the Confederation of Uganda Trade Unions, the Federation of Uganda Employers, the International Rescue Committee, ILO-IPEC and other civil society stakeholders.⁵⁹⁴¹ Inadequate communications and resources have prevented the committee from meeting regularly on child labor issues since January 2010.⁵⁹⁴²

MGLSD is the lead agency on labor issues and is in charge of enforcing all labor laws in Uganda.⁵⁹⁴³ There are two units within MGLSD responsible for children’s issues—the Child Labor Unit (CLU) and the Orphans and Vulnerable Children (OVC) Unit. The OVC Unit guides programming for orphans and other vulnerable children and integrates child labor issues into the OVC database.⁵⁹⁴⁴ The CLU, with two full-time

civil servants, is responsible for the development of the National Child Labor Action Plan. MGLSD has 44 non specialized labor inspectors within Uganda. Inspectors are assigned permanently to 36 of the 112 administrative districts.⁵⁹⁴⁵ During the reporting period, the Government of Uganda published a pamphlet on *Guidelines for Labor Inspectors on the Identification of Hazardous Child Labor* to facilitate the programming, monitoring, development and implementation of public policies to eliminate of the worst forms of child labor.⁵⁹⁴⁶

Although information on the number of inspections carried out in the reporting period are unavailable, most of the inspections took place at formal work places. The Government of Uganda provided training for district labor inspectors.⁵⁹⁴⁷ However, there is no information on the scope or quality of the training. A complaint system for child labor has been established by ILO, in coordination with MGLSD. However, both MGLSD and the Uganda Police Force (UPF) are unable to provide statistics on the number of calls received regarding child labor and trafficking complaints, and there were no reported cases of child labor violations at the national level.⁵⁹⁴⁸ Given the extent of the child labor problem in the country, this may be due to a lack of awareness about the issue or problems with the mechanism for filing complaints.

The UPF within the Ministry of Internal Affairs is the lead agency for enforcing anti-trafficking laws and investigating cases related to trafficking in persons.⁵⁹⁴⁹ The UPF has a Child and Family Protection Unit (CFPU) that has 340 officers trained on child protection issues at the national, district and local levels.⁵⁹⁵⁰ Some staff members are designated as CFPU liaison officers to handle child-related complaints. These liaison officers receive some specialized training on family and child law from MGLSD.⁵⁹⁵¹ The CFPU reports managing over 31 child labor complaints during the reporting period.⁵⁹⁵² However, its capacity to conduct enforcement efforts and to monitor is

constrained by lack of resources.⁵⁹⁵³ Additionally, the Ministry of Justice and the Directorate for Public Prosecutions is charged with prosecuting trafficking cases.⁵⁹⁵⁴ However, a lack of resources and court backlogs create obstacles to the convictions of traffickers. Along with investigations, the CFPU also provides trainings to local police regarding children's rights and measures to identify and prevent trafficking.⁵⁹⁵⁵ All incoming police officers are required to participate in a 1-day trafficking response course provided by the CPFU.⁵⁹⁵⁶ Research indicates that specialized anti-trafficking training was provided to 150 new law enforcement officials during the reporting period.⁵⁹⁵⁷

There was some prosecution of trafficking crimes, including investigations, some arrests, a pending trial and issuance of a fine during the reporting period. In other cases, however, there is no evidence of sanctions placed on the perpetrators of crimes.⁵⁹⁵⁸ The small number of prosecutions and the issuance of a fine for such a serious crime suggest that insufficient resources and commitment dedicated to the problem.⁵⁹⁵⁹

During the reporting period, the Government also created an inter-ministerial Anti-Sacrifice and Trafficking in Persons Task Force, which is charged with drafting policy and implementing public information campaigns as well as managing and investigating trafficking cases.⁵⁹⁶⁰

Government Policies on the Worst Forms of Child Labor

The Government of Uganda has developed a National Action Plan for the Elimination of Child Labor, with support from ILO-IPEC.⁵⁹⁶¹ In addition, the Government of Uganda cooperates with the UN and its partners regarding implementation of an action plan concerning child soldiers, which follows the recommendations of the Security Council Working Group on Children and Armed Conflict. This action plan aims to raise awareness, release and reintegrate child recruits and enforce laws on children

associated with armed forces.⁵⁹⁶² According to the UN, the Government of Uganda's participation in the action plan to date has been "effective" in ensuring that children are not being recruited into armed forces.⁵⁹⁶³ The UN removed Uganda from the list of countries that actively recruit children into the armed forces as a result of its successful implementation of an action plan to demobilize and reintegrate child soldiers.⁵⁹⁶⁴

Child labor concerns have also been mainstreamed into the following national development agendas and key documents— Millennium Development Goals (2015), United Nations Development Assistance Framework (2006-2010) and National Education Development Plan (2004-2015).⁵⁹⁶⁵ Research has not uncovered the extent or degree to which these plans have been implemented.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Uganda has participated in the implementation of programs to eliminate the worst forms of child labor. The Government of Uganda is participating in a 4-year, \$4.79 million Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labor funded by USDOL.⁵⁹⁶⁶ This project aims to withdraw and prevent 8,138 children from exploitative child labor in agriculture, commercial sexual exploitation, fishing, domestic work, construction, mining, quarrying and the urban informal sector.⁵⁹⁶⁷

The Government also participates in a 4-year, \$5.5 million project funded by USDOL titled Livelihoods, Education and Protection to End Child Labor (LEAP).⁵⁹⁶⁸ The LEAP project aims to contribute to the prevention and elimination of child labor in Northern Uganda and the Karamoja region through awareness raising and improving access to and the quality of education. The project aims to withdraw and prevent 11,275 children from exploitative labor.⁵⁹⁶⁹

In 2010, the Governments of Uganda, the Central African Republic, the DRC and Southern Sudan continued to coordinate joint military operations to rescue abductees of the LRA.⁵⁹⁷⁰ During the year, the Government of Uganda also took steps to protect and support demobilized LRA child trafficking victims by providing services, such as shelter and education. However, the Government of Uganda efforts to provide services to other types of child trafficking is lacking.⁵⁹⁷¹ Also, with assistance from NGOs, the Government supports returning children who had been abducted by armed forces. Research indicates that these government efforts have been somewhat successful.⁵⁹⁷²

At a regional and policy level, the Government of Uganda participates in the East African Police Chiefs Cooperation Organization to strengthen regional cooperation and capacities among East African law enforcement authorities. The project is funded with \$38 million from the UNDOC and funding partners.⁵⁹⁷³ Research indicates that the success of this project has yet to be determined.⁵⁹⁷⁴

Also during the reporting period, the Government of Uganda participated in an anti-trafficking project funded by USDOS for \$500,000 that trained 178 law enforcement officers on identification, prevention and protection of

child trafficking victims.⁵⁹⁷⁵ The Government of Uganda continues awareness-raising activities on trafficking and commercial sexual exploitation through radio, billboards and other programs.⁵⁹⁷⁶

The Government of Uganda supports programs that help Karamojan children by removing them from the streets of Kampala and placing them in shelters, among other support.⁵⁹⁷⁷ The Government continues its support for NGO-run shelters that provide medical care, psychological support and other services to vulnerable children.⁵⁹⁷⁸ During the reporting period, the Government of Uganda also established a hotline for trafficking victims.⁵⁹⁷⁹ However, given the magnitude of the concerns, these efforts were not sufficient to address the problem.

The Government has also partnered with ILO to implement a campaign to stop modern-day slavery. The campaign uses posters, stickers and pamphlets to distribute messages and provides contact information for police reporting and NGO hotlines. However, no calls were received by the police during the reporting period.⁵⁹⁸⁰

Despite using external donor funding for the implementation of these projects, Government-supported efforts still fall short of reaching the large numbers of children in the worst forms of child labor in Uganda.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uganda:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a list of hazardous activities for children.
- Update the Penal Code to reflect the Anti-Trafficking Act of 2008.
- Adopt legislation that raises the age for compulsory education to be commensurate with the minimum age for work.
- Amend legislation to expand the definition of the crime of “defilement” to include boys as well as girls.
- Amend the laws to include protection for domestic service work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve the child labor steering committee’s capacity to ensure effective communication and coordination among relevant agencies.
- Take all necessary measures to effectively enforce child labor and trafficking laws, including—
 - Increasing the number of labor inspectors.
 - Increasing training for law enforcement officers, judges and prosecutors.
 - Ensuring that perpetrators of crimes against children are prosecuted and penalized commensurate with the severity of their crimes.

IN THE AREA OF SOCIAL PROGRAMS:

- Increase the number of shelters and extend the provision to all children in the worst forms of child labor and child trafficking.
- Expand and improve programs to prevent children’s involvement in exploitative child labor by
 - Working with donors to scale up efforts.
 - Drawing on successful models that have been implemented in existing child labor projects.
 - Implementing projects that target forced child labor and child trafficking, in addition to children affected by war, as well as social programs that address the root causes of trafficking and exploitation of children from the Karamoja region.
- Raise awareness of the worst forms of child labor and enhance hotline mechanisms to ensure that these child labor cases are reported, investigated and tracked.

⁵⁹⁰⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children’s work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.

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⁵⁹¹¹ COMEECA, *Community Empowerment for Elimination of Child Labor in Tobacco*, Revised Project Document, Kampala, October 2010.

⁵⁹¹² Ministry of Gender, Labor, and Social Development, *Guidelines for Labor Inspectors on the Identification of Hazardous Child Labor*, Kampala, May 2010.

⁵⁹¹³ Uganda Bureau of Statistics, *Understanding Children’s Work in Uganda: Country Report*, Kampala, August 2008, section 7; available from <http://ucw-project.org/pdf/publications/Uganda.pdf>. See also Uganda Bureau of Statistics, *The 2009 Child Labor Baseline Survey*.

⁵⁹¹⁴ Ministry of Gender, Labor, and Social Development, *National Action Plan for the Elimination of Worst Forms of Child Labor in Uganda 2011-2015*, Kampala, November 2010.

⁵⁹¹⁵ Ibid. See also ILO-IPEC, *Child Labour Wages and Productivity: Results from Demand-Side Surveys*, SIMPOC,

Geneva, May 2007; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=7065>. See also U.S. Embassy- Kampala, *reporting, February 22, 2011*.

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⁵⁹¹⁹ Uganda Bureau of Statistics, *The 2009 Child Labor Baseline Survey*.

⁵⁹²⁰ ILO-IPEC, *Child Labour and Cross Border Trade in Uganda*, Geneva, June 2004, v, viii, 3; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=701>.

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⁵⁹²⁵ *Ibid.* See also Ministry of Gender, Labor, and Social Development, *Guidelines for Labor Inspectors on the Identification of Hazardous Child Labor*.

⁵⁹²⁶ U.S. Department of State, "Uganda (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June

14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁵⁹²⁷ U.S. Department of State, "Uganda (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>.

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⁵⁹²⁹ U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda." See also U.S. Embassy- Kampala, *reporting, February 25, 2010*, para 25d. See also Henry Mukasa, "Rwanda girls trafficked for sex trade," *New Vision*, [online], June 15, 2008 [cited April, 2011]; available from <http://www.newvision.co.ug/D/8/12/633690>.

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⁵⁹³³ *Ibid.*, articles 6, part I (2), 32 (1-5).

⁵⁹³⁴ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, March 25, 2008.

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⁵⁹³⁸ Government of Uganda, *Penal Code*, (June 15, 1950), chapter XIV, articles 126, 129, 134, chapter XXIV article 250; available from http://www.ulii.org/ug/legis/consol_act/pca195087/.

⁵⁹³⁹ *Ibid.*, articles 31-40.

⁵⁹⁴⁰ Coalition to Stop the Use of Child Soldiers, "Uganda," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=28>.

⁵⁹⁴¹ Westat, *Evaluation of the Office of Child Labor, Forecd Labor, and Human Trafficking Technical Cooperation program: Report on Site Visit to Uganda*, Rockville, MD, August 25, 2010, 5.1-5.4. See also U.S. Embassy- Kampala,

reporting, February 22, 2011.

⁵⁹⁴² U.S. Embassy- Kampala, reporting, February 22, 2011. See also Westat, *Evaluation of the Office of Child Labor, Forecd Labor, and Human Trafficking Technical Cooperation program: Report on Site Visit to Uganda*, 5.5.

⁵⁹⁴³ U.S. Department of State, “Country Reports- 2009: Uganda.” See also U.S. Embassy- Kampala, reporting, February 22, 2011.

⁵⁹⁴⁴ Westat, *Evaluation of the Office of Child Labor, Forecd Labor, and Human Trafficking Technical Cooperation program: Report on Site Visit to Uganda*, 5.1. See also ILO, *Child Labor Baseline Survey conducted in Wakiso, Rakai & Mbale Districts, Uganda: Analytical Report*, Kampala, October 2009, 3.

⁵⁹⁴⁵ U.S. Embassy- Kampala, reporting, February 22, 2011. See also Westat, *Evaluation of the Office of Child Labor, Forecd Labor, and Human Trafficking Technical Cooperation program: Report on Site Visit to Uganda*, 5.1-5.2.

⁵⁹⁴⁶ Ministry of Gender, Labor, and Social Development, *Guidelines for Labor Inspectors on the Identification of Hazardous Child Labor*, iii. See also U.S. Embassy- Kampala, reporting, February 22, 2011.

⁵⁹⁴⁷ U.S. Department of State, “Country Reports- 2009: Uganda,” section 7d.

⁵⁹⁴⁸ U.S. Embassy- Kampala, reporting, February 16, 2010.

⁵⁹⁴⁹ U.S. Embassy- Kampala, reporting, February 25, 2010.

⁵⁹⁵⁰ U.S. Embassy- Kampala, reporting, February 16, 2010.

⁵⁹⁵¹ U.S. Embassy- Kampala, reporting, February 22, 2011.

⁵⁹⁵² U.S. Embassy- Kampala official, E-mail communication to USDOL official, August 13, 2010.

⁵⁹⁵³ U.S. Embassy- Kampala, reporting, February 25, 2010, para 26f.

⁵⁹⁵⁴ *Ibid.*, para 26b.

⁵⁹⁵⁵ *Ibid.*, para 27a.

⁵⁹⁵⁶ *Ibid.*, para 27f.

⁵⁹⁵⁷ *Ibid.*

⁵⁹⁵⁸ *Ibid.*, para 26c.

⁵⁹⁵⁹ *Ibid.*, para 27a.

⁵⁹⁶⁰ *Ibid.* See also U.S. Department of State, “Country Reports- 2009: Uganda.”

⁵⁹⁶¹ ILO-IPEC, *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour*, Project Document, Geneva, September 26, 2008, i. See also ILO-IPEC, *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour*, Technical Progress Report, Geneva, September 2009.

⁵⁹⁶² UN Security Council, *Report of the Secretary-General for Children in Armed Conflict in Uganda*, September 15, 2009, 3; available from <http://daccess-dds-ny.un.org/doc/UNODC/GEN/N09/506/74/PDF/N0950674.pdf?OpenElement>.

⁵⁹⁶³ UN Security Council, *Additional Report of the Secretary-General on Children and Armed Conflict in Uganda*, S/2008/409, June 23, 2008, 3-4; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N08/376/76/PDF/N0837676.pdf?OpenElement>.

⁵⁹⁶⁴ U.S. Department of State, “Uganda,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/index.htm>.

⁵⁹⁶⁵ UN, *Development Assistance Framework, 2006-2010: Uganda*, Kampala, 2005; available from http://www.undg.org/archive_docs/5913-Uganda_UNDAF_2006-2010_.pdf. See also Millennium Development Goals Monitor, *Progress by Goal: Uganda*, [online] 2007 [cited April 11, 2010]; available from http://www.mdgmonitor.org/country_progress.cfm?c=CIV&cd=384. See also Ministry of Education and Sports, *Education Sector Strategic Plan, 2004-2015: Uganda*, Kampala, June 2004; available from http://planipolis.iiep.unesco.org/upload/Uganda/Uganda_ESSP_2004_2015.pdf.

⁵⁹⁶⁶ ILO-IPEC, *Project of Support for the National Action Plan, Project Document (September 2008)*.

⁵⁹⁶⁷ *Ibid.*, 30-31, 46-48.

⁵⁹⁶⁸ International Rescue Committee, *Livelihoods, Education, & Protection to End Child labor in Uganda (LEAP)*, Project Document, New York, January 7, 2009, 1.

⁵⁹⁶⁹ *Ibid.*, 3, 37-41.

⁵⁹⁷⁰ U.S. Embassy- Kampala, reporting, February 25, 2010, para 27g.

⁵⁹⁷¹ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.”

⁵⁹⁷² U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

⁵⁹⁷³ UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Programme 2009-12*, December 2009, 3; available from http://www.unodc.org/documents/easternafrika//regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf.

⁵⁹⁷⁴ U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

⁵⁹⁷⁵ U.S. Embassy- Kampala, reporting, February 16, 2010, paras 2c, 2d.

⁵⁹⁷⁶ U.S. Department of State, “Country Reports- 2009: Uganda,” section 7d.

⁵⁹⁷⁷ *Ibid.*, section 5.

⁵⁹⁷⁸ U.S. Embassy- Kampala, reporting, February 25, 2010, para 25b.

⁵⁹⁷⁹ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.”

⁵⁹⁸⁰ U.S. Embassy- Kampala, reporting, February 22, 2011.

Ukraine

In January 2010, Ukraine strengthened its legal framework by passing the Law to Combat Child Pornography. However, children continue to engage in dangerous labor in agriculture as well as prostitution and pornography. Furthermore, social programs do not address these most prevalent worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.1*
Attending School	5-14 yrs.	95.8
Combining Work and School	7-14 yrs.	17.3

* Population of working children: 904,210



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ukraine engage in the worst forms of child labor,⁵⁹⁸¹ in agriculture as well as in prostitution and pornography.⁵⁹⁸² Children's work in agriculture may involve using potentially dangerous machinery and tools, carrying heavy loads and applying toxic pesticides. Children also engage in street work,⁵⁹⁸³ in which they may be exposed to many dangers, including severe weather and criminal elements or may be involved in vehicle accidents.

Children work in surface coal mines where they mine, sort, carry and load the coal.⁵⁹⁸⁴ These informal mines lack safety measures and children are at risk of injury.⁵⁹⁸⁵

Commercial sexual exploitation of children including prostitution and pornography is also prevalent in Ukraine.⁵⁹⁸⁶ According to Ukrainian and international law enforcement authorities, a large amount of child pornography on the Internet comes from Ukraine.⁵⁹⁸⁷

Children are also trafficked for sexual and labor exploitation both within Ukraine and internationally.⁵⁹⁸⁸ Trafficked children are often forced to work as beggars or prostitutes.⁵⁹⁸⁹






Homeless, orphan and poor children are at high risk of trafficking and are targeted by recruiters for child pornography.⁵⁹⁹⁰

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16, and children who have reached age 15 can work with the permission of a parent. The Code allows for light work by children, but there is no minimum age for such work and the law fails to clearly define it.⁵⁹⁹¹ The Constitution, the Labor Code and the Workers' Protection Act prohibit children younger than 18 from working in hazardous conditions.⁵⁹⁹² The Ministry of Health published a list of prohibited hazardous occupations in 1994.⁵⁹⁹³ However, children age 14 to 16 in vocational training programs are not restricted from working in hazardous occupations.⁵⁹⁹⁴ Ukraine's minimum age for such work is two years below the international minimum age for entering hazardous vocational training.

Article 150 of the Criminal Code outlaws the exploitation of children.⁵⁹⁹⁵ Articles 304 and 309 of the code prohibit the engagement of children in illicit activities, including the production,

purchase, storage, or transportation of drugs.⁵⁹⁹⁶ Article 302 outlaws the use of children in prostitution.⁵⁹⁹⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

In January 2010, the Government passed the Law to Combat Child Pornography.⁵⁹⁹⁸ This law includes an internationally recognized definition of child pornography and allows courts to limit Internet access to sites that circulate child pornography. The law also increased penalties for child pornographers.⁵⁹⁹⁹

Forced labor is prohibited in the Constitution.⁶⁰⁰⁰ Article 149 of the Criminal Code prohibits trafficking in persons, both for sexual service and labor. This article is applicable to both internal and international trafficking.⁶⁰⁰¹ The code increases penalties for trafficking if the victim is a minor.⁶⁰⁰²

The compulsory military recruitment age is 18.⁶⁰⁰³

Education is free and compulsory until age 17.⁶⁰⁰⁴ Nevertheless, access to education is limited for rural and Roma children. In areas with low population density, some schools close due to the lack of school-age children, forcing children to travel to distant villages for school.⁶⁰⁰⁵

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee (NSC) to combat child labor is chaired by the Ministry of Labor and Social Policy (MOLSP) and is comprised of seven ministries along with representatives from workers' and employers' organizations, NGOs and youth government associations.⁶⁰⁰⁶ The NSC is responsible for overseeing interagency task forces on childhood protection and child trafficking.⁶⁰⁰⁷

The Interagency Commission on Childhood Protection, composed of relevant government and UN representatives, examines policies and legislation on issues of child protection, including the worst forms of child labor and trafficking.⁶⁰⁰⁸

The Ministry of Family, Youth and Sport is responsible for coordinating efforts to combat human trafficking at the national level.⁶⁰⁰⁹ The ministry leads the Interagency Coordination Council for Family, Gender Equality, Demographic Development and Countering Trafficking in Persons, which was created in 2007. The ministry has held five council meetings devoted to the discussion of trafficking issues, the most recent in December 2010.⁶⁰¹⁰ At the *oblast* (provincial) level, *Oblast* Coordination Councils led by the Departments of Family, Youth and Sport coordinate efforts against trafficking.⁶⁰¹¹

There are five agencies responsible for enforcing hazardous child labor laws--MOLSP, the Ministry of the Interior's Criminal Police for Juvenile Affairs (CPJA), the Ministry of Family, Youth and Sport, the Prosecutor General's Office and the Security Service of Ukraine.⁶⁰¹² The Child Labor Division, under the State Labor Inspectorate in the MOLSP, is the lead agency responsible for enforcing child labor laws.⁶⁰¹³ The Ministry of Family, Youth and Sport, along with the Police Department for Juvenile Affairs, works to identify children involved in the worst forms of child labor in the informal sector.⁶⁰¹⁴ Coordination among

these agencies is hampered by the lack of an electronic database for collecting information.⁶⁰¹⁵

The Government employs 743 labor inspectors.⁶⁰¹⁶ As of October 2010, over 26,000 labor inspections were conducted, with 447 inspections focused on child labor taking place in August and September. During these child labor inspections, 1,195 working children were identified, with the majority of children younger than 14 working in agriculture.⁶⁰¹⁷ Labor inspectors and the State Service on Children's Affairs met with the parents of 195 working children to explain child labor laws.⁶⁰¹⁸

Two agencies enforce criminal laws related to the worst forms of child labor--the CPJA and the Ministry of Interior's Department of Cyber Crime and Counter-Trafficking.⁶⁰¹⁹ The CPJA employs 2,980 officers. In 2010, the IOM trained approximately 40 law enforcement officers in trafficking issues.⁶⁰²⁰ During the reporting period, training on human trafficking issues was provided for investigators, prosecutors, judges, and high school teacher trainers. It included instruction on victim identification, witness and victim protection, and trafficking crime identification.⁶⁰²¹ Two hotlines accept reports of child trafficking and one takes reports of commercial sexual exploitation of minors on the Internet.⁶⁰²²

Also in 2010, 257 cases related to trafficking in persons were investigated; 145 cases were filed and 85 went to court.⁶⁰²³ The number of child victims identified was 123, 60 percent of whom were girls.⁶⁰²⁴ Sixty traffickers were sentenced to prison terms.⁶⁰²⁵

From January to August 2010, there were 1,554 criminal cases opened against adults using children in criminal activities, 113 of which were for using children in begging. Eight cases of child exploitation were filed.⁶⁰²⁶ Law enforcement does not provide data on the number of victims assisted.⁶⁰²⁷

Government Policies on the Worst Forms of Child Labor

The Concept of National Program/National Action Plan on the UN Convention of the Rights of a Child for 2006-2016 includes provisions for assistance to vulnerable children, life skills training, and better legislation for child rights protection.⁶⁰²⁸ The corresponding National Action Plan to Implement the UN Convention on the Rights of the Child outlines action steps for putting laws into practice that protect children's rights.⁶⁰²⁹ Chapters 4.6 and 4.7 of the national action plan address child labor and exploitation and call for the development of a child labor monitoring system.

The national action plan allocated approximately \$8,000 for the monitoring system and earmarked \$100,000 to combat trafficking, sexual exploitation, and violence against children.⁶⁰³⁰ According to a Ministry of Labor official, the national action plan was ineffective and the \$8,000 allocated for the monitoring system was never issued.⁶⁰³¹

The Government also implemented the National Plan on Combating Human Trafficking 2007-2010.⁶⁰³² The plan aimed to train government officials in trafficking and child labor issues and develop programs for rehabilitating child trafficking victims.⁶⁰³³ The plan called for approximately \$292,000 to be allocated over the four years of the project, and as of January 1, 2010, approximately \$82,000 had been spent.⁶⁰³⁴ Only \$2,500 was budgeted for 2010.⁶⁰³⁵ It is unclear whether the remainder of the funds will be made available for implementation of the plan. Responsibilities for carrying out these activities are being reassigned, causing delays in implementation.⁶⁰³⁶ A new 5-year plan has been drafted but it has yet to be passed.⁶⁰³⁷

In 2010, the Government also entered into two international agreements on human trafficking. It ratified the Council of Europe Convention on Action against Trafficking in Human Beings and signed a Joint Cooperation Plan on Countering Trafficking with the United States.⁶⁰³⁸

The Government's State Program to Combat Child Homelessness and Neglect (2006-2010) identified child homelessness as a factor contributing to the worst forms of child labor and aimed to identify and support at-risk families.⁶⁰³⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Ministry of Family, Youth and Sport provides for social protection of children including 88 shelters and 32 social-psychological rehabilitation centers. The ministry also operates local offices for children's affairs, which provide employment, social and legal services for child laborers.⁶⁰⁴⁰

The Government provides free school lunches to all children, a program which may encourage children to attend school rather than go to work.⁶⁰⁴¹ However, as noted above, access to school for some rural and Roma children remains a problem.

The Government also participated in a \$700,000 German-funded regional project which aimed to

build capacity of the Government and increase the involvement of trade unions and employer organizations in dealing with child labor issues.⁶⁰⁴² The project concluded at the end of 2010. The project served 5,750 children in Kherson and Donetsk *oblasts* and encouraged government and civil participation in ending child labor.⁶⁰⁴³

Posters and information cards about child sex tourism and human trafficking were also distributed at seven border crossings.⁶⁰⁴⁴ In addition, the Ministry of Education and Science partnered with international organizations to produce guidelines to assist teachers in discussing human trafficking issues with their students. The ministry also developed a school program for grades 7 to 11 to raise awareness of the issue.⁶⁰⁴⁵

While the Government has taken steps to implement anti-trafficking programs, research found no evidence that it has carried out programs to assist children involved in exploitative child labor in agriculture, mining or street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ukraine:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code to prohibit all children younger than 18 from working in hazardous occupations or conditions including children in vocational training.
- Amend the Labor Code to clearly define the term "light work" as it applies to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Implement mechanisms to facilitate cooperation between agencies responsible for enforcing child labor laws including the creation of a database on child labor.

IN THE AREA OF POLICIES:

- Adopt policies to address the most relevant worst forms of child labor.
- Provide the funds necessary to develop a child labor monitoring system as prescribed in the national action plan.
- Approve and fund the draft Concept of the State program against Human Trafficking for 2011-2016.

IN THE AREA OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor in agriculture, street work and mining.
- Assess children's access to rural schools and develop programs to facilitate school attendance.

⁵⁹⁸¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁹⁸² ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine, 2001-2009*, Kyiv, 2009, 2; available from http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ipeck_ukraine.pdf. See also U.S. Department of State, "Ukraine," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 6 and 7.d; available from www.state.gov/g/drl/rls/hrrpt/2010.

⁵⁹⁸³ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2A, ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*. See also U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 1.

⁵⁹⁸⁴ International Labor Organization, "World Day Against Child Labor 2005 "Kopankas" in Ukraine: Sending children to the "family mine", [online], June 14, 2005 [cited May 4, 2011]; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_075562/index.htm. See also ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*, 2.

⁵⁹⁸⁵ International Labor Organization, "World Day Against Child Labor 2005".

⁵⁹⁸⁶ U.S. Department of State, "Country Reports- 2010: Ukraine," section 7.d. See also ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*, 2. See also U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2A.1. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 95.

⁵⁹⁸⁷ U.S. Department of State, "Country Reports- 2010: Ukraine," section 6.

⁵⁹⁸⁸ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2D. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 9-10.

⁵⁹⁸⁹ U.S. Department of State, "Ukraine," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

⁵⁹⁹⁰ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 15.

⁵⁹⁹¹ ILO-IPEC, *Ukraine Child Labour Data Country Brief*, Geneva; available from www.ilo.org/ipeinfo/product/download.do?type=document&id=7806. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Ukraine (ratification: 1979) Submitted: 2008*, May 6, 2011; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁵⁹⁹² ILO-IPEC, *Ukraine Child Labour Data Country Brief*.

⁵⁹⁹³ Ibid.

⁵⁹⁹⁴ ILO Committee of Experts, *Individual Direct Request C138: Ukraine (2008)*.

⁵⁹⁹⁵ Government of Ukraine, *Criminal Code of Ukraine*, (2001), Article 150; available from <http://www.legislationline.org/documents/section/criminal-codes>.

⁵⁹⁹⁶ Ibid., Article 304 and 309.

⁵⁹⁹⁷ Ibid., Article 302.

⁵⁹⁹⁸ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Ukraine*, Geneva, January 28, 2011, para. 4 and 77; available from www.ohchr.org/english/bodies/crc/docs/co.

⁵⁹⁹⁹ U.S. Department of State, "Country Reports- 2010: Ukraine," section 6.

⁶⁰⁰⁰ Government of Ukraine, *Constitution of Ukraine*, (June 28, 1996), Article 43; available from www.rada.gov.ua/const/conengl.htm.

⁶⁰⁰¹ Government of Ukraine, *Criminal Code*, Article 149. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 46.

⁶⁰⁰² Government of Ukraine, *Criminal Code*, Article 149.

⁶⁰⁰³ Coalition to Stop the Use of Child Soldiers, "Ukraine," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁶⁰⁰⁴ U.S. Department of State, "Country Reports- 2010: Ukraine," section 6. See also U.S. Embassy- Kyiv, E-mail communication to USDOL official, April 19, 2011.

⁶⁰⁰⁵ U.S. Department of State, "Country Reports- 2010: Ukraine," section 6.

⁶⁰⁰⁶ ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*, 4. See also ILO-IPEC, *National Program for the Prevention and Elimination of Worst Forms of Child Labor in Ukraine*, Final Technical Progress Report, Geneva, December 8, 2006, 4-5.

- ⁶⁰⁰⁷ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2E.
- ⁶⁰⁰⁸ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 3.1.
- ⁶⁰⁰⁹ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 30.
- ⁶⁰¹⁰ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 33.
- ⁶⁰¹¹ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 23.
- ⁶⁰¹² U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2C.
- ⁶⁰¹³ U.S. Department of State, “Country Reports- 2010: Ukraine,” section 7.d.
- ⁶⁰¹⁴ U.S. Department of State, “Ukraine,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7.d; available from www.state.gov/g/drl/rls/hrrpt/2009.
- ⁶⁰¹⁵ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 4.2.
- ⁶⁰¹⁶ *Ibid.*, para. 4.3.
- ⁶⁰¹⁷ *Ibid.*, para. 4.6.
- ⁶⁰¹⁸ *Ibid.*, para. 4.8.
- ⁶⁰¹⁹ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2D. See also U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 5.3. See also U.S. Embassy- Kyiv, E-mail communication, April 19, 2011.
- ⁶⁰²⁰ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 5.3.
- ⁶⁰²¹ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 17.
- ⁶⁰²² U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2D.
- ⁶⁰²³ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 16.
- ⁶⁰²⁴ *Ibid.*, para. 3.
- ⁶⁰²⁵ *Ibid.*, para. 16.
- ⁶⁰²⁶ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 5.6.
- ⁶⁰²⁷ *Ibid.*, para. 5.8.
- ⁶⁰²⁸ ILO-IPEC, *National Program for the Prevention and Elimination of Worst Forms of Child Labor in Ukraine, Final Technical Progress Report*, 6.
- ⁶⁰²⁹ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, para. 2B.
- ⁶⁰³⁰ *Ibid.*, para. 2B and 2E. See also U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 6.1.
- ⁶⁰³¹ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 6.3.
- ⁶⁰³² ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*, 6.
- ⁶⁰³³ ILO-IPEC, *Trafficking and other Worst Forms of Child Labor in Central and Eastern Europe (PROTECT CEE)*, Technical Progress Report, Geneva, September 2007, 6.
- ⁶⁰³⁴ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para. 20.
- ⁶⁰³⁵ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 8.
- ⁶⁰³⁶ *Ibid.*, para. 8.
- ⁶⁰³⁷ *Ibid.*, para. 3.
- ⁶⁰³⁸ *Ibid.*, para. 3.
- ⁶⁰³⁹ ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine*, 6.
- ⁶⁰⁴⁰ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 7.1.
- ⁶⁰⁴¹ *Ibid.*, para. 7.2.
- ⁶⁰⁴² ILO-IPEC Geneva official, E-mail communication to USDOL official, April 27, 2011.
- ⁶⁰⁴³ U.S. Embassy- Kyiv, *reporting, January 12, 2011*, para. 7.3 and 7.4.
- ⁶⁰⁴⁴ U.S. Embassy- Kyiv, *reporting, March 7, 2011*, para. 37.
- ⁶⁰⁴⁵ *Ibid.*, para. 31.

Uruguay

The Government of Uruguay has a policy aimed at combating the worst forms of child labor in garbage scavenging. However, staffing levels at the labor inspectorate remain low, and there is little information on enforcement efforts. Children continue to work in the worst forms of child labor in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Uruguay are engaged in the worst forms of child labor,⁶⁰⁴⁶ particularly in agriculture and urban informal work. Children working in agriculture may be exposed to dangerous machinery and tools and harmful pesticides.⁶⁰⁴⁷ In urban areas, children are engaged in street vending, car washing, garbage collecting and begging. Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and criminal elements.⁶⁰⁴⁸ Children also work in domestic service, which may leave them vulnerable to physical and sexual exploitation.⁶⁰⁴⁹






Uruguay is a source and transit country for trafficking in persons. There are isolated reports of minors being trafficked within Uruguay to border and tourist areas for the purpose of sexual exploitation.⁶⁰⁵⁰

Laws and Regulations on the Worst Forms of Child Labor

The Code for Children and Adolescents sets the minimum age for employment at 15. Light work

is permitted for children between ages 13 and 15; however, legislation does not provide regulations for the conditions under which children may engage in light work.⁶⁰⁵¹ Government officials must authorize work by children younger than age 18.⁶⁰⁵² Education is compulsory through secondary school, which is approximately age 15.⁶⁰⁵³

In 2006, the Uruguayan Institute for Children and Adolescents (INAU) passed Resolution 1012/006, which establishes types of work considered hazardous for children younger than age 18, including work in agriculture, domestic service and garbage collection as well as in street vending and services. However, research did not identify penalties for violations of the statute.⁶⁰⁵⁴ In addition, Decree 321 was passed in 2009 prohibiting activities within the agriculture sector that are considered hazardous for children and allowing for corresponding penalties for violations of the statute. These prohibited activities include work with machines, hot or toxic substances and handling animals or sharp tools.⁶⁰⁵⁵ However, research did not identify penalties for violations of the statute.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Uruguay's Penal Code prohibits forced or compulsory labor.⁶⁰⁵⁶ The law also forbids child pornography and the commercial sexual exploitation of children.⁶⁰⁵⁷ The Migration Act comprehensively prohibits the trafficking of persons in or out of the country for the purposes of forced labor or sexual exploitation.⁶⁰⁵⁸ The law also lists trafficking of children as an aggravating circumstance. It is illegal to enlist anyone younger than age 18 into the armed forces, even in time of war.⁶⁰⁵⁹

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) chairs the Committee for the Eradication of Child Labor (CETI), which addresses national child labor issues. The committee is composed of government agencies, industry and labor groups and NGOs.⁶⁰⁶⁰ In coordination with MLSS, INAU monitors child labor conditions in the country.⁶⁰⁶¹ When MLSS receives complaints concerning children working in hazardous situations, it refers the child labor component of the cases to INAU. In addition to CETI, the Government also

operates a National Committee for the Eradication of Commercial Sexual Exploitation of Children.⁶⁰⁶²

In 2010, INAU had only seven inspectors.⁶⁰⁶³ The number of inspectors appears to be insufficient, which has been noted by the ILO Committee of Experts.⁶⁰⁶⁴ INAU operates a hotline to receive complaints about child labor; however, information was not available on the number of child labor complaints received.⁶⁰⁶⁵ No information was available on the number of inspections conducted, violations found or sanctions imposed.

The Ministry of the Interior (MOI) investigates both child trafficking and the commercial sexual exploitation of children.⁶⁰⁶⁶ In 2009, a Specialized Court for Organized Crime was created. The two judges and two public prosecutors who operate this court have the responsibility of carrying out investigations regarding all manner of organized crime, including the use of children in narcotics operations, the trafficking of children and the use of children for commercial or sexual exploitation.⁶⁰⁶⁷ Children identified as victims of the worst forms of child labor as part of an MOI investigation can be placed under the protection or custody of INAU. Generally, it takes one to two years to resolve a case involving the commercial or sexual exploitation of children.⁶⁰⁶⁸

Government Policies on the Worst Forms of Child Labor

Research found no evidence of a comprehensive policy to combat the worst forms of child labor. The interdepartmental National Committee for the Eradication of Commercial Sexual Exploitation of Children, led by INAU, has a national plan of action against the commercial sexual exploitation of children.⁶⁰⁶⁹ The goals of this plan include strengthening victims' rights, improving protection measures for victims and witnesses, keeping children in school, reintegrating those children who had previously left school and developing alternative income strategies for families.⁶⁰⁷⁰ During 2010, the

government approved the creation of three teams of experts within the National Committee to provide assistance in cases where children are found in commercial sexual exploitation.⁶⁰⁷¹

In 2011, a national plan of action to combat child labor in garbage dumps will go into effect. As part of the plan, CETI will collaborate with other countries in the region to exchange good practices to address this worst form of child labor.⁶⁰⁷²

The Government of Uruguay and other member governments of MERCOSUR are carrying out the *Niño Sur* (Southern Child) initiative to protect the rights of children and adolescents in the region.⁶⁰⁷³ During the reporting period, MERCOSUR member countries met to exchange good practices of systems to protect children and adolescents from commercial sexual exploitation as part of the *Niño Sur* initiative.⁶⁰⁷⁴ The Government of Uruguay is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the

commercial exploitation of children in Latin America.⁶⁰⁷⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Government operated a publicly funded campaign to distribute flyers and stickers in tourist destinations around the country. The goal was to raise awareness of the presence of exploitative child labor and to discourage children's participation in illegal activities.⁶⁰⁷⁶ CETI organized workshops and awareness-raising campaigns in schools to educate students and teachers about the issue of child labor and importance of education. A particular focus of the campaigns was child labor in garbage collection.⁶⁰⁷⁷

Research found no evidence of any programs to provide direct assistance to child laborers, including those who are engaged in work in agriculture and urban informal work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uruguay:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish regulations for the conditions under which children may engage in light work.
- Establish penalties for violations of Resolution 1012/006 and Decree 321.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of INAU inspectors.
- Increase the capacity of the Special Courts of Organized Crime to resolve cases of commercial sexual exploitation of children more quickly.
- Collect, analyze and make publicly available statistics on inspections and child labor violations to better target and assess enforcement and other efforts.

IN THE AREA OF POLICIES:

- Adopt a national plan of action to address the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Institute programs to provide direct assistance to child laborers, including those working in agriculture and urban informal work.

⁶⁰⁴⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁶⁰⁴⁷ ILO-IPEC, Comité Nacional para la Erradicación del Trabajo Infantil, Centro de Informaciones y Estudios del Uruguay, and Adolescencia y Familia Programa Infancia, Estudio sobre las Características de los Niños, Niñas y Adolescentes Trabajadores y sus Familias: Modalidades de Trabajo Infantil y sus Peores Formas, Perfil Socioeconómico y Cultural de las Familias, 2005, 55; available from http://white.oit.org.pe/ippec/documentos/ti_uruguay_ciesu.pdf.

⁶⁰⁴⁸ Ibid., 55, 56.

⁶⁰⁴⁹ Ibid.

⁶⁰⁵⁰ U.S. Department of State, “Uruguay (Tier 2),” in Trafficking in Persons Report- 2010, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>. See also U.S. Embassy- Montevideo, reporting, February 17, 2011.

⁶⁰⁵¹ Government of Uruguay, Código de la niñez y la adolescencia, (August 2, 2004), articles 162, 165; available from www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=17823&Anchor=.

⁶⁰⁵² Ibid., articles 162, 167, 168.

⁶⁰⁵³ UNESCO, EFA Monitoring Report: Education for All by 2015: Will We Make It?, 2007; available from <http://unesdoc.unesco.org/images/0015/001547/154743e.pdf>. See also Government of Uruguay, Constitución de la República, (2004); available from <http://www.parlamento.gub.uy/constituciones/const004.htm>.

⁶⁰⁵⁴ Government of Uruguay, Resolución del Directorio de INAU, 1012/006, (2006); available from <http://cetiuruguay.org/normativa/resoluciones/40-resolucion-1012006-del-directorio-de-inau.html>.

⁶⁰⁵⁵ Government of Uruguay, Decreto 321, (July 9, 2009); available from http://www.presidencia.gub.uy/_web/decretos/2009/07/t1405%20.pdf.

⁶⁰⁵⁶ Government of Uruguay, Poder Legislativo, República Oriental del Uruguay: Violencia Sexual Comercial o No Comercial Cometida Contra Niños, Adolescentes o Incapaces, Ley No. 17.815, (August 18, 2004); available from <http://www.parlamento.gub.uy/Leyes/Ley17815.htm>.

⁶⁰⁵⁷ Ibid.

⁶⁰⁵⁸ Government of Uruguay, Se establecen normas en materia de migración, Ley 18.250, (2008), articles 77, 78, 81; available from http://www.presidencia.gub.uy/_web/

leyes/2008/01/T791_19%2010%202007_00001.PDF.

⁶⁰⁵⁹ Coalition to Stop the Use of Child Soldiers, “Uruguay,” in Child Soldiers Global Report 2008, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁶⁰⁶⁰ CETI, CETI, Sobre Nosotros, [online] February 2, 2011 [cited March 25, 2011]; available from <http://cetiuruguay.org/sobre-nosotros.html>. See also U.S. Embassy- Montevideo, reporting, December 2, 2010.

⁶⁰⁶¹ U.S. Embassy- Montevideo, reporting, December 2, 2010.

⁶⁰⁶² Ibid.

⁶⁰⁶³ Ibid.

⁶⁰⁶⁴ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uruguay (ratification: 2001) Submitted: 2010, March 25, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25351&chapter=9&query=%28C182%29+%40ref+%2B+%28Uruguay%29+%40ref&highlight=&querytype=bool&context=0>.

⁶⁰⁶⁵ U.S. Embassy- Montevideo, reporting, December 2, 2010.

⁶⁰⁶⁶ Ibid.

⁶⁰⁶⁷ Ibid.

⁶⁰⁶⁸ Ibid.

⁶⁰⁶⁹ Ibid.

⁶⁰⁷⁰ Ibid.

⁶⁰⁷¹ Ibid.

⁶⁰⁷² Ministerio de Desarrollo Social, Preparan un plan para eliminar trabajo infantil [online] December 9, 2010 [cited March 25, 2011]; available from <http://www.mides.gub.uy/mides/text.jsp?contentid=10834&site=1&channel=blog>.

⁶⁰⁷³ Niño Sur, Explotación sexual Infantil. Trata, Tráfico y Venta, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index2.asp?id=126>. See also Niño Sur, Quienes Participan, Niño Sur, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index2.asp?id=124>.

⁶⁰⁷⁴ Niño Sur, Actividades, Niño Sur, [online] [cited March 24, 2011]; available from <http://www.niniosur.com/index3.asp?id=123>.

⁶⁰⁷⁵ Grupo de Acción Regional de las Américas, Quienes Somos, [online] 2010 [cited March 28, 2011]; available from http://www.grupodeaccionregional.org/index.php?option=com_content&view=article&id=52%3Aquienes-somos&catid=38&Itemid=73&lang=es.

⁶⁰⁷⁶ U.S. Embassy- Montevideo, reporting, December 2, 2010.

⁶⁰⁷⁷ Ibid.

Uzbekistan

The Government of Uzbekistan strengthened legislation to protect children against hazardous work. However, the Government has failed to enforce legislation prohibiting the worst forms of child labor in cotton sowing and harvesting. Large numbers of children, many under conditions of forced labor, are engaged in the cotton harvest through a mandated quota system enforced by government officials.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.3
Attending School	5-14 yrs.	84.1
Combining Work and School	7-14 yrs	5.0



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Uzbekistan are engaged in the worst forms of child labor,⁶⁰⁷⁸ primarily in the annual autumn cotton harvest. Each spring, during the pre-harvest season, children work long hours sowing cotton.⁶⁰⁷⁹ Thousands of children continue to be forced to work during the annual harvest due to the Government's system for cotton production which requires local administrators and farms to meet harvest quotas.⁶⁰⁸⁰ Local officials often close schools for six weeks or up to two months during the harvest and force children to pick cotton to reach the mandated quotas.⁶⁰⁸¹ Some reports indicate that efforts were initially made to reduce the number of children below secondary school age required to work in the 2010 harvest, but a high labor demand to meet quotas resulted in children as young as age 10 being forced into the fields toward the end of the season.⁶⁰⁸²

While harvesting cotton, some children do not have access to sufficient food and clean drinking water.⁶⁰⁸³ Children often resort to drinking water from irrigation drainage ditches, resulting in intestinal and respiratory infections, meningitis

or hepatitis.⁶⁰⁸⁴ In addition, university researchers and trade unions report that children are withheld wages and work long work hours in extreme temperatures.⁶⁰⁸⁵ Reports also indicate that children are abused or beaten by their supervisors or have been injured in transport to the fields.⁶⁰⁸⁶ Children forced to work in cotton miss weeks of school every year, negatively impacting their learning.⁶⁰⁸⁷ Students who refuse to participate risk expulsion from school.⁶⁰⁸⁸ Parents who refuse to send their children to the harvest are threatened with fines or with having their food subsidies and child benefits withheld. Villages that fail to meet their quotas have had their electricity supply cut.⁶⁰⁸⁹

Emerging reports also indicate that children are engaged in the harvest of silk worms and the collection of scrap metal; however, research has not confirmed the scale of this problem. Both of these activities are reportedly driven by government quotas similar to cotton.⁶⁰⁹⁰ Harvesting silkworm cocoons requires children to gather mulberry leaves to feed the worms at strict intervals seven times a day, working between 4:00 a.m. and midnight, missing school and sleep.⁶⁰⁹¹






Children working on the streets are also a concern. These children may be exposed to severe weather, accidents caused by proximity to vehicles and vulnerability to criminal elements.⁶⁰⁹²

There are reports that girls are trafficked abroad and internally for the purpose of commercial sexual exploitation.⁶⁰⁹³

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of Uzbekistan establishes the minimum age for work at 16 and the minimum age for light work at 15.⁶⁰⁹⁴

The Decree on Adoption of the List of Occupations with Unfavorable Working Conditions to which it is forbidden to Employ Persons under Eighteen Years of Age presents a list of hazardous activities forbidden for children younger than age 18. This list specifically includes the manual harvesting of cotton.⁶⁰⁹⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

In February 2010, the Ministry of Labor and Social Protection (MOL) and Ministry of Health

issued the Decree on Approval of Provision on Requirements on Prohibition of Use of Minors' Labor, which further bars employers from using children to work under a list of hazardous conditions including underground, underwater, at dangerous heights or with dangerous equipment.⁶⁰⁹⁶ The February 2010 Decree grants authority to parents and labor inspectors to cancel the employment contracts of workers younger than age 18 if the work involved could endanger the child's health or well-being.⁶⁰⁹⁷

The Constitution and the Labor Code prohibit forced labor, and the Criminal Code states that the forceful deprivation of liberty is punishable by a fine or by imprisonment.⁶⁰⁹⁸ The Criminal Code penalizes commercial sexual exploitation of children, including child prostitution and pornography.⁶⁰⁹⁹ The 2008 Law on Trafficking and the Criminal Code prohibit human trafficking.⁶¹⁰⁰

According to the Law on Education, the Government has established the right to free and compulsory education for 12 years, which children generally complete from ages 6 to 18, depending on the age that the child begins grade one.⁶¹⁰¹ However, in practice, schools are closed for weeks or months during the annual cotton harvest, depriving children of this right.

Men are required to serve for one year in the military, with compulsory conscription at age 18.⁶¹⁰²

Institutional Mechanisms for Coordination and Enforcement

The Government's Interagency Commission on Combating Trafficking in Persons is charged with overseeing efforts to combat trafficking. The commission is chaired by the Prosecutor General, with representatives from other government entities such as the Ministries of Manpower and Migration, Internal Affairs (MIA), Foreign Affairs and the National Security Service and the State Customs Committee.⁶¹⁰³ Research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

MOL is responsible for carrying out labor inspections, including for compliance with child labor laws.⁶¹⁰⁴ MOL executes this responsibility through State legal inspectorates and occupational safety and health inspectorates established in each region of the country. As of 2005, the most recent data available, MOL employed 850 labor inspectors across the country.⁶¹⁰⁵ Reportedly, inspections are not carried out in the agricultural sector.⁶¹⁰⁶ The Government has refused to allow the ILO to undertake an independent assessment of forced child labor during the cotton harvest.⁶¹⁰⁷

The Government did not report any violations of child labor laws during the reporting period.⁶¹⁰⁸

The Prosecutor General's Office and the criminal investigators of MIA are responsible for investigating and prosecuting criminal violations of the child labor laws, including trafficking and commercial sexual exploitation.⁶¹⁰⁹ MIA's Office for Combating Trafficking is charged with investigating crimes related to trafficking in persons, which may then be prosecuted by the Prosecutor General's office.⁶¹¹⁰ The Government runs hotlines for people to report incidents of human trafficking.⁶¹¹¹

Government Policies on the Worst Forms of Child Labor

The Government's central policy on the worst forms of child labor and minimum working age was the National Action Plan (NAP), adopted in 2008.⁶¹¹² The NAP included a comprehensive set of activities to be undertaken through 2010, including legislative reform, increased enforcement, awareness raising and the implementation of specific projects to assist working and at risk children.⁶¹¹³ The NAP specifically called for an end to the use of forced child labor.⁶¹¹⁴ Research did not confirm whether the NAP was extended beyond 2010.

To address trafficking, the Government implemented the National Action Plan to Increase the Effectiveness of Combating Trafficking in Persons, which ended during the reporting period. The plan assigned responsibility for services to trafficking victims, including children, raised awareness on trafficking, and created interagency trafficking commissions at the provincial level.⁶¹¹⁵ Research did not confirm whether the plan was renewed to continue into 2011.

The Government has other child-focused policies including the National Plan of Action on the Well-Being of Children 2007-2011 and the National Program on Improving Quality and Efficiency of Education 2008-2012.⁶¹¹⁶ The question of whether these policies have had an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As part of the National Action Plan to Increase the Effectiveness of Combating Trafficking in Persons, the Government established a shelter for trafficking victims, including children. The shelter provides medical, psychological, legal and other support services.⁶¹¹⁷ The Government also supported an extensive awareness-raising campaign and trainings on trafficking issues.⁶¹¹⁸

The Government of Uzbekistan, however, has not made efforts to implement programs to combat other worst forms of child labor, especially for children forced to work in agriculture. The Government has not conducted research or made information available regarding the worst forms of child labor, specifically forced labor in the harvesting of cotton or silk worms, or the collection of scrap metal.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uzbekistan:

IN THE AREAS OF LAWS AND REGULATIONS:

- Legislate that all schools remain open and that student attendance be mandatory during cotton planting and harvest.

IN THE AREAS OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.
- Strictly enforce legislation that prohibits children's forced involvement in the cotton harvest.
- Invite the ILO or other credible third parties to monitor cotton harvests.

IN THE AREA OF POLICIES:

- Renew the NAP beyond 2010 with annual action plans to address the worst forms of child labor.
- Assess the impact that existing child and education policies may have on addressing child labor, particularly in the agriculture sector.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand programs to address the worst forms of child labor, with a particular focus on agriculture.
- Conduct research on the prevalence and hazards of forced or exploitative child labor in cotton and silk worm cultivation and scrap metal collection.

⁶⁰⁷⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁶⁰⁷⁹ IWPR - Central Asia Human Rights Reporting Project, "Uzbek Child Labour Laws Yet to Achieve Real Change", Institute for War & Peace Reporting, [online], December 18, 2009 [cited May 05, 2011]; available from <http://iwpr.net/report-news/uzbek-child-labour-laws-yet-achieve-real-change>. See also International Labor Rights Forum (ILRF) and Human Rights Defenders in Uzbekistan, *Forced Child Labor in Uzbekistan's 2008 Spring Agricultural Season*, October 10, 2008, pages 9, 13; available from [\[and-resources/Child%20Labor%20in%20Uzbekistan%20Spring%202008.pdf\]\(http://www.laborrights.org/sites/default/files/publications-and-resources/Child%20Labor%20in%20Uzbekistan%20Spring%202008.pdf\).](http://www.laborrights.org/sites/default/files/publications-</p>
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⁶⁰⁸⁰ IWPR - Central Asia Human Rights Reporting Project, "Uzbek Child Labour Laws Yet to Achieve Real Change". See also ILO Committee of Experts, *Report of the Committee of Experts on the Application of Conventions and Recommendations: Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Observation, CEACR 2010/81st Session*, May 05, 2011 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also University of London The School of Oriental and African Studies, *What Has Changed? Progress in eliminating the use of forced labour in the cotton harvests of Uzbekistan and Tajikistan*, London, November 2010, page 28; available from <http://www.soas.ac.uk/ccac/centres-publications/file64329.pdf>. See also U.S. Embassy- Tashkent, *reporting, November 03, 2010*, para 1.

⁶⁰⁸¹ U.S. Embassy- Tashkent, *reporting, November 03, 2010*, para 2, 29. See also The School of Oriental and African Studies, *What Has Changed?*, page 4. See also Uzbek German Forum, *A Chronicle of Forced Child Labour: Reports from the Uzbekistan Cotton Harvest 2010*, December 06, 2010; available from http://www.eccr.org.uk/dcs/Uzbek_cotton_and_forced_child_labour_update_2010.pdf. See also Press Association, "Child labour call over cotton firms", Independent.ie, [online], December 12, 2010 [cited May 05, 2011]; available from <http://www.independent.ie/>

breaking-news/world-news/child-labour-call-over-cotton-firms-2457976.html.

⁶⁰⁸² U.S. Embassy- Tashkent, *reporting*, November 03, 2010, para 18.

⁶⁰⁸³ The School of Oriental and African Studies, *What Has Changed?*, page 4. See also U.S. Embassy- Tashkent, *reporting*, November 03, 2010, para 3.

⁶⁰⁸⁴ U.S. Embassy- Tashkent, *reporting*, November 03, 2010, para 3. See also IWPR - Central Asia Human Rights Reporting Project, “Uzbek Child Labour Rebranded as ‘Voluntary’”, Institute for War & Peace Reporting, [online], August 04, 2010 [cited May 05, 2011]; available from <http://iwpr.net/report-news/uzbek-child-labour-rebranded-voluntary>. See also International Labor Rights Forum (ILRF) and Human Rights Defenders in Uzbekistan, *Forced Child Labor in Uzbekistan’s 2008 Spring Agricultural Season*, pages 6, 8, 9. See also ILO Committee of Experts, *Report of the Committee of Experts C182: Uzbekistan (2010)*.

⁶⁰⁸⁵ The School of Oriental and African Studies, *What Has Changed?*, pages 4 and 14. See also International Labor Rights Forum (ILRF) and Human Rights Defenders in Uzbekistan, *Forced Child Labor in Uzbekistan’s 2008 Spring Agricultural Season*, pages 2, 5, 8. U.S. Embassy- Tashkent, *reporting*, November 03, 2010, para 4.

⁶⁰⁸⁶ U.S. Embassy- Tashkent, *reporting*, November 03, 2010, para 11, 13.

⁶⁰⁸⁷ ILO Committee of Experts, *Report of the Committee of Experts C182: Uzbekistan (2010)*. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Submitted: 2010*, May 05, 2011 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁶⁰⁸⁸ IWPR - Central Asia Human Rights Reporting Project, “Uzbek Child Labour Rebranded as ‘Voluntary’”. See also International Labor Rights Forum (ILRF) and Human Rights Defenders in Uzbekistan, *Forced Child Labor in Uzbekistan’s 2008 Spring Agricultural Season*. See also Radio Free Europe and Radio Liberty, “Uzbek Students ‘Regularly’ Expelled For Not Picking Cotton”, www.rferl.org, [online], December 06, 2009 [cited May 05, 2011]; available from http://www.rferl.org/content/Uzbek_Students_Expelled_For_Not_Picking_Cotton/1896518.html. See also Uznews.net, “Official uses force against cotton-picking teachers in Jizak Region”, www.uznews.net, [online], October 18, 2010 [cited May 05, 2011]; available from http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=3&nid=15248.

⁶⁰⁸⁹ IWPR - Central Asia Human Rights Reporting Project, “Uzbek Child Labour Rebranded as ‘Voluntary’”. See also International Labor Rights Forum (ILRF) and Human Rights Defenders in Uzbekistan, *Forced Child Labor in Uzbekistan’s 2008 Spring Agricultural Season*, page 10. See also Radio Free Europe and Radio Liberty, “Uzbek Students ‘Regularly’

Expelled For Not Picking Cotton”. See also Uznews.net, “Official uses force against cotton-picking teachers in Jizak Region”.

⁶⁰⁹⁰ International Labor Rights Forum (ILRF) and Human Rights Defenders in Uzbekistan, *Forced Child Labor in Uzbekistan’s 2008 Spring Agricultural Season*, page 5. See also Central Asia Economy Newswire, “Uzbek children breed silkworms despite child labor ban”, centralasianewswire.com, [online], September 06, 2010 [cited May 05, 2011]; available from <http://centralasianewswire.com/Business/Uzbek-children-breed-silkworms-despite-child-labor-ban/viewstory.aspx?id=1614>. See also Uznews.net, “Uzbek government demands schoolchildren collect scrap metal”, www.uznews.net, [online], March 10, 2011 [cited May 05, 2011]; available from http://www.uznews.net/news_single.php?nid=16599.

⁶⁰⁹¹ Central Asia Economy Newswire, “Uzbek children breed silkworms despite child labor ban”. See also International Labor Rights Forum (ILRF) and Human Rights Defenders in Uzbekistan, *Forced Child Labor in Uzbekistan’s 2008 Spring Agricultural Season*.

⁶⁰⁹² ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Submitted: 2010*, May 05, 2011 2010; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁶⁰⁹³ U.S. Department of State, “Uzbekistan,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142984.pdf>. See also IWPR - Central Asia Human Rights Reporting Project, “Kazakhstan: Human Trafficking Numbers Underreported”, Institute for War & Peace Reporting, [online], August 28, 2009 [cited May 05, 2011]; available from <http://iwpr.net/report-news/kazakhstan-human-trafficking-numbers-underreported>.

⁶⁰⁹⁴ U.S. Department of State, “Uzbekistan,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 08, 2011, page 42; available from <http://www.state.gov/documents/organization/160482.pdf>.

⁶⁰⁹⁵ *Ibid.*, page 43. See also Government of the Republic of Uzbekistan, *Decree on Adoption of the List of Occupations with Unfavorable Working Conditions to which it is forbidden to Employ Persons under Eighteen Years of Age*, (August 08, 2009), section XXVIII.

⁶⁰⁹⁶ Government of the Republic of Uzbekistan, *Decree on Approval of Provision on Requirements on Prohibition of Use of Minors’ Labor*, (February 01, 2010), para 4.

⁶⁰⁹⁷ *Ibid.*, para 14.

⁶⁰⁹⁸ Government of the Republic of Uzbekistan, *Constitution of the Republic of Uzbekistan*, (December 08, 1992), chapter 9, article 37; available from <http://www.umid.uz/Main/Uzbekistan/Constitution/constitution.html>. See also

Government of the Republic of Uzbekistan, *Criminal Code of the Republic of Uzbekistan*, (September 22, 1994), article 138; available from <http://www.unhcr.org/refworld/publisher,NATLEGBOD,UZB,3ae6b59216,0.html>. ILO Committee of Experts, *Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) CEACR 2010/81st Session*, May 05, 2011 2009; available from <http://www.ilo.org/ilolex/english/iloquery.htm>.

⁶⁰⁹⁹ Government of the Republic of Uzbekistan, *Criminal Code*, articles 130, 131, 135. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Uzbekistan.”

⁶¹⁰⁰ Government of the Republic of Uzbekistan, *Criminal Code*, article 135. See also U.S. Embassy- Tashkent, *reporting, February 23, 2011*. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*. See also Government of the Republic of Uzbekistan, *Law on Combating Trafficking in Humans*, (April 17, 2008); available from http://webapps01.un.org/vawdatabase/uploads/Uzbekistan%20-%20Law%20on%20combating%20trafficking%20in%20human%20beings%20_2008_%20_eng_.pdf.

⁶¹⁰¹ U.S. Department of State, “Country Reports- 2010: Uzbekistan.”

⁶¹⁰² Coalition to Stop the Use of Child Soldiers, “Uzbekistan,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also U.S. Department of State, “Country Reports- 2010: Uzbekistan,” page 37.

⁶¹⁰³ U.S. Embassy- Tashkent, *reporting, February 23, 2011*.

⁶¹⁰⁴ ILO Committee of Experts, *Individual Direct Request C182: Uzbekistan (2010)*.

⁶¹⁰⁵ U.S. Embassy- Tashkent, *reporting, January 25, 2011*.

⁶¹⁰⁶ Ibid.

⁶¹⁰⁷ ILO Committee of Experts, *Observation C182: Uzbekistan (2010)*.

⁶¹⁰⁸ U.S. Embassy- Tashkent, *reporting, January 25, 2011*.

⁶¹⁰⁹ U.S. Embassy- Tashkent, *reporting, February 25, 2010*.

⁶¹¹⁰ Ibid.

⁶¹¹¹ Ibid.

⁶¹¹² U.S. Embassy- Tashkent, *reporting, January 25, 2011*.

⁶¹¹³ ILO Committee of Experts, *Individual Direct Request C182: Uzbekistan (2010)*.

⁶¹¹⁴ ILO Committee of Experts, *Individual Observation C182: Uzbekistan (2010)*.

⁶¹¹⁵ ILO Committee of Experts, *Individual Direct Request C182: Uzbekistan (2010)*. See also U.S. Embassy- Tashkent, *reporting, February 23, 2011*.

⁶¹¹⁶ ILO Committee of Experts, *Individual Direct Request C182: Uzbekistan (2010)*.

⁶¹¹⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Uzbekistan.” See also U.S. Embassy- Tashkent, *reporting, February 23, 2011*.

⁶¹¹⁸ U.S. Embassy- Tashkent, *reporting, February 23, 2011*.

Vanuatu

The Government of Vanuatu adopted a Decent Work Country Program specifying the eradication of child labor as a priority. However, children continue to work in agriculture and are victims of commercial sexual exploitation. Gaps in the country's legal framework exacerbate this problem.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Vanuatu are engaged in the worst forms of child labor, many of them in agriculture and some in commercial sexual exploitation.⁶¹¹⁹ Children's work in agriculture may involve using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Children also work in the fishing industry, which may expose them to environmental dangers, the risk of drowning and dangerous tools.

Some children are sexually exploited in exchange for cash, transport, food or other material goods.⁶¹²⁰ The government does not provide free education, and a lack of alternatives for raising money to pay school fees pushes some children into prostitution.⁶¹²¹






Young girls are most vulnerable to sexual exploitation for commercial purposes.⁶¹²² Younger children, recruited by pimps and experienced older prostitutes, are believed to be in the greatest demand.⁶¹²³ Child prostitution is on the rise in the country's urban centers and tourist areas such as Port Vila where bars, nightclubs, "guest houses" and hotels facilitate interactions between clients

and sexual service providers, including children. There is some evidence that security guards, taxi drivers, hotel workers and family members serve as go-betweens, making their living from the island's child sex business.⁶¹²⁴ Commercial sexual exploitation of children has also been found to occur in rural areas.⁶¹²⁵

Children are also reportedly trafficked, although the extent of trafficking is unknown.⁶¹²⁶

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at 15. It permits children under age 12 to legally perform light agricultural work on farms owned and managed by a family member, although it does not define the term "light work."⁶¹²⁷ The Act prohibits children under age 18 from working on ships; however, with the permission of a labor officer, a child as young as 15 is allowed to work on a ship.⁶¹²⁸ The Act also prohibits children younger than 16 from working at night and provides restrictions on night work for children between ages 16 and 18.⁶¹²⁹ The Government has not established a list of hazardous activities or occupations, nor has it established a minimum age for hazardous work.⁶¹³⁰

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	No
	Free Public Education	Yes

The Penal Code prohibits the use, procurement or sale of a child for prostitution.⁶¹³¹ It also prohibits the use of a child for pornographic purposes, although it does not outlaw the sale, distribution or procurement of child pornography.⁶¹³² Together, the Employment Act and the Penal Code prohibit slavery, forced or compulsory labor and trafficking.⁶¹³³

There is no compulsory age for education.⁶¹³⁴ The lack of standards in this area may increase the risk of children's involvement in the worst forms of child labor.⁶¹³⁵

Institutional Mechanisms for Coordination and Enforcement

The National Children's Committee (NCC) is charged with coordinating Government efforts to improve children's well-being, including eliminating the commercial sexual exploitation of children. The NCC also monitors child protection issues and is working to create a comprehensive and integrated agenda for children's rights.⁶¹³⁶ Although the NCC addresses commercial sexual exploitation of children, research found no

evidence of a coordinating mechanism to combat other worst forms of child labor.

The Labor Department is the primary federal agency responsible for enforcing Vanuatu's child labor laws; no child labor inspections were conducted in 2010. The agency currently employs four labor inspectors who are responsible for a range of issues related to the monitoring and enforcement of the Labor Code.⁶¹³⁷ However, at the end of 2010, the Labor Department initiated the recruitment of four more labor inspectors to work specifically on enforcing laws against child labor.⁶¹³⁸ The Government also set a goal to increase the number of labor inspection reports by 2012.⁶¹³⁹

In September 2010, the ILO agreed to provide the Government with targeted skills training and other unspecified forms of technical assistance to the Labor Department to assist in addressing issues of child labor.⁶¹⁴⁰

The Vanuatu Police Force is responsible for enforcing all criminal laws, including those regarding trafficking and commercial sexual exploitation. They also collaborate with the Customs, Immigrations and Labor Departments.⁶¹⁴¹ The Police Force employs 50 investigators; however, none work exclusively on issues regarding children.⁶¹⁴² Furthermore, none of the investigators have received specific training on the worst forms of child labor. During the reporting period, no investigations or prosecutions involving the worst forms of child labor were carried out.⁶¹⁴³

Government Policies on the Worst Forms of Child Labor

During the reporting period, the Government adopted the Decent Work Country Program (DWCP).⁶¹⁴⁴ The DWCP specifies the improvement of youth employment conditions as a priority and establishes the number and quality of labor inspection reports filed as measurement toward that goal.⁶¹⁴⁵ Through the DWCP, the Labor Department has requested financial assistance

from the ILO to prepare new regulations on child labor and to translate the revised Employment Relations Bill into local languages.⁶¹⁴⁶

There is a free and universal education policy; however, school fees are a significant barrier to education. During the reporting period, the Government met its commitment to provide all primary school children (grades 1–6) with a stipend to pay school fees.⁶¹⁴⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participates in UNICEF's Pacific Policy, Advocacy, Planning and Evaluation

Program (PAPE). This regional program supports the development of evidenced-based social and economic policies promoting the rights of children. PAPE also provides technical assistance for data collection on children's issues; however, no evidence indicates that this program currently collects data on the worst forms of child labor.⁶¹⁴⁸ The question of whether or not this program has an impact on child labor does not appear to have been addressed.

Research found no evidence of any programs to address the worst forms of child labor, specifically in agriculture and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Vanuatu:

IN THE AREA OF LAWS AND LEGISLATION:

- Define "light work" in the legislation and establish a list of hazardous occupations and activities for children.
- Establish a minimum age for hazardous work.
- Prohibit the sale, distribution or procurement of child pornography.
- Establish a compulsory age for education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate efforts to combat all worst forms of child labor.

IN THE AREA OF POLICIES:

- Fully implement the existing policy of free education.
- Conduct and publish research on children's work to inform future policy.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact the existing PAPE program may have on child labor.
- Implement programs to address the worst forms of child labor.

⁶¹¹⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section. See also Government of Vanuatu and the European Commission, *The Country Strategy & National Indicative Programme:*

Vanuatu, 2008, 12; available from http://ec.europa.eu/development/icenter/repository/scanned_vu_csp10_en.pdf?CFID=160883&CFTOKEN=66219861&jsessionid=24303b718e5e5f134520. See also Oxfam New Zealand, *Back to School in Vanuatu*, [2010 [cited May 5, 2011]; available from <http://www.oxfam.org.nz/index.asp?s1=what%20we%20do&s2=where+we+work&s3=pacific&s4=vanuatu&s5=back%20to%20school%20in%20Vanuatu>.

⁶¹²⁰ United Nations Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, 2009, 53, 96-97, 109; available from <http://www>.

unescap.org/publications/detail.asp?id=1320. See also UNESCAP and ECPAT International UNICEF, Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report, UNICEF Pacific, 2006, 23-25; available from http://www.unicef.org/pacificislands/partners_10989.html. See also U.S. Department of State, "Vanuatu," in Country Reports on Human Rights Practices-2009, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136014.htm>.

⁶¹²¹ UNICEF, CSEC and Child Sexual Abuse in the Pacific, 24. See also ILO, Country Baselines Under the ILO Declaration Annual Review (2000-2010): the Effective Abolition of Child Labour (CL), Vanuatu, 2010, 155; available from http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/docName--WCMS_091263/index.htm.

⁶¹²² UNICEF, CSEC and Child Sexual Abuse in the Pacific, 10, 22. See also United Nations Economic and Social Commission for Asia and the Pacific, Pacific Perspectives, 95-97. See also UN Committee on the Elimination of Discrimination against Women, Concluding Comments on the Elimination of the Discrimination against Women: Vanuatu, June 11, 2007, 4, 7; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/375/66/PDF/N0737566.pdf?OpenElement>.

⁶¹²³ United Nations Economic and Social Commission for Asia and the Pacific, Pacific Perspectives, 59.

⁶¹²⁴ *Ibid.*, 30, 58-59, 77. See also UNICEF, CSEC and Child Sexual Abuse in the Pacific, 2, 16, 18-19, 26. See also UN Economic and Social Commission for Asia and the Pacific, Regional Stakeholders' Consultation and Planning Workshop on the Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Pacific Regional Report, 2008, 12; available from <http://www.unescap.org/publications/detail.asp?id=1323>.

⁶¹²⁵ UNICEF, CSEC and Child Sexual Abuse in the Pacific, 27.

⁶¹²⁶ UN Economic and Social Commission for Asia and the Pacific, Regional Stakeholders' Consultation and Planning Workshop, 12.

⁶¹²⁷ The Government of Vanuatu, Employment Act, (May 30, 1983), article 38; available from http://www.paclii.org/vu/legis/consol_act/e128/.

⁶¹²⁸ *Ibid.*, articles 40, 42.

⁶¹²⁹ *Ibid.*, article 41.

⁶¹³⁰ *Ibid.*, articles 40-42, 45.

⁶¹³¹ The Government of Vanuatu, Penal Code, (August 7, 1981), articles 7, 35; available from http://www.paclii.org/vu/legis/consol_act/pc66/.

⁶¹³² *Ibid.*, article 101D.

⁶¹³³ The Government of Vanuatu, Employment Act, article 7. See also The Government of Vanuatu, Penal Code, articles 102, 105.

⁶¹³⁴ ILO, Country Baselines Under the ILO Declaration Annual Review, 156.

⁶¹³⁵ The Government of Vanuatu, Education Act, (February 25, 2002), articles 7, 35; available from http://www.paclii.org/vu/legis/consol_act/ea104/. See also ILO, Country Baselines Under the ILO Declaration Annual Review, 156.

⁶¹³⁶ UNICEF, CSEC and Child Sexual Abuse in the Pacific, 32-33. See also UN Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined Initial, Second and Third Periodic Reports of States Parties- Vanuatu, CEDAW/C/VUT/1-3, 2005, 65; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/625/04/PDF/N0562504.pdf?OpenElement>.

⁶¹³⁷ UN Committee on the Elimination of Discrimination against Women, Responses to the list of issues and questions with regard to the consideration of the combined initial, second and third periodic reports: Vanuatu, CEDAW/C/VUT/Q/3/Add.1, January 12, 2007, 16; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c6a272aa78e118e5c12572a4003277dc/\\$FILE/N0720798.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c6a272aa78e118e5c12572a4003277dc/$FILE/N0720798.pdf). See also ILO, Decent Work Country Programme: Vanuatu, July 2009, 11; available from http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120557/index.htm. See also U.S. Embassy- Port Moresby, reporting, March 8, 2011.

⁶¹³⁸ U.S. Embassy- Port Moresby, reporting, March 8, 2011.

⁶¹³⁹ ILO, Decent Work Country Programme.

⁶¹⁴⁰ *Ibid.*, 1, 20-21.

⁶¹⁴¹ U.S. Embassy- Port Moresby, reporting, March 8, 2011.

⁶¹⁴² *Ibid.*

⁶¹⁴³ *Ibid.*

⁶¹⁴⁴ ILO, Decent Work Country Programme, 4, 11, 20.

⁶¹⁴⁵ *Ibid.*, 17, 20. See also UN Committee on the Elimination of Discrimination against Women, Responses to the list of issues and questions, 16.

⁶¹⁴⁶ ILO, Decent Work Country Programme, 17.

⁶¹⁴⁷ U.S. Department of State, "Vanuatu," in 2010 Country Reports on Human Rights Practices, Washington, DC, April 6, 2011, section 6; available from <http://www.state.gov/documents/organization/160108.pdf>.

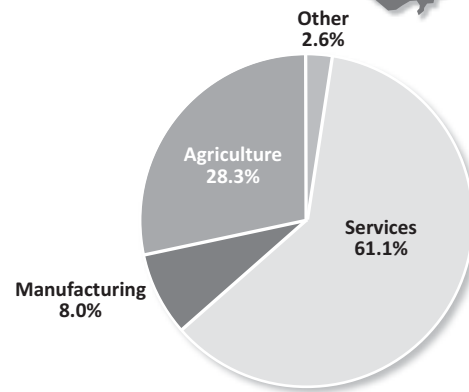
⁶¹⁴⁸ UNICEF, Policy, Advocacy, Planning and Evaluation (PAPE), [2011 [cited May 2, 2011]]; available from http://www.unicef.org/pacificislands/9596_11759.html. See also UNICEF Pacific, A Situation Analysis and Review of UNICEF Pacific's Policy, Advocacy, Planning and Evaluation Programme (PAPE), May 2010, 1; available from http://www.unicef.org/pacificislands/9596_13564.html.

Venezuela

While Government policies and programs aim to alleviate poverty and improve conditions for older working children, there is little publicly available information about initiatives to protect young children from the worst forms of child labor. Children continue to engage in work in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.4
Attending School	5-14 yrs.	94.9
Combining Work and School	10-14 yrs.	4.0



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Venezuela are reportedly engaged in the worst forms of child labor,⁶¹⁴⁹ including in agriculture and domestic service.⁶¹⁵⁰ Reports indicate that children, particularly boys, work in agriculture, while girls work primarily as domestic servants.⁶¹⁵¹ Children working in agriculture may face many hazards, such as handling dangerous machines and tools, transporting heavy loads and applying harmful pesticides.⁶¹⁵² Child domestic laborers may work hours, which often prevents them from attending school and may expose them to physical and sexual exploitation by their employers.

According to a Venezuelan NGO, an estimated 15,000 children live on the streets in the capital city, Caracas, and other cities in Venezuela. Street children in Venezuela sell flowers or other small merchandise, transport items or load merchandise.⁶¹⁵³ These children may be exposed

to many dangers including severe weather, vehicle accidents and criminal elements.

Statistics from the Venezuelan Government in 2006 indicate that children are employed in the construction and manufacturing sectors.⁶¹⁵⁴ Children working in these sectors face the likelihood of injury from dangerous machinery, tools and chemicals. Children also work in family-owned businesses.⁶¹⁵⁵

Children are reportedly trafficked to and from various Venezuelan cities for the purpose of prostitution.⁶¹⁵⁶ Children trafficked for sexual exploitation may be sent to urban areas, such as Caracas and Maracaibo, or resort destinations, such as Margarita Island.⁶¹⁵⁷

Laws and Regulations on the Worst Forms of Child Labor

The Organic Labor Law (LOT) and the Organic Law for the Protection of Children

and Adolescents (LOPNA) set the minimum age for work at 14.⁶¹⁵⁸ The LOT allows children between ages 14 and 16 to work only with the consent of their legal guardian. It also establishes that children between ages 12 and 14 can work with authorization from the National Institute for Minors if their education is guaranteed and the work is commensurate with their physical abilities.⁶¹⁵⁹ Education is compulsory until age 15.⁶¹⁶⁰ The Government guarantees free education at all levels of schooling.⁶¹⁶¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	15
	Free Public Education	Yes

The LOT also establishes other measures that regulate the employment of minors, including mandatory pre-employment and periodic health screenings, limits on the number of working hours and conditions of remuneration.⁶¹⁶² Under the LOT’s provisions, children who work as street vendors must carry an identification card that indicates the name of the school the child attends as well as the school’s hours.⁶¹⁶³

The LOT prohibits minors from working in mining, welding, on ships, and in other dangerous activities that endanger their lives or health, threaten their intellectual or moral development

or delay their physical development.⁶¹⁶⁴ However, the law does not provide a comprehensive list of hazardous occupations for children.⁶¹⁶⁵

The National Constitution and the LOPNA prohibit forced labor, debt bondage, slavery and trafficking in persons, including children.⁶¹⁶⁶ The LOPNA forbids all forms of sexual exploitation and states that the Government must offer assistance free of charge to children who have been victims of such acts.⁶¹⁶⁷ The Special Law against Computer Crimes prohibits electronic pornography involving children, while the LOPNA makes it illegal to photograph or videotape minors for pornographic scenes.⁶¹⁶⁸ Venezuelan law also forbids solicitation for prostitution and the corruption of minors; penalties depend on the severity of the crime.⁶¹⁶⁹

The age for compulsory and voluntary recruitment to the armed forces is 18.⁶¹⁷⁰

Institutional Mechanisms for Coordination and Enforcement

The System for the Protection of Children and Adolescents is charged with protecting children’s rights, including addressing child labor issues. The system is made up of several government ministries, councils and representatives from civil society.⁶¹⁷¹

The Ministry of Popular Power for Labor and Social Security enforces labor laws, including child labor laws.⁶¹⁷² There was no publicly available information regarding the number of inspections that cover child labor or sanctions applied during the reporting period.

Cases involving trafficking in persons are handled by the Ministry of Popular Power for Interior and Justice’s Criminology Investigative Division and the Scientific, Penal and Criminal Investigative Corps.⁶¹⁷³ The Government arrested a few individuals for trafficking, primarily of women and children for forced prostitution.⁶¹⁷⁴

Government Policies on the Worst Forms of Child Labor

The Simón Bolívar First Socialist Plan 2007-2013 is an economic and social development roadmap to eradicate extreme poverty by improving access to health care, education and housing.⁶¹⁷⁵ There is no information about whether the impact of this plan on the worst forms of child labor has been evaluated.

Although the Government's National Statistical Institute conducts household surveys that include questions about child labor for children age 10 and older, these surveys provide only limited data on child labor since children ages 5 to 9 are not covered.⁶¹⁷⁶

The Government of Venezuela and UNICEF launched a Plan of Action 2009 – 2013 for children and adolescents that focuses on education, social inclusion and violence prevention.⁶¹⁷⁷ While the plan does not specifically target child labor, it does highlight the paucity of child labor data and identifies child labor indicators as one of the program's evaluation and monitoring components.⁶¹⁷⁸

Venezuela continued its participation in the MERCOSUR initiative Southern Child (*Niño Sur*), which carries out awareness-raising activities and aims to strengthen regional cooperation and legal systems to combat child labor and commercial exploitation.⁶¹⁷⁹ It also continued participating in the Regional Action Group for the Americas, which conducts prevention and awareness-raising campaigns to combat tourism-related commercial sexual exploitation of children in Latin America.⁶¹⁸⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Efforts to improve working conditions for child workers continued through the Government's 3-year-old Program to Dignify Working Children and Adolescents (PRODINAT). PRODINAT aims to eradicate exploitative working conditions and establish businesses where children above the legal working age may work in healthy and safe environments.⁶¹⁸¹ An example of a PRODINAT program is the Frutinats production facility, which employs about 25 adolescents between ages 14 and 17 who extract fruit pulp that can then be sold for a higher price than the fruit itself.⁶¹⁸² The adolescents working at Frutinats continue to attend school or receive formal education through various programs.⁶¹⁸³ Other PRODINAT-sponsored programs include an information technology training center, a quail egg farm and an educational garden.⁶¹⁸⁴

The Government also operates a network of social programs, called Social Missions, with the objective of addressing poverty and related issues.⁶¹⁸⁵ The Mission Negra Hipólita, for example, provides social services to street children, among other groups.⁶¹⁸⁶ The Children of the Barrio Mission works with at-risk and underprivileged children, including child laborers.⁶¹⁸⁷

Research did not identify any programs targeting children involved in the worst forms of child labor, particularly in domestic service and commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Venezuela:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make information publically available on enforcement of child labor laws.

IN THE AREA OF POLICIES:

- Assess the impact that the Simón Bolívar First Socialist Plan has in addressing the worst forms of child labor.
- Conduct additional surveys on the worst forms of child labor, particularly in agriculture, domestic service and commercial sexual exploitation and make the results publicly available.
- Ensure that child labor surveys cover all children younger than age 18.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand existing programs and develop additional programs targeted to children involved in the worst forms of child labor, particularly in agriculture, domestic service and commercial sexual exploitation.

⁶¹⁴⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁶¹⁵⁰ Centro de Investigación Social, *El Trabajo infanto-adolescente en Venezuela: Estado de la cuestión*, Fundación Telefonica, 2009, pages 50-51; available from <http://www.trabajoinfantilvenezuela.org.ve/fotos/file/El%20Trabajo%20Infanto%20-%20Adolescente%20en%20Venezuela.pdf>. See also U.S. Department of State, "Venezuela," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160483.pdf>. See also UNICEF, *No más trabajo infantil: una meta posible de alcanzar: Estudio sobre Educación y Trabajo infantil en la República Bolivariana de Venezuela*, Caracas, 2009, 13, 21-36, 43-44; available from http://www.unicef.org/venezuela/spanish/No_mas_trabajo_infantil_UNICEF.pdf.

⁶¹⁵¹ Centro de Investigación Social, *Trabajo infanto-adolescente en Venezuela*, pages 50-51.

⁶¹⁵² UNICEF, *No más trabajo infantil: una meta posible de alcanzar*, 43-44.

⁶¹⁵³ U.S. Department of State, "Country Reports- 2010: Venezuela," section 6. See also Delia Meneses, "La calle como casa y escuela," [online], January 25, 2009 [cited access March 9, 2011]; available from http://www.eluniversal.com/2009/01/25/imp_ccs_art_la-calle-como-casa-y_1241334.shtml.

⁶¹⁵⁴ U.S. Department of State, "Country Reports- 2010: Venezuela," section 7d. See also U.S. Embassy- Caracas official, E-mail communication to USDOL official, July 11, 2011.

⁶¹⁵⁵ Centro de Investigación Social, *Trabajo infanto-adolescente en Venezuela*, pages 50-51. See also U.S. Embassy- Caracas official.

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Yemen

The Government of Yemen focused on the needs of children affected by Yemen's internal conflict and on evaluating the effectiveness of its trafficking interventions over the reporting period. However, many children in Yemen work in the worst forms of child labor in agriculture and are vulnerable to child trafficking and engagement in armed conflict. Government efforts to combat child labor are hampered by lack of funding due to the conflict.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.4*
Attending School	5-14 yrs.	58.5
Combining Work and School	7-14 yrs.	12.7

* Population of working children: 978,915

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Yemen are engaged in the worst forms of child labor⁶¹⁸⁸ in the farming of qat, and are vulnerable to human trafficking and armed conflict.⁶¹⁸⁹ Approximately ninety percent of children engage in hazardous work in Yemen's agriculture sector, most commonly in the production of qat, a mild narcotic legal in Yemen.⁶¹⁹⁰ Through this work, they are exposed to pesticides, chemicals, extreme temperatures, and heavy equipment.⁶¹⁹¹

Children are engaged in dangerous work in rock quarries and mines.⁶¹⁹² They also work in welding and glass shops, where they are subject to injury from tools and equipment.⁶¹⁹³ Some children work in construction, in which they risk injury cutting stones.⁶¹⁹⁴ Others work in auto shops where they face heavy loads, falls, and physical injuries, including burns and respiratory problems from inhaling fumes.⁶¹⁹⁵ Children working in waste dumps are exposed to numerous health risks including bodily injury, disease and parasite

infections, tetanus, and food poisoning.⁶¹⁹⁶ Street children are at risk of violence, traffic accidents, exhaustion from long working hours, exposure and addiction to drugs, and psychological abuse.⁶¹⁹⁷

Children work in offshore fishing, in which they may be exposed to risks such as drowning.⁶¹⁹⁸

Children, primarily girls, work in domestic service in which they face long hours of work, the inability to leave their employer's home, as well as physical and sexual abuse.⁶¹⁹⁹ Children who work in restaurants also are at risk of sexual abuse.⁶²⁰⁰

Children are trafficked to Saudi Arabia for commercial sexual exploitation, forced labor, and the smuggling of qat, which is illegal in Saudi Arabia.⁶²⁰¹ Once in Saudi Arabia, these Yemeni children are exposed to a variety of dangers, including work as qat vendors, and beggars. They also risk commercial sexual exploitation and re-trafficking.⁶²⁰²

There have been several unconfirmed reports of child prostitution networks in several Yemeni

cities.⁶²⁰³ Research indicates that rural children are trafficked within Yemen for commercial sexual exploitation to hotels in Aden, Sana'a, Taiz, Hudeidah, and other cities. Citizens from Saudi Arabia and other Gulf countries fuel the demand for commercial sexual exploitation of children in urban areas.⁶²⁰⁴ Unbeknownst to them, Yemeni families are fooled into handing their daughters over to Saudi tourists in fake marriages, which can last up to a few months before the tourist returns to his country.⁶²⁰⁵

Children are also trafficked internally to Aden and Sana'a for forced labor, domestic service, begging, street vending, and to work as unskilled laborers.⁶²⁰⁶

Both the Government-allied tribes and tribes allied with the opposition have used children as soldiers in Yemen's conflicts in northwest Yemen, and more recently in the opposition movement against President Saleh.⁶²⁰⁷ In the northwest, boys are most often involved in fighting and working at checkpoints. Girls are also engaged in auxiliary roles, such as preparers of food; some are forced to marry the fighters.⁶²⁰⁸ By some estimates, children accounted for half of all fighters in the conflict in northwest Yemen, which came to an end in February 2010 when a truce was declared between the government and rebels.⁶²⁰⁹

Access to education in Yemen remains a serious problem. Net primary enrollment rates in Yemen's schools are among the lowest in the region.⁶²¹⁰ Poor rural girls are the most vulnerable to early drop out.⁶²¹¹

Laws and Regulations on the Worst Forms of Child Labor

In 2002, the Government passed Law no. 45 on Child Rights, which sets the minimum age for employment at 14 years. In addition, it requires that all working children have a formal contract and medical coverage, and stipulates that they should not work more than six hours a day.⁶²¹²

The Child Rights law was amended in 2004 by Ministerial Decree no. 56 on the Worst Forms of

Child Labor. Developed by the Minister of Labor to ensure compliance with Yemen's obligations under ILO Convention 182, the decree identifies 57 types of jobs banned from those below 18 years.⁶²¹³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Labor Law no. 5 (1995) defines a working child as a person younger than 15 years old, but does not specify any minimum age for employment. The law sets the maximum number of working hours for working children at seven hours a day, and 42 hours a week.⁶²¹⁴ It prohibits the employment of young persons under 15 years of age in arduous work, harmful industries, or work that is socially damaging.⁶²¹⁵

The three aforementioned laws contradict one another and it is unclear which law takes precedence. Decree no. 56 establishes that children between the ages of 13 and 15 years may engage in light work.⁶²¹⁶ However, the light work provision, which has not yet been defined, contradicts the minimum work age of 14 prescribed in the Child Rights Law.⁶²¹⁷ In addition, the Ministerial Decree contradicts the Labor Law in respect of the minimum age for admission to hazardous work.⁶²¹⁸

Ministerial Order No. 56 prohibits the use of children less than 18 years in pornography, forced labor, illicit activities, and human and drug trafficking.⁶²¹⁹ Both the Child Rights Act and Ministerial Order No. 56 prohibit the incitement of a child into prostitution.⁶²²⁰ Ministerial Order No. 56 stipulates prison sentences for those who force children into prostitution.⁶²²¹

Yemen lacks a comprehensive trafficking in persons law, although the tri-partite Technical Committee on Combating Child Trafficking (TCCCT) has lobbied Parliament for the passage of one.⁶²²²

The Child Rights Act and Ministerial Order No. 56 prohibit the involvement of children in armed conflicts.⁶²²³ Yemen does not have compulsory military recruitment and the voluntary recruitment age is 18.⁶²²⁴

Education is compulsory and free between the ages of six and fourteen.⁶²²⁵ However, cultural norms and a lack of accessibility deter children from poor rural areas from enrolling.⁶²²⁶ Gender inequity in Yemen is apparent in the public schools. Studies indicate that enrollment in primary education is 88 percent for boys and 63 percent for girls.⁶²²⁷

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee to Combat Child Labor coordinates child labor issues in Yemen. This committee consists of representatives from the Ministry of Social Affairs and Labor (MOSAL), the Higher Council for Motherhood and Childhood (HCMC), the Chamber of Commerce, ILO-IPEC, and local NGOs.⁶²²⁸ The Steering Committee last met in April 2010, but research found no evidence of a more recent meeting.⁶²²⁹

The Ministry of Social Affairs and Labor's (MOSAL) Child Labor Unit (CLU), the Ministry of Interior (MOI), and the Ministry of Justice (MOJ) are all responsible for the enforcement of child labor laws.⁶²³⁰ MOSAL's Child Labor

Unit (CLU) conducts inspections and informs the MOI of any violations.⁶²³¹ The police conduct investigations of cases brought to the MOI, and the MOJ prosecutes and adjudicates. MOSAL trained labor inspectors on child labor inspection, and increased the number of inspectors from 18 to 57 in 2010.⁶²³² Inspectors complain of a lack of finances to conduct their work, including for traveling outside of urban areas.⁶²³³

The Technical Committee on Combating Child Trafficking (TCCCT) coordinates efforts to combat child trafficking and smuggling.⁶²³⁴ With HCMC in the lead, other members of the TCCCT include concerned Ministries, UN agencies, and NGOs.⁶²³⁵

During the reporting period, the Government established an Inter-Ministerial Policy Task Force to better manage Yemen's borders. IOM has also trained airport staff and relevant Ministry officials.⁶²³⁶

The Ministry of Human Rights, MOJ, the Ministry of Legal Affairs, Parliament, and the Social Fund for Development all have supporting roles in combating child trafficking.⁶²³⁷ However, nearly all Government ministries have had their funding severely curtailed in order to fund internal conflicts. This has hindered the Government's ability to fund efforts to combat the worst forms of child labor.⁶²³⁸

Despite the laws against child labor, trafficking, and the use of children in the military- arrests, charges and prosecutions appear minimal. Research found no information on the number of arrests, investigations, and prosecutions for offences related to the worst forms of child labor, including trafficking.

Government Policies on the Worst Forms of Child Labor

In 2005, the National Policy and Program Framework for the Eradication of Child Labor and Elimination of its Worst Forms was developed by the MOSAL, ILO-IPEC, and the HCMC.⁶²³⁹ The framework aims to harmonize domestic legislation

with international standards regarding child labor, strengthen national capacity, and increase awareness.⁶²⁴⁰ Although the Government has had a comprehensive child labor policy for over five years, its implementation has been delayed.⁶²⁴¹

While a National Strategy for Addressing Trafficking in Persons was ratified by the Council of Ministers in 2009, research did not reveal any information on its implementation.⁶²⁴²

The Government and IOM implement a \$2.7 million program to address the challenges of mass immigration to Yemen from the horn of Africa, which includes protection for child victims of trafficking.⁶²⁴³

The Government incorporates child labor into several of its national policies, including its third Five-Year Social Economic Development Plan for Poverty Reduction (2006-2010).⁶²⁴⁴ This plan, which ended during the reporting period, incorporated child labor into its childhood and youth strategy, labor force employment, education, illiteracy, and vocational training policies.⁶²⁴⁵

The National Action Plan for Children (ages 6 through 14) aims to increase the enrolment and attendance among school dropouts and disadvantaged children; strengthen school health and nutrition programs; increase qualified female teachers in rural areas to create a demand for girls' education; and to create a protective environment for all disadvantaged children. This plan indirectly targets children most at risk for worst forms of child labor.⁶²⁴⁶ The question of whether these plans have had an affect on child labor has not been addressed.

Co-led by MOSAL and UNICEF, a group of child protection stakeholders formed the Child Protection Sub-Cluster (CPSC) in 2009 to address the impacts of the internal strife between government forces and tribal combatants on Yemen's children.⁶²⁴⁷ The chief tasks of the CPSC are to report on child rights violations, assess risks and trends faced by children in the crisis, build capacity among civil society organizations responding to children's needs, and coordinate

child protection working groups in all conflict affected areas.⁶²⁴⁸ The MOE and the UN formed the Education Cluster to address educational needs of conflict-affected regions.⁶²⁴⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Years of internal conflict and tribal clashes in northwest Yemen have hampered the Government's ability to fund social programs as government finances and external funding is currently geared towards the stabilization of Yemen.⁶²⁵⁰ However, in 2010, the CPSC conducted a child protection assessment in areas affected by the conflict, chiefly located in the Sa'ada province.⁶²⁵¹ The assessment identified several child protection risks and concerns, including the targeting of children for trafficking and exploitative labor. Between January and June 2010, 329 children were rescued from trafficking and provided with legal, medical, and psychosocial support.⁶²⁵² The small number of children rescued verses the size of the problem illustrate the direction financial resources need to go in order to avert further risks upon Yemen's children.

The Education Cluster funded education assessments to determine the affects of the conflict on children's education. In August 2010, an NGO working with vulnerable populations conducted an assessment in Hajja. The study found that the majority of Hajja's internally displaced people (IDP) lives outside of camps and had very little access to social services, including education.⁶²⁵³ These children are extremely vulnerable to the worst forms of child labor due to their IDP status and lack of access to schools.⁶²⁵⁴ In addition, strategies are needed to boost enrollment and attendance rates, especially for girls.

The Government's Central Statistics Organization, the Social Fund for Development, and the ILO and UNICEF implemented a child labor survey of Yemen in 2009-2010.⁶²⁵⁵

Data on human trafficking in Yemen is unreliable and differs vastly depending on the source.⁶²⁵⁶ Despite funding restraints, the Government

did prioritize a national situation analysis and evaluation of current government interventions on trafficking during the reporting period.⁶²⁵⁷

The Government and NGOs run a child rehabilitation center in Haradh for the protection, rehabilitation, and reintegration of trafficked children.⁶²⁵⁸ A Government affiliated NGO maintains a registry for tracking trafficked children returning from Saudi Arabia, although this only captures a small number of child trafficking victims.⁶²⁵⁹

The Government is currently participating in a USDOL-funded \$3.5 million project to combat child labor through education in Yemen (2008-

2011). The project targets 7,100 children working in hazardous agriculture and fisheries, trafficking, and commercial sexual exploitation to receive educational and vocational training services.⁶²⁶⁰ Over the reporting period the program aired media spots on child labor issues; conducted trainings on child labor among community leaders, Sheikhs, inspectors, and other volunteer community members; and continued to hold their non-formal education classes for children prevented and withdrawn from the worst forms of child labor.⁶²⁶¹

Efforts are insufficient based on findings from CPSC's child protection assessment in areas affected by the conflict in northwestern Yemen.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Yemen:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend Ministerial Decree No. 56, Labor Code No. 5, and Law No. 45 on the Rights of the Child (Child Rights Law) to address inconsistencies in the minimum age for work and hazardous work, and to define and administer sanctions on hazardous work violations.
- Amend Ministerial Decree No. 56 to define light work.
- Pass a comprehensive human trafficking law.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Convene relevant ministries and entities to develop, and implement a country-wide child labor strategy.
- Ensure that there is sufficient funding for inspections to be carried out throughout the country and that inspections are targeted in the sectors where the worst forms of child labor and trafficking are prevalent.
- Record and make public the number of arrests and prosecutions for child labor related offences.
- Discontinue the use of children in armed conflict and institute criminal penalties for violations of the law.

IN THE AREA OF POLICY:

- Implement the National Policy and Program Framework for the Eradication of Child Labor and Elimination of its Worst Forms.
- Convene the Technical Committee on Combating Child Trafficking and develop policies for intervention.
- Conduct research to inform policy on increasing girls' school enrollment levels.
- Assess the impact that education policies have on addressing child labor.

IN THE AREA OF SOCIAL PROGRAMS:

- Re-direct financing towards those most at risk of entering into child labor or of becoming victims of trafficking in areas most affected by the conflict.
- Expand child labor programs to target the most prevalent and hazardous forms of child labor including hazardous agriculture, domestic service, and child soldiering.
- Develop a centralized registry on the number of child trafficking victims who receive protection, rehabilitation, or repatriation services.

⁶¹⁸⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁶¹⁸⁹ Integrated Regional Information Networks, "Yemen: Child Soliders Used by Both Sides in Northern Conflict" (2009). See also United Press International Inc., "Hrw: Child Soliders in Yemen," (2011). See also Abdul K. Alaug, "Access-Plus Yemen Mid-Term Evaluation," (Sana'a: CHF International 2011), 11. See also ILO-IPEC, "National Programme on the Elimination of Child Labour in Yemen: An Independent Final Evaluation by a Team of External Consultants," (ILO-IPEC, 2006), 12. See also UNICEF, "Yemen: Country Programme Document 2007-2011," (UNICEF, 2007), 3. See also U.S. Department of State, "Yemen," in *Trafficking in Persons Report- 2010* (Washington, D.C. : June 14, 2010).

⁶¹⁹⁰ Alaug, "Access-Plus Mid-Term Evaluation", 11. See also ILO-IPEC, "National Programme on the Elimination of Child Labour in Yemen," 12. See also

⁶¹⁹¹ ILO-IPEC, "National Programme on the Elimination of Child Labour in Yemen," 13. See also Alaug, "Access-Plus Mid-Term Evaluation", 11.

⁶¹⁹² ILO-IPEC, "National Programme on the Elimination of Child Labour in Yemen," 13. See also Alaug, "Access-Plus Mid-Term Evaluation", 11.

⁶¹⁹³ Alaug, "Access-Plus Mid-Term Evaluation", 11. See also Amel Al-Ariqi, "Poor Education System Feeds Child Labor in Yemen," *Yemen Times*, December 13, 2009.

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⁶¹⁹⁶ Adnan Al-Duqaimi, "Child Labor in Yemen: Lost Childhood," *Saba: Yemen News Agency*, July 11, 2010,

⁶¹⁹⁷ *Ibid.*, 2. See also ILO Regional Office for Arab States, "Country Brief 3: Promoting Decent Work and Gender Equality in Yemen," (ILO, 2008), 3.

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⁶¹⁹⁹ Alaug, "Access-Plus Mid-Term Evaluation", 11.

⁶²⁰⁰ *Ibid.*, 12.

⁶²⁰¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Yemen." See also U.S. Embassy- Sanaa, "Reporting, February 15, 2010." See also Children's Parliament, "First Report by the Children's Parliament on the Conditions of Children in Yemen," (Children's Parliament, 2008).

⁶²⁰² Children's Parliament, "Report on Conditions of Children in Yemen," 6. See also U.S. Embassy- Sanaa, "Reporting, February 15, 2010."

⁶²⁰³ U.S. Embassy- Sanaa, "Reporting, February 27, 2011."

⁶²⁰⁴ U.S. Embassy- Sanaa, "Reporting, February 15, 2010."

⁶²⁰⁵ U.S. Department of State, "Trafficking in Persons Report- 2010: Yemen." See also Iqbal Tamimi, "Saudi Sheikhs Obsession with Sex Fatwas," (2010).

⁶²⁰⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Yemen." See also U.S. Embassy- Sanaa, "Reporting, February 15, 2010."

⁶²⁰⁷ Tom Finn, "Yemen's Children of War," *Yemen Times*, March 2, 2011. See also United Press International Inc., "Child Soliders in Yemen.," Integrated Regional Information Networks, "Child Soliders Used by Both Sides of Conflict."

⁶²⁰⁸ Yemen Child Protection Sub-cluster, "Interagency Comprehensive Child Protection Assessment," (UNICEF, 2010), 26.

⁶²⁰⁹ Finn, "Yemen's Children of War." See also Children's Parliament, "Report on Conditions of Children in Yemen," 11. See also BBC News, "Yemen Declares Truce with Rebels," (2010).

⁶²¹⁰ Save the Children Sweden, "Yemen Access to Quality Education" <http://sca.savethechildren.se/MENA/What-we-do/Education/Emergencies/>.

⁶²¹¹ World Bank, "Education: Improving Access and Quality of Education in Yemen," World Bank, <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:22705814~menuPK:5546517~pagePK:210058~piPK:210062~theSitePK:282386,00.html>.

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⁶²¹³ *Ibid.*, 12.

⁶²¹⁴ *Ibid.*, 12.

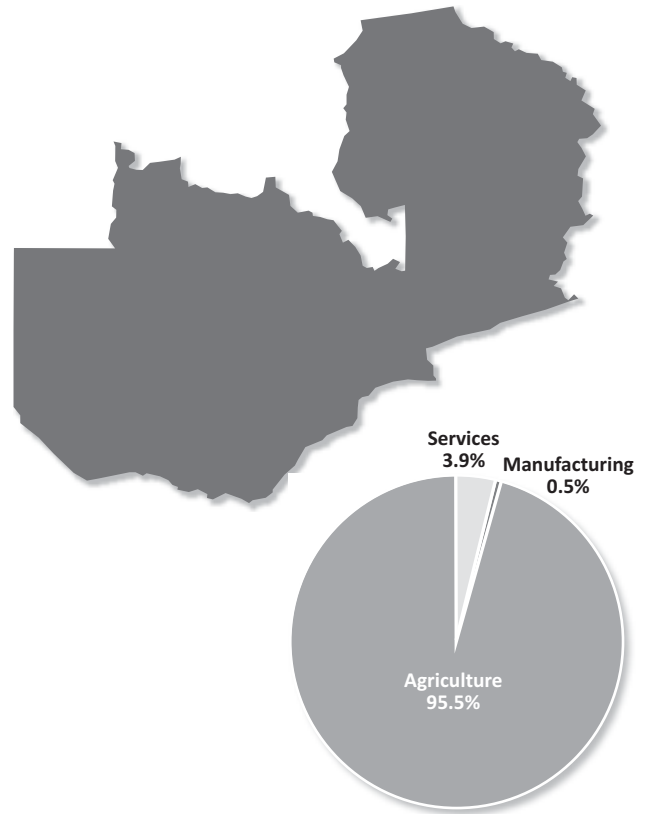
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- ⁶²¹⁹ Ministerial Decree No. 56.
- ⁶²²⁰ Ibid. See also Contin, “Chf International Yemen Access-Plus Baseline Report,” 12-13.
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- ⁶²³⁶ Yasser Al-Ariqi, “Fawzi Al-Zioud, Officer in Charge of Iom in Yemen, to the Yemen Times: ‘Iom, through Its Cooperation with the Eu, Strives at Empowering the Government of Yemen and Civil Society to Address Many of the Unique Migration Challenges Yemen Faces Today,’” Yemen Times, October 21, 2010.
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- ⁶²⁴⁰ ILO-IPEC, “Supporting the National Policy and Programme Framework (Nppf) for the Elimination of the Worst Forms of Child Labour (Wfcl) in Lebanon and Yemen,” (ILO-IPEC, 2008), 4.
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- ⁶²⁴³ U.S. Embassy- Sanaa, “Reporting, February 15, 2010.”; see also International Regional Information Networks, “Yemen: More Horn of Africa Immigrants Despite Unrest,” (2011).
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- ⁶²⁴⁶ Ibid., 4.
- ⁶²⁴⁷ Child Protection Sub-cluster, “Child Protection Sub-Cluster Terms of Reference,” (UNICEF and the Ministry of Social Affairs and Labour, 2010).
- ⁶²⁴⁸ Ibid.
- ⁶²⁴⁹ CHF International, “Technical Progress Report “, 5.
- ⁶²⁵⁰ Yemen Child Protection Sub-cluster, “Child Protection Assessment.”
- ⁶²⁵¹ Ibid.
- ⁶²⁵² Ibid.
- ⁶²⁵³ CHF International, “Technical Progress Report “.
- ⁶²⁵⁴ Ibid., 5.
- ⁶²⁵⁵ Alaug, “Access-Plus Mid-Term Evaluation “, 14.
- ⁶²⁵⁶ U.S. Embassy- Sanaa, “Reporting, February 27, 2011.”
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- ⁶²⁵⁸ Yemen Child Protection Sub-cluster, “Child Protection Assessment,” 25. See also U.S. Embassy- Sanaa, “Reporting, February 15, 2010.”
- ⁶²⁵⁹ U.S. Embassy- Sanaa, “Reporting, February 15, 2010.”
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Zambia

The Government of the Republic of Zambia enacted the Child Labor Policy and published the National Action Plan for the Implementation of the Timebound Programme Elimination for the Worst Forms of Child Labor. However, the Government has yet to codify the Child Labor Policy or adopt into law the draft statute on hazardous forms of child labor. Children continue to work in dangerous labor, in agriculture and in mining. Education is not mandatory, leaving children under age 15, who cannot work legally, vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	33.4
Attending School	5-14 yrs.	63.8
Combining Work and School	7-14 yrs.	35.5



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Zambia are engaged in the worst forms of child labor,⁶²⁶² primarily in agriculture and mining.⁶²⁶³ Children working in agriculture help produce cotton and tobacco. These children may be exposed to dangerous pesticides and fertilizers, bites from snakes and other animals and injuries from carrying heavy loads and using dangerous tools and machinery.⁶²⁶⁴ Boys are contracted out by their parents to work as herders, in some cases for years. In these instances, they may be exposed to waste, diseases and attacks from animals.⁶²⁶⁵ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of maize, tea, coffee, fish and charcoal.⁶²⁶⁶

Children in Zambia work in mining, primarily in small artisanal and traditional mines, where they extract emeralds, amethyst, aquamarines, tourmalines and garnets; mine and process lead,

zinc and copper ore; crush stones; and conduct rudimentary mine drilling and scavenge mine dump sites for residual gems.⁶²⁶⁷ Children also quarry rock.⁶²⁶⁸ These children may work long hours, be exposed to extreme heat and dangerous chemicals and suffer injuries including cuts and broken bones from flying rocks and tools, impaired vision from wounds and night work and silicosis and other respiratory problems from contact with dust.⁶²⁶⁹

Children perform other dangerous work, including construction and forestry. Some are injured carrying firewood and water, are denied food and are subject to loud noise, excessive hours, smoke inhalation and burns.⁶²⁷⁰

Children working as domestic servants or as servers in bars work long hours and carry heavy loads.⁶²⁷¹ Children engage in prostitution, including along highways.⁶²⁷² Children of sex workers sometimes work with their parent.⁶²⁷³ In urban areas, many orphans and vulnerable

children work and beg in the streets.⁶²⁷⁴ Children working on the street may be exposed multiple dangers including severe weather, vehicle accidents and criminal elements.





Child trafficking continues to be a problem in Zambia. Children in agriculture, herding and domestic service often fall victim to internal trafficking, sometimes in exchange for money, goods and gifts to family members.⁶²⁷⁵ Children from rural areas are trafficked into forced labor and domestic servitude in urban areas, where they may be beaten, starved and physically and psychologically abused.⁶²⁷⁶ In urban areas, girls engaged in domestic service may initially expect to attend school in exchange for their work but are often prevented from going to school and denied pay.⁶²⁷⁷ Some Zambian children are also trafficked to Malawi for commercial sexual exploitation or to Angola for forced labor.⁶²⁷⁸

A number of constraints increase the risk of children's involvement in the worst forms of child labor. The Government of Zambia does not provide public schools in every village due to the country's vast topography and widespread communities so some communities must contribute their own labor and resources to fill this gap. While government primary schools are free, schools are understaffed and parent-teachers association and other associated fees prohibit students from attending.⁶²⁷⁹ In addition, Zambia's high HIV/AIDS rates impact child labor, as children orphaned by HIV/AIDS work to survive or those with a parent or relative infected with the virus work to support them.⁶²⁸⁰

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Employment Act set the minimum age for employment at 15.⁶²⁸¹ The Apprenticeship Act regulates the employment of minors as apprentices but does not include a minimum age for apprenticeships or specify the types of work that apprentices can perform. The Employment of Young Persons and Children

Act bars children under age 18 from engaging in hazardous labor.⁶²⁸² While the Government has drafted a statutory instrument that would define the types of hazardous labor prohibited to children, it has yet to be adopted.⁶²⁸³ Furthermore, the Government has yet to mandate a compulsory education age, making children under age 15 particularly vulnerable to the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

The law prohibits the use of children in military hostilities and children under 18 years cannot be recruited into the military without the consent of a parent, guardian, or local District Secretary.⁶²⁸⁴

The Employment of Young Persons and Children Act specifically prohibits the worst forms of child labor, including child prostitution; slavery; forced military recruitment of children; and work harmful to the safety, health or morals of children and young people.⁶²⁸⁵ The Juveniles Act of 1956 specifically prohibits the use or procurement of children under age 16 for the purposes of begging.⁶²⁸⁶ The Constitution, the Penal Code and the Anti-Human Trafficking Act

of 2008 prohibit forced labor and the trafficking of children, while the Constitution and Penal Code both prohibit slavery.⁶²⁸⁷ The Penal Code also prohibits pornography, prostitution and the sexual harassment of a child in the workplace.⁶²⁸⁸ However, the penalties for child prostitution violations in the Employment of Young Persons and Children Act are different from those in the Penal Code.⁶²⁸⁹ During the reporting period, an amendment to the Penal Code was passed, extending prohibitions against sexual exploitation of children to children up to 18 years.⁶²⁹⁰

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) serves as chair of the National Steering Committee on Child Labor, which monitors and develops policies on child labor. The MLSS Child Labor Unit (CLU) provides technical expertise and coordinates all activities and programs to eliminate child labor in Zambia, including the activities of 16 district child labor committees throughout the country. These committees create awareness of the worst forms of child labor and monitor the implementation of child labor programs at the district and village levels.⁶²⁹¹ The MLSS works closely with the Ministry of Youth, Sport and Child Development (Directorate of Child Affairs); the Zambia Police Service Victims' Support Unit (VSU); the Joint Child Protection Unit; the Ministry of Justice; the Ministry of Community Development and Social Services (MCDSS); the Child Protection Unit and District Street Children Committee; and the Drug Enforcement Commission.⁶²⁹²

The MLSS 2010 Child Labor Unit budget was \$195,000, of which \$151,000 was allocated for labor inspections.⁶²⁹³ MLSS labor inspectors, responsible for all labor inspections, including child labor, inspect workplaces, including individual households and agricultural fields and investigate child labor complaints. There were 21

labor inspectors during the reporting period.⁶²⁹⁴ However, due to a lack of transportation and other resources, regular inspections were not conducted, and those that were conducted primarily took place in the formal sector.⁶²⁹⁵ Violators of child labor laws received counseling or were fined.⁶²⁹⁶ District level MLSS officers are also responsible for mediating labor disputes between employers and workers.⁶²⁹⁷ Fifteen child labor inspections took place in 2010; however, no fines or penalties were assessed, and the parents involved received counseling.⁶²⁹⁸

The Government's Ministry of Home Affairs leads an Inter-Ministerial Committee on Human Trafficking, which coordinates and shares information on trafficking issues among government agencies.⁶²⁹⁹ Members include the Zambia Police Service, immigration authorities, the Ministry of Justice, the Ministry of Labor and Social Security and the Ministry of Education.⁶³⁰⁰ The Committee also established a Secretariat which is responsible for monitoring child labor and developing strategies to implement the National Plan of Action Against Human Trafficking. The Secretariat cooperates with international organizations to design training plans for government officials.⁶³⁰¹

The Ministry of Home Affairs' Child Protection Unit (CPU) leads enforcement of labor-related trafficking laws, while the Zambia Police Service's Victims' Support Unit (VSU) handles all other forms of trafficking.⁶³⁰² The Ministry of Community Development and Social Services provides assistance to child trafficking victims and keeps rescued victims under protective custody.⁶³⁰³ Every ministry has a central number that individuals can call to make complaints against child traffickers.⁶³⁰⁴ The 2010 VSU budget was \$37,900 and the Child Protection Unit budget was \$726,000. No information is available on what percentage of these budgets went towards enforcement, and the number of child trafficking violations in 2010 was unavailable.⁶³⁰⁵

Government Policies on the Worst Forms of Child Labor

The Government of Zambia enacted the Child Labor Policy in June 2010.⁶³⁰⁶ This policy specifically addresses the worst forms of child labor and provides a guideline for child protection; however, it does not codify this issue into law.⁶³⁰⁷ The Government also published the National Action Plan for the Implementation of the Timebound Programme (TBP) during the reporting period.⁶³⁰⁸ This plan supports the continuation of activities to support employee awareness and prevention of child labor implemented under the country's TBP. The Government also supported provincial action plans for each province in Zambia.⁶³⁰⁹

The country's Poverty Reduction Strategy Paper (2002), Fifth National Development Plan (2006–2011), National Employment and Labor Market Policy (2005) and Decent Work Country Program (2007–2011) include the eradication of the worst forms of child labor as a goal.⁶³¹⁰ The Government of Zambia's National Employment and Labor Market Policy proposes interventions for the elimination of the worst forms of child labor in agriculture through health and education services aimed at preparing young people for decent and productive work.⁶³¹¹ The Government contributed to the drafting of the ILO-IPEC-coordinated National Plans of Action to Combat Child Domestic Labor and to Eliminate Child Labor in Mining.⁶³¹² No information is available on the status of these plans of action.

The Government of Zambia's Free Basic Education Policy provides children in grades one through seven with free access to government-run schools, reducing barriers to education for children engaged in or vulnerable to child labor.⁶³¹³ The Government's Technical Education and Vocational Training Authority also developed a strategic plan that includes protections for working children.⁶³¹⁴ The Government also has a national Anti-Trafficking Plan of Action.⁶³¹⁵ No information is available on the implementation of these plans.

A number of policies in Zambia that could benefit working children do not currently focus on the worst forms of child labor. These include the National Youth Policy (2006); the National Strategy on Children, Youth, and Sports Development (2006); the National Employment and Labor Market Policy (2005); the UN Development Assistance Framework (2011–2016); and the National HIV/AIDS Strategic Framework for 2006–2010.⁶³¹⁶

The Government produced two interagency reports presenting research findings conducted in collaboration with the international Understanding Children's Work Program. The Government conducted a Labor Force Survey in 2008; however, the Central Statistics Office has yet to release the survey data.⁶³¹⁷ The results of this survey will assist the Government in measuring the impact of its efforts to eradicate the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Zambia participated in the 4-year, \$4.2 million, USDOL-funded Timebound Support Project—implemented by the ILO—which ended in April 2010. The project withdrew and prevented 9,722 children from the worst forms of child labor through the provision of direct educational services and supported the Government's efforts to design, implement and monitor activities to address the worst forms of child labor. The project also established recreation centers and provided psychosocial support training for community workers.⁶³¹⁸ The Government of Zambia currently participates in the 4-year, \$23.8 million European Commission-funded TACKLE Project to combat child labor through education in 11 countries.⁶³¹⁹ Many activities started under the USDOL-funded child labor programs have been continued through this project. These programs provide limited assistance to children engaged in agriculture and mining.

Zambia's MCDSS provides administrative support to and assists over 10,000 families through a pilot social cash transfer program, which provides funds on the condition that parents send their children to school rather than to work.⁶³²⁰ Despite its current size, the scale of the social cash transfer program is not sufficient to reach all Zambian children engaged in or vulnerable to the worst forms of child labor. The MCDSS also operates two Zambia National Service camps providing skills training to 400 victims of the worst forms of child labor and children living and working in the streets.⁶³²¹ The camps only serve a small number of street children.

The Government of Zambia has programs to combat child trafficking and provides counseling and protection to trafficking victims.⁶³²² It refers

victims of trafficking to NGO shelters, but it has not yet made progress in constructing its own shelters.⁶³²³ While not specifically focused on child trafficking, the Government of Zambia, with the IOM, conducted a training of trainers for law enforcement instructors and is developing a comprehensive curriculum for immigration and police training officers to conduct counter trafficking trainings for existing and new police officers.⁶³²⁴

With the UN Joint Program, the Government of Zambia mobilizes local leaders on anti-trafficking efforts, conducts public awareness campaigns, and provides technical assistance to reduce the incidence of human trafficking and to build their capacity to identify and respond to trafficking cases in the country.⁶³²⁵

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Zambia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to ensure that education is compulsory for all children.
- Adopt the draft statutory instrument enumerating the hazardous occupations prohibited for children and apprentices and the minimum age for apprenticeships.
- Harmonize legislation to ensure that penalties for child prostitution are consistent.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publish statistics on child labor enforcement and child trafficking violations.

IN THE AREA OF POLICY:

- Codify the Child Labor Policy through a statutory instrument or an action plan.
- Support implementation of the National Plan of Action for the Timebound Elimination of the Worst Forms of Child Labor
- Publish the results of the 2008 Labor Force Survey.
- Incorporate goals and strategies for the prevention and elimination of the worst forms of child labor into major development policies, including the National Youth Policy and the National Employment and Labor Market Policy.

IN THE AREA OF SOCIAL PROGRAMS:

- Integrate a component on the worst forms of child labor into existing social programs, including those focused on HIV/AIDS. Scale up the Zambia National Service camps, cash transfer programs and other programs providing direct services to children.
- Expand programs to serve more children working in the agriculture, construction, and mining sectors.

⁶²⁶² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁶²⁶³ ILO-IPEC, Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia, Project Document, ZAM/06/P50/USA, Geneva, September 14, 2006, 9. See also Betniko Kayaya, "Zambia: Tackling Child Labor in Zambia", AllAfrica.com, [online], January 3, 2008 [cited February 21, 2011]; available from <http://allafrica.com/stories/printable/200806030382.html>. See also ILO Committee of Experts, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010, [online] 2010 [cited February 18, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=822&chapter=3&query=Zambia%40ref%2B%20Observation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Zambia," in Country Reports on Human Rights Practices- 2010, Washington, DC, April 8, 2011, 7d; available from <http://www.state.gov/documents/organization/160521.pdf>. See also U.S. Embassy-- Lusaka, reporting, February 7, 2011, section 1.

⁶²⁶⁴ UCW, Understanding children's work in Zambia, May 2009, 26, 31, 34, 67. See also Plan International, Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka, Technical Progress Report, Lusaka, December 2005, 24. See also ILO-IPEC, Rapid Assessment Report on HIV/AIDS and Child Labour, International Programme on the Elimination of Child Labour, Lusaka, July 17, 2007, vi, x. See also ILO-IPEC, Support to Timebound Measures in Zambia, Project Document (September 14, 2006), 9. See also Carron Fox, Investigating forced labour and trafficking: Do they exist in Zambia? (Geneva, Switzerland: International Labour Office, Special Action Programme to Combat Forced Labour, 2008), 39.

⁶²⁶⁵ ILO-IPEC, Rapid Assessment Report, vi, x. Plan International, Gender Based Violence, 3, 19, 23.

⁶²⁶⁶ S.M.C. Hüsken, "First Roundtable Meeting on Fisheries, HIV/AIDS and Social Development. Mongu, Western Province, Zambia. Meeting report. Regional Programme

Fisheries and HIV/AIDS in Africa: Investing in Sustainable Solutions," The WorldFish Center. Project Report 1976 (2009), 18. See also Plan International, Gender Based Violence, 19, 25. See also ILO-IPEC, Support to Timebound Measures in Zambia, Project Document (September 14, 2006), 9. See also U.S. Embassy- Lusaka, reporting, February 8, 2010, para 3 (1d). See also UCW, Understanding children's work in Zambia, 26. See also U.S. Embassy-- Lusaka, reporting, February 7, 2011, 1D.

⁶²⁶⁷ Chrispin Radoka Matenga, Final Report: Rapid Assessment of Child Labour in Non-Traditional Mining Sector in Zambia, 2008, 10, 12, 44-47; available from hardcopy. See also U.S. Embassy-- Lusaka, reporting, February 7, 2011, section 2D.

⁶²⁶⁸ U.S. Embassy-- Lusaka, reporting, February 7, 2011, section 2D. See also Michael Wines, Child Labor in Zambia (The New York Times, 2006), Slideshow.

⁶²⁶⁹ ILO-IPEC, Support to Timebound Measures in Zambia, Project Document (September 14, 2006), 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Integrated Regional Information Networks, "Zambia: Children forced to a life of stone crushing", IRINnews.org, [online], April 24, 2006 [cited February 22, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=58821>. See also Michael Wines, "Africa Adds to Miserable Ranks of Child Workers," The New York Times, August 24, 2006; available from http://www.nytimes.com/2006/08/24/world/africa/24zambia.html?_r=1. See also Matenga, Rapid Assessment of Child Labour, 50, 51. See also Sifuniso Nyumbu and Birgitte Poulsen, "The global crisis and rising child labor in Zambia's mining communities: Are we facing a downward decent work spiral?," ILO Global Job Crisis Observatory, August 10, 2009, 3.

⁶²⁷⁰ UCW, Understanding children's work in Zambia, 26. See also Plan International, Gender Based Violence, 3. See also ILO-IPEC, Zambia: Child Labour Data Country Brief, Geneva, January 2008, 4; available from www.ilo.org/ipecinfor/product/download.do?type=document&id=7808. See also ILO-IPEC, Support to Timebound Measures in Zambia, Project Document (September 14, 2006), 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Matenga, Rapid Assessment of Child Labour.

⁶²⁷¹ UCW, Understanding children's work in Zambia, 26, 67, 73. See also Plan International, Gender Based Violence, 3, 19. See also ILO-IPEC, Child Labour Data Country Brief, 4. See also ILO-IPEC, Support to Timebound Measures in Zambia, Project Document (September 14, 2006), 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Matenga, Rapid Assessment of Child Labour.

⁶²⁷² UCW, Understanding children's work in Zambia, 29-30. See also Integrated Regional Information Networks, "Zambia: The repercussions of suspending aid", IRINnews.org, [online], September 25, 2009 [cited February 22,

2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=86299>. See also U.S. Department of State, "Country Reports- 2010: Zambia," 7d.

⁶²⁷³ Integrated Regional Information Networks, "Zambia: Don't Ignore the Children of Sex Workers", IRINnews.org, [online], January 10, 2011 [cited February 18, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=91581>.

⁶²⁷⁴ Integrated Regional Information Networks, "Zambia: Government fails to break the street kid addiction", IRINnews.org, [online], June 12, 2008 [cited February 22, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportID=78702>. See also U.S. Department of State, "Zambia," in Country Reports on Human Rights Practices-2009, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135963.htm>.

⁶²⁷⁵ Carron Fox, Investigating forced labour and trafficking: Do they exist in Zambia?, International Labor Organization, 2008, 15, 19. See also U.S. Department of State, "Zambia (Tier 2)," in Trafficking in Persons Report- 2010, Washington, DC, 2011; available from <http://www.state.gov/documents/organization/142984.pdf>. See also ILO, Forced labour and human trafficking: A toolkit for trade unions in Zambia, Geneva, 2008, 11; available from http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS_100460/index.htm [hardcopy on file].

⁶²⁷⁶ U.S. Department of State, "Zambia (Tier 2)," in Trafficking in Persons Report- 2010, Washington, DC, June 16, 2010; available from <http://www.state.gov/documents/organization/142984.pdf>. See Carron Fox, Investigating forced labour and trafficking: Do they exist in Zambia?, 38, 39.

⁶²⁷⁷ Carron Fox, Investigating forced labour and trafficking: Do they exist in Zambia?, 61.

⁶²⁷⁸ Ibid., 52, 57. See also ILO, A toolkit for trade unions in Zambia, 10. See also ILO Committee of Experts, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010, article 3, part V.

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⁶²⁸⁰ Wines, Child Labor in Zambia. See also ILO, Child Labour and HIV/AIDS Rapid Assessment conducted in six Districts of Zambia: Final Report, Geneva, July 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=7650>.

⁶²⁸¹ Government of Zambia, Constitution of Zambia, (August 24,), article 24; available from <http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpan004847.pdf>. See also Government of Zambia, Employment Act (Chapter 268 of the Laws of Zambia), III 12 1; available from <http://www.parliament.gov.zm/downloads/VOLUME%2015.pdf>.

⁶²⁸² Government of Zambia, Employment of Young Persons and Children Act (Amendment), 2004, (September 8,), part I, 2; available from <http://www.parliament.gov.zm/downloads/VOLUME%2015.pdf>.

⁶²⁸³ U.S. Embassy-- Lusaka, reporting, February 7, 2011, ILO Committee of Experts, Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Zambia (ratification: 1976) Published: 2010 [online] 2010 [cited February 18, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=647&chapter=3&query=Zambia%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

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⁶²⁸⁵ Government of Zambia, Employment of Young Persons and Children Act (Amendment), part I, article 2a-d. See also Government of Zambia, Constitution of Zambia, August 24, 1991, article 14.

⁶²⁸⁶ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010 [online] 2010 [cited February 18, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1712&chapter=16&query=Zambia%40ref%2BRequest%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁶²⁸⁷ Government of Zambia, Constitution of Zambia, August 24, 1991, articles 14 and 24, *ibid.*, Articles 14, 24. See also Government of Zambia, Anti-Human Trafficking Act, Lusaka, 2008. See also ILO-IPEC, Support to Timebound Measures in Zambia, Project Document (September 14, 2006), 5. See also Government of Zambia, Act No. 15 of 2005: Act to amend the penal code, (October 7, 2005), article 143; available from <http://webapps01.un.org/vawdatabase/uploads/Zambia%20-%20Act%20No.%2015%20of%202005.pdf> [hardcopy available].

⁶²⁸⁸ Government of Zambia, Act No. 15 of 2005 Act to amend the penal code, (October 7, 2005), 137 a, 140, 177a.

⁶²⁸⁹ ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010, article 7, para 1.

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- ⁶²⁹² U.S. Embassy- Lusaka, reporting, February 11, 2010. See also ILO Committee of Experts, Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Zambia (ratification: 1976) Published: 2010
- ⁶²⁹³ U.S. Embassy-- Lusaka, reporting, February 7, 2011, section D.
- ⁶²⁹⁴ Ibid., section C.
- ⁶²⁹⁵ Ibid.
- ⁶²⁹⁶ U.S. Embassy- Lusaka, reporting, February 8, 2010.
- ⁶²⁹⁷ ILO-IPEC, Support to Timebound Measures in Zambia, Project Document (September 14, 2006), 13. See also ILO, A toolkit for trade unions in Zambia, 40. See also ILO, Labour Inspection Structure and Organization. See also U.S. Embassy- Lusaka, reporting, February 8, 2010.
- ⁶²⁹⁸ U.S. Embassy-- Lusaka, reporting, February 7, 2011, sections F and G.
- ⁶²⁹⁹ U.S. Department of State, "Country Reports- 2010: Zambia," 7d. See also ILO Committee of Experts, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010. See also Carron Fox, Investigating forced labour and trafficking: Do they exist in Zambia?, 64.
- ⁶³⁰⁰ U.S. Department of State, "Country Reports- 2010: Zambia," 7d. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Zambia."
- ⁶³⁰¹ ILO Committee of Experts, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010. See also U.S. Embassy- Lusaka, reporting, February 8, 2010. See also ILO-IPEC, Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia, Final Technical Progress Report, ZAM/06/P50/ USA, Geneva, April 30, 2010.
- ⁶³⁰² U.S. Embassy- Lusaka, reporting, February 11, 2010, 8.
- ⁶³⁰³ Ibid., 24.
- ⁶³⁰⁴ U.S. Embassy- Lusaka, reporting, February 8, 2010, para 3.
- ⁶³⁰⁵ U.S. Embassy-- Lusaka, reporting, February 7, 2011, sections D and I.
- ⁶³⁰⁶ Ibid., section 8 D.
- ⁶³⁰⁷ ILO-IPEC, Support to Timebound Measures in Zambia, Final Technical Progress Report (April 30, 2010). See also *ibid.*, 11. See also U.S. Embassy-- Lusaka, reporting, February 7, 2011, section 8A.
- ⁶³⁰⁸ U.S. Embassy-- Lusaka, reporting, February 7, 2011, section 9 A.
- ⁶³⁰⁹ ILO-IPEC, Support to Timebound Measures in Zambia, Final Technical Progress Report (April 30, 2010), 5. See also UCW, Understanding children's work in Zambia, 57. See also U.S. Embassy- Lusaka official, E-mail communication to USDOL official, November 2, 2010.
- ⁶³¹⁰ Government of Zambia, Fifth National Development Plan, Lusaka, December 2006, 212, 228, 229-232; available from <http://www.imf.org/external/pubs/ft/scr/2007/cr07276.pdf>. See also U.S. Embassy- Lusaka, reporting, January 16, 2009, section 11. See also ILO-IPEC, Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia, Technical Progress Report, ZAM/06/P50/USA, Geneva, March 2008, 2. See also ILO, Zambia Decent Work Country Programme DWCP 2007-2011, Geneva, December 2007. See also U.S. Embassy-- Lusaka, reporting, February 7, 2011.
- ⁶³¹¹ UCW, Understanding children's work in Zambia, 57.
- ⁶³¹² ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010. See also Nyumbu and Poulsen, "The global crisis and rising child labor," 4. See also ILO-IPEC, Support to Timebound Measures in Zambia, Final Technical Progress Report (April 30, 2010), 10, 6.
- ⁶³¹³ Raja Bentaouet Kattan, Implementation of Free Basic Education Policy, World Bank, Washington, DC, 2006; available from http://siteresources.worldbank.org/EDUCATION/Resources/EDWP_User_Fees.pdf. See also Doreen Nawa, "Zambia: Education for All - Time to Build Infrastructure!," allAfrica.com (2010); available from <http://allafrica.com/stories/201001250568.html>.
- ⁶³¹⁴ ILO-IPEC, Identification and Documentation of Good Practices in Zambia: Timebound measures against the worst forms of child labour, Geneva, January 2010, 8.
- ⁶³¹⁵ U.S. Embassy- Lusaka, reporting, February 11, 2010, section 7. See also U.S. Embassy- Lusaka, reporting, February 8, 2010.
- ⁶³¹⁶ ILO, Zambia Decent Work Country Programme DWCP 2007-2011. See also U.S. Embassy- Lusaka, reporting, February 8, 2010. See also UCW, Understanding children's work in Zambia, 57. See also ILO-IPEC, Support to Timebound Measures in Zambia, Final Technical Progress Report (April 30, 2010), 8. See also USAID, Zambia: Education, [online] October 16, 2006 [cited August 8, 2011]; available from <http://www.usaid.gov/zm/education/ed.htm>.
- ⁶³¹⁷ U.S. Embassy- Lusaka, reporting, February 8, 2010. See also ILO-IPEC, Support to Timebound Measures in Zambia, Final Technical Progress Report (April 30, 2010), 11.

⁶³¹⁸ ILO-IPEC, Support to Timebound Measures in Zambia, Final Technical Progress Report (April 30, 2010), 1, 4.

⁶³¹⁹ Ibid., 5. See also ILO, Tackle child labour through education: Moving children from work to school in 11 countries, Geneva, 2009; available from <http://www.ilo.org/ipeinfo/product/download.do?type=document&id=8511>.

⁶³²⁰ ILO-IPEC, Identification and Documentation of Good Practices in Zambia, xiii. See also U.S. Embassy--Lusaka, reporting, February 7, 2011, section 9B. See also Integrated Regional Information Networks, "Southern Africa: Social Transfers Reduce Poverty", IRINnews.org, [online], September 17, 2010 [cited February 18, 2011]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=90514>.

⁶³²¹ U.S. Embassy--Lusaka, reporting, February 7, 2011, section 9A.

⁶³²² U.S. Embassy- Lusaka, reporting, February 11, 2010. See also Carron Fox, Investigating forced labour and trafficking: Do they exist in Zambia? See also U.S. Embassy- Lusaka, reporting, February 8, 2010.

⁶³²³ U.S. Embassy- Lusaka official, E-mail communication, November 2, 2010.

⁶³²⁴ IOM, IOM Conducts Training of Trainers for Law Enforcement Officers Implementing Counter Trafficking Law in Zambia, [online] 2010 [cited February 18, 2011]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/en?entryId=28245>.

⁶³²⁵ U.S. Department of State, "Trafficking in Persons Report-2010: Zambia." See also IOM, Zambia's Efforts to Counter Human Trafficking Boosted by European Support, [online] October 2, 2009 [cited February 22, 2011]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce?entryId=26345>. See also ILO, Support to the Government of Zambia for the Implementation of Policy and the National Plan of Action against Human Trafficking, Geneva, n.d.; available from http://www.ilo.org/sapfl/Projects/lang--en/WCMS_116614/index.htm.

Zimbabwe

The Government of Zimbabwe has a steering committee to address child labor issues. However, children work in a variety of the worst forms of child labor, including dangerous work in agriculture and diamond mining. The Government has not dedicated sufficient resources for labor inspections or enforced laws against child labor or child trafficking.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sector Distribution of the Worst Forms of Child Labor

Children in Zimbabwe are engaged in the worst forms of child labor primarily in agriculture and diamond mining.⁶³²⁶ In agriculture, working children face occupational health and safety risks such as using potentially dangerous machinery and tools, carrying heavy loads and applying toxic pesticides.⁶³²⁷ Some children reportedly encounter these dangers working in the production of tea, cotton and tobacco.⁶³²⁸

There are reports of children working in diamond, gold, chrome and tin mines and extracting material from underground passages and quarries.⁶³²⁹ Children perform such work in the Marange diamond fields of Eastern Zimbabwe.⁶³³⁰

According to UNICEF, approximately 100,000 of Zimbabwe's 1.3 million orphans survive on their own in child-headed households, some working as street vendors.⁶³³¹ Children working on the streets may be exposed to many dangers including severe weather, vehicle accidents and criminal elements. Although information is limited, there are reports that children engage in other illicit activities, such as drug smuggling and gambling.⁶³³²

Children are trafficked within Zimbabwe to border towns and to neighboring countries where they suffer forced labor in agriculture, domestic service and commercial sexual exploitation.⁶³³³ Girls as young as age 12 are trafficked along the Zambezi River to the Mozambican port of Beira and to Central Mozambique. Children from Zimbabwe are sexually exploited by taxi and truck drivers in exchange for transportation to and across unofficial border crossings with South Africa.⁶³³⁴

Primary education is neither compulsory nor free in Zimbabwe.⁶³³⁵ Often prohibitively expensive school fees limit educational access.⁶³³⁶ In some instances, children in agricultural areas who need help paying their school fees may work for local plantations to earn credits towards school fees.⁶³³⁷ Such "earn-and-learn schemes," in which tuition credits are earned based on a child's ability to meet a production quota, are typically voluntary.⁶³³⁸ However, some abuse has been reported, as the model invites the exploitation of children who are unable to meet production quotas. These children work but do not receive tuition credits for their work and are thus unable to pay the fees to attend school.⁶³³⁹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Relations Act sets the minimum age for employment at 15.⁶³⁴⁰ However, a child as young as age 13 may work as an apprentice or perform work in a school or a technical or vocational institution.⁶³⁴¹ The Act prohibits employers from hiring a person younger than age 18 to perform hazardous work.⁶³⁴² Hazardous work is defined in the Children’s Protection and Adoption Amendment Act of 2001 as any work that jeopardizes or interferes with the education of a child; involves contact with hazardous substances, electronically powered hand tools, cutting tools or grinding blades; involves underground mining; exposes a child to extreme heat, cold or noise; or requires a child to work at night.⁶³⁴³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	No

Zimbabwean law does not establish an age or period of study that is compulsory for all children.⁶³⁴⁴ This creates an increased risk that children may fall into the worst forms of child labor as they are not required to be in school but are not legally permitted to work.

Zimbabwe’s Constitution prohibits forced labor, including forced child labor.⁶³⁴⁵

Provisions of the Sexual Offences Act, the Children’s Act and the Censorship and Entertainment Control Act prohibit sexual offenses against children, such as child pornography, prostitution and other forms of child sexual abuse.⁶³⁴⁶ The Sexual Offences Act and Children’s Act prohibit procuring an individual for prostitution either inside the country or transporting a person outside of the country with the intention of engaging them in prostitution.⁶³⁴⁷ The Criminal Code also prohibits sexual relations with children younger than age 16. Traffickers can be prosecuted under immigration laws or abduction laws.⁶³⁴⁸

The National Service Act of 1979 prohibits persons younger than under age 18 from compulsory and voluntary military service.⁶³⁴⁹

Institutional Mechanisms for Coordination and Enforcement

The Government has a steering committee chaired by the Ministry of Public Service, Labor and Social Welfare to lead efforts to address the worst forms of child labor. The committee includes several government ministries, civil society groups such as workers’ and employers’ organizations and international organizations.⁶³⁵⁰ In addition, the Government has an inter-ministerial task force on trafficking in persons.⁶³⁵¹

The Department of Social Welfare within the Ministry of Labor (MoL) is responsible for enforcing labor laws, including those regarding children. MoL employs approximately 170 labor inspectors for investigating labor-related violations and enforcing labor laws, including child labor laws.⁶³⁵² No evidence was found that MoL has trained inspectors to address child labor issues nor are there any inspectors assigned specifically to such issues. Some reports suggest that labor inspectors are not active at the district level.⁶³⁵³ Labor inspectors also lack the necessary resources to carry out inspections, such as office facilities, transportation and fuel.⁶³⁵⁴ To date, there have been no investigations or arrests in Zimbabwe for violations related to child labor.⁶³⁵⁵

The Ministry of Justice and Legal Affairs (MoJ) oversees all courts, including labor courts. The Zimbabwe Republic Police (ZRP) is responsible for enforcing laws against the worst forms of child labor that are criminal. MoJ and the ZRP share responsibility for enforcing criminal laws relating to child labor with MoL.⁶³⁵⁶

Information was not available to indicate whether actions were taken by MoJ and the ZRP to enforce criminal statutes on the worst forms of child labor or prosecute violators.⁶³⁵⁷

In 2010, there were no investigators, social workers or police officers dedicated to investigating child trafficking, and the Government did not prosecute any traffickers.⁶³⁵⁸ However, the newly formed Border Control Unit of the ZRP did participate in trainings on human trafficking to raise awareness before the 2010 World Cup soccer games in South Africa.⁶³⁵⁹

Government Policies on the Worst Forms of Child Labor

The Government's steering committee to address child labor issued a national policy to serve as a guide for the subsequent implementation of action

programs.⁶³⁶⁰ The first phase included conducting a child labor study to inform the specific design of the action plan. MoL and ILO launched the findings of the study on June 29, 2011, and the steering committee presented a timebound action plan at the launch.⁶³⁶¹

The draft action plan for the second phase is pending resource allocation.⁶³⁶² The action plan reportedly includes activities aimed at strengthening the analysis of child labor issues and the creation of an entity to coordinate responses to the findings of the analysis.⁶³⁶³

Zimbabwe's United Nations Development Assistance Framework 2007-2011 specifically addresses child labor in its poverty reduction, education and other social policy objectives.⁶³⁶⁴ For example, child labor is a specific indicator for improving retention rates at all levels of the education system.⁶³⁶⁵

Social Programs to Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Zimbabwe:

IN THE AREA OF LAWS:

- Establish a minimum age or specified length of study for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct, analyze and disseminate information on the level and type of inspection activities to combat child labor.
- Assign and train staff, including labor inspectors and enforcement officials and provide adequate resources for child labor inspections.
- Dedicate additional personnel and resources to combat child trafficking and implement enforcement efforts.

IN THE AREA OF POLICY:

- Provide free education through at least the primary level.
- Allocate appropriate resources to implement the plan to combat child labor.

IN THE AREA OF PROGRAMS:

- Implement programs to address child labor.

⁶³²⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section. See also U.S. Embassy- Harare, reporting, November 24, 2010.

⁶³²⁷ Caiphos Chimhete, “Desperate Farmers Resort to Child Labour,” *Zim Standard* (Harare), February 6, 2006; available from http://www.zimbabwesituation.com/feb6_2006.html#Z16.

⁶³²⁸ U.S. Embassy- Harare, reporting, November 24, 2010. See also U.S. Department of State, “Zimbabwe,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160485.pdf>.

⁶³²⁹ U.S. Embassy- Harare, reporting, November 24, 2010. See also Tiseke Kasambala, *Blood Diamonds*, Human Rights Watch, February 1, 2010; available from <http://www.hrw.org/en/news/2010/02/04/blood-diamond?print>. See also U.S. Embassy- Harare, reporting, November 24, 2010.

⁶³³⁰ Human Rights Watch, *Diamonds in The Rough- Human Rights Abuses in the Marange Diamond Fields of Zimbabwe*, June 26, 2009; available from <http://www.hrw.org/en/reports/2009/06/26/diamonds-rough?print>. See also Channel 4, *Unreported World: Zimbabwe’s Blood Diamonds*, prepared by Reporter Ramita Navai and Director Alex Nott, pursuant to *Unreported World*, October 29, 2010; available from <http://www.channel4.com/programmes/unreported-world/4od#3173959>. See also Human Rights Watch, *Exposing the Blood Diamond Trade*, online, May 21, 2010; available from <http://www.hrw.org/en/news/2010/05/21/exposing-blood-diamond-trade>. See also Dan McDougall, “Undercover at the Chiadzwa diamond fields,” *kubatana.net*, September 21, 2009; available from http://www.kubatana.net/html/archive/econ/09092dmd.asp?spec_code=090816diamondsex§or=ECO.

⁶³³¹ UNICEF, *Humanitarian Action Report 2010- Eastern and Southern Africa Feature Story for Zimbabwe*, New York, 2010; available from http://www.unicef.org/har2010/index_zimbabwe_feature.html.

⁶³³² U.S. Department of State, “Zimbabwe (Tier 3),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142984.pdf>. See also U.S. Embassy- Harare, reporting, November 24, 2010.

⁶³³³ U.S. Department of State, “Trafficking in Persons Report- 2010: Zimbabwe.” See also U.S. Department of State, “Zimbabwe,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135984.htm>.

⁶³³⁴ Save the Children UK, *Visitors from Zimbabwe: A Preliminary Study Outlining the Risks and Vulnerabilities Facing Zimbabwean Children who have Crossed Illegally into Mozambique*, May 24, 2006, 7-8; available from http://images.savethechildren.it/IT/f/img_publicazioni/img88_b.pdf. See also Integrated Regional Information Networks, “Mozambique: Exploitation and Abuse Awaits Zimbabwe’s Migrant Children,” IRINnews.org, [online], 2006 [cited May 5, 2011]; available from <http://www.irinnews.org/report.aspx?reportid=59123>. See also Integrated Regional Information Networks, “South Africa-Zimbabwe: Undocumented kids alone in a new country,” IRINnews.org, [online], March 8, 2007 [cited May 5, 2011]; available from <http://www.irinnews.org/Report.aspx?ReportId=70584>.

⁶³³⁵ U.S. Embassy- Harare official, E-mail communication to USDOL official, July 5, 2011. See also U.S. Department of State, “Country Reports- 2010: Zimbabwe,” section 6.

⁶³³⁶ U.S. Embassy- Harare official, E-mail communication to USDOL official, November 19, 2010.

⁶³³⁷ Nadia Strakova and Pavel Vondra, *Stop Child Labour: Africa Tour 2008, Final Integrated Report*, Hivos/Stop Child Labour, The Hague, 2008; available from <http://www.stopchildlabour.eu/africatour2008/img/africatour2008-finalreport.pdf>.

⁶³³⁸ U.S. Embassy- Harare official, E-mail communication, November 19, 2010.

⁶³³⁹ Strakova and Vondra, *Stop Child Labour*. See also U.S. Department of State, “Country Reports- 2010: Zimbabwe,” section 7d.

⁶³⁴⁰ Government of Zimbabwe, *Statute Law of Zimbabwe: Labour Act 2002*, 17/2002, (2002), (hard copy on file).

⁶³⁴¹ U.S. Department of State, “Zimbabwe,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119032.htm>.

⁶³⁴² Government of Zimbabwe, *Labour Relations (Employment of Children and Young Persons) Regulations*, 72/1997, (1997), (hard copy on file).

⁶³⁴³ Government of Zimbabwe, *Children’s Protection and Adoption Amendment Act, 2001 (No. 23)*, (2001); available from http://www.ilo.org/dyn/natlex/natlex_browse.home.

⁶³⁴⁴ U.S. Department of State, “Country Reports- 2010: Zimbabwe,” section 6.

⁶³⁴⁵ Government of Zimbabwe, *Constitution of Zimbabwe*, (April 20, 2000); available from http://www.nca.org.zw/Downloads/zim_constitution.pdf [hard copy on file].

⁶³⁴⁶ Government of Zimbabwe, “Zimbabwe,” in *Legislation of Interpol Member States on Sexual Offences against Children*, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp>.

⁶³⁴⁷ Government of Zimbabwe, *Sexual Offences Act*, 8/2001, (2001). See also U.S. Department of State, “Country Reports-2008: Zimbabwe.”

⁶³⁴⁸ U.S. Embassy- Harare, *reporting*, November 24, 2010.

⁶³⁴⁹ Coalition to Stop the Use of Child Soldiers, “Zimbabwe,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/Zimbabwe.pdf.

⁶³⁵⁰ U.S. Embassy- Harare official, E-mail communication, November 19, 2010.

⁶³⁵¹ U.S. Embassy- Harare, *reporting*, March 3, 2009.

⁶³⁵² U.S. Embassy- Harare, *reporting*, November 24, 2010.

⁶³⁵³ Ibid.

⁶³⁵⁴ Ibid. See also U.S. Embassy- Harare official, E-mail communication, November 19, 2010.

⁶³⁵⁵ U.S. Embassy- Harare, *reporting*, November 24, 2010.

⁶³⁵⁶ Ibid.

⁶³⁵⁷ Ibid. See also U.S. Department of State, “Country Reports- 2009: Zimbabwe,” section 7.

⁶³⁵⁸ U.S. Embassy- Harare, *reporting*, February 23, 2010. See also U.S. Embassy- Harare, *reporting*, November 24, 2010. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Zimbabwe.”

⁶³⁵⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Zimbabwe.”

⁶³⁶⁰ U.S. Embassy- Harare, *reporting*, February 23, 2010.

⁶³⁶¹ Ibid. See also U.S. Embassy- Harare official, E-mail communication, July 5, 2011. See also U.S. Embassy- Harare official, E-mail communication, November 19, 2010.

⁶³⁶² U.S. Embassy- Harare official, E-mail communication, July 5, 2011. See also U.S. Embassy- Harare, *reporting*, November 24, 2010.

⁶³⁶³ U.S. Embassy- Harare, *reporting*, November 24, 2010.

⁶³⁶⁴ Ibid.

⁶³⁶⁵ Ibid.

Non-Independent Countries and Territories

There is limited information regarding the prevalence and distribution of the worst forms of child labor in non-independent countries and territories eligible for GSP, AGOA and CBTPA benefits.⁶³⁶⁶ Statistics on child work and school attendance are not available from the sources used in this report. In some cases, there is no evidence to suggest that the worst forms of child labor exist in certain non-independent countries and territories. In these cases, when laws appear to meet the guidelines called for in ILO Convention 182 and embodied in the TDA, no recommendations for action have been included.

These non-independent countries and territories generally are not eligible to become members of ILO, so the organization's Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention (No. 182) do not apply to the majority of them.⁶³⁶⁷ Territories are generally subject to the laws of the sovereign country.

⁶³⁶⁶ U.S. Government, *Harmonized Tariff Schedule of the United States (Rev. 1)*, (2010); available from <http://www.usitc.gov/publications/docs/tata/hts/bychapter/1001gn.pdf>.

⁶³⁶⁷ Most of the areas covered in the summary report are considered non-metropolitan territories and are therefore ineligible to become members of ILO. While ILO still does not have an official definition for "non-metropolitan territory," in earlier versions of the ILO Constitution, "colonies, protectorates and possessions which are not fully self-governing" was used in place of this term. An ILO member can submit a declaration to ILO requesting that these conventions apply to their non-metropolitan areas. ILO, *Constitution of the International Labour Organization*, (April 20, 1948), article 35; available from <http://www.ilo.org/ilolex/english/constq.htm>. See also ILO official, E-mail communication to USDOL official, January 31, 2002. Please see the chart regarding ratifications of international conventions and selected non-independent country and territory laws at the end of this discussion.

Anguilla

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Anguilla are engaged in the worst forms of child labor, specifically in commercial sexual exploitation. Reportedly, children perform sex acts in exchange for money and gifts.⁶³⁶⁸ These transactions often occur with the knowledge, consent and sometimes initiation of the child's parent.⁶³⁶⁹ Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The Education Act prohibits children of compulsory school age (5 to 16 years) from employment during the school year and children younger than age 14 from employment at all times.⁶³⁷⁰ The Employment of Children (Restriction) Act limits children younger than age 12 from working in any capacity, including light work. Under the Restriction Act, children younger than age 14 may not work during the school day, and there are limitations on work times and the total number of hours they may work.⁶³⁷¹ In addition, they are prohibited from work that may be physically hazardous or that requires heavy lifting.⁶³⁷² It is unclear whether or not the Education Act supersedes the Employment of Children (Restriction) Act. The Employment of Women, Young Persons and Children Act prohibits all children younger than age 17 from working in industrial undertakings or at night.⁶³⁷³ The Governor of the Territory has the authority to expand restrictions on child labor.⁶³⁷⁴

The Anguilla Constitution prohibits slavery and forced labor.⁶³⁷⁵ The law prohibits the prostitution and abduction of children.⁶³⁷⁶ Defense in Anguilla is the responsibility of the United Kingdom and the minimum age for military recruitment is 16.⁶³⁷⁷

The Education Act makes education compulsory to age 16.⁶³⁷⁸ The law also guarantees free education through age 17.⁶³⁷⁹

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Anguilla has established a coordinating mechanism to combat the worst forms of child labor. However, with support from the British Government, Anguilla has formed a multiagency Child Protection Steering Committee. The committee, which is chaired by the Department of Social Development, includes members of local NGOs, the Department of Probation, the Judiciary, the Education Department, the Health Authority, the Department of Youth and Culture, the Royal Anguilla Police Force and the Attorney General's Chambers.⁶³⁸⁰ Since its formation, the Steering Committee has spearheaded the drafting of Child Protection Protocols for Anguilla on recognizing and referring child abuse cases; consulted with leaders from agencies working with children; and sought consultation from practitioners in the field of child protection.⁶³⁸¹

The Employment of Children (Restriction) Act designates the Labor Commissioner as responsible for enforcing child labor laws. The act authorizes the labor commissioner to investigate work sites where children are believed to be employed and prosecute, conduct or defend any information, complaint or other proceeding arising under the act.⁶³⁸²

Research did not reveal information on the agencies responsible for enforcing laws against the worst forms of child labor, particularly

commercial sexual exploitation, or on any enforcement actions taken during the reporting period.

Government Policies on the Worst Forms of Child Labor

The Government has developed a Child Protection National Action Plan, which calls for the establishment of child protection protocols and the development of necessary legislative and institutional frameworks to address issues impacting children and their families.⁶³⁸³ However, research found no evidence that the Government has established policies to explicitly address child labor. The question of whether the Child Protection National Action Plan has an impact on child labor, particularly commercial sexual exploitation, does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Anguilla participates in Safeguarding Children in the Overseas Territories (SCOT), a program sponsored by the United Kingdom's Department for International Development.⁶³⁸⁴ Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children's health and safety. In Anguilla, SCOT has helped the Government develop child protection protocols, which include partnership with civil society organizations.⁶³⁸⁵ The question of whether SCOT has an impact on child labor, particularly commercial sexual exploitation, does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Anguilla:

IN THE AREA OF LAWS AND REGULATIONS:

- Clarify whether the Education Act's minimum age of 14 for employment of any type supersedes the Employment of Children (Restriction) Act's rule that allows exceptions to the minimum age of 14.
- Raise the minimum age for military recruitment to 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor, commercial sexual exploitation in particular.
- Identify agencies responsible for enforcing laws against the worst forms of child labor, particularly commercial sexual exploitation.
- Collect, analyze and disseminate information regarding the enforcement of relevant laws to protect children from commercial sexual exploitation.

IN THE AREA OF POLICIES:

- Collect, analyze and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children to guide the development of policies to address the problem.
- Assess the impact the Child Protection National Action Plan may have on addressing child labor, particularly commercial sexual exploitation.

IN THE AREA OF PROGRAMS:

- Assess the impact SCOT may have on addressing child labor, particularly commercial sexual exploitation.

⁶³⁶⁸ Adele D. Jones and Ena Trotman Jemmott, *Child Sexual Abuse in the Eastern Caribbean: The report of a study carried out across the eastern caribbean during the period October 2008 to June 2009*, UNICEF Office for Barbados and the Eastern Caribbean, University of Huddersfield, and Action for Children, 2009, 115-116, 121-122, 126; available from http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

⁶³⁶⁹ *Ibid.*, 115-116, 124.

⁶³⁷⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Third and Fourth Periodic Reports of States Parties Due in 2007 - United Kingdom of Great Britain and Northern Ireland*, 2007, 166; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc.

⁶³⁷¹ Government of Anguilla, *Employment of Children (Restriction) Act*, articles 1-2.

⁶³⁷² *Ibid.*

⁶³⁷³ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 166.

⁶³⁷⁴ Government of Anguilla, *Employment of Children (Restriction) Act*, article 2.

⁶³⁷⁵ Government of Anguilla, *The Anguilla Constitution Order 1982*, (April 1, 1982), sections 4, 5; available from <http://www.gov.ai/images/Anguilla%20Const.pdf>.

⁶³⁷⁶ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 170, 171.

⁶³⁷⁷ Coalition to Stop the Use of Child Soldiers, "United Kingdom," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/united-kingdom>. See also Central Intelligence Agency, "Anguilla," in *The World Factbook*, Washington, DC, 2010; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

⁶³⁷⁸ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*. See also Government of the United Kingdom of Great Britain and Northern Ireland, *Education Act 1996*, (July 24, 1996); available from <http://www.legislation.gov.uk/ukpga/1996/56/contents>.

⁶³⁷⁹ UNESCO, *Education for All Global Monitoring Report: Reaching the Marginalized*, 2010; available from www.unesco.org/new/en/education/themes/leading-

the-international-agenda/efareport/reports/2010-marginalization/.

⁶³⁸⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: United Kingdom of Great Britain and Northern Ireland*, CRC/C/GBR/4, Geneva, February 25, 2008; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc.

⁶³⁸¹ Anguilla Correspondent, “Child Protection Protocols come under the Microscope,” *Anguilla Express*, March 3, 2010; available from <http://www.anguillaexpress.com/?p=1855>.

⁶³⁸² Government of Anguilla, *Employment of Children (Restriction) Act*, articles 4.

⁶³⁸³ Anguilla Correspondent, “Child Protection Protocols come under the Microscope.” See also Ijahnya Christian, “Heartically Yours: Building Capacity for Social Protection,” *The Anguillian*, September 19, 2008; available from <http://www.festival.ai/index.php/article/articleview/6235/1/207/>.

⁶³⁸⁴ Anguilla Correspondent, “Child Protection Protocols come under the Microscope.”

⁶³⁸⁵ U.S. Embassy- London, *reporting*, December 9, 2010.

British Virgin Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the British Virgin Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Labor Code of 2010 is 16, and children younger than age 18 are prohibited from hazardous work.⁶³⁸⁶ Children between ages 16 and 18 must have sufficient training and supervision when operating heavy machinery, and all children younger than age 18 are prohibited from night work.⁶³⁸⁷ The code also provides for the removal and rehabilitation of children subjected to the worst forms of child labor and makes the offense punishable with a fine, holding both the employer and the child’s parent or guardian liable.⁶³⁸⁸ The Constitution prohibits slavery and forced

labor.⁶³⁸⁹ Under the Criminal Code (Amendment) Act, 2007, trafficking in minors and enslaving or bonding children are illegal. The code also prohibits the production, publication or possession of child pornography.⁶³⁹⁰

Education is free and compulsory to age 16.⁶³⁹¹

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The Commissioner of Labor may appoint inspectors to enforce the provisions of the Labor Code.⁶³⁹² Research found no information about enforcement of the worst forms of child labor provisions in the Criminal Code.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶³⁸⁶ Government of the British Virgin Islands, *Labour Code*, (2010), articles 3, 128, 130; available from http://www.bvigazette.org/extrafile/G00307_Labour%20Code%20Act,%202010.pdf.

⁶³⁸⁷ *Ibid.*, articles 3, 128, 130, 146.

⁶³⁸⁸ *Ibid.*, articles 129-130.

⁶³⁸⁹ Government of the British Virgin Islands, *The Virgin Islands Constitution Order 2007*, (June 15, 2007), articles 14; available from <http://www.businessbvi.com/articles/the-virgin-islands-constitution-order-2007/>.

⁶³⁹⁰ Government of the British Virgin Islands, *Criminal Code (Amendment) Act, 2007*, (February 8, 2007), articles 201A, 248A; available from <http://www.bvigazette.org/>

extrafile/G00029_Criminal%20Code%20(Amendment)%20Act,%202007.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports: United Kingdom and Northern Ireland*, 188. See also Government of the British Virgin Islands, *Labour Code*, articles 2, 130.

⁶³⁹¹ Government of the United Kingdom of Great Britain and Northern Ireland, *Education Act 1996*. See also U.S. Embassy- London official, E-mail communication to USDOL official, April 1, 2011.

⁶³⁹² Government of the British Virgin Islands, *Labour Code*, articles 8-14.

Christmas Island and Cocos (Keeling) Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children on Christmas Island and the Cocos (Keeling) Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

Christmas Island and the Cocos (Keeling) Islands are subject to the child labor laws of the State of Western Australia.⁶³⁹³ The Western Australia Children and Community Services Act 2004 prohibits the employment of children younger than age 15 in a business, trade or for-profit occupation.⁶³⁹⁴ Child prostitution is prohibited under the Prostitution Act of 2000.⁶³⁹⁵ Both the Children and Community Services Act and the Criminal Code proscribe the possession, production and distribution of child pornography.⁶³⁹⁶

Slavery is illegal under the federally enacted Slavery and Sexual Servitude Act 1999.⁶³⁹⁷ The Commonwealth Criminal Code prohibits trafficking in persons and debt bondage.⁶³⁹⁸ Defense of Christmas Island and the Cocos

(Keeling) Islands is the responsibility of Australia, which has a voluntary recruitment age of 17.⁶³⁹⁹

Public education is free and education is compulsory to age 17.⁶⁴⁰⁰

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

The Western Australia Division of the Department of Consumer and Employment Protection (DOCEP) investigates and enforces laws related to the employment of children.⁶⁴⁰¹ The Australian Federal Police enforce criminal laws related to the worst forms of child labor.⁶⁴⁰²

The Western Australia Department for Child Protection is responsible for investigating the commercial sexual exploitation of children, such as pornography, sometimes with cooperation from the Western Australia Police and the Labor Relations Division of the DOCEP.⁶⁴⁰³ The Western Australia state police force has primary responsibility for investigating and prosecuting allegations of slavery and sexual servitude.⁶⁴⁰⁴

The Federal Department of Immigration and Multicultural Affairs and the Australian Federal Police have jurisdiction in trafficking matters.⁶⁴⁰⁵ The Australian Federal Police's Human Trafficking Teams investigate human trafficking for the purpose of transnational sexual and labor exploitation.⁶⁴⁰⁶ The Australian Federal Police's Child Protections Operations team monitors child sex tourism offenses and child pornography on the Internet.⁶⁴⁰⁷

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶³⁹³ U.S. Embassy- Canberra, *reporting, February 9, 2010*.

⁶³⁹⁴ Government of Western Australia, *Children and Community Services Act 2004*, (October 20, 2004), article 190; available from http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/.

⁶³⁹⁵ Government of Western Australia, *Prostitution Act 2000*, (July 29, 2000), articles 16-18; available from http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/.

⁶³⁹⁶ Government of Western Australia, *Children and Community Services Act 2004*, article 192. See also U.S. Embassy- Canberra, *reporting, February 11, 2011*. See also Government of Western Australia, *The Criminal Code Act 1995*, (1995), article 273.1; available from http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html. See also Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, December 2008, 3-4; available from http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_ReportsundertheConventionontheRightsoftheChild.

⁶³⁹⁷ Government of Australia, *Criminal Code Amendment (Slavery and Sexual Servitude Act)*, (September 21, 1999), articles 270.1-270.2; available from [http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/\\$file/10499.pdf](http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/$file/10499.pdf).

⁶³⁹⁸ Government of Western Australia, *Criminal Code*, division 271.

⁶³⁹⁹ Central Intelligence Agency, "Christmas Island," in *The World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/kt.html>. See also Central Intelligence Agency, "Cocos (Keeling) Islands." See also Coalition to Stop the Use of Child Soldiers, "Child Soldiers: Australia."

⁶⁴⁰⁰ U.S. Embassy- Canberra official, E-mail communication to USDOL official, March 31, 2011. See also Government of Western Australia, *School Education Act 1999*, (January 1, 2001); available from http://www.austlii.edu.au/au/legis/wa/consol_act/sea1999170/. See also U.S. Embassy- Canberra, *reporting, February 11, 2011*.

⁶⁴⁰¹ ILO, *Country Baselines Under the ILO Declaration Annual Review (2000-2010): Australia*, 2010, 14; available from http://www.ilo.org/wcmsp5/groups/public/---ed_

[norm/---declaration/documents/publication/wcms_091263.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf).

⁶⁴⁰² U.S. Embassy- Canberra, *reporting, February 11, 2011*.

⁶⁴⁰³ Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 20.

⁶⁴⁰⁴ USDOL Bureau of International Labor Affairs, *Australia Labor Rights Report*, June 8, 2004, 16; available from <http://www.dol.gov/ilab/media/reports/usfta/labor.pdf>.

⁶⁴⁰⁵ *Ibid.*, 19.

⁶⁴⁰⁶ Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 5-6. See also U.S. Embassy- Canberra, *reporting, February 11, 2011*. See also U.S. Embassy- Canberra official, E-mail communication to USDOL official, July 13, 2011.

⁶⁴⁰⁷ Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 5-6.

Cook Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There are reports that some children in the Cook Islands are engaged in the worst forms of child labor, specifically in commercial sexual exploitation.⁶⁴⁰⁸ Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The Cook Islands have some of their own laws and also follow some of the laws of New Zealand and the United Kingdom.⁶⁴⁰⁹ The New Zealand Industrial and Labor Ordinance 1964 prohibits children younger than age 16 from working in factories without permission from the Industrial Relations Officer. The law prohibits children younger than age 18 from any work that the Industrial Relations Officer deems dangerous. Children younger than age 18 may not work

with factory machines without knowledge of the dangers, precautions to be taken and sufficient training or supervision.⁶⁴¹⁰ Information on minimum age laws in other enterprises was not identified.

Forced and compulsory labor are criminal acts under the Cook Islands Prohibition of Forced and Compulsory Labor Ordinance and Amendment Acts.⁶⁴¹¹ Trafficking in persons is illegal under the Cook Islands Crimes Amendment Act 2004, but it is not clear that internal trafficking is addressed in the act.⁶⁴¹² There are no armed forces in the Cook Islands.⁶⁴¹³

The Cook Islands Crimes Act of 1969 prohibits prostitution. Brothel-keeping, living on the earnings of the prostitution of another person and procuring a girl to have sex with a man who is not her husband are illegal, as are selling, distributing or otherwise exhibiting indecent documents.⁶⁴¹⁴ The prostitution of boys is not specifically addressed under the law.

Education is compulsory to age 15.⁶⁴¹⁵ The Government provides free primary and secondary schooling.⁶⁴¹⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Cook Islands have established a coordinating mechanism to address the commercial sexual exploitation of children.

The Labor and Consumer Affairs Division of the Government monitors the implementation of child labor laws in the Cook Islands. There are several agencies that participate in protecting children from commercial sexual exploitation. The Ministry of Internal Affairs, which includes the Child and Family Services Division, is responsible for all matters relating to children and families.⁶⁴¹⁷ The Chief Censor has some responsibility for issues of pornography.⁶⁴¹⁸ The Ministries of Tourism, Culture, Education, Foreign Affairs, Health, and Justice and the police also play roles in protecting children.⁶⁴¹⁹ Research found no evidence that the Government maintains and publically releases information on the number of investigations, violations and prosecutions involving commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Government, civil society organizations and religious groups collaborated on the development of the National Plan of Action on Sexual Exploitation of Children: Protecting Our Future. Research did not find evidence of the completion, adoption or implementation of the plan.⁶⁴²⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that the Government has established programs to address the commercial sexual exploitation of children.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Cook Islands:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to address the commercial sexual exploitation of children.
- Monitor and make public information regarding investigations, violations and prosecutions involving commercial sexual exploitation of children.

IN THE AREA OF POLICIES:

- Collect, analyze and disseminate information regarding the prevalence and nature of commercial sexual exploitation of children to guide the development of policies to address the problem.
- Adopt and implement the National Plan of Action on Sexual Exploitation of Children.

IN THE AREA OF PROGRAMS:

- Establish social programs to address the commercial sexual exploitation of children.

⁶⁴⁰⁸ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 2009, 11-14; available from http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-COOKISLANDS.pdf.

⁶⁴⁰⁹ Pacific Islands Legal Information Institute, *PacLII Databases: Cooks Islands Laws*, [online] [cited May 24, 2011]; available from <http://www.pacii.org/databases.html#CK>.

⁶⁴¹⁰ Government of New Zealand, *Industrial and Labour Ordinance 1964*, (December 7, 1964), articles 52-53; available from http://www.pacii.org/ck/legis/ck-nz_act/ialo1964270/.

⁶⁴¹¹ Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance 1960*, (1960); available from http://www.pacii.org/ck/legis/num_act/pofoclo1960503/. See also Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1969*, (1969); available from http://www.pacii.org/ck/legis/num_act/pofocloaa1969604/. See also Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1971-72*, (1972); available from http://www.pacii.org/ck/legis/num_act/pofocloaa19711972604/.

⁶⁴¹² Government of Cook Islands, *Crimes Amendment Act 2004*, (June 1, 2004), articles 109 H-I; available from www.pacii.org/ck/legis/num_act/caa2004162/. See also ECPAT

International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 26.

⁶⁴¹³ Coalition to Stop the Use of Child Soldiers, "Pacific Islands."

⁶⁴¹⁴ Government of Cook Islands, *Crimes Act 1969*, (January 27, 1970), articles 138, 160-163; available from http://www.pacii.org/ck/legis/num_act/ca196982/. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 24.

⁶⁴¹⁵ Charts Bin, *Ending Age of Compulsory Education Around the World -- Cook Islands*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qpp>. See also Government of the Cook Islands, *The Cook Islands*, [online] [cited April 26, 2011]; available from <http://www.cook-islands.gov.ck/cook-islands.php>.

⁶⁴¹⁶ Government of the Cook Islands, *The Cook Islands*.

⁶⁴¹⁷ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 17.

⁶⁴¹⁸ Ibid.

⁶⁴¹⁹ Ibid.

⁶⁴²⁰ Ibid., 14-15.

Falkland Islands (Islas Malvinas)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Falkland Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Falkland Islands Employment of Children Ordinance prohibits the employment of children younger than age 16. It also is illegal to employ children of compulsory school age during school hours if the work may harm their health, safety or morals or if the work involves lifting, carrying or moving anything that may injure them.⁶⁴²¹ The Employment of Women, Young Persons and Children Ordinance makes it illegal to employ children in work that exposes them to physical, psychological or sexual abuse, work that is underground, underwater, at dangerous heights or in confined spaces, or work that requires the use of dangerous machinery, equipment or tools without training and supervision. Children younger than age 18, including those who have completed compulsory schooling, may not work at night in any industry.⁶⁴²²

The Falkland Islands Constitution Order 2008 prohibits slavery and forced labor.⁶⁴²³ Under the United Kingdom's Sexual Offenses Act 2003, children younger than age 13 are not legally capable of consenting to any form of sexual activity. The act also prohibits trafficking in persons for the purpose of sexual exploitation.⁶⁴²⁴ Purchasing a child for sexual services and causing, controlling, arranging or facilitating child prostitution or pornography are also illegal.⁶⁴²⁵

The Education Amendment Ordinance of 2008 makes education free and compulsory to age 16.⁶⁴²⁶

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴²¹ U.S. Embassy- London, *reporting, January 16, 2009*. See also UN Committee on the Rights of the Child, *Implementation of the Convention on the Rights of the Child- Overseas Territories and the Isle of Man; Response to the list of issues raised in connection with the consideration of the third and fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/4)*, United Nations, 2008, 18; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.Q4.Add.2.doc>.

⁶⁴²² U.S. Embassy- London, *reporting, January 16, 2009*.

⁶⁴²³ Government of the United Kingdom of Great Britain and Northern Ireland, *South Atlantic Territories: The Falkland Islands Constitution Order 2008*, (November 5, 2008), article 4; available from <http://www.falklands.gov.fk/assembly/documents/The%20Falkland%20Islands%20Constitution%20Order%202008.pdf>.

⁶⁴²⁴ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, (November 20, 2003), articles 5-9, 57-59; available from http://www.opsi.gov.uk/acts/acts2003/ukpga_20030042_en_1#Legislation-Preamble.

⁶⁴²⁵ *Ibid.*, articles 45, 47, 48-50.

⁶⁴²⁶ UN Committee on the Rights of the Child, *Implementation of the Convention on the Rights of the Child- Overseas Territories*, 19. See also Government of the Falkland Islands, *Education*, [online] [cited April 26, 2011]; available from <http://www.falklands.gov.fk/Education.html>.

Gibraltar

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Gibraltar are engaged in the worst forms of child labor.⁶⁴²⁷

Laws and Regulations on the Worst Forms of Child Labor

Gibraltar follows the child labor laws of the United Kingdom.⁶⁴²⁸ According to the British Child and Young Person's Act 1933, a child can start working part-time at age 14 and full-time at the end of the school year in which the child will be age 16.

Trafficking is prohibited by the Asylum and Immigration Act 2004.⁶⁴²⁹ The Sexual Offenses Act of 2003 protects children from prostitution, pornography and trafficking for sexual purposes.⁶⁴³⁰ The Coroners and Justice Act of 2009 prohibits slavery and forced and compulsory labor.⁶⁴³¹

Slavery and forced labor are prohibited under the Gibraltar Constitution Order 2006.⁶⁴³² Prostitution of girls and child pornography are illegal.⁶⁴³³ The prostitution of boys is not specifically prohibited under the law.

The recruitment age for the Royal Gibraltar Regiment is 16.⁶⁴³⁴ There is no evidence of comprehensive laws against trafficking in Gibraltar.

Education is compulsory to age 15. Primary education is free to all residents of Gibraltar.⁶⁴³⁵

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the continued prevention of the worst forms of child labor in Gibraltar:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.
- Raise the minimum age for military recruitment to 18.

⁶⁴²⁷ U.S. Embassy- London, *reporting*, February 22, 2010.

⁶⁴²⁸ U.S. Embassy- London, *reporting*, January 16, 2009.

⁶⁴²⁹ Government of the United Kingdom of Great Britain and Northern Ireland, *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*, (July 22, 2004), article 4; available from http://www.opsi.gov.uk/acts/acts2004/ukpga_20040019_en_1#pb1-11g4.

⁶⁴³⁰ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, articles 5-15, 45-60, 72, *ibid*.

⁶⁴³¹ Government of the United Kingdom of Great Britain and Northern Ireland, *Coroners and Justice Act 2009*, (November 12, 2009), article 71; available from <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=coroners+and+justice&Year=2009&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3637639&ActiveTextDocId=3637640&filesize=1425>.

⁶⁴³² Government of Gibraltar, *The Gibraltar Constitution Order 2006*, (December 14, 2006), article 4; available from http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf.

⁶⁴³³ Government of Gibraltar, *Criminal Offences Act*, (September 1, 1960), articles 121-123, 127-128, 131-132; available from http://www.gibraltarlaws.gov.gi/full_index.php. See also Government of Gibraltar, *Crimes (Indecent Photographs with Children) Act 2009*, (October 29, 2009), articles 2-3; available from <http://www.gibraltarlaws.gov.gi/articles/2009-40o.pdf>.

⁶⁴³⁴ Central Intelligence Agency, “Gibraltar.”

⁶⁴³⁵ UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights - Fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant - United Kingdom of Great Britain and Northern Ireland - Overseas Territories*, United Nations, New York, February 14, 2008, paras 583-584; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/404/99/PDF/G0840499.pdf?OpenElement>.

Montserrat

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is limited evidence that some children in Montserrat are engaged in commercial sexual exploitation in exchange for money and material goods.⁶⁴³⁶ Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Montserrat Employment Act is 14. Children younger than age 15 are prohibited from industrial undertakings unless the work is not dangerous and only family members are employed.⁶⁴³⁷

The Montserrat Penal Code prohibits the prostitution of girls.⁶⁴³⁸ The prostitution of boys is not specifically prohibited under the law.

Pornography is also illegal.⁶⁴³⁹ The Constitution of Montserrat prohibits slavery and forced labor.⁶⁴⁴⁰ Abduction and kidnapping are punishable under the Penal Code and may be used to prosecute traffickers.⁶⁴⁴¹

The Education Act of 2004 makes education compulsory to age 16. The Government provides free education from nursery through secondary school.⁶⁴⁴²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Montserrat has established coordination and enforcement mechanisms to address the commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the commercial sexual exploitation of children in Montserrat.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Montserrat participates in Safeguarding Children in the Overseas Territories (SCOT), a program sponsored by the United Kingdom’s Department for International Development. Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children’s health and safety.⁶⁴⁴³ The question of whether SCOT has an impact on child labor, particularly commercial sexual exploitation, does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Montserrat:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop coordination and enforcement mechanisms to address the commercial sexual exploitation of children.

IN THE AREA OF POLICIES:

- Collect, analyze and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children to establish policies to address the problem.

IN THE AREA OF PROGRAMS:

- Assess the impact SCOT may have on addressing child labor, particularly commercial sexual exploitation.

⁶⁴³⁶ Jones and Jemmott, *Child Sexual Abuse in the Eastern Caribbean*, 198-199, 204.

⁶⁴³⁷ Government of Montserrat, *Employment Act*, article 4(1); available from http://labour.gov.ms/publications/Employment_Act.pdf, Government of Montserrat, *Employment Act*, (January 1, 2002); available from http://labour.gov.ms/publications/Employment_Act.pdf.

⁶⁴³⁸ Government of Montserrat, *Penal Code*, (January 1, 2008), articles 116, 125, 129; available from http://agc.gov.ms/wp-content/uploads/2010/02/penal_code.pdf.

⁶⁴³⁹ *Ibid.*, article 291.

⁶⁴⁴⁰ Government of Montserrat, *The Montserrat Constitution Order 1989*, (January 8, 1990), article 55; available from <http://www.legislation.gov.uk/ukxi/1989/2401/contents/made>.

⁶⁴⁴¹ Government of Montserrat, *Penal Code*, articles 195-197.

⁶⁴⁴² UN Committee on the Rights of the Child, *Consideration of Reports: United Kingdom and Northern Ireland*. See also UNESCO, *EFA Global Monitoring Report*.

⁶⁴⁴³ U.S. Embassy- London, *reporting*, December 9, 2010.

Niue

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Niue are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

Information on minimum age laws was not identified. Trafficking in persons is a specific offense in Niue.⁶⁴⁴⁴ There is no military in Niue as defense is the responsibility of New Zealand.⁶⁴⁴⁵

Education in Niue is compulsory to age 16.⁶⁴⁴⁶ Research did not find complete information on the question of whether education is free.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴⁴⁴ UNODC, “Pacific Islands,” in *Global Report on Trafficking in Persons*, Vienna, February 2009; available from <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>.

⁶⁴⁴⁵ Central Intelligence Agency, “Niue.”

⁶⁴⁴⁶ Charts Bin, *Ending Age of Compulsory Education Around the World -- Niue*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qpp>.

Norfolk Island

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children on Norfolk Island are engaged in the worst forms of child labor.⁶⁴⁴⁷

Laws and Regulations on the Worst Forms of Child Labor

There is no minimum age for employment on Norfolk Island but children younger than age 15 are subject to limitations under the Employment Act 1988.⁶⁴⁴⁸ Children younger than age 15 may not work more than 20 hours a week, at night, or during school hours.⁶⁴⁴⁹ Parental consent and written agreement is required to employ persons younger than age 18.⁶⁴⁵⁰ Information is limited, but it does not appear that Norfolk Island has restrictions on hazardous child labor.

The federally enacted Commonwealth Criminal Code Act 1995 of Australia, which applies to Norfolk Island, criminalizes all forms of slavery and forced labor, trafficking in children, forced prostitution and child pornography. The Norfolk Island Criminal Code Act 2007 prohibits sexual servitude, child pornography and the provision

of a controlled substance to children for sale or distribution.⁶⁴⁵¹ The Criminal Law Amendment Act of 1993 makes it illegal to employ a person younger than age 16 for the purposes of prostitution.⁶⁴⁵²

The Criminal Code Act of 1995 of Australia prohibits military conscription or enlistment of children younger than age 15.⁶⁴⁵³

Public education is free.⁶⁴⁵⁴ The Norfolk Island Education Act makes education compulsory to age 15.⁶⁴⁵⁵

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

The Australian Federal Police’s Human Trafficking Teams investigate human trafficking, including trafficking of children, for the purpose of transnational sexual and labor exploitation.⁶⁴⁵⁶ The Australian Federal Police’s Child Protections Operations Team monitors child sexual exploitation on the Internet.⁶⁴⁵⁷

Employment inspectors and child welfare officers monitor the employment of young workers and take action accordingly.⁶⁴⁵⁸ The Australian Federal Police enforce criminal laws related to the worst forms of child labor.⁶⁴⁵⁹

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor in Norfolk Island.

Based on the reporting above, the following actions would advance the continued prevention of the worst forms of child labor in Norfolk Island:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a legal minimum age for employment.
- Establish laws to prohibit children younger than age 18 from engaging in hazardous work.
- Amend the Criminal Code Act to—
 - Protect all children younger than age 18 from being employed in prostitution.
 - Raise the minimum age for military recruitment to 18.

⁶⁴⁴⁷ U.S. Embassy- Canberra, *reporting, February 11, 2011.*

⁶⁴⁴⁸ Ibid.

⁶⁴⁴⁹ Ibid.

⁶⁴⁵⁰ Ibid.

⁶⁴⁵¹ Ibid.

⁶⁴⁵² Ibid.

⁶⁴⁵³ U.S. Embassy- Canberra, *reporting, January 21, 2009.*

⁶⁴⁵⁴ U.S. Embassy- Canberra official, E-mail communication, March 31, 2011.

⁶⁴⁵⁵ U.S. Embassy- Canberra, *reporting, February 11, 2011.*

⁶⁴⁵⁶ Ibid.

⁶⁴⁵⁷ Ibid.

⁶⁴⁵⁸ U.S. Embassy- Canberra, *reporting, February 9, 2010.*

⁶⁴⁵⁹ U.S. Embassy- Canberra, *reporting, February 11, 2011.*

Saint Helena, Ascension and Tristan da Cunha (formerly called Saint Helena)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Saint Helena and its dependencies, Ascension and Tristan da Cunha, are engaged in the worst forms of child labor.⁶⁴⁶⁰

Laws and Regulations on the Worst Forms of Child Labor

There is very little information on the laws and regulations against the worst forms of child labor in Saint Helena and its dependencies. The Constitution prohibits slavery and forced labor.⁶⁴⁶¹

In Saint Helena and Tristan da Cunha, the Education Ordinance makes education free and compulsory to age 15. In Ascension, education is compulsory to age 16.⁶⁴⁶²

Institutional Mechanisms of Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The Department for Employment and Social Security is responsible for employment issues.⁶⁴⁶³

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participates in Safeguarding Children in the Overseas Territories (SCOT), a program sponsored by the United Kingdom's Department for International Development.

Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children's health and safety.⁶⁴⁶⁴

⁶⁴⁶⁰ The St. Helena, Ascension and Tristan da Cunha Constitution Order 2009 granted a new Constitution to and change the name of the Territory as of September 1, 2009.

⁶⁴⁶¹ Government of the United Kingdom of Great Britain and Northern Ireland, *The St. Helena, Ascension and Tristan da Cunha Constitution Order 2009*, (September 1, 2009), article 8; available from <http://www.legislation.gov.uk/ukxi/2009/1751/made/data.pdf>.

⁶⁴⁶² UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial reports of States parties due in 1996 - Overseas dependent territories and crown dependencies of the United Kingdom of Great Britain and Northern Ireland*, February 22, 2000, paras 366, 408, 443.

⁶⁴⁶³ UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights - Fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant - United Kingdom of Great Britain and Northern Ireland - Overseas Territories*, 131.

⁶⁴⁶⁴ U.S. Embassy- London, *reporting, December 9, 2010*.

Tokelau

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Tokelau are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor⁶⁴⁶⁵

The Tokelau Crimes, Procedures and Evidence Rules 2003 prohibit prostitution and the possession, sale or exhibition of pornography.⁶⁴⁶⁶ New Zealand legislation does not apply to Tokelau unless expressly extended with Tokelauan consent. Evidence that laws from New Zealand against the

worst forms of child labor have been extended to Tokelau was not obtained.

Research did not find complete information on the question of whether education is free and compulsory.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴⁶⁵ Certain British and New Zealand Acts of Parliament, Rules of the Tokelau General Fono, and British Common Law as at January 14, 1840 apply in Tokelau. New Zealand legislation does not apply to Tokelau unless it is expressly extended to the Territory. It is unclear whether the New Zealand 64 apply to Tokelau. Government of New Zealand, *Implementation of the International Covenant on Economic, Social and Cultural Rights; Third Periodic Report Submitted by States Parties Under Articles 16 and 17 of the Covenant - New Zealand*, UN Committee on Economic, Social and Cultural Rights, 2008; available from <http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.NZL.3AUV.pdf>.

⁶⁴⁶⁶ Government of Tokelau, *Tokelau Crimes, Procedures, and Evidence Rules 2003*, (2003), articles 25, 39; available from http://www.paclii.org/tk/legis/num_act/cpaer2003302/.

Turks and Caicos Islands⁶⁴⁶⁷

Prevalence and Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Turks and Caicos Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment in the Turks and Caicos Islands is 16. Children younger than age 16 may be employed with the written consent of a parent or guardian.⁶⁴⁶⁸ Slavery and forced labor are prohibited by the Constitution.⁶⁴⁶⁹

Education is compulsory to age 16.⁶⁴⁷⁰ Research did not find complete information on the question of whether education is free.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of the Turks and Caicos Islands participates in Safeguarding Children in the Overseas Territories (SCOT), a program sponsored by the United Kingdom's Department for International Development. Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children's health and safety.⁶⁴⁷¹

⁶⁴⁶⁷ Turks and Caicos is typically internally self-ruled, but corruption charges levied against its political leadership caused the British Government to suspend the Government of Turks and Caicos Islands and its legislature in August 2009. A London-appointed governor will lead the Territory until otherwise determined. Government of the United Kingdom of Great Britain and Northern Ireland, *Core Document Forming Part of the Reports of States Parties - Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland*, UN International Human Rights Instruments, July 13, 2001, 82; available from <http://www2.ohchr.org/english/bodies/cescr/docs/HRI.CORE.1.Add.62.Rev.1.pdf>. See also Associated Press, "Turks and Caicos: Britain Takes Over Government," *New York Times*, August 15, 2009; available from <http://www.nytimes.com/2009/08/15/world/americas/15web-briefs-Turkscaicos.html>.

⁶⁴⁶⁸ Government of Turks and Caicos, *Turks and Caicos Islands Employment Ordinance 2004*, (October 26, 2004); available from <http://www.misickstanbrook.tc/articles/ordinances/Employment%20Ordinance/Employment%20Ordinance%202004.pdf>.

⁶⁴⁶⁹ Government of Turks and Caicos Islands, *The Turks and Caicos Constitution Order 2006*, (August 9, 2006); available from <http://www.misickstanbrook.tc/articles/ordinances/Constitution%20of%20the%20Turks%20and%20Caicos%20Islands.pdf>.

⁶⁴⁷⁰ Charts Bin, *Ending Age of Compulsory Education Around the World -- Turks and Caicos*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qqp>.

⁶⁴⁷¹ U.S. Embassy- London, *reporting, December 9, 2010*.

Wallis and Futuna

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Wallis and Futuna Islands are engaged in the worst forms of child labor.⁶⁴⁷²

Laws and Regulations on the Worst Forms of Child Labor

French law applies in Wallis and Futuna.⁶⁴⁷³ As such, the French Labor and Penal Codes detailed herein extend to its territory of Wallis and Futuna.

The French Labor Code prohibits employment for persons younger than age 16, with some exceptions for apprenticeships and other alternative education programs, light work during holidays and work within the entertainment industry.⁶⁴⁷⁴ Minors younger than age 18 are prohibited from certain dangerous jobs and are prohibited from working more than 7 hours a day or 35 hours a week.⁶⁴⁷⁵ The Ministry of Interior of France states that the law on child labor is respected and enforced in Wallis and Futuna.⁶⁴⁷⁶

The French Penal Code prohibits trafficking in children and provides for appropriate penalties for offenders.⁶⁴⁷⁷ Procuring and prostituting a child is prohibited under France's Penal Code; such offenses also carry appropriate penalties.⁶⁴⁷⁸

Under the French Penal Code, it is unlawful to take, record or send a pornographic image of a minor with the intention of circulation. Such a crime carries appropriate penalties, as does the crime of distributing a pornographic image of a minor through import or export.⁶⁴⁷⁹

According to the French Code of Defense, persons younger than age 17 are prohibited from admittance into the French Armed Forces, although admittance to military schools is allowed at age 16.⁶⁴⁸⁰

Education is free and compulsory to age 16.⁶⁴⁸¹

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴⁷² U.S. Embassy- Paris, *reporting*, December 10, 2010.

⁶⁴⁷³ Australian Government- Department of Foreign Affairs and Trade, *Wallis and Futuna country brief*, [online] 2010 [cited September 27, 2010]; available from http://www.dfat.gov.au/geo/wallis_futuna/wallisfutuna_brief.html.

⁶⁴⁷⁴ U.S. Embassy- Paris, *reporting*, January 6, 2009. See also Government of France, *Code du Travail*, (May 2008), article L4153-1, L6222-1; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006072050&dateTexte=20100928 <http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006072050&idArticle=LEGIARTI000018511175&dateTexte=20110524>. See also Library of Congress, *Children's Rights: France*, [online] 2010 [cited September 28, 2010]; available from <http://www.loc.gov/law/help/child-rights/france.php>.

⁶⁴⁷⁵ Government of France, *Code du Travail*, R-234-6. See also Library of Congress, *Children's Rights: France*.

⁶⁴⁷⁶ U.S. Embassy- Paris, *reporting*, January 6, 2009.

⁶⁴⁷⁷ Library of Congress, *Children's Rights: France*.

⁶⁴⁷⁸ Ibid. See also U.S. Department of State, "France," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154424.htm>.

⁶⁴⁷⁹ Government of France, *Code Penal*, (June 1998), articles 227-23; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006070719&dateTexte=20100929.

⁶⁴⁸⁰ Library of Congress, *Children's Rights: France*. See also Government of France, *Code de la défense*, (March 2007), article L4132-1; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006071307&dateTexte=20100929.

⁶⁴⁸¹ Encyclopedia.com, *Wallis and Futuna Islands*, [online] [cited April 26, 2011]; available from http://www.encyclopedia.com/topic/Wallis_and_Futuna_Islands.aspx#3.

West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority)

During the reporting period the Palestinian Authority continued to implement social programs to address and prevent child labor. However political conditions and a lack of resources for enforcement prevented the Palestinian Authority from adequately protecting children in Gaza and other areas. Children continued to engage in hazardous work such as street vending and agriculture.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in the West Bank and Gaza Strip are engaged in the worst forms of child labor, many of them in dangerous work in street vending and agriculture.⁶⁴⁸² Many help to cultivate dates.⁶⁴⁸³ Such work exposes children to risks including using dangerous machinery and tools, applying harmful pesticides and carrying heavy loads. Children in the Occupied Territories collect pebbles and gravel for construction purposes.⁶⁴⁸⁴ This work requires heavy lifting and often takes place in dangerous areas that put children in the middle of ongoing conflict.⁶⁴⁸⁵

Children also work as street vendors and porters, in which they are vulnerable to harassment and assault and may be required to carry heavy loads

and spend long hours standing in traffic and the sun, often without food or water.⁶⁴⁸⁶ Some children work in auto body shops, in which they are exposed to unsafe tools and machinery.⁶⁴⁸⁷ Children also collect metals and other salvageable materials from garbage dumps, exposing them to potentially harmful and unsanitary materials.⁶⁴⁸⁸ Some children also work in mining, manufacturing and construction.⁶⁴⁸⁹






Some Palestinian children cross into Israel and Israeli settlements in the West Bank to work.⁶⁴⁹⁰ Children traveling to and working in Israeli settlements may be subject to exploitation and harassment.⁶⁴⁹¹

Children are reportedly recruited for use in armed conflict as human shields and informants. Some child informants have been tortured.⁶⁴⁹² Children thought to have collaborated with Israeli authorities may be subject to retaliation.⁶⁴⁹³

Children also work inside underground tunnels that run between the Gaza Strip and Egypt, smuggling food and other goods, digging and laying wire for electricity and pipelines to smuggle fuel.⁶⁴⁹⁴ Some children may work up to 10 hours at a time in the tunnels with only a very short break.⁶⁴⁹⁵ Many children use stimulant drugs to lessen pain and increase stamina during long shifts in the tunnels. Some Palestinian children have died in the tunnels as a result of attacks and efforts to block the smuggling.⁶⁴⁹⁶

Laws and Regulations on the Worst Forms of Child Labor

The Unified Labor Law No. 7 of 2000 and Palestinian Child Law No. 7 of 2004 (PCL) prohibit the employment of any person younger than age of 15. The former also requires children between ages 15 and 18 to receive medical examinations every six months while working.⁶⁴⁹⁷ The Labor Law limits working hours for juveniles, requires an hour break and prohibits children working more than four successive hours per day.⁶⁴⁹⁸

	C138, Minimum Age	n/a
	C182, Worst Forms of Child Labor	n/a
	CRC	n/a
	CRC Optional Protocol on Armed Conflict	n/a
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	n/a
	Palermo Protocol on Trafficking in Persons	n/a
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15/No
	Free Public Education	No

The Labor Law prohibits children younger than age 18 from being employed in industries identified by the Minister of Labor (MOL) as dangerous or unhealthy as well as from working night shifts, overtime, piece work and employment away from their communities.⁶⁴⁹⁹ Research could not identify specific industries or activities deemed dangerous or unhealthy by the MOL. The law also creates exceptions for children who work for and are directly supervised by relatives as long as the work does not negatively impact the mental and physical development of the child or the child's education.⁶⁵⁰⁰

The PCL prohibits the exploitation of children in any work that is against the law, hinders a child's education or is harmful to his or her health, physical or moral safety.⁶⁵⁰¹ The PCL specifically prohibits the use of children in drug and alcohol-related industries, the publication, circulation or possession of child pornography and the use of children in armed conflicts.⁶⁵⁰² Prostitution is illegal.⁶⁵⁰³

There are no specific laws prohibiting forced labor in the West Bank and Gaza.⁶⁵⁰⁴

Article 37 of the PCL states that all children have the right to complete their secondary education. It requires the government to take action to retain student attendance, eliminate discrimination and promote the dignity of students.⁶⁵⁰⁵ Education is compulsory for 10 years. Children start school on average around the age of 6, which means that Palestinian children should be in school until approximately age 16.⁶⁵⁰⁶ The Palestinian education system offers two additional years of schooling but attendance for those last two years is not required by law.⁶⁵⁰⁷ The Jordanian Education Law No. 16 of 1964 is the reigning education law in the West Bank. Article 10 of this law makes education compulsory from ages 6 to 15, regardless of grade.⁶⁵⁰⁸ The British Mandate Education Law of 1933 takes precedence in the Gaza Strip, and contains no mention of compulsory education. No unified and comprehensive education law exists for all Palestinian Occupied Territories.⁶⁵⁰⁹

Furthermore, West Bank and Gaza suffer from a lack of adequate schools. Children must travel long and often dangerous distances to attend schools that can be poorly equipped, and unhygienic.⁶⁵¹⁰

The West Bank and Gaza do not have a regular military force.⁶⁵¹¹ Recruitment for government service, including security services, is voluntary beginning at age 18.⁶⁵¹²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government has established a coordinating mechanism to combat the worst forms of child labor in the West Bank and Gaza. MOL's Inspection and Protection Administration is responsible for enforcing child labor laws.⁶⁵¹³ During the reporting period, the MOL employed 45 labor inspectors, five of which are specifically assigned to monitoring child labor

conditions.⁶⁵¹⁴ Government officials describe MOL as understaffed and in need of at least 150 labor inspectors in order to cover most of the private establishments where children often work.⁶⁵¹⁵ Furthermore, during the reporting period, the Palestinian Authority was only able to conduct investigations in the West Bank because of Hamas's control of Gaza since 2007.⁶⁵¹⁶ No current or reliable data was found on the precise number of investigations conducted or violations reported during the reporting period.

MOL officials state that there are no enforceable laws to monitor and protect Palestinian children working in Israeli settlements. There are no Israeli inspectors in the Israeli settlements in West Bank and industrial zones.⁶⁵¹⁷

Palestinian Authority law requires the MOL to investigate suspected cases of children recruited for armed conflict and mandates trial of those responsible in court.⁶⁵¹⁸

The Child Protection Department within the Ministry of Social Affairs (MOSA) is responsible for preventing the abuse and sexual exploitation of children as well as providing assistance to victims of such maltreatment. During the reporting period, MOSA began an initiative to register all employed youth in an effort to improve the monitoring of working conditions.⁶⁵¹⁹ In cooperation with the local police force, MOSA Child Protection Officers are responsible for the investigation of cases of sexual exploitation. The ministry employs fewer than 13 child protection social workers in the West Bank and 8 in Gaza.⁶⁵²⁰ Because of current political circumstances, these agents cannot monitor conditions in all areas in which Palestinian children are working.⁶⁵²¹ According to government officials, while the Child Protection Officers receive reports of both child labor and child abuse, they are burdened with too large of a case load, and too few resources to follow up on child labor violations.⁶⁵²²

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Palestinian Children 2004-2010 addresses many child protection issues. The Plan of Action includes a strategic goal to monitor all workplaces where children are employed.⁶⁵²³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Palestinian Authority is currently working with UNICEF to examine matters of child labor including the means of monitoring child laborers and eliminating the illegal use of children.⁶⁵²⁴

The Ministry of Social Affairs (MOSA) provides child vocational centers for school dropouts and child protection programs to reduce the risk of economic exploitation of children.⁶⁵²⁵ Furthermore, families receiving social assistance through MOSA are monitored to ensure that their children remain in school and complete the mandated minimum education.⁶⁵²⁶ MOSA runs 13 vocational centers for drop outs and poor youth. During the reporting period the eight centers in the West Bank trained 400 youth and the five centers in Gaza trained 600 youth.⁶⁵²⁷ Of the 1,460 child laborers registered with MOSA in 2010, 379 are receiving assistance through the MOSA centers.⁶⁵²⁸ A report published in 2010, by Save the Children and funded by the Palestinian Authority has criticized these programs, alleging that they are outdated, poorly resourced and ineffective.⁶⁵²⁹

There is one help line service available for children in the occupied Palestinian territories. The free Palestinian Child Protection Helpline 121 is part of Child Helpline International, a network of child helplines, and aims to provide free support and counseling to children and adolescents to protect them from abuse, neglect, violence, and exploitation.⁶⁵³⁰ Save the Children Sweden provides funding for the hotline.⁶⁵³¹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in West Bank and Gaza:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact legislation that specifically prohibits forced child labor.
- Identify the industries or activities that are deemed dangerous or unhealthy and are thus prohibited from employing youth.
- Take necessary steps to ensure education is free and compulsory in all occupied territories.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide adequate resources and staff to the MOL and MOSA for inspections of the worst forms of child labor.
- Collect and distribute data on the current inspection and enforcement of child labor laws.
- Explore ways to monitor and protect children in all areas of the Occupied Territories

IN THE AREA OF PROGRAMS:

- Allocate resources to and update the curriculum in programs offered by MOSA that address the worst forms of child labor.

⁶⁴⁸² Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁶⁴⁸³ Salwa Alenat, *Working for Survival: Labor conditions of Palestinians working in settlements*, [online] 2010 [cited January 2011]; available from http://www.kavlaoved.org.il/media-view_eng.asp?id=3048 See also Check the Label, *Check the Label: Boycott Israeli Dates*, [Online] n.d. [cited January 2011]; available from <http://www.checkthelabel.org.uk/page3.html> See also Simone Korkus, “Child Labour in Jewish Settlements,” *Palestinian Workers*, December 11, 2008; available from http://www.kavlaoved.org.il/media-view_eng.asp?id=2049 See also Report of the Director-General, *The Situation of Workers of the Occupied Arab Territories*, pursuant to International Labour Conference, 98th Session, 2009.

⁶⁴⁸⁴ U.S. Department of State, “Israel and Occupied Territories,” in *Country Reports on Human Rights Practices-2010*, Washington, D.C., 2011, section 6, 7; available from www.state.gov/documents/organization/160463.pdf. See also Defence for Children International/Palestine Section, *Urgent Appeal*, [online] December 29, 2010 [cited February 2011].

See also Gaza Gateway, *Children of the Gravel*, [online] 2010 [cited January 2011]; available from <http://www.gazagateway.org/2010/09/children-of-the-gravel/> See also Nasser Najjar, “Gaza Children Labour to Help Families,” *Gulf News*, December 19, 2010; available from <http://gulfnews.com/news/region/palestinian-territories/gaza-children-labour-to-help-families-1.732196> See also Save the Children UK, *Dying to Work in Gaza*, [online] 2010 [cited January 2011]; available from <http://www.savethechildren.org.uk/en/14693.htm> See also Siham Shamalakh, “Gaza Children Go to Work to Help Families,” *Xinhua General News Service*, November 2, 2010.

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⁶⁴⁸⁹ Ibid. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁴⁹⁰ U.S. Department of State, “Country Reports- 2010: Israel and Occupied Territories,” Sections 6, 7. See also Integrated Regional Information Networks, “Poverty Driving Palestinian Children Onto the Streets”. See also Education International, *Country Profile- Palestine*, June 12, 2007; available from http://www.ei-ie.org/barometer/en/profiles_detail.php?country=palestine. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*. See also Korkus, “Child Labour in Jewish Settlements.”

⁶⁴⁹¹ Korkus, “Child Labour in Jewish Settlements.” See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁴⁹² UN Convention on the Rights of the Child, *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: Concluding Observations: Israel*, Geneva, January 29, 2010; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-OPAC-ISR-CO-1.pdf>. See also Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Dealing with alleged child collaborators in the Occupied Palestinian Territories in the spirit of the Convention on the Rights of the Child*, Ramallah, April 20, 2005; available from www.child-soldiers.org/document/get?id=1019.

⁶⁴⁹³ Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Child collaborators in OPT*.

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⁶⁵⁰³ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁵⁰⁴ Law Library of Congress, *West Bank and Gaza Laws*.

⁶⁵⁰⁵ The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg. 158-159.

⁶⁵⁰⁶ Susan Nicolai, “Education and Chronic Crisis in Palestine,” *Forced Migration Review*; available from <http://www.fmreview.org/FMRpdfs/EducationSupplement/16.pdf>.

⁶⁵⁰⁷ Ibid.

⁶⁵⁰⁸ The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg 159.

⁶⁵⁰⁹ Ibid.

⁶⁵¹⁰ UNICEF, *Palestinian Children Deprived of Basic Rights to Education*, [online] 2010 [cited February 11, 2011]; available from http://www.unicef.org/media/media_66025.html.

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reporting, February 10, 2011.

⁶⁵¹⁴ 55 U.S. Department of State, “Country Reports-2010: Israel and Occupied Territories,” Sections 6,7. See also U.S. Embassy- Jerusalem, reporting, June 2, 2010. See also The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg 208. See also U.S. Embassy- Jerusalem, reporting, February 10, 2011.

⁶⁵¹⁵ U.S. Embassy- Jerusalem, reporting, February 10, 2011.

⁶⁵¹⁶ Ibid. See also U.S. Embassy- Jerusalem, reporting, June 2, 2010.

⁶⁵¹⁷ U.S. Department of State, “Country Reports- 2010: Israel and Occupied Territories,” Sections 6, 7. See also U.S. Embassy- Jerusalem, reporting, June 2, 2010.

⁶⁵¹⁸ U.S. Embassy- Jerusalem, reporting, December 7, 2007.

⁶⁵¹⁹ The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg. 208-211.

⁶⁵²⁰ Ibid., pg 209.

⁶⁵²¹ U.S. Department of State, “Country Reports- 2010: Israel and Occupied Territories,” Sections 6,7.

⁶⁵²² U.S. Embassy- Jerusalem, reporting, February 10, 2011.

⁶⁵²³ Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory*.

⁶⁵²⁴ The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg 207.

⁶⁵²⁵ Ibid., pg 209.

⁶⁵²⁶ Ibid., pg 208.

⁶⁵²⁷ Ibid., pg 209.

⁶⁵²⁸ Ibid., pg 209.

⁶⁵²⁹ Ibid., pg 209.

⁶⁵³⁰ SAWA’s *Child Helpline Service 121: Expanding outreach to vulnerable children in oPt*, [online] February 2010 2010 [cited August 11, 2010]; available from <http://sca.savethechildren.se/Global/scs/MENA/Resources/SAWA%20Fact%20Sheet%20-%20%20Final.pdf>.

⁶⁵³¹ Ibid.

Western Sahara

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some evidence suggests that children in Western Sahara are engaged in the worst forms of child labor in agriculture.⁶⁵³² Children’s work in agriculture may involve dangerous activities, such as using dangerous machinery and tools, carrying heavy loads and applying harmful chemicals. Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The Moroccan-controlled territory of Western Sahara is subject to Moroccan laws.⁶⁵³³ Part of the country is controlled by the Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (Polisario Front), a Sahrawi national liberation movement, and information on the laws applicable in this area is unavailable.

In the Moroccan-controlled territory, the minimum age for employment is 15, as established by the Labor Code of 2004. The Labor Code also limits the number of hours that children younger than age 16 can work.⁶⁵³⁴ However, agricultural or seasonal activities may be exempt from these restrictions for children ages 15 to 16.⁶⁵³⁵ Also, the Labor Code prohibits hazardous activities for children younger than age 18, although children working on family farms are not protected by the provisions of the Labor Code.⁶⁵³⁶ During the reporting period, the Ministry of Employment and Professional Training began to update its list of occupations that qualify as “hazardous work” for children.⁶⁵³⁷ The Labor Code does not apply to all businesses.⁶⁵³⁸

Forced or compulsory labor is prohibited under the Labor Code and Penal Code.⁶⁵³⁹ Although Morocco does not have a specific law against trafficking in persons, child trafficking can be prosecuted using articles from the Penal Code and Immigration Law.⁶⁵⁴⁰

The age for voluntary recruitment to the military is 18. There is no compulsory military service.⁶⁵⁴¹

The commercial sexual exploitation of children, including pornography and prostitution, is prohibited under the Moroccan Penal Code. In addition, it is specifically prohibited under the Penal Code to incite, procure or facilitate the prostitution of a minor.⁶⁵⁴² Sex tourism is also criminalized under an amendment to the Penal Code.⁶⁵⁴³

According to Moroccan law, education is compulsory to age 15.⁶⁵⁴⁴ Based on the Moroccan model, education is free through university.⁶⁵⁴⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Western Sahara has established a coordinating

mechanism to combat the worst forms of child labor in agriculture.

The Government of Morocco administers its laws in Western Sahara through Moroccan institutions.⁶⁵⁴⁷

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Morocco has established policies to combat the worst forms of child labor in Western Sahara.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that the Government of Morocco has established programs to combat the worst forms of child labor in Western Sahara.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Western Sahara:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code and provisions on hazardous labor to protect all children engaged in agriculture.
- Amend the Labor Code to apply to all employers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor in agriculture.

IN THE AREAS OF POLICIES:

- Collect, analyze and disseminate information regarding the prevalence and nature of the worst forms of child labor in agriculture to guide the development of policies to address the problem.

IN THE AREA OF PROGRAMS:

- Allocate resources to and update the curriculum in programs offered by MOSA that address the worst forms of child labor.

⁶⁵³² U.S. Department of State, “Country Reports- 2010: Western Sahara,” section 7d.

⁶⁵³³ Ibid.

⁶⁵³⁴ Government of Morocco, *Le nouveau code de travail*, Dahir n. 1-03-194 du 14 rejec 1424 (11 septembre 2003) portant promulgation de la loi n. 65-99 relative au Code du travail, (May 6, 2004), articles 143, 172; available from <http://www.maroc.ma/NR/rdonlyres/9A951844-BCA6-4468-9EFD-7460E229E00F/0/codedetravail.pdf>.

⁶⁵³⁵ Ibid., articles 172, 173.

⁶⁵³⁶ Ibid., articles 4, 179-181.

⁶⁵³⁷ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 2B.1.

⁶⁵³⁸ Government of Morocco, *Le nouveau Code du travail*, article 4.

⁶⁵³⁹ Ibid., articles 10, 12. See also Government of Morocco, *Code Pénal*, 1-59-413, (November 26, 1962), article 467; available from http://www.wipo.int/wipolex/en/text.jsp?file_id=190447. See also U.S. Department of State, “Morocco (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography - Initial Reports of States Parties Due in 2004: Morocco*, July 15, 2005, para 40; available from <http://www.unhcr.org/refworld/publisher,CRC,STATEPARTIESREP,MAR,43f305590,0.html>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001) Published: 2010*, May 24, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11928&chapter=6&query=Morocco%40ref&highlight=&querytype=bool&context=0>.

⁶⁵⁴⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.” See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography - Initial Reports of States Parties Due in 2004: Morocco*, para 23.

⁶⁵⁴¹ Coalition to Stop the Use of Child Soldiers, “Morocco and Western Sahara.”

⁶⁵⁴² Government of Morocco, *Code Pénal*, articles 497-499, 503. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography - Initial Reports of States Parties Due in 2004: Morocco*, para 23-26.

⁶⁵⁴³ ILO Committee of Experts, *Individual Observation C182: Morocco (2010)*.

⁶⁵⁴⁴ Charts Bin, *Ending Age of Compulsory Education Around the World -- Morocco*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qpp>.






⁶⁵⁴⁵ StateUniversity.com, *Western Sahara*, [online] [cited April 26, 2011]; available from <http://education.stateuniversity.com/pages/1684/Western-Sahara.html>.






⁶⁵⁴⁶ U.S. Department of State, “Country Reports- 2010: Western Sahara.”






⁶⁵⁴⁷ Central Intelligence Agency, “Pitcairn Islands.”

⁶⁵⁴⁸ U.S. Embassy- London official, E-mail communication, April 1, 2011.

Reports are not included for Heard Island, the McDonald Islands, the Pitcairn Islands or the British Indian Ocean Territories/Chagos Archipelago. The Heard and McDonald Islands are uninhabited, and the population of the Pitcairn Islands is less than 50 people.⁶⁵⁴⁷ The British Indian Ocean Territories is inhabited by U.S. and U.K. military personnel.⁶⁵⁴⁸

		Anguilla	British Indian Ocean Territory	British Virgin Islands	Christmas Island and Cocos (Keeling) Islands	Cook Islands
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	Unclear	X	N/A	X
	CRC Optional Protocol on Armed Conflict	Unclear*	Unclear	Unclear	N/A	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	Unclear	Unclear	N/A	No
	Palermo Protocol on Trafficking in Persons	Unclear	Unclear	Unclear	N/A	No
	Minimum Age for Work	14	16	16	15	None
	Minimum Age for Hazardous Work	None	None	18	None	None
	Compulsory Education Age	17	16	16	17	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes
* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.						

		Falkland Islands	Gibraltar	Montserrat	Niue	Norfolk Island
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	Unclear	X	X	N/A
	CRC Optional Protocol on Armed Conflict	Unclear	Unclear	Unclear	No	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	Unclear	Unclear	No	N/A
	Palermo Protocol on Trafficking in Persons	Unclear	Unclear	Unclear	No	N/A
	Minimum Age for Work	16	16	14	Unclear	None
	Minimum Age for Hazardous Work	Unclear	16	15	Unclear	None
	Compulsory Education Age	16	15	16	16	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes
* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.						

		St. Helena, Ascension, and Tristan da Cunha	Tokelau	Turks and Caicos	Wallis and Futuna	Western Sahara
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	N/A	X	N/A	N/A
	CRC Optional Protocol on Armed Conflict	Unclear	N/A	Unclear	N/A	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	N/A	Unclear	N/A	N/A
	Palermo Protocol on Trafficking in Persons	Unclear	N/A	Unclear	N/A	N/A
	Minimum Age for Work	Unclear	Unclear	16	16	15
	Minimum Age for Hazardous Work	Unclear	Unclear	None	18	18
	Compulsory Education Age	15/16 (Ascension only)	Unclear	16	16	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes
* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.						



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