

# 2008

U.S. Department of Labor's Bureau of International Labor Affairs



U.S. DEPARTMENT OF LABOR'S  
**2008 FINDINGS**  
ON THE **WORST** FORMS OF  
**CHILD LABOR**

Report Required by the Trade and Development Act of 2000



# 2008

U.S. Department of Labor's Bureau of International Labor Affairs



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**2008 FINDINGS**  
ON THE **WORST** FORMS OF  
**CHILD LABOR**



SECRETARY OF LABOR  
WASHINGTON


SEP - 1 2009

The Honorable Joseph R. Biden  
President of the Senate  
Washington, D.C. 20510

Dear Mr. President:

The enclosed report, titled *The Department of Labor's 2008 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 141 countries, non-independent countries, and territories to meet their international commitments to eliminate the worst forms of child labor. We hope this report will be useful to the Congress.

Sincerely,



HILDA L. SOLIS  
Secretary of Labor

Enclosure



SECRETARY OF LABOR  
WASHINGTON

SEP - 1 2009

The Honorable Nancy Pelosi  
Speaker of the House  
of Representatives  
Washington, D.C. 20515

Dear Madam Speaker:

The enclosed report, titled *The Department of Labor's 2008 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 141 countries, non-independent countries, and territories to meet their international commitments to eliminate the worst forms of child labor. We hope this report will be useful to the Congress.

Sincerely,



HILDA L. SOLIS  
Secretary of Labor

Enclosure





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# Acknowledgments

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 and Tina McCarter of OCFT, and the writing, editing, and research were done by OCFT staff: Ana Aslan, Laura Gauer Bermudez, Kathryn Chinnock, Daniel Collier, Katie Cook, Douglas de la Haye, Jessica Farmer, Diantha Garms, Sharon Heller, Maureen Jaffe, Malaika Jeter, Chanda Leckie, Angela Lee, Sarah Morgan, Michal Murphy, Eileen Muirragui, Lauren Nicholson, Angela Peltzer, Rachel Phillips-Rigby, Jennifer Piorkowski, Tanya Rasa, Charlotte Reed, Amy Ritualo, Brandie Sasser, Samantha Schasberger, Leyla Strotkamp, Mihail Seroka, Pilar Velasquez, Cara Vilenos, Jacob von Reyn, Patrick White, and Bruce Yoon.

Other personnel in the Bureau of International Labor Affairs, the Office of the Assistant Secretary for Policy, and the Office of the Solicitor who made major contributions include Sonia Firpi, Alexa Gunter, Jonathan Hammer, Craig Hukill, Matthew Levin, Nicholas Levintow, Carlos Quintana, Ingris Ramos, Doris Senko, Sherry Smith, and Stephanie Swirsky.

This report was published by USDOL's Bureau of International Labor Affairs (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](mailto: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.



# Acronyms

<b>AGOA</b>	African Growth and Opportunity Act
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ATPA</b>	Andean Trade Preference Act
<b>ATPDEA</b>	Andean Trade Promotion and Drug Eradication Act
<b>AUSAID</b>	Australian Agency for International Development
<b>CAFTA-DR</b>	Central America-Dominican Republic Free Trade Agreement
<b>CBTPA</b>	Caribbean Basin Trade Partnership Act
<b>CEACR</b>	International Labor Organization Committee of Experts on the Application of Conventions and Recommendations
<b>CRC</b>	Convention on the Rights of the Child
<b>CRCOPAC</b>	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
<b>CRCOPSC</b>	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography
<b>EAPCCO</b>	Eastern Africa Police Chiefs Cooperation Organization
<b>ECOWAS</b>	Economic Community of West African States
<b>ECCAS</b>	Economic Community of Central African States
<b>ECPAT</b>	End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes
<b>EU</b>	European Union
<b>GSP</b>	Generalized System of Preferences
<b>OCFT</b>	Office of Child Labor, Forced Labor and Human Trafficking
<b>IDB</b>	Inter-American Development Bank
<b>ILO</b>	International Labor Organization
<b>ILO Convention 138</b>	International Labor Organization, Convention No. 138: Minimum Age for Admission to Employment
<b>ILO Convention 182</b>	International Labor Organization, Convention No. 182: Worst Forms of Child Labor

<b>ILO-IPEC</b>	International Labor Organization, International Program on the Elimination of Child Labor
<b>IMF</b>	International Monetary Fund
<b>IOM</b>	International Organization for Migration
<b>MERCOSUR</b>	Common Market of the South (America); members include Argentina, Brazil, Paraguay, Uruguay, and Venezuela
<b>MOU</b>	Memorandum of Understanding
<b>NGO</b>	Non-Governmental Organization
<b>OAS</b>	Organization of American States
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>Palermo Protocol</b>	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime
<b>PRSP</b>	Poverty Reduction Strategy Paper
<b>SIMPOC</b>	Statistical Information and Monitoring Program on Child Labor
<b>UCW</b>	Understanding Children’s Work
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Program
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNICEF</b>	United Nations Children’s Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USAID</b>	United States Agency for International Development
<b>USDHS</b>	U.S. Department of Homeland Security
<b>USDOL</b>	U.S. Department of Labor
<b>USDOS</b>	U.S. Department of State
<b>USDOJ</b>	U.S. Department of Justice
<b>USHHS</b>	U.S. Department of Health and Human Services
<b>WFP</b>	World Food Program

**SECRETARY OF LABOR  
WASHINGTON, D.C. 20210**

**August 2009  
Preface**

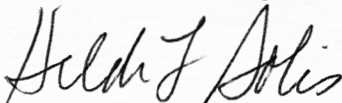
Around the world today, far too many children continue to spend their days in exploitive or hazardous work—be it in fields, workshops, streets, mines, brothels, or even war zones—rather than at play and in school. The ILO estimates that globally there are more than 200 million children working. Almost 60 percent of these children are engaged in hazardous forms of child labor that could harm their safety, health, and moral development. Many are forced to work for long hours, performing jobs well beyond their physical ability or mental capacity. Other children continue to be subjected to cruel and callous work that shocks the conscience. Every day children are recruited to fight wars, sold into prostitution, coerced to perform illicit activities, and trafficked within countries or across borders for labor or sexual exploitation.

Ten years ago, the United States and the 173 other member countries of the ILO unanimously adopted Convention 182 on the Worst Forms of Child Labor, calling for urgent action to end the abuse and exploitation of children in the workplace. Since then, there has been great international cooperation in supporting national governments working to tackle the problem of exploitive child labor. A decade later, our research demonstrates that the call for action must be affirmed with renewed energy if we are to eliminate this exploitation of our children. This report highlights the important efforts of governments around the world, often in partnership with other organizations and civil society, to provide children a path away from exploitive child labor and into education.

In times of global economic crisis, children are among the most affected members of society. Research and experience have shown that financial shocks to families can be a major factor for prematurely sending children into the labor market. When fiscal instability is coupled with weak social protections, children are in increased danger of dropping out of school and entering the workforce, often in exploitive or hazardous conditions.

The education of our children is the key to individual advancement and the collective progress of nations. Children who work at the expense of their education face limited opportunities as compared to their in-school peers. Societies that do not provide equal opportunities for their children—irrespective of where they live, their economic background, gender, or ethnic group—to receive quality basic education do so at their own expense. It is crucial that governments around the world implement social protection policies and adopt legislation that promotes education as the alternative to child labor.

As President Barack Obama stated in recognition of the June 12, 2009 World Day Against Child Labor, “Even in this modern era, children around the world are forced to work in deplorable and often dangerous conditions at a time in their lives when they should be in classrooms and playgrounds. Global child labor perpetuates a cycle of poverty that prevents families and nations from reaching their full potential.... We must stand united in opposition to child labor and recommit ourselves to ending this practice in all its forms—today and every day.” It is with renewed and collective commitment to the world’s children that we dedicate this eighth edition of the Trade and Development Act Report to the children involved in exploitive labor and to those who have been working valiantly to provide them, their families, and their nations a better future.

  
HILDA L. SOLIS





# INTRODUCTION



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**F**indings on the Worst Forms of Child Labor is the eighth annual report prepared by the U.S. Department of Labor in accordance with the Trade and Development Act of 2000 (TDA).<sup>1</sup> The TDA expanded country eligibility criteria for several preferential tariff programs and mandates the Secretary of Labor to report on each “beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor.”<sup>2</sup> The expanded country eligibility criteria applies to the Generalized System of Preferences (GSP) program, enacted by the Trade Act of 1974, and now includes the implementation of commitments to eliminate the worst forms of child labor.<sup>3</sup> The TDA also applies this criterion to eligibility for trade benefits under 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).

The definition of the “worst forms of child labor” in the TDA is the definition of the term contained in ILO Convention 182. The TDA and Convention 182 consider a “child” to be a person under the age of 18. The definition includes as “worst forms of child labor” all forms of slavery or practices similar to slavery, the sale or trafficking of children, debt bondage or serfdom; the forcible recruitment of children for use in armed conflict; the commercial sexual exploitation of children; the involvement of children in drug trafficking; and work that is likely to harm children’s health, safety, or morals.<sup>4</sup>

This introduction describes the report’s structure and gives an overview of this year’s findings on the worst forms of child labor. A *Year in Review* section recognizes the governments that have taken important steps to advance the campaign against the worst forms of child labor. It also identifies governments that need to strengthen their commitments. The introduction is followed by a series of country profiles that provide factual information on the child labor situation and the steps that governments have taken to address the situation.

## Content of the Report

This report contains profiles of 122 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

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

2 19 USC, 2462(b)(2)(H).

3 Ibid., 2466a, 2703, 3203.

4 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>.

# INTRODUCTION

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, in view of Senate Report 110-410.<sup>5</sup>

Information in the profiles covers the period March 2008 through February 2009. Each country profile contains a table and three text sections that cover (1) the incidence and nature of child labor; (2) child labor laws and enforcement; and (3) current government policies and programs to eliminate the worst forms of child labor. The first text section provides, to the extent available, a comprehensive picture of exploitive child labor in a country, while the second and third text sections describe government efforts to combat the problem through legal measures and enforcement, and through policies and programs, respectively. The tables present key statistics and indicators on child labor and government efforts to address it, including information about the rate of child work versus participation in school where available; basic policies in regard to child work and education; ratification of international conventions relevant to child labor; and participation in the ILO-IPEC program.

Since the TDA applies to U.S. trade beneficiary countries and territories, this report does not include information on the worst forms of child labor in the United States. USDOL recognizes, however, that oppressive child labor occurs in this country. Official estimates of the number of children working in contravention of child labor laws and hazardous child labor regulations in the United States are not available. However, USDOL's Wage and Hour Division (WHD), which enforces the child labor provisions of the Fair Labor Standards Act (FLSA), found 4,734 minors illegally employed in Fiscal Year (FY) 2008. In 41 percent of cases in which child labor violations were cited, WHD found children working under hazardous conditions, working in hazardous environments and/or using prohibited equipment such as using paper balers and dough mixers.<sup>6</sup>

USDOL is committed to ensuring that U.S. child labor laws are strictly enforced. Every on-site investigation conducted by WHD has a child labor component. In FY 2008, WHD concluded over 28,000 compliance actions. Child labor complaints, although not numerous, are given the highest priority within the agency. Each year, WHD regional and local offices plan and undertake child labor compliance initiatives in a variety of industries, such as grocery stores, shopping malls, theaters, and restaurants. These industries are among those in which large numbers of young workers are traditionally employed, and in which the agency has

historically found high levels of non-compliance with the child labor Hazardous Orders.<sup>7</sup> The FLSA also authorizes Wage and Hour to seek injunctions to halt interstate commerce of goods tainted by oppressive child labor, and prohibits interstate commerce in such "hot" goods.<sup>8</sup> In 2008, WHD assessed over USD 4.2 million in civil penalties against employers for child labor law violations. In 2009, WHD cited five agricultural employers for employing minors under the legal age of employment in the blueberry fields of North Carolina. WHD is also reviewing both the agricultural and non-agricultural child labor regulations to ensure their relevance to the workplaces of the 21st Century. Children who work in agriculture are among the most vulnerable of the country's workers. The nature of agricultural employment, i.e., its short duration, the remote locations, and mobility of the work, pose particular enforcement challenges. Agricultural work is difficult and dangerous. For youth, the hazards are significant. The fatality rate for young workers in agriculture is nearly six times the rate in other industries. Nearly 60 percent of the youth fatalities in agriculture during 1998–2002 occurred to youths who worked on family farms. The deaths of young family farm workers accounted for nearly a quarter of all of the young worker deaths that occurred in all industries during the same period.

Because youth are permitted to work in agriculture at a younger age, WHD is particularly committed to promoting their safe employment in the industry. WHD investigators who conduct investigations in the agricultural industry are instructed to examine compliance with the provisions of all applicable statutes providing protections for agricultural workers, particularly wages, housing, transportation, field sanitation requirements, and child labor provisions.

While there are no official estimates at the national level of the number involved, children in the United States are also exploited in criminal activities such as prostitution and trafficking. According to USDOJ reporting compiled by 38 task forces in different U.S. cities and counties, from January 1, 2007, through September 30, 2008, there were 34 confirmed incidents of child sex trafficking

5 S. Rept. 110-410, *Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2009*, (2008).

6 The other child labor violations occurred when workers under the age of 16 worked too many hours, too late at night, or too early in the morning.

7 The FLSA provides a minimum age of 18 years for nonagricultural occupations, and 16 years for agricultural occupations, involving work which the Secretary of Labor finds and declares to be particularly hazardous or detrimental to the health and well-being of persons under these ages.

8 29 USC 203(l).



out of 112 confirmed incidents of human trafficking. During two national anti-child sex trafficking operations in 2008, almost 1,000 arrests were made, 12 large-scale prostitution operations were disrupted, and 70 children were rescued. During FY 2008, USHHS certified 331 children as victims of trafficking. When such children are found, there are a number of initiatives to provide them with assistance. For example, USHHS manages programs that provide child victims of trafficking, among other populations, with shelter (including foster homes and residential treatment centers), food, clothing, medical care, skills training, mental health services, and assistance adjusting immigration status.

The U.S. Government is also actively involved in combating international child sex tourism. In FY 2008, USDHS's Immigration and Customs Enforcement (ICE) initiated 108 cases regarding child sex tourism involving U.S. citizens or legal permanent residents. In addition, ICE investigations resulted in nine convictions for sex tourism during the year.

## Data Collection Methods and Source Standards

In preparing this report, USDOL relied on a wide variety of materials originating from other U.S. Government agencies, foreign governments, international organizations, NGOs, and independent researchers. USDOS in Washington, DC and in U.S. consulates and embassies abroad provided important information for use in the report. Several governments included in the report submitted information in response to a USDOL request for public input published in the *Federal Register*.<sup>9</sup> USDOL officials also gathered information during visits to some countries included in this report.

It must be noted that 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. Therefore in order to compile a credible report that is as comprehensive as possible, USDOL used the following methodology to collect and judge information.

1. *Nature of information.* Whether the information about child labor gathered from research, public submissions, or other sources is relevant and probative, and meets the definitions of the worst forms of child labor.

<sup>9</sup> USDOL, "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," *Federal Register* 73, no. 245 (December 19, 2008); available from <http://www.gpoaccess.gov/fr/index.html>.

# INTRODUCTION

2. *Date of information.* Whether the information about child labor is no more than 5 years old at the time of receipt. More current information will generally be given priority; USDOL used sources published during the March 2008 to February 2009 reporting period to the extent possible. Information older than 5 years is generally not considered.

However, in the case of child labor statistics, several factors contribute to less frequent generation of new information. First, although there have been increases in the number of surveys carried out, child labor surveys are carried out infrequently. In addition, because government efforts to address exploitive child labor take time to have an impact, children's involvement in such activities does not change dramatically from year to year. In order to present an overall picture of children's work in more countries, USDOL used data for some countries that were up to 10 years old (1998) at the time compilation of this report began.

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.

For 9 countries and 18 non-independent countries and territories featured in this report, USDOL determined that it would publish full reports in these cases once every 5 years because of extremely limited information.<sup>10</sup> This report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*. All materials were reviewed against established criteria, such as nature of information and extent of corroboration, to determine quality and accuracy prior to use in the report.

## Year in Review

The world financial crisis, coupled with a surge in global food and fuel prices in 2008, created a disruptive backdrop during the reporting period. The full duration and impact of the crisis—and how it will affect the

incidence of child labor around the world—is not yet known. However, the World Bank has estimated that the global economic downturn could trap as many as 65 million additional people around the world in poverty (living on under USD 2 per day) in 2009.<sup>11</sup> The ILO, in its annual *Global Employment Trends Report*, projects that the number of people working in “vulnerable employment”—meaning self-employment with contributions from family workers—could significantly increase in 2009.<sup>12</sup> Since families who rely on child labor are typically the poorest and most vulnerable members of society, it is likely that as more families fall into economic hardship, the ranks of child laborers will also increase before the crisis abates.

In addition to the global economic downturn, countries continued to face crises, stemming from political instability and other factors, that threatened to drive children out of school and into exploitive labor. Throughout central and southern Africa, from the Democratic Republic of Congo to Swaziland, unrest and disease continued to push children into worst forms of child labor. This trend is clearly illustrated in Zimbabwe, where high rates of inflation and unemployment; severe shortages of food and other basic necessities; widespread cholera outbreaks; political violence; and an erosion of the educational system during the reporting period appear likely to have contributed to an increase in children working, including the number of street children and those working in the informal sector.<sup>13</sup>

10 The countries are: Dominica, Grenada, Kiribati, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Seychelles, Tuvalu, and Vanuatu. The territories and non-independent countries are: Anguilla (Territory of the United Kingdom), British Virgin Islands (Territory of the United Kingdom), Christmas Island (Territory of Australia), Cocos (Keeling) Islands (Territory of Australia), Cook Islands (Self-Governing State in Free Association with New Zealand), Falkland Islands (Territory of the United Kingdom), Gibraltar (Territory of the United Kingdom), Montserrat (Territory of the United Kingdom), Niue (Self-Governing State in Free Association with New Zealand), Norfolk Island (Jointly-Governed Territory of Australia), Pitcairn Islands (Territory of the United Kingdom), Saint Helena (Territory of the United Kingdom), Tokelau (Self-Administering Territory of New Zealand), Turks and Caicos Islands (Territory of the United Kingdom), Western Sahara, British Indian Ocean Territory (territory of the United Kingdom), Heard Island and MacDonal Islands (territory of Australia), and Wallis and Futuna (territory of France).

11 World Bank, *World Bank Updates Global Economic Forecasts*, [online] March 31, 2009; available from <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/0,,contentMDK:22122200~pagePK:64165401~piPK:64165026~theSitePK:469372,00.html>.

12 ILO, *Global Employment Trends: January 2009*, Geneva, 2009, 7; available from [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_101461.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_101461.pdf).

13 Human Rights Watch, *Crisis Without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe*, New York, January 22, 2009, 13; available from <http://www.hrw.org/en/reports/2009/01/21/crisis-without-limits-0>. See also UNICEF, *UNICEF Humanitarian Action Report 2009*, New York, 2009, 119-121; available from <http://www.unicef.org/har09/index.html>. See also U.S. Department of State, “Zimbabwe,” in *Country Reports on Human Rights Practices—2008*, Washington, DC, February 25, 2009, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>.

# INTRODUCTION

There were also stark reminders of the obstacles faced by girls seeking access to education amidst rising extremism in certain countries. In southern Afghanistan, for example, a group of men threw acid at girls' faces as they stood outside their school, in an apparent attempt to punish them for daring to go inside. Private and government-run girls' schools continued to be a target of arson and bombings in northwestern Pakistan. According to UNICEF, more than 170 schools, particularly those for girls, have been blown up or burned down since 2007 in Pakistan's North-West Frontier Province and the Federally Administered Tribal Areas. Other schools have closed due to threats to their female teachers and occupation by armed groups or security forces.

Notwithstanding this sobering reality, there were also signs of improvement for many of the world's children over the past year. For example, some dramatic advances have been made in primary school enrollment, as reported in the Education for All *Global Monitoring Report 2009*.<sup>14</sup> According to the report, which takes stock of the international commitment to provide education to all children by 2015, the number of out-of-school children fell by 28 million—from 103 million to 75 million—between 1999 and 2006. The most significant increases in students entering primary school occurred in the Arab States, South and West Asia, and Sub-Saharan Africa. While global estimates do not exist on the number of out-of-school children who are working, this is a heartening development given that children are less likely to work if they are in school. Nonetheless, the report also notes that if current trends continue, the 2015 universal education target will not be achieved. Quality of education continues to be a major issue, and inequalities based on such factors as income, gender, location, ethnicity, language, and disability threaten to seriously undermine the progress that has been made.

While the ongoing efforts to increase primary school entry are key to shifting children away from child labor, other important advances were made in the area of law enforcement and prosecution. Perhaps one of the most notable of such developments was the first international court case in which the recruitment and use of children in armed conflict is being prosecuted as a war crime. In January 2009, the International Criminal Court (ICC) in The Hague began the trial, its first, of Congolese militia leader Thomas Lubanga Dyilo. Lubanga stands accused of conscripting of children under the age of 15 and using them to participate in hostilities. There are similar cases pending before the ICC involving the conscription of children into armed conflict in Uganda and the Central African Republic.

Several major events also called attention to child labor. The unique situation of girls and their involvement in the worst forms of child labor was the focus of the 2009 World Day Against Child Labor, celebrated on June 12. The theme of this year's World Day, "Give Girls a Chance: End Child Labor," was a reminder that many forces conspire against the ability of girls to obtain an education and escape lives of exploitive labor. Celebrated around the world in workshops and events involving both children and adults, World Day highlighted the importance of taking targeted measures to address issues facing working girl children.

In November 2008, the Government of Brazil, UNICEF, and the NGO ECPAT International (End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes) sponsored the World Congress III against Sexual Exploitation of Children. The Congress brought together over 3,000 people, including official government delegations from 140 countries, representatives from the private sector, civil society groups, and 300 youths. The Congress resulted in a blueprint for action called the *Rio Declaration and Action Plan to Prevent and Stop the Sexual Exploitation of Children and Adolescents*. The Plan stresses that a comprehensive approach to the problem is necessary. Such an approach must include effective laws, policies, regulations, and a broad spectrum of services such as social welfare, education, health, security, and justice.

Steps were also taken to increase the knowledge base on child labor. This year, USDOL will release a list of goods from countries that the Bureau of International Labor Affairs (ILAB) has reason to believe are produced by forced labor or child labor in violation of international standards. This list will be published in accordance with the Trafficking Victims Protection Reauthorization Act of 2005. ILAB conducted extensive research on 77 countries and completed its development of an initial list of goods the Bureau has reason to believe are produced by child labor or forced labor.

These efforts at the global level provide reason for some optimism in these uncertain times. In the sections below, we detail both the serious child labor problems that persist and the efforts to address them being made at the country level.

14 UNESCO, *EFA Global Monitoring Report 2009*, Paris, 2009, 1, 57, 59-60.

15 ILO, *The End of Child Labor: Within Reach*, Geneva, 2006, 6.

16 *Ibid.*, 8.

# INCIDENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR



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# INCIDENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR



According to the ILO's most recent global estimate, published in 2006, there are approximately 218 million child laborers age 5 to 17 around the world.<sup>15</sup> The country profiles in this report indicate that children continue to work in a multitude of occupations and sectors, often at the expense of regular school attendance. It is well documented that child laborers face dangers and exploitive conditions that place their health, safety, and potential at risk. This report details the variety of hazardous work activities in which children engage—ranging from the production of export goods in factories to the hidden work of child domestic servants.

According to the ILO, the highest proportion of child laborers (69 percent) work in the agriculture sector, followed by the services sector (22 percent) and the industrial sector (9 percent).<sup>16</sup> In agriculture, children work in subsistence farming, small- to medium-sized family farms, and large-scale commercial plantations. No matter the size of the farm, children working in agriculture often face a myriad of health and safety risks. They commonly perform physically demanding tasks under harsh environmental conditions, often for long hours with little rest. Some children working in agriculture are required to apply or are exposed to pesticides and herbicides without adequate protective gear.

The involvement of children in informal sector service activities is widespread. Children working in the services sector work in the streets and in marketplaces, performing tasks such as selling and bartering goods, carrying loads, shining shoes, and trash-picking and recycling. They work in bars, hotels and restaurants, small retail establishments, repair workshops, and on buses and other forms of transportation. Children working on the streets and in the hospitality industry are vulnerable to sexual exploitation and involvement in illegal activities, such as drug trafficking or crime.

Another group of children highly vulnerable to abuse and sexual exploitation are girls involved in domestic service, who work in third-party homes, and who all too often have no contact with their families and suffer physical and sexual abuse. In many cases, these girls cannot leave the homes in which they work, falling victim to forced labor. Although countries such as Indonesia, Morocco, and the Philippines are among those to take steps to address the problem, this hidden form of work remains pervasive. Large numbers of girls continue to engage in domestic service not only in these countries, but in Benin, Bolivia, Gabon, India, and Nigeria. In Haiti, where the system of placing child domestics with third parties is well established, devastating storms in the fall of 2008 further impacted a poor economy and



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exacerbated the likelihood of children entering domestic labor, including as victims of trafficking.

In the industrial sector, children commonly work in mining and quarrying, small-scale manufacturing, and construction. In this sector, children often perform arduous tasks and work with dangerous equipment not suitable to their physical stature. Work in mining may expose them to toxic substances, such as mercury, while work in manufacturing often requires repetitive motions and assuming physical positions that can jeopardize children's musculoskeletal development.

Children around the world continued to be involved in worst forms of child labor in addition to hazardous work during the reporting period. From a positive perspective, there were cases in which the use of children in armed conflict appeared to be abating. In Sri Lanka, the surrender of the separatist militia Liberation Tigers of Tamil Eelam (LTTE) in May 2009 ended a period of heavy recruitment, often forcibly, of children by the LTTE and Government-supported militias during the intensified fighting of 2008 and early 2009. In December 2008, the Moro Islamic Liberation Front of the Philippines agreed to an action plan with the UN to stop the recruitment and use of children in their organization.

Nevertheless, the forced recruitment of children in armed conflict continued in a number of countries during the period. Boys and girls were drawn into conflicts in all regions covered in this report, typically

either in combat-related roles or as scouts, porters, assistants to adult soldiers, or, in some cases, as sex slaves. For example, in the Central African Republic, children were recruited as child soldiers into armed forces by rebel groups, self-defense militias, and Government forces. Chadian children were trafficked to serve in conflict-related work or other forced labor for the Chadian National Army and rebel groups. In Afghanistan, there was increasing evidence of children being recruited into both state and non-state armed forces, though the prevalence of the occurrence is unclear. Militia groups based in the Democratic Republic of the Congo (DRC) conscripted Rwandan children from across the border under false pretenses of civilian employment. Although the Congolese Armed Forces did not systematically recruit children during the period, some army brigades continued to maintain children in their ranks. There is also evidence that the Lords Resistance Army (LRA) in Uganda engaged in cross-border recruitment of children from the Central African Republic, the DRC, and Sudan. Both the LRA and the Government of Uganda People's Defense Forces may have continued to use Ugandan children in their ranks for combat tasks during the period. Children in Iraq were recruited by insurgent groups for combat-related roles, including the planting of improvised explosive devices and as suicide bombers. Finally, children in Colombia, Nepal, Pakistan, Somalia, and Yemen also continued to be recruited by armed groups for combat and related activities.



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# CHILD LABOR LAWS AND ENFORCEMENT



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## CHILD LABOR LAWS AND ENFORCEMENT

**T**he enactment of effective laws relating to child labor is an important element of efforts to ensure children do not enter the workforce prematurely. Without adequate enforcement, however, child labor laws alone have little meaning. This section covers many of the new developments during the reporting period in the areas of child labor law and enforcement that are discussed in greater detail in the country profiles.

During the reporting period, several governments took significant steps to enhance their legal frameworks relating to child labor law. The Government of Ecuador included provisions prohibiting child labor and establishing the minimum age for work in the country's new Constitution, which was adopted in September 2008. In March 2008, South Africa adopted the Children's Amendment Act, which defines and prohibits the worst forms of child labor. Also in March 2008, Moldova adopted the Law on the Prevention and Combating of Family Violence, which includes child labor as a form of economic violence against children. The Albanian Penal Code was amended so as to categorize the exploitation of children for labor or forced services as a penal crime. In Jordan, the Government amended labor laws so that they would apply to domestic and agricultural work. Nonetheless, laws that set minimum ages for entry to work at levels below international standards continued to be in force in several countries. Countries that maintain laws that allow very young children to work in potentially hazardous conditions include India, Nigeria, Pakistan, Paraguay, and the Solomon Islands.

Several countries modified their minimum age and compulsory education laws during the period, which may delay the entry of children into the workforce. The African nation of Sao Tome and Principe increased the age to which education is compulsory from 13 to 15. This will likely encourage some children to postpone their entry into work, although children may legally begin working at 14 years of age. Macedonia also increased the age to which education is compulsory—from 16 to 18 years. In Nepal, the Government made education compulsory and free through the eighth grade. Argentina increased the legal minimum age for employment from 14 to 16 years, and specifically prohibited the employment of children under the age of 16 in domestic services. In Egypt, the minimum age for employment was increased from 14 to 15 years. Despite these advances, countries such as Benin, Burundi, Comoros, Equatorial Guinea, Guinea, Mozambique, Niger, Suriname, Swaziland, Trinidad and Tobago, and Uganda continue to allow children to leave school before reaching the minimum age for work, providing



Young Nepalese girl breaks stones in a quarry

## CHILD LABOR LAWS AND ENFORCEMENT



some incentive for them to engage in work illegally. And certain countries continue to lack any requirement for children to attend school. Such countries—which include India, Malawi, and Zambia—possibly deprive children of basic literacy skills and potentially enable them to become involved in work that is hazardous to their health and development.

A number of countries passed new laws against human trafficking, including trafficking of children. These include Algeria, Argentina, Burkina Faso, Cambodia, Jordan, Mozambique, Oman, Paraguay, Tanzania, Thailand, and Zambia. In Egypt, the Child Protection Law was amended to specifically criminalize trafficking in children; a crime now punishable by 5 years imprisonment. In Burkina Faso, the new law doubles penalties for traffickers whose victims are minors of age 15 or less—to up to 10 to 20 years imprisonment. The new legislation in Argentina provides for higher penalties (up to 15 years imprisonment) when the victim is a child less than 13 years of age, while higher penalties in Paraguay (up to 8 years imprisonment) apply in cases when the victim is under 14 years. In Oman, the new law criminalizes the engagement of a minor in illicit activities such as drug production or trafficking; such a crime is punishable by the death penalty. The new Thai anti-trafficking legislation expands the definition of a trafficking victim to include males, varies penalties according to the age of the victim, and provides for more severe penalties if the perpetrator is a government official. The Thai law also prohibits taking criminal action against trafficking victims for violating immigration, prostitution, and work permit laws. The new Tanzanian anti-trafficking law designates trafficking in children as a form of “severe trafficking in persons,” punishable by a fine and 10 to 20 years imprisonment.

Three countries ratified ILO Conventions relating to child labor during the reporting period. The Government of Guinea Bissau ratified Convention 182 in 2008, and Samoa and Uzbekistan ratified both Conventions 182 and 138. As called for by Convention 182, several countries established or revised their list of types of work considered to be hazardous to the health, safety, or morals of children. Bosnia and Herzegovina, Cambodia, and Guatemala passed new lists of hazardous occupations that are prohibited for minors under age 18, while the list of occupations considered hazardous for youths was updated in Brazil.

The real test of country commitment is the extent to which governments enforce these laws. During the reporting period, a number of countries took steps to investigate, and, in some cases, prosecute, the worst forms of child labor.

# CHILD LABOR LAWS AND ENFORCEMENT

Many country profiles contain specific data—such as the number of inspections conducted or of cases of child labor found—indicating that actions to enforce child labor laws are being taken. For example, in 2008, the Ecuadorian Ministry of Labor conducted labor inspections in 3,089 workplaces and found 1,539 minors working in violation of labor laws. Some profiles include similar information relating specifically to trafficking or commercial sex-related violations. Chile's Public Ministry opened 126 trafficking investigations, most of which related to child trafficking, and investigated 347 cases of commercial sexual exploitation of children. From January to September 2008, the Philippines provided assistance to 149 victims of child trafficking and 89 victims of child prostitution.

In numerous countries—including Bolivia, Cote d'Ivoire, Ghana, Guatemala, Guyana, and Sierra Leone—law enforcement raided establishments such as brothels to enforce the countries' laws against commercial sexual exploitation of children and trafficking. Several countries investigated and prosecuted cases of trafficking during the reporting period, including Benin, Cambodia, India, Sierra Leone, and Uganda. In Cambodia, eight foreigners were sentenced to 10 to 28 years imprisonment for child sex tourism, and two Americans were deported to be prosecuted for sex tourism under the United States Protect Act of 2003. A unique example of country efforts to punish the use of child soldiers is that of Sierra Leone. In February of this year, the UN-supported Special Court for Sierra Leone convicted three Revolutionary United Front senior commanders of war crimes and crimes against humanity, including the recruitment of child soldiers. The rebel leaders were convicted of committing these crimes between 1991 and 2002, during the civil war in Sierra Leone.

In several countries, governments provided training and resources to assist law enforcement officials in efforts to crack down on commercial sexual exploitation of children, sex tourism, and trafficking. In Malawi, the Government developed a law enforcement training manual for police, social welfare, and child labor officers and magistrates on how to deal with cases of child labor. The Malawi Defense Force also provides training on child protection and trafficking to its deployed peacekeepers. Similarly, in Costa Rica, training on human trafficking was provided to police officers, immigration officials, and national health workers. The Guyanese Government provided training on trafficking to the Criminal Investigation Division of the Police Force. The Salvadoran Attorney General's office published a guide on how to prosecute human trafficking cases, including trafficking of children. The Government of Turkey hosted anti-trafficking training for Turkish, North American Treaty Organization (NATO), and NATO Partnership for Peace personnel.

Despite these positive efforts regarding trafficking, enforcement against exploitive child labor in other sectors continues to be severely lacking. Countries continue to face resource constraints or exhibit a lack of political will for effective child labor inspection. In other cases, child labor inspectors do not receive adequate training on applicable laws and regulations. Government inspectors and law enforcement officers responsible for enforcing laws against sexual exploitation of children and trafficking may also be vulnerable to corruption due to low compensation. In many countries, government labor inspectors do not conduct inspections in informal work establishments, where the majority of children tend to work. Countries must redouble their efforts to protect children from such work that compromises their health and safety, and regularly deprives them of the chance to attend school.

# CURRENT GOVERNMENT POLICIES AND PROGRAMS TO ELIMINATE THE WORST FORMS OF CHILD LABOR



Children at risk of exploitive labor in the Dominican Republic attend a USDOL-funded afterschool enrichment program.

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## CURRENT GOVERNMENT POLICIES AND PROGRAMS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

In addition to the adoption of stronger child labor laws and enforcement, some governments are undertaking other types of initiatives against exploitive child labor. These include new national policies and plans of action addressing child labor, government incentive programs to offer poor families alternatives to child labor, child victim support services, and public-private partnerships to eliminate exploitive child labor.

### Government Policies and Plans of Action

The existence of policies and plans to combat exploitive child labor, and particularly the inclusion of child labor in poverty reduction and other country-wide policy frameworks, is an important indication of political will to address the problem. National policies or plans of action to address exploitive child labor typically consist of a combination of strategies. These strategies may set government-wide targets and goals; coordinate efforts to provide services to working and at-risk children; and promote legal reform and awareness raising. During the reporting period, the Government of Cambodia approved a National Plan of Action on the Worst Forms of Child Labor. The Thai Government approved a similar national plan, which established targets for the elimination of the worst forms of child labor in Thailand by 2015. In Honduras, the Government launched its second National Plan of Action for the Eradication of Child Labor, a 7 year plan that builds upon the accomplishments of the first Plan of Action. Pakistan adopted a National Action Plan for Children covering both child labor and trafficking. Benin also developed a National Plan covering child trafficking and child labor in 2008. Likewise, the Philippines continued to develop annual action plans under its Program Against Child Labor Strategic Framework.

Several governments passed new national policies or plans of action focusing on human trafficking, including trafficking of children. These include Albania, Bosnia and Herzegovina, Brazil, El Salvador, Guatemala, Kazakhstan, Moldova, and Yemen. These plans may include elements such as trafficking prevention, assistance to victims and service coordination, training for law and immigration enforcement officials, legislative review, and monitoring of the travel and tourism sectors. In Moldova, in addition to passing a National Action Plan to combat trafficking, the Parliament adopted a Strategy Action Plan of the National Referral System for Protection and Assistance of Victims and Potential Victims of Trafficking to coordinate local, national, and international anti-trafficking responses. In addition to its national child labor action plan, Benin worked with Nigeria to develop a 2009–2010 Joint Action Plan to com-



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bat the trafficking of children from Benin to Nigeria for labor in stone quarries.

Governments also continued to mainstream the issue of child labor into broader development and poverty reduction policies and plans. In Ethiopia, the Government integrated child labor issues into its Plan for Accelerated and Sustained Development to End Poverty. Liberia finalized its Poverty Reduction Strategy, which links increases in household income to a decrease in child labor; highlights the importance of protecting children from physical, psychological, and sexual exploitation; and promotes a national youth employment action plan. The new Bangladesh Poverty Reduction Strategy includes a strategic goal calling for the elimination of the worst forms of child labor and the protection of child laborers and seeks to accomplish these goals through such actions as raising awareness of child labor, drafting minimum wage standards, creating a child-friendly code of conduct for employers, and improving education opportunities for working children.

## Government Incentive Programs

During the reporting period, additional governments launched new programs offering financial incentives for parents to remove their children from labor and enroll them in school, following the example of countries including Brazil and Mexico that instituted such programs earlier. In April 2008, the Government of Guatemala initiated the *Mi Familia Progres*a (My Family Progresses) program, which provides small cash transfers to households conditioned on withdrawing children from work and ensuring their school attendance. According to the Government, this program reintegrated 3,700 children back into school. The Government of Mozambique established a scholarship program to cover the cost of children's school materials and fees to encourage families to keep their children in school and outside of the worst forms of child labor.

A scholarship program was also launched in Panama, where the Committee for the Eradication of Child Labor and Protection of Adolescent Workers, in conjunction with the Institute for Human Resources, Capacity Building, and Vocational Training, initiated a program that provided services and scholarships to 2,500 children in 58 schools. Finally, in Morocco, the Government committed USD 2.6 million to provide income-generation opportunities for families at risk of sending their children into to work as domestic servants in other families' homes. These projects added to the important efforts of existing programs that continue to be implemented by countries such as Brazil and Indonesia.



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## Services for Protection, Assistance, and Prevention

A trend that is evident from many of the profiles is that governments in all regions are moving forward with efforts to assist and protect child victims of labor exploitation. One example is that of the Philippines, where the Department of Labor and Employment (DOLE) continued to lead the Rescue the Child Workers Program to monitor suspected cases of child labor and intervene on behalf of children in confirmed cases. From January to June 2008, DOLE rescued 59 minors in 16 different operations from exploitive labor.

A number of governments instituted operation centers, telephone hotlines, or special Web sites for reporting cases of child labor exploitation and trafficking. In Colombia, the Government established an Anti-Human Trafficking Center that has a hotline and coordinates emergency assistance for trafficking victims, including children. A hotline to report cases of trafficking began operating in the Dominican Republic. In Chile and Costa Rica, the Governments set up hotlines to report cases of commercial sexual exploitation of children. In addition, the Ecuadorian Ministry of Labor created an Internet site and call center providing information on child labor, and Lesotho helped establish a national, toll-free hotline for children's issues, including child labor.

## Public-Private Partnerships

There were a number of instances during the period in which governments undertook partnerships with the private sector to eliminate child labor in specific sectors. In response to the current global economic crisis, for example, in January 2009, the Mongolian Ministry of Social Welfare signed a Memorandum of Understanding with the Confederation of Mongolian Trade Unions and the Mongolian Employers Federation, creating a social partnership to prevent the use of child labor as a means of cheap labor.

In Argentina, the Government-led National Commission for the Eradication of Child Labor trained NGOs combating child labor in the tobacco and trash-picking sectors and held workshops with tobacco producers to promote corporate social responsibility on child labor issues. The Brazilian Human Rights Secretariat, UNICEF, and the country's semi-public oil company, Petrobras, carried out a campaign to combat sexual exploitation of children along highways, aimed at truck



## CURRENT GOVERNMENT POLICIES AND PROGRAMS TO ELIMINATE THE WORST FORMS OF CHILD LABOR



drivers. The Brazilian Government likewise worked with the NGO Safenet, to create a Web site where cases of child pornography can be reported.

Also during 2008, the Governments of Côte d'Ivoire and Ghana and the international cocoa industry continued to take steps toward implementing agreements under the Harkin-Engel Protocol, by publishing child labor cocoa certification surveys and participating in verification activities in the cocoa sector. However, neither Government has made the raw data from its certification survey publicly available. Releasing such data is important for verifying the accuracy of reported statistics on the prevalence of child labor in the cocoa industry.

### Data Collection

Data on child labor has also been key in advancing the global campaign against child labor. The ability to statistically measure the problem is essential to enable directed and successful action, and has assisted many countries in understanding the magnitude of the problem, formulating policies, and monitoring the effectiveness of interventions. To assist in this effort, the 18th ILO International Conference of Labor Statisticians met in December of 2008 to discuss a new resolution on child labor statistics. Representatives from more than 100 countries unanimously adopted this resolution to create international statistical standards on child labor. The new standards provide guidelines for governments on collecting child labor data and are designed to facilitate comparisons across countries and over time. The new resolution also gives ILO a vital role in providing technical assistance to member countries and aggregating global statistics on child labor.

Furthermore, there continues to be a need for advances in data collection at the country level, given the impact it can have on shaping effective policies and programs on child labor. A number of studies aimed at quantifying information on child labor at the country level were carried out or prepared during the reporting period. For example, through its SIMPOC program and with funding from USDOL, ILO-IPEC provided assistance on various stages of child labor data collection during the year to the Governments of Benin, Bolivia, Jordan, Peru, Bangladesh, Cote d'Ivoire, Cameroon, Rwanda, and Sri Lanka. Other Governments, including Brazil, Botswana, Liberia and Nigeria, released child labor data during 2008 that they had collected independently of foreign assistance. Despite the fact that more countries are gathering data on child labor through their own national surveys, some fail to make the raw data publicly available. This lack of transparency inhibits further research and analysis of the causes and consequences of child labor.

# CURRENT GOVERNMENT POLICIES AND PROGRAMS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

## U.S. Department of Labor-Funded International Child Labor Technical Assistance Programs

USDOL continued to be a strong supporter of projects around the world to prevent or withdraw children from exploitive labor and provide them with education and training opportunities. These efforts focus on education and training as key interventions but also provide services to parents so they are more likely to keep their children in school and out of work. The programs also focus on policy initiatives and institutional capacity building so that governments can eventually carry forward with sustainable solutions to the problem of child labor.

Since 1995, the U.S. Congress has appropriated approximately USD 720 million to the USDOL to support efforts to combat exploitive child labor internationally. As a result of this funding, the department has succeeded in rescuing approximately 1.3 million children from exploitive child labor and providing them with education and training alternatives.

In 2008, USDOL provided more than USD 58 million for child labor elimination efforts around the world. This included some USD 21.7 million awarded through a competitive process for six projects in 13 countries (Guinea, Jordan, Madagascar, Nicaragua, and Yemen as well as support for research on forced labor in Argentina, Bangladesh, Bolivia, China, the Dominican Republic, Indonesia, Liberia, and the Philippines). Recipients of the awards include international, nonprofit, for-profit, and faith-based organizations. In addition, USDOL awarded USD 36.3 million to ILO-IPEC for projects in seven countries (Botswana, Brazil, Cambodia, India, Namibia, South Africa, and Uganda) as well as several multi-region projects.

As described in the country profiles, many other donors, governments, international and non-governmental organizations, and employers and workers groups provided funding, other resources, and services over the past year to protect children from exploitive child labor. For example, during the period, the EU provided approximately USD 23.8 million to the Tackle Child Labor Through Education project, which is being implemented by ILO-IPEC in 11 countries.



Children at risk of exploitive labor in Ecuador attend a USDOL-funded afterschool enrichment program.

# CONCLUSION

**T**he complexity of the child labor issue indeed calls for multifaceted initiatives and partnerships across all sectors of society. Despite the challenges presented by current global economic conditions, efforts highlighted in this report illustrate that at least in some countries, the issue of child labor has reached a level of national prominence that reflects both recognition of the gravity of the problem, as well as a collective will to find solutions. As noted in several instances above, the Government of Brazil continued to implement its commitment to address the worst forms of child labor, and the Governments of Chile, Indonesia, and Tanzania also stand out for increasing their efforts to address the problem. Despite ongoing challenges, the Governments of Colombia, Ecuador, and El Salvador, India, and Zambia also demonstrated notable efforts during the reporting period.

In other countries, however, efforts to eliminate child labor have not yet reached a similar level of momentum.

Countries whose national armies continue to recruit children, such as the Central African Republic, Chad, and Afghanistan, have demonstrated a lack of commitment to address the most grievous forms of child labor. At the same time, despite increased recognition of the need to address exploitive child labor and a ban on the use of children in cotton harvesting, the Government of Uzbekistan continues the widespread mobilization of child labor during the cotton harvest. This mobilization deprives children of their ability to attend school for a number of months each year.

It is our intent that this report not only provides current updates on the child labor situation in the countries and territories on which it reports, but that it serves as a resource for governments around the world seeking ways to offer their children a path away from exploitive child labor and into education. May our journey for a world without exploitive child labor continue, as the world's children deserve nothing less.



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## Data Sources and Definitions

The majority of the profiles in this report provide one or more of the following pieces of data: child population; percentage of children counted as working; gross and net primary enrollment ratios; percentage of children attending school; and survival rate to grade five. This section describes the sources and provides definitions for the child labor and education data that appear in this report's country profiles. 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 has decided to use statistics in some cases as old as 10 years as of the writing of this report (1998). In the event that data did not exist from the sources described below and no other reliable and publicly available source of data exists for a country, 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 population of children of that age group from the year in which the data on working children was collected is also presented. Data presented in the current report may differ from data that were presented in previous reports because more updated data has become available.

Data are from the UCW project<sup>17</sup> 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 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.<sup>18</sup>

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.

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."<sup>19</sup> 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 represents 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.<sup>20</sup> This sentiment was echoed in

December 2008 at the 18th ILO International Conference of 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.<sup>21</sup> 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 75 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, one survey (Argentina) refers to work activities in the past 12 months and is 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 (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.<sup>22</sup> The ILO and UCW continue to investigate the effects of these survey differences on estimates of children's work.

When such information is available, the report also provides the percentage of boys and girls reported as working, as well as 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.

### **Gross Primary Enrollment Ratio**

The gross primary enrollment ratio is the enrollment of primary students, regardless of age, expressed as a percentage of the total primary school-aged population. The gross primary enrollment ratio describes the capacity of an education system to enroll students of primary school age. However, it does not mean that all children of official primary school age are actually enrolled. The gross primary enrollment ratio can be 100 percent or more due to the inclusion in the numerator of over-aged and under-aged pupils/students because of early or late entrants and grade repetition. In many countries, the official primary school-aged group is 6 to 11 years. The differences in national systems of education and duration of schooling should be considered when comparing the ratios. Data are taken from UNESCO's Institute for Statistics.<sup>23</sup>

## Net Primary Enrollment Ratio

The net primary enrollment ratio is the enrollment of primary students of the official primary school age expressed as a percentage of the primary school-aged population. A high net primary enrollment ratio denotes a high degree of participation of the official school-aged population. When compared with the gross primary enrollment ratio, the difference between the two ratios highlights the incidence of under-aged and over-aged enrollment. A net primary enrollment ratio below 100 percent provides a measure of the proportion of children not enrolled at the specified level of education. However, since some of these children could be enrolled at other levels of education, this difference should in no way be considered as an indication of the percentage of students not enrolled. Data are taken from UNESCO's Institute for Statistics.<sup>24</sup>

## 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 in the Data Sources and Definitions Section under "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.

## Survival Rate to Grade Five

The survival rate to grade five is the percentage of a cohort of pupils (or students) enrolled in the first grade of a given level or cycle of education in a given school year who are expected to reach grade five. The survival rates are calculated on the basis of the reconstructed cohort method, which uses data on enrollment and repeaters for 2 consecutive years. The survival rate measures the ability of an education system to retain children in school and keep them from dropping out. The survival rate to grade five of primary school is of particular interest since this is commonly considered as a prerequisite to sustainable literacy. Data are taken from UNESCO's Institute for Statistics.<sup>25</sup>

All UNESCO data for the report were collected on December 12, 2008 and are available at <http://stats.uis.unesco.org/>.

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<sup>17</sup> 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](http://www.ucw-project.org).

<sup>18</sup> A.R. Ritualo, C. Castro, and S. Gormly, "Measuring Child Labor: Implications for Policy and Program Design," *Comparative Labor Law and Policy* Vol. 24,, no. 401 (2003).

<sup>19</sup> ILO, *Current International Recommendations on Labour Statistics: 2000 Edition*, Geneva, 2000.

<sup>20</sup> 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.

<sup>21</sup> 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](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/---stat/documents/meetingdocument/wcms_101467.pdf).

<sup>22</sup> 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."

<sup>23</sup> UNESCO Institute for Statistics, *Glossary: Survival rates by grade*, [online] [cited April 22, 2009]; available from <http://www.uis.unesco.org/glossary/Term.aspx?name=Survival%20rates%20by%20grade&lang=en>

<sup>24</sup> UNESCO Institute for Statistics, *Glossary: Net enrolment rate*, [online] [cited April 22, 2009]; available from <http://www.uis.unesco.org/glossary/Term.aspx?name=Net%20enrolment%20rate&lang=en>.

<sup>25</sup> UNESCO Institute for Statistics, *Glossary: Survival rates by grade*.

# Glossary of Terms

## 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*, 287. (Geneva: ILO, 2004). See also ILO Convention No. 182, *Worst Forms of Child Labor*, (June 17, 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**

From FY 2001 to FY 2008, the U.S. Congress appropriated USD 229 million to USDOL for a Child Labor Education Initiative 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]; available from <http://www.dol.gov/ilab/programs/ocft/icltc.htm>.

## **Commercial Farms**

Commercial farms are large-scale agricultural holdings that produce for largely commercial purposes. For the purposes of this report, the term “commercial farms” encompasses both farms and plantations, which are defined as agricultural holdings that produce commodities exclusively for export. Commercial farms generally pay workers by either the weight or the quantity of the product collected. To ensure that this minimal amount is met, or to maximize earnings, children may work alongside their parents, as part of a family unit. Children may also be hired as full-time wage-laborers, although they usually perform the same work as adult workers, but are paid half to one-third the amount paid to adults doing comparable work. Workdays can be extremely long, and safety and health risks include exposure to dangerous chemical fertilizers or pesticides, poisonous insects or reptiles, and unsafe hygienic conditions and drinking water.

ILO Convention 138 prohibits the use of child labor on “plantation and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.” The line between “commercial” agriculture and “production for local consumption,” however, is frequently blurred.

*Source:* U.S. Department of Labor, *By the Sweat and Toil of Children, Vol. II: The Use of Child Labor in U.S. Agricultural Imports and Forced and Bonded Child Labor* (Washington, DC: 1995), 2-4, 10. See also ILO Convention No. 138, *Minimum Age for Admission to Employment*, (1973); available from <http://www.ilo.org/ilolex/english/convdisp2.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](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](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](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](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](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/ipecc/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).

## **Harkin-Engel Protocol**

In September 2001, negotiations between the Chocolate Manufacturers Association (CMA), the World Cocoa Foundation (WCF), and the Congressional offices of United States Senator Tom Harkin and United States Representative Eliot Engel culminated in the CMA and WCF signing the *Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor* (Harkin-Engel Protocol). The Harkin-Engel Protocol includes a public statement by the cocoa industry acknowledging the problem of forced child labor in West Africa and the industry's intention to continue to commit significant resources to address the problem. It calls for a memorandum of cooperation between the major stakeholders to establish a joint action program of research, information exchange, and action to enforce international standards to eliminate the worst forms of child labor in the cocoa sector and to institute independent monitoring. The Harkin-Engel Protocol also included a commitment by industry to develop and implement voluntary, industry-wide standards of public certification that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor by July 1, 2005.

On July 1, 2005, the Joint Statement from U.S. Senator Tom Harkin, Representative Eliot Engel and the Chocolate/Cocoa Industry on Efforts to Address the Worst Forms of Child Labor in Cocoa Growing announced the extension of the Harkin-Engel Protocol and the industry's agreement to have in place a certification system covering 50 percent of the cocoa growing areas in Côte d'Ivoire and Ghana by July 1, 2008. In signing the joint statement, the international cocoa industry also pledged to commit USD 5 million annually from 2005 to 2008 to support the full implementation of the certification system and for programs to improve the well-being of the farm families producing cocoa in West Africa, including efforts to eliminate the worst forms of child labor. In June 2008, the Harkin-Engel Protocol was extended until the end of 2010, with industry expanding its commitment to cover 100 percent of the cocoa-growing areas by that time.

*Source:* USDOL, Oversight of Public and Private Initiatives to Eliminate the Worst Forms of Child Labor in the Cocoa Sector in Cote d'Ivoire and Ghana (Solicitation), July 14, 2006; available from <http://www.fedbizopps.gov>.

## **ILO Convention 138: Minimum Age for Admission to Employment**

ILO Convention 138, adopted in 1973 and ratified by 151 nations, 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>. Ratifications are current as of April 2009.

### **ILO Convention 182: Worst Forms of Child Labor**

ILO Convention 182 was adopted in 1999 and has been ratified by 169 nations. 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>. Ratifications are current as of April 2009.

### **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.

From FY 1995 to FY 2008, the U.S. Congress appropriated approximately USD 371 million for ILO-IPEC projects.

Source: ILO-IPEC, *What is IPEC: IPEC at a Glance*; available from: <http://www.ilo.org/public/english/standards/ipecc/about/implementation/ipecc.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/ipecc/prod/eng/20070228\\_Implementationreport\\_en\\_Web.pdf](http://www.ilo.org/iloroot/docstore/ipecc/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/ipecc/publ/download/factsheets/fs\\_ipeccstrategy\\_0303.pdf](http://www.ilo.org/public/english/standards/ipecc/publ/download/factsheets/fs_ipeccstrategy_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-IPEC Associated Countries**

ILO-IPEC associated countries are those in which ILO-IPEC has initiated child labor projects with government permission, but which have not yet signed a formal MOU (see also definitions for “ILO-IPEC Program Countries” and “ILO-IPEC”). As of February 2009, there were 25 countries associated with ILO-IPEC.

Source: ILO-IPEC, *IPEC Action Against Child Labour 2008: Highlights*, Geneva, February 2009; available from <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=9471>.

### **ILO-IPEC Participating Countries**

ILO-IPEC participating countries are countries that have signed a MOU with ILO-IPEC, thereby committing to cooperate with ILO-IPEC on the implementation of child labor projects in their countries. As of February 2009, there were 63 ILO-IPEC participating countries.

Source: ILO-IPEC, *IPEC Action Against Child Labour 2008: Highlights*, Geneva, February 2009; available from <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=9471>.

### **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.

### **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 15<sup>th</sup> 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 3a.

*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 3b.

*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 Poverty Reduction Strategy Paper (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 3a.

*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](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. As of February 2009, ILO-IPEC was implementing projects of support to Timebound Programs in 21 countries.

*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.”



# COUNTRY PROFILES



Left: © International Labour Organization/Maillard J.;  
Middle: © ILAB/Katie Cook;  
Right: © International Labour Organization/Crozet M.

# Afghanistan

## *Selected Statistics and Indicators on Child Labor<sup>26</sup>*

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	18
Compulsory education age:	Secondary level
Free public education:	Yes
Gross primary enrollment rate (%), 2005:	101.4
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	No
CRC:	3/28/1994
CRCOPAC:	9/24/2003*
CRCOPSC:	9/19/2002*
Palermo:	No
ILO-IPEC participating country:	No

\*Accession

### **Incidence and Nature of Child Labor**

Children in Afghanistan work in brick factories and as street vendors, shopkeepers, workshop assistants, blacksmiths, domestic servants, auto mechanics, and carpet weavers.<sup>27</sup> Children as young as 4 or 5 years of age have been reported working.<sup>28</sup> In rural areas, children work in agriculture and coal mining, and in urban areas, some children are engaged in begging gangs.<sup>29</sup> Years of conflict have left many families with child-headed households, thus forcing those children to work.<sup>30</sup> Children are also used in the production and trafficking of opium.<sup>31</sup>

Afghanistan is a country of origin and transit for children trafficked internally and to Iran, Pakistan, Saudi Arabia, Oman, and Zambia for forced labor as child soldiers, begging, commercial sexual exploitation, domestic service, or debt bondage in the carpet and brick industries.<sup>32</sup> There is increasing evidence of children being recruited into both state and non-state armed forces, though the prevalence of the occurrence is unclear.<sup>33</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 18 years, although children may be employed in light work at 15 years and may be hired as trainees at 14 years.<sup>34</sup> Children between 16 and 18 years may only work 35 hours per week. The law does not permit children to be engaged in underground work or in conditions that are physically arduous or harmful to their health.<sup>35</sup> The recruitment of children less than 18 years for work that is harmful to their health and could cause physical damage or disability is prohibited.<sup>36</sup> USDOS reports that enforcement of child labor laws is made difficult due to a lack of Government capacity, lack of formal birth registrations, and the concentration of child labor in the informal sector and agriculture, which are not covered by the labor law.<sup>37</sup>

The Constitution prohibits forced labor.<sup>38</sup> A new anti-trafficking law was enacted on July 15, 2008, which prescribes an 8- to 15-year sentence for labor trafficking and life imprisonment for sex trafficking.<sup>39</sup> The minimum age for recruitment into the Armed Forces is 18 years.<sup>40</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Ministry of Labor, Social Affairs, Martyrs, and Disabled, in cooperation with the Ministry of Justice and Ministry of the Interior, are administering the National Strategy on the Protection of Children at Risk. This strategy includes a separate chapter on the worst forms of child labor, with a focus on street children.<sup>41</sup> The

Government also has a national plan of action to combat trafficking.<sup>42</sup> In general, NGOs run care facilities for trafficking victims, with the Government providing referrals and transportation to the facilities. Child victims of trafficking are placed with Government social service agencies, orphanages, or NGO-run facilities.<sup>43</sup> The Government has also provided land for NGOs to build shelters that house child trafficking victims.<sup>44</sup> A large anti-trafficking awareness campaign directed at women and girls has been implemented by IOM with cooperation from the Government.<sup>45</sup>

In January 2009, the Government began participating in a 4-year, USD 24 million social protection program funded by the European Commission that aims to combat child labor through family reintegration, schooling, and vocational and literacy training.<sup>46</sup> The Government is also participating in two USDOS-funded anti-trafficking projects implemented by IOM. The projects will create links between the Ministry of Women's Affairs and the media in order to facilitate anti-trafficking media campaigns, as well as provide referral services for victims of trafficking, including children. In addition, a focus will be on building the capacity of law enforcement officials.<sup>47</sup>

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<sup>26</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Afghanistan, *Labour Code*, (January 2008). For age to which education is compulsory, see U.S. Department of State, "Afghanistan," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For free public education, see Government of Afghanistan, *Constitution*, (January 4, 2004), article 43; available from [http://www.oefre.unibe.ch/law/icl/af00000\\_.html](http://www.oefre.unibe.ch/law/icl/af00000_.html). See also U.S. Department of State, "Country Reports- 2008: Afghanistan," section 5.

<sup>27</sup> U.S. Department of State, "Country Reports- 2008: Afghanistan," section 6d. See also Integrated Regional Information Networks, "Afghanistan: Thousands of Child Labourers in Eastern Province Deprived of Education", IRINnews.org, [online], May 10, 2007 [cited March 17, 2008]; available from <http://www.irinnews.org/Report.aspx?ReportID=72062>. See also Government of Afghanistan, *Information*

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*on elimination of worst forms of child labor in Afghanistan*, December 30, 2007. See also U.S. Embassy- Kabul, *reporting*, January 23, 2009, 2. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan Research Report*, 2006, 3 and 12; available from [http://www.aihrc.org.af/rep\\_child\\_labour\\_2006.pdf](http://www.aihrc.org.af/rep_child_labour_2006.pdf).

<sup>28</sup> Afghanistan Independent Human Rights Commission, *Situation of Child Labor in Afghanistan*, 15.

<sup>29</sup> U.S. Embassy- Kabul, *reporting*, January 23, 2009, 2. See also Integrated Regional Information Networks, "Afghanistan: UNICEF Expresses Concern about Child Labour", IRINnews.org, [online], December 6, 2005 [cited March 18, 2008]; available from <http://www.irinnews.org/report.asp?ReportID=50528&SelectRegion=Asia&SelectCountry=AFGHANISTAN>.

See also Afghanistan Independent Human Rights Commission, *Situation of Child Labor in Afghanistan*, 13.

<sup>30</sup> A. B. Popal, *Child-Labor or Breadwinner*, UN-Habitat, October 8, 2004; available from <http://www.fukuoka.unhabitat.org/project/voice.php?sn=8&cn=2&la=1>.

<sup>31</sup> U.S. Embassy- Kabul, *reporting*, January 23, 2009, 2.

<sup>32</sup> U.S. Department of State, "Afghanistan (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Department of State, "Country Reports- 2008: Afghanistan," section 5. See also Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*. See also IOM, *Trafficking in Persons: An Analysis of Afghanistan*, 2003. See also U.S. Embassy- Kabul, *reporting*, February 18, 2009, 23b.

<sup>33</sup> Coalition to Stop the Use of Child Soldiers, "Afghanistan," in *Child Soldiers Global Report*, London, 2008, 41; available from <http://www.childsoldiersglobalreport.org/content/afghanistan>. See also UN Security Council, *Report of the Secretary General on children and armed conflict in Afghanistan*, November 10, 2008, 1, 6-7.

<sup>34</sup> Government of Afghanistan, *Labour Code*, article 13. See also U.S. Embassy- Kabul, *reporting*, January 23, 2009.

<sup>35</sup> Government of Afghanistan, *Labour Code*, articles 31 and 120.

<sup>36</sup> *Ibid.*, article 13.

<sup>37</sup> U.S. Embassy- Kabul, *reporting*, January 23, 2009, 6 and 8.

<sup>38</sup> Government of Afghanistan, *Constitution*, article 49.

<sup>39</sup> U.S. Embassy- Kabul, *reporting*, February 18, 2009, 25a-c.

<sup>40</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report: Afghanistan," 40.

<sup>41</sup> Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*.

See also U.S. Embassy- Kabul, *reporting, January 23, 2009*, 5.

<sup>42</sup> U.S. Embassy- Kabul, *reporting, February 18, 2009*, 27d.

<sup>43</sup> *Ibid.*, 26b.

<sup>44</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Afghanistan."

<sup>45</sup> *Ibid.*

<sup>46</sup> U.S. Embassy- Kabul, *reporting, January 23, 2009*, 6.

<sup>47</sup> U.S. Department of State, *USG Funds Obligated in FY 2008 for Anti-Trafficking in Persons Projects*, [online] April 3, 2009 [cited May 29, 2009]; available from <http://www.state.gov/g/tip/rls/reports/2009/121506.htm>. See also IOM, *Afghanistan*, [online] November 2007 [cited February 6, 2009]; available from <http://www.iom.int/jahia/Jahia/pid/490>.

## Albania

### *Selected Statistics and Indicators on Child Labor<sup>48</sup>*

Population, children, 7-14 years, 2000:	567,247
Working children, 7-14 years (%), 2000:	36.6
Working boys, 7-14 years (%), 2000:	41.1
Working girls, 7-14 years (%), 2000:	31.8
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16*
Free public education:	Yes**
Gross primary enrollment rate (%), 2004:	105.3
Net primary enrollment rate (%), 2004:	93.6
School attendance, children 7-14 years (%), 2000:	50.9
Survival rate to grade 5 (%):	-
ILO Convention 138:	2/16/1998
ILO Convention 182:	8/2/2001
CRC:	2/27/1992
CRCOPAC:	12/9/2008***
CRCOPSC:	2/5/2008***
Palermo:	8/21/2002
ILO-IPEC participating country:	Yes

\*Or 9 years

\*\*In practice, must pay for various school expenses

\*\*\*Accession

### **Incidence and Nature of Child Labor**

Children in Albania work as street or shop vendors, farmers or shepherds, vehicle washers,

textile factory workers, or shoeshine boys.<sup>49</sup> Children can also be found working as beggars and drug runners.<sup>50</sup> In Bater, Bulqiza, Borje, and Klos, children 16 and 17 years of age work in chromium mines.<sup>51</sup> The majority of children working on the streets are boys, and the majority of children working in factories are girls.<sup>52</sup> In inspected factories, more than 70 percent of underage workers were girls.<sup>53</sup>

Albania is a source country for children trafficked for commercial sexual exploitation and forced labor.<sup>54</sup> Albanian children are trafficked domestically and to Greece for begging and other forms of child labor.<sup>55</sup> Roma and Egyptian children are at greatest risk for trafficking.<sup>56</sup> Reports indicate that street children may be involved in forced prostitution.<sup>57</sup> During the year, 2 NGOs assisted 327 suspected child trafficking victims domestically—it is not clear whether these children were being trafficked domestically or internationally—and assisted 486 Albanian children in Greece.<sup>58</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age of employment at 16 years, at which time individuals may perform "easy jobs" not harmful to their health and growth, with types and conditions of such employment defined by the Council of Ministers.<sup>59</sup> Children as young as 14 years may receive vocational training and may be employed during school holidays, provided it does not harm their health and growth.<sup>60</sup> Difficult jobs, those that pose danger to an individual's "health and personality," are prohibited for anyone under

18 years of age, as is work from 10 p.m. to 6 a.m.<sup>61</sup> Individuals under 18 years are limited to working 6 hours per day.<sup>62</sup> Those who employ persons under 18 years to work longer than 6 hours per day or who employ those 16 to 18 years of age to jobs that harm their health and growth are subject to fines.<sup>63</sup> Those who employ persons under 16 years or who employ a person under 18 years in a difficult or dangerous job or to work at night are subject to fines.<sup>64</sup> Although most children work in the informal sector, most labor investigations occur in the formal sector.<sup>65</sup> The law calls for fines for parents whose children fail to attend school during the 9-year period of compulsory education, which is generally to 16 years of age.<sup>66</sup>

The law forbids forced labor by any person, except in cases of the execution of a judicial decision, military service, or for service during a state emergency or war.<sup>67</sup> The minimum age for voluntary military service is 18 years and 19 years for compulsory military service.<sup>68</sup>

Intercourse with minor girls, child sex abuse, prostitution with minors, and child pornography are all prohibited, with fines and terms of imprisonment.<sup>69</sup> The punishment for child prostitution in Albania is 7 to 15 years imprisonment.<sup>70</sup> The law prohibits child trafficking with penalties of 7 to 15 years imprisonment.<sup>71</sup>

In January, the Penal Code was amended, which, according to ILO-IPEC, includes clear penalties for perpetrators of certain acts involving children, including trafficking, child labor, pornography, and maltreatment.<sup>72</sup> According to USDOS, the Code now categorizes “exploitation of children for labor or forced services” as a penal crime.<sup>73</sup>

In 2008, the Government of Albania increased its investigations and prosecutions for human trafficking.<sup>74</sup> At the end of 2008, 57 persons were convicted of trafficking, with 25 individuals sentenced to more than 10 years in prison.<sup>75</sup> Of the 108 trafficking victims identified, 17 were children.<sup>76</sup> USDOS reports that law enforcement officials have been involved in trafficking-related corruption, and fear of retribution continues to be the main reason victims refuse to testify.<sup>77</sup> In the winter of 2008, the Government stopped

requiring that victims of trafficking provide a statement denouncing their trafficker.<sup>78</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In December 2008, the second phase of the Child Labor Monitoring System project was launched, covering the Elbasan and Shkoder regions.<sup>79</sup> The first phase of the project resulted in 315 children returning to education from working in agriculture, living on the streets, working in factories, or being involved in trafficking or illicit activities.<sup>80</sup> In 2008, a coordinated database of victims of trafficking became operational; however, according to USDOS, it does not capture reliable data on child trafficking for forced labor.<sup>81</sup>

In July 2008, the Council of Ministers approved the new National Strategy for the Fight Against Trafficking in Human Beings (2008-2012), which included the National Strategy on Child Trafficking and Protection of the Victims of Trafficking.<sup>82</sup> USDOS reports that in 2008, the Office of the National Anti-Trafficking Coordinator (ONAC) ramped up efforts to train anti-trafficking officials, including police, judges, and prosecutors.<sup>83</sup> ONAC recently held the first meeting of the Anti-Trafficking Task Force, which comprises experts on anti-trafficking from government, NGOs, and shelters. The Task Force is responsible for preparing working plans and submitting reports on anti-trafficking actions taken by their respective institutions.<sup>84</sup> In addition, Local Anti-Trafficking Committees ensure local institutions have resources required to combat trafficking.<sup>85</sup> With NGO support, as of October 2008, nine municipal Governments had established Child Protection Units to identify children at risk for trafficking, child labor, and other forms of exploitation and refer them to education and social services.<sup>86</sup> To date, the Government, in cooperation with international organizations, has conducted sessions warning 50,000 students of the danger of trafficking.<sup>87</sup>

According to USDOS, the Government of Albania has been proactive in preventing child sex tourism from becoming prevalent in the country. On Anti-Trafficking Day, October 18, OTNC broadcast a message on child sex tourism on

major TV networks.<sup>88</sup> Police are currently investigating whether there is an organized system of sexual exploitation of street children.<sup>89</sup>

The Government is participating in three ILO-IPEC projects. One is a regional USD 2,223,100 project to combat the worst forms of child labor that ended in June 2008 and also operated in Bulgaria, Bosnia-Herzegovina, FYR, Croatia, Macedonia, Moldova, and Romania.<sup>90</sup> An ongoing (2003-2009) USD 250,000 project addresses trafficking in children in the sub-region and also operates in Romania, Moldova, and Ukraine.<sup>91</sup> Albania is also participating in the second phase (2006-2009) of a USD 3.5 million USDOL-funded ILO-IPEC project to combat child trafficking and other worst forms of child labor that operates in Albania, Bulgaria, the UN-administered Province of Kosovo, Moldova, Romania, and Ukraine.<sup>92</sup> The aim of the project is to increase the outreach of institutions to eliminate the worst forms of child labor, to prevent or withdraw 4,500 children from exploitive labor not previously addressed by ILO-IPEC interventions, and to mainstream worst forms of child labor into national policies and legislation and raise awareness.<sup>93</sup>

<sup>48</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work and age to which education is compulsory, see U.S. Department of State, "Albania," in *Country Reports on Human Rights Practices – 2008*, Washington, DC, February 25, 2009, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119064.htm>. For free public education, see Government of Albania, *Albanian Constitution*, chapter IV, article 57(5); available from <http://www.president.al/english/pub/doc/Albanian%20Constitution.pdf>.

<sup>49</sup> U.S. Department of State, "Country Reports- 2008: Albania," section 6d.

<sup>50</sup> *Ibid.*

<sup>51</sup> PROTECT CEE, *Country Profile Albania*, [online] 2005 [cited December 12, 2008]; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=1899>.

<sup>52</sup> *Ibid.*

<sup>53</sup> U.S. Department of State, "Country Reports- 2008: Albania," section 6d.

<sup>54</sup> *Ibid.*, section 5.

<sup>55</sup> *Ibid.* See also U.S. Department of State, "Albania (Tier 2 Watch List)," in *Trafficking in Persons Report-*

*2008*, Washington, DC, June 4, 2008, 54 and 55; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>56</sup> U.S. Embassy- Tirana, *reporting*, February 13, 2009, 2.

<sup>57</sup> *Ibid.*, 6 and 7.

<sup>58</sup> U.S. Department of State, "Country Reports- 2008: Albania," section 6d.

<sup>59</sup> Government of Albania, *Code of Labor of the Republic of Albania*, (July 12, 1995), article 99; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/41344/63433/F1167646799/ALB41344.PDF>.

<sup>60</sup> *Ibid.*, articles 80 and 98.

<sup>61</sup> *Ibid.*, articles 100 and 101.

<sup>62</sup> *Ibid.*, article 78.

<sup>63</sup> *Ibid.*, article 202.

<sup>64</sup> *Ibid.*

<sup>65</sup> U.S. Department of State, "Country Reports- 2008: Albania," section 6d.

<sup>66</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Project Document, Geneva, July 2006, 32.

<sup>67</sup> Government of Albania, *Albanian Constitution*, article 20.

<sup>68</sup> Coalition to Stop the Use of Child Soldiers, "Albania," in *Child Soldiers Global Report*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/albania>.

<sup>69</sup> Government of Albania, "Albania," in *Legislation of Interpol Member States on Sexual Offences against Children*, 2008, articles 100, 101, 103, 114a, 117; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaAlbania.pdf>.

<sup>70</sup> *Ibid.*, article 114a.

<sup>71</sup> U.S. Embassy- Tirana, *reporting*, February 13, 2009.

<sup>72</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, March 2008.

<sup>73</sup> U.S. Department of State, "Country Reports- 2008: Albania," section 6d.

<sup>74</sup> *Ibid.*, section 5.

<sup>75</sup> *Ibid.*

<sup>76</sup> U.S. Embassy- Tirana, *reporting*, February 13, 2009, 8.

<sup>77</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Albania," 54 and 55. See also U.S. Embassy- Tirana, *reporting*, February 13, 2009, 7.

<sup>78</sup> U.S. Embassy- Tirana, *reporting*, February 13, 2009, 8.

<sup>79</sup> U.S. Department of State, "Country Reports- 2008: Albania," section 6d.

<sup>80</sup> *Ibid.*

<sup>81</sup> U.S. Embassy- Tirana, *reporting*, February 13, 2009, 1 and 2.

<sup>82</sup> *Ibid.*, 10 and 11. See also ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, 2008. See



also U.S. Embassy- Tirana, *reporting*, November 19, 2008.

<sup>83</sup> U.S. Embassy- Tirana, *reporting*, February 13, 2009, 2 and 5.

<sup>84</sup> *Ibid.*, 11.

<sup>85</sup> *Ibid.*

<sup>86</sup> Sonila Danaj, *Situational Analysis Report on Child Trafficking in Albania, Together Against Child-Trafficking Coalition (Bashke Kunder Trafikimit te Femijeve, BKTF)*, Tirana, October 2, 2008; available from <http://www.bktf-coalition.org/eng/Situational%20Analysis%20ENG.pdf>.

<sup>87</sup> U.S. Embassy- Tirana, *reporting*, February 13, 2009, 9.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*, 6 and 7.

<sup>90</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>91</sup> *Ibid.*

<sup>92</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II), Technical Progress Report*, 2008.

<sup>93</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II), Technical Progress Report*, Geneva, September, 2007.

## Algeria

### *Selected Statistics and Indicators on Child Labor<sup>94</sup>*

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	109.7
Net primary enrollment rate (%), 2007:	95.4
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2006:	96.0
ILO Convention 138:	4/30/1984
ILO Convention 182:	2/9/2001
CRC:	4/16/1993
CRCOPAC:	No
CRCOPSC:	12/27/2006*
Palermo:	3/9/2004
ILO-IPEC participating country:	No

\*Accession

### **Incidence and Nature of Child Labor**

Children in Algeria work in agriculture, construction, small workshops, and informal street vending.<sup>95</sup> Children also work as domestic servants; there are conflicting reports on whether some child domestic servants are the victims of trafficking.<sup>96</sup>

### **Child Labor Laws and Enforcement**

The minimum age for employment in Algeria is 16 years, unless participating in an apprenticeship. The law does not state a minimum age for an apprenticeship.<sup>97</sup> The Ministry of Labor and Social Welfare may also grant permission for children under 16 years to work in certain fixed-term temporary jobs.<sup>98</sup> The minimum age law, however, applies only to employment based on a contract and does not apply to children who are self-employed.<sup>99</sup>

The law states that minor workers must have the permission of a legal guardian and that they cannot participate in dangerous, unhealthy, or harmful work, or in work that may jeopardize their morality.<sup>100</sup> Night work is prohibited for youth under 19 years of age.<sup>101</sup> Violations of provisions regarding employment of children are punishable by fines that may be doubled for repeat offenses. Repeated violations involving hiring underage children are punishable by imprisonment from 15 days to 2 months.<sup>102</sup>

Algerian law prohibits forced labor.<sup>103</sup> The law provides for imprisonment of 5 to 10 years and fines for the corruption and debauchery of minors younger than 19 years. The law also provides for 5 to 10 years of imprisonment and fines for involvement in the prostitution of minors.<sup>104</sup> Activities such as providing or financing establishments in which prostitution is carried out are punishable by 2 to 5 years of imprisonment and fines as well as closure of the establishment concerned.<sup>105</sup> The creation or distribution of pornography is prohibited by law, which provides for 2 months to 2 years of imprisonment and fines for offenses.<sup>106</sup> Algerian law also punishes the possession, use, or trafficking of illegal drugs. CEACR has noted, however, that there are no provisions in Algerian law against the use of children in these activities.<sup>107</sup> The minimum age for conscription into military service is 19 years; the minimum age for voluntary recruitment is unclear.<sup>108</sup>

The Ministry of Labor is responsible for enforcing child labor laws, and USDOS reports that the ministry conducts some surprise inspections of public sector enterprises but does not enforce laws consistently in the agricultural or private sectors.<sup>109</sup> USDOS indicates that insufficient human resources for enforcement are a problem.<sup>110</sup> The Ministry of Interior, through the national and border police, and the Ministry of Defense, through the *gendarmérie* police force, have law enforcement responsibilities relating to trafficking.<sup>111</sup> The Government had not prosecuted any trafficking cases as of the writing of this report. USDOS reports that laws against prostitution are enforced.<sup>112</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Algeria to address exploitive child labor.

<sup>94</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Algeria, *Droit du travail*, article 15; available from <http://lexalgeria.free.fr/travail.htm>. For age to which education is compulsory, see Government of Algeria,

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*Constitution de 1996 (modifiant la Constitution de 1989)*, (1996), article 53; available from <http://www.conseil-constitutionnel.dz/indexFR.htm>. See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 2000: Algeria*, CRC/C/93/Add.7, prepared by Government of Algeria, pursuant to Article 44 of the Convention on the Rights of the Child, March 3, 2005, para 94; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fe289cbac5d9292c12570180052d60d/\\$FILE/G0540613.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fe289cbac5d9292c12570180052d60d/$FILE/G0540613.pdf). For free public education, see Government of Algeria, *Constitution de 1996 (modifiant la Constitution de 1989)*. See also U.S. Department of State, "Algeria," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119112.htm>.

<sup>95</sup> Lotfi Mérad, "Selon une enquête de la FOREM: En Algérie, entre 250,000 et 300,000 enfants travaillent," *Le Soir d'Algérie*, June 13, 2006; available from <http://www.lesoiralgerie.com/articles/2006/06/13/article.php?sid=39659&cid=2>. See also U.S. Embassy-Algiers, *reporting*, December 12, 2007. See also U.S. Department of State, "Country Reports- 2008: Algeria," section 6d.

<sup>96</sup> UN Committee on the Rights of the Child, *Concluding Observations: Algeria*, CRC/C/15/Add.269, Geneva, October 12, 2005, para 78; 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 U.S. Department of State, "Algeria (Tier 3)," in *Trafficking in Persons Report- 2008*, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Embassy-Algiers, *reporting*, February 23, 2009.

<sup>97</sup> Government of Algeria, *Droit du travail*, article 15.

<sup>98</sup> UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties: Algeria*, para 94.

<sup>99</sup> ILO Committee of Experts, *Individual Observation, Minimum Age Convention, 1973 (No. 138) Algeria (ratification: 1984)*, [online] 2007 [cited January 27, 2009]; 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>. See also ILO Committee of Experts, *Individual Observation, Minimum Age Convention, 1973 (No. 138) Algeria (ratification: 1984)*, [online] 2008 [cited January 27, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10271&chapter=6&query=%28C138%29+%40ref+%2B+%28Algeria%29+%40ref&highlight=&querytype=bool&context=0>.

<sup>100</sup> Government of Algeria, *Droit du travail*, article 15.

<sup>101</sup> *Ibid.*, article 28.

<sup>102</sup> *Ibid.*, articles 139-141.

<sup>103</sup> U.S. Department of State, "Country Reports- 2008: Algeria," section 6c.

<sup>104</sup> Government of Algeria, *Code pénal*, articles 342-344; available from <http://lexalgeria.free.fr/penal3.htm>.

<sup>105</sup> *Ibid.*, article 346.

<sup>106</sup> *Ibid.*, article 333bis.

<sup>107</sup> ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Algeria (ratification: 2001)*, [online] 2008 [cited February 3, 2009]; 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.

<sup>108</sup> Coalition to Stop the Use of Child Soldiers, "Algeria," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/algeria>. See also UN Committee on the Rights of the Child, *Concluding Observations: Algeria*, para 70.

<sup>109</sup> U.S. Department of State, "Country Reports- 2008: Algeria," section 6d.

<sup>110</sup> *Ibid.*

<sup>111</sup> U.S. Embassy- Algiers, *reporting, February 23, 2009*.

<sup>112</sup> *Ibid.*

## Angola

### *Selected Statistics and Indicators on Child Labor*<sup>113</sup>

Population, children, 5-14 years, 2001:	2,415,041
Working children, 5-14 years (%), 2001:	25.7
Working boys, 5-14 years (%), 2001:	25.6
Working girls, 5-14 years (%), 2001:	25.9
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	193.8
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2001:	65.4
Survival rate to grade 5 (%):	-
ILO Convention 138:	6/13/2001
ILO Convention 182:	6/13/2001
CRC:	12/5/1990
CRCOPAC:	10/11/2007**
CRCOPSC:	3/24/2005**
Palermo:	No
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

\*\*Accession

### **Incidence and Nature of Child Labor**

In Angola, most working children are found in the informal sector.<sup>114</sup> Children in rural areas are more likely to work than those in urban areas. Children living in provinces most affected by the country's decades-long civil war (1975-2002) are more likely to work than those in less-affected provinces.<sup>115</sup> Children work in agriculture on family farms and commercial farms, including pineapple and banana plantations.<sup>116</sup> Children working in agriculture in Benguela are known to apply chemicals, use machinery and dangerous tools, and carry heavy loads.<sup>117</sup> In Benguela and Kwanza Sul, children are often employed in agriculture by members of the community outside their families.<sup>118</sup> Some children in rural areas work in artesian diamond mining.<sup>119</sup> Children also work in markets, charcoal production, animal grazing,<sup>120</sup> and manual labor.<sup>121</sup> In border areas and ports, children unload and transport goods.<sup>122</sup> Children are also engaged in the sale and transport of illegal drugs. An increasing number of Angolan children are being used as couriers in the country's cross-border trade with Namibia, in an attempt to avoid import fees.<sup>123</sup>

The capital city of Luanda continues to be affected by the large population that migrated there during Angola's civil war.<sup>124</sup> Children work on the streets in Luanda, as well as in the provinces of Benguela, Huambo, and Kwanza Sul.<sup>125</sup> Some

street children are among the estimated 43,000 children still separated from their families as a result of the civil war.<sup>126</sup> Working children in Luanda primarily engage in selling goods, such as food, electronics, and clothing. They also wash cars, work as mechanics, shine shoes, and collect fares.<sup>127</sup> These children face health and injury risks such as exposure to the sun and heat; poor air quality; heavy vehicular traffic; and exposure to crime and gang activity.<sup>128</sup> Children in Luanda also engage in domestic service, fishing, and tasks such as fetching water and firewood.<sup>129</sup>

Children are trafficked internally for agriculture, domestic service, and sexual exploitation.<sup>130</sup> Congolese children are trafficked into Angola.<sup>131</sup> Some children may be trafficked to Angola for work in the diamond mines.<sup>132</sup> Angolan children are also trafficked to South Africa, Namibia, and the Democratic Republic of the Congo for forced labor.<sup>133</sup>

### **Child Labor Laws and Enforcement**

The minimum age for employment and apprenticeship in Angola is 14 years. Children between 14 and 18 years are not permitted to work at night, under dangerous conditions, or in activities requiring great physical effort.<sup>134</sup> Children under 16 years are restricted from working in factories. Violations of child labor laws can be punished by fines.<sup>135</sup>

Angolan laws prohibit forced or bonded child labor and slavery.<sup>136</sup> The minimum age for voluntary recruitment into military service is 18 years for men and 20 years for women, while the minimum age for conscription is 20 years.<sup>137</sup> Trafficking in persons is not specifically prohibited in Angola, but it can be prosecuted under laws prohibiting forced labor or bonded servitude, kidnapping, prostitution, rape, illegal entry into the country, and pornography.<sup>138</sup> Having sexual relations with children under 12 years is categorized as rape and carries a minimum sentence of 8 years of imprisonment. Sexual relations with children ages 12 to 15 years can be categorized as sexual abuse and can result in up to 8 years of imprisonment.<sup>139</sup>

As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Angola agreed to investigate and prosecute trafficking offenders, rehabilitate

and reintegrate trafficking victims, and assist fellow signatory countries to implement these measures under the Agreement.<sup>140</sup>

While the Ministry of Family and Women's Affairs investigates child labor complaints, the Ministry of Public Administration, Employment, and Social Security's Inspector General has the authority to enforce the labor laws. According to USDOS, the Government does not have the capacity to regulate the informal sector, where the majority of children work and where most labor law violations occur.<sup>141</sup>

During the reporting period, the Government's National Institute for the Child (INAC) continued to conduct spot checks of vehicles along suspected child trafficking routes through the use of six mobile teams working in the provinces. The Immigration Services continued to operate checkpoints and verify the travel documentation of minors at many transit locations, including border posts, the international airport, and select areas where trafficking is known to occur, such as Santa Clara in the Cunene Province.<sup>142</sup> According to USDOS, the Government lacked resources for effectively controlling its borders.<sup>143</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government of Angola is participating in a project to combat exploitive child labor through the provision of educational services, implemented by ChildFund International and World Learning for Educational Development. Funded in 2007 by USDOL at USD 3.48 million, and by Christian Children's Fund at USD 1.25 million, the project targets 2,653 children for withdrawal and 4,347 children for prevention from exploitive child labor in the capital city of Luanda and the province of Benguela.<sup>144</sup>

The Government of Angola is also participating in a 4-year USD 23,840,500 project funded by the EU and implemented by ILO-IPEC to combat child labor through education in 11 countries.<sup>145</sup> The Government continues to implement a project funded by the Government of St. Kitts and Nevis to prevent child labor among street children in Benguela and Lobito.<sup>146</sup>

The Government's Ministry of the Interior collaborated with IOM to provide training to officials from the Ministries of Foreign Affairs, Justice, and Social Assistance and Reintegration on human trafficking issues, with USG funding.<sup>147</sup> INAC also continues to work with UNICEF to develop Child Protection Networks at the provincial and municipal levels in all 18 provinces, which bring together government and civil society actors to coordinate efforts to assist children. These networks help child trafficking victims access services from a number of Government ministries and, in 2008, reported cases of children they had identified and withdrawn from exploitive labor.<sup>148</sup>

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<sup>113</sup> For statistical data not cited here, see the Data Sources and Definitions section. The gross primary enrollment ratio can be 100 percent or more due to the inclusion, in the numerator, of over-aged and under-aged pupils/students because of early or late entrants and grade repetition. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see ILO, Declaration by the Government of Angola upon ratifying C138 Minimum Age Convention, 1973, accessed January 26, 2009, para 3B; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. See also F. B. Allais, *Children's work in Angola: An overview*, Rome: The Understanding Children's Work Project, December 2007, 19-20; available from [http://www.ucw-project.org/pdf/publications/standard\\_blanco\\_angola.pdf](http://www.ucw-project.org/pdf/publications/standard_blanco_angola.pdf). For age to which education is compulsory, U.S. Department of State, "Angola," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>. For free public education, see U.S. Department of State, "Country Reports- 2008: Angola," section 5. See also Clare Ignatowski, Cristina Rodrigues, and Ramon Balestino, *Youth Assessment in Angola*, U.S. Agency for International Development, Washington, DC, March 31, 2006, 8-9; available from <http://www.usaid.gov/ao/youthassessment.pdf>.

<sup>114</sup> U.S. Department of State, "Country Reports- 2008: Angola," section 6d.

<sup>115</sup> Allais, *Children's work in Angola*, 10, 12. See also Central Intelligence Agency, "The World Factbook: Angola," Washington, DC, March 19, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/ao.html>.

<sup>116</sup> Interactive Social Analysis, *Onjoi: Baseline Study on Child Labor and Education in Benguela*, Luanda, April 2008, 12 and 14.

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<sup>117</sup> *Ibid.*, 19.

<sup>118</sup> Khulisa Management Services, *Situational Assessment of Child Labor in Benguela and Kwanza Sul Provinces, Angola*, Johannesburg, February 20, 2007, 40-41. See also U.S. Department of State official, E-mail communication to USDOL official, July 24, 2008.

<sup>119</sup> Rafael Marques, *Beyond 'Conflict Diamonds': A New Report on Human Rights and Angolan Diamonds*, Woodrow Wilson International Center for Scholars, March 24, 2005. See also U.S. Department of State official, E-mail communication, July 24, 2008.

<sup>120</sup> Interactive Social Analysis, *Onjoi Baseline Study*, 12, 14, 19.

<sup>121</sup> Clare Ignatowski, Cristina Rodrigues, and Ramon Balestino, *Youth Assessment in Angola*, Washington, D.C.: USAID, March 31, 2006, 10; available from <http://www.usaid.gov/ao/youthassessment.pdf>. See also U.S. Department of State official, E-mail communication, July 24, 2008.

<sup>122</sup> U.S. Department of State, "Country Reports- 2008: Angola," section 6d.

<sup>123</sup> *Ibid.* See also U.S. Embassy- Luanda, *reporting*, February 19, 2009, para 3B.

<sup>124</sup> Macro International, *Children Working in Luanda, Angola*, Washington, DC, 2008, 14-15.

<sup>125</sup> U.S. Department of State, "Country Reports- 2008: Angola," sections 5 and 6d.

<sup>126</sup> UNICEF, *Angola's children*, [online] [cited January 21, 2009]; available from <http://www.unicef.org/angola/children.html>.

<sup>127</sup> Macro International, *Children Working in Luanda*, 5, 33, 102-103.

<sup>128</sup> *Ibid.*, 5, 104-105, 108.

<sup>129</sup> *Ibid.*, 36 and 57.

<sup>130</sup> U.S. Embassy- Luanda, *reporting* 5302, February 3, 2009, para 10.

<sup>131</sup> U.S. Department of State, "Country Reports- 2008: Angola," section 5.

<sup>132</sup> U.S. Embassy- Luanda, *reporting*, February 19, 2009, para 3B.

<sup>133</sup> U.S. Embassy- Luanda, *reporting* 5302, February 3, 2009, para 10.

<sup>134</sup> Allais, *Children's work in Angola*, 19-20. See also ILO, *Declaration by the Government of Angola upon ratifying C138 Minimum Age Convention, 1973*. See also U.S. Department of State, "Country Reports- 2008: Angola," section 6d.

<sup>135</sup> U.S. Department of State, "Country Reports- 2008: Angola," section 6d.

<sup>136</sup> *Ibid.*, sections 5 and 6c. See also U.S. Embassy- Luanda, *reporting* 5301, February 3, 2009, para 2.

<sup>137</sup> Coalition to Stop the Use of Child Soldiers, "Angola," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/angola>.

<sup>138</sup> U.S. Department of State, "Country Reports- 2008: Angola," section 5.

<sup>139</sup> Ibid.

<sup>140</sup> 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.

<sup>141</sup> U.S. Department of State, "Country Reports- 2008: Angola," sections 6c and 6d. See also U.S. Embassy-Luanda, *reporting 5301, February 3, 2009*, para 3.

<sup>142</sup> U.S. Department of State, "Country Reports- 2008: Angola," section 5.

<sup>143</sup> Ibid.

<sup>144</sup> Christian Children's Fund and World Learning Inc., *Combating Exploitive Child Labor through Education in*

*Angola (ONJOI)*, Project Document, Richmond, October 15, 2008, 22.

<sup>145</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=8511>.

<sup>146</sup> Khulisa Management Services, *Child Labor Assessment in Benguela and Kwanza Sul*, 59.

<sup>147</sup> U.S. Department of State, "Angola (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>148</sup> U.S. Embassy- Luanda, *reporting, February 19, 2009*, para 6B. See also U.S. Department of State, "Country Reports- 2008: Angola," section 6d.

## Argentina

### Incidence and Nature of Child Labor

In rural areas of Argentina, some children work in family and third-party farms in the production of tobacco, cotton, garlic, grapes, blueberries, olives, yerba mate, tomatoes, and strawberries, often handling pesticides without proper protection. There is also evidence that some children work in the production of lemons, potatoes, sugar, onions, raspberries, jojoba, and flowers.<sup>149</sup> In urban areas, some children engage in domestic service, work in street sales, work as street performers, shine shoes, wash cars, and collect and sort trash for recycling.<sup>150</sup> According to Government of Argentina sources, they produce bricks, matches, fireworks, shoes, cables, and garments, often in small workshops. Some children have also been found working in the mining, fishing, and construction sectors.<sup>151</sup>

Incidences of child sex tourism occurred particularly in the Buenos Aires city and triborder area with Brazil and Paraguay. Paraguayan children have been reported to be trafficked to Argentina for the purpose of sexual exploitation.<sup>152</sup> According to Government of Argentina sources, child pornography and the recruitment of children for illicit activities, such as

drug trafficking, are problems.<sup>153</sup> Bolivian children have been reported to be involved in the forced production of garments in Argentina.<sup>154</sup>

### Child Labor Laws and Enforcement

In June 2008, Argentina raised the legal minimum age for employment from 14 to 15 years, and this will subsequently increase to 16 years in May 2010.<sup>155</sup> In addition, the law specifically prohibits the employment of children under 16 years in domestic service.<sup>156</sup> Children 15 to 16 years may work up to 3 hours daily and 15 hours a week during the morning or afternoon, as long as the work is within a family business, is not hazardous, and does not interrupt schooling.<sup>157</sup> Families must first request special authorization from labor authorities and must demonstrate that they are not contractors or suppliers for other companies.<sup>158</sup> Children 16 to 18 years are prohibited from working more than 6 hours a day and 36 hours a week, and between the hours of 8 p.m. and 6 a.m. In some authorized cases, however, children 16 to 18 years can work between the hours of 10 p.m. and 6 a.m.<sup>159</sup> Argentine law sets the minimum age for volunteering for the Argentine Armed Forces at 18 years.<sup>160</sup>

***Selected Statistics and Indicators  
on Child Labor<sup>161</sup>***

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	18
Free public education:	Yes
Gross primary enrollment rate (%), 2005:	112.3
Net primary enrollment rate (%), 2005:	98.5
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2004:	89.7
ILO Convention 138:	11/11/1996
ILO Convention 182:	2/5/2001
CRC:	12/4/1990
CRCOPAC:	9/10/2002
CRCOPSC:	9/25/2003
Palermo:	11/19/2002
ILO-IPEC participating country:	Yes

Argentine law prohibits forced or compulsory labor.<sup>162</sup> The law provides for 4 to 10 years of imprisonment for facilitating the prostitution of children under 18 years of age and 6 to 15 years when it involves children under 13 years of age. The penalty increases to 10 to 15 years of imprisonment for the facilitation of prostitution by means of deception, violence, threats, abuse of authority, or other forms of intimidation or coercion, or by a family member or guardian.<sup>163</sup> The use of children in pornographic shows or the production or publication of pornography that features minors carries penalties of 6 months to 4 years of imprisonment. The distribution or trading of child pornography carries penalties of 4 months to 2 years of imprisonment.<sup>164</sup> In April 2008, Argentina passed legislation prohibiting trafficking in persons both domestically and internationally for purposes of forced labor or sexual exploitation. The trafficking of minors carries penalties of 4 to 10 years in prison.<sup>165</sup> For children under 13 years of age, the penalty is 6 to

15 years in prison. Penalties increase to 10 to 15 years imprisonment if the crime is committed through abuse of authority or by family members of the victim.<sup>166</sup>

USDOS reports significant progress in Argentina's efforts to combat trafficking, but corruption at the provincial and local levels remains a concern. According to USDOS, authorities conducted 138 raids, made 161 arrests, and rescued 181 trafficking victims during the reporting period.<sup>167</sup> In 2008, the First Responders Office for the Rescue and Immediate Assistance of Trafficking Victims took the lead in coordinating the efforts of four federal law enforcement agencies to combat trafficking.<sup>168</sup>

**Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The National Commission for the Eradication of Child Labor (CONAETI) continued with the implementation of the National Plan to Combat Child Labor, which calls for the national consolidation of data, awareness raising, inter-institutional collaboration, stronger inspection mechanisms, mainstreaming of child laborers into the formal education system, research, coordination of child labor laws, and a national program for the prevention and eradication of child labor in rural and urban settings.<sup>169</sup> CONAETI conducted seminars with the 19 provincial commissions for the eradication of child labor, which are responsible for enforcing labor laws and raising awareness regarding exploitive child labor.<sup>170</sup> CONAETI also provides technical assistance to NGOs combating child labor in the tobacco and trash-picking sectors and organizes workshops with tobacco producers to promote corporate social responsibility to fight child labor.<sup>171</sup> In September 2008, the Government of Argentina, along with the General Workers' Confederation (CGT) and the Argentine Industry Association (UIA), signed a memorandum of understanding with the ILO to implement its "Decent Work" initiative, which includes efforts to prevent and eradicate child labor.<sup>172</sup>

The Government works with several NGOs in addressing commercial sexual exploitation of children (CSEC) in the triborder area with Brazil

and Paraguay. A trilateral network involving local government and civil society coordinates the efforts to combat trafficking.<sup>173</sup> The Government provided training on issues related to trafficking in persons to law enforcement officials during the reporting period. In addition, the Government's Ministry of Justice funded an awareness-raising campaign in the state of Misiones to prevent trafficking.<sup>174</sup> The city of Buenos Aires requires that the tourist industry comply with codes of conduct to prevent child sex tourism.<sup>175</sup>

The Ministry of Education, through its National Program for Educational Inclusion (*Programa Nacional de Inclusión Educativa*), provides scholarships to withdraw children from work and reintegrate them back into school.<sup>176</sup>

The Government of Argentina is currently participating in a project funded by IDB for the Prevention and Eradication of Child Labor in Migrant Families. The project, implemented by IOM, works with families engaged in garbage scavenging and recycling, providing them with services and regularizing their immigration status.<sup>177</sup> IDB is also funding a 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.<sup>178</sup> Argentina participates in a USD 2.1 million regional ILO-IPEC child labor survey funded by Canada.<sup>179</sup> The Government also collaborated with IOM in a USD 100,000 five country regional project funded by USDOS to provide return and reintegration assistance to trafficking victims.<sup>180</sup>

The Government of Argentina and other associates and member governments of MERCOSUR are carrying out the "Niño Sur" ("Southern Child") initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>181</sup> Argentina's Secretariat of Tourism 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. It was created in 2005 and includes the Ministries of Tourism from Chile, Ecuador, Bolivia, Brazil, Colombia, Paraguay, Peru, Suriname, Uruguay, and Venezuela.<sup>182</sup>

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<sup>149</sup> CONAETI, *Trabajo infantil rural*, [online] [cited January 29, 2009]; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/rural.htm](http://www.trabajo.gov.ar/conaeti/que_es/rural.htm). See also Ministry of Labor, Employment, and Social Security, *Por una niñez sin trabajo infantil*, 2005, 49; available from [http://www.pronino.com.ar/futuro\\_hoy/Archivos-de-programa/Materiales-de-trabajo/Materiales-de-trabajo/poruna\\_ninassintrabajo-infantil.pdf](http://www.pronino.com.ar/futuro_hoy/Archivos-de-programa/Materiales-de-trabajo/Materiales-de-trabajo/poruna_ninassintrabajo-infantil.pdf). See also ILO, *Infancia y Adolescencia: Trabajo y otras actividades económicas, Primera encuesta, Análisis de resultados en cuatro subregiones de la Argentina*, Buenos Aires, 2006, 53; available from [http://white.oit.org.pe/ipec/documentos/simpoc\\_argentina.pdf](http://white.oit.org.pe/ipec/documentos/simpoc_argentina.pdf).

<sup>150</sup> Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 51-53.

<sup>151</sup> *Ibid.*, 50.

<sup>152</sup> U.S. Department of State, "Argentina (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/2009/123135.htm>. See also U.S. Department of State, "Paraguay (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. 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>.

<sup>153</sup> CONAETI, *Trabajo infantil urbano*, [online] [cited January 29, 2009]; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/urbano.htm](http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm). See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55.

<sup>154</sup> Ignacio Arana Araya, "Prolifera la exportación de trabajo esclavo boliviano," *El Mercurio* (Santiago), August 27, 2006. See also 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](http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf).



<sup>155</sup> Government of Argentina, *Prohibición del Trabajo Infantil y Protección del Trabajo Adolescente*, 26.390, (June 4, 2008), article 2; available from <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141792/norma.htm>.

<sup>156</sup> Government of Argentina, *Decreto Ley 326/56*, article 2; available from [http://www.trabajo.gov.ar/asesoramiento/files/decreto\\_%20ley%20\\_326\\_56.doc](http://www.trabajo.gov.ar/asesoramiento/files/decreto_%20ley%20_326_56.doc).

<sup>157</sup> Government of Argentina, *Prohibición del Trabajo Infantil y Protección del Trabajo Adolescente*, article 8.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid., article 9.

<sup>160</sup> Government of Argentina, *Ley del Servicio Militar Voluntario*, (1994), article 8; available from <http://www.resdal.org.ar/Archivo/d000000a.htm>.

<sup>161</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Argentina, *Ley de Contrato de Trabajo*, Ley No. 20.744, (May 13, 1976); available from <http://www.trabajo.gov.ar/legislacion/ley/index.html>. For age to which education is compulsory, see U.S. Department of State, "Argentina," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119145.htm>. For free public education, see Government of Argentina, *Ley de Educación Nacional*, No. 26.206, (2006), article 67; available from [http://www.me.gov.ar/doc\\_pdf/ley\\_de\\_educ\\_nac.pdf](http://www.me.gov.ar/doc_pdf/ley_de_educ_nac.pdf).

<sup>162</sup> U.S. Department of State, "Country Reports- 2008: Argentina," section 6c.

<sup>163</sup> Government of Argentina, *Código Penal* Law 25.087, (May 7, 1999), article 6; available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/55000-59999/57556/norma.htm>.

<sup>164</sup> Government of Argentina, *Código Penal*, (June 24, 2008), article 2; available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/140000-144999/141790/norma.htm>.

<sup>165</sup> Government of Argentina, *Código Penal* Law 26.364, (April 29, 2008), article 11; available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/140000-144999/140100/norma.htm>.

<sup>166</sup> Ibid.

<sup>167</sup> U.S. Department of State, "Trafficking in Persons Report- 2009: Argentina," U.S. Department of State, "Argentina (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>168</sup> Government of Argentina, *Resolución*, 2149/2008, (August 6, 2008); available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/>

140000-144999/143388/norma.htm, U.S. Embassy- Buenos Aires, reporting March 17, 2009

<sup>169</sup> CONAETI, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, October 31, 2002; available from [http://www.trabajo.gov.ar/conaeti/actividades/files/plan\\_nacional\\_consensuado.doc](http://www.trabajo.gov.ar/conaeti/actividades/files/plan_nacional_consensuado.doc).

<sup>170</sup> Ibid.

<sup>171</sup> U.S. Department of State, "Country Reports- 2008: Argentina."

<sup>172</sup> ILO, La Unión Industrial Argentina, Confederación General de Trabajo, and Employment Ministerio de Trabajo, 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>.

<sup>173</sup> U.S. Department of State, "Country Reports- 2008: Argentina."

<sup>174</sup> Ernesto Azarkevich, "El Gobierno se compromete a combatir la trata de personas," *El Clarin*, October 17, 2008; available from <http://www.clarin.com/diario/2008/10/17/sociedad/s-01783034.htm>. , U.S. Embassy- Buenos Aires, reporting, March 17, 2009.

<sup>175</sup> "Contra la explotación sexual infantil," *El Clarin*, August 24, 2008; available from <http://www.clarin.com/suplementos/viajes/2008/08/24/v-01744155.htm>. , U.S. Embassy- Buenos Aires, reporting, March 17, 2009.

<sup>176</sup> Ministry of Education, *Programa Nacional de Inclusión Educativa*, [online] [cited January 29, 2009]; available from [http://www.me.gov.ar/todosaestudiar/inclusion\\_novedades.html](http://www.me.gov.ar/todosaestudiar/inclusion_novedades.html).

<sup>177</sup> 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#>.

<sup>178</sup> 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>.

<sup>179</sup> ILO-IPEC, E-mail communication to USDOL official, December 18, 2008.

<sup>180</sup> USDOS, *U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Project*, [February 26, 2008]; available from <http://www.state.gov/g/tip/c12606.htm>, U.S. Department of State, "Chile (Tier 2)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>.

<sup>181</sup> Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [[cited April 7, 2009];

available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>182</sup> Brazilian Ministry of Tourism, *Equador Assume Direção de Grupo Latino-Americano para a Proteção Infanto-Juvenil*, November 26, 2008; available from

<http://www.jornaldeturismo.com.br/noticias/7-governo/20432-equador-assume-direcao-de-grupo-latino-americano-para-a-protecao-infanto-juvenil.html>. See also Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

## Armenia

### *Selected Statistics and Indicators on Child Labor<sup>183</sup>*

Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	14
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	98
Net primary enrollment rate (%), 2006:	82
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	1/27/2006
ILO Convention 182:	1/2/2006
CRC:	6/23/1993*
CRCOPAC:	9/30/2005
CRCOPSC:	6/30/2005
Palermo:	7/1/2003
ILO-IPEC participating country:	No

\*Accession

### **Incidence and Nature of Child Labor**

Children in Armenia work primarily in agriculture but also in small enterprises performing work such as car service, the operation of vehicles, construction, and the

gathering of waste metal and bottles.<sup>184</sup> Children in Armenia also work in family-run businesses. Children can be observed selling flowers and drawings on the streets of Yerevan and working in local marketplaces, usually after school.<sup>185</sup> There have been reports of increasing numbers of children begging on the streets and dropping out of school to work in the informal sector, especially in agriculture.<sup>186</sup> In rural areas, children work in fishing and as shepherds.<sup>187</sup> Children work in trade and construction in urban areas. Some children work in heavy manual labor as laborers and loaders.<sup>188</sup>

Reports indicate that children are trafficked internally for labor and sexual exploitation. There were two reports of minors being trafficked internally for forced begging and one report of an individual pimping a minor.<sup>189</sup>

### **Child Labor Laws and Enforcement**

The minimum age of employment is 16 years, but the law allows children 14 to 16 years to work with written permission from a parent or guardian. Children under 14 years are prohibited from working.<sup>190</sup> Children under 16 years may work up to 24 hours per week, and children 16 to 18 years may work a maximum of 36 hours per week.<sup>191</sup> Employers should require proof of a medical examination from any employee under 18 years.<sup>192</sup> Children under 18 years are also prohibited from working overtime, at night, or in hazardous conditions and cannot be required to work on holidays.<sup>193</sup> Armenian law prohibits engaging children in the production, use, or sale of alcoholic drinks, narcotics and psychotropic

substances, tobacco products, literature and videos with erotic or horror content, or activities that may compromise children's health, physical or mental development, or interfere with their education.<sup>194</sup>

The Armenian Constitution prohibits forced and compulsory labor.<sup>195</sup> Trafficking in persons is prohibited by law, and penalties range from 3 to 15 years imprisonment, depending on aggravating circumstances, such as if the victim is a child.<sup>196</sup> The law distinguishes the crime of trafficking from that of organized prostitution and pimping.<sup>197</sup> Sexual intercourse with a minor under 16 years is punishable by up to 2 years imprisonment or fines, and involving underage children in prostitution or pornography can result in fines, detention, or up to 6 years imprisonment, depending on aggravating circumstances.<sup>198</sup> The law gives responsibility to the Government to protect children from criminal activities, prostitution, and begging.<sup>199</sup> The minimum age for mandatory military service is 18 years.<sup>200</sup>

The Armenian State Labor Inspectorate (SLI) is responsible for ensuring compliance with labor laws, including child labor, and employs 140 labor inspectors.<sup>201</sup> However, the SLI reports that it has not received any complaints of child exploitation since its establishment in March 2005 and therefore has not conducted any investigations. The SLI has also not yet been trained on child exploitation issues.<sup>202</sup> Local community councils, unemployment offices, and the courts likewise have jurisdiction to enforce compliance with child labor legislation.<sup>203</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

In 2008, UNICEF, with the participation of the Armenian Association of Social Workers and the Government of Armenia, published results from a survey to assess the rate of underage employment in Armenia.<sup>204</sup>

In Armenia's 2009 national budget, the Government allocated funding for anti-trafficking activities for the first time, including more than USD 50,000 to assist in the operation of an NGO-run shelter for trafficking victims.<sup>205</sup> In November 2008, the Government also implemented its first-

ever "National Referral Mechanisms," which acts as a system for public officials to refer trafficking victims for assistance and assist law enforcement agencies in finding and punishing suspected traffickers. The Government performed various trafficking prevention activities, including mass-media public awareness and educational campaigns.<sup>206</sup> The OSCE assisted the Government in developing the "National Referral Mechanisms" and developed anti-trafficking training for Armenian law enforcement.<sup>207</sup> The U.S. Government also continues to provide resources for anti-trafficking training to Armenian law enforcement.<sup>208</sup>

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<sup>183</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Armenia, *Labor Code of the Republic of Armenia*, (November 9, 2004), article 17. For age to which education is compulsory and free public education, see UNESCO, *EFA Global Monitoring Report 2008: Education for All by 2015- Will we make it?*, 2008, 276.

<sup>184</sup> UNICEF, *Child Labour in the Republic of Armenia*, Yerevan, 2008, 7, 8; available from [http://www.unicef.org/armenia/Child\\_Labour\\_ENG\\_FINAL.doc](http://www.unicef.org/armenia/Child_Labour_ENG_FINAL.doc).

<sup>185</sup> U.S. Department of State, "Armenia," 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/eur/119066.htm>.

<sup>186</sup> UNICEF, *Link between student absenteeism, dropout rates and child labour in Armenia*, [online] October 30, 2008 [cited January 13, 2009]; available from [http://www.unicef.org/infobycountry/media\\_42600.html](http://www.unicef.org/infobycountry/media_42600.html). See also National Center for Democracy and Human Rights, *NGO Report: Supplementary Report to Armenia's Second Periodic Report on the Implementation of the UN Convention on the Rights of the Child*, Yerevan, January 30, 2004, 17; available from [http://www.crin.org/docs/resources/treaties/crc.35/armenia\\_ngo\\_report.pdf](http://www.crin.org/docs/resources/treaties/crc.35/armenia_ngo_report.pdf). See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Armenia*, Geneva, January 30, 2004, para 60; available from <http://www.unhchr.ch/html/menu2/6/crc/doc/co/Armenia%20-%20CO2.pdf>.

<sup>187</sup> Vostan Ethno-Cultural Research Center official, Interview with USDOL consultant, June 6, 2006. See also National Statistical Service of the Republic of

Armenia official, Interview with USDOL consultant, May 22, 2006.

<sup>188</sup> U.S. Department of State, "Country Reports- 2008: Armenia," section 6d.

<sup>189</sup> *Ibid.*, section 5, 6d. See also U.S. Embassy- Yerevan official, E-mail communication to USDOL official, July 14, 2009.

<sup>190</sup> Government of Armenia, *Labor Code of the Republic of Armenia*, article 17.

<sup>191</sup> *Ibid.*, article 140.

<sup>192</sup> *Ibid.*, article 249.

<sup>193</sup> *Ibid.*, articles 144, 148, 156, 257.

<sup>194</sup> Government of Armenia, *Law on Child's Rights of the Republic of Armenia*, article 19..

<sup>195</sup> Government of Armenia, *Constitution of the Republic of Armenia*, (July 7, 1995), article 32; available from [http://www.gov.am/enversion/legal\\_1/legal\\_sahman\\_all.html#09](http://www.gov.am/enversion/legal_1/legal_sahman_all.html#09). See also U.S. Department of State, "Country Reports- 2008: Armenia," section 6c.

<sup>196</sup> Government of Armenia, *Criminal Code*, (April 18, 2003), articles 132 and 132'; available from <http://www.unhcr.org/refworld/category,LEGAL,,,ARM,3f46119c4,0.html>. See also U.S. Embassy- Yerevan official, E-mail communication, July 14, 2009.

<sup>197</sup> U.S. Embassy- Yerevan official, E-mail communication, July 14, 2009. U.S. Embassy- Yerevan official, E-mail communication, July 14, 2009.

<sup>198</sup> Government of Armenia, *Criminal Code*, articles 141 and 166.

<sup>199</sup> Government of Armenia, *Law on Child's Rights of the Republic of Armenia*, article 9. See also UN Committee

on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Armenia*, July 17, 2003, para 414; available from

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/693ad0fbc22529cbc1256dc70027de86/\\$FILE/G0343131.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/693ad0fbc22529cbc1256dc70027de86/$FILE/G0343131.pdf).

<sup>200</sup> Government of Armenia, *Law on Military Service of the Republic of Armenia*, article 11.

<sup>201</sup> Government of Armenia, *Law on the State Labor Inspectorate of the Republic of Armenia*, (2005), article 8. See also U.S. Embassy- Yerevan, *reporting*, January 22, 2009.

<sup>202</sup> U.S. Embassy- Yerevan, *reporting*, January 22, 2009.

<sup>203</sup> U.S. Department of State, "Country Reports- 2008: Armenia," section 6d.

<sup>204</sup> UNICEF, *Link between student absenteeism, dropout rates and child labour in Armenia*. See also UNICEF, *Child Labour in the Republic of Armenia*, 2, 5.

<sup>205</sup> U.S. Embassy- Yerevan, *reporting*, January 22, 2009.

<sup>206</sup> U.S. Department of State, "Country Reports- 2008: Armenia," section 5.

<sup>207</sup> OSCE Office in Yerevan, *Anti-trafficking and migration*, [online] [cited April 7, 2009]; available from <http://www.osce.org/yerevan/13519.html>, U.S. Embassy- Yerevan official, E-mail communication, July 14, 2009.

<sup>208</sup> U.S. Embassy- Yerevan official, E-mail communication, July 14, 2009.

## Bahrain

### Incidence and Nature of Child Labor

Children in Bahrain work in family businesses. Children have also been reported to work in the Manama Central Market.<sup>209</sup>

### Child Labor Laws and Enforcement

The law forbids the employment of children younger than 14 years.<sup>210</sup> Working minors 14 to 16 years must obtain permission from their guardian, receive authorization to work from the Ministry of Labor (MOL), and have a medical examination prior to employment.<sup>211</sup> These children then may work no more than 6 hours per day and may not work overtime or at night.<sup>212</sup> The law also establishes a list of 25 hazardous

occupations in which no person younger than 16 years may work.<sup>213</sup> However, none of these provisions apply to children working in family enterprises or under the supervision of a family member.<sup>214</sup> Violations of child labor laws are punishable by fines. In addition to levying punishment against employers and supervisors, the law holds responsible any person acting as a guardian who permits the employment of a minor in violation of the law's provisions.<sup>215</sup> The MOL enforces child labor laws and regulations and had 43 labor inspectors as of January 2009.<sup>216</sup> The MOL also grants permits to Bahraini companies to employ foreign workers, and immigration officials ensure that foreign workers entering Bahrain are 18 years of age or older.<sup>217</sup>

production of pornography is not as a separate offense prohibited.<sup>225</sup>

While there is no compulsory military service in Bahrain, the law states that cadets can be recruited at 15 years and soldiers can be recruited at 17 years.<sup>226</sup>

The Ministry of Interior has a specialized unit to investigate trafficking violations. From April 2007 to March 2008, the Government did not report any prosecutions or convictions for any cases of trafficking children for involuntary servitude or forced prosecution.<sup>227</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government passed the Anti-Trafficking Law of 2008, which increases the fine and prison term penalties for trafficking minors.<sup>228</sup> In addition, the Government continued its anti-trafficking efforts of distributing multilingual pamphlets on workers' rights and resources.<sup>229</sup> The Government has also committed resources to expand IOM's role in providing anti-trafficking training to Government officials.<sup>230</sup>

<sup>209</sup> U.S. Embassy- Manama, *reporting*, August 27, 2005. See also U.S. Embassy- Manama, *reporting*, January 15, 2009.

<sup>210</sup> Government of Bahrain, *Labour Law for the Private Sector*, chapter 8, article 50.

<sup>211</sup> *Ibid.*, chapter 7, article 42, chapter 8, articles 51 and 55.

<sup>212</sup> *Ibid.*, chapter 8, articles 52-54.

<sup>213</sup> *Ibid.*, chapter 8, article 51. See also ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labour Convention, 1999 (No.182) Bahrain (ratification: 2001)*, [online] 2008 [cited January 22, 2009], 2; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21847&chapter=9&query=Bahrain%40ref&highlight=&querytype=bool&context=0>.

<sup>214</sup> Government of Bahrain, *Labour Law for the Private Sector*, chapter 1, article 2, chapter 8, article 58.

<sup>215</sup> *Ibid.*, chapter 20, article 163.

<sup>216</sup> U.S. Embassy- Manama, *reporting*, January 15, 2009.

<sup>217</sup> U.S. Embassy- Manama official, E-mail communication to USDOL official, March 19, 2007.

<i>Selected Statistics and Indicators on Child Labor</i> <sup>218</sup>	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	119.5
Net primary enrollment rate (%), 2005:	98.2
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2004:	98.9
ILO Convention 138:	No
ILO Convention 182:	3/23/2001
CRC:	2/13/1992*
CRCOPAC:	9/21/2004*
CRCOPSC:	9/21/2004*
Palermo:	6/7/2004*
ILO-IPEC participating country:	No

\*Accession

The Constitution outlaws compulsory labor, except in cases specified by law for national exigency or pursuant to a judicial hearing.<sup>219</sup> The anti-trafficking law defines trafficking as the recruitment, harbor, transport, and receiving of victims through coercive or forceful means.<sup>220</sup> It also establishes intergovernmental committees to oversee trafficking-related issues, such as the welfare of victims, awareness programs, and research to combat trafficking.<sup>221</sup> The punishment for trafficking is a prison term of 3 to 15 years and a fine.<sup>222</sup> When a person under 15 years is trafficked, the maximum sentence is increased to life imprisonment.<sup>223</sup>

Forcing or enticing a child into prostitution is punishable by 3 to 10 years of imprisonment.<sup>224</sup> The production and distribution of pornographic materials is against the law. However, CEACR notes that the use or procurement of a child in the

<sup>218</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Bahrain, *Labour Law for the Private Sector, as amended*, No. 23, (June 16, 1976), chapter 8, article 50; available from <http://www.mol.gov.bh/MOL/En/Legislations/ListArticles.aspx?ChnlNm=Chapter%20ne&ChnlDspl=The+Labour+Law+for+the+Private+Sector&ChnlPrnt=Labour+Law&ChnlPDspl=Labour+Law>. For age to which education is compulsory and free public education, see Government of Bahrain, *Constitution of the State of Bahrain*, (February 14, 2002), article 7(a); available from [http://www.oefre.unibe.ch/law/icl/ba00000\\_.html](http://www.oefre.unibe.ch/law/icl/ba00000_.html). See also ILO NATLEX National Labor Law Database, *Law No. 27 of 2005 with respect to Education*, accessed January 22, 2009; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_isn=73041](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=73041).

<sup>219</sup> Government of Bahrain, *Constitution of the State of Bahrain*, article 13(c).

<sup>220</sup> Government of Bahrain, *Law No. (1) of 2008 with Respect to Trafficking in Persons*, (January 9, 2008), article 1(a).

<sup>221</sup> *Ibid.*, articles 7, 8.

<sup>222</sup> U.S. Embassy- Manama, *reporting*, March 10, 2008.

<sup>223</sup> Government of Bahrain, *Law No. (1) of 2008 with Respect to Trafficking in Persons*, article 4(2). See also

U.S. Embassy- Manama, *reporting*, March 10, 2008. See also USDOS official, E-mail communication to USDOL official, July 29, 2008.

<sup>224</sup> Government of Bahrain, "Bahrain," in *Legislation of Interpol Member States on Sexual Offences Against Children*, 2007; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBahrain.asp>.

<sup>225</sup> ILO Committee of Experts, *Individual Direct Request 1999 (No.182) Bahrain (ratification: 2001)*, 1.

<sup>226</sup> Coalition to Stop the Use of Child Soldiers, "Bahrain," in *Child Soldiers Global Report 2008*, London, 2008, 58; available from <http://www.childsoldiersglobalreport.org/content/bahrain>.

<sup>227</sup> U.S. Department of State, "Bahrain," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 65; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, "Bahrain," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119113.htm>.

<sup>228</sup> U.S. Embassy- Manama, *reporting*, January 15, 2009.

<sup>229</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Bahrain," 66.

<sup>230</sup> U.S. Embassy- Manama, *reporting*, February 22, 2009.

## Bangladesh

### Incidence and Nature of Child Labor

Most children in Bangladesh live in rural areas, and many begin to work at a very early age.<sup>231</sup> Children are found working in road transport, such as rickshaw pulling, automotive repair, and minibuss assistance.<sup>232</sup> They are also found to be working in machine shops; salt, match, and battery factories; saw mills; and tanneries and are also involved in the manufacturing of bricks, cigarettes, dried fish, footwear, steel furniture, glass, textiles, garments, and soap.<sup>233</sup> Children are engaged in the following hazardous activities: printing, welding, fabrication, stone breaking, dyeing operations, potter assistance, blacksmith assistance, fish farming, construction, and carpentry.<sup>234</sup> While reports indicate that hazards exist in the shrimp industry, USDOS has stated that incidence of children working appears to

have been significantly reduced in this sector.<sup>235</sup> Other reports have indicated that large numbers of children work under hazardous conditions in the ship-breaking industry.<sup>236</sup> According to a survey by the ILO, there are more than 421,000 children, mostly girls, working as domestic servants in private households, some in exploitive conditions.<sup>237</sup> These child domestics are vulnerable to abuse, including sexual abuse.<sup>238</sup> Children are also found working in the service industry, in hotels and restaurants.<sup>239</sup>

According to a Government of Bangladesh survey, street children, mostly boys, can be found in urban areas engaging in various forms of work such as begging, portering, shining shoes, collecting paper, and selling flowers.<sup>240</sup>

***Selected Statistics and Indicators  
on Child Labor<sup>241</sup>***

Population, children, 5-14 years, 2006:	37,340,058
Working children, 5-14 years (%), 2006:	13.6
Working boys, 5-14 years (%), 2006:	21.3
Working girls, 5-14 years (%), 2006:	5.6
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	10
Free public education:	Yes
Gross primary enrollment rate (%), 2004:	102.9
Net primary enrollment rate (%), 2004:	88.9
School attendance, children 5-14 years (%), 2007:	76.9
Survival rate to grade 5 (%), 2003:	65.1
ILO Convention 138:	No
ILO Convention 182:	3/12/2001
CRC:	8/3/1990
CRCOPAC:	9/6/2000
CRCOPSC:	9/6/2000
Palermo:	No
ILO-IPEC participating country:	Yes

Boys and girls, often those living on the streets, are exploited in illicit activities, including smuggling and trading arms and drugs.<sup>242</sup> As many as 10,000 children are exploited in the commercial sex industry; some are trafficked to India and Pakistan for sexual exploitation.<sup>243</sup> Trafficking of children for prostitution, domestic service, and other purposes is a significant problem in Bangladesh; some parents send their children willingly into trafficking situations in hopes that the children will escape poverty.<sup>244</sup>

### **Child Labor Laws and Enforcement**

The law states that no child under 14 years shall be allowed to work in any profession or establishment. The law provides an exception for children 12 to 13 years of age to participate in light work that does not interfere with school and does not endanger their health or development.<sup>245</sup> Children 14 to 18 years are considered adolescents, and there are restrictions on the

types of jobs and hours they can work.<sup>246</sup> Young people working in factories may not use certain dangerous machines without adequate training and supervision, and they may not perform certain tasks while machinery is moving. The law allows the Government to add to the list of prohibited activities for young people.<sup>247</sup> No young person is allowed to work in a factory or a mine for more than 5 hours a day or 30 hours a week. In all other types of establishments, young people may not work more than 7 hours a day or 42 hours a week. Additionally, young people are not allowed to work between the hours of 7 p.m. and 7 a.m.<sup>248</sup>

The Office of the Chief Inspectorate of the Department of Factories and Establishments under the Ministry of Labor and Employment (MOLE) is responsible for implementing and enforcing labor laws, including child labor provisions.<sup>249</sup> The ministry has approximately 200 inspectors and related support staff.<sup>250</sup> The inspectors work from 31 offices across the country and conduct from 3 to 17 monthly inspections, depending on the inspector's rank.<sup>251</sup> In 2008, 39,123 labor inspections were conducted throughout Bangladesh, but only a few violations were filed involving child labor.<sup>252</sup>

The law forbids forced labor and prohibits parents or guardians from pledging their children's work in exchange for a payment or benefit.<sup>253</sup> It is illegal to sell, let to hire, procure, encourage, abet, or otherwise obtain possession of any person under 18 years of age for the purpose of prostitution or to maintain a brothel for these purposes. These offenses are punishable by imprisonment of up to 3 years.<sup>254</sup> Child trafficking, which includes importing, exporting, buying, selling, or taking into possession any child for immoral or unlawful purposes, is illegal and punishable by life imprisonment or death.<sup>255</sup> The law also provides for the extradition to Bangladesh of traffickers who have fled to other countries.<sup>256</sup> It is illegal to instigate any person, including a child, to produce or deal in narcotic drugs; this crime is punishable by 3 to 15 years of imprisonment.<sup>257</sup> The minimum age for voluntary military service is 16 years, and there is no forced conscription in Bangladesh.<sup>258</sup>

The Government maintained an anti-trafficking police unit in each of Bangladesh's 64 districts and provides trafficking-in-persons training to members of the National Police Academy and other public officials.<sup>259</sup> From April 2008 to February 2009, 166 traffickers were arrested in Bangladesh, and 18 were convicted.<sup>260</sup> Although the Government continues its efforts to prevent public official complicity in trafficking crimes, high levels of corruption remain an obstacle to combating trafficking.<sup>261</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Bangladesh, under MOLE, supports a national program entitled the "Eradication of Hazardous Child Labor in Bangladesh."<sup>262</sup> It is being implemented by NGOs and targets 21 sectors in which children work. The goal is to enable working children to leave hazardous occupations by providing them with additional skills. The program, set to expire in June 2009, is currently in its second phase, and the Government has allocated USD 4.2 million for 3 years.<sup>263</sup>

The Third National Plan of Action for Children (2005-2009) 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.<sup>264</sup> In 2008, MOLE established a Child Labor Unit to oversee the implementation of child labor programs across the country.<sup>265</sup> The Government also includes a child labor component in its compulsory training program for entry-level diplomatic personnel and border guards.<sup>266</sup> The Government's 2009 Poverty Reduction Strategy Paper (PRSP) includes as a strategic goal the protection of child laborers and the elimination of the worst forms of child labor. The 3-year 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 education opportunities for working children.<sup>267</sup>

The Ministry of Home Affairs (MOHA) is the lead agency on anti-trafficking issues; it chairs an inter-ministerial committee that oversees the country's National Anti-Trafficking Strategic Plan for Action.<sup>268</sup> In 2008, MOHA established a special "Trafficking in Human Beings Investigation Unit," comprising 12 police officers. These officers were given trafficking-related training.<sup>269</sup> At the same time, the Ministry of Religious Affairs conducted training on trafficking issues to more than 235,000 religious teachers.<sup>270</sup>

The Government works closely with IOM and other NGOs on their efforts to combat child trafficking through prevention, awareness raising, rescue, rehabilitation, law enforcement training, research, advocacy, and cross-border collaboration.<sup>271</sup> In collaboration with NGOs and in cooperation with the United Arab Emirates, the Government operates a coordinated mechanism to monitor the repatriation, rehabilitation, and social reintegration of child camel jockeys who have been trafficked.<sup>272</sup> The Government also supports six shelters for women and child trafficking victims.<sup>273</sup>

UNICEF is collaborating closely with the Government to implement the second phase of the Basic Education for Hard-to-Reach Urban Working Children project, which will continue through 2011. The project is setting up education centers to provide non-formal education and livelihood skills to working children and adolescents.<sup>274</sup> The Government is also participating in a USD 21.8 million Netherlands-funded project implemented by ILO-IPEC, which began in April 2006. The project will run through December 2011 and aims to prevent and eliminate the worst forms of child labor in the informal economy in Dhaka.<sup>275</sup> The Government is also participating in a 5-year USDOL-funded USD 700,000 ILO-IPEC project to conduct data collection on child labor.<sup>276</sup> The Ministry of Social Welfare operates programs, including training and development centers, for street children and other vulnerable minors.<sup>277</sup>

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<sup>231</sup> Bangladesh Bureau of Statistics, *Report on National Child Labour Survey 2002-03*, Dhaka, December 2003; available from <http://www.ilo.org/public/>



english/region/asro/newdelhi/ipecc/download/resources/bangladesh/bgd\_rep03\_eng3\_1.pdf.

<sup>232</sup> Bangladesh Bureau of Statistics, *Report of the Baseline Survey on Child Workers in Road Transport Sector*, Dhaka, March 2004, ix; available from <http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/download/resources/bangladesh/bgdpubl04eng2.pdf>.

<sup>233</sup> Bangladesh Bureau of Statistics, *Baseline Survey on Child Workers in Battery Recharging/Recycling Sector, 2002-03*, Dhaka, February 2004; available from <http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/download/resources/bangladesh/bgdpubl04eng1.pdf>. See also Bangladesh Bureau of Statistics, *National Child Labour Survey 2002-03*, 191-193. See also Bangladesh Bureau of Statistics and the International Labor Organization, *Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh: 2005, 2006*, 94, 168. See also U.S. Embassy-Dhaka, *reporting*, February 5, 2009, para 2E.

<sup>234</sup> Bangladesh Bureau of Statistics, *Child Workers in Road Transport Sector*. See also U.S. Department of State, "Country Reports- 2008: Bangladesh," section 6d. See also Bangladesh Bureau of Statistics, *National Child Labour Survey 2002-03*, 191-193. See also U.S. Embassy-Dhaka, *reporting*, February 5, 2009, paras 2C, 2E.

<sup>235</sup> U.S. Embassy- Dhaka, *reporting*, February 5, 2009.

<sup>236</sup> International Federation for Human Rights, *Childbreaking Yards*, Paris, 2008, 5, 17, 15; available from <http://www.fidh.org/IMG/pdf/bgukreport.pdf>. See also CBS News, *The Ship Breakers of Bangladesh*, [online] 2007 [cited February 6, 2009]; available from <http://www.cbsnews.com/stories/2006/11/03/60minutes/main2149023.shtml>.

<sup>237</sup> ILO Labour Office- Dhaka, *Baseline Survey on Child Domestic Labour (CDL) in Bangladesh*, December 2006, xiv, 4; available from <http://www.ilo.org/ipeccinfo/product/viewProduct.do?productId=4647>.

See also U.S. Department of State, "Country Reports-2008: Bangladesh," sections 5, 6d. See also UNICEF, *Basic Education for Hard-to-Reach Urban Working Children*, [online] 2008 [cited February 4, 2009]; available from [http://www.unicef.org/bangladesh/Education\\_for\\_Working\\_Children\\_\(BEHTRUWC\).pdf](http://www.unicef.org/bangladesh/Education_for_Working_Children_(BEHTRUWC).pdf).

<sup>238</sup> U.S. Department of State, "Country Reports- 2008: Bangladesh," sections 5, 6d. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Bangladesh (ratification: 2001)*, [online] 2005 [cited February 4, 2009]; 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>.

<sup>239</sup> Bangladesh Bureau of Statistics, *National Child Labour Survey 2002-03*.

<sup>240</sup> Bangladesh Bureau of Statistics, *Baseline Survey of Street Children in Bangladesh*, Dhaka, December 7, 2003, ix-x; available from <http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/download/resources/bangladesh/bgdpubl03eng5.pdf>.

<sup>241</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Embassy- Dhaka, *reporting*, December 19, 2007. For age to which education is compulsory, see UNESCO Institute for Statistics, *Ending Age of Compulsory Education*, accessed February 4, 2009; available from <http://stats.uis.unesco.org/>. For free public education, see U.S. Department of State, "Bangladesh," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119132.htm>. See also EFA UNESCO, *EFA Global Monitoring Report 2008*, 2007; available from <http://www.unesco.org/education/gmr2008/press/Full-report.pdf>.

<sup>242</sup> *Ibid.*, x. See also 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](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.

<sup>243</sup> U.S. Department of State, "Country Reports- 2008: Bangladesh," section 5. See also U.S. Embassy- Dhaka, *reporting*, February 23, 2009, 2. See also U.S. Department of State, "Bangladesh (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>.

<sup>244</sup> U.S. Department of State, "Country Reports- 2008: Bangladesh," section 5. See also U.S. Embassy- Dhaka, *reporting*, February 23, 2009, 2. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Bangladesh."

<sup>245</sup> U.S. Department of State, "Country Reports- 2008: Bangladesh," section 5. See also U.S. Embassy- Dhaka, *reporting*, February 23, 2009, 2. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Bangladesh."

<sup>246</sup> U.S. Embassy- Dhaka, *reporting*, February 5, 2009.

<sup>247</sup> Government of Bangladesh, *Labour Code, 2006*, (June 2, 2006), articles 34, 35.

<sup>248</sup> *Ibid.*

<sup>249</sup> U.S. Embassy- Dhaka, *reporting*, February 5, 2009, para 2B.

<sup>250</sup> *Ibid.*

<sup>251</sup> *Ibid.*

<sup>252</sup> Ibid.

<sup>253</sup> Government of Bangladesh, *Labour Code, 2006*, article 35. See also Government of Bangladesh, *Constitution of the People's Republic of Bangladesh (as modified up to 17 May, 2004)*, (November 4, 1972), article 34; available from <http://www.pmo.gov.bd/constitution/contents.htm>.

<sup>254</sup> Salma Ali, *Report on Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in Bangladesh*, Bangkok, October 2004, 15, 17, 46; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/promoting\\_law/bangladesh\\_report/Laws\\_Legal\\_Procedures\\_Bangladesh\\_Oct2004.pdf](http://www.ecpat.net/eng/Ecpat_inter/projects/promoting_law/bangladesh_report/Laws_Legal_Procedures_Bangladesh_Oct2004.pdf). See also Government of Bangladesh, *Suppression of Immoral Traffic Act*, Act No. VI, (1933), articles 9-12.

<sup>255</sup> Government of Bangladesh, *Suppression of Violence against Women and Children Act*, Act. No. VIII, (2000), article 6. See also Salma Ali, *Laws on CSEC in Bangladesh*, 16, 20.

<sup>256</sup> Salma Ali, *Laws on CSEC in Bangladesh*, 25.

<sup>257</sup> Government of Bangladesh, *The Narcotics Control Act*, No. XX, (1990).

<sup>258</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report: Bangladesh."

<sup>259</sup> U.S. Embassy- Dhaka, *reporting, February 23, 2009*, 3, 4. See also U.S. Department of State, "Country Reports- 2008: Bangladesh," section 5.

<sup>260</sup> U.S. Embassy- Dhaka, *reporting, February 23, 2009*, 4.

<sup>261</sup> Ibid., 5.

<sup>262</sup> U.S. Embassy- Dhaka, *reporting, December 19, 2007*. See also Government of Bangladesh, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Dhaka, December 5, 2007.

<sup>263</sup> U.S. Embassy- Dhaka, *reporting, February 5, 2009*.

<sup>264</sup> Ibid. See also Government of Bangladesh, *National Plan of Action for Children: Bangladesh*, Dhaka, June 22, 2005, 38, 79-80; available from <http://www.lcgbangladesh.org/Education/reports/NPA%20Master%20Clean%20Final%2022%20June%202005.pdf>.

<sup>265</sup> U.S. Embassy- Dhaka, *reporting, February 5, 2009*.

<sup>266</sup> ILO-IPEC, *Preventing and Eliminating the Worst Forms of Child Labour in Selected Formal and Informal Sectors in Bangladesh*, Final Technical Progress Report, Geneva, May 15, 2006, 2.

<sup>267</sup> U.S. Embassy- Dhaka, *reporting, February 5, 2009*.

<sup>268</sup> U.S. Embassy- Dhaka, *reporting, February 23, 2009*, 3. See also U.S. Embassy- Dhaka, *reporting, March 2, 2006*.

<sup>269</sup> U.S. Embassy- Dhaka, *reporting, February 23, 2009*, 3.

<sup>270</sup> Ibid., 7.

<sup>271</sup> Ibid., 5. See also U.S. Department of State, "Country Reports- 2008: Bangladesh," section 5.

<sup>272</sup> U.S. Department of State, "Country Reports- 2008: Bangladesh," section 5. See also U.S. Embassy- Dhaka, *reporting, February 23, 2009*, 2.

<sup>273</sup> U.S. Embassy- Dhaka, *reporting, February 23, 2009*, 5.

<sup>274</sup> UNICEF, *Basic Education for Hard-to-Reach Urban Working Children*. See also U.S. Embassy- Dhaka, *reporting, February 5, 2009*.

<sup>275</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>276</sup> ILO- IPEC official, E-mail communication to USDOL official, March 31, 2009.

<sup>277</sup> 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 Children on the Sale of Children, Child Prostitution and Child Pornography: Initial Reports of States Parties*, Geneva, December 23, 2005, 21; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.OPSC.BGD.1.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.OPSC.BGD.1.En?OpenDocument).

## Barbados

### Incidence and Nature of Child Labor

There have been some reports of children in Barbados being trafficked internally for the purpose of sexual exploitation.<sup>278</sup> In some instances, children have been compelled by their parents to become prostitutes in the capital of Bridgetown's red light district.<sup>279</sup>

### Child Labor Laws and Enforcement

The minimum age for employment in Barbados is 16 years.<sup>280</sup> Children under 16 years, however, are allowed to work under certain restrictions. Such children may not work between 6 p.m. and 7 a.m. or during school hours.<sup>281</sup> The work of a young person, defined as between 16 and 18 years old, is also subject to certain restrictions.<sup>282</sup> Young persons may not work in industrial undertakings

during the night—from 6 p.m. to 7 a.m.—or participate in work that is likely to cause injury to their health, safety, or morals. For the purposes of apprenticeship or vocational training, authorization may be granted to allow young persons to work during the night.<sup>283</sup> Young persons participating in an apprenticeship or vocational training must first obtain a certificate from a medical practitioner confirming that they are fit to be employed, along with consent from a parent or guardian.<sup>284</sup>

possession, or distribution of child pornography is punishable by 2 to 5 years of imprisonment.<sup>290</sup>

The Child Care Board and the Labor Department are responsible for monitoring and investigating cases of child labor.<sup>291</sup> The Labor Department has a small staff of labor inspectors who conduct spot investigations and verify records to ensure compliance with the law. These inspectors are authorized to take legal action against employers who are found to use underage workers.<sup>292</sup>

USDOS reports that the Government of Barbados has been proactive in prosecuting trafficking suspects and preventing trafficking in persons.<sup>293</sup>

### Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Barbados launched a child labor media campaign in June 2008. The campaign involves print, radio, and television ads to inform the public about child labor and its worst forms.<sup>294</sup>

<sup>278</sup> U.S. Department of State, "Barbados," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 267; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>279</sup> U.S. Embassy- Bridgetown, *reporting*, March 7, 2007.

<sup>280</sup> U.S. Department of State, "Country Reports- 2007: Barbados," section 6d.

<sup>281</sup> Government of Barbados, *Employment (Miscellaneous Provisions) Act*, (March 24, 1977), chapter 346, parts IV, V; available from [http://www.caricomlaw.org/docs/Employment%20\(Miscellaneous%20Provisions\).pdf](http://www.caricomlaw.org/docs/Employment%20(Miscellaneous%20Provisions).pdf).

<sup>282</sup> *Ibid.*, chapter 346, part III.

<sup>283</sup> *Ibid.*

<sup>284</sup> Government of Barbados, *Occupational Training Act*, (October 1, 1979), articles 14, 15; available from <http://www.caricomlaw.org/docs/Occupational%20Training.pdf>.

<sup>285</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work see U.S. Department of State, "Barbados," 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/wha/119147.htm>. For age to which education is compulsory and free public education, see U.S. Department of

### Selected Statistics and Indicators on Child Labor<sup>285</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	105.1
Net primary enrollment rate (%), 2007:	96.9
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2006:	94.4
ILO Convention 138:	1/4/2000
ILO Convention 182:	10/23/2000
CRC:	10/9/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Associated

The law prohibits forced or compulsory labor.<sup>286</sup> The minimum age for voluntary military services is 18 years, or earlier with parental consent.<sup>287</sup> The law prohibits the removal of persons under 17 years from the island for the purpose of forced labor in foreign countries. Punishment for those involved in this crime is up to 1 year of imprisonment.<sup>288</sup> Procurement of a child for the purpose of prostitution is punishable by up to 15 years of imprisonment.<sup>289</sup> The production,

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State, "Barbados," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, sections 5, 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100627.htm>.

<sup>286</sup> U.S. Department of State, "Country Reports- 2008: Barbados," section 6c.

<sup>287</sup> Central Intelligence Agency, "Barbados," in *CIA World Factbook*, Washington, DC, January 17, 2008; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

<sup>288</sup> Government of Barbados, *Young Persons Protection Act*, (May 17, 1918), articles 3, 4, 5, 7; available from <http://www.caricomlaw.org/docs/Young%20Persons%20Protection.pdf>.

<sup>289</sup> Government of Barbados, "Barbados," in *Legislation of Interpol Member States on Sexual Offences against Children*; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/CsaBarbados.pdf>.

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<sup>290</sup> Government of Barbados, *Protection of Children Act*, (December 20, 1990), articles 2, 3, 9; available from <http://www.caricomlaw.org/docs/Protection%20of%20Children.pdf>.

<sup>291</sup> U.S. Department of State, "Country Reports- 2007: Barbados," sections 5, 6d.

<sup>292</sup> U.S. Department of State, "Country Reports- 2008: Barbados," section 6d.

<sup>293</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Barbados."

<sup>294</sup> Government of Barbados, *Child Labour Media Campaign Launched this Morning*, [online] June 13, 2008 [cited January 31, 2009]; available from <http://www.gov.bb/portal/page/portal/GISMEDIA%20CENTRENEWS%20MANAGEMENT/News%20Archive/Child%20Labour%20Media%20Campaign%20Launched%20this%20Morning>.

## Belize

### Incidence and Nature of Child Labor

Most working children in Belize are found in rural regions in the agricultural sector. Many of these children work in banana, sugar cane, and citrus production.<sup>295</sup> Children also work in wholesale and retail trade, repair, tourism, providing diverse services, and to a lesser extent, in construction and manufacturing.<sup>296</sup> According to a 2003 study by the ILO, half of the boys who work do so in hazardous forms of labor.<sup>297</sup> Girls engage in prostitution with older men in exchange for clothing, jewelry, food, school fees, and books. The YWCA (Young Women's Christian Association) reports that as many as 20 percent of its under-aged clients have been solicited for commercial sex activities.<sup>298</sup>

Belize is reported to be a source, transit, and destination country for the trafficking of children.<sup>299</sup> Trafficking of girls within Belize and to and from other countries occurs for both sexual exploitation and for work as domestic servants.<sup>300</sup>

### Child Labor Laws and Enforcement

The Labor Act of Belize sets the minimum age for work as 14 years.<sup>301</sup> Article 164 states that no person shall employ a child in a public or private undertaking, and child is defined as being under 14 years in the interpretation section of the Labor Act.<sup>302</sup> Article 169 establishes the minimum age for light work as 12 years of age. According to the Labor Act, children over 12 years may work after school hours, for no more than 2 hours on a school day or a Sunday, only between 6 a.m. and 8 p.m., and in work that is not likely to cause injury.<sup>303</sup> Children of any age may work on family farms with authorization.<sup>304</sup> The Labor Act sets penalties for non-compliance with minimum age standards that include fines and imprisonment of up to 2 months for a first offense and up to 4 months in the case of a second or subsequent offense.<sup>305</sup>

The law prohibits persons under 18 years from engaging in any form of harmful employment.<sup>306</sup> Forced labor and slavery are prohibited.<sup>307</sup>

Although there is no law establishing a minimum age for conscription into the military, the minimum age for voluntary enrollment is 18 years.<sup>308</sup> The law punishes child trafficking offenses with imprisonment of up to 5 years and fines.<sup>309</sup> The law also prohibits sex with a female younger than 14 years and provides for a penalty of 12 years to life imprisonment. The sentence for the same act with a girl 14 to 16 years is 5 to 10 years.<sup>310</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Belize has a National Plan of Action for Children and Adolescents, 2004-2015, which specifically seeks to protect children from trafficking, commercial sexual exploitation, and unacceptable forms of child labor. The plan seeks to amend the Labor Act to better address child labor issues, develop and implement regulations on exploitive child labor in the social service agencies, strengthen enforcement capacity of key ministries, and increase prevention and public awareness efforts.<sup>314</sup>

The Government of Belize participated in a USDOL-funded 7-year USD 8.8 million regional project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>315</sup> The Government of Belize also participated in a USD 1.4 million regional project funded by the Government of Canada and implemented by ILO-IPEC aimed at combating the worst forms of child labor that ended in September 2008.<sup>316</sup> The Government of Belize participated in a Phase III USD 3.3 million regional project to eradicate child labor in Latin America funded by the Government of Spain and implemented by ILO-IPEC.<sup>317</sup>

The Ministry of Human Development is participating in a project funded by USDOS that aims to build capacity of the Ministry's trafficking assistance program, focusing on victim rehabilitation, shelter, training, and prevention. USDOS is also funding a regional project with the Government of Belize that protects children from commercial sexual exploitation in tourism and promotes codes of conduct in the tourism industries in Belize and Mexico.<sup>318</sup>

<sup>295</sup> SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Statistical Report*, ILO, 2003, 31; available from <http://www.ilocarib.org.tt/childlabour/library/Natio>

### Selected Statistics and Indicators on Child Labor<sup>311</sup>

Population, children, 5-14 years, 2001:	63,350
Working children, 5-14 years (%), 2001:	6.3
Working boys, 5-14 years (%), 2001:	8.1
Working girls, 5-14 years (%), 2001:	4.6
Working children by sector, 5-14 years (%), 2001:	
- Agriculture	55.3
- Manufacturing	3.6
- Services	38.8
- Other	2.4
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	123.1
Net primary enrollment rate (%), 2007:	97.0
School attendance, children 5-14 years (%), 2001:	93.2
Survival rate to grade 5 (%), 2006:	87.3
ILO Convention 138:	3/6/2000
ILO Convention 182:	3/6/2000
CRC:	5/2/1990
CRCOPAC:	12/1/2003
CRCOPSC:	12/1/2003
Palermo:	9/26/2003**
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

Inspectors from the Departments of Labor and Education are responsible for enforcing child labor regulations.<sup>312</sup> The Family Services Division of the Ministry of Human Development, Women, Child, and Civil Society is responsible for investigating child trafficking cases.<sup>313</sup>

nalReportBelizeCSO.pdf. See also U.S. Embassy-Belmont, *reporting*, January 30, 2009.

<sup>296</sup> SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Statistical Report*, 32.

<sup>297</sup> *Ibid.*, 39.

<sup>298</sup> ILO, *The Commercial Sexual Exploitation of Children and Adolescents in Belize*, San José, 2006, 38-39; available from <http://www.ilo.org/ipecoinfo/product/viewProduct.do?productId=7186>.

<sup>299</sup> U.S. Department of State, "Belize (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>300</sup> *Ibid.* See also U.S. Department of State, "Belize," 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/wha/119148.htm>.

<sup>301</sup> Government of Belize, *Labour Act (Revised)*. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (no. 138) Belize (ratification: 2000)*, [online] 2008 [cited February 8, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

<sup>302</sup> Government of Belize, *Labour Act (Revised)*, articles 2 and 164.

<sup>303</sup> *Ibid.*, article 169.

<sup>304</sup> *Ibid.*, article 170.

<sup>305</sup> *Ibid.*, article 172.

<sup>306</sup> Government of Belize, *Families and Children Act, Revised Edition*, (December 31, 2000), articles 2, 7; available from <http://www.belizelaw.org/lawadmin/index2.html>.

<sup>307</sup> Government of Belize, *Constitution of Belize, Revised Edition*, (December 31, 2000), article 8; available from <http://www.belizelaw.org/lawadmin/index2.html>.

<sup>308</sup> Coalition to Stop the Use of Child Soldiers, "Belize," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=22>.

<sup>309</sup> Government of Belize, *Criminal Code*, (May 31, 2003), article 49; available from <http://www.belizelaw.org/lawadmin/index2.html>.

<sup>310</sup> *Ibid.*, articles 47, 48.

<sup>311</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For

minimum age for admission to work, see Government of Belize, *Labour Act (Revised)*, (December 31, 2000), chapter 297, sections 1, 2, 164, 169; available from [http://www.ilocarib.org.tt/projects/cariblex/belize\\_ct5.shtml](http://www.ilocarib.org.tt/projects/cariblex/belize_ct5.shtml). See also SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Qualitative Study*, ILO, February 2003; available from [http://www.ilocarib.org.tt/childlabour/library/rapid\\_assessment/RABelize.pdf](http://www.ilocarib.org.tt/childlabour/library/rapid_assessment/RABelize.pdf).

For age to which education is compulsory, see Government of Belize, *Education Act*, (December 31, 2000), article 2; available from <http://www.ilocarib.org.tt/projects/cariblex/>. For free public education, see Government of Belize, *Education Act*, article 45. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties Under Article 44 of the Convention: Concluding Observations: Belize*, March 31, 2005, para 60; available from [http://www.unhchr.ch/tbs/doc.nsf/0/15d955c522246114c125702100421174/\\$FILE/G0540865.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/15d955c522246114c125702100421174/$FILE/G0540865.pdf).

<sup>312</sup> U.S. Department of State, "Country Reports- 2008: Belize," section 6d.

<sup>313</sup> *Ibid.*, section 5.

<sup>314</sup> Government of Belize, *The National Plan of Action for Children and Adolescents in Belize 2004-2015*, Belize City, September 4, 2004, 15-16; available from <http://www.mohd.gov.bz/NPA.pdf>.

<sup>315</sup> ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama, and the Dominican Republic*, Project Document, RLA/05/P52/USA, San José, 2005, 22. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama, and the Dominican Republic*, Project Document, RLA/02/P51/USA, San José, 2002, 16.

<sup>316</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>317</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, February 4, 2008.

<sup>318</sup> U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, [online] February 2008 [cited February 7, 2009]; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

# Benin

<i>Selected Statistics and Indicators on Child Labor</i> <sup>319</sup>	
Population, children, 5-14 years, 2002-2003:	2,086,870
Working children, 5-14 years (%), 2002-2003:	13.2
Working boys, 5-14 years (%), 2002-2003:	11.5
Working girls, 5-14 years (%), 2002-2003:	15.3
Working children by sector, 5-14 years (%), 2002-2003:	
- Agriculture	68.9
- Manufacturing	5.2
- Services	22.3
- Other	3.7
Minimum age for work:	14
Compulsory education age:	11
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	95.9
Net primary enrollment rate (%), 2006:	80.2
School attendance, children 5-14 years (%), 2003:	59.2
Survival rate to grade 5 (%), 2005:	71.5
ILO Convention 138:	6/11/2001
ILO Convention 182:	11/6/2001
CRC:	8/3/1990
CRCOPAC:	1/31/2005
CRCOPSC:	1/31/2005
Palermo:	8/30/2004
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

## Incidence and Nature of Child Labor

In Benin, children work on family farms, in cotton fields and on rice plantations. Children work in animal husbandry (e.g., cattle, goats, and rabbits) and also hunt and fish.<sup>320</sup> Children also work in transportation, small businesses, urban markets, and on construction sites.<sup>321</sup> Children also work in gold mines and in stone and granite quarries.<sup>322</sup>

Under the practice of *vidomegon*, children, primarily girls, from poor families are sent to work as domestics in exchange for housing and food. Income generated from the children's

activities is divided between the children's host and natural families.<sup>323</sup> While the arrangement is initially a voluntary one between the families, the child frequently is subject to poor conditions such as long work hours, insufficient food, and sexual exploitation. Some street children are also sexually exploited.<sup>324</sup>

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Benin.<sup>325</sup> While some boys receive lessons, many are forced to beg and surrender the money that they have earned or to work in agricultural fields. Also, some boys work as alms collectors, porters, and rickshaw operators in exchange for an education from Koranic teachers.<sup>326</sup>

Benin is a source, transit, and to a lesser extent, a destination country for trafficked children.<sup>327</sup> The vast majority of trafficked Beninese children are trafficked internally; are trafficked from rural areas to urban cities (such as Cotonou, Parakou, and Porto-Novo); and are girls.<sup>328</sup> Girls are trafficked for domestic labor (including under the practice of *vidomegon*) and sexual exploitation. Boys are trafficked for work in agriculture (e.g., harvesting cotton), construction, and as street vendors.<sup>329</sup>

The majority of Beninese children trafficked outside of the country are sent to Nigeria, followed by Côte d'Ivoire and Gabon.<sup>330</sup> However, Beninese children are also trafficked to Ghana, Republic of Congo, Guinea-Bissau, and the Central African Republic for work in stone quarries, prostitution, and domestic labor; and to Togo and Côte d'Ivoire for work on plantations. Children are also trafficked from Niger, Togo, and Burkina Faso to Benin for domestic labor.<sup>331</sup>

## Child Labor Laws and Enforcement

The minimum age for admission to work in Benin is 14 years, including for apprenticeships; however, children between 12 and 14 years may perform domestic work and temporary or

seasonal light work if it does not interfere with their compulsory schooling.<sup>332</sup> Children are also prohibited from performing night work, defined as work between the hours of 9 p.m. and 5 a.m.<sup>333</sup> Beninese law prohibits workers under 18 years from performing certain types of work, including transporting heavy loads, operating certain types of machinery, working with hazardous substances, and working in underground mines and quarries.<sup>334</sup> Employers are required to maintain a register including the birth date of all employees under 18 years, and a labor inspector can require that workers between the ages of 14 and 21 years be examined by a doctor to determine that they are not working beyond their abilities. Violators of the minimum age laws are subject to fines, which increase for repeat violators.<sup>335</sup>

The law prohibits forced labor and stipulates a penalty of imprisonment for 2 months to 1 year and/or a fine.<sup>336</sup> Beninese law expressly forbids the trafficking of children.<sup>337</sup> Child trafficking is defined as any means that alienate a child's freedom, such as the recruitment, transport, placement, receiving, or harboring of a child with the intent of exploitation. Exploitation is defined to include practices such as forced or compulsory labor; prostitution; the use of children in armed conflict; the use of children for the purpose of illicit activities; and work that may harm the safety, health, and morals of children.<sup>338</sup> The punishment for moving or attempting to move a child within the country without proper authorization is 1 to 3 years imprisonment and fines. The punishment for moving a child out of Benin without proper authorization is 2 to 5 years of imprisonment and fines.<sup>339</sup> Child traffickers face a punishment of 10 to 20 years in prison, with the penalty increasing to life in prison if the child is not returned; if the child is found dead before a verdict is reached; if force, fraud, or violence is used; or if other aggravating circumstances exist. Individuals who employ child trafficking victims in Benin face 6 months to 2 years of imprisonment and a fine, while the penalty for parents who send their children with traffickers is a prison sentence of 6 months to 5 years.<sup>340</sup> The minimum age for voluntary recruitment and conscription into the military is 18 years.<sup>341</sup>

Benin was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>342</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>343</sup>

The Ministry of Labor and Civil Service is responsible for implementation of the Labor Code and employs 126 labor inspectors.<sup>344</sup> While the majority of child labor in Benin takes place in the informal sector, the labor inspectors only regulate the formal sector.<sup>345</sup> In addition, according to USDOS, the Government of Benin did not effectively enforce the labor code due to a lack of labor inspectors.<sup>346</sup> The Government's Brigade for the Protection of Minors is responsible for enforcement of child labor and child trafficking laws.<sup>347</sup> During 2008, the Brigade prosecuted 58 people for child trafficking.<sup>348</sup> According to USDOS, while the Brigade monitored travelers at some of the border crossings, the Government's enforcement of trafficking laws was still inhibited by corruption.<sup>349</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In November 2008, the Joint Benin and Nigeria Committee to Combat Child Trafficking developed a 2009 to 2010 Joint Action Plan to combat the Trafficking of children from Zakpota, Benin to Abeokuta, Nigeria, for labor in stone quarries.<sup>350</sup> The Government of Benin developed a 2008 to 2012 National Plan to Combat Child Trafficking and Labor, with support from the ILO.<sup>351</sup> The National Child Protection and Monitoring Working Group was tasked with following up on and monitoring the implementation of the Plan.<sup>352</sup> With support from UNICEF and other donors, the Government continued to create and support the functioning of local committees to combat child trafficking.<sup>353</sup>



During the reporting period, the Brigade for the Protection of Minors increased its efforts to combat child trafficking by rescuing 222 trafficking victims.<sup>354</sup> The Government of Benin also continued to collaborate with NGOs to provide child trafficking victims with basic services, such as food, shelter, medical care, and education services.<sup>355</sup> The Government of Benin continued to work with NGOs and journalists to raise awareness on child labor and trafficking through the media and workshops.<sup>356</sup> The Government also continued programs to sensitize teachers, local committees, law enforcement agents, and other people on child trafficking, with support from USAID and UNICEF.<sup>357</sup>

The Government of Benin participates in a 4-year technical assistance project with the EU Cooperation and Technical Assistance Bureau (BCAT).<sup>358</sup> In 2008, the Government, with support from BCAT created a website for the National Child Protection and Monitoring Working Group. The aim of the website is to provide important information on child protection.<sup>359</sup>

The Government participates in a 1-year regional project funded by Denmark at USD 2.64 million and implemented by ILO-IPEC. The project focuses on implementation of policy level agreements.<sup>360</sup> The Government also participates in a 3-year regional project funded by France at USD 4.83 million and implemented by ILO-IPEC. The project aims to combat the worst forms of child labor in Francophone Africa.<sup>361</sup> The Government participated in a 5-year regional project funded by Denmark at USD 6.19 million and implemented by ILO-IPEC. The project aimed to combat child trafficking for labor exploitation and ended in April 2008.<sup>362</sup> The Government of Benin is participating in a 4-year USDOL-funded USD 1.6 million ILO-IPEC project to conduct data collection on child labor.<sup>363</sup>

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<sup>319</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Benin, *Code du Travail*, Loi no 98-004, (January 27, 1998), article 166; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/49604/65115/F98BEN01.htm>. For age to which

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education is compulsory, see ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001)*, [previously online] 2004 [cited January 22, 2009], article 2 para 3; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN> [hard copy on file]. For free public education, see Government of Benin, *Constitution de la République du Bénin*, (December 11, 1990), articles 12 and 13; available from <http://www.afrikinfo.com/lois/index.htm>. See also U.S. Department of State, "Benin," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>.

<sup>320</sup> U.S. Department of State, "Country Reports- 2008: Benin," section 6d. See also Environmental Justice Foundation, *The Children Behind Our Cotton*, London, 2007, 11; available from <http://www.ejfoundation.org/page481.html>. See also U.S. Embassy- Cotonou, *reporting*, May 29, 2008, para 4-5.

<sup>321</sup> U.S. Department of State, "Country Reports- 2008: Benin," section 6d.

<sup>322</sup> UN Office for the Coordination of Humanitarian Affairs, *Benin: Children crushing stones into gravel to get through school*, [previously online] 2006 [cited October 12, 2006]; available from <http://www.irinnews.org/print.asp?ReportID=47890> [hard copy on file]. See also U.S. Embassy- Cotonou, *reporting*, May 29, 2008, para 1-3. See also U.S. Embassy- Cotonou, *reporting*, July 29, 2008, para 1.

<sup>323</sup> U.S. Department of State, "Country Reports- 2008: Benin," sections 5, 6d.

<sup>324</sup> *Ibid.*

<sup>325</sup> Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html> [hard copy on file].

<sup>326</sup> United Nations, *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: Benin*, CRC/C/BEN/2, November 24, 2005, para 690, 693, 697-698. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited January 29, 2009]; available from

<http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

<sup>327</sup> U.S. Embassy- Cotonou, *reporting*, February 10, 2009, para 7b.

<sup>328</sup> *Ibid.*, para 7b, 7d. See also Ministry of Family and Children and UNICEF, *Etude Nationale sur la Traite des Enfants: Rapport d'analyse*, November 2007, 21.

<sup>329</sup> U.S. Department of State, "Benin (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>. See also ILO-IPEC, *La Traite des Enfants a des Fins d'Exploitation de leur Travail au Benin, Enfants Victimes: Caracteristiques Socio-Demographiques*, Geneva, 2006, 30.

See also U.S. Embassy- Cotonou, *reporting*, January 13, 2009, para 17. See also U.S. Department of State, "Country Reports- 2008: Benin," sections 5. See also U.S. Embassy- Cotonou, *reporting*, February 10, 2009, para 7b.

<sup>330</sup> U.S. Embassy- Cotonou, *reporting*, February 10, 2009, para 7b. See also ILO-IPEC, *La Traite des Enfants*, 32.

<sup>331</sup> U.S. Department of State, "Country Reports- 2008: Benin," section 5, *Terres des Hommes, Little Hands of the Stone Quarries, Investigation of Child Trafficking Between Benin and Nigeria*, Le Mont-sur-Lausanne, December 2005, 5. See also United Nations, *Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council": Summary of Cases Transmitted to Governments and Replies Received A/HRC/4/23/Add.1*, May 30, 2007, para 38. See also United Nations, *Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council": Communications to and from Governments*, A/HRC/4/23/Add.1, March 15, 2007, para 22.

<sup>332</sup> Government of Benin, *Code du Travail*, articles 66, 166. See also ILO Committee of Experts, *Direct Request: Benin, Convention 138*, article 2, paras 1, 4 and article 7, paras 1, 4.

<sup>333</sup> Government of Benin, *Code du Travail*, articles 153, 154.

<sup>334</sup> Inter-Ministerial Order No. 132 of 2000 as noted in ILO Committee of Experts, *Direct Request: Benin, Convention 138*, article 3, para 2.

<sup>335</sup> Government of Benin, *Code du Travail*, articles 167, 169, 301.

<sup>336</sup> *Ibid.*, articles 3, 303.

<sup>337</sup> Government of Benin, *Loi portant conditions de déplacement des mineurs et répression de la traite d'enfants en République du Bénin*, Loi no 2006-04, (2006), article 6; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/73266/74783/F1933999553/BEN73266.pdf>.

<sup>338</sup> *Ibid.*, articles 3-4.

<sup>339</sup> *Ibid.*, articles 17, 18.

<sup>340</sup> *Ibid.*, articles 16, 21-24.

<sup>341</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/>

<sup>342</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

<sup>343</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13; available from [http://www.ceeac-eccas.org/img/pdf/Multilateral\\_Agreement\\_Trafficking-1184251953.doc](http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc).

<sup>344</sup> U.S. Department of State, "Country Reports- 2008: Benin," section 6d. See also U.S. Embassy- Cotonou, *reporting*, January 13, 2009, para 8.

<sup>345</sup> U.S. Embassy- Cotonou, *reporting*, January 13, 2009, para 8. See also U.S. Department of State, "Country Reports- 2008: Benin," section 6d.

<sup>346</sup> U.S. Department of State, "Country Reports- 2008: Benin," section 6d.

<sup>347</sup> *Ibid.*, section 5. See also U.S. Embassy- Cotonou, *reporting*, January 13, 2009, para 7, 8.

<sup>348</sup> U.S. Department of State, "Country Reports- 2008: Benin," section 5.

<sup>349</sup> U.S. Embassy- Cotonou, *reporting*, September 9, 2008, para IV. A. See also U.S. Embassy- Cotonou, *reporting*, February 10, 2009, para 11b.

<sup>350</sup> U.S. Embassy- Cotonou, *reporting*, February 10, 2009, para 9g. See also U.S. Embassy- Cotonou official, E-mail communication to USDOL official, April 3, 2009.

<sup>351</sup> U.S. Embassy- Cotonou, *reporting*, February 10, 2009, para 11d.

<sup>352</sup> National Child Protection and Monitoring Working Group, *Cellule Nationale de Suivi et de Coordination pour la Protection de l'Enfant*, [online] 2009 [cited March 27, 2009]; available from <http://www.cnspe.net/spip.php?rubrique=1>.

<sup>353</sup> U.S. Department of State, "Country Reports- 2008: Benin," section 5.

<sup>354</sup> *Ibid.*

<sup>355</sup> *Ibid.* See also U.S. Department of State, "Trafficking in Persons Report- 2008: Benin."

<sup>356</sup> U.S. Department of State, "Country Reports- 2008: Benin," section 5, 6d. See also U.S. Embassy- Cotonou, *reporting*, January 13, 2009, para 10.

<sup>357</sup> U.S. Embassy- Cotonou, *reporting*, February 10, 2009, para 11a.

<sup>358</sup> *Ibid.*, para 10l.

<sup>359</sup> *Ibid.*, para 8d.

<sup>360</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, April 16, 2009.

<sup>361</sup> *Ibid.*

<sup>362</sup> *Ibid.*

<sup>363</sup> ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.

# Bhutan

## *Selected Statistics and Indicators on Child Labor*<sup>364</sup>

Population, children, 10-14 years, 2003:	73,671
Working children, 10-14 years (%), 2003:	19.6
Working boys, 10-14 years (%), 2003:	16.1
Working girls, 10-14 years (%), 2003:	22.7
Working children by sector, 10-14 years (%), 2003:	
- Agriculture	92.2
- Manufacturing	0.1
- Services	1.9
- Other	5.9
Minimum age for work:	18
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	101.6
Net primary enrollment rate (%), 2006:	79.0
School attendance, children 5-14 years (%), 2003:	69.0
Survival rate to grade 5 (%), 2005:	93.2
ILO Convention 138:	No
ILO Convention 182:	No
CRC:	8/1/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	No

### **Incidence and Nature of Child Labor**

Children in Bhutan work in agriculture, primarily on family farms, and in shops after school and during holidays.<sup>365</sup> Migrant children as young as 11 years are found working in road construction.<sup>366</sup> Children also work in automobile shops, restaurants, and as *doma* sellers (a nut that's eaten with lime to produce a narcotic effect), street vendors, and domestic servants.<sup>367</sup> According to UNICEF, they are also involved in commercial sexual exploitation.<sup>368</sup>

### **Child Labor Laws and Enforcement**

By law the minimum age for employment is 18 years. However, children between 13 and 17 years are allowed to perform certain forms of light work.<sup>369</sup> Bhutanese law requires employers

to maintain a register of all child employees, describing the hours and nature of work undertaken.<sup>370</sup> The law prohibits children from working in the worst forms of child labor and defines these as trafficking, forced or compulsory labor, children in armed conflict, sexual exploitation, work in illicit activities, and work in particularly difficult conditions or which could be harmful to the health, safety, or morals of a child.<sup>371</sup> The law imposes a penalty for refusing to comply with child labor laws of 5 to 9 years of imprisonment.<sup>372</sup> USDOS reports that the Ministry of Labor and Human Resources sporadically enforces child labor laws.<sup>373</sup>

Bhutanese law prohibits forced labor and criminalizes trafficking, sex crimes, and offenses against children.<sup>374</sup> According to the law, child trafficking has a minimum penalty of 3 years.<sup>375</sup> Trafficking a child for prostitution is a felony with penalties varying according to the age of the child.<sup>376</sup> The minimum age to enlist in the Armed Forces is 18 years.<sup>377</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Royal Bhutan Police has started to educate children on their rights and other child protection issues through a series of school visits. The National Commission for Women and Children, in partnership with UNICEF, conducted additional child rights training for clergy and leaders of monastic institutions.<sup>378</sup>

<sup>364</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Bhutan, *Rules and Regulations on Employment of Bhutanese Nationals in the Private Sector*, (1997). See also Government of Bhutan, *Labour and Employment Act of Bhutan 2007*, (2007), article 170; available from <http://www.molhr.gov.bt/labouract.pdf>. For age to which education is compulsory, see UNESCO, *Bhutan Early Childhood Care and Education (ECCE) Programs*, Geneva, 2006; available from <http://unesdoc.unesco.org/images/0014/001471/147>

158e.pdf. For free public education, see U.S. Department of State, "Bhutan," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119133.htm>.

<sup>365</sup> U.S. Department of State, "Country Reports- 2008: Bhutan," section 6d.

<sup>366</sup> U.S. Embassy- New Delhi, *reporting*, September 17, 2004.

<sup>367</sup> 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](http://www.ncwcbhutan.org/ncwc/publications/SITAN_Bhutan-2006.pdf). See also UNICEF, *Report on Assessment of Protection Factors of Children in Bhutan*, Ministry of Health, Thimphu, 2004, 65. See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1997: Bhutan*, March 21, 2007, section 406; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G07/430/93/PDF/G0743093.pdf?OpenElement>.

<sup>368</sup> UNICEF, *Report of Assessment of Protection*, 65.

<sup>369</sup> Government of Bhutan, *Labour and Employment Act of Bhutan 2007*, articles 170, 171. See also U.S. Department of State, "Country Reports- 2008: Bhutan," section 6d. See also U.S. Embassy- New Delhi official, E-mail communication to USDOL official, March 10, 2007.

<sup>370</sup> UN Committee on the Rights of the Child, *Second Periodic Reports: Bhutan*, section 408.

<sup>371</sup> Government of Bhutan, *Labour and Employment Act of Bhutan 2007*, article 9.

<sup>372</sup> Ministry of Labour and Human Resources, *Offences and Penal Provisions under the Labour and Employment Act 2007*, 2007; available from <http://www.molhr.gov.bt/penalcode.htm>.

<sup>373</sup> U.S. Department of State, "Country Reports- 2008: Bhutan," section 6d.

<sup>374</sup> U.S. Embassy- New Delhi, *reporting September 17, 2004*. See also UN Committee on the Rights of the Child, *Written Replies By the Government of Bhutan*, August 29, 2008, section 94; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G08/438/03/PDF/G0843803.pdf?OpenElement>. See also U.S. Department of State, "Country Reports- 2008: Bhutan," sections 5, 6c. See also Government of Bhutan, *Labour and Employment Act of Bhutan 2007*, article 6.

<sup>375</sup> Government of Bhutan, *Penal Code of Bhutan*, (August 11, 2004), para 3(a), sections 228, 230.

<sup>376</sup> *Ibid.*, para 380.

<sup>377</sup> Coalition to Stop the Use of Child Soldiers, "Bhutan," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>378</sup> UN Committee on the Rights of the Child, *Written Replies By the Government of Bhutan*, paras 73, 76.

## Bolivia

### Incidence and Nature of Child Labor

In Bolivia, many children work with their families in subsistence agriculture. Children work in the production of sugar cane and Brazil nuts, especially in Santa Cruz and Tarija.<sup>379</sup> The harvesting of these products often requires the work of entire families, many of whom are indigenous and become indebted to those industries.<sup>380</sup> Additionally, many indigenous Guarani families live and work on ranches in debt bondage in the Chaco region.<sup>381</sup> Children also work in the production of cotton and mine gold, silver, and tin.<sup>382</sup> Children engage in activities such as street vending, shining shoes, and assisting transport operators.<sup>383</sup> Additionally, children work in industry, construction, small

business, personal services, hotels, and restaurants.<sup>384</sup> Children are also being used to transport drugs.<sup>385</sup> Some children are brought or sent by family members from rural to urban areas to work as domestic servants or "criaditos" for higher-income families, often in situations that amount to indentured servitude.<sup>386</sup>

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.<sup>387</sup> Through organized networks, children are trafficked from Paraguay for the purpose of commercial sexual exploitation in Santa Cruz and La Paz.<sup>388</sup> The internal trafficking of Bolivian children for the purposes of

prostitution, domestic service, mining, and agricultural labor, particularly on sugar cane and Brazil nut plantations, also occurs.<sup>389</sup> Children are also trafficked to neighboring countries for forced labor.<sup>390</sup> Bolivian children have been reported to be involved in the forced production of garments in Argentina.<sup>391</sup>

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.<sup>396</sup> The law prohibits forced or compulsory labor. The law also prohibits any kind of labor without consent and fair compensation.<sup>397</sup> The minimum age for 1-year compulsory military service for males is 18 years. The law allows children 15 years and older with basic secondary education to volunteer for certain military activities.<sup>398</sup>

The law prohibits trafficking for the purpose of prostitution of minors and imposes penalties of 8 to 12 years of imprisonment, which increase by 25 percent if the victim is under 18 years.<sup>399</sup>

There are 260 municipal Defender of Children and Adolescence offices to protect children's rights and interests.<sup>400</sup> Childhood and Adolescence Courts are empowered to resolve issues involving children and apply sanctions for violations of the law.<sup>401</sup> USDOS reported that the Government of Bolivia did not enforce child labor laws throughout the country, but noted a steady progress in the Government's increased resolve to enforce trafficking laws.<sup>402</sup> According to USDOS, Bolivian police have been conducting raids on brothels and other sites that have resulted in a number of exploited children being rescued from prostitution.<sup>403</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Bolivia's policy framework to address child labor is the National Plan for the Progressive Eradication of Child Labor 2000–2010. The plan identifies mining, sugarcane harvesting, and urban work as priority areas to combat exploitive child labor.<sup>404</sup> The National Commission for the Progressive Eradication of Child Labor implements action programs under three subcommittees, each dedicated to one sector.<sup>405</sup>

The Vice Ministry of Gender and Adolescence implements a Plan for the Prevention of and Attention to Commercial Sexual Exploitation, with a focus on efforts in the country's largest cities.<sup>406</sup> The Government has made efforts to

### *Selected Statistics and Indicators on Child Labor*<sup>392</sup>

Population, children, 7-14 years, 2002:	1,783,061
Working children, 7-14 years (%), 2002:	23.2
Working boys, 7-14 years (%), 2002:	23.9
Working girls, 7-14 years (%), 2002:	22.5
Working children by sector, 7-14 years (%), 2002:	
- Agriculture	76.3
- Manufacturing	4.2
- Services	18.8
- Other	0.7
Minimum age for work:	14
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	108.9
Net primary enrollment rate (%), 2006:	94.9
School attendance, children 7-14 years (%), 2002:	93.5
Survival rate to grade 5 (%), 2003:	84.8
ILO Convention 138:	6/11/1997
ILO Convention 182:	6/6/2003
CRC:	6/26/1990
CRCOPAC:	12/22/2004*
CRCOPSC:	6/3/2003
Palermo:	5/18/2006
ILO-IPEC participating country:	Yes

\*Accession

### **Child Labor Laws and Enforcement**

Bolivian law sets the minimum age for employment at 14 years.<sup>393</sup> Apprenticeship for children ages 12 to 14 years is permitted with various restrictions.<sup>394</sup> Children 14 to 18 years must have the permission of their parents or of government authorities in order to work.<sup>395</sup> The law prohibits children 14 to 17 years from taking part in hazardous activities such as carrying excessively heavy loads, working underground, working with pesticides and other chemicals, or working at night. The law also requires

increase public awareness of trafficking through education campaigns and working with NGOs and international organizations on prevention activities. The Bolivian Government has also increased resources and collaboration with local authorities and NGOs to aid trafficking victims, including children.<sup>407</sup> Additionally, a few municipalities have created temporary shelters or victims' units to provide services to child victims.<sup>408</sup>

The municipal Defender of Children and Adolescents offices assist victims of trafficking, sometimes in cooperation with NGOs.<sup>409</sup> The IOM is implementing a project that will train municipal government employees to address the reintegration of trafficking victims.<sup>410</sup> The Bolivian Government is implementing a cash subsidy program called Bono Juancito Pinto for all primary school students, conditioned on school attendance.<sup>411</sup>

The Government of Bolivia and other associates and member governments of MERCOSUR are carrying out the "Niño Sur" ("Southern Child") initiative to defend the rights of children and adolescents in the region. The initiative includes unified public campaigns against commercial sexual exploitation, trafficking, and child labor; mutual technical assistance in adjusting domestic legal frameworks to international standards on those issues; and the exchange of best practices related to victim protection and assistance.<sup>412</sup> Bolivia's Secretariat of Tourism 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. It was created in 2005 and includes the Ministries of Tourism from Argentina, Chile, Ecuador, Brazil, Colombia, Paraguay, Peru, Suriname, Uruguay, and Venezuela.<sup>413</sup>

The Government of Bolivia is participating in a USDOL-funded 3-year, USD 3.4 million project implemented by the NGO, Desarrollo y Autogestión (Development and Self-Management), to improve access to basic education for working children in Bolivia. The project aims to withdraw 2,900 children who are

working and prevent 2,900 children at risk of entering exploitive labor in Santa Cruz and Chuquisaca.<sup>414</sup>

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<sup>379</sup> UNICEF, *Caña dulce, vida amarga: El trabajo de los niños, niñas y adolescentes en la zafra de caña de azúcar*, 2004, 11; available from [http://www.oit.org.pe/ipepec/boletin/documentos/zafra\\_final\\_bo.pdf](http://www.oit.org.pe/ipepec/boletin/documentos/zafra_final_bo.pdf). See also U.S. Department of State, "Bolivia," 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/wha/119149.htm>. See also ILO Committee of Experts, *Solicitud directa individual sobre el Convenio sobre las peores formas de trabajo infantil*, 1999 (núm. 182) Bolivia (ratificación: 2003) Envío: 2007, CEACR 2006/77a reunión, 2007; available from <http://www.ilo.org/ilolex/cgi-lex/pdconvs2.pl?host=status01&textbase=iloilc&document=238&chapter=18&query=C182%40ref%2B%23A%20NO%3D2007&highlight=&querytype=bool&context=0>. See also U.S. Embassy- La Paz, reporting, June 10, 2008. See also ILO, *Enganche y Servidumbre por Deudas en Bolivia*, January 2005, 3-4, 11, 29-38; available from [http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang-es/docName--WCMS\\_082055/index.htm](http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang-es/docName--WCMS_082055/index.htm).

<sup>380</sup> ILO, *Enganche y Servidumbre por Deudas en Bolivia*, 3-4, 11, 29-38. See also ILO Committee of Experts, *Solicitud directa individual sobre el Convenio sobre las peores formas de trabajo infantil*, 1999 (núm. 182) Bolivia (ratificación: 2003) Envío: 2007, para 2. See also U.S. Embassy- La Paz, reporting, June 10, 2008.

<sup>381</sup> ILO Committee of Experts, *Solicitud directa individual sobre el Convenio sobre las peores formas de trabajo infantil*, 1999 (núm. 182) Bolivia (ratificación: 2003) Envío: 2007. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention*, 1999 (núm. 182) Bolivia (ratificación: 2003) Submitted: 2008, 2008, para 2; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

<sup>382</sup> ILO-IPEC, *Boletín Encuentros - Día del niño: erradicar el trabajo infantil*, [online] 2004 [cited February 15, 2009]; available from <http://white.oit.org.pe/ipepec/alcencuentros/interior.php?notCodigo=464>. See also U.S. Embassy- La Paz, reporting, June 10, 2008. See also UNICEF and ILO, *Buscando la luz al final del túnel: niños, niñas y adolescentes en la minería artesanal en Bolivia*, 2004, 9-11; available from [http://www.oit.org.pe/ipepec/boletin/documentos/mineria\\_final\\_bo.pdf](http://www.oit.org.pe/ipepec/boletin/documentos/mineria_final_bo.pdf).

<sup>383</sup> U.S. Department of State, "Country Reports- 2008: Bolivia," section 6d.

<sup>384</sup> Victor Mezza Rosso, Carmen Ledo García, and Isabel Quisbert Arias, *Trabajo Infantil en Bolivia*, National

Institute of Statistics and UNICEF, La Paz, 2004, 31-32. See also ILO-IPEC, *Boletín Encuentros*.

<sup>385</sup> U.S. Department of State, "Country Reports- 2008: Bolivia," section 6d.

<sup>386</sup> Ibid. See also Erick Roth U. and Erik Fernandez R., *Evaluación del tráfico de mujeres, adolescentes y niños/as en Bolivia*, IOM, OAS, and Scientific Consulting SRL, La Paz, 2004, 10 and 51.

<sup>387</sup> UNICEF, *La niñez clausurada: La explotación sexual comercial de niñas, niños y adolescentes en Bolivia*, La Paz, 2004, 15; available from [http://www.oit.org.pe/ippec/boletin/documentos/esci\\_final\\_bo.pdf](http://www.oit.org.pe/ippec/boletin/documentos/esci_final_bo.pdf). See also U.S. Department of State, "Country Reports- 2008: Bolivia," section 5. See also ILO Committee of Experts, *Solicitud directa individual sobre el Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182) Bolivia (ratificación: 2003) Envío: 2007*, article 8. See also UNICEF, *La niñez clausurada*, 16.

<sup>388</sup> 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/ippec/documentos/verdades\\_desafios\\_py.pdf](http://white.oit.org.pe/ippec/documentos/verdades_desafios_py.pdf).

<sup>389</sup> U.S. Department of State, "Country Reports- 2008: Bolivia," section 5. See also U.S. Department of State, "Bolivia (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>

<sup>390</sup> U.S. Department of State, "Country Reports- 2008: Bolivia," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Bolivia."

<sup>391</sup> Ignacio Arana Araya, "Prolifera la exportación de trabajo esclavo boliviano," *El Mercurio* (Santiago), August 27, 2006. See also 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](http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf).

<sup>392</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, Ley No. 2026, (October 27, 1999), articles 108 and 144; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55837/68387/S99BOL01.htm>. For age to which education is compulsory and free public education, see Government of Bolivia, *Nueva Constitución Política del Estado*, (October 2008), articles 78 and 81; available from <http://www.presidencia.gob.bo/download/constitucion.pdf>.

<sup>393</sup> Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, article 126. 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>.

<sup>394</sup> U.S. Department of State, "Country Reports- 2008: Bolivia," section 6d.

<sup>395</sup> Government of Bolivia, *Ley General de Trabajo*, article 8.

<sup>396</sup> Government of Bolivia, *Ley del Código del Niño, Niña y Adolescente*, 134, 146, 147.

<sup>397</sup> Government of Bolivia, *Nueva Constitución Política del Estado*, article 46.

<sup>398</sup> Ibid., 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>.

<sup>399</sup> Government of Bolivia, *Ley 3325: Trata y Tráfico de Personas y Otros Delitos Relacionados*, (January 18, 2006), article 281; available from <http://www.monografias.com/trabajos-pdf/trafico-de-personas/trafico-de-personas.pdf>.

<sup>400</sup> U.S. Department of State, "Country Reports- 2008: Bolivia," section 5.

<sup>401</sup> Government of Bolivia, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, August 31, 2005.

<sup>402</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Bolivia." See also U.S. Department of State, "Country Reports- 2008: Bolivia," section 6d.

<sup>403</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Bolivia."

<sup>404</sup> ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (núm. 182) Bolivia (ratificación: 2003) Submitted: 2008*.

<sup>405</sup> ILO Committee of Experts, *Solicitud directa individual sobre el Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182) Bolivia (ratificación: 2003) Envío: 2007*. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (núm. 182) Bolivia (ratificación: 2003) Submitted: 2008*.

<sup>406</sup> Noel Aguirre Ledezma, *Plan Nacional de erradicación progresiva del trabajo infantil: Evaluación externa de medio término, informe preliminar*, May 2005, 22 and 31.

<sup>407</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Bolivia."

<sup>408</sup> Ibid. See also U.S. Department of State, "Country Reports- 2008: Bolivia," section 5.

<sup>409</sup> U.S. Department of State, "Country Reports- 2008: Bolivia," section 5.

<sup>410</sup> U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, [online] February 2008 [cited February 2009]; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

<sup>411</sup> U.S. Embassy- La Paz, *reporting*, January 24, 2008. See also Desarrollo y Autogestión, *Combating Exploitive Child Labor through Education in Bolivia*, Technical Progress Report, Santa Cruz, September 2008, 7.

<sup>412</sup> CRIN, *MERCOSUR*, [online] 2009 [cited February 16, 2009]; available from <http://www.crin.org/espanol/RM/mercosur.asp>. See also Government of Argentina, *Iniciativa Niñ@SUR*, [online] 2009 [cited February 16, 2009]; available from

<http://www.derhuman.jus.gov.ar/direcciones/asistencia/ninosur.htm>.

<sup>413</sup> Brazilian Ministry of Tourism, *Equador Assume Direção de Grupo Latino-Americano para a Proteção Infante-Juvenil*, November 26, 2008; available from [http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Equador\\_assume\\_direcao\\_de\\_grupo\\_latino-americano\\_para\\_protecao\\_infanto-juvenil.html](http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Equador_assume_direcao_de_grupo_latino-americano_para_protecao_infanto-juvenil.html)

<sup>414</sup> Desarrollo y Autogestión, *Combating Exploitive Child Labor through Education in Bolivia*, Cooperative Agreement, Washington, DC, September 2007.

## Bosnia and Herzegovina

### *Selected Statistics and Indicators on Child Labor<sup>415</sup>*

Population, children, 5-14 years, 2006:	496,613
Working children, 5-14 years (%), 2006:	8.9
Working boys, 5-14 years (%), 2006:	9.9
Working girls, 5-14 years (%), 2006:	7.9
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	97.8
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2006:	83.7
Survival rate to grade 5 (%):	-
ILO Convention 138:	6/2/1993
ILO Convention 182:	10/5/2001
CRC:	9/1/1993**
CRCOPAC:	10/10/2003
CRCOPSC:	9/4/2002
Palermo:	4/24/2002
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Succession

### **Incidence and Nature of Child Labor**

Children in Bosnia and Herzegovina (BiH) work on construction sites. They also clean cars and work on the streets.<sup>416</sup>

There have been reports of ethnic Roma children being trafficked to serve in begging rings.<sup>417</sup> The majority of Roma children who live or work in the streets are under 14 years and do not attend school.<sup>418</sup>

Bosnia and Herzegovina is reported to be primarily a source of trafficking for women and girls trafficked within the country for commercial sexual exploitation and, to much lesser extent for forced labor.<sup>419</sup> Victims of trafficking have been reported as young as 13 years.<sup>420</sup>

### **Child Labor Laws and Enforcement**

The 1995 Dayton Agreement established two distinct entities within BiH: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). Later, an international arbitration tribunal established Brcko District (BD) as a self-governing territory.<sup>421</sup> Laws at both the national level and entity level regulate issues related to exploitive child labor, with primary responsibility for labor laws being at the entity level in compliance with the Constitution.<sup>422</sup>



The minimum age for work in FBiH, RS, and BD is 15 years. Minors aged 15 to 18 years are prohibited from working at night; night work in the industrial sector is from 7 p.m. to 7 a.m.<sup>423</sup> For FBiH and RS, night work in the non-industrial sector is from 10 p.m. to 6 a.m. Minors are also prohibited from performing work that endangers their health or development.<sup>424</sup> Further, minors need to provide a health certificate to work.<sup>425</sup> Minors in FBiH and RS are prohibited from working overtime.<sup>426</sup> The penalty for violating labor laws is a fine.<sup>427</sup> Government officials state that limited funding and capacity make it difficult to enforce these laws.<sup>428</sup>

Forced labor is prohibited by law.<sup>429</sup> The BiH Criminal Code dictates a minimum 5-year prison term for actions that place or keep a minor in slavery with the intent to exploit labor and engage in other illegal activities.

Mandatory conscription into the armed forces was abolished in 2006, and BiH does not permit voluntary recruitment of individuals younger than 18 years of age.<sup>430</sup> In FBiH, a parent or guardian who forces a minor to work in occupations unsuitable for his or her age, to engage in excessive work, or to beg may be punished by a prison term of 3 months to 5 years.<sup>431</sup> In RS, the crime of involving minors in the production, sale, or transporting of drugs is punishable by a prison term of 3 to 15 years.<sup>432</sup>

The BiH Criminal Code outlaws international procuring for prostitution and increases penalties to 1 to 10 years of imprisonment if the victim is a minor.<sup>433</sup> The Criminal Codes of FBiH, RS, and BD all prohibit inducing, luring, or enabling another to offer sexual services, with punishments of a maximum of 12 to 15 years of imprisonment if the victim is a minor.<sup>434</sup> FBiH, RS, and BD penalize the production and distribution of child pornography with a prison term of 3 to 5 years.<sup>435</sup>

Trafficking of minors for the purpose of exploitation is punishable by 5 to 10 years of imprisonment.<sup>436</sup> The Government has established standards of protection and aid to victims and witnesses of trafficking who are citizens of BiH.<sup>437</sup> Provisions for children include mandatory and immediate reporting of

exploitative incidences to the appropriate authorities.<sup>438</sup> The BiH State Prosecutor's office has sole jurisdiction over all trafficking cases and has the authority to decide whether the cases will be prosecuted at the State level or at the entity level.<sup>439</sup> The Ministry of Security coordinates the enforcement of anti-trafficking laws at all levels of government. According to USDOS, there were reports of public officials' involvement in trafficking, but these officials were not indicted.<sup>440</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In May 2008, the Council of Ministers adopted the State Coordinator's National Action Plan to Combat Human Trafficking and Illegal Migration in Bosnia and Herzegovina for 2008-2012.<sup>441</sup> This plan establishes measures for victim services, prosecution, and international cooperation.<sup>442</sup>

The Government has continued its anti-trafficking efforts by working with NGOs to provide services to victims; producing an anti-trafficking manual; and providing training for police, prosecutors, and social workers.<sup>443</sup>

The Government of BiH participated in a USD 2.2 million regional program, funded by the Government of Germany and implemented by ILO-IPEC, to combat the worst forms of child labor. The project was completed in June 2008.<sup>444</sup>

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<sup>415</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Bosnia and Herzegovina, *Labor Law of Federation of Bosnia and Herzegovina (FBiH)*, (2003), article 15. See also Government of Bosnia and Herzegovina, *Labor Law of Republika Srpska (RS)*, (2003), article 14. See also Government Bosnia and Herzegovina, *Labor Law of District of Brcko (BD)*, (2005), article 10. For age to which education is compulsory and free public education, see U.S. Department of State, "Bosnia and Herzegovina," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119071.htm>. See also Government Bosnia and Herzegovina, *Federation BiH Basic Laws and By-Laws Governing the Activity of Education*, (2003).

<sup>416</sup> Ministry of Human Rights and Refugees official, Interview with USDOL consultant, May 5, 2008, 7. See also Federal Ministry of Interior official, Interview with USDOL consultant, June 11, 2008, 129. See also Ministry of Civil Affairs official, Interview with USDOL consultant, May 6, 2008, 22.

<sup>417</sup> U.S. Embassy- Sarajevo, reporting, March 3, 2008, section 2. See also U.S. Embassy- Sarajevo, reporting, March 23, 2009.

<sup>418</sup> Ministry of Human Rights and Refugees official, Interview, May 5, 2008, 7 and 9. See also Ministry of Civil Affairs official, Interview, May 6, 2008, 23. See also Federal Ministry of Interior official, Interview, June 11, 2008, 130. See also UN Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child, Bosnia and Herzegovina*, CRC/C/15/Add.260, September 21, 2005, para 65; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/\\$FILE/G0544039.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/$FILE/G0544039.pdf).

<sup>419</sup> U.S. Department of State, "Bosnia and Herzegovina," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 74; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, E-mail communication to USDOL official, July 10, 2009.

<sup>420</sup> Macro official, E-mail communication to USDOL official, February 27, 2009.

<sup>421</sup> U.S. Department of State, *Background Note: Bosnia and Herzegovina*, [online] May 2008 [cited December 17, 2008]; available from <http://www.state.gov/r/pa/ei/bgn/2868.htm>.

<sup>422</sup> Jasminka Dzumhur, *A Desk Top Research Into the Current State of Affairs of the Labor Market in Bosnia and Herzegovina*, UNIFEM, Sarajevo, September 30, 2007, 5; available from [www.unifem.sk/uploads/doc/Labor%20research1.doc](http://www.unifem.sk/uploads/doc/Labor%20research1.doc). See also Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina (BiH)*, (December 14, 1995), article II, section 3c and article III, section 3; available from [http://www.ohr.int/print/?content\\_id=372](http://www.ohr.int/print/?content_id=372).

<sup>423</sup> Government Bosnia and Herzegovina, *Labor Law of Republika Srpska (RS)*, (2003), articles 14 and 45. See also Government Bosnia and Herzegovina, *Labor Law (BD)*, articles 10 and 28. See also Government of Bosnia and Herzegovina, *Labour Law (FBiH)*, articles 15 and 36.

<sup>424</sup> Government of Bosnia and Herzegovina, *Labour Law (FBiH)*, articles 15, 36, 51. See also Government of Bosnia and Herzegovina, *Labour Law (RS)*, articles 14, 46, 69. See also Government Bosnia and Herzegovina, *Labor Law (BD)*, articles 10 and 41.

<sup>425</sup> Government of Bosnia and Herzegovina, *Labour Law (FBiH)*, article 15. See also Government of Bosnia and Herzegovina, *Labour Law (RS)*, article 14. See also

Government of Bosnia and Herzegovina, *Labor Law of District of Brcko* (2005), article 10.

<sup>426</sup> Government of Bosnia and Herzegovina, *Labour Law (FBiH)*, article 32. See also Government of Bosnia and Herzegovina, *Labour Law (RS)*, article 42.

<sup>427</sup> Government of Bosnia and Herzegovina, *Labour Law (FBiH)*, article 140. See also Government Bosnia and Herzegovina, *Labour Law (RS)*, article 150. See also Government Bosnia and Herzegovina, *Labor Law (BD)*, 111.

<sup>428</sup> Ministry of Human Rights and Refugees official, Interview, May 5, 2008, 15-16. See also Ministry of Civil Affairs official, Interview, May 6, 2008, 26-27. See also U.S. Embassy- Sarajevo, reporting, March 3, 2008, section 2d.

<sup>429</sup> Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina (BiH)*, (December 14, 1995), article II, section 3(c); available from [http://www.ohr.int/print/?content\\_id=372](http://www.ohr.int/print/?content_id=372).

<sup>430</sup> Government Bosnia and Herzegovina, *BiH Defense Reform Law*, (October 5, 2005), article 79. See also Coalition to Stop the Use of Child Soldiers, "Bosnia - Herzegovina," in *Child Soldiers Global Report*, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>431</sup> Government of Bosnia and Herzegovina, *Criminal Code of the Federation of Bosnia and Herzegovina (FBiH)*, (August 1, 2003), article 219; available from <http://www.legislationline.org/download/action/download/id/1661/file/5863a4917995d1a282d020fb2715.htm/preview>.

<sup>432</sup> Government of Bosnia and Herzegovina, *Criminal Code of the Republika Srpska (RS)*, (2003), article 224.

<sup>433</sup> Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina (BiH)*, (2003), article 187; available from <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc>.

<sup>434</sup> Government of Bosnia and Herzegovina, *Criminal Code (FBiH)*, article 210. See also Government of Bosnia and Herzegovina, *Criminal Code (RS)*, article 198. See also Government of Bosnia and Herzegovina, *Criminal Code of the Brcko District of Bosnia and Herzegovina (BD)* 65 (May 28, 2003), article 207; available from [http://www.tuzilastvobih.gov.ba/files/docs/zakoni/BD\\_Criminal\\_Code\\_10\\_03\\_45\\_04\\_eng\\_web.pdf](http://www.tuzilastvobih.gov.ba/files/docs/zakoni/BD_Criminal_Code_10_03_45_04_eng_web.pdf).

<sup>435</sup> Government of Bosnia and Herzegovina, *Criminal Code (FBiH)*, article 211. See also Government of Bosnia and Herzegovina, *Criminal Code (RS)*, articles 199 and 200. See also Government of Bosnia and Herzegovina, *Criminal Code (BD)*, articles 186 and 208.

<sup>436</sup> Government of Bosnia and Herzegovina, *Criminal Code (BiH)*, articles 185 and 186.

<sup>437</sup> State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration, *The Rules on*

*Protection of Victims and Witnesses of Human Trafficking who are citizens of Bosnia and Herzegovina*, [online] [cited December 22, 2008]; available from <http://www.anti-trafficking.gov.ba/?otvori=vijest&id=29&lang=eng>.

<sup>438</sup> Ministry of Human Rights and Refugees of Bosnia and Herzegovina, *First Report Under Article 12, Paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography*, May 2008, 12; available from [www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPSC.BIH.1.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPSC.BIH.1.doc).

<sup>439</sup> U.S. Embassy- Sarajevo, *reporting, March 3, 2008, 2c*.

<sup>440</sup> U.S. Department of State, "Country Reports- 2008: Bosnia and Herzegovina."

<sup>441</sup> Commission of the European Committees, *Bosnia and Herzegovina 2008 Progress Report*, Brussels, May 11,

2008, 58; available from [http://ec.europa.eu/enlargement/pdf/press\\_corner/key-documents/reports\\_nov\\_2008/bosnia\\_herzegovina\\_progress\\_report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/bosnia_herzegovina_progress_report_en.pdf). See also U.S. Department of State, "Trafficking in Persons Report- 2008: Bosnia and Herzegovina," 75. See also Ministry of Human Rights and Refugees of Bosnia and Herzegovina, *Ministry of Human Rights and Refugees Report on CRCPSC*, 12.

<sup>442</sup> U.S. Embassy- Sarajevo, *reporting, March 3, 2008*, section 5f.

<sup>443</sup> *Ibid.*, sections 3g and 4i. See also U.S. Department of State, "Country Reports- 2008: Bosnia and Herzegovina," section 5.

<sup>444</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 19, 2008.

## Botswana

### *Selected Statistics and Indicators on Child Labor*<sup>445</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	15
Free public education:	No
Gross primary enrollment rate (%), 2005:	107.0
Net primary enrollment rate (%), 2005:	84.0
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2004:	83.0
ILO Convention 138:	6/5/1997
ILO Convention 182:	1/3/2000
CRC:	3/4/1995*
CRCOPAC:	10/4/2004
CRCOPSC:	9/24/2003*
Palermo:	8/29/2002
ILO-IPEC participating country:	Yes

\*Accession

### **Incidence and Nature of Child Labor**

Children in Botswana work in agriculture, predominately in subsistence farming, and as street vendors, car washers, and scrap metal collectors.<sup>446</sup> Children also work in domestic service, the performing arts, and family businesses.<sup>447</sup> Boys and girls tend to engage in different types of work. Boys herd cattle and other livestock, and girls are employed in restaurants, nightclubs, and grocery stores.<sup>448</sup> Reports indicate that some children are exploited in prostitution, particularly in bus and railway stations, truck stops, and near hotels.<sup>449</sup> In addition, there are unconfirmed reports that Botswana is a country of transit for East African children trafficked into South Africa.<sup>450</sup> Some children are also employed in liquor stores.<sup>451</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for basic employment at 14 years and for hazardous work at 18 years.<sup>452</sup> Under the law, children not attending school who have reached 14 years may be employed by family members or, as approved by the Commissioner of Labor, in light work that is not harmful to their health and development for no more than 6 hours per day and 30 hours per week.<sup>453</sup> Children, defined as those under 15

years, may not work more than 3 consecutive hours, and young persons, defined as those between 15 and 17 years, may not work more than 4 hours in industrial undertakings without a rest period of 30 minutes, absent the express permission of the Commissioner of Labor. Children and young persons may not be employed in underground work, night work, or any work that is harmful to their health and development.<sup>454</sup> The maximum penalty for illegally employing a child is imprisonment for up to 12 months and/or a fine.<sup>455</sup>

The law prohibits forced labor.<sup>456</sup> The law does not explicitly prohibit trafficking in persons. Separate statutes, however, that make kidnapping, slave trading, and procuring children for prostitution illegal could be used to prosecute trafficking cases.<sup>457</sup> Child pornography is a criminal offense under the law. Sex with a child under the age of 16 is punishable by a 10-year minimum prison sentence.<sup>458</sup> The law specifically protects adopted children from being exploited for labor and orphans from being coerced into prostitution.<sup>459</sup> The law states that military service is voluntary and that potential recruits must appear to be 18 before they can enlist in the armed forces.<sup>460</sup>

The Ministry of Labor and Home Affairs, as well as the child welfare divisions of the district and municipal councils, are responsible for enforcing child labor laws. The Commissioner of Labor is also authorized to eliminate the employment of children.<sup>461</sup> According to USDOS, law enforcement and immigration officials receive regular training in anti-trafficking methods.<sup>462</sup> In 2008, there were no reports of prosecutions, convictions, or fines for exploitive child labor.<sup>463</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government of Botswana collaborated with local organizations to raise public awareness of child labor issues and hosted conferences on human trafficking issues.<sup>464</sup> The Government participated in a regional project funded by USDOL and implemented by the American Institutes for Research. This 4-year, USD 9 million project aimed to improve the

quality and access to education for children who are working in, or are at risk of working in, the worst forms of child labor in five countries, including Botswana.<sup>465</sup> Over its lifetime, the project withdrew 2,388 children and prevented 8,739 children in five countries, including Botswana, from engaging in exploitive labor.<sup>466</sup> The Government also participated in another regional project funded by USDOL and implemented by ILO-IPEC. This 4-year USD 5 million project drafted national child labor plans of action and conducted targeted research on the worst forms of child labor in five countries, including Botswana.<sup>467</sup> The Government of Botswana is participating in a USD 4.75 million regional project funded by USDOL and implemented by ILO-IPEC to support the implementation of national child labor plans in three countries, including Botswana. Over 4 years, this project aims to withdraw 2,800 children and prevent 5,600 children in three countries, including Botswana, from engaging in exploitive labor.<sup>468</sup>

During 2008, the Government released the results of a module on children's activities in its 2005/2006 National Labor Force Survey, which helped identify the extent and location of child labor in Botswana.<sup>469</sup> As of this writing, data were not available to UCW for analysis for use in this report. For information on data used in this report, please see the data sources and definitions section.

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<sup>445</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Botswana, *Employment Act*, (1982), article 107; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/842/64792/E82BWA01.htm>. For age to which education is compulsory, see UNICEF, *Education Statistics: Botswana*, May 2008, 3; available from [http://www.childinfo.org/files/ESAR\\_Botswana.pdf](http://www.childinfo.org/files/ESAR_Botswana.pdf). For free public education, see U.S. Department of State, "Botswana," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100467.htm>. See also U.S. Embassy- Gaborone, *reporting*, January 20, 2009, para 8.

<sup>446</sup> Government of Botswana, *2005/2006 Labour Force Report*, Gaborone, February 2008, section 7.3; available from [http://www.cso.gov.bw/labour\\_stats\\_table1-5/LFS\\_Report\\_Feb\\_20\\_2008.pdf](http://www.cso.gov.bw/labour_stats_table1-5/LFS_Report_Feb_20_2008.pdf). See also 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, section 6.

<sup>447</sup> Procek, *Discussion Document on Child Labor in Botswana*, section 6. See also Duma G. Boko, *Scoping Study on Child Labour in Botswana*, Dawie Bosch and Associates, Pretoria, August 2003, sections 4.2.3-4.2.4.

<sup>448</sup> Procek, *Discussion Document on Child Labor in Botswana*, section 5. See also Tawanda Runhare and Rosemary Gordon, *The Comprehensive Review of Gender Issues in the Education Sector*, UNICEF, November 2004, 27; available from [http://www.unicef.org/evaldatabase/files/Gender\\_Review\\_REPORT\\_final.pdf](http://www.unicef.org/evaldatabase/files/Gender_Review_REPORT_final.pdf).

<sup>449</sup> Procek, *Discussion Document on Child Labor in Botswana*, section 3. See also Iwani Mothobi-Tapela, *A Rapid Assessment of Commercial Sexual Exploitation of Children 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), July 2007, 38 and 39.

<sup>450</sup> U.S. Department of State, "Country Reports- 2008: Botswana," section 5.

<sup>451</sup> Procek, *Discussion Document on Child Labor in Botswana*, sections 4.2.3-4.2.4.

<sup>452</sup> Government of Botswana, *Employment Act*, articles 2, 107(2)-107(4), 110(1). See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 2.

<sup>453</sup> Government of Botswana, *Employment Act*, article 107(2). See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 2.

<sup>454</sup> Government of Botswana, *Employment Act*, articles 108-109. See also Duma Gideon Boko, *Scoping Study on Child Labour in Botswana*, Dawie Bosch and Associates, Pretoria, August 2003, 12. See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 2.

<sup>455</sup> Government of Botswana, *Employment Act*, articles 111 and 172. See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, paras 2 and 4.

<sup>456</sup> Government of Botswana, *Employment Act*, articles 2 and 71. See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 3.

<sup>457</sup> U.S. Department of State, "Botswana," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105660.pdf>. See also Government of Botswana, *Children's Act*, 5, (1981), chapter IV (12); available from

<http://www.laws.gov.bw/Docs/Principal/Volume3/Chapter28/Chpt28-04%20Children%27s.pdf>.

<sup>458</sup> U.S. Department of State, "Country Reports- 2008: Botswana," section 5. See also Government of Botswana, "Botswana," in *Legislation of Interpol Member States on Sexual Offences Against Children*, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBotswana.asp>.

<sup>459</sup> U.S. Department of State, "Country Reports- 2008: Botswana," section 6d. See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 5.

<sup>460</sup> 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>. See also Coalition to Stop the Use of Child Soldiers, "Botswana," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=28>.

<sup>461</sup> U.S. Department of State, "Country Reports- 2008: Botswana," section 6d. See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 4. See also Government of Botswana, *Employment Act*, articles 110(2) and 113.

<sup>462</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Botswana ". See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 4.

<sup>463</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 4. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Botswana ".

<sup>464</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 7. See also U.S. Department of State, "Country Reports- 2008: Botswana," sections 5 and 6d.

<sup>465</sup> American Institutes for Research, *Reducing Exploitive Child Labor Southern Africa (RECLISA)*, Project Document, Washington, DC, September 8, 2005, 1, 31-33.

<sup>466</sup> American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA)*, Final Technical Progress Report, Washington, December 8, 2008, 20.

<sup>467</sup> ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Project Document, Geneva, September 15, 2003, 1. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Final Technical Progress Report, Geneva, September, 2008, 1-4.

<sup>468</sup> ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Phase II, Project Document, Geneva, September 25, 2008, 1, 3, 84.

<sup>469</sup> Government of Botswana, *2005/2006 Labour Force Report*, i. See also U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 13.

## Brazil

<i>Selected Statistics and Indicators on Child Labor</i> <sup>470</sup>	
Population, children, 5-14 years, 2004:	34,367,074
Working children, 5-14 years (%), 2004:	5.2
Working boys, 5-14 years (%), 2004:	7
Working girls, 5-14 years (%), 2004:	3.3
Working children by sector, 5-14 years (%), 2004:	
- Agriculture	57.8
- Manufacturing	7.2
- Services	33.7
- Other	1.4
Minimum age for work:	16
Compulsory education age:	14
Free public education:	Yes
Gross primary enrollment rate (%), 2005:	136.9
Net primary enrollment rate (%), 2005:	94.4
School attendance, children 5-14 years (%), 2004:	93.9
Survival rate to grade 5 (%):	-
ILO Convention 138:	6/28/2001
ILO Convention 182:	2/2/2000
CRC:	9/24/1990
CRCOPAC:	1/27/2004
CRCOPSC:	1/27/2004
Palermo:	1/29/2004
ILO-IPEC participating country:	Yes

### Incidence and Nature of Child Labor

Children in Brazil work in rural and urban areas, mainly in the informal sector. In rural areas, particularly in the northeastern region, children work in the agricultural sector. Most working children are Afro descendant.<sup>471</sup> Children have been found working on cotton, manioc, pineapple, rice, sisal, and tobacco farms. They are also involved in raising livestock, and the production of charcoal, ceramics, bricks, and footwear.<sup>472</sup>

In urban areas, common activities for working children include shining shoes; street peddling; begging; and working in restaurants, construction, and transportation.<sup>473</sup> Girls ages 10 to 14 years perform domestic work in third-party homes for more than 40 hours per week, for

which they are paid half the minimum wage or do not receive payment.<sup>474</sup>

There are reports of forced child labor in the production of charcoal and in cattle ranching.<sup>475</sup> In September 2008, the special anti-forced labor mobile unit of the Ministry of Labor and Employment (MTE) liberated 150 workers, including 30 children, who were working under forced labor conditions on a cacao plantation in the State of Para.<sup>476</sup>

Children are engaged in commercial sexual exploitation, pornography, and drug trafficking.<sup>477</sup> In the Amazon region, children are victims of commercial sexual exploitation in mining settlement brothels.<sup>478</sup> Trafficking in children is a problem. Girls are trafficked domestically and internationally for commercial sexual exploitation. Boys are trafficked internally as slave laborers.<sup>479</sup> Child sex tourism is a problem, which often involves a ring of travel agents, hotel workers, taxi drivers, and traffickers. Children are sexually exploited by foreign pedophiles, mostly from Europe and North America.<sup>480</sup>

### Child Labor Laws and Enforcement

The minimum age for general employment in Brazil is 16 years.<sup>481</sup> However, the law establishes that younger children can work in family workshops under supervision of a parent or guardian and under certain conditions, without specifying a minimum age. The minimum age for apprenticeships is 14 years.<sup>482</sup> Minors who work as apprentices are required to attend school through the primary grades and to provide proof of parental permission to work.<sup>483</sup> The law prohibits employees under 18 years from working in unhealthy, dangerous, painful, or arduous conditions, at night or in settings where their physical, moral, or social well-being is adversely affected. The law also prohibits children under 18 years from performing domestic work.<sup>484</sup>

Decree No. 6.481 of 2008 updated the country's list of worst forms of child labor that are prohibited for all children under the age of 18

years. Children are not allowed to work in 93 specific activities in the following sectors: agriculture, fishing, timber, mining, raw material transformation, construction, domestic work, car repair shops, transportation, and health care services. Minors are forbidden from working in bars, brothels, and casinos as well as from being involved in pornography, the sale of alcoholic beverages, and the illegal drug trade.<sup>485</sup>

The law penalizes forced labor and trafficking in persons internally or internationally. It establishes imprisonment from 2 to 8 years and a fine for subjecting a person to slave-like conditions, with penalties increasing by one-half if the crime is committed against a child.<sup>486</sup> Internal and international labor trafficking is punishable by imprisonment of 1 to 3 years and fines; penalties increase by one-sixth to one-third if the victim is under 18 years.<sup>487</sup> Trafficking in persons for the purpose of sexual exploitation domestically and internationally is punishable with 3 to 8 years of incarceration and fines. The law also provides for fines and prison terms of 4 to 10 years for anyone convicted of trafficking children 14 to 18 years internally or across national borders for prostitution, with penalties of 5 to 12 years in cases of violence or fraud.<sup>488</sup>

The law establishes that introducing a child of 14 to 18 years into prostitution is punishable by imprisonment of 3 to 8 years, and in cases of violence or fraud, 4 to 10 years. Running a brothel is punishable by 2 to 5 years of imprisonment and fines.<sup>489</sup> Child pornography is illegal.<sup>490</sup> According to Law 11.829 of 2008, anyone who produces, reproduces, photographs, or films child pornography can be punished with 4 to 8 years of incarceration and payment of fines. The law establishes penalties from 3 to 6 years of incarceration and payment of fines for other activities related to child pornography such as publication and distribution of child pornography and inducing and forcing children to participate in pornography.<sup>491</sup> The minimum age for conscription into military service is 18 years.<sup>492</sup>

MTE conducts labor inspections in work sites for child labor violations and gathers information from the inspections to develop plans to combat child labor through the Divisions of Child Labor Inspections and Child Labor and Adolescents' Protection.<sup>493</sup> Most inspections result from complaints to labor inspectors by workers, NGOs, teachers, the media, and other sources. Although MTE conducts labor inspections in the informal sector, they are difficult to undertake because most children work on farms and in private homes.<sup>494</sup> From January 2008 through February 2009, MTE found 6,054 children working during inspections.<sup>495</sup> MTE works closely with the Federal Labor Prosecutor's Office (MPT), which investigates, prosecutes, and brings civil charges of child labor violations, including the commercial sexual exploitation of children and domestic work. It also carries out awareness-raising campaigns, organizes public hearings to discuss child labor cases, and holds local governments accountable when they have not signed the National Program for the Eradication of Child Labor or included child labor in social programs.<sup>496</sup> MPT coordinates its efforts to combat child labor and protect adolescent workers through a national committee made up of 50 prosecutors.<sup>497</sup> In addition, MTE has a special mobile unit composed of labor inspectors, federal police, and prosecutors who investigate cases of forced labor.<sup>498</sup>

Government authorities involved in combating trafficking include the Ministry of Social Development and Combating Hunger (MDS), the Special Human Rights Secretariat, MTE, the Ministry of Justice (MOJ), the Ministry of External Relations (MER), and the Ministry of Tourism (MOT).<sup>499</sup> The Federal Police provides training to police officers on trafficking in persons, with emphasis on internal trafficking, and conducts operations to combat trafficking. During 2008, it arrested 59 persons for international trafficking.<sup>500</sup> In addition, the Federal Highway Police provides training to highway police officers on internal human trafficking, conducts anti-trafficking operations, and raises awareness about trafficking in persons, particularly the trafficking of children for the purpose of sexual exploitation.<sup>501</sup>

## **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Government of Brazil approved a 2-year National Plan to Combat the Trafficking of Persons (PNETP), which is coordinated by MOJ. Under PNETP, the Government aims to conduct research and improve legislation on trafficking of persons, train and raise awareness of human trafficking, facilitate cooperation between government agencies, and coordinate services provided to victims of trafficking.<sup>502</sup> The Brazilian Institute of Geography and Statistics published the results of the supplement on child labor of the 2006 Household Survey, which provides information on child labor in Brazil.<sup>503</sup> As of this writing, data were not available to UCW for analysis for use in this report. For information on data used in this report, please see the Data Sources and Definitions section.

MTE, with support from ILO-IPEC, has set up a child labor monitoring system that provides information per activity, municipality, state, date, labor inspection, and number of children withdrawn from exploitive work. To raise awareness of child labor, MTE published an illustrated handbook that provides information about child labor laws.<sup>504</sup> MPT continues carrying out national child labor initiatives and has initiated a new awareness-raising campaign on child labor aimed at school children and teachers.<sup>505</sup>

In partnership with ILO-IPEC, the Ministry of Education (MOE) incorporated a course on child labor into its distance learning program, Jump to the Future, which provides training to public and private school teachers and is aired on TV Escola. MOE and the Special Secretariat of Human Rights (SEDH) published an illustrated booklet on the rights of children that includes information on child labor and commercial sexual exploitation of children.<sup>506</sup>

The national program to remove children from working in the most hazardous forms of child labor is the Program to Eradicate Child Labor (PETI), which is part of the Social Assistance Single System, administered by MDS in

conjunction with state and local authorities.<sup>507</sup> Through PETI, families with children working in selected hazardous activities receive stipends to remove their children from work and maintain them in school. In addition, PETI offers an after-school program to prevent children from working during non-school hours, which provides tutoring, snacks, sports, art, and cultural activities. Children between 7 and 15 years are eligible to participate.<sup>508</sup> While PETI focuses on removing children from hazardous work, the Family Grant (*Bolsa Família*) program aims to prevent child labor and promote education by supplementing family income and encouraging at-risk children and adolescents to attend school regularly. One of the conditions for families to receive the Family Grant is that children under 15 years, who withdraw or are at risk of working, go to school.<sup>509</sup> Municipalities and states of Brazil continue to establish programs to eradicate child labor with the support of the federal government.<sup>510</sup>

With the participation of the Government of Brazil and the Government of the state of Bahia, ILO-IPEC initiated a 4-year, USD 4.9 million program to combat child labor in the state of Bahia, funded by USDOL. This initiative aims to withdraw 7,000 and prevent 7,000 Afro-descendant children from the agricultural, domestic, and informal urban sectors.<sup>511</sup> It also participates in a USD 3.3 million ILO-IPEC regional project to combat child labor in South America, funded by the Government of Spain.<sup>512</sup> The Government participated in a 4-year, USD 6.5 million ILO-IPEC Timebound Program to eliminate the worst forms of child labor in domestic service, commercial sexual exploitation, hazardous work in agriculture, and in the informal urban sector, funded by USDOL. The project withdrew 6,279 children and prevented 5,251 children from exploitive labor.<sup>513</sup>

MPT, in partnership with state governments, is currently carrying out awareness-raising of commercial sexual exploitation of children and the trafficking of children.<sup>514</sup> The Government of Brazil continues to assist child victims of commercial sexual exploitation through the Social Assistance Specialized Reference Centers Program, which provides social services for them



and their families. This program is funded by federal, state, and municipal governments.<sup>515</sup> The Government continues operating a hotline to report sexual abuse and sexual exploitation of children. In 2008, 10,125 cases of sexual exploitation of children and adolescents were reported.<sup>516</sup> SEDH, UNICEF, and the semi-public oil company Petrobras carried out a campaign aimed at truck drivers to combat sexual exploitation of children along highways. With support from MOT and SEDH, World Vision conducted an awareness-raising campaign to combat commercial sexual exploitation of children in eight cities.<sup>517</sup>

During the reporting period, the Federal Police created a national trafficking database designed to gather accurate information about child labor, trafficking in persons, child pornography, and forced labor. MOJ, in partnership with UNODC, organized an essay contest to encourage academic research and raise awareness of trafficking in persons; six university students received cash awards.<sup>518</sup> In addition, the Brazilian Government, along with the NGO Safenet, created a Web site where cases of child pornography can be reported. In 2008, it received 57,574 complaints of child pornography.<sup>519</sup> During the reporting period, the Government trained law enforcement agents, prosecutors, federal police officers, and judges in child labor, trafficking in persons, and child sex tourism.<sup>520</sup> State and local governments continue to adopt a code of conduct to combat sex tourism and sexual exploitation. Under the code, businesses are required to display public warnings about the potential punishment for sexually exploiting children.<sup>521</sup> The Government of Brazil and the United States conducted joint training on trafficking in persons and child pornography. The Federal Highway Police continues to provide training to patrol officers.<sup>522</sup> The State of Sao Paulo, in partnership with MOJ and MOT, launched an awareness-raising campaign to combat trafficking in persons through public service announcements.<sup>523</sup> MOT continues to expand its campaign, One Who Loves, Protects to other South American countries, including Argentina, Bolivia, Chile, Colombia, Guyana, Ecuador, Suriname, Uruguay, and Venezuela. The campaign seeks to prevent the commercial sexual exploitation of children in

the tourism sector.<sup>524</sup> MTE continues to publish the "Dirty List" (*Lista Suja*), which provides information about cases of forced labor. Based on this information, the NGO Reporter Brasil, in partnership with ILO and the Ethos Institute, has developed an online database broken down by company or employer, location, economic activity, and number of forced laborers found by the special anti-forced labor mobile unit.<sup>525</sup>

The Government of Brazil and other associates and member governments of MERCOSUR are carrying out the "Niño Sur" ("Southern Child") initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>526</sup> MOT 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. It was created in 2005 and includes the Ministries of Tourism of Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay, and Venezuela.<sup>527</sup> In November 2008, the Government of Brazil hosted the World Congress III against the Sexual Exploitation of Children and Adolescents, which gathered more than 3,500 delegates from 170 countries.<sup>528</sup>

The Brazilian Government participates in a USD 450,000 USAID project to combat the trafficking of children for the purpose of commercial sexual exploitation. In addition, it participated in a USD 3.2 million project to combat trafficking of persons implemented by ILO and funded by USAID.<sup>529</sup>

The Brazilian Government participates in UNODC efforts to combat human trafficking through awareness-raising campaigns that include flyers, posters, and video clips.<sup>530</sup> The Government of Brazil participates, along with the Governments of Argentina, Paraguay, and Uruguay, in a USD 1,150,000 regional initiative funded by IDB, which seeks to develop a regional strategy to combat the trafficking of children for the purpose of sexual exploitation.<sup>531</sup> The Government of Brazil is currently funding a USD

290,000 ILO-IPEC project to eliminate the worst forms of child labor in Haiti, and it funded a USD 200,000 ILO-IPEC initiative to combat the worst forms of child labor in Lusophone countries in Africa, including Angola, Cape Verde, and Mozambique, which ended in 2008.<sup>532</sup>

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<sup>470</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Brazil, *Lei 8.069 - Estatuto da Criança e do Adolescente e dá Outras Providência*, (July 13, ), article 60; available from <http://www.planalto.gov.br/ccivil/LEIS/L8069.htm>. For age to which education is compulsory and free public education, see also Government of Brazil, *Constituição da República Federativa do Brasil de 1988*, (October 5, 1998), 227, 231, 231-A; available from [http://www.planalto.gov.br/ccivil\\_03/Constituicao/principal.htm](http://www.planalto.gov.br/ccivil_03/Constituicao/principal.htm).

<sup>471</sup> Brazilian Institute of Geography and Statistics, *Suplemento Trabalho Infantil -PNAD 2006*, March 28, 2008; available from [http://www.ibge.gov.br/home/presidencia/noticias/noticia\\_imprensa.php?id\\_noticia=1117](http://www.ibge.gov.br/home/presidencia/noticias/noticia_imprensa.php?id_noticia=1117). See also ILO-IPEC, *Support to National Efforts towards a Child Labour-Free State, Bahia- Brazil*, Project Document, Geneva, 2008, 13. See also AVANTE and ILO, *Child Labour Baseline in the State of Bahia*, Salvador May, 2008, 5.

<sup>472</sup> Ministry of Labor and Employment, *Mapa de Indicativos do Trabalho da Criança e do Adolescente*, Brasília, 2005; available from [http://www.mte.gov.br/trab\\_infantil/pub\\_7746.pdf](http://www.mte.gov.br/trab_infantil/pub_7746.pdf). See also U.S. Department of State, "Brazil," 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/index.htm>. See also Instituto Observatório Social, *A Idade da Pedra*, No. 9, February 2006; available from <http://www.observatoriosocial.org.br/portal/index.php?option=content&task=view&id=627&Itemid=89>.

See also 94FM, *Ministério Público Flagra Trabalho Infantil em Olarias*, September 29, 2007; available from [http://www.94fm.com.br/minist\\_rio\\_publico\\_flagra\\_trabalho\\_infantil\\_em\\_olarias](http://www.94fm.com.br/minist_rio_publico_flagra_trabalho_infantil_em_olarias). See also Canal Rural, *Ministério Público Denuncia Trabalho Infantil nas Lavouras de Tabaco da Região Sul*, February 7, 2008; available from <http://www.clicrbs.com.br/canalrural/jsp/default.jsp?uf=1&local=1&action=noticias&id=2019297&section=noticias>. See also ILO-IPEC, *Trabalho Infantil na Cultura da Abacaxi no Município de Santa Rita-PB: Um diagnóstico Rápido á Luz das Piores Formas de Trabalho Infantil*, 2006; available from [http://white.oit.org.pe/ippec/documentos/ti\\_abacaxi\\_br.pdf](http://white.oit.org.pe/ippec/documentos/ti_abacaxi_br.pdf). See also Comissão Pastoral da Terra,

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*Flagrante de Trabalho infantil no Corte de Cana*, 2008; available from <http://www.cptpe.org.br/modules.php?name=News&file=article&sid=1102>.

<sup>473</sup> Ministry of Labor and Employment, *Sistema de Informações sobre Focos do Trabalho Infantil*, [online] [cited March 30, 2009]; available from <http://siti.mte.gov.br/focuses/list>. See also ILO-IPEC, *O Trabalho Infantil na Atividade Informal Urbana em Guarabira*, 2006, 32-33; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=6796>.

<sup>474</sup> Brazilian Institute of Geography and Statistics, *Suplemento Trabalho Infantil -PNAD 2006*, March 28, 2008. See also U.S. Department of State, "Country Reports- 2008: Brazil," section 6d. See also ILO Committee of Experts, *Individual Observation Concerning Worst Forms of Child Labour Convention*, 1999 (No. 182) *Brazil (ratification: 2000)*, 2008 [cited January 16, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10382&chapter=6&query=%28C182%29+%40ref+%2B+%28%23subject%3D03%29+%40ref&highlight=&querytype=bool&context=0>. See also ILO-IPEC, *Trajatória de Crianças, Adolescentes e Jovens Inseridos nas Redes do Tráfico de Drogas no Varejo do Rio de Janeiro*, 2006, 28-32; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=6786>.

<sup>475</sup> U.S. Department of State, "Country Reports- 2008: Brazil," section 6c. See also O Globo, "Operação Fecha Carvoarias Clandestinas no Pará", July 2, 2008; available from <http://g1.globo.com/Noticias/Brasil/0,,MUL632782-5598,00.html>. See also International Confederation of Free Trade Unions, *Internationally Recognised Core Labour Standards in Brazil*, Geneva, November 29 and December 1, 2004; available from <http://www.icftu.org/www/pdf/clsbrazilenglish2004.pdf>. See also Repórter Brasil, *Jovens Submetidos à Escravidão são libertados por Grupo Móvel*, September 19, 2007; available from <http://www.reporterbrasil.com.br/exibe.php?id=1184>.

<sup>476</sup> U.S. Department of State, "Country Reports- 2008: Brazil," section 6c.

<sup>477</sup> Government of Brazil, *Decreto No. 6.481*, (June 12, 2008); available from [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2008/Decreto/D6481.htm](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Decreto/D6481.htm).

<sup>478</sup> U.S. Embassy- Brasilia, *reporting*, December 12, 2008. See also UNODC, *Global Report on Trafficking in Persons*, February 2009; available from [http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf).

<sup>479</sup> U.S. Department of State, "Country Reports- 2008: Brazil," section 5. See also U.S. Embassy- Brasilia, *reporting*, December 19, 2008.

<sup>480</sup> U.S. Department of State, "Country Reports- 2008: Brazil," section 5. See also U.S. Department of State,

"Brazil (Tier 2)," in *Trafficking in Persons Report- 2008: Brazil*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>481</sup> Government of Brazil, *Constituição da República Federativa do Brasil de 1988*, chapter II, article 7, xxii. See also Government of Brazil, *Decreto-Lei No. 5.452, Consolidação das Leis do Trabalho*, May 1, 1943, article 403; available from <http://www3.dataprev.gov.br/SISLEX/paginas/10/1943/5452.htm#T11>.

<sup>482</sup> Government of Brazil, *Decreto-Lei No. 5.452, Consolidação das Leis do Trabalho*, articles 402 and 403.

<sup>483</sup> U.S. Department of State, "Country Reports- 2008: Brazil," section 6d.

<sup>484</sup> Government of Brazil, *Decreto-Lei No. 5.452, Consolidação das Leis do Trabalho*, articles 404 and 405. See also Government of Brazil, *Decreto No. 6.481, June 12, 2008*.

<sup>485</sup> Government of Brazil, *Decreto No. 6.481, June 12, 2008*.

<sup>486</sup> Government of Brazil, *Decreto-Lei No. 2.848 - Código Penal (with modifications)*, (December 7, 1940); available from [http://www.planalto.gov.br/ccivil\\_03/Decreto-Lei/Del2848compilado.htm](http://www.planalto.gov.br/ccivil_03/Decreto-Lei/Del2848compilado.htm). See also ILO Committee of Experts, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Brazil (ratification: 2000)*.

<sup>487</sup> Government of Brazil, *Decreto-Lei No. 2.848 - Código Penal (with modifications)*, articles 132, 203, 206-207 (modified by Laws 9.777 and 8.683 of 1993 and 1998).

<sup>488</sup> *Ibid.*, 227, 231, 231-A (modified by Lei 11.106 March 28, 2005). See also U.S. Embassy - Brasilia, *reporting*, March 2, 2009.

<sup>489</sup> Government of Brazil, *Decreto-Lei No. 2.848 - Código Penal (with modifications)*, articles 227-229.

<sup>490</sup> Government of Brazil, *Lei 11.829 (modified articles 240-241E of Lei 8.069 -Estatuto da Criança e do Adolescente e dá Outras Providência)*, (November 25, 2008); available from [http://www.planalto.gov.br/ccivil/\\_Ato2007-2010/2008/Lei/L11829.htm#art1](http://www.planalto.gov.br/ccivil/_Ato2007-2010/2008/Lei/L11829.htm#art1).

<sup>491</sup> *Ibid.*

<sup>492</sup> Ministry of Defense, *Serviço Militar*, [online] [cited January 6, 2009]; available from [https://www.defesa.gov.br/servico\\_militar/index.php?page=alistamento](https://www.defesa.gov.br/servico_militar/index.php?page=alistamento). See also Coalition to Stop the Use of Child Soldiers, "Brazil," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>493</sup> Ministry of Labor and Employment, *Portaria No. 483, Regimento Interno*, (September 16, 2004), annex VI, chapter III, articles 13-14; available from [http://www.mte.gov.br/institucional/estr\\_reg\\_sit.pdf](http://www.mte.gov.br/institucional/estr_reg_sit.pdf).

<sup>494</sup> U.S. Department of State, "Country Reports- 2008: Brazil," section 6d. See also U.S. Embassy- Brasilia, *reporting*, February 26, 2009.

<sup>495</sup> Ministry of Labor and Employment, *Resultados da Fiscalização de Janeiro a Dezembro de 2008*; available from [http://www.mte.gov.br/fisca\\_trab/est\\_resu\\_fisc\\_jan\\_dez\\_acumulo2008.pdf](http://www.mte.gov.br/fisca_trab/est_resu_fisc_jan_dez_acumulo2008.pdf). See also Ministry of Labor and Employment, *Resultados da Fiscalização - Janeiro e Fevereiro de 2009*, 2009; available from [http://www.mte.gov.br/fisca\\_trab/est\\_resu\\_fisc\\_jan\\_fev\\_acumulo2009.pdf](http://www.mte.gov.br/fisca_trab/est_resu_fisc_jan_fev_acumulo2009.pdf).

<sup>496</sup> Federal Labor Prosecutor's Office, *MPT Realiza Audiência com Municípios Maranhenses para Adoção ao PETI*, February 4, 2009; available from <http://www.pgt.mpt.gov.br/pgtgc/publicacao/engine.wsp?tmp.area=268&tmp.texto=8348>.

<sup>497</sup> Federal Labor Prosecutor's Office, *Trabalho Infantil*, [online] [cited March 24, 2009]; available from <http://www.pgt.mpt.gov.br/pgtgc/publicacao/engine.wsp?tmp.area=258>. See also U.S. Embassy- Brasilia, *reporting*, February 26, 2009.

<sup>498</sup> ILO, *Forced Labour in Brazil: 120 Years after the Abolition of Slavery, the Fight Goes on*, May 13, 2008; available from [http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Feature\\_stories/lang--en/WCMS\\_092663/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_092663/index.htm). See also U.S. Embassy - Brasilia, *reporting*, March 2, 2009.

<sup>499</sup> U.S. Department of State, "Country Reports- 2008: Brazil," section 5.

<sup>500</sup> *Ibid.* U.S. Department of State, "Trafficking in Persons Report- 2008: Brazil." See also U.S. Embassy - Brasilia, *reporting*, March 2, 2009.

<sup>501</sup> U.S. Embassy -Brazil, E-mail communication to USDOL official, July 6, 2009.

<sup>502</sup> Government of Brazil, *Decreto No. 6.347*, (January 8, 2008); available from [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2008/Decreto/D6347.htm](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2008/Decreto/D6347.htm).

<sup>503</sup> Brazilian Institute of Geography and Statistics, *Suplemento Trabalho Infantil -PNAD 2006, March 28, 2008*.

<sup>504</sup> Ministry of Labor and Employment, *Sistema de Informações sobre Focos do Trabalho Infantil*. See also Ministry of Labor and Employment, *Saiba Tudo sobre o Trabalho Infantil*, 2008; available from [http://www.mte.gov.br/trab\\_infantil/cartilha\\_trabalho\\_infantil/default.html](http://www.mte.gov.br/trab_infantil/cartilha_trabalho_infantil/default.html). See also ILO-IPEC, *Support to National Efforts towards a Child Labour-Free State, Bahia- Brazil*, Technical Progress Report, March 2009, 5 and 7.

<sup>505</sup> Federal Labor Prosecutor's Office, *MPT Cria Projetos de Âmbito Nacional para Erradicação do Trabalho Infantil*, March 18, 2009; available from <http://www.pgt.mpt.gov.br/pgtgc/publicacao/engine.wsp?tmp.area=268&tmp.texto=8504>. See also Federal Labor Prosecutor's Office, *Membros da Coordinfância Decidem Lançar Projeto 'MPT na Escola' Nacionalmente*, March 13, 2009; available from <http://www.pgt.mpt.gov.br/pgtgc/publicacao/engine.wsp?tmp.area=268&tmp.texto=8491>.

<sup>506</sup> ILO-IPEC, *IPEC news*, March 2009; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=9770>. See also Ministry of Education and Special Secretariat of Human Rights, *Os Direitos Humanos*, 2008; available from <http://www.mj.gov.br/sedh/documentos/CartilhaZiraldo.pdf>.

<sup>507</sup> Ministry of Social Development and Combating Hunger, *Desarrollo Social. Guía Síntese*, 2008.

<sup>508</sup> Ministry of Social Development and Combating Hunger, *Programa de Erradicação do Trabalho Infantil - PETI*; available from [http://www.portaltransparencia.gov.br/curso\\_PETI.pdf](http://www.portaltransparencia.gov.br/curso_PETI.pdf).

<sup>509</sup> Ministry of Social Development and Combating Hunger, *Programa Bolsa Família. O que são Condições?*, [online] [cited March 20, 2009]; available from <http://www.mds.gov.br/bolsafamilia/condicionalidades/o-que-sao-condicionalidades/>.

<sup>510</sup> State Legislative Assembly of Minas Gerais, *Estado Terá Novo Plano Contra Trabalho Infantil*, March 18, 2008; available from [http://www.almg.gov.br/not/bancodenoticias/Not\\_681780.asp](http://www.almg.gov.br/not/bancodenoticias/Not_681780.asp). See also Government of Pernambuco, *Estado Lança Plano Contra Trabalho Infantil*, February 2, 2009; available from <http://www2.pe.gov.br/web/portalpe/exibirartigo?companyId=communis.com.br&articleId=14103>.

<sup>511</sup> ILO-IPEC, *ILO-IPEC, Support to National Efforts towards a Child Labour-Free State, Bahia- Brazil*, 57.

<sup>512</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO, *IPEC Action Against Child Labour 2008: Highlights*, 2009, 56; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=9471>.

<sup>513</sup> ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor*, Final Technical Progress Report, Geneva, December 2008. See also ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor (Addendum)*, Project Document, 2005. See also ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor*, Project Document, September 30, 2003.

<sup>514</sup> Federal Labor Prosecutor's Office, *MPT em PE Lança Campanha de Combate à Exploração Sexual Infantil*, February 9, 2009; available from [http://www.pgt.mpt.gov.br/pgtgc/publicacao/engine.wsp?tmp.area=268&tmp.texto=8330&tmp.area\\_anterior=44&tmp.argumento\\_pesquisa=trabalho%20infantil](http://www.pgt.mpt.gov.br/pgtgc/publicacao/engine.wsp?tmp.area=268&tmp.texto=8330&tmp.area_anterior=44&tmp.argumento_pesquisa=trabalho%20infantil).

<sup>515</sup> See also Ministry of Social Development and Fight against Hunger, *CREAS – Centro de Referência Especial*

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<sup>516</sup> U.S. Department of State, "Country Reports- 2008: Brazil," section 4.

<sup>517</sup> U.S. Embassy - Brasilia, *reporting*, March 2, 2009.

<sup>518</sup> *Ibid.*

<sup>519</sup> Fabiana Frayssinet, "War against Child Pornography on the Internet," *Inter Press Services News Agency*, November 28, 2008; available from <http://www.ipsnews.net/print.asp?idnews=44906>.

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<sup>520</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Brazil."

<sup>521</sup> Government of Alagoas, *Municípios Alagoanos Recebem Código de Conduta do Turismo contra a Exploração Sexual Infante-Juvenil*, July 25, 2008; available from <http://www.turismo.al.gov.br/sala-de-imprensa/noticias/noticias-2007/maio/setur-apoia-campanha-contra-exploracao-sexual/>. See also Government of Bahia, *Informativo Ministério Público*, No. 65, October 2008; available from [http://www.mp.ba.gov.br/imprensa/informativos/2008/mp\\_65.pdf](http://www.mp.ba.gov.br/imprensa/informativos/2008/mp_65.pdf).

<sup>522</sup> U.S. Embassy- Brasilia, *reporting*, February 26, 2009.

<sup>523</sup> U.S. Embassy- Brasilia, *reporting*, December 19, 2008. See also U.S. Embassy- Brasilia, *reporting*, January 9, 2009.

<sup>524</sup> U.S. Embassy - Brasilia, *reporting*, March 2, 2009.

<sup>525</sup> ILO, *Forced Labour in Brazil: 120 Years after the Abolition of Slavery, the Fight Goes on*. May 13, 2008. See also U.S. Embassy - Brasilia, *reporting*, March 2, 2009. See also Repórter Brasil, *Lista Suja do Trabalho Escravo*, [online] [cited April 22, 2009]; available from <http://www.reporterbrasil.com.br/listasuja/index.php?lingua=pt>.

<sup>526</sup> Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [online] 2008 [cited March 19, 2009]; available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>527</sup> Brazilian Ministry of Tourism, *Equador Assume Direção de Grupo Latino-Americano para a Proteção*

*Infanto-Juvenil*, November 26, 2008; available from [http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Equador\\_assume\\_direcao\\_de\\_grupo\\_latino-americano\\_para\\_protecao\\_infanto-juvenil.html](http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Equador_assume_direcao_de_grupo_latino-americano_para_protecao_infanto-juvenil.html)

See also Ecuadorean Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, November 18, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

<sup>528</sup> U.S. Embassy - Brasilia, *reporting*, January 16, 2009.

<sup>529</sup> ILO-IPEC Geneva official, E-mail communication, December 18, 2008.

<sup>530</sup> UNODC, *Programa de Combate ao Tráfico de Seres Humanos*, [online] [cited February 6 2009]; available from [http://www.unodc.org/brazil/pt/programasglobais\\_tsh\\_conscientizacao.html](http://www.unodc.org/brazil/pt/programasglobais_tsh_conscientizacao.html).

<sup>531</sup> IDB, RG-T1266: *La Trata y el Tráfico de Niños y Adolescentes para Fines de Explotación Sexual*, [online] [cited February 6, 2009]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266>.

<sup>532</sup> ILO-IPEC Geneva official, E-mail communication, December 18, 2008.

## Burkina Faso

### *Selected Statistics and Indicators on Child Labor*<sup>533</sup>

Population, children, 5-14 years, 2003:	3,462,184
Working children, 5-14 years (%), 2003:	47.0
Working boys, 5-14 years (%), 2003:	46.4
Working girls, 5-14 years (%), 2003:	47.7
Working children by sector, 5-14 years (%), 2003:	
- Agriculture	97.4
- Manufacturing	0.4
- Services	2.0
- Other	0.2
Minimum age for work:	15
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	65.3
Net primary enrollment rate (%), 2006:	46.9
School attendance, children 5-14 years (%), 2003:	27.2
Survival rate to grade 5 (%), 2006:	80.6
ILO Convention 138:	2/11/1999
ILO Convention 182:	7/25/2001
CRC:	8/31/1990
CRCOPAC:	7/6/2007
CRCOPSC:	3/31/2006
Palermo:	5/15/2002
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses.

### **Incidence and Nature of Child Labor**

The majority of economically active children in Burkina Faso are found in agriculture and stock-raising, often working on family farms, and in some cases as paid laborers.<sup>534</sup> Children work throughout the farming process, sowing, weeding, and harvesting diverse products such as beans, cereal, and groundnuts. In addition, many children work on cotton farms where they may be exposed to harmful pesticides.<sup>535</sup> Children work in hazardous conditions in quarries and in the mining sector, especially in gold mines where gold-washing may expose children to mercury.<sup>536</sup> Children, particularly girls, also work as hawkers or domestic servants.<sup>537</sup> Such children, street children, and those children working in the informal sector, including as beggars, are also engaged in commercial sexual exploitation.<sup>538</sup>

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Burkina Faso.<sup>539</sup> While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned or to work in fields.<sup>540</sup> Forced begging under the guise of religion is increasingly prevalent, as is the number of street children in urban areas, some as young as seven.<sup>541</sup>

Burkina Faso is a destination, transit, and source country for children trafficked for the purpose of

forced labor and commercial sexual exploitation.<sup>542</sup> Children are primarily trafficked within Burkina Faso, from rural areas to urban areas, to work in domestic service, prostitution, in street vending, and quarries; and increasingly to the western regions, to work in mining and agriculture, particularly cotton.<sup>543</sup> Children from western and northwestern Burkina Faso, especially from the Dogon, Samo, and Dafing ethnic groups, are at higher risk of being trafficked.<sup>544</sup> Trafficking hubs in Burkina Faso include the Sahel in the north, Boucle du Mouhon in the west, and Tapoa and Gnagnan provinces in the east.<sup>545</sup> Children are trafficked into Burkina Faso from Nigeria and Togo for forced labor in mining, agriculture, and domestic service.<sup>546</sup> Burkina Faso is also a transit country for children trafficked from Togo, Mali, and Benin.<sup>547</sup> Children from Burkina Faso are trafficked into Benin, Côte d'Ivoire, Gabon, Ghana, Niger, Nigeria, Togo, and especially to Mali to work in rice fields.<sup>548</sup>

### **Child Labor Laws and Enforcement**

The Labor Code sets the minimum age for employment at 16 years.<sup>549</sup> Children of less than 18 years are prohibited from working at night, although children 16 years or older may do so in a case of *force majeure*.<sup>550</sup> A decree lists the types of work and enterprises in which children are forbidden to work, such as work with explosives or, for children less than 16 years, work in mines. This decree also establishes parameters for acceptable work, such as the amount of weight that children 14 to 15 years and 16 to 18 years may transport.<sup>551</sup> Under the law, children and adolescents less than 20 years are prohibited from work that could harm their reproductive abilities.<sup>552</sup> Violations of minimum age laws are subject to a fine and imprisonment of up to 3 years for a first offense and imprisonment of up to 5 years for a subsequent offense.<sup>553</sup>

The Labor Code defines and prohibits the worst forms of child labor, including slavery, debt bondage, indebted servitude, forced labor, prostitution, children used in armed conflicts, children used in illicit activities, and any work that is by its nature harmful to the health of a child.<sup>554</sup> Slavery and slavery-like practices, inhumane and cruel treatment, and physical or emotional abuse of children are also forbidden by

the Constitution.<sup>555</sup> A new law enacted in May 2008 prohibits trafficking in persons for purposes of forced labor, slavery, servitude, and sexual exploitation and expands the definition of child labor to include begging and domestic service. The penalty is set at 5 to 10 years of imprisonment, with an increased penalty of 10 to 20 years of imprisonment if the victim is a minor of no more than 15 years or a sentence of life imprisonment if the trafficking resulted in the death or permanent mutilation of the victim.<sup>556</sup> These penalties also apply to violations of laws prohibiting the worst forms of child labor.<sup>557</sup>

The Penal Code also makes it an offense to encourage or employ children in begging. Such acts are subject to sentences of imprisonment for periods of 6 months to 2 years.<sup>558</sup> This law also forbids any involvement in prostitution and explicitly prohibits the debauchery or corruption of a minor. Under this law, such violations are punishable by 2 to 5 years of imprisonment and fines.<sup>559</sup> The minimum age for voluntary recruitment into the military is 20 years.<sup>560</sup>

The Ministry of Labor and Social Security and the Ministry of Social Action and National Solidarity are responsible for enforcing child labor laws.<sup>561</sup> Labor inspectors, police, and customs service agents share responsibility for investigating child labor violations. Burkina Faso employs 39 labor inspectors, 1 of whom coordinates child labor issues in each region.<sup>562</sup> In 2008, security forces arrested 40 child traffickers, 16 of whom were cleared of all charges, while others were sentenced to varying prison terms.<sup>563</sup>

Burkina Faso was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>564</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Burkina Faso agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>565</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In March 2008, the Government of Burkina Faso finalized its National Employment Policy and Action Plan, which includes specific provisions aimed at linking the National Employment Plan and the fight against exploitive child labor.<sup>566</sup> Specific actions will promote training and apprenticeships for children working in mines, quarries, domestic service, agriculture or pastoral sectors, and the informal sector, in order to remove them from exploitive forms of work.<sup>567</sup> In May 2008, the Government of Burkina Faso ratified the African Charter on the Rights and Welfare of the Child, which includes provisions against child labor.<sup>568</sup> Additionally, in May 2008, the Government passed a new Labor Code that raises the minimum age of employment from 15 to 16 years.<sup>569</sup>

The Government of Burkina Faso continues to implement a 2007 National Action Plan against Trafficking in Persons under its National Social Action Policy.<sup>570</sup> The Ministries of Social Action, Labor and Social Security, Health, Justice, Foreign Affairs, Human Rights, Decentralization, and Basic Education are all involved in anti-trafficking efforts under the lead of the Ministry of Social Action.<sup>571</sup> In May 2008, a new trafficking law was passed increasing the penalties associated with trafficking and worst forms of child labor, and expanding the definition of exploitive child labor.<sup>572</sup>

The Government cooperates with NGOs and international organizations to reintegrate child trafficking victims. The Government also supports Vigilance and Surveillance Committees throughout the country and has trained them on how to identify and assist trafficking victims.<sup>573</sup> According to USDOS, the Ministry of Social Action's Directorate for Child Protection and Fight against Violence against Children collects statistics on these committees, reporting that such committees had intercepted approximately 591 trafficked children in 2008.<sup>574</sup>

The Ministry of Employment and Youth, in partnership with IPEC, organized workshops on vocational training, and in partnership with the

Gold Mining Company Field Burkina SA, organized training in masonry, carpentry, and some other trades as a means of withdrawing or preventing children from artisanal gold mining.<sup>575</sup> The Government has worked with a committee of Government representatives, Islamic associations, and other partner organizations to develop strategies to combat child begging.<sup>576</sup>

The Government continues to participate in a USD 3-year, 3 million USDOL-funded regional ILO-IPEC project to combat child labor in small-scale gold mining. The project targets 1,500 children to be withdrawn and 2,500 children to be prevented from exploitive work in gold mining in Burkina Faso and Niger.<sup>577</sup>

The Government of Burkina Faso is participating in a 3-year, USD 4.8 million regional ILO-IPEC project, funded by the Government of France, which runs until December 31, 2009, and includes vocational training and apprenticeship programming.<sup>578</sup>

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<sup>533</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Burkina Faso, *Loi n° 028-2008/AN portant code du travail au Burkina Faso*, (May 13, 2008), article 152. For age to which education is compulsory, see Government of Burkina Faso, *Loi n° 13-96 ADP du 9 mai portant loi d'orientation de l'éducation*, (May 9, 1996), article 2. For free public education, see Government of Burkina Faso, *Loi n° 13-2007-065 AN du 30 juillet 2007 portant loi d'orientation de l'éducation*, (September 5, 2007), article 6. See also Government of Burkina Faso, *Efforts to Eliminate the Worst Forms of Child Labor*, January 26, 2009. See also U.S. Department of State, "Burkina Faso," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118988.htm>.

<sup>534</sup> ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Burkina Faso (ratification: 1999)*, [online] 2008 [cited January 27, 2009], article 2, para 1; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21586&chapter=9&query=%28burkina+faso%29+%40ref&highlight=&querytype=bool&context=0>. See also Kristoffel Lieten et al., "Burkina Faso" *Education in Rural Area: Obstacles and Relevance*, International Research on Working

Children, 2007, 48-49; available from [http://www.childlabour.net/docs/Education%20summaries\\_Final\\_21NOV2007\\_colour%20version%20for%20website.pdf](http://www.childlabour.net/docs/Education%20summaries_Final_21NOV2007_colour%20version%20for%20website.pdf).

<sup>535</sup> 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, 23, 26, 27; available from [http://www.childlabour.net/docs/albertinedelange\\_trafficking\\_burkina\\_FINAL\\_19-09.pdf](http://www.childlabour.net/docs/albertinedelange_trafficking_burkina_FINAL_19-09.pdf).

<sup>536</sup> ILO Committee of Experts, *Individual Direct Request C138: Burkina Faso*, article 1, para 2 and article 2, para 1. See also UNICEF, *Burkina Faso : 190 enfants retirés du travail grâce à un programme Unicef*, [online] June 11, 2007 [cited January 27, 2009]; available from <http://www.unicef.fr/accueil/sur-le-terrain/pays/afrique-de-l-ouest-et-centrale/burkina-faso/var/lang/FR/rub/181/method/print/articles/4915.html#>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burkina Faso (ratification: 2001)*, [online] 2008 [cited January 27, 2009], section 2; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10380&chapter=6&query=%28burkina+faso%29+%40ref&highlight=&querytype=bool&context=0>. See also ILO-IPEC, *Child Labour in Gold Mining: The Problem*, Geneva, June 2006; available from <http://www.ilo.org/ipcc/areas/Miningandquarrying/MoreaboutCLinmining/lang-en/index.htm>.

<sup>537</sup> ILO Committee of Experts, *Individual Observation C182: Burkina Faso*, section 2, clause e. See also ILO-IPEC, *Hazardous Child Domestic Work: A Briefing Sheet*, Briefing Sheet, Geneva, 2007; available from <http://www.ilo.org/ipccinfo/product/viewProduct.do?productId=4044>. See also Kristoffel Lieten et al., *Education in Rural Areas*, 49.

<sup>538</sup> Government of Burkina Faso- Ministère de l'Action Sociale et de La Solidarité Nationale, *3ème ET 4ème Rapports Périodiques du Burkina Faso sur la Mise en Œuvre de la Convention Relative aux Droits de l'Enfant: 1999-2006*, [online] December 2006 [cited January 27, 2009], 96; available from [http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.BFA.4\\_fr.doc](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.BFA.4_fr.doc). See also UNICEF, *UNICEF Burkina Faso - Good Practice: Committed to Curbing Sexual Exploitation of Children*, [online] [cited January 27, 2009]; available from [www.unicef.org/wcaro/wcaro\\_WCIII\\_good\\_practice\\_Burkina\\_Faso.pdf](http://www.unicef.org/wcaro/wcaro_WCIII_good_practice_Burkina_Faso.pdf).

<sup>539</sup> 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*, Segou, April 2007. See also Peter Easton et al., *Research*

*Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html>. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1 and 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>.

<sup>540</sup> IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited January 26, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>. See also Save the Children - Canada, *Training and Education Against Trafficking (TREAT)*, Technical Progress Report, Toronto, August 7, 2007, 33.

<sup>541</sup> Government of Burkina Faso- Ministère de l'Action Sociale et de La Solidarité Nationale, *Third and Fourth Periodic Report on CRC: 1999-2006*, 97. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Burkina Faso (ratification: 2001)*, [online] 2008 [cited January 27, 2009], section 2; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21844&chapter=9&query=%28burkina+faso%29+%40ref&highlight=&querytype=bool&context=0>. See also Integrated Regional Information Networks, "Burkina Faso: Fresh approach to street children", IRINnews.org, [online], 2008 [cited January 16, 2009]; available from <http://www.irinnews.org/report.aspx?ReportID=78112>.

<sup>542</sup> U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also Brad Kress, *Burkina Faso: Testing the Tradition of Circular Migration*, Migration Policy Institute, May 2006, 7; available from <http://www.migrationinformation.org/Profiles/print.cfm?ID=399>.

<sup>543</sup> Integrated Regional Information Networks, "Burkina Faso: New child trafficking law hard to enforce", IRINnews.org, [online], 2008 [cited January 27, 2009]; available from <http://www.irinnews.org/report.aspx?ReportID=78570>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Burkina Faso." See also UNICEF, *UNICEF Burkina Faso - Child Protection - Child Trafficking*, [online] 2008 [cited January 27, 2009]; available from [www.unicef.org/bfa/english/protection\\_916.html](http://www.unicef.org/bfa/english/protection_916.html).

<sup>544</sup> U.S. Embassy- Ouagadougou, *reporting*, March 3, 2008, para 2a.

<sup>545</sup> Integrated Regional Information Networks, "New child trafficking law hard to enforce".



<sup>546</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Burkina Faso."

<sup>547</sup> Kress, *Burkina Faso: Testing the Tradition of Circular Migration*, 7.

<sup>548</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Burkina Faso." See also Kress, *Burkina Faso: Testing the Tradition of Circular Migration*. See also ILO-IPEC LUTRENA, *La Traite des Enfants Aux Fins D'Exploitation De Leur Travail Dans Les Mines d'Or D'Issia Cote D'Ivoire*, Research Report, Cote D'Ivoire, 2005, 24-25. 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, 7. See also U.S. Department of State, "Gabon (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>549</sup> Government of Burkina Faso, *Code du travail enacted May 2008*, article 152.

<sup>550</sup> *Ibid.*, article 151. See also ILO Committee of Experts, *Individual Observation concerning Night Work of Young Persons (Industry) Convention, 1919 (No. 6) Burkina Faso (ratification: 1960)*, [online] 2007 [cited January 27, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=19139&chapter=9&query=%28burkina+faso%29+%40ref&highlight=&qquerytype=bool&context=0>.

<sup>551</sup> Government of Burkina Faso- Ministère de la promotion des droits humains, *Code de protection de l'enfance (Recueil de textes)*, September 30, 2006, 301 and 304.

<sup>552</sup> Government of Burkina Faso, *Code du travail enacted May 2008*, articles 149 and 150.

<sup>553</sup> *Ibid.*, article 422.

<sup>554</sup> *Ibid.*, article 153.

<sup>555</sup> Government of Burkina Faso, *Constitution du Burkina Faso*, Loi N° 002/97/ADP, (January 27, 1997), article 2; available from [http://www.legiburkina.bf/codes/constitution\\_du\\_burkina\\_faso.htm](http://www.legiburkina.bf/codes/constitution_du_burkina_faso.htm).

<sup>556</sup> Government of Burkina Faso, *LOI N° 029-2008/AN PORTANT lutte contre la traite des personnes et Les pratiques assimilees. jo n°26 DU 26 JUIN 2008*, (May 15, 2008), articles 1, 4, 5; available from [http://www.legiburkina.bf/jo/jo2008/no\\_26/Loi\\_2008\\_AN\\_00029.htm](http://www.legiburkina.bf/jo/jo2008/no_26/Loi_2008_AN_00029.htm). See also Integrated Regional Information Networks, "New child trafficking law hard to enforce".

<sup>557</sup> Government of Burkina Faso, *Code du travail enacted May 2008*, articles 153 and 424. See also Government of Burkina Faso, *LOI N° 029-2008/AN portant lutte contre la traite des personnes*, article 5.

<sup>558</sup> Government of Burkina Faso, *Loi No. 043/96/ADP du 13 Novembre 1996 portant Code Pénal*, (November 13, 1996), section 5, articles 243-245; available from <http://www.unhcr.org/cgi-bin/tehis/vtx/refworld/rwmain?page=printdoc&docid=3ae6b5cc0>.

<sup>559</sup> *Ibid.*, section 9, articles 422 and 423.

<sup>560</sup> Government of Burkina Faso, *Efforts to Eliminate the Worst Forms of Child Labor*. See also Coalition to Stop the Use of Child Soldiers, "Burkina Faso," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=34>.

<sup>561</sup> U.S. Department of State, "Country Reports- 2008: Burkina Faso." See also Government of Burkina Faso, *Code du travail enacted May 2008*, article 154. See also Government of Burkina Faso, *Loi n° 033-2004/AN portant code du travail au Burkina Faso*, (September 14, 2004), articles 388 and 390; available from [http://www.legiburkina.bf/jo/jo2004/no\\_spécial\\_02/Loi\\_AN\\_2004\\_00033.htm](http://www.legiburkina.bf/jo/jo2004/no_spécial_02/Loi_AN_2004_00033.htm).

<sup>562</sup> Government of Burkina Faso, *Efforts to Eliminate the Worst Forms of Child Labor*.

<sup>563</sup> U.S. Embassy- Ouagadougou, reporting, February 25, 2009.

<sup>564</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>565</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

<sup>566</sup> ILO-IPEC, *Prevention and Elimination of Child Labour in Artisanal Gold Mining in West Africa*, Technical Progress Report, Geneva, September 15, 2008, 3. See also Government of Burkina Faso- Ministère de la Jeunesse et de l'Emploi, *Politique Nationale de l'Emploi (PNE)*, (March 2008), 30.

<sup>567</sup> Government of Burkina Faso- Ministère de la Jeunesse et de l'Emploi, *Plan d'Action Operationnel (PAO) Pour la Mise en Oeuvre de la Politique Nationale de l'Emploi (PNE)*, (March 2008), 12 and 60.

<sup>568</sup> Government of Burkina Faso, *DECRET N° 2008-215/PRES du 5 mai 2008 promulguant la loi n° 009-2008/AN du 10 avril 2008 portant autorisation de ratification de la Charte africaine de la jeunesse adoptée à la septième session de la Conférence des Chefs d'Etat et de Gouvernement de l'Union africaine tenue le 2 juillet 2007 à Banjul (République de la Gambie)*. JO N°21 DU 22 MAI 2008, (May 5, 2008); available from [http://www.legiburkina.bf/jo/jo2008/no\\_21/Dcret\\_PM\\_2008\\_00215.htm](http://www.legiburkina.bf/jo/jo2008/no_21/Dcret_PM_2008_00215.htm).

<sup>569</sup> Government of Burkina Faso, *Code du travail enacted May 2008*, article 152. See also Government of Burkina Faso, *Code du travail enacted September 2004*, article 147.

<sup>570</sup> U.S. Embassy- Ouagadougou, *reporting, March 3, 2008*, para 5f.

<sup>571</sup> U.S. Embassy- Ouagadougou, *reporting, February 25, 2009*.

<sup>572</sup> Integrated Regional Information Networks, "New child trafficking law hard to enforce".

<sup>573</sup> ILO Committee of Experts, *Individual Observation C182: Burkina Faso*, article 5.

<sup>574</sup> U.S. Embassy- Ouagadougou, *reporting, February 25, 2009*.

<sup>575</sup> ILO-IPEC, *Prevention and Elimination of Child Labour in Artisanal Gold Mining in West Africa*, 4.

<sup>576</sup> Government of Burkina Faso- Ministère de l'Action Sociale et de La Solidarité Nationale, *Third and Fourth Periodic Report on CRC: 1999-2006*, 97.

<sup>577</sup> ILO-IPEC, *Prevention and Elimination of Child Labor in Mining in West Africa*, Project Document, Geneva, September 30, 2005, cover page.

<sup>578</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December, 2008.

## Burundi

### *Selected Statistics and Indicators on Child Labor*<sup>579</sup>

Population, children, 5-14 years, 2000:	2,162,500
Working children, 5-14 years (%), 2000:	31.2
Working boys, 5-14 years (%), 2000:	32.3
Working girls, 5-14 years (%), 2000:	30.1
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	12
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	103.2
Net primary enrollment rate (%), 2006:	74.6
School attendance, children 5-14 years (%), 2000:	41.9
Survival rate to grade 5 (%), 2005:	87.9
ILO Convention 138:	7/19/2000
ILO Convention 182:	6/11/2002
CRC:	10/19/1990
CRCOPAC:	6/24/2008
CRCOPSC:	11/6/2007
Palermo:	No
ILO-IPEC participating country:	Associated

### **Incidence and Nature of Child Labor**

Children in Burundi work primarily in agriculture, herding, fishing, and the informal

sector.<sup>580</sup> A research project in Burundi found that children in rural areas are more likely to work exclusively and not attend school than those in urban areas.<sup>581</sup> In urban areas, a large number of street children are involved in activities such as hawking goods or working as porters, which may involve carrying heavy loads.<sup>582</sup> Children also work long hours as domestic servants, and some have reported not being paid wages owed.<sup>583</sup> There have also been reports that children are victims of commercial sexual exploitation.<sup>584</sup>

The rebel group, Party for the Liberation of the Hutu People/National Liberation Front is still recruiting and using child soldiers in its camps, despite a cease-fire agreement that was signed and in effect since 2007.<sup>585</sup>

Children in Burundi are trafficked internally for the purposes of child soldiering, domestic service, and commercial sexual exploitation. Children are also reportedly trafficked from Burundi to Uganda for commercial sexual exploitation and work in agriculture.<sup>586</sup>

### **Child Labor Laws and Enforcement**

The minimum age for employment in Burundi is 16 years.<sup>587</sup> Children 12 to 16 years are permitted to engage in light work or apprenticeships that do not jeopardize their health, development, or ability to attend and benefit from school.<sup>588</sup> Children of less than 16 years may work a maximum of 6 hours per day, must have rest

periods of at least 12 hours between work sessions, and, as with all children, are prohibited from working at night.<sup>589</sup> The law allows for medical examinations to determine whether a child's work causes undue physical stress.<sup>590</sup> Employers found in violation of the provisions for the work of young persons are subject to fines and, for repeat offenses, closure of the place of employment.<sup>591</sup>

The Constitution prohibits slavery in all forms, and the Labor Code prohibits forced labor, except in special circumstances such as military service, civic obligations in the public interest, or as a result of a judicial decision.<sup>592</sup> Inciting, exploiting, or facilitating the prostitution of persons under 21 years are subject to fines and imprisonment of up to 10 years. Offenses against the decency of a child are punishable by prison terms of 5 to 15 years.<sup>593</sup> The law does not specifically prohibit trafficking; however, traffickers can be prosecuted under laws against assault, fraud, kidnapping, rape, prostitution, and slavery, and they may face up to 20 years in prison.<sup>594</sup> The Constitution specifically prohibits using children directly in armed conflicts.<sup>595</sup> Nonetheless, by law the minimum age for military recruitment is 16 years, although the Government reports that in practice it does not recruit those under 18 years.<sup>596</sup>

Burundi was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>597</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>598</sup>

The Ministry of Labor is responsible for enforcing child labor laws.<sup>599</sup> According to USDOS, enforcement is carried out only in response to the filing of complaints. This practice is due, at least in part, to a lack of labor inspectors.<sup>600</sup> In 2008, there were only 12 labor inspectors, none of whom was specifically assigned to child labor,

and no child labor investigations were conducted.<sup>601</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government of Burundi continued to assist former child soldiers and street children.<sup>602</sup> Burundi's National Demobilization, Reinsertion, and Reintegration Program continued activities that demobilize child soldiers and prevent the recruitment of ex-combatant child soldiers.<sup>603</sup> These activities were originally funded under a World Bank umbrella grant; since June 2006, the Government and UNICEF have continued to provide support so these children may receive education and vocational training.<sup>604</sup> The Government has also helped to provide income-generating projects for former child soldiers.<sup>605</sup>

Burundi also worked with international organizations and NGOs to provide training on the enforcement of child labor laws for Ministry of Labor officials.<sup>606</sup> The Government also embarked on a birth registration campaign that is intended to deter the trafficking of children.<sup>607</sup>

The Government of Burundi participated in a 2-year, USD 1.275 million regional project in the Democratic Republic of the Congo and Burundi, which ended on January 31, 2009. The project was implemented by ILO-IPEC, with funding from the Government of Norway, to prevent the involvement of children in armed conflict and support the rehabilitation of former child soldiers.<sup>608</sup>

Burundi continues to participate in the 2-year, USD 460,000 regional anti-trafficking technical assistance project implemented by UNODC's Regional Office for Eastern Africa and funded by the Governments of Norway and Sweden. The project aims to bolster coordination among the 11 EAPCCO countries through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa and to harmonize national legislation with the Palermo Protocol.<sup>609</sup>

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<sup>579</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and

ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Burundi, *Décret loi no. 1/037 du 7 juillet 1993 portant révision du Code du travail*, title V, chapter VI, article 126; available from <http://natlex.ilo.org/txt/F93BDI01.htm>. For age to which education is compulsory, see U.S. Department of State, "Burundi," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118989.htm>. For free public education, see The Centre for Conflict Resolution and The Office of UNHCR: Southern Africa Regional Office, *Children and Armed Conflicts in Africa*, Cape Town, April 2007, 31.

<sup>580</sup> Observatoire Ineza des Droits de l'Enfant au Burundi, *Guide des droits de l'enfant au Burundi*, 2nd ed. (2008), 31; available from [http://www.oideb.org/pdf/guide\\_droits\\_enfant\\_burundi.pdf](http://www.oideb.org/pdf/guide_droits_enfant_burundi.pdf). See also PANA, "Mobilisation contre le travail des enfants au Burundi", *Burundi Tribune*, [online], October 6 2008 [cited January 13, 2008]; available from [www.burunditribune.com/news\\_pdf.cfm?ID=637](http://www.burunditribune.com/news_pdf.cfm?ID=637).

<sup>581</sup> L. Guarcello, S. Lyon, and F.C. Rosati, *Orphanhood and child vulnerability: Burundi*, [online] 2004 [cited January 13, 2008]; available from [http://www.ucw-project.org/pdf/publications/Burundi\\_orphans\\_count\\_ryreports.pdf](http://www.ucw-project.org/pdf/publications/Burundi_orphans_count_ryreports.pdf).

<sup>582</sup> Iteka, *Bulletin d'Information de la Ligue Burundaise des Droits de l'Homme ITEKA*, July 2007, 11; available from [http://www.ligue-iteka.africa-web.org/IMG/pdf/Bulletin\\_ITEKA\\_no99\\_juillet\\_2007.pdf](http://www.ligue-iteka.africa-web.org/IMG/pdf/Bulletin_ITEKA_no99_juillet_2007.pdf). See also U.S. Department of State, "Country Reports- 2008: Burundi."

<sup>583</sup> Human Rights Watch, *Paying the Price: Violations of the Rights of Children in Detention in Burundi*, New York, March 2007; available from <http://hrw.org/reports/2007/burundi0307>.

<sup>584</sup> UNICEF and African Child Policy Forum, *What Children and Youth Think—Burundi. A Statistical Presentation of Opinions and Perceptions of Children and Youth in Burundi*, Addis Adaba, 2006, 15; available from <http://www.africanchildforum.org/Documents/Burundi.pdf>. See also U.S. Department of State, "Country Reports- 2008: Burundi," section 5.

<sup>585</sup> U.S. Embassy- Bujumbura, *reporting*, January 16, 2009. See also UN Security Council Working Group on Children and Armed Conflict, *Letter dated 11 July 2008 from the Permanent Representative of France to the United Nations addressed to the Secretary-General and enclosed report of the Working Group of the Security Council on Children and Armed Conflict*, July 10, 2008, 7; available from <http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html>. See also UN Security Council Working Group on Children and Armed Conflict, *Conclusions on Parties to the Situation of*

*Armed Conflict in Burundi*, February 5, 2008, 1 and 4; available from <http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html>. See also Integrated Regional Information Networks, "Burundi: FNL rebels 'still recruiting children'", IRINnews.org, [online], June 9, 2008 [cited January 9, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=78646>.

<sup>586</sup> U.S. Embassy- Bujumbura, *reporting*, February 12, 2008, para 11. See also UNODC, *Trafficking in Persons: Global Patterns*, [online] 2006 [cited January 12, 2009], 53; available from [http://www.unodc.org/unodc/trafficking\\_persons\\_report\\_2006-04.html](http://www.unodc.org/unodc/trafficking_persons_report_2006-04.html). See also U.S. Department of State, "Burundi (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm>.

<sup>587</sup> Government of Burundi, *Code du travail*, title V, chapter VI, article 126.

<sup>588</sup> ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Burundi (ratification: 2000)*, [online] 2008 [cited January 12, 2009], article 7, para 1-2; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21584&chapter=9&query=%28burundi%29+%40ref&highlight=&querytype=bool&context=0>. See also Government of Burundi, *Code du travail*, article 126.

<sup>589</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Burundi (ratification: 2002)*, [online] 2008 [cited January 12, 2009], article 3(d) and article 4, para 1; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21842&chapter=9&query=%28burundi%29+%40ref&highlight=&querytype=bool&context=0>. See also Government of Burundi, *Code du travail*, title V, chapter 4, articles 119-120.

<sup>590</sup> Government of Burundi, *Code du travail*, title V, chapter 6, article 128.

<sup>591</sup> ILO Committee of Experts, *Individual Direct Request C138: Burundi*, article 9, para 1.

<sup>592</sup> Government of Burundi, *Constitution*, article 26; available from [http://www.senat.bi/documents/constitution\\_bdi\\_francais.pdf](http://www.senat.bi/documents/constitution_bdi_francais.pdf). See also Government of Burundi, *Code du travail*, title I, chapter 1, article 2.

<sup>593</sup> Government of Burundi, *Décret-loi n°1/6 du 4 avril 1981 portant réforme du Code pénal*, title 6, chapter 2, articles 372 - 387; available from <http://www.droit-afrique.com/index.php/content/view/full/87/175/>.

<sup>594</sup> *Ibid.*, title 1, chapter 4, article 171-172 and title 6, chapter 1, articles 358-359 and chapter 2, articles 372 - 387. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Burundi."

<sup>595</sup> Government of Burundi, *Constitution*, article 45.

<sup>596</sup> Coalition to Stop the Use of Child Soldiers, "Burundi," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/document/get?id=1329>. See also U.S. Embassy- Bujumbura, *reporting, January 16, 2009*.

<sup>597</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>598</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

<sup>599</sup> U.S. Department of State, "Country Reports- 2008: Burundi," section 6d.

<sup>600</sup> U.S. Embassy- Bujumbura, *reporting, January 16, 2009*.

<sup>601</sup> Ibid. See also U.S. Department of State, "Country Reports- 2008: Burundi," section 6d.

<sup>602</sup> U.S. Embassy- Bujumbura, *reporting, January 16, 2009*.

<sup>603</sup> Olalekan Ajia, *Over 200 Child Soldiers Demobilized in Burundi*, [online] May 6, 2008 [cited January 8, 2009]; available from [http://www.unicef.org/infobycountry/burundi\\_43844.html?q=printme](http://www.unicef.org/infobycountry/burundi_43844.html?q=printme).

<sup>604</sup> Multi-Country Demobilization and Reintegration Program, *MRDP Fact Sheet: Burundi: February 2008*, [online] February 2008 [cited February 5, 2009];

available from [http://www.mdrp.org/PDFs/MDRP\\_BUR\\_FS\\_0208.pdf](http://www.mdrp.org/PDFs/MDRP_BUR_FS_0208.pdf). See also Multi-Country Demobilization and Reintegration Program, *MRDP Fact Sheet: Burundi: August 2008*, [online] August 2008 [cited February 5, 2009]; available from [http://www.mdrp.org/PDFs/MDRP\\_BUR\\_FS\\_0208.pdf](http://www.mdrp.org/PDFs/MDRP_BUR_FS_0208.pdf). See also ILO-IPEC, *Prévention et réinsertion des enfants impliqués dans les conflits armés - Volet burundi - Etude sur les opportunités d'emploi et les offres de formation professionnelle*, Final Report, Geneva, November 2007, 13. See also U.S. Embassy- Bujumbura, *reporting, January 16, 2009*.

<sup>605</sup> U.S. Embassy- Bujumbura, *reporting, January 16, 2009*.

<sup>606</sup> Ibid.

<sup>607</sup> UNICEF, *Free Birth Registration for all Children Under Five in Burundi*, Bujumbura, August 30, 2008; available from [http://www.unicef.org/infobycountry/media\\_45453.html?q=printme](http://www.unicef.org/infobycountry/media_45453.html?q=printme).

<sup>608</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December, 2008.

<sup>609</sup> UNODC, *Ongoing Projects in Eastern Africa*, [online] 2008 [cited December 16, 2008]; available from <http://www.unodc.org/easternafrika/en/about-unodc-eastern-africa/ongoing-projects.html>. See also UNODC official, E-mail communication to USDOL official, April 2, 2009. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008.

## Cambodia

### Incidence and Nature of Child Labor

Children in Cambodia work in exploitive conditions on commercial rubber and tobacco plantations, in salt production, in fish processing, as porters, in brick making, in the service sector, and as garbage pickers.<sup>610</sup> They also work in occupations determined by the Government to be hazardous, including processing sea products, including shrimp; breaking, quarrying, or collecting stones; working in gem and coal mining; working in garment factories; working in restaurants; and making handicrafts.<sup>611</sup> Children work as domestic servants; most child domestics are girls, 15 to 17 years, who work between 6 and 16 hours per day.<sup>612</sup>

Cambodia is a source and destination country for trafficking in children. Cambodian girls are trafficked to Thailand for factory and domestic work and may be forced into prostitution.<sup>613</sup> Cambodian children are trafficked to Thailand and Vietnam for begging, selling candy and flowers on the street, and shining shoes.<sup>614</sup> In 2008, the IOM identified 112 Cambodian trafficking victims from Thailand who were mostly children.<sup>615</sup> Girls are trafficked from Vietnam to Cambodia for prostitution.<sup>616</sup> Girls are trafficked internally from rural to urban areas for prostitution.<sup>617</sup> Cambodia is a destination country for foreign child sex tourists, and there are increasing reports of Asian men traveling to Cambodia to have sex with virgin girls.<sup>618</sup>

***Selected Statistics and Indicators  
on Child Labor<sup>619</sup>***

Population, children, 10-14 years, 2003-2004:	1,817,863
Working children, 10-14 years (%), 2003-2004:	48.9
Working boys, 10-14 years (%), 2003-2004:	49.6
Working girls, 10-14 years (%), 2003-2004:	48.1
Working children by sector, 10-14 years (%), 2003-2004:	
- Agriculture	82.3
- Manufacturing	4.2
- Services	12.9
- Other	0.6
Minimum age for work:	15
Compulsory education age:	Not compulsory
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	119.2
Net primary enrollment rate (%), 2007:	89.4
School attendance, children 5-14 years (%), 2003-2004:	76.8
Survival rate to grade 5 (%), 2006:	62.2
ILO Convention 138:	8/23/1999
ILO Convention 182:	3/14/2006
CRC:	10/15/1992*
CRCOPAC:	7/14/2004
CRCOPSC:	5/30/2002
Palermo:	7/2/2007
ILO-IPEC participating country:	Yes

\*Accession

### **Child Labor Laws and Enforcement**

The Cambodian Labor Law sets the minimum age for wage employment at 15 years.<sup>620</sup> The Labor Law also allows children from 12 to 15 years of age to be hired to do light work provided that the work is not hazardous to their health or mental and physical development and will not affect their regular school attendance, their participation in guidance programs, or vocational training approved by a competent authority.<sup>621</sup> This declaration limits the working hours of children ages 12 to 15 years to 7 hours on non-school days and 4 hours on school days between the hours of 6 a.m. to 8 p.m.<sup>622</sup>

A 2004 declaration issued by the Ministry of Labor and Vocational Training (MOLVT) prohibits work that is hazardous to the health, safety, and moral development of children under 18 years of age.<sup>623</sup> Thirty-eight types of hazardous work are listed, including working underground, tanning, logging, and using chemicals in textile production.<sup>624</sup> Despite these prohibitions, MOLVT may authorize children who are at least 16 years to perform hazardous work under certain conditions.<sup>625</sup> The law also exempts domestic work, which children as young as 12 are allowed to perform under certain conditions.<sup>626</sup> Children working underground must be provided with strict supervision, safety training, and medical exams every 6 months and may not work underground more than 40 hours per week.<sup>627</sup> Children working in factories may not work more than 9 hours per day and must have at least 13 hours between shifts.<sup>628</sup> Employers must submit lists of working children to labor inspectors and must attain the consent of the child's guardian to contract work for "unemancipated" children.<sup>629</sup>

The law prohibits all forced or compulsory labor and hiring people to work to pay debts.<sup>630</sup> The minimum age for conscription into military service is 18 years.<sup>631</sup> The Constitution prohibits prostitution and the buying and selling of human beings.<sup>632</sup> In April 2008, the new Law on the Suppression of Human Trafficking and Sexual Exploitation—which contains specific definitions for trafficking crimes, prosecutes for child prostitution and sexual and indecent acts with minors, and defines terms for imprisonment and fines—was in "full effect."<sup>633</sup> The law stipulates 15 to 20 years of imprisonment if the victim of trafficking is under 18 years of age.<sup>634</sup>

The MOLVT is responsible for enforcing the child-related provisions of Cambodian labor law, but an employer has never been prosecuted for a child labor related violation.<sup>635</sup> According to USDOS, inspections in the formal sector were conducted in industries with a low incidence of working children, while industries with a high risk for child work (such as brick making and fishing) saw inspections only after complaints were received.<sup>636</sup> According to USDOS, labor inspectors play no role in enforcing the law in the informal sector or illegal industries.<sup>637</sup>

In 2008, police investigated 168 cases of violence against women and children that resulted in 26 arrests for trafficking.<sup>638</sup> In 2008, 81 Cambodian child victims of trafficking and other acts in Thailand and 206 Cambodian children in Vietnam were returned to Cambodia, and 6 Vietnamese girls were repatriated from Cambodia to Vietnam.<sup>639</sup> As of March 2009, the Government had arrested 11 individuals on child trafficking, child prostitution, and pedophilia charges.<sup>640</sup> According to USDOS, there is some evidence that police are using Cambodia's new Law on Suppression of Human Trafficking and Sexual Exploitation to combat human trafficking.<sup>641</sup> However, USDOS also reports that anti-trafficking efforts continue to be hampered by corruption and an ineffectual judicial system, and there is some confusion as to how the law is enforced.<sup>642</sup> To address such confusion, as of February 2009, a legal advisor provided by UNICEF was working with the Ministry of Justice to provide clarification as to which articles are trafficking crimes.<sup>643</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government of Cambodia, in consultation with stakeholders, approved a National Plan of Action (NPA) on the Worst Forms of Child Labor (2008-2012) which contains a shorter list of hazardous child labor than the 2004 MOLVT declaration.<sup>644</sup> The NPA identified the 3 worst forms of child labor (sexual exploitation; trafficking; and use of children in drug production, sales, and trafficking) and 16 hazardous forms (portering; domestic work; waste scavenging; brick making; fishing; working on rubber, tobacco, or agricultural plantations; working in a semi-industry; working in salt production or related enterprises; working in handicrafts or related enterprises; processing sea products; stone and granite breaking; rock/sand quarrying; stone collection; gem or coal mining; restaurant work; and begging).<sup>645</sup> The NPA aims to reduce the number of children 5 to 17 years working in Cambodia to 10.6 percent in 2010 and 8 percent by 2015.<sup>646</sup>

In 2008, the Government updated its NPA on children's issues (2006-2010) to include objectives

on combating trafficking in persons; however, as of February 2009, the updated plan was still in review.<sup>647</sup> The National Task Force (NTF) is responsible for coordinating the country's anti-trafficking efforts.<sup>648</sup> The NTF receives technical assistance from USAID. In November and December 2008, the NTF, MTV End Exploitation and Trafficking-Asia, and USAID organized an anti-trafficking campaign in three provinces and Phnom Penh to coincide with Cambodia's National Day to Combat Human Trafficking.<sup>649</sup> In March 2008, the NTF worked to develop uniform indicators and methodologies for nationwide trafficking data collection and recording.<sup>650</sup>

Cambodia is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking.<sup>651</sup> The Government is also a signatory of MOUs on bilateral cooperation to eliminate trafficking with Thailand and has a similar agreement with Vietnam.<sup>652</sup> The Ministry of Tourism (MOT) continues to promote its ChildSafe tourism program.<sup>653</sup> In February 2009, the MOT held a National Roundtable to Prevent Child-Sex Tourism in cooperation with Child-Wise Australia. The Roundtable, funded by AusAID, is part of a series of consultations for the development of an ASEAN 5 Years Plan to Prevent Child-Sex Tourism in ASEAN nations.<sup>654</sup>

The Government participates in two AusAID-funded projects. The Mobilizing Communities for Child Protection, USD 1,050,949 (2006-2010) and Child Safe Cambodia project, USD 1,072,659 (2006-2010) both aim to reduce sexual exploitation of children and prevent child abuse.<sup>655</sup>

The Government also participates in a 1-year USD 1.4 million USAID-funded project that began in October 2008 and is implemented by World Education that aims to improve life skills, teacher education intervention, access to schools, youth and community engagement, and information technology for 100,000 children in 3 provinces.<sup>656</sup> Additionally, the Government participates in a USD 4.6 million USAID-funded project implemented by The Asia Foundation (2006-2009) that aims to coordinate governmental and NGO efforts to combat trafficking.<sup>657</sup>

The Government participates in a USD 4.4 million USDOL-funded program (2007-2011)

implemented by Winrock International to withdraw 3,750 and prevent 4,500 children from the worst forms of child labor through provision of direct education services.<sup>658</sup> The Government also participates in a USDOL-funded USD 4.3 million ILO-IPEC project (2008-2012) to develop national capacity to end the worst forms of child labor that targets 7,200 children for withdrawal and 3,800 for prevention from the worst forms of child labor, including trafficking, work in brick making, salt production, fisheries, and working as porters in 15 provinces.<sup>659</sup>

The Government of Cambodia participated in a USD 4.75 million ILO-IPEC program, which ended in December 2008, aimed at eliminating the worst forms of child labor in the brick making, rubber making, salt production, fishing, and service sectors and preventing children from working as domestic workers and porters.<sup>660</sup> The project resulted in 5,884 children being withdrawn and 7,789 children being prevented from labor in these sectors through provision of educational services.<sup>661</sup>

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<sup>610</sup> U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*. See also ILO, UNICEF, and World Bank, *Children's Work in Cambodia: A Challenge for Growth and Poverty Reduction*, December 2006; available from [http://www.crin.org/docs/WB\\_Child\\_labour.pdf](http://www.crin.org/docs/WB_Child_labour.pdf).

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, 2 and 6; available from [http://www.ucw-project.org/pdf/publications/cruz\\_ratana\\_WFCL\\_cambodia.pdf](http://www.ucw-project.org/pdf/publications/cruz_ratana_WFCL_cambodia.pdf).

<sup>611</sup> ILO, UNICEF, and World Bank, *Children's Work in Cambodia*, 19 and 20. See also A. Cruz and L. Ratana, *Understanding Children's Work*, 6. See also U.S. Embassy - Phnom Penh, *reporting, June 27, 2008*.

<sup>612</sup> Eleanor Brown, *Out of Sight, Out of Mind? Child Domestic Workers and Patterns of Trafficking in Cambodia*, IOM, January 2007; available from <http://www.humantrafficking.org/publications/585>. See also ILO, *Child Domestic Labour in Cambodia: Why It Has to Stop and How We Can Stop It*, Phnom Penh, 2004, 9; available from <http://www.ilo.org/public/english/region/asro/bangkok/library/download/pub04-12.pdf>. See also ILO, UNICEF, and World Bank, *Children's Work in Cambodia*, 22.

<sup>613</sup> U.S. Embassy- Phnom Penh, *reporting, February 19, 2009, 2*.

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<sup>614</sup> U.S. Department of State, "Cambodia (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 83; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009, 5*.

<sup>615</sup> U.S. Embassy- Phnom Penh, *reporting, February 19, 2009, 3*.

<sup>616</sup> *Ibid.*

<sup>617</sup> *Ibid.*, 2.

<sup>618</sup> *Ibid.*, 3.

<sup>619</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Cambodia, *Cambodian Labor Law*, (March 13, 1997), 6; available from [http://www.bigpond.com.kh/Council\\_of\\_Jurists/Travail/trv001g.htm](http://www.bigpond.com.kh/Council_of_Jurists/Travail/trv001g.htm). See also U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 4. For free public education see U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 6. See also U.S. Department of State, "Cambodia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119036.htm>.

<sup>620</sup> Government of Cambodia, *Cambodian Labor Law*, article 177(1). See also U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, para 4.

<sup>621</sup> Government of Cambodia, *Cambodian Labor Law*, article 177(4).

<sup>622</sup> U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, para 5.

<sup>623</sup> Government of Cambodia, *Cambodian Labor Law*, article 177(2).

<sup>624</sup> Government of Cambodia, *Prakas on the Prohibition of Hazardous Child Labor*, Prakas No. 106, (April 28, 2004), items 1 and 2.

<sup>625</sup> *Ibid.*, item 3.

<sup>626</sup> *Ibid.*, 1-2, 4.

<sup>627</sup> U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 10.

<sup>628</sup> *Ibid.*, section 9.

<sup>629</sup> Government of Cambodia, *Cambodian Labor Law*, 174, 179, 181.

<sup>630</sup> *Ibid.*, articles 15 and 16.

<sup>631</sup> Coalition to Stop the Use of Child Soldiers, "Cambodia," in *Child Soldiers Global Report 2008*, London, 2004, 81; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>632</sup> Government of Cambodia, *Constitution of the Kingdom of Cambodia*, (September 21, 1993); available from <http://www.embassy.org/cambodia/cambodia/constitu.htm>. See also ILO, *Ratifications by Country*, accessed



January 28, 2009; available from <http://www.ilo.org/ilolex/english/docs/declworld.htm>.

<sup>633</sup> U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 10 and 12.

<sup>634</sup> *Ibid.*, 14.

<sup>635</sup> U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, sections 12 and 14.

<sup>636</sup> *Ibid.*, section 14.

<sup>637</sup> *Ibid.*

<sup>638</sup> *Ibid.*, section 17.

<sup>639</sup> *Ibid.*, section 25.

<sup>640</sup> U.S. Embassy-- Phnom Penh, *reporting, March 5, 2009*, section 1. See also U.S. Embassy--Phnom Penh, *reporting, March 9, 2009*, paras 2-6.

<sup>641</sup> U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 4.

<sup>642</sup> U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 19. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 9.

<sup>643</sup> U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 13.

<sup>644</sup> U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 26.

<sup>645</sup> *Ibid.*, para 3.

<sup>646</sup> *Ibid.*, para 26.

<sup>647</sup> U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 29.

<sup>648</sup> U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 17. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 9. See also U.S. Embassy -- Phnom Penh, *reporting, March 23, 2009*, para 2.

<sup>649</sup> ILO-IPEC, *To contribute to developing national capacities to achieve the 2015 national child labour reduction targets and the ILO global targets for ending the Worst Forms of Child Labour in Cambodia by 2016*, Geneva, March 12, 2009, para 14.

<sup>650</sup> U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 9, 27, 31.

<sup>651</sup> UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP), *COMMIT Process*, [online] 2007 [cited March 23, 2009]; available from [http://no-trafficking.org/content/COMMIT\\_Process/commit\\_background.html#01](http://no-trafficking.org/content/COMMIT_Process/commit_background.html#01). See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 18.

<sup>652</sup> U.S. Embassy- Phnom Penh, *reporting, February 28, 2008*, section 2h. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 18.

<sup>653</sup> U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 27 and 31. See also U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, paras 18 and 31.

<sup>654</sup> ILO-IPEC, *Towards Twenty Sixteen: Contributing towards Ending the WFCL in Cambodia, technical progress report, March 12, 2009*, para 13.

<sup>655</sup> Australian Agency for International Development (AusAID), *Aid Activities in Cambodia*, [online] May 2008 [cited March 23, 2009]; available from [http://www.ausaid.gov.au/country/cbrief.cfm?DCon=1061\\_5593\\_8716\\_8236\\_8498&CountryID=34&Region=EastAsia](http://www.ausaid.gov.au/country/cbrief.cfm?DCon=1061_5593_8716_8236_8498&CountryID=34&Region=EastAsia).

<sup>656</sup> U.S. Embassy- Phnom Penh, *reporting, January 16, 2009*, section 23.

<sup>657</sup> *Ibid.*, section 24. See also U.S. Embassy- Phnom Penh, *reporting, February 19, 2009*, 8.

<sup>658</sup> U.S. Department of Labor, *OPTIONS: Combating Child Trafficking and Commercial Sexual Exploitation Through Education, Technical Progress Report*, Washington, DC, 1 and 2.

<sup>659</sup> ILO-IPEC, *To Contribute to the Developing National Capacities to Achieve the 2015 National Child Labor Reduction Targets and the ILO Global Targets for Ending the Worst Forms of Child Labor in Cambodia by 2016*, ILAB Project Document, Washington, DC, September 2008.

<sup>660</sup> ILO-IPEC, *Support to the Cambodian National Plan of Action on the Elimination of the Worst Forms of Child Labour: A Timebound Approach*, Project Document, Geneva, September 2008.

<sup>661</sup> *Ibid.*, 24.

## Cameroon

### Incidence and Nature of Child Labor

Children in Cameroon work on family farms and on tea, banana, rubber, and palm oil plantations. Children also fish and raise livestock.<sup>662</sup> The majority of working children are found in the urban informal sector.<sup>663</sup> Some of these children are displaced or street children who live in cities such as Yaoundé and Douala.<sup>664</sup> These children work as street vendors (selling goods such as

tissues and water), car washers, luggage carriers, and domestic servants.<sup>665</sup>

Many children work in hazardous labor conditions on cocoa farms, including handling pesticides and sharp tools; tilling soil; and harvesting and transporting cocoa beans. These children report working long hours and illness due to the activities they perform.<sup>666</sup> Children also

work in mines and quarries, carrying sand and breaking stones.<sup>667</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>668</sup>	
Population, children, 10-14 years, 2001:	2,056,541
Working children, 10-14 years (%), 2001:	15.9
Working boys, 10-14 years (%), 2001:	14.5
Working girls, 10-14 years (%), 2001:	17.4
Working children by sector, 10-14 years (%), 2001:	
- Agriculture	88.2
- Manufacturing	2.1
- Services	7.1
- Other	2.6
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	109.6
Net primary enrollment rate (%):	-
School attendance, children 10-14 years (%), 2001:	84.6
Survival rate to grade 5 (%), 2006:	84.3
ILO Convention 138:	8/13/2001
ILO Convention 182:	6/5/2002
CRC:	1/11/1993
CRCOPAC:	No
CRCOPSC:	No
Palermo:	2/6/2006
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Cameroon and especially the north.<sup>669</sup> While some boys receive lessons, many are forced to beg and surrender the money that they have earned.<sup>670</sup> Girls are engaged in forced domestic labor and commercial sexual exploitation.<sup>671</sup> Some children are also exploited in the production of pornography or commercial sex tourism.<sup>672</sup> Reports indicate that hereditary servitude persists in Northern regions of Cameroon.<sup>673</sup>

Cameroon is a source, transit, and destination country for trafficked children for the purposes of commercial sexual exploitation and forced labor. Most of the trafficking in Cameroon occurs

internally.<sup>674</sup> Children are trafficked from northern regions to central, southwestern, and other regions to work on cocoa farms and work on the streets.<sup>675</sup> Children are also trafficked internally for forced labor in restaurants and bars and on tea plantations.<sup>676</sup> Girls are trafficked from the provinces of Adamawa, North, Far North, and Northwest to the cities of Yaoundé and Douala for domestic labor and commercial sexual exploitation.<sup>677</sup>

Children are also trafficked to Cameroon from Benin, Nigeria, Chad, the Central African Republic, Congo, and Niger, for forced labor in agriculture, fishing, street vending, and spare-parts shops. Cameroon also serves as a transit country for children trafficked between Gabon and Nigeria, and from Nigeria to Saudi Arabia.<sup>678</sup>

### **Child Labor Laws and Enforcement**

The minimum age for admission to work in Cameroon is 14 years, which is the same minimum age for entering into an apprenticeship.<sup>679</sup> Children are prohibited from working longer than 8 hours a day in the industrial sector.<sup>680</sup> The Labor Code specifies that children cannot work in any job that exceeds their physical capacity, and the labor inspectors can require child laborers to take a medical exam to determine if such a situation exists.<sup>681</sup> Further, the law stipulates the weight a child can carry by age and by activity. Children are prohibited from working underground, including in mines and quarries.<sup>682</sup> Work in restaurants, hotels, and bars is also forbidden.<sup>683</sup> Violations of child labor provisions are punishable by fines.<sup>684</sup>

Cameroonian law prohibits procuring prostitutes or sharing the profits from another person's prostitution and sets the penalty as a fine and imprisonment for 6 months to 5 years, which may double if the crime involves a person less than 21 years.<sup>685</sup>

The law also prohibits slavery and servitude.<sup>686</sup> The penalty for a person who subjects a child to debt bondage is 5 to 10 years in prison and a fine.<sup>687</sup> Cameroon's anti-trafficking law defines child trafficking as the act of moving or helping to move a child within or outside Cameroon to reap financial or material benefit.<sup>688</sup> The law requires

authorization from a parent in order for a child to travel.<sup>689</sup> Under the law, individuals who traffic or enslave a child are subject to a prison sentence of 10 to 20 years and a fine; if the child is under 15 years or if the offender is the victim's parent, the penalty increases to 15 to 20 years of imprisonment.<sup>690</sup> Military service is not compulsory in Cameroon. While the minimum age for voluntary recruitment is 18 years, children under 18 years can participate in military service with parental consent.<sup>691</sup>

The Ministry of Social Affairs and Labor and the Ministry of Social Insurance are responsible for enforcing the child labor laws, through their 58 labor inspectors. However, according to USDOS, resources were insufficient to carry out effective inspections.<sup>692</sup> The National Commission on Human Rights and Freedoms is charged with investigating human rights abuses and the Minors Brigade is responsible for investigating child trafficking cases.<sup>693</sup> During the reporting period, the police arrested three traffickers attempting to traffic seven children for the purpose of labor exploitation.<sup>694</sup> According to USDOS, the Government of Cameroon has made an effort to monitor its borders for trafficking.<sup>695</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Government of Cameroon cooperated with other governments, including the Governments of Gabon, Nigeria, Togo, and Benin to combat trafficking.<sup>696</sup> For the first time, the Government granted the National Commission on Human Rights and Freedoms a budget of its own, worth USD 1 million.<sup>697</sup> In September 2008, a prefecture passed a law forbidding the production, sale, and distribution of literature, film and other pornographic materials.<sup>698</sup> The Government appoints Child Parliamentarians to provide recommendations on issues related to children. While resolutions by the Child Parliamentarians are not legally binding, during the reporting period the Child Parliamentarians passed resolutions to protect children from trafficking.<sup>699</sup>

The Government of Cameroon and UNICEF continued to implement their 2008 to 2012

cooperation agreement that includes the protection and provision of services to child trafficking victims.<sup>700</sup> In addition, the Government continued to support shelters that received trafficked children.<sup>701</sup> With support from the Red Cross, the Government also provided assistance to victims of commercial sexual exploitation, focusing its efforts on the cities of Yaoundé and Douala.<sup>702</sup>

During the reporting period, the Ministry of Social Affairs expanded a program that provided shelter, psycho-social care, and other services to street children. The Ministry opened additional programs for street children in the Far North and South West Provinces.<sup>703</sup>

During the reporting period, 600 Cameroonian peacekeeping soldiers participated in a USG-funded training that included topics on combating commercial sexual exploitation and human trafficking.<sup>704</sup> Government law enforcement officers and magistrates also participated in training sessions on how to investigate and prosecute traffickers. The training sessions were held by the National Commission on Human Rights and Freedoms and American Bar Association.<sup>705</sup> In addition, the Minors Brigade continued to maintain a 24-hour hotline service.<sup>706</sup>

With support from UNICEF, Plan International, and the ILO, the Government of Cameroon continued its awareness-raising activities to prevent child labor and trafficking, which included broadcasting messages on the radio and television.<sup>707</sup> For example, the Government, with support from ILO continued its "Red Card" campaign against child labor, which included advertisements by popular soccer players.<sup>708</sup>

The Government of Cameroon continues to participate in the 4-year Phase II Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation, and the international cocoa industry. The 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.<sup>709</sup> During the reporting period, the Government also

distributed vocational tool kits to children who had been withdrawn from exploitive labor in the cocoa sector and placed in rehabilitation centers.<sup>710</sup>

The Government participates in a 2-year regional project funded by Italy at USD 1 million and implemented by ILO-IPEC. The project aims to support the development of national action plans.<sup>711</sup> The Government of Cameroon is also participating in a 4-year USDOL-funded USD 6.8 million ILO-IPEC project to conduct data collection on child labor.<sup>712</sup>

<sup>662</sup> U.S. Embassy- Yaounde, *reporting*, June 16, 2008, para 1, 6-11.

<sup>663</sup> U.S. Department of State, "Country Reports- 2008: Cameroon," section 6d. See also Mengue M. Therese, *Commercial Sexual Exploitation of Children in Cameroon*, July 2006, 8. U.S. Embassy- Yaounde, *reporting*, January 16, 2009, para 25. See also Ministry of Labor official, Interview with USDOL consultant, September 15 and 25, 2008. See also Nkumu Fed Fed official, Interview with USDOL consultant, September 18, 2008.

<sup>664</sup> 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. See also U.S. Department of State, "Country Reports- 2008: Cameroon," section 5.

<sup>665</sup> U.S. Department of State, "Country Reports- 2008: Cameroon," section 6d. See also Therese, *Sexual Exploitation of Children*, 8. U.S. Embassy- Yaounde, *reporting*, January 16, 2009, para 25. See also Ministry of Labor official, Interview, September 15 and 25, 2008. See also Nkumu Fed Fed official, Interview, September 18, 2008.

<sup>666</sup> ILO-IPEC, *Rapport: Enquete de base sur le Travail des Enfants dans l'agriculture Commerciale/Cacao au Cameroun*, WACAP, February 2004, 14-18, 29.

<sup>667</sup> Ministry of Labor official, Interview, September 15 and 25, 2008.

<sup>668</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Cameroon, *Labour Code*, Law no. 92/007, (August 14, 1992), section 86(1); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31629/64867/E92CMR01.htm>. For age to which education is compulsory, see U.S. Department of State, "Cameroon," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For free public education,

see U.S. Department of State, "Country Reports- 2008: Cameroon," section 5.

<sup>669</sup> Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Peter Easton, Mark Peach, Ibrahim Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, [previously online] May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/a-bel2.html> [hard copy on file]. See also U.S. Embassy- Yaounde official, E-mail communication to USDOL official, July 1, 2009.

<sup>670</sup> Ministry of Labor official, Interview, September 15 and 25, 2008. See also Association Enfants Jeunes et Avenir official, Interview with USDOL consultant, September 22, 2008. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited January 29, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

<sup>671</sup> Marie Therese Mengue, *Commercial Sexual Exploitation of Children in Cameroon*, Association Enfants, Jeunes et Avenir (ASSEJA), n.d., 29. See also Ministry of Labor official, Interview, September 15 and 25, 2008.

<sup>672</sup> Boursin Frédérique and Séverin Cécile Abega, *L'exploitation Sexuelle Des Enfants Au Cameroun, Etude Prospective Dans Cinq Villes: Yaoundé, Douala, Kribi, Limbé, Ngaoundéré*, UNICEF and the Ministry of Social Affairs, Yaounde, 2004, 4-5. See also Didier Essola, *Présentation MINAS a l'Atelier de Réflexion sur la Traite, le Trafic et l'exploitation du Travail Domestique des Enfants au Cameroun*, Ministry of Social Affairs, Yaounde, April 2008, 4. See also Ministry of Tourism- Yaounde official, Interview with USDOL consultant, January 30, 2009, 66.

<sup>673</sup> U.S. Department of State, "Country Reports- 2008: Cameroon," section 5 and 6c.

<sup>674</sup> U.S. Department of State, "Cameroon (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>.

<sup>675</sup> U.S. Embassy- Yaounde, *reporting*, February 17, 2009, para 2.b.

<sup>676</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon." See also ILO-IPEC, *La Traite des Enfants aux Fins d'Exploitation de leur Travail au Cameroun*, Geneva, 2005, section 2.2.2; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=5170>. See also International Trade Union Confederation, *Review of the Trade Policies of Gabon and Cameroon*, 10.

<sup>677</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon." See also ILO-IPEC, *La Traite des Enfants*, section 2.2.2. See also International Trade Union Confederation, *Review of the Trade Policies of Gabon and Cameroon*, 10.

<sup>678</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon." See also ILO-IPEC, *La Traite des Enfants*, section 2.2.2.

<sup>679</sup> Government of Cameroon, *Labor Code*, section 86(1).

<sup>680</sup> Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants*, Arrête No 17, (May 27, 1969), article 4.

<sup>681</sup> Government of Cameroon, *Labor Code*, section 87.

<sup>682</sup> Ministre du Travail et des Lois Sociales, *Relatif au Travail des Enfants*, Arrête No 17, 1969, article 9-10.

<sup>683</sup> *Ibid.*, article 17.

<sup>684</sup> Government of Cameroon, *Labor Code*, section 167.

<sup>685</sup> The Protection Project, "Cameroon," in *2005 Human Rights Report on Trafficking in Persons, especially Women and Children*, Washington, DC, 2005; available from <http://www.protectionproject.org>.

<sup>686</sup> Government of Cameroon, *Constitution of the Republic of Cameroon*, Law no. 96-06, (January 18, 1996), article 4. See also Government of Cameroon, *Labor Code*, section 2(3).

<sup>687</sup> Government of Cameroon, *Law relating to the Fight against Child Trafficking and Slavery*, Law No. 2005/015, (December 29, 2005), chapter II, section 3.

<sup>688</sup> *Ibid.*, chapter I, section 2.

<sup>689</sup> Government of Cameroon, *Document d'Information sur les Mesures de lutte contre les Pires Formes de Travail des Enfants au Cameroon*, Submitted in Response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", April 30, 2008.

<sup>690</sup> Government of Cameroon, *Law relating to the Fight against Child Trafficking and Slavery*, chapter II, sections 4-5.

<sup>691</sup> Coalition to Stop the Use of Child Soldiers, "Cameroon," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

<sup>692</sup> U.S. Department of State, "Country Reports- 2008: Cameroon," section 6d.

<sup>693</sup> U.S. Embassy- Yaounde, *reporting, January 16, 2009*, para 12. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon."

<sup>694</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon."

<sup>695</sup> U.S. Embassy- Yaounde, *reporting, February 17, 2009, 27.b.*

<sup>696</sup> U.S. Department of State, "Country Reports- 2008: Cameroon," section 5.

<sup>697</sup> U.S. Embassy- Yaounde, *reporting, January 16, 2009*, para 12.

<sup>698</sup> Joseph Beti Assomo, "Arrête Portant Interdiction de la Production, la Vente et la Diffusion de la Littérature, Filmographie et autres Supports Erratiques et Pornographiques dans les lieux Autorisés par les Pouvoirs Publics dans le Département du Mfoundi: Arrête Préfectoral No 01490/AP/J06/BASC," *The National Daily, Cameroon Tribune* (Yaounde), September 23, 2008.

<sup>699</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon." See also U.S. Embassy- Yaounde official, E-mail communication to USDOL official, June 13, 2008.

<sup>700</sup> Ministry of Social Affairs, *Atelier de Reflexion sur la Traite*, 9. See also Ministry of Social Affairs official, Interview with USDOL consultant, January 30, February 3 and 5, 2009, 77.

<sup>701</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon." See also Government of Cameroon, *Response to FRN, April 30, 2008*.

<sup>702</sup> Red Cross Cameroon official, Interview with USDOL consultant, September 12, 2008.

<sup>703</sup> U.S. Embassy- Yaounde, *reporting, January 16, 2009*, para 29.

<sup>704</sup> U.S. Embassy- Yaounde, *reporting, December 19, 2008*, para 4.

<sup>705</sup> U.S. Embassy- Yaounde, *reporting, January 16, 2009*, para 11.

<sup>706</sup> Ministry of Labor official, Interview, September 15 and 25, 2008.

<sup>707</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon." See also U.S. Embassy- Yaounde, *reporting, January 16, 2009*, para 13.

<sup>708</sup> U.S. Embassy- Yaounde, *reporting, February 17, 2009, 27.a.*

<sup>709</sup> USAID, *Chocolate Companies Help West African Farmers Improve Harvest*, Washington, DC, September 2005; available from [http://www.usaid.gov/press/frontlines/fl\\_sep05/pillars.htm](http://www.usaid.gov/press/frontlines/fl_sep05/pillars.htm). See also International Institute of Tropical Agriculture, *Sustainable Tree Crops Program*, [online] [cited December 12, 2008]; available from <http://www.treecrops.org/index.htm>. See also World Cocoa Foundation, *Sustainable Tree Crops Program - Cameroon*, [online] [cited December 12, 2008]; available from [http://www.worldcocoafoundation.org/difference/STCPCameroon\\_Summary.asp](http://www.worldcocoafoundation.org/difference/STCPCameroon_Summary.asp).

<sup>710</sup> U.S. Embassy- Yaounde, *reporting, January 16, 2009*, para 27. See also Ministry of Labor official, Interview, September 15 and 25, 2008.

<sup>711</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, February 26, 2009.

<sup>712</sup> ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.

# Cape Verde

## *Selected Statistics and Indicators on Child Labor*<sup>713</sup>

Population, children 10-14 years, 2001-2002:	142,407
Working children, 10-14 years (%), 2001-2002:	3.2
Working boys, 10-14 years (%), 2001-2002:	3.8
Working girls, 10-14 years (%), 2001-2002:	2.6
Working children by sector, 10-14 years (%), 2001-2002:	
- Agriculture	79.2
- Manufacturing	1.0
- Services	13.7
- Other	6.2
Minimum age for work:	15
Compulsory education age:	11
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	101.5
Net primary enrollment rate (%), 2007:	84.5
School attendance, children 5-14 years (%), 2001-2002:	90.1
Survival rate to grade 5 (%), 2006:	92.2
ILO Convention 138:	No
ILO Convention 182:	10/23/2001
CRC:	6/4/1992*
CRCOPAC:	5/10/2002*
CRCOPSC:	5/10/2002*
Palermo:	7/15/2004
ILO-IPEC participating country:	No

\*Accession

### **Incidence and Nature of Child Labor**

In Cape Verde, children work—mostly in the informal sector—in agriculture, animal husbandry, and fishing. They also work as street vendors and car washers and assist in family businesses.<sup>714</sup> Reports indicate that some children are exploited in prostitution, including on the island of Sal. There have been reports of child sex tourism in tourist areas.<sup>715</sup> In addition, a 2007 Government-sponsored study found that children in Cape Verde are used by adults in the sale of illicit substances.<sup>716</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years; children that are at least 14 years of age may enter into apprentice contracts.<sup>717</sup> Only businesses that have not been convicted of specific child labor violations may take on an apprentice, unless pardoned by the Director-General for Labor.<sup>718</sup> The law allows children below the minimum age to engage in work in the arts as well as in light domestic, agricultural, and other activities if it contributes to their moral and physical development.<sup>719</sup>

The law prohibits children from working in activities that do not conform to their physical or intellectual ability.<sup>720</sup> Children under 16 years are prohibited from entering into maritime contracts.<sup>721</sup> Employment contracts entered into by children under 18 years can be invalidated at the request of the parents or legal representatives.<sup>722</sup> Normal working hours for youths under 18 years may not exceed 38 hours per week and 7 hours per day, and minors are entitled to a period of 12 hours of uninterrupted rest daily.<sup>723</sup> Minors between 16 and 18 years may work overtime; however, such overtime may not exceed 2 hours daily and 30 hours annually.<sup>724</sup> In addition, youths under 18 years are not permitted to work at night unless it is essential to their professional development and authorized by the Director-General for Labor.<sup>725</sup>

The law specifies that parents who exploit their children for labor or abuse the dependence of a minor are subject to a fine equivalent to a year's salary of an adult worker.<sup>726</sup> The legal remedies for violating child labor laws also include compensation for victims and criminal penalties from 9 to 19 years of imprisonment if the victim is under 14 years and 2 to 8 years if the victim is 14 to 16 years.<sup>727</sup>

The Ministries of Justice and Labor, specifically the offices of the Inspector General for Labor, are responsible for enforcing child labor laws; however, according to USDOS, such laws are seldom enforced.<sup>728</sup>

The law prohibits forced or compulsory labor.<sup>729</sup> The compulsory recruitment age for military service is 18 years, but volunteers may be 17 years.<sup>730</sup> The trafficking of children under 18 years is illegal. Penalties for trafficking of children for commercial sexual exploitation consist of 12 to 16 years in prison, while penalties for trafficking for forced labor consist of 6 to 12 years in prison.<sup>731</sup> The Government monitors potential trafficking cases; however, efforts are hindered by inadequate funding for police and responsible government agencies, which include the Ministries of Justice and Internal Affairs and the Judiciary Police.<sup>732</sup> The law prohibits the facilitation and procurement of children under 16 years for the purpose of prostitution, a crime that is punishable by 2 to 8 years of imprisonment for cases involving children under 14 years, and by 1 to 5 years of imprisonment for those involving children 14 to 16 years.<sup>733</sup> However, according to USDOS, laws against prostitution are often not enforced.<sup>734</sup> Criminal penalties are generally increased in cases for crimes against minors.<sup>735</sup>

Cape Verde was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>736</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>737</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Cape Verde continued to participate in a 2-year project, Combating the Worst Forms of Child Labor in Lusophone Countries in Africa, funded by the Government of Brazil and implemented by ILO in Angola, Cape Verde, and Mozambique.<sup>738</sup>

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<sup>713</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For

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minimum age for admission to work, see Government of Cape Verde, *Boletim Oficial Suplemento*, 5/2007, (October 16, 2007), article 261. See also U.S. Embassy-Praia, *reporting*, January 21, 2009, para 1a. For age to which education is compulsory, see U.S. Embassy-Praia, *reporting*, January 21, 2009, para 1d. For free public education, see Government of Cape Verde, *The Constitution of the Republic of Cape Verde*, 1/V/99, (November 23, 1999), article 77; available from [www.parlamento.cv/constituicao/const00.htm](http://www.parlamento.cv/constituicao/const00.htm). See also U.S. Embassy-Praia, *reporting*, January 21, 2009, para 1d.

<sup>714</sup> U.S. Embassy-Praia, *reporting*, January 21, 2009, para 1e. See also Gabriel Fernandes, Jose P. Delgado, Liriam T. Delgado, and Orlando Borja, *Criança e Trabalho em Cabo Verde: Um Estudo Jurídico e Sociológico*, Government of Cape Verde- Ministry of Labor, Family and Solidarity, Cape Verdian Institute of Child and the Adolescent, Praia, July 2007, 28-29.

<sup>715</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Cape Verde (ratification: 2001)*, [online] 2008 [cited January 23, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Fernandes, Delgado, Delgado, and Borja, *Criança e Trabalho em Cabo Verde*, 52. See also International Regional Information Networks, "Cape Verde: Sex tourism on the rise?", IRINnews.org [online] August 8, 2007 [cited January 14, 2009]; available from <http://www.irinnews.org/printreport.aspx?reportId=73637>. See also U.S. Embassy-Praia, *reporting*, January 21, 2009.

<sup>716</sup> Fernandes, Delgado, Delgado, and Borja, *Criança e Trabalho em Cabo Verde*, 53.

<sup>717</sup> Government of Cape Verde, *Boletim Oficial Suplemento*, articles 261 and 249. See also U.S. Embassy-Praia, *reporting*, January 21, 2009, para 1a.

<sup>718</sup> Government of Cape Verde, *Boletim Oficial Suplemento*, article 252. See also Library of Congress official, Letter to USDOL official, March 13, 2008, section II.

<sup>719</sup> Government of Cape Verde, *Boletim Oficial Suplemento*, articles 261 and 262.

<sup>720</sup> *Ibid.*, article 264.

<sup>721</sup> *Ibid.*, article 328.

<sup>722</sup> *Ibid.*, article 27. See also Library of Congress official, Letter, March 13, 2008, section II.

<sup>723</sup> Government of Cape Verde, *Boletim Oficial Suplemento*, article 266.

<sup>724</sup> *Ibid.*, article 268.

<sup>725</sup> *Ibid.*, article 267. See also Library of Congress official, Letter, March 13, 2008, section II.

<sup>726</sup> Government of Cape Verde, *Boletim Oficial Suplemento*, article 408.

<sup>727</sup> U.S. Embassy- Praia, *reporting, January 21, 2009*, para 1b.

<sup>728</sup> Government of Cape Verde, *Boletim Oficial Suplemento*, article 394. See also U.S. Embassy- Praia, *reporting, January 21, 2009*, para 1b. See also U.S. Department of State, "Cape Verde," 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/118991.htm>.

<sup>729</sup> Government of Cape Verde, *Boletim Oficial Suplemento*, article 14. See also U.S. Department of State, "Country Reports- 2008: Cape Verde," section 6c.

<sup>730</sup> ILO Committee of Experts, *Direct Request C182: Cape Verde*. See also U.S. Embassy- Praia, *reporting, January 21, 2009*, para 1a.

<sup>731</sup> U.S. Embassy- Praia, *reporting, February 23, 2009*.

<sup>732</sup> *Ibid.*

<sup>733</sup> Library of Congress official, Letter, March 13, 2008, section III. See also International Regional Information Networks, "Cape Verde: Sex tourism".

<sup>734</sup> U.S. Embassy- Praia, *reporting, February 29, 2008*, para 28e.

<sup>735</sup> Library of Congress official, Letter, March 13, 2008, section IV.

<sup>736</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>737</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 7-13.

<sup>738</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

## Central African Republic

### Incidence and Nature of Child Labor

Working children in the Central African Republic may be found particularly in rural areas, where they are involved in agriculture, including on coffee plantations.<sup>739</sup> Children also work in domestic service, fishing, hunting, and mining.<sup>740</sup> Children work in the diamond industry, transporting and washing gravel, and in gold mining, digging holes and carrying heavy loads.<sup>741</sup> It has been reported that children are also employed in public works projects.<sup>742</sup>

Children from some indigenous groups are forced into agricultural, domestic, and other forms of labor by other ethnic groups.<sup>743</sup> Street children, particularly in the capital Bangui, are engaged in various economic activities, including vending and begging.<sup>744</sup> Some children, including street children, abandoned children, and those dwelling in urban areas, are involved in prostitution.<sup>745</sup>

Displaced children work in fields for long hours in conditions of extreme heat, harvesting peanuts and cassava, and helping gather items that are sold at markets, such as mushrooms, hay, firewood, and caterpillars.<sup>746</sup> Displaced children

have also been forced to work as porters, carrying stolen goods for bandit groups.<sup>747</sup> Children, including displaced children, have been recruited as child soldiers into armed forces by rebel groups, self-defense militias, and government forces.<sup>748</sup> Children have also been reportedly trafficked to Uganda and the Democratic Republic of the Congo for purposes of child soldiering by the Lord's Resistance Army.<sup>749</sup> Most trafficking of children in the Central African Republic is internal, with children trafficked for commercial sexual exploitation; domestic service; and work in agriculture, restaurants or markets, and mining, including diamond mines.<sup>750</sup> Children are also trafficked to and from Benin, Cameroon, Nigeria, Chad, and the Democratic Republic of the Congo.<sup>751</sup> Children from Rwanda are also reportedly trafficked to the Central African Republic.<sup>752</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years,<sup>753</sup> including for apprenticeships.<sup>754</sup> However, children who are at least 12 years may engage in light work, such as traditional agriculture or domestic services.<sup>755</sup> Children of



less than 18 years are prohibited from working between 10 p.m. and 5 a.m. or performing certain kinds of work—including work in mines—that involves carrying heavy loads.<sup>756</sup> The law permits a labor inspector to require young workers to undergo a medical examination to determine whether the work in which they are employed exceeds their physical strength.<sup>757</sup> The Mining Code prohibits a company or parent from employing children in mining. Violators of this law are subject to imprisonment of 6 months to 3 years and/or a fine.<sup>758</sup>

The Penal Code prohibits procurement for sexual purposes or profiting from prostitution. Those found guilty face sentences from 1 month and a day to 1 year and/or a fine. If the victim was under 15 years, the sentence is from 1 to 5 years with a higher fine.<sup>762</sup> The law also establishes a higher penalty if a school official commits a sex offense involving a female student; this penalty includes imprisonment from 2 to 5 years and a fine.<sup>763</sup> The law also prohibits promoting or encouraging the debauchery or corruption of young persons, which the law defines as persons under 15 years of age. Those found guilty of violating this law face penalties of imprisonment from 1 to 5 years and/or a fine.<sup>764</sup>

The law does not specifically prohibit trafficking, but traffickers can be prosecuted under anti-slavery laws, laws against sexual exploitation, mandatory school-age laws, the labor code, and laws against prostitution.<sup>765</sup> In addition, the law establishes a penalty of imprisonment from 5 to 10 years for any person who abducts or causes the abduction of a child younger than 15 years, with forced labor as part of the sentence if the child was 12 years or younger.<sup>766</sup>

The Central African Republic was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>767</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of the Central African Republic agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>768</sup>

Labor Inspection, a unit of the Ministry of Civil Service, Labor, and Social Security, has the authority to implement and enforce child labor laws.<sup>769</sup> However, according to USDOS, the Ministry did not enforce these laws.<sup>770</sup>

***Selected Statistics and Indicators  
on Child Labor<sup>759</sup>***

Population, children, 5-14 years, 2000:	1,330,919
Working children, 5-14 years (%), 2000:	61.1
Working boys, 5-14 years (%), 2000:	60.4
Working girls, 5-14 years (%), 2000:	61.7
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	70.7
Net primary enrollment rate (%), 2007:	53.8
School attendance, children 5-14 years (%), 2000:	38.5
Survival rate to grade 5 (%), 2005:	49.8
ILO Convention 138:	6/28/2000
ILO Convention 182:	6/28/2000
CRC:	4/23/1992
CRCOPAC:	No
CRCOPSC:	No
Palermo:	10/6/2006**
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

Forced labor is prohibited under the law.<sup>760</sup> The minimum age for compulsory or voluntary recruitment into the Armed Forces is 18 years.<sup>761</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

During 2008, the Central African Republic reported that it piloted a Youth Development Program for street children in Boda, a sub-prefecture.<sup>771</sup> The Government, assisted by the Central African Human Rights Observatory, conducted a trafficking awareness seminar for NGOs, women's organizations, and government ministries.<sup>772</sup>

The Government of the Central African Republic has made efforts to demobilize child soldiers with the support of international agencies.<sup>773</sup>

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<sup>739</sup> Julia Spry-Leverton, *A Cry from the Heart: Central African Republic*, pdf, UNICEF, March 22, 2007, 23; available from [www.unicef.org/uk/publications/pub\\_detail.asp?pub\\_id=125](http://www.unicef.org/uk/publications/pub_detail.asp?pub_id=125).

<sup>740</sup> U.S. Department of State, "Country Reports- 2008: Central African Republic," sections 5 and 6d. See also Ministry of Labor official, Interview with USDOL consultant, April 26, 2005.

<sup>741</sup> Ministry of Mining official, Interview with USDOL consultant, May 27, 2005. ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Central African Republic (ratification: 2000)*, [online] 2008 [cited January 16, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

<sup>742</sup> ILO Committee of Experts, *Direct Request, Minimum Age Convention*. See also U.S. Department of State, "Country Reports- 2008: Central African Republic," section 6d.

<sup>743</sup> U.S. Department of State, "Country Reports- 2008: Central African Republic," section 5.

<sup>744</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Central African Republic (ratification: 2000)*, [online] 2008 [cited January 16, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. 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](http://www.unicef.org/wcaro/2009_2402.html).

<sup>745</sup> Julia Spry-Leverton, *A Cry from the Heart*, 25. See also U.S. Embassy- Bangui, *reporting*, October 1, 2008, para. 5b. See also Ministry of Family and Social Affairs official, Interview with USDOL consultant, July 1, 2005. See also U.S. Department of State, "Central African Republic," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008,

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section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100472.htm>.

<sup>746</sup> Laura Perez, *State of Neglect: Displaced Children in the Central African Republic*, Internal Displacement Monitoring Centre, Geneva, November 2008, 4, 17, 18; available from [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/9A2DBF7DA45DF1E4C125750D002FB289/\\$file/CAR\\_SCR\\_Nov08.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/9A2DBF7DA45DF1E4C125750D002FB289/$file/CAR_SCR_Nov08.pdf).

<sup>747</sup> *Ibid.*, 4, 19, 20. See also Integrated Regional Information Networks, "Grim Outlook for Central African Republic's Children", IRINnews.org [online] November 27, 2008 [cited January 22, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=81694>.

<sup>748</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention*. See also Laura Perez, *Displaced Children in the Central African Republic*, 23 and 24. See also United Nations General Assembly, *Report of the Special Representative of the Secretary-General on Children and Armed Conflict A/63/227*, August 6, 2008, 4; available from <http://www.un.org/children/conflict/english/reports.html>.

<sup>749</sup> 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>.

<sup>750</sup> U.S. Department of State, "Central African Republic (Tier 2 Watch List)," in *Trafficking in Persons Report-2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Department of State, "Country Reports- 2008: Central African Republic," section 5.

<sup>751</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Central African Republic." See also U.S. Department of State, "Cameroon (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Embassy- Cotonou, *reporting*, January 13, 2009, para. 17.

<sup>752</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Central African Republic."

<sup>753</sup> 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 mai 1986: Elimination of child labour, protection of children and young persons*.

<sup>754</sup> Government of the Central African Republic, *Code du Travail de la République Centrafricaine*, article 125. See also ILO NATLEX National Labor Law Database, *Arrêté no 6/MFPTSS mai 1986: Elimination of child labour, protection of children and young persons*. See also

ILO Committee of Experts, *Direct Request, Minimum Age Convention*, section 2.

<sup>755</sup> ILO NATLEX National Labor Law Database, *Arrêté no 6/MFPTSS mai 1986: Elimination of child labour, protection of children and young persons*. See also U.S. Department of State, "Country Reports- 2008: Central African Republic," section 6d.

<sup>756</sup> Government of the Central African Republic, *Code du Travail de la République Centrafricaine*, article 121. See also ILO Committee of Experts, *Direct Request, Night Work of Young Persons (Industry) Convention, 1919 (No. 6) Central African Republic (ratification: 1960)*, [online] [cited January 16, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also ILO NATLEX National Labor Law Database, *Arrêté no 6/MFPTSS mai 1986: Elimination of child labour, protection of children and young persons*.

<sup>757</sup> Government of the Central African Republic, *Code du Travail de la République Centrafricaine*, article 126.

<sup>758</sup> Government of the Central African Republic, *Le Code Miner*, (February 1, 2004), article 153; available from <http://www.droit-afrique.com/index.php/content/view/93/193/>.

<sup>759</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see ILO NATLEX National Labor Law Database, *Arrêté no 6/MFPTSS mai 1986: Elimination of child labour, protection of children and young persons*, January 22, 2009; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home). For age to which education is compulsory and free public education, see Government of the Central African Republic, *Constitution*, (December 27, 2004), article 7; available from <http://www.fodem.org/fodeminfo/CONSTITUTION%20FINAL.htm>. See also U.S. Department of State, "Central African Republic," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from

<http://www.state.gov/g/drl/rls/hrrpt/2008/af/118992.htm>.

<sup>760</sup> U.S. Department of State, "Country Reports- 2008: Central African Republic," section 6c.

<sup>761</sup> Coalition to Stop the Use of Child Soldiers, "Central African Republic," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=41>.

<sup>762</sup> U.S. Embassy- Bangui, *reporting, December 3, 2007*. See also U.S. Department of State, "Country Reports- 2008: Central African Republic," section 5.

<sup>763</sup> U.S. Embassy- Bangui, *reporting, December 3, 2007*.

<sup>764</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention*, clause 2b.

<sup>765</sup> U.S. Department of State, "Country Reports- 2008: Central African Republic," section 5.

<sup>766</sup> Government of the Central African Republic, *Code Pénal de la République Centrafricaine*, (2000), articles 212-214.

<sup>767</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>768</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

<sup>769</sup> U.S. Embassy- Bangui, *reporting, December 3, 2007*.

<sup>770</sup> U.S. Department of State, "Country Reports- 2008: Central African Republic," section 6d.

<sup>771</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention*, clause 2d.

<sup>772</sup> U.S. Embassy- Bangui, *reporting, December 2, 2008*, para d.

<sup>773</sup> Laura Perez, *Displaced Children in the Central African Republic*, 23.

## Chad

### Incidence and Nature of Child Labor

Children work in agriculture throughout Chad. In the urban informal sector, children work as domestic servants, street vendors, servers at bars, solderers, forgers, and manual laborers.<sup>774</sup> Herding is a traditional activity in which children

work,<sup>775</sup> including children as young as 6 years who have been reportedly contracted by their parents to work for nomadic herders or trafficked into herding.<sup>776</sup> In some towns and the capital, N'Djamena, street children number in the thousands, and some may have been conscripted by the Government into its armed forces.<sup>777</sup>

*Selected Statistics and Indicators  
on Child Labor<sup>778</sup>*

Population, children, 5-14 years, 2004:	2,898,858
Working children, 5-14 years (%), 2004:	53.0
Working boys, 5-14 years (%), 2004:	56.1
Working girls, 5-14 years (%), 2004:	49.7
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	75.6
Net primary enrollment rate (%), 2003:	60.2
School attendance, children 5-14 years (%), 2004:	39.6
Survival rate to grade 5 (%), 2003:	33.2
ILO Convention 138:	3/21/2005
ILO Convention 182:	11/6/2000
CRC:	10/2/1990
CRCOPAC:	8/28/2002
CRCOPSC:	8/28/2002
Palermo:	No
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Chad.<sup>779</sup>

While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned.<sup>780</sup>

Children in refugee camps in Eastern Chad have been reported making bricks, conducting street sales, carrying firewood and water from outside the camps, and working outside the camps as farmers and domestic servants.<sup>781</sup> Many of these children report being injured at work. Domestic servants report not getting paid, and farm workers report long hours.<sup>782</sup>

Within Chad, children are trafficked for sexual exploitation and forced labor in domestic service, herding, begging, fishing, and small-scale commerce.<sup>783</sup> Children may be trafficked from the

Central African Republic and Cameroon to Chad's oil-producing regions for commercial sexual exploitation. Chadian children are also trafficked to the Central African Republic, Nigeria, and Cameroon for cattle herding,<sup>784</sup> and to Saudi Arabia for involuntary servitude as forced beggars and street vendors.<sup>785</sup>

There are reports of children trafficked in Chad for the purposes of child soldiering to the Chadian National Army and rebel groups, including rebel groups that operate in Sudan.<sup>786</sup> Estimates of the number of child soldiers range from 4,000 to 10,000, although figures can not be verified.<sup>787</sup> It is reported that children as young as 8 or 10 years are forcibly recruited to work as bodyguards, drivers, and cooks, as well as fighters and lookouts in the conflicts in Chad.<sup>788</sup> In Eastern Chad, some children have been forcibly recruited or kidnapped from within refugee camps by Sudanese rebel groups.<sup>789</sup>

### **Child Labor Laws and Enforcement**

The Labor Code sets the minimum age for employment in Chad at 14 years. However, the law permits exceptions to be established through decrees issued by either the Ministry of Labor and Social Security or the Ministry of Public Health.<sup>790</sup> Light work in agriculture and domestic service are specifically permitted to children at least 12 years.<sup>791</sup> Apprenticeships can also begin at 13 years.<sup>792</sup> Night work by children under 18 years is prohibited.<sup>793</sup>

Labor inspectors may require an examination of young workers to determine whether the tasks for which they are employed exceed their strength.<sup>794</sup> Violation of child labor laws is subject to a fine for the first offense; repeat offenders are subject to a fine and/or 6 days to 3 months in prison.<sup>795</sup> The law stipulates that punishment will not be incurred for child labor offenses committed as a result of inaccurate age determination if the employer is not at fault.<sup>796</sup> The labor code prohibits forced labor.<sup>797</sup> The voluntary age of military recruitment is 18 years, although with parental consent children less than 18 years may volunteer. The minimum age for compulsory recruitment is 20 years.<sup>798</sup> Under the law, prostitution is illegal, and those who procure a prostitute are subject to more stringent penalties

if the offense is related to a minor.<sup>799</sup> Offenders of this law may be fined and imprisoned for 2 months to 2 years. If an offender is a relative or guardian, the punishment is increased to 5 to 10 years in prison.<sup>800</sup> The law does not specifically prohibit trafficking,<sup>801</sup> but traffickers can be prosecuted under charges of kidnapping, sale of children, and violations of labor statutes.<sup>802</sup>

Chad was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>803</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>804</sup>

The Office of Labor Inspection is responsible for implementing and enforcing child labor laws. Although this unit has 16 labor inspectors, it reportedly has not received funding to carry out inspections.<sup>805</sup> According to USDOS, a lack of resources, coupled with a weak judiciary system, has resulted in a lack of prosecution for child labor offenses. Police were reported to have resorted to extra-judicial actions, such as beating offenders and imposing unofficial fines for traffickers and child labor offenders that they have arrested.<sup>806</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government of Chad created regional committees to address worst forms of child labor in each region.<sup>807</sup> The Government also developed a plan and program of action in consensus with the Islamic Committee and masters at Koranic schools to introduce reforms as part of its efforts at ending the exploitation of the boys sent to such schools.<sup>808</sup> The Government also continued to support efforts to remove children from forced labor as herders, including putting in place a Plan of Action for 2008-2010 to target this worst form of child labor.<sup>809</sup>

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<sup>774</sup> U.S. Department of State, "Chad," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118993.htm>. See also U.S. Embassy - N'djamena, *reporting*, April 4, 2008, para 6. See also Deuzoumbe Daniel Passalet, *Etude sur les efforts du Gouvernement tchadien dans la lutte contre les pires formes du travail des enfants au Tchad*, Droits de l'Homme Sans Frontieres, N'Djamena, December 2005, 12-13.

<sup>775</sup> Claude Arditi, "Les 'enfants bouviers' du sud du Tchad, nouveaux esclaves or apprentis eleveurs?," *Cahiers d'Etudes africaines* XLV, no. 3-4 (December 2005), 717 and 725.

<sup>776</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Chad (ratification: 2000)*, [online] 2008 [cited January 15, 2009], article 3, section 3; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21917&chapter=9&query=%28Chad%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Chad," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100473.htm>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Chad*, CRC/C/TCD/2, June 7, 2007, 28, para 144; available from <http://www.unhcr.org/refworld/publisher/CRC.html>.

<sup>777</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Chad*, 56, table 18, paras 301-302. See also U.S. Department of State, "Chad (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>778</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Chad, *Code du travail*, (December 11, 1996), article 52; available from [www.droit-afrique.com/images/textes/Tchad/Tchad%20-%20Code%20du%20travail.pdf](http://www.droit-afrique.com/images/textes/Tchad/Tchad%20-%20Code%20du%20travail.pdf). For age to which education is compulsory and free public education, see UNESCO, *Education for All Global Monitoring Report 2008*, accessed March 30, 2009; available from <http://www.unesco.org/education/gmr2008/annexes/annex5.pdf>.

<sup>779</sup> U.S. Department of State, "Country Reports- 2008: Chad," sections 5 and 6d. See also Peter Easton et al., *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997;

available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html>. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999); available from <http://www.worldbank.org/afr/ik/iknt11.pdf>.

<sup>780</sup> U.S. Embassy -N'djamena, *reporting*, October 17, 2008, para 6. See also U.S. Department of State, "Country Reports- 2008: Chad," sections 5 and 6d.

<sup>781</sup> UNICEF, *Child Alert Darfur*, December 2005, 16; available from <http://www.unicef.org/childalert/darfur/Child%20Alert%20Darfur.pdf>.

<sup>782</sup> Christian Children's Fund Chad, *Knowledge, Attitudes and Practices Survey: Eastern Chad*, CCF, N'Djamena, January 2006, 21, 22, 29; available from [http://www.christianchildrensfund.org/uploadedFiles/Public\\_Site/news/Relief\\_professionals/KAP\\_Chad.pdf](http://www.christianchildrensfund.org/uploadedFiles/Public_Site/news/Relief_professionals/KAP_Chad.pdf).

<sup>783</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Chad." See also Michael Didama, "Traites des enfants au Tchad," IPS, [online], April 7, 2007 [cited January 15, 2009]; available from <http://www.humanrights-geneva.info/Traite-des-enfants-au-Tchad,1499>.

<sup>784</sup> U.S. Department of State, "Chad," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100473.htm>.

<sup>785</sup> U.S. Department of State, "Saudi Arabia (Tier 3)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>.

<sup>786</sup> Human Rights Council United Nations General Assembly, *Report prepared by the Special Rapporteur on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts mandated by the Human Rights Council in resolution 4/8 to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8 pursuant to Human Rights Council resolution 6/34, A/HCR/9/13/Add.1*, September 2, 2008, 32; available from <http://www.un.org/children/conflict/english/reports.html>. See also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict in Chad*, S/2008/532, August 7, 2008, paras 10-14; available from <http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html>. See also Refugees International, "Chad: Set the Stage for Sustainable Return", *RefugeesInternational.org*, [online], July 24, 2008 [cited August 18, 2008]; available from <http://www.refugeesinternational.org/content/article/detail/10777/>.

<sup>787</sup> Human Rights Watch, *Letter to the UN Security Council in Advance of its June Mission to Africa*, May 2008, 4; available from <http://hrw.org/english/>

[docs/2008/05/27/africa18942\\_txt.htm](docs/2008/05/27/africa18942_txt.htm). See also United Nations Security Council, *Report of Secretary-General on Children and Armed Conflict in Chad*, para 34.

<sup>788</sup> United Nations Security Council, *Report of Secretary-General on Children and Armed Conflict in Chad*, para 11. See also Human Rights Watch, *Early to War: Child Soldiers in the Chad Conflict*, July 2007, 3, 19, 21; available from <http://www.hrw.org/en/reports/2007/07/15/early-war>.

<sup>789</sup> David Axe, "Recruiting of Child Soldiers for Chadian Army, Rebel Militias Remains Routine", *World Politics Review*, July 17, 2008; available from [www.worldpoliticsreview.com/Article.aspx?id=2441](http://www.worldpoliticsreview.com/Article.aspx?id=2441). See also U.S. Committee for Refugees and Immigrants, "World Refugee Survey 2008 - Chad", [online], July 24, 2008 [cited August 18, 2008]; available from <http://www.unhcr.org/refworld/country,,,,TCD,456d621e2485f50c98a,0.html>. See also United Nations Security Council, *Conclusions on Children and Armed Conflict in Chad*, S/AC.51/2008/15, December 5, 2008; available from <http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html>.

<sup>790</sup> Government of Chad, *Code du travail*, article 52.

<sup>791</sup> *Ibid.*, article 18. See also Deuzoumbe Daniel Passalet, *Etude sur les efforts du Gouvernement tchadien dans la lutte contre les pires formes du travail des enfants au Tchad*, 10-11. See also ILO NATLEX National Labor Law Database, *Décret no 55/PR-MT JS-DTMOPS du février 1969 relatif au travail des enfants*, accessed January 21, 2009; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.detail?s?p\\_lang=fr&p\\_country=TCD&p\\_classification=04&p\\_origin=COUNTRY&p\\_sortby=SORTBY\\_COUNTRY](http://www.ilo.org/dyn/natlex/natlex_browse.detail?s?p_lang=fr&p_country=TCD&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY).

<sup>792</sup> Government of Chad, *Code du travail*, article 18.

<sup>793</sup> *Ibid.*, article 206.

<sup>794</sup> ILO NATLEX National Labor Law Database, *Décret relatif au travail des enfants*. See also Government of Chad, *Code du travail*, article 238.

<sup>795</sup> Government of Chad, *Code du travail*, article 190. See also U.S. Embassy- N'djamena, *reporting*, January 30, 2007, para 32.

<sup>796</sup> Government of Chad, *Code du travail*, article 190.

<sup>797</sup> *Ibid.*, article 5.

<sup>798</sup> Coalition to Stop the Use of Child Soldiers, "Chad," in *Child Soldiers Global Report 2008*, London, 2008, 1; available from <http://www.child-soldiers.org/document/get?id=1335>.

<sup>799</sup> ILO Committee of Experts, *Individual Direct Request C182: Chad*, para. 1 Clause (b) 1. See also Deuzoumbe Daniel Passalet, *Etude sur les efforts du Gouvernement tchadien dans la lutte contre les pires formes du travail des enfants au Tchad*, 12.

<sup>800</sup> U.S. Embassy- N'djamena, *reporting*, January 30, 2007, paras 32 and 36.

<sup>801</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Chad." See also Integrated Regional

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Information Networks, "Chad-Sudan: Legal Framework a Hindrance in 'Child Trafficking' Case", IRINnews.org, [online], November 1, 2007 [cited January 22, 2009]; available from <http://www.irinnews.org/printreport.aspx?reportId=75096>.

<sup>802</sup> U.S. Embassy- N'djamena, *reporting*, January 30, 2007, para 32.

<sup>803</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>804</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

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<sup>805</sup> U.S. Department of State, "Country Reports- 2008: Chad," section 6d.

<sup>806</sup> U.S. Embassy-N'djamena, *reporting*, February 12, 2009, para 4. See also U.S. Department of State, "Country Reports- 2008: Chad," section 1.

<sup>807</sup> U.S. Embassy-N'djamena, *reporting*, February 12, 2009.

<sup>808</sup> UN Committee on the Rights of the Child, *Reponses écrites du gouvernement du Tchad à la liste des points à traiter (CRC/C/TCD/Q2) à l'occasion de ;examen du deuxième rapport du Tchad (CRC/C/TCD/2)* CRC/C/TCD/Q/2/Add.1, January 8, 2009, 6; available from [http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.TCD.Q.2.Add.1\\_fr.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.TCD.Q.2.Add.1_fr.pdf).

<sup>809</sup> *Ibid.*, 8. See also U.S. Embassy-N'djamena, *reporting*, November 17, 2008, para 1d.

## Chile

### Incidence and Nature of Child Labor

In Chile, children work in the production of ceramics and books and in the repair of shoes and garments.<sup>810</sup> Children in urban areas work as baggers in supermarkets and wait tables in restaurants. They also sell goods on the street, work as domestic servants, care for parked automobiles, and assist in construction activities.<sup>811</sup> Children in rural areas are involved in caring for farm animals, as well as harvesting, collecting, and selling crops, such as wheat, potatoes, oats, piñon, and quinoa. Children also work in fishing and forestry.<sup>812</sup>

Commercial sexual exploitation of children is a problem in Chile.<sup>813</sup> Child pornography and the use of children in drug production and sales also occur in the country. Children are used as drug mules in the border area with Peru and Bolivia.<sup>814</sup> Children are trafficked internally for the purpose of commercial sexual exploitation.<sup>815</sup> Children, along with their families, are trafficked across borders with Peru and Bolivia to work in agriculture.<sup>816</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment without restrictions at 18 years. Children 15 to 18 years may only perform light work that will not affect their health or school attendance and only with parental permission.<sup>817</sup> Children between 15 and 18 years must also have documentation of enrollment or completion of secondary education to work. A child may not work more than 8 hours a day and, if the child has not completed secondary schooling, he or she may not work more than 30 hours per week during the school year.<sup>818</sup> Children under 18 years are also not permitted to work at night between the hours of 10 p.m. and 7 a.m., with the exception of work in a family business. The law also allows boys over 16 years to work in some industrial settings at night.<sup>819</sup> Children under 15 years may only work in artistic events with the permission of parents and local authorities.<sup>820</sup> Chile has a list of 23 types of work that are dangerous due to their nature and 4 types of work that are dangerous due to their conditions. Dangerous work includes work with explosives; work that involves repetitive

movements; work with dangerous substances or equipment; work at sea, underwater, or underground; work in establishments that sell alcohol or tobacco or exhibit sexually explicit material; and work that requires crossing country borders or transporting valuable goods or money.<sup>821</sup>

Chilean laws prohibit slavery and forced labor.<sup>825</sup> The trafficking of a minor across national boundaries for the purpose of sexual exploitation is punishable by 5 to 20 years in prison.<sup>826</sup> The prostitution of children is punishable by 3 to 5 years in prison, with penalties of up to 20 years in the case of involvement of family members or government authorities. The law establishes punishments for the production, sale, importation, exportation, distribution, and exhibition of pornography using minors.<sup>827</sup> The minimum age for compulsory military service in Chile is 18 years.<sup>828</sup>

Chile's national police dedicated 103 police to minors' issues, including the detection of children involved in the worst forms of child labor.<sup>829</sup> Chile's Public Ministry investigated 347 cases of commercial sexual exploitation of children and opened 126 trafficking investigations, most of which related to child trafficking.<sup>830</sup> However, the Government's ability to combat trafficking was limited by a lack of financial resources and current laws.<sup>831</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

As part of its National Policy on Childhood (2001-2010), the Government of Chile has adopted a national child labor action plan that focuses on raising awareness, collecting data, promoting legislative reform in compliance with ILO conventions, developing targeted social and educational programs, and conducting ongoing monitoring and evaluation.<sup>832</sup>

The Government of Chile also participated in two ILO-IPEC regional projects, a Phase II USD 2.6 million and a Phase III USD 3 million project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>833</sup> The Government collaborated with IOM in a USD 100,000 five-country regional project funded by USDOS to provide return and reintegration assistance to trafficking victims.<sup>834</sup> The municipal government office of Los Andes, near the border with Argentina, funds a project to provide rehabilitation services to trafficking victims,

### *Selected Statistics and Indicators on Child Labor*<sup>822</sup>

Population, children, 5-14 years, 2003:	2,800,255
Working children, 5-14 years (%), 2003:	3.5
Working boys, 5-14 years (%), 2003:	4.4
Working girls, 5-14 years (%), 2003:	2.6
Working children by sector, 5-14 years (%), 2003:	
- Agriculture	24.7
- Manufacturing	6.6
- Services	66.6
- Other	2.0
Minimum age for work:	18
Compulsory education age:	17-18
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	104.4
Net primary enrollment rate (%), 2005:	90.0
School attendance, children 5-14 years (%), 2003:	97.2
Survival rate to grade 5 (%), 2005:	99.2
ILO Convention 138:	2/1/1999
ILO Convention 182:	7/17/2000
CRC:	8/13/1990
CRCOPAC:	7/31/2003
CRCOPSC:	2/6/2003
Palermo:	11/29/2004
ILO-IPEC participating country:	Yes

The Ministry of Labor enforces labor laws, and USDOS reports that Chile is allocating considerable resources and oversight to child labor policies.<sup>823</sup> Although the Ministry of Labor's Labor Inspections Directorate had no inspectors dedicated exclusively to child labor, the Directorate conducted 5,667 child labor inspections and imposed sanctions in 111 cases. During the reporting period, Chile's National Task Force on the Worst Forms of Child Labor ran a national registry of child labor cases and detected 268 new cases of the worst forms of child labor.<sup>824</sup>



assess its extent, and raise awareness about the problem.<sup>835</sup>

Based on the list of hazardous types of work for children and adolescents, the Ministry of Justice's Service for Minors maintains a register of documented worst forms of child labor cases, with input from the Chilean police and the Ministry of Labor and Social Welfare.<sup>836</sup> The Ministry of Interior coordinates efforts to combat trafficking in persons with NGOs and other government agencies. The Public Ministry takes the lead on issues related to the investigation and prosecution of trafficking in persons.<sup>837</sup> The Service for Minors works with 105 municipal government offices to combat the worst forms of child labor. The Ministry of Labor is collaborating with an NGO to develop child labor intervention strategies.<sup>838</sup> The Government also collaborated with neighboring countries to ensure safe repatriation of trafficking victims. In addition, the Service for Minors worked with counterparts in Bolivia to combat child labor, emphasizing the prevention of child trafficking.<sup>839</sup> The Government's Service for Minors oversees 14 programs to assist child victims of commercial sexual exploitation.<sup>840</sup> The Government also conducted extensive media campaigns to educate young Chileans seeking work abroad. These efforts were in conjunction with international organizations and NGOs.<sup>841</sup>

The Government of Chile and other associates and member governments of MERCOSUR are carrying out the "Niño Sur" ("Southern Child") initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>842</sup> Chile's National Tourism Service 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. It was created in 2005 and includes the Ministries of Tourism from Argentina, Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay, and Venezuela.<sup>843</sup>

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<sup>810</sup> ILO-IPEC and Ministry of Work and Social Provision, *Trabajo infantil y adolescente en cifras: Síntesis de la primera encuesta nacional y registro de sus peores formas*, ILO-IPEC, Santiago, 2004; available from <http://www.oit.org.pe/ipec/documentos/chile.pdf>.

<sup>811</sup> *Ibid.*, 17. See also U.S. Embassy- Santiago, *reporting*, February 13, 2009.

<sup>812</sup> ILO-IPEC and Colegio de Profesores de Chile A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 2005, 31 and 35; available from <http://www.oitchile.cl/pdf/publi%20sistem%20Chile-texto.pdf>. See also ILO-IPEC and Ministry of Work and Social Provision, *Trabajo infantil y adolescente en cifras*, 17.

<sup>813</sup> U.S. Embassy- Santiago, *reporting*, February 13, 2009.

<sup>814</sup> ILO-IPEC and Colegio de Profesores de Chile A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 34.

<sup>815</sup> U.S. Department of State, "Chile (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>816</sup> U.S. Embassy- Santiago, *reporting*, February 20, 2009.

<sup>817</sup> Government of Chile, *Código del Trabajo*, article 13.

<sup>818</sup> *Ibid.*

<sup>819</sup> *Ibid.*, article 18.

<sup>820</sup> *Ibid.*, article 15.

<sup>821</sup> 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>.

<sup>822</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Chile, *Código del Trabajo de Chile*, (November 15, 2007), article 13; available from [http://www.dt.gob.cl/legislacion/1611/article-59096.html#h2\\_1..](http://www.dt.gob.cl/legislacion/1611/article-59096.html#h2_1..) For age to which education is compulsory, see Government of Chile, *Constitución Política de 1980 incluidas las Reformas hasta el 2005*, (2005), article 19, no. 10; available from <http://pdba.georgetown.edu/Constitutions/Chile/chile05.html>. See also Embassy of Chile official, E-mail communication to USDOL official, March 14, 2008. For free public education, see Government of Chile, *Constitución Política*, article 19, no. 10.

<sup>823</sup> U.S. Department of State, "Chile," 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/wha/119152.htm>.

<sup>824</sup> U.S. Embassy- Santiago, *reporting, February 13, 2009.*

<sup>825</sup> Government of Chile, *Constitución Política*, article 19, no. 2. See also Government of Chile, *Código del Trabajo*, article 2. See also U.S. Department of State, "Country Reports- 2008: Chile," section 6c.

<sup>826</sup> Government of Chile, *Código Penal de la República de Chile*, (March 1, 1875), articles 56 and 367; available from <http://www.cajpe.org.pe/rij/bases/legisla/chile/codpench.htm>.

<sup>827</sup> *Ibid.*, articles 30, 56, 368. 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](http://www.anuariocdh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf).

<sup>828</sup> 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](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>829</sup> U.S. Embassy- Santiago, *reporting, February 13, 2009.*

<sup>830</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Chile." See also U.S. Department of State, "Country Reports- 2008: Chile," section 5.

<sup>831</sup> U.S. Embassy- Santiago, *reporting, February 20, 2009.*

<sup>832</sup> 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.ministeriodeltrabajo.cl/descargar/trabajo\\_inf/PlanNacionaldePrevencion.pdf](http://www.ministeriodeltrabajo.cl/descargar/trabajo_inf/PlanNacionaldePrevencion.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](http://www.trabajoinfantil.cl/en_chile.html). See also U.S. Embassy- Santiago, *reporting, February 13, 2009.*

<sup>833</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>834</sup> U.S. Department of State, *U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Projects* [online] February 28, 2008 [cited

February 4, 2009]; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

<sup>835</sup> U.S. Embassy- Santiago, *reporting, May 23, 2007.* See also U.S. Embassy- Santiago, E-mail communication to USDOL official, July 27, 2009.

<sup>836</sup> Ministry of Labor and Social Welfare, *Sistema de registro*, [online] [cited February 5, 2009]; available from [http://www.trabajoinfantil.cl/peores\\_definiciones.html](http://www.trabajoinfantil.cl/peores_definiciones.html).

<sup>837</sup> IOM, *Estudio exploratorio sobre Trata de personas con fines de explotación sexual en Argentina, Chile y Uruguay*, December 2006, 236 and 240; available from <http://www.oimuruguay.org/Documentos/OIM%20Estudio%20Exploratorio%20sobre%20Trata%20de%20Personas%202006.pdf>.

<sup>838</sup> U.S. Embassy- Santiago, *reporting, February 13, 2009.*

<sup>839</sup> *Ibid.*

<sup>840</sup> U.S. Department of State, "Country Reports- 2008: Chile," section 5.

<sup>841</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Chile."

<sup>842</sup> Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [online] [cited April 7, 2009]; available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>843</sup> Brazilian Ministry of Tourism, *Equador Assume Direção de Grupo Latino-Americano para a Proteção Infante-Juvenil*, November 26, 2008; available from <http://www.jornaldeturismo.com.br/noticias/7-governo/20432-equador-assume-direcao-de-grupo-latino-americano-para-a-protecao-infante-juvenil.html>. See also Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

## Colombia

### Incidence and Nature of Child Labor

In Colombia, children work in rural and urban areas, most of them in agriculture, industry, commerce, and service sectors. In rural areas, children work in the production of coffee,

sugarcane, fruits, and vegetables.<sup>844</sup> They also work in artisanal mining of emeralds, gold, clay, and coal under dangerous conditions. In urban areas, they work in domestic service in third-party homes, bakeries, automobile repair,

and food preparation.<sup>845</sup> A high number of working children live in the Eastern and Pacific regions and are not paid. The Colombian Family Welfare Institute (ICBF) estimates that about 80 percent of working children work in the informal sector.<sup>846</sup> Children are also used in the cultivation of coca for illegal purposes and in the processing and transportation of illicit drugs.<sup>847</sup>

forced labor in domestic service, agriculture, mines and factories, forced recruitment as child soldiers, and begging.<sup>850</sup> Children are trafficked internally from rural to urban areas.<sup>851</sup> There are reports of children from Ecuador working as coca pickers and children from Honduras and Nicaragua working in forced-labor fishing.<sup>852</sup>

Children in Colombia are recruited, sometimes forcibly, by insurgent and paramilitary groups to grow coca, serve as combatants, and perform forced labor in the country's ongoing conflict. As of 2008, an estimated 11,000 to 14,000 children are child combatants.<sup>853</sup> Many are forced to participate in and are victims of human rights violations such as torture and murder. Girl combatants are subject to sexual exploitation by other group members.<sup>854</sup> In 2007, the United Nations reported that children demobilized from the United Self-Defense Forces of Colombia (AUC) were not officially delivered to ICBF as required by the demobilization process.<sup>855</sup> Reportedly, children have been used by government armed forces as informants. Many demobilized children have been held by government forces and agencies much longer than the 36 hours required by law before being turned over to ICBF.<sup>856</sup> Only those who voluntarily left illegal armed forces are allowed to receive assistance from government demobilization programs.<sup>857</sup>

### Child Labor Laws and Enforcement

The Constitution guarantees the protection of children against any form of exploitive or hazardous work.<sup>858</sup> The minimum employment age in Colombia is 15 years. Adolescents under 15 years may perform artistic or cultural work.<sup>859</sup> Authorization from a labor inspector or other designated authority is required for minors above 15 years to work. Adolescents aged 15 to 17 years who have received technical training provided by the National Training Service (SENA) or another certified training school could be authorized to work once the nature of the work and the risks related to its performance have been checked by the labor inspectors.<sup>860</sup> Adolescents aged 15 and 16 years may only work 6 hours per day or 30 hours per week and until 6 p.m.; those aged 17 years may work 8 hours per day, 40 hours per week, and until 8 p.m. The law also prohibits

### Selected Statistics and Indicators on Child Labor<sup>848</sup>

Population, children, 5-14 years, 2001:	8,580,980
Working children, 5-14 years (%), 2001:	10.4
Working boys, 5-14 years (%), 2001:	14.1
Working girls, 5-14 years (%), 2001:	6.6
Working children by sector, 5-14 years (%), 2001:	
- Agriculture	35.6
- Manufacturing	12.6
- Services	49.9
- Other	1.9
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	116.3
Net primary enrollment rate (%), 2007:	87.3
School attendance, children 5-14 years (%), 2001:	90.4
Survival rate to grade 5 (%), 2006:	88.3
ILO Convention 138:	2/2/2001
ILO Convention 182:	1/28/2005
CRC:	1/28/1991
CRCOPAC:	5/25/2005
CRCOPSC:	11/11/2003
Palermo:	8/4/2004
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

Many children are victims of commercial sexual exploitation, including pornography, prostitution, and sexual tourism. According to reports by IOM and the Ministry of Social Protection (MSP), as of 2006 an estimated 25,000 minors work in the commercial sex trade in Colombia.<sup>849</sup> A study conducted by ICBF, the University of Cartagena, and the Renacer Foundation found children engaged in commercial sexual exploitation in Cartagena. In Colombia, children are trafficked for the purpose of commercial sexual exploitation,

minors from work that is exploitative or hazardous.<sup>861</sup>

MSP Resolution No. 01677 of 2008 identifies the worst forms of child labor that are prohibited for all minors under 18 years. Minors are not permitted to perform most forms of work related to agriculture, fisheries, lumber, mining, industrial manufacturing, utilities, construction, heavy equipment, and transportation.<sup>862</sup> Unskilled labor—including shoe shining, domestic service, trash collection, work in clubs and bars, and street sales—is also prohibited. Children are prohibited from working in activities that can encourage their sexual exploitation, such as erotic modeling.<sup>863</sup> Also, minors may not work under conditions that may harm their psychosocial development. Individuals, businesses, and civic organizations must report child labor law violations.<sup>864</sup>

The Constitution prohibits slavery, servitude, and human trafficking.<sup>865</sup> Trafficking in persons is punishable by 13 to 23 years of prison as well as the payment of fines. It includes trafficking for the purpose of economic and sexual exploitation, forced labor, slavery, servitude, begging, sale of organs, and sexual tourism.<sup>866</sup> Persons found guilty of trafficking children under 18 years receive sentences and fines that are 33 to 50 percent greater than the guidelines. Persons found guilty of trafficking children under 12 years receive sentences and fines that are 50 percent higher.<sup>867</sup> Law 1236 of 2008 establishes that anyone who encourages a minor under 14 years to engage in prostitution may be punished with 10 to 14 years of incarceration and fines. Inducement or coercion into prostitution is punishable with 9 to 22 years of incarceration and fines.<sup>868</sup> If the victim is under 14 years, penalties increase from one-third to one-half for both induced and forced prostitution. Crimes involving child pornography are punishable by 10 to 14 years of incarceration and fines.<sup>869</sup> The use of the mail or the Internet for sexual contact with a minor under 18 years is punishable by 10 to 14 years of incarceration and fines, with penalties increased up to half if the victim is under 14 years.<sup>870</sup>

Posting child pornography on the Internet is punishable by fines and the cancellation or

suspension of the Web site. Tourist agencies can be penalized for involvement in child sex tourism by fines and the suspension or cancellation of services.<sup>871</sup> Forced prostitution and sexual slavery related to the country's ongoing armed conflict are punishable by imprisonment from 13 to 27 years as well as the payment of fines. The Ministry of Commerce, Industry, and Tourism coordinates the efforts to combat sexual tourism and ensure that tourist agencies comply with the code of conduct established by law.<sup>872</sup>

The compulsory and voluntary recruitment age for military service is 18 years. However, children under 18 years can join the armed forces with the consent of their parents.<sup>873</sup> The law regards minors that participate in the country's hostilities as victims. Nonetheless, the Office of the Attorney General may choose to prosecute a minor who has violated international humanitarian law or committed genocide.<sup>874</sup> The recruitment of minors by armed groups in relation to the ongoing conflict is punishable by 8 to 15 years in prison and fines. The commission of terrorist acts involving a minor is punishable by 16 to 30 years of incarceration and fines.<sup>875</sup> Armed groups must place all minor recruits with ICBF in order to participate in the government's demobilization process. Punishments for crimes involving illegal drugs, such as cultivating, manufacturing, and trafficking, are increased if the crimes involve a minor.<sup>876</sup>

MSP's 276 inspectors are responsible for conducting formal-sector child labor inspections. However, according to USDOS, the MSP does not have sufficient resources to enforce labor laws effectively.<sup>877</sup> ICBF, the National Police, the Office of the Inspector General, the National Ombudsman, and local accountability offices are responsible for enforcing laws related to children.<sup>878</sup> Between 1999 and 2007, 98 cases of trafficking in children have been investigated by the Office of the Attorney General, but only 15 persons have been accused and 3 have gone to trial.<sup>879</sup> According to ICBF, 164 complaints of child labor and 280 of commercial sexual exploitation of children were received by September 2008. In addition, ICBF received 318 former child soldiers, mostly ex-combatants from the Revolutionary Armed Forces of

Colombia (FARC), in its programs aimed at assisting children who joined illegal armed groups.<sup>880</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Government of Colombia continued to implement the Plan for Childhood (2004-2015), which contains provisions relating to child labor, and to specific worst forms of child labor, including trafficking, recruitment into armed groups, and commercial sexual exploitation.<sup>881</sup> The National Strategy to Eradicate the Worst Forms of Child Labor (2008-2015) identifies criteria for guiding future actions, such as making the family the center of intervention, considering the child's age when designing responses, reinforcing children's rights, improving education services for working children to prevent the worst forms of child labor, concentrating resources on priority sectors, and coordinating actions across agencies.<sup>882</sup> 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) seeks to coordinate the efforts made by government agencies to combat commercial exploitation of children; improve the prevention, detection, and assistance to child victims; and disseminate best practices.<sup>883</sup> The National Strategy to Combat Trafficking (2007-2012) aims to reduce human trafficking, including the trafficking of children, by carrying out preventive programs, providing social and legal services to victims, and improving the prosecution of cases and international cooperation.<sup>884</sup> The Government continues to support the Interagency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups, led by the Vice President, which coordinates the policies and programs to combat the recruitment of children by illegal armed groups and provides technical assistance to local governments.<sup>885</sup> In addition, ICBF continued to provide services to child victims of trafficking and commercial social exploitation, and child soldiers.<sup>886</sup>

During the reporting period, the Government of Colombia continued to participate in a 39-month,

USD 5.1 million project to combat child labor, funded by USDOL and implemented by Partners of the Americas, DevTech Systems, Inc., Mercy Corps, and the International Center of Education and Human Development (CINDE). The project seeks to withdraw 3,663 and prevent 6,537 children from exploitive child labor in Colombia.<sup>887</sup> The Government also participated in a USDOL-funded 4-year USD 3.5 million project implemented by World Vision to combat exploitive child labor by improving basic education, which ended in December 2008. This project withdrew 1,521 and prevented 4,996 children from working in agriculture, commercial activities, manufacturing, and services.<sup>888</sup>

With the support of the Government of Canada and technical assistance from ILO-IPEC, the Government continues to consolidate the National Plan for the Prevention and Elimination of Child Labor. It also participates in a 4-year, USD 3.3 million ILO-IPEC regional initiative to eradicate child labor, funded by the Government of Spain.<sup>889</sup>

ICBF is carrying out an initiative to withdraw and prevent child labor in mining communities, providing services to 1,928 children and 2,398 families.<sup>890</sup> With the support of USAID, MSP is carrying out the initiative "Complying and Improving," which encourages employers and workers to eliminate child labor. Under this program, construction, transportation, lottery, security, and ice cream companies as well as trade unions, have voluntarily agreed to eradicate child labor.<sup>891</sup> In addition, the Government of Colombia participates in an initiative to combat child labor implemented by Save the Children that targets 1,800 working or at-risk children in 20 departments.<sup>892</sup>

During the reporting period, 42 municipalities included the National Strategy for the Eradication of Child Labor in their Development Plans, with the collaboration of the Office of the Inspector General. Municipalities and departments also participate in an initiative to facilitate the adoption of plans to combat child labor under the National Strategy to Eradicate the Worst Forms of Child Labor, led by the Telefonica Foundation.<sup>893</sup> Ten departments have created Regional

Committees to Combat Human Trafficking, and nine have developed Plans of Action. ICBF, along with the Departmental Government of Cesar and the Office of the Inspector General, is carrying out a USD 300,000 project to eradicate child labor and commercial sexual exploitation of children in nine municipalities.<sup>894</sup> The Interagency Committee for the Prevention of the Recruitment and Use of Children by Illegal Armed Groups has approved a set of strategies and activities to address the recruitment of children by illegal armed forces in 50 selected municipalities and 26 departments. To date, 47 municipalities and 2 departments have adopted action plans.<sup>895</sup>

The Ministry of the Interior and Justice created a pilot Anti-Human Trafficking Operations Center (COAT), with technical assistance from UNODC and IOM. COAT provides tools to government officials who investigate and prosecute cases of trafficking in persons; it has a hotline and an information system and coordinates emergency assistance to victims of trafficking, including children. Colombian diplomatic missions also provide assistance to victims of trafficking.<sup>896</sup> The Government of Colombia carried out a national awareness-raising campaign against trafficking in persons on TV and radio and in print ads during the reporting period.<sup>897</sup> In addition, it conducted a campaign targeted to the tourism industry in 23 cities, providing information on commercial sexual exploitation and local resources for support. UNODC provided training to public prosecutors on trafficking issues.<sup>898</sup>

The Colombia Ombudsman Office has an awareness-raising campaign aimed at children and adolescents to prevent their recruitment by illegal armed groups.<sup>899</sup> IOM and ICBF continue to carry out a program that provides services to former child soldiers and seek to prevent further recruitment of children by armed groups, with funding from USAID, the Italian Development Agency, the Colombian Ministry of Education, and the local government of Bogota. Through December 2008, this initiative provided services to 4,079 children who were recruited by illegal armed groups, and 46,164 children were prevented from joining them.<sup>900</sup> UNICEF and the Government of Colombia are continuing their

efforts to address the recruitment of children by illegal armed groups.<sup>901</sup>

The Government of Colombia and other associates and member governments of MERCOSUR are carrying out the “Niño Sur” (“Southern Child”) initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>902</sup> The Governments of Trinidad and Tobago and Colombia joined efforts to combat human trafficking.<sup>903</sup> The Ministry of Commerce, Industry, and Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which was created in 2005 and includes the Ministries of Tourism of Argentina, Bolivia, Brazil, Chile, Ecuador, Paraguay, Peru, Suriname, Uruguay, and Venezuela.<sup>904</sup>

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<sup>894</sup> National Department of Statistics, *Boletín de Prensa: Trabajo Infantil 2007*, Bogotá, December 5, 2008; available from [http://www.dane.gov.co/files/investigaciones/boletines/ech/jobinfantil/bol\\_trabinf\\_0109.pdf](http://www.dane.gov.co/files/investigaciones/boletines/ech/jobinfantil/bol_trabinf_0109.pdf). See also International Center for 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, 7-10. See also U.S. Embassy- Bogotá, reporting, June 20, 2008.

<sup>895</sup> Interagency Committee for the Elimination of Child Labor and the Protection of Young Workers, *Estrategia Nacional para Prevenir y Erradicar las Peores Formas de Trabajo Infantil y Proteger al Joven Trabajador - 2008-2015*, Bogota, January 2008, 25-26; available from [http://white.oit.org.pe/ipec/documentos/estrategia\\_ti\\_colombia.pdf](http://white.oit.org.pe/ipec/documentos/estrategia_ti_colombia.pdf). See also Caracol Radio, *Unos 2.600 Niños trabajan como Mineros en Coscuez, ante la Indiferencia del Estado*, February 14, 2006; available from <http://www.caracol.com.co/noticias/249003.asp>. See also El Tiempo, “1.390 niños trabajan en las minas de Boyacá arriesgando sus vidas,” June 14, 2007; available from <http://www.eltiempo.com/archivo/documento/CMS-3595477>.

<sup>896</sup> Interagency Committee for the Elimination of Child Labor and the Protection of Young Workers, *Estrategia Nacional para las Peores Formas de Trabajo Infantil - 2008-2015*, 25.

<sup>897</sup> IOM, *Panorama sobre la trata de personas. Desafíos y Respuestas: Colombia, Estados Unidos y República*

Dominicana (Bogota: IOM, 2006), 14 and 20; available from <http://www.oim.org.co/modulos/contenido/default.asp?idmodulo=7&idlibro=115>. 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: Colombia*, June 8, 2006, paras 82 and 88; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0242bbd030747298c1257259002c07d0/\\$FILE/G0642477.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0242bbd030747298c1257259002c07d0/$FILE/G0642477.pdf).

<sup>848</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Colombia, *Código de la Infancia y la Adolescencia*, Ley 1098 of 2006, (November 8, 2006), 213-214 (modified by Law 1236 of 2008); available from <http://www.minproteccionsocial.gov.co/entornoambiental/library/documents/DocNewsNo15304DocumentNo3747.PDF>. For age to which education is compulsory, see Government of Colombia, *Constitución Política de Colombia de 1991, con reformas hasta 2005*, (July 6, 1991), article 67; available from <http://pdba.georgetown.edu/Constitutions/Colombia/col91.html>. For free public education, see Government of Colombia, *Código de la Infancia y la Adolescencia*, article 28. See also ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Colombia (ratification: 2001)*, ILO, Geneva, 2008; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=2552&chapter=16&query=Colombia%40ref%2BRequest%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&con text=0>.

<sup>849</sup> IOM, *Panorama sobre la trata de personas*, 18. See also Ministry of Social Protection, *Informe especial sobre violencia contra la infancia en Colombia*, Bogota, 2006, 231; available from <http://www.minproteccionsocial.gov.co/entornoambiental/library/documents/DocNewsNo15086DocumentNo1819.PDF>.

<sup>850</sup> ICBF, University of Cartagena, and Renacer Foundation, *Explotación Sexual de Explotación Sexual de Niños, Niñas y Adolescentes en la Ciudad de Cartagena de Indias*, 2004, 72-73; available from <http://www.siju.gov.co/investigaciones/buscar.php?ver=115>. See also IRIN, *Colombia: Sex Tourism Booming on the Caribbean Coast*, [November 18, 2008]; available from <http://www.plusnews.org/Report.aspx?ReportId=81528>. See also IOM, *Dimensiones de la trata de personas en Colombia* (Bogota: 2006), 20; available from <http://www.oim.org.co/modulos/contenido/default.asp?idmodulo=7&idlibro=114>.

<sup>851</sup> U.S. Department of State, "Colombia (Tier 1)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from

<http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Department of State, "Colombia," 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/wha/119153.htm>.

<sup>852</sup> David Khoudour-Castéras, *Efectos de la Migración sobre el Trabajo Infantil en Colombia*, ILO-IPEC, 2007, 14. See also Monica Hurtado, *Trata de Infantes y Adolescentes en Colombia (1999-2006)*, ILO-IPEC, 2007, 46.

<sup>853</sup> UN Office of the High Commissioner for Human Rights, *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 Resolutions 51*, UN Human Rights Council, Geneva, September 19, 2008, para 20; available from [http://lib.ohchr.org/HRBodies/UPR/Documents/Sesion3/CO/A\\_HRC\\_WG6\\_3\\_COL\\_3\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Sesion3/CO/A_HRC_WG6_3_COL_3_E.pdf). See also Human Rights Watch, *You'll Learn Not to Cry: Child Combatants in Colombia*, Washington, DC, September 2003, 5; available from <http://www.hrw.org/en/reports/2003/09/17/you-ll-learn-not-cry-0>.

<sup>854</sup> Human Rights Watch, *You'll Learn Not to Cry*, 6-7, 57-58, 64-65.

<sup>855</sup> UN Security Council, *Children and armed conflict: Report of the Secretary-General*, New York, December 21, 2007, 26-27; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N07/656/04/PDF/N0765604.pdf?OpenElement>.

<sup>856</sup> UN Committee on the Rights of the Child, *Concluding Observations: Colombia*, para 80. See also United Nations Security Council, *Children and armed conflict: Report of the Secretary-General*, New York, December 21, 2007, 26; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N07/656/04/PDF/N0765604.pdf?OpenElement>. See also Human Rights Watch, *You'll Learn Not to Cry*, 102-103. See also Ombudsman Office, *Caracterización de las niñas, niños y adolescentes desvinculados de los grupos armados ilegales*, Bogota, November 2006, 44; available from <http://www.unicef.org/colombia/conocimiento/estudio-defensoria.htm>.

<sup>857</sup> Coalition to Stop the Use of Child Soldiers, "Colombia," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>858</sup> Government of Colombia, *Constitución Política de Colombia*, article 44.

<sup>859</sup> Government of Colombia, *Código de la Infancia y la Adolescencia*, article 35.

<sup>860</sup> Government of Colombia, *Resolución No. 01677*, (May 16, 2008); available from <http://www.alcaldiabogota.gov.co/sisjur/normas/N>

orma1.jsp?i=30364. See also Government of Colombia, *Código de la Infancia y la Adolescencia*, article 113.

<sup>861</sup> Government of Colombia, *Código de la Infancia y la Adolescencia*, articles 114 and 117.

<sup>862</sup> Government of Colombia, *Resolución No. 01677*.

<sup>863</sup> *Ibid.*

<sup>864</sup> Government of Colombia, *Código de la Infancia y la Adolescencia*, article 40.

<sup>865</sup> Government of Colombia, *Constitución Política de Colombia*, article 17.

<sup>866</sup> Government of Colombia, *Ley 599 of 2000 - Código Penal*, article 188A (modified by Law 985 of 2005); available from [http://www.secretariassenado.gov.co/senado/basedoc/ley/2000/ley\\_0599\\_2000.html#1](http://www.secretariassenado.gov.co/senado/basedoc/ley/2000/ley_0599_2000.html#1).

<sup>867</sup> *Ibid.*, articles 188-A and 188-B (modified by Laws 985 of 2005 and 747 of 2000).

<sup>868</sup> *Ibid.*, articles 213 and 217 (modified by Law 1236 of 2008).

<sup>869</sup> *Ibid.*, articles 216 and 218 (modified by Law 1236 of 2008).

<sup>870</sup> *Ibid.*, articles 218 and 219-A (modified by Law 286 of 2008). See also Government of Colombia, *Decree 1524*, (July 24, 2002), articles 4 and 8; available from <http://web.minjusticia.gov.co/normas/2002/d15242002.htm>.

<sup>871</sup> Government of Colombia, *Ley 679*, (August 3, 2001), articles 7, 10, 16-20; available from <http://www.mincomercio.gov.co/eContent/documentos/normatividad/leyes/Ley679de2001.pdf>.

<sup>872</sup> Government of Colombia, *Ley 599 of 2000 - Código Penal*, articles 188A and 188B. See also Government of Colombia, *Decree 2785*, (August 17, 2006), article 8; available from [http://www.presidencia.gov.co/prensa\\_new/decretoslinea/2006/agosto/17/dec2785170806.pdf](http://www.presidencia.gov.co/prensa_new/decretoslinea/2006/agosto/17/dec2785170806.pdf). See also Ministry of Commerce, Industry, and Tourism, *Resolución 0119*, (February 12, 2002); available from [http://www.mincomercio.gov.co/eContent/documentos/turismo/Normatividad/Resolucion/resolucion\\_0119\\_de\\_2002.htm](http://www.mincomercio.gov.co/eContent/documentos/turismo/Normatividad/Resolucion/resolucion_0119_de_2002.htm).

<sup>873</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Colombia."

<sup>874</sup> Government of Colombia, *Ley 782*, (December 23, 2002), article 6; available from [http://www.secretariassenado.gov.co/compendio\\_legislativo.htm](http://www.secretariassenado.gov.co/compendio_legislativo.htm). See also Government of Colombia, *Código de la Infancia y la Adolescencia*, article 175.

<sup>875</sup> Government of Colombia, *Ley 599 of 2000 - Código Penal*, articles 162, 343-344.

<sup>876</sup> *Ibid.*, articles 375-384 (modified by Law 890 of 2004). See also Government of Colombia, *Ley 975*, (July 25, 2005), article 10; available from <http://web.minjusticia.gov.co/normas/2005/19752005.htm>.

<sup>877</sup> U.S. Department of State, "Country Reports- 2008: Colombia," section 6d.

<sup>878</sup> Government of Colombia, *Código de la Infancia y la Adolescencia*, articles 11, 79, 82, 89. See also IOM, *Dimensiones de la trata de personas en Colombia*, 27-28.

<sup>879</sup> Monica Hurtado, *Trata de Infantes y Adolescentes en Colombia (1999-2006)*, 55.

<sup>880</sup> U.S. Department of State, "Country Reports- 2008: Colombia," sections 5b and 6d.

<sup>881</sup> Government of Colombia, *Plan Decenal de Infancia (2004-2015) para Colombia*, 2004, 20-41; available from [http://www.icbf.gov.co/Nuestros\\_programas/Documentos/plan-pais.PDF](http://www.icbf.gov.co/Nuestros_programas/Documentos/plan-pais.PDF).

<sup>882</sup> Interagency Committee to Combat Trafficking in Persons, *Estrategia Nacional Integral de Lucha Contra la Trata de Personas*, 2008, 9; available from <http://www.tratadepersonas.gov.co/econtent/library/images/estrategia%20nacional%20contra%20la%20trata%20de%20personas.pdf>.

<sup>883</sup> ICBF, UNICEF, ILO-IPEC, and Renacer Foundation, *Plan de Acción Nacional para la Prevención y Erradicación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes Menores de 18 años 2006-2011*, Bogota, 2006, 43; available from <http://www.unicef.org/co/pdf/ESCNNA.pdf>.

<sup>884</sup> Government of Colombia, *Ley 985*, (August 8, 2005); available from <http://www.mininteriorjusticia.gov.co/adminFiles/TRATA%20%20DE%20PERSONAS%20CARTILLA.pdf>. See also Interagency Committee to Combat Trafficking in Persons, *Estrategia Nacional Integral de Lucha Contra la Trata de Personas*, 18-19.

<sup>885</sup> Government of Colombia, *Decree 4690. Por el cual se crea la Comisión Intersectorial para la Prevención del Reclutamiento y la Utilización de Niños, Niñas, Adolescentes y Jóvenes por Grupos Organizados al Margen de la Ley*, (December 3, 2007), articles 1-3; available from <http://web.presidencia.gov.co/decretoslinea/2007/diciembre/03/dec469003122007.pdf>.

<sup>886</sup> ICBF, *ICBF Implementa Programa para Enfrentar Flagelo de Explotación Sexual Infantil*, 2008; available from [http://www.icbf.gov.co/Noticias/doc\\_noticias/doc-nov-dic-08/boletin-congresoexplotacionsexualfinal.pdf](http://www.icbf.gov.co/Noticias/doc_noticias/doc-nov-dic-08/boletin-congresoexplotacionsexualfinal.pdf). See also ICBF, *No al Trabajo Infantil en las Minas*, June 12, 2008; available from [http://www.icbf.gov.co/Noticias/doc\\_noticias/doc-may-jun-08/ccial%20trabajo%20infantil%20minas.swf](http://www.icbf.gov.co/Noticias/doc_noticias/doc-may-jun-08/ccial%20trabajo%20infantil%20minas.swf). See also Ministry of Social Protection, *Informe de Rendición de Cuentas 2008*, December 15, 2008, 85-86; available from <http://www.minproteccionsocial.gov.co/VBeContent/library/documents/DocNewsNo18208DocumentNo8700.PDF>.

<sup>887</sup> U.S. Department of Labor, *Partners of the Americas and Associates*, Cooperative Agreement, September 27, 2007.

<sup>888</sup> World Vision, *Combating Exploitive Child Labor Through Education in Colombia*, Technical Progress Report, Washington, DC, March 26, 2009, 35.



<sup>889</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>890</sup> Ministry of Social Protection, *Informe de Rendición de Cuentas 2008*, 85-86.

<sup>891</sup> USAID, *Apoyo a la Estrategia Nacional para Combatir las Peores Formas de Trabajo Infantil en Colombia*, Bogotá, April 3, 2008.

<sup>892</sup> Save the Children, *Save the Children y el Ministerio de Protección Social*, 2009.

<sup>893</sup> Telefonica Foundation, *Fundación Telefónica Convoca a Alcaldías y Gobernaciones para ser Alidas del Programa de Proniño en Todo el País*, March 26, 2009; available from <http://buscar.telefonica.es/jsp/index.jsp>. See also Ministry of Social Protection, *Informe de Rendición de Cuentas 2008*, 85-86.

<sup>894</sup> Interagency Committee to Combat Trafficking in Persons, *Comités Departamentales de Lucha contra la Trata de Personas*, May 5, 2008; available from <http://www.tratadepersonas.gov.co/eContent/newsdetail.asp?id=52&IDCompany=2>. See also ICBF, *ICBF, Gobernación Cesar y Procuraduría Firman Convenio para Erradicar el Trabajo Infantil y la Explotación Sexual de Niños y Niñas*, 2008.

<sup>895</sup> Office of the Vice President, *Segundo Informe de Gestión de la Secretaría Técnica*, December 2008; available from [http://www.vicepresidencia.gov.co/entidad/informes\\_gestion/Comiprevrecluta\\_200801\\_Informegestion.pdf](http://www.vicepresidencia.gov.co/entidad/informes_gestion/Comiprevrecluta_200801_Informegestion.pdf). See also UNICEF, *Liderados por Gobierno Nacional, 47 municipios tienen hoy una Política para la Prevención del Reclutamiento*, February 11, 2009; available from [www.unicef.org/colombia/newsletter/febrero-09/pop-news-febrero-09-02.htm](http://www.unicef.org/colombia/newsletter/febrero-09/pop-news-febrero-09-02.htm).

<sup>896</sup> U.S. Department of State, "Country Reports- 2008: Colombia," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Colombia."

<sup>897</sup> U.S. Embassy- Bogotá, *reporting*, February 24, 2009.

<sup>898</sup> *Ibid.*

<sup>899</sup> Ombudsman Office, *Defensoría Lanza Campaña Humanitaria: "No más Niñez y Adolescencia Reclutada"*,

October 10, 2008; available from [http://www.defensoria.org.co/red/?\\_item=0303&\\_secc=03&ts=2&n=1351](http://www.defensoria.org.co/red/?_item=0303&_secc=03&ts=2&n=1351).

<sup>900</sup> ICBF, *ICBF y OIM Hacen Balance del trabajo en Beneficio de Niñez*, May 16, 2008 2008; available from [http://www.icbf.gov.co/Noticias/doc\\_noticias/doc-may-jun-08/Boletin%20ICBF-OIM.pdf](http://www.icbf.gov.co/Noticias/doc_noticias/doc-may-jun-08/Boletin%20ICBF-OIM.pdf). See also IOM, *Programa de Atención a Niños y Niñas Desvinculados y en Riesgo de Reclutamiento* online, 2009; available from <http://www.oim.org.co/Programas/paralareconciliaci%C3%B3nylareintegraci%C3%B3n/Atenci%C3%B3nNi%C3%B1ezDesvinculada/tabid/92/language/es-ES/Default.aspx>.

<sup>901</sup> UNICEF, *Liderados por Gobierno Nacional, 47 municipios tienen hoy una Política para la Prevención del Reclutamiento*.

<sup>902</sup> Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [online] 2008 [cited March 19, 2009]; available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>903</sup> U.S. Embassy- Port Spain, *reporting*, January 27, 2009.

<sup>904</sup> Ecuadorean Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, November 18, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43). See also Brazilian Ministry of Tourism, *Equador Assume Direção de Grupo Latino-Americano para a Proteção Infanto-Juvenil*, November 26, 2008; available from <http://www.turismo.gov.br/>.

## Comoros

### **Incidence and Nature of Child Labor**

The majority of working children in Comoros are engaged in agriculture and other activities in the informal sector.<sup>905</sup> The greatest proportion of children work in rural areas and on the Island of Ndzuwani.<sup>906</sup> Children work in subsistence farming, such as cultivating cloves, vanilla, and *ylang ylang* (a flower); animal husbandry; and

fishing.<sup>907</sup> Children also sell goods (such as peanuts, fish, and vegetables) along roadsides and extract and sell marine sand.<sup>908</sup> In urban areas, some children work as domestic servants in exchange for food, shelter, or educational opportunities; these children often carry heavy loads for long distances, are not paid for their work, and are subject to abuse.<sup>909</sup>

*Selected Statistics and Indicators  
on Child Labor*<sup>910</sup>

Population, children, 5-14 years, 2000:	159,810
Working children, 5-14 years (%), 2000:	35.6
Working boys, 5-14 years (%), 2000:	35.0
Working girls, 5-14 years (%), 2000:	36.2
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	12
Free public education:	No
Gross primary enrollment rate (%), 2005:	85.4
Net primary enrollment rate (%), 2000:	55.1
School attendance, children 5-14 years (%), 2000:	44.2
Survival rate to grade 5 (%), 2004:	80.3
ILO Convention 138:	3/17/2004
ILO Convention 182:	3/17/2004
CRC:	6/22/1993
CRCOPAC:	No
CRCOPSC:	2/23/07*
Palermo:	No
ILO-IPEC participating country:	No

\*Accession

Some children work under forced labor conditions, including in agriculture and domestic service.<sup>911</sup> The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Comoros. While some boys receive lessons, many are engaged in forced labor, including carrying produce, selling items in markets, and performing various domestic activities.<sup>912</sup>

### **Child Labor Laws and Enforcement**

The minimum age for admission to work and apprenticeship in Comoros is 15 years.<sup>913</sup> Children in apprenticeships must be paid and the duration cannot be longer than 3 years.<sup>914</sup> Children must be at least 17 years of age to enter into a formal professional school.<sup>915</sup> Enterprises, such as stores and banks, are required to maintain a list of children they employ who are under 18

years.<sup>916</sup> The law requires that children work no more than 40 hours per week and receive a break of a minimum of 12 consecutive hours per day.<sup>917</sup> A labor inspector can require a medical examination of a child to confirm that the work does not exceed his or her strength. The punishment for a third-time offense of employing a child under the age of 15 is imprisonment.<sup>918</sup>

The law prohibits pornography and sexual exploitation of children under the age of 18 years.<sup>919</sup> Punishment for involvement with the prostitution of a minor ranges from 2 to 5 years of imprisonment, and penalties are doubled in cases of reoccurrence of the offense within 10 years.<sup>920</sup> These penalties also apply if the crime is committed in a different country.<sup>921</sup>

The law prohibits forced and bonded labor, except in instances of obligatory military service; work that is considered a civic duty to the community; and work that is required in times of accidents, fires, and calamities. The punishment for exacting forced labor is 3 months to 3 years of imprisonment and a fine.<sup>922</sup> The minimum age for voluntary military recruitment is 18 years.<sup>923</sup> The Tribunal for Minors at the national level includes several judges who are responsible for protecting children before a court.<sup>924</sup> The Government has three labor inspectors, one for each main island.<sup>925</sup> One inspector reports averaging 10 labor inspections per year.<sup>926</sup> According to USDOS, the Government has not enforced laws to protect children.<sup>927</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Comoros to address exploitive child labor.

<sup>905</sup> Union des Comores, Commissariat Général au Plan, and Programme des Nations Unies pour le Développement, *Pauvreté, Inégalité et Marché du travail dans l'Union des Comores: Eléments d'analyse Fondés sur l'Enquête Intégrale Auprès des Ménages de 2004*, Moroni, December 2005, XX.

<sup>906</sup> Ministère du Plan Union des Comores, de l'Aménagement du Territoire, de l'Energie et de l'urbanisme, *Enfants et Adolescents aux Comores: Analyse*

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*des Données du Recensement Général de la Population et de l'Habitat 2003*, Moroni, September 2005, 27.

<sup>907</sup> U.S. Department of State, "Country Reports- 2008: Comoros," section 6d. See also Ministère de la Santé Direction Generale de la Condition feminine/Protection de l'enfant official, Interview with USDOL consultant, April 24, 2007. See also Ministère de la Justice de l'île d'Anjouan official, Interview with USDOL consultant, April 25, 2007. See also Ministère de la Fonction Publique et du Travail de l'Union des Comores official, Interview with USDOL consultant, May 1, 2007.

<sup>908</sup> Ministère de l'Economie de l'Union des Comores official, Interview with USDOL consultant, April 21, 2007. See also Ministère de la Justice de l'île d'Anjouan official, Interview, April 25, 2007. See also Ministère de l'Economie de l'Emploi et du travail official, Interview with USDOL consultant, April 21, 2007.

<sup>909</sup> U.S. Department of State, "Country Reports- 2008: Comoros," section 6d. See also SOS ESPOIR official, Interview with USDOL consultant, April 25, 2007. See also Bureau de Réseau Femme et Développement official, Interview with USDOL consultant, May 1, 2007. See also Ministère de l'Economie de l'Union des Comores official, Interview, April 21, 2007.

<sup>910</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Comoros, *Code du Travail*, Loi No. 84 -018/PR portant Code du Travail, (1984), article 123; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/1515/64795/F84COM01.htm>. For age to which education is compulsory, see Government of Comoros, *Portant orientation sur l'éducation Decret de promulgation N.95-012/PR*, Loi No. 94-035/AF, (January 20, 1995), article 1. For free public education, see Government of Comoros, *Loi orientation sur l'éducation*, article 1. See also U.S. Department of State, "Comoros," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>.

<sup>911</sup> Ministère de l'Economie de l'Union des Comores official, Interview, April 21, 2007. See also Ministère de l'Economie de l'Emploi et du travail official, Interview, April 21, 2007.

<sup>912</sup> Union Internationale des Droits de l'Homme official, Interview with USDOL consultant, April 24, 2007. See also Ministère de l'Economie de l'Union des Comores official, Interview, April 21, 2007.

<sup>913</sup> Government of Comoros, *Relative à l'apprentissage*, Loi No. 88-014/AF, (December 10, 1980), articles 5. See

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also Government of Comoros, *Code du Travail*, Loi No. 84 -018/PR portant Code du Travail, (1984), article 123; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/1515/64795/F84COM01.htm>.

<sup>914</sup> Government of Comoros, *Loi relative à l'apprentissage*, articles 5, 10 and 16. See also Government of Comoros, *Code du Travail*, article 123.

<sup>915</sup> Government of Comoros, *Fixant statut de la Formation Professionnelle et précisant ses modalités et son cadre d'exécution*, Loi No. 83-010/PR, (November 4, 1983), article 2.

<sup>916</sup> Le Président du Conseil de Gouvernement, *Fixant un registre d'employeur pour les jeunes gens de moins de 18 ans qui travaillent dans les entreprises des Comores*, Arrête No. 67-18/IT/C, (January 5, 1967), article 1 and 3.

<sup>917</sup> Government of Comoros, *Code du Travail*, article 119. See also Government of Comoros, *Fixant les Modalités d'application de la Durée du Travail et les Majorations de Salaire pour les heures Effectuées au delà de la Durée Legale de 40 heures par Semaine*, Arrête No. 01-386, (December 27, 2001), article 1.

<sup>918</sup> Government of Comoros, *Code du Travail*, articles 124, 252.

<sup>919</sup> U.S. Department of State, "Country Reports- 2008: Comoros," section 5.

<sup>920</sup> Riziki Djibir, *Harmonization of laws relating to children: Comoros*, The Africa Policy Forum, Addis Ababa, 27; available from <http://www.africanchild.info/documents/Comoros%20report%20Sarah.doc>. See also Government of Comoros, *Portant Code Pénal*, Loi No. 82/PAF - Loi 95-012/AF, (November 19, 1982), article 323.

<sup>921</sup> The Protection Project, *Criminal Code of Comoros*, [previously online] [cited December 14, 2007], articles 322, 323, and 324; available from <http://www.protectionproject.org> [hard copy on file].

<sup>922</sup> Government of Comoros, *Code du Travail*, articles 2, 237.

<sup>923</sup> Coalition to Stop the Use of Child Soldiers, "Comoros," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

<sup>924</sup> Union des Comores, *Loi Relative à l'Organisation Transitoire des Juridictions pour Mineurs*, (December 31, 2005), article 1.

<sup>925</sup> Ministère de l'Economie de l'Union des Comores official, Interview, April 21, 2007. See also Ministère de la Santé official, Interview with USDOL consultant, April 24, 2007.

<sup>926</sup> Ministère de la Fonction Publique et du Travail de l'Union des Comores official, Interview, May 1, 2007.

<sup>927</sup> U.S. Department of State, "Country Reports- 2008: Comoros," section 5.

## Congo, Democratic Republic of the

### *Selected Statistics and Indicators on Child Labor<sup>928</sup>*

Population, children, 10-14 years, 2000:	7,098,056
Working children, 10-14 years (%), 2000:	39.8
Working boys, 10-14 years (%), 2000:	39.9
Working girls, 10-14 years (%), 2000:	39.8
Working children by sector, 10-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	Not compulsory
Free public education:	No
Gross primary enrollment rate (%), 2003:	60.9
Net primary enrollment rate (%):	-
School attendance, children 10-14 years (%), 2000:	65.0
Survival rate to grade 5 (%):	-
ILO Convention 138:	6/20/2001
ILO Convention 182:	6/20/2001
CRC:	9/27/1990
CRCOPAC:	11/11/2001
CRCOPSC:	11/11/2001*
Palermo:	10/28/2005*
ILO-IPEC participating country:	Associated

\*Accession

### **Incidence and Nature of Child Labor**

Children in the Democratic Republic of the Congo (DRC) work in subsistence agriculture and artisanal mining.<sup>929</sup> In mining areas, children sift, clean, sort, transport, and dig for minerals under hazardous conditions.<sup>930</sup> Children are used to extract copper, cobalt, diamonds, and gold.<sup>931</sup> In the eastern DRC, Congolese and foreign armed groups force children to mine coltan, tungsten ore, and cassiterite.<sup>932</sup> In urban centers and other parts of the country, Congolese children sell food, carry packages, unload buses, work in restaurants, and break stones into gravel for a small wage.<sup>933</sup> Some children also market drugs

and alcohol, serve as security guards, dig graves, and engage in prostitution.<sup>934</sup>

Armed groups outside of Government control continue to forcibly recruit and use children in armed conflict.<sup>935</sup> Throughout 2008, intense fighting between rebel groups and the Congolese Armed Forces (FARDC) in the eastern DRC, particularly in North Kivu Province, reportedly led to an increase in child recruitment.<sup>936</sup> Children associated with armed groups were sexually exploited and forced to work as combatants, porters, guards, spies, and domestic servants.<sup>937</sup> Some of these children were released and subsequently re-recruited for armed conflict.<sup>938</sup> Amnesty International notes that for every two children demobilized in the DRC, five more are re-recruited by armed groups.<sup>939</sup> According to the UN Group of Experts on the DRC, FARDC did not make a systematic effort to recruit children. Some brigades, however, continued to maintain children in their ranks.<sup>940</sup>

Children are abducted within the DRC for forced labor, child soldiering, and sexual exploitation.<sup>941</sup> Foreign armed groups, including the Uganda-linked Lord's Resistance Army, abduct children from Rwanda and Uganda for domestic service, hauling, forced labor, child soldiering, and sexual exploitation in the DRC.<sup>942</sup> Children are also reportedly trafficked from the DRC to South Africa for sexual exploitation.<sup>943</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years.<sup>944</sup> Children between 15 and 18 years may be employed with the permission of a parent or guardian. Children under 16 years, however, may work no more than 4 hours per day.<sup>945</sup> According to a Ministry of Labor decree signed in August 2008, children between 16 and 18 years may not work more than 8 hours per day, at night or on weekends, or under hazardous conditions.<sup>946</sup> The August 2008 decree defines the worst forms of child labor as the following: all forms of slavery, trafficking, debt bondage, forced labor, and forced recruitment by armed groups; use and

recruitment of children for prostitution, obscene dancing, and pornography; use and recruitment of children for drug trafficking; and any form of employment that may be detrimental to a child's health and well-being.<sup>947</sup> The penalty for violating child labor provisions in the law is imprisonment for 6 months and a fine.<sup>948</sup> The law bans forced or bonded labor, the recruitment of anyone under 18 years into the Armed Forces, and the use of children in hostilities.<sup>949</sup> The law also makes illegal the use of children as a means for trafficking drugs or engaging in other illicit activities such as prostitution or the production of pornographic materials.<sup>950</sup> The law prohibits trafficking in persons for sexual exploitation, forced prostitution, and pimping. The prescribed penalty for these crimes is 10 to 20 years in prison.<sup>951</sup>

The DRC was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>952</sup> As part of the Multilateral Cooperation Agreement, the Government of the DRC agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>953</sup>

The Ministry of Labor in the DRC is responsible for investigating child labor violations and has deployed 10 inspectors to the mining areas of the Katanga province. According to USDOS, the Government does not have the resources to enforce child labor laws and combat human trafficking.<sup>954</sup> In 2008, the Government did not complete any child labor investigations.<sup>955</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government continued to implement a national disarmament, demobilization, and reintegration plan for combatants, including children.<sup>956</sup> Under this plan, former child soldiers received temporary housing and vocational training from NGO-managed centers.<sup>957</sup> With the support of UNICEF and the UN Mission in the

DRC, the Government conducted a national public awareness campaign to promote the release of all children under the control of armed groups.<sup>958</sup> The Government continues to participate in a USDOL-funded 4-year USD 5.5 million project implemented by Save the Children UK and the American Center for International Labor Solidarity. The project targets 8,000 children for withdrawal and 4,000 children for prevention from entering exploitive child labor through the provision of educational services.<sup>959</sup> The Government also participated in a USD 1.3 million project implemented by ILO-IPEC and funded by the Government of Norway to prevent the involvement of children in armed conflict and support the rehabilitation of former child soldiers in the DRC and Burundi.<sup>960</sup>

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<sup>928</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of the Democratic Republic of the Congo, *Loi no. 015/2002 du 16 Octobre 2002 portant Code du Travail*, article 133; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/62645/52447/F1638018233/COD-62645.pdf>. See also U.S. Department of State, "Democratic Republic of the Congo," 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/118995.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Country Reports- 2008: DRC," section 5.

<sup>929</sup> U.S. Department of State, "Country Reports- 2008: DRC," section 6d. See also U.S. Embassy- Kinshasa, *reporting*, January 20, 2009, para 9.

<sup>930</sup> Save the Children UK and The 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, 12,17. See also U.S. Embassy-Kinshasa, *reporting*, August 4, 2008, para 2. See also Global Witness, *Digging in Corruption*, Washington DC, July 2006, 32 and 33; available from [http://www.globalwitness.org/media\\_library\\_detail.php/154/en/digging\\_in\\_corruption](http://www.globalwitness.org/media_library_detail.php/154/en/digging_in_corruption).

<sup>931</sup> U.S. Embassy- Kinshasa, *reporting*, August 4, 2008, para 2. See also ILO-IPEC, *Child Labour in Gold Mining: The Problem*, Geneva, June 2006; available from <http://74.125.47.132/search?q=cache:RXNL3DHpBWg>

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or+in+gold+mining&hl=en&ct=clnk&cd=1&gl=us.

<sup>932</sup> U.S. Embassy- Kinshasa, *reporting, August 4, 2008*, para 2. See also U.S. Department of State, "Country Reports- 2008: DRC," section 6d.

<sup>933</sup> Human Rights Watch, *What Future? Street Children in the Democratic Republic of the Congo*, Volume 18, No. 2 (A), New York, April 2006, 28, 29, 33; available from <http://www.hrw.org/sites/default/files/reports/drc0406webwcover.pdf>. See also U.S. Department of State, "Country Reports- 2008: DRC," section 6d.

<sup>934</sup> Human Rights Watch, *What Future? Street Children in the DRC*, 28, 33. See also U.S. Department of State, "Country Reports- 2008: DRC," sections 5 and 6d.

<sup>935</sup> 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, paras 19, 20, 21, 32; available from <http://www.un.org/Docs/sc/sgrep08.htm>. See also UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, S/2008/773, New York, December 12, 2008, paras 182-183; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N08/618/77/PDF/N0861877.pdf?OpenElement>.

<sup>936</sup> UN Security Council, *Final Report UN Group of Experts - DRC*, paras 14 and 169. See also Amnesty International, *North Kivu: No End to War on Women and Children*, September 29, 2008, 15; available from [http://www.amnestyusa.org/pdf/women\\_kivucongo.pdf](http://www.amnestyusa.org/pdf/women_kivucongo.pdf).

<sup>937</sup> 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 U.S. Department of State, "Country Reports- 2008: DRC," sections 1g and 6d.

<sup>938</sup> UN Security Council, *Final Report UN Group of Experts - DRC*, para 171.

<sup>939</sup> Amnesty International, *North Kivu: No End to War on Women and Children*, 15.

<sup>940</sup> UN Security Council, *Final Report UN Group of Experts - DRC*, paras 184-186. See also U.S. Department of State, "Country Reports- 2008: DRC," section 1g.

<sup>941</sup> UN Security Council, *Report of the Secretary-General on children and armed conflict, 2008*, para 32.

<sup>942</sup> U.S. Department of State, "Country Reports- 2008: DRC," section 5.

<sup>943</sup> U.S. Department of State, "Democratic Republic of the Congo (Tier 2 Watch List)," in *Trafficking in Persons*

*Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>944</sup> Government of the Democratic Republic of the Congo, *Code du Travail*, article 133.

<sup>945</sup> U.S. Department of State, "Country Reports- 2008: DRC," section 6d.

<sup>946</sup> U.S. Embassy- Kinshasa, *reporting, January 20, 2009*, para 2.

<sup>947</sup> *Ibid.*, para 3.

<sup>948</sup> Government of the Democratic Republic of the Congo, *Public Comments based on response to Federal Register Notice*, Kinshasa, January 7, 2005, 3.

<sup>949</sup> *Ibid.*, 1, 2, 4. See also U.S. Embassy- Kinshasa, *reporting, January 20, 2009*, para 3. See also U.S. Department of State, "Country Reports- 2008: DRC," sections 6c and 6d.

<sup>950</sup> Government of the Democratic Republic of the Congo, *Public Comments, January 7, 2005*, 2 and 4.

<sup>951</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: DRC."

<sup>952</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>953</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-7.

<sup>954</sup> U.S. Embassy- Kinshasa, *reporting, January 20, 2009*, para 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: DRC."

<sup>955</sup> U.S. Embassy- Kinshasa, *reporting, January 20, 2009*, para 6.

<sup>956</sup> UN Security Council, *Report of the Secretary-General on children and armed conflict, 2008*, para 58.

<sup>957</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: DRC."

<sup>958</sup> UN Security Council, *Report of the Secretary-General on children and armed conflict, 2008*, para 62.

<sup>959</sup> U.S. Department of Labor, *Notice of Award: Cooperative Agreement*, Washington, DC, September 27, 2007. See also USDOL-ILAB, *U.S. Department of Labor awards more than \$54 million to eliminate exploitive child labor around the world*, Press Release, October 1, 2007; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20071498.htm>.

<sup>960</sup> ILO-IPEC, E-mail communication to USDOL official, December 18, 2008.

## Congo, Republic of the

<i>Selected Statistics and Indicators on Child Labor</i> <sup>961</sup>	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	105.9
Net primary enrollment rate (%), 2006:	54.7
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2002:	66.3
ILO Convention 138:	11/26/1999
ILO Convention 182:	8/23/2002
CRC:	10/14/1993**
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

### Incidence and Nature of Child Labor

In the Republic of the Congo, children work in agriculture, subsistence farming, and the informal sector.<sup>962</sup> In Brazzaville and other urban centers, street children, many of whom come from neighboring Democratic Republic of the Congo (DRC), engage in begging and selling goods in the streets, as well as cleaning sewers and latrines.<sup>963</sup> Children also work in domestic service, fishing, and shops; and as street vendors.<sup>964</sup> Children, including trafficking victims from the DRC, are involved in commercial sexual exploitation.<sup>965</sup> Children from Benin are trafficked to Pointe-Noire for forced labor in fishing, trading, and

domestic service in communities near the ports.<sup>966</sup> Children from rural areas of the Republic of the Congo, especially from the Pool region, and those from West and Central Africa, including Benin, Cameroon, Guinea, Mali, Senegal, and Togo, are trafficked for forced labor as vendors and domestic servants.<sup>967</sup>

There have been reports of the presence of young ex-combatants in the Pool region, although it is not clear whether children remain involved in armed conflict since the country's civil conflict formally ended in 2003. According to USDOS, children have not been seen in the region's encampments in the past several years.<sup>968</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment, including apprenticeships, at 16 years.<sup>969</sup> Waivers for employment and apprenticeships may be provided by the Ministry of Education upon consultation with the Labor Inspector, following an examination of the type of the work and its legality.<sup>970</sup> However, children working, including those working as apprentices, are not allowed to work beyond their physical capacity and must be provided with, among other things, daily rest and safety, protection, and treatment of injuries.<sup>971</sup> The law prohibits forced or compulsory labor, though there are exceptions for military service, natural disasters, and other civic duties.<sup>972</sup> The minimum age of enlistment for service in the armed forces in the Republic of the Congo is 18 years.<sup>973</sup>

The law criminalizes prostitution, including child prostitution.<sup>974</sup> It also establishes a penalty of 10 years of imprisonment if such an act is committed with respect to a minor.<sup>975</sup> There is no law specifically prohibiting child trafficking; however, traffickers can be prosecuted for child abuse, forced labor, illegal immigration, prostitution, rape, extortion, slavery, and kidnapping.<sup>976</sup> According to USDOS, there have been no investigations, arrests, prosecutions, extraditions, or sentences under these laws.<sup>977</sup>

The Ministry of Health has the authority to undertake anti-trafficking efforts.<sup>978</sup> The Ministry of Labor is responsible for enforcing child labor laws and monitors the formal sector; however, according to USDOS, regular inspections for child labor were not possible because of resource constraints. Children work in rural areas of the Republic of the Congo and the informal sector, including on farms and in small businesses, but there is a lack of government monitoring and enforcement of laws in these areas.<sup>979</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Local Plan of Action has been implemented in Pointe Noire by the Government and UNICEF.<sup>980</sup> The Government established a working group comprised of non-governmental organizations (NGOs), UNICEF, members of West and Central African consulates, police and law enforcement, and community leaders to provide a “train the trainer” workshop on trafficking.<sup>981</sup>

The Government of the Republic of the Congo and UNICEF held trafficking awareness workshops for members of various government agencies, as well as the consulates of Benin, Togo, and DRC. The Government also raised awareness on child trafficking through street banners and repatriated children to their countries of origin.<sup>982</sup>

The Government of the Republic of the Congo partnered with the UNDP to implement a USD 3.8 million project funded by the Governments of Sweden and Japan, focused on the socioeconomic reintegration of at-risk youth, including ex-child combatants.<sup>983</sup> The project ended in March 2008, reaching 10,578 youth. A second phase has been developed.<sup>984</sup> As part of the second phase, the Government and the UNDP are also implementing activities targeting girls and young women impacted by the conflict.<sup>985</sup>

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<sup>981</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of the Republic of Congo, *Loi N° 45-75, Code du travail de la République populaire du Congo*, (1975), article 116;

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available from <http://www.droit-afrique.com/images/textes/Congo/Congo%20-%20Code%20du%20travail.pdf>. See also, Government of the Republic of Congo, *The Constitution of the Republic of Congo*, (January 20, 2002), article 34; available from [http://www.accpuf.org/images/pdf/cm/congobrazzaville/031-tf-txt\\_const.pdf](http://www.accpuf.org/images/pdf/cm/congobrazzaville/031-tf-txt_const.pdf). For age to which education is compulsory and free public education, see Government of the Republic of Congo, *The Constitution of the Republic of Congo*, article 23. See also U.S. Department of State, "Republic of Congo," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118998.htm>.

<sup>982</sup> U.S. Embassy- Brazzaville, *reporting*, August 29, 2008, para 9.

<sup>983</sup> U.S. Department of State, "Country Reports- 2008: Republic of Congo," section 5. 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 Republic of the Congo*, CRC/C/COG/CO/1, October 20, 2006, para 79; available from <http://tb.ohchr.org/default.aspx?country=cg>.

<sup>984</sup> U.S. Embassy- Brazzaville, *reporting*, February 21, 2008, para B.

<sup>985</sup> U.S. Embassy- Brazzaville, *reporting*, February 17, 2009, para 2. See also, U.S. Department of State, "Congo, Republic of the (Tier 2 Watchlist)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. See also, 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>.

<sup>986</sup> U.S. Embassy- Brazzaville, *reporting*, February 17, 2009, paras 2 and 3.

<sup>987</sup> *Ibid.*, para 2. See also, U.S. Department of State, "Trafficking in Persons Report- 2008: Congo, Republic of the." See also, Integrated Regional Information Networks, "Congo: Tackling child trafficking", IRINnews.org [online] July 16, 2008 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=79284>.

<sup>988</sup> Coalition to Stop the Use of Child Soldiers, "Republic of Congo," in *Child Soldiers Global Report 2008*, London, 2008, 114; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also, UNICEF, *Republic of the Congo (Brazzaville)*, [online] 2008 [cited February 6 2009], 2; available from [http://www.unicef.org/har08/files/har08\\_Congo\\_countrychapter.pdf](http://www.unicef.org/har08/files/har08_Congo_countrychapter.pdf). See also U.S. Embassy- Brazzaville



official, E-mail communication to USDOL official, April 1, 2009.

<sup>969</sup> Government of the Republic of Congo, *Loi no 45-75, Code du travail*, articles 11 and 116. 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*, CRC/C/COG/1\*, April 6, 2006, para 449; available from [http://www.unhcr.ch/tbs/doc.nsf/c12563e7005d936d4125611e00445ea9/052528a29a9722d0c125716c003552e7/\\$FILE/G0641204.pdf](http://www.unhcr.ch/tbs/doc.nsf/c12563e7005d936d4125611e00445ea9/052528a29a9722d0c125716c003552e7/$FILE/G0641204.pdf).

<sup>970</sup> Government of the Republic of Congo, *Loi no 45-75, Code du travail*, articles 11 and 116.

<sup>971</sup> UN Committee on the Rights of the Child, *Initial reports of States parties due in 1999: The Republic of the Congo*, para 452. See also, Government of the Republic of Congo, *Loi no 45-75, Code du travail*, articles 11 and 117.

<sup>972</sup> Government of the Republic of Congo, *Loi no 45-75, Code du travail*, article 4. See also, International Confederation of Free Trade Unions (ICFTU), *Internationally Recognized Core Labour Standards in Congo: Report for the WTO General Council Review of the Trade Policies of Congo*, Geneva, September 27 and 29, 2006, 6; available from <http://www.icftu.org/www/PDF/CongofinalE.pdf>.

<sup>973</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Republic of Congo."

<sup>974</sup> Government of the Republic of Congo, *Penal Code*, [previously online], articles 225-227; available from <http://www.protectionproject.org/main1.htm> [hard copy on file]. See also, U.S. Embassy- Brazzaville, *reporting, February 17, 2009*, para 9.

<sup>975</sup> Government of the Republic of Congo, *Penal Code (The Protection Project)*, articles 225-227.

<sup>976</sup> U.S. Embassy- Brazzaville, *reporting, February 17, 2009*, para 9. See also ILO Committee of Experts, *Observation, CEACR 2007/ 78th Session: Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002)*, [online] 2007 [cited January 22, 2009]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?hdroff=1&ctry=2580&conv=C182&Lang=EN#2007>.

<sup>977</sup> U.S. Embassy- Brazzaville, *reporting, February 17, 2009*, para 9.

<sup>978</sup> *Ibid.*, para 5.

<sup>979</sup> U.S. Department of State, "Country Reports- 2008: Republic of Congo," section 6d.

<sup>980</sup> U.S. Embassy- Brazzaville, *reporting, February 17, 2009*, para 15. See also, U.S. Embassy- Brazzaville official, E-mail communication, April 1, 2009.

<sup>981</sup> U.S. Embassy- Brazzaville, *reporting, February 17, 2009*, para 6.

<sup>982</sup> *Ibid.*, para 13. See also, U.S. Department of State, "Country Reports- 2008: Republic of Congo," section 5.

<sup>983</sup> UNDP, *Community Action for the Recovery and Reintegration of Youth*, Project Document, 2008, 3; available from <http://www.cg.undp.org/ViewPage.aspx?ProjetID=63&NewsID=59&Parte=0>.

See also, UNDP, *Projet Femmes impliquées et affectées par les conflits*, [online] 2007 [cited February 18, 2009], 3 and 4; available from

<http://www.cg.undp.org/ViewPage.aspx?ProjetID=63&NewsID=59&Parte=0>. See also, UNDP, *Assessment of Development Results: Republic of Congo*, 2008, 29;

available from [http://www.undp.org/eo/documents/ADR/ADR\\_Reports/Congo/CongoADR-English.pdf](http://www.undp.org/eo/documents/ADR/ADR_Reports/Congo/CongoADR-English.pdf). See also, UNDP, *Soutien PNUD-Japon à la consolidation de la paix au Congo*, [online] February 26,

2007 [cited May 4, 2009]; available from <http://content.undp.org/go/newsroom/2007/february/undp-japan-20070226.frjsessionid=aJ7EtW3Ar6Zd?categoryID=349623&lang=fr>. See also, UNDP,

*Synthèse du document de projet « Action Communautaire pour le Relèvement Réintégration des Jeunes à Risque » PRESJAR Phase II*, [online] January 23, 2009 [cited May 4, 2009]; available from [http://www.cg.undp.org/downloads/Prodac\\_PRESJAR\\_II\\_Synth\\_se.pdf](http://www.cg.undp.org/downloads/Prodac_PRESJAR_II_Synth_se.pdf).

<sup>984</sup> UNDP, *Community Action for the Recovery and Reintegration of Youth*, 3-5. See also, UNDP, *Projet Femmes impliquées et affectées par les conflits*, 3-4. See also, UNDP, *Synthèse du document de projet « Action Communautaire pour le Relèvement Réintégration des Jeunes à Risque » PRESJAR Phase II*.

<sup>985</sup> UNDP, *Annual Work Plan: Presjar II*, [online] 2008 [cited May 4, 2009]; available from [http://www.cg.undp.org/downloads/Annual\\_work\\_plan\\_Roc\\_UNDP\\_Office1.pdf](http://www.cg.undp.org/downloads/Annual_work_plan_Roc_UNDP_Office1.pdf). See also, UNDP,

*PRESJAR 2/Pool: les femmes de Kinkala déterminées à contribuer à l'économie locale*, [online] 2008 [cited May 4, 2009]; available from <http://www.cg.undp.org/news.aspx?newsID=397#>.

## Costa Rica

### *Selected Statistics and Indicators on Child Labor<sup>986</sup>*

Population, children, 12-14 years, 2004:	264,993
Working children, 12-14 years (%), 2004:	5.7
Working boys, 12-14 years (%), 2004:	8.1
Working girls, 12-14 years (%), 2004:	3.5
Working children by sector, 12-14 years (%), 2004:	
- Agriculture	40.3
- Manufacturing	9.5
- Services	49.0
- Other	1.3
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	110.2
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2004:	91.2
Survival rate to grade 5 (%), 2006:	87.6
ILO Convention 138:	6/11/1976
ILO Convention 182:	9/10/2001
CRC:	8/21/1990
CRCOPAC:	1/24/2003
CRCOPSC:	4/9/2002
Palermo:	9/9/2003
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

In Costa Rica, children work in agriculture, forestry, hunting, fishing, trade, industry, and services.<sup>987</sup> Children work in the production of bananas, coffee, and sugarcane.<sup>988</sup> Some indigenous children from Panama migrate seasonally to Costa Rica with their families and work in agriculture.<sup>989</sup> Children work collecting mollusks, selling goods, and producing fireworks; they also work in domestic service, family-owned businesses, construction, transportation, and garbage dumps.<sup>990</sup>

According to the National Institute for Children (PANI), commercial sexual exploitation of children is a problem in Costa Rica.<sup>991</sup> Children are trafficked within the country for sexual

exploitation and forced labor. The Costa Rican Government identified child sex tourism as a serious problem, and girls are trafficked into the country from other countries for commercial sexual exploitation.<sup>992</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years.<sup>993</sup> Minors under 18 years are prohibited from working at night; in mines, quarries, and other dangerous places; where alcohol is sold; and in activities where they are responsible for their own or others' safety. They are also not allowed to work with dangerous equipment, contaminated substances, or excessive noise.<sup>994</sup> Employers of youth 15 to 17 years must maintain a child labor registry. Violations of minimum age and child labor standards are punishable by fines.<sup>995</sup>

Costa Rican laws on work hours state that minors 15 to 17 years are prohibited from working for more than 6 hours a day or 36 hours a week.<sup>996</sup> Children may work longer hours in agriculture and ranching.<sup>997</sup> When PANI determines that child labor is performed to meet the family's basic needs, economic assistance must be provided to the family.<sup>998</sup>

Slave labor is prohibited under the law.<sup>999</sup> Costa Rica does not have armed forces, and the minimum age for recruitment to the police force is 18 years.<sup>1000</sup> The penalty for paid sexual relations with a minor under 13 years is 4 to 10 years in prison; if the victim is 13 to 15 years, it is 3 to 8 years of imprisonment; and if the victim is 15 to 18 years, then it is 2 to 6 years of incarceration.<sup>1001</sup> The penalty for profiting economically from the prostitution of a minor under 13 years is 4 to 10 years in prison, and it is 3 to 9 years if the victim is 13 to 18 years of age.<sup>1002</sup> The production of pornographic materials with minors is punishable by 3 to 8 years in prison. The penalty for possession of pornography involving minors is 6 months to 2 years.<sup>1003</sup> The penalty for promoting, facilitating, or aiding the trafficking of minors for

commercial sexual exploitation or slave labor is 4 to 10 years in prison.<sup>1004</sup>

The Inspections Directorate of the Ministry of Labor is responsible for investigating child labor violations and enforcing child labor laws. The Ministry currently employs 90 labor inspectors who investigate all types of labor violations, including child labor violations.<sup>1005</sup> USDOS has stated that enforcement of child labor laws in the informal sector is limited by a lack of resources.<sup>1006</sup>

The Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA) employed nine professionals to help coordinate policy and actions taken by other agencies to combat child labor.<sup>1007</sup>

PANI, the Special Prosecutor for Domestic Violence and Sexual Crimes, and various ministries are responsible for preventing and prosecuting crimes involving commercial sexual exploitation of children. PANI leads public awareness campaigns and provides assistance to minors involved in commercial sexual exploitation.<sup>1008</sup> The Government conducts training on trafficking in persons for police officers, immigration officials, and national health workers.<sup>1009</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The National Agenda for Children and Adolescents 2000-2010 includes strategies to prevent and eliminate the worst forms of child labor.<sup>1010</sup> In addition, the Government of Costa Rica supports the Second National Action Plan for the Prevention and Eradication of Child Labor and Special Protection of Adolescent Workers 2005-2010 (SNPA). In January 2009, a revised SNPA was published that incorporated new government programs and priorities that specifically address the root causes of child labor and offer educational opportunities.<sup>1011</sup> The third National Plan to Eradicate Commercial Sexual Exploitation of Children (2008-2010) aims to raise awareness, increase institutional capacity to address risk factors in target regions and populations, develop mechanisms to guarantee victims' access to psychosocial services, strengthen the judicial system to defend victims'

rights, and create mechanisms to strengthen the National Commission against Commercial Sexual Exploitation of Children and Adolescents.<sup>1012</sup> An inter-institutional protocol was published in April 2008 to improve national coordination to address underage workers.<sup>1013</sup> The Government supports public campaigns aimed at reducing child sex tourism and commercial sexual exploitation; it also supports a national hotline that is publicized through the media.<sup>1014</sup>

Since 2006, the Costa Rican Government has been carrying out "Avancemos" (Let's Get Ahead), a conditional cash transfer program that encourages low-income children to remain in school or return to school.<sup>1015</sup> As of October 2008, more than 130,000 beneficiaries were enrolled in the program, with about 75 percent under 18 years. Approximately 42 percent of the beneficiaries lived in rural areas, while 58 percent were from urban areas.<sup>1016</sup>

The Government participates in several other projects throughout the country aimed to eliminate child labor, improve living and working conditions of indigenous and migrant groups, and protect at-risk children and adolescents.<sup>1017</sup> One such project aims to improve the living and working conditions of indigenous and migrant families during the coffee harvest seasons. Further, the Ministry of Agriculture and OATIA have worked in collaboration with a sugarcane producers association (ASOPRODUCE) to eliminate child labor in sugarcane production in the communities of Mora and Puriscal.<sup>1018</sup>

The Government of Costa Rica also participated in regional projects funded by USDOL, including a 7-year USD 8.8 million regional project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>1019</sup> The Government participated in a 4-year USD 5.7 million Child Labor Education Initiative regional project implemented by CARE that worked to strengthen the capacity of the Government and civil society to combat child

labor through education and withdrew or prevented 4,105 children from exploitive child labor.<sup>1020</sup>

The Costa Rican Government also participated in a regional ILO-IPEC project that ended in August 2008 and was funded by the Government of Canada to prevent and combat the worst forms of child labor by strengthening the country's labor ministry.<sup>1021</sup> In addition, the Government of Costa Rica participates in a Phase III USD 3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain and implemented by ILO-IPEC.<sup>1022</sup>

<sup>986</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Costa Rica, *Código de la Niñez y la Adolescencia*, (1998), article 78; available from <http://www.protegiendoles.org/documentacion/articulo23.pdf>. For age to which education is compulsory, see U.S. Department of State, "Costa Rica," in *Country Report on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/>. For free public education, see Government of Costa Rica, *Constitución Política*, (1949), article 78; available from <http://www.cesdepu.com/nbdp/copol2.htm>. See also U.S. Department of State, "Country Reports- 2007: Costa Rica," section 5.

<sup>987</sup> UN Committee on the Rights of the Child, *Individual Observation concerning Minimum Age Convention, 1973 (no. 138) Costa Rica (ratification: 1976)*, [online] 2008; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also CARE USA, *Primero Aprendo Project. Perfil del Programa en Costa Rica*, [online] 2009 [cited February 22, 2009; available from <http://www.primeroaprendo.org/perfil?idpais=CR>.

<sup>988</sup> U.S. Embassy- San Jose, *reporting*, January 29, 2009. See also Adital/Casa Alianza, "Costa Rica: Día Mundial contra el Trabajo Infantil" [online] 2003 [cited February 22, 2009]; available from <http://www.mujereshoy.com/secciones/848.shtml>.

<sup>989</sup> U.S. Department of State, "Costa Rica," 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/wha/119154.htm>.

<sup>990</sup> Government of Costa Rica, *Memoria: A Report Submitted to the ILO on the actions undertaken by the Government to implement the provision of C. 182 for the period ending May 22, 2008*, Ministerio de Trabajo, San

Jose, May 31, 2008, 18. See also Adital/Casa Alianza, "Costa Rica: Día Mundial contra el Trabajo Infantil". See also Gloopal.net, "El planeta de los niños trabajadores" [online] 2007 [cited February 2, 2009]; available from [http://cumbresiberoamerica.cip.cu/compendios\\_informativos/cumbres\\_iberoamericanas/cumbres/xviii-cumbre-iberoamericana-el-salvador-san-salvador-29-30-de-octubre-de-2008/documentos\\_pdf/el-planeta-de-los-ninos-trabajadores](http://cumbresiberoamerica.cip.cu/compendios_informativos/cumbres_iberoamericanas/cumbres/xviii-cumbre-iberoamericana-el-salvador-san-salvador-29-30-de-octubre-de-2008/documentos_pdf/el-planeta-de-los-ninos-trabajadores). See also U.S. Department of State, "Country Reports- 2008: Costa Rica," section 6d.

<sup>991</sup> U.S. Department of State, "Country Reports- 2008: Costa Rica," section 5.

<sup>992</sup> U.S. Department of State, "Costa Rica (Tier 2 Watch)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Department of State, "Country Reports- 2008: Costa Rica," section 5.

<sup>993</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 78.

<sup>994</sup> *Ibid.*, articles 2, 78, 92, 94, 95. See also, Government of Costa Rica, *Código de Trabajo*, Ley No. 2, (1943), articles 88 and 89; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44102/65002/s95cri02.htm#t2c7>

<sup>995</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, 1998, articles 98 and 101.

<sup>996</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 95.

<sup>997</sup> Government of Costa Rica, *Código de Trabajo*, article 89.

<sup>998</sup> Government of Costa Rica, *Código de la Niñez y la Adolescencia*, article 92.

<sup>999</sup> Government of Costa Rica, *Constitution*, articles 20 and 56.

<sup>1000</sup> Coalition to Stop the Use of Child Soldiers, "Costa Rica," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=52>.

<sup>1001</sup> Government of Costa Rica, *La Reforma y Adición de Varios Artículos al Código Penal*, 4573, (August 30, 2007), article 160; available from [http://ministeriopublico.poder-judicial.go.cr/publicaciones/legislacion\\_dia/2007/02-2007.pdf](http://ministeriopublico.poder-judicial.go.cr/publicaciones/legislacion_dia/2007/02-2007.pdf).

<sup>1002</sup> *Ibid.*, article 171.

<sup>1003</sup> *Ibid.*, article 173.

<sup>1004</sup> Government of Costa Rica, *Código Penal de Costa Rica*, (1970), article 172; available from [http://www.oas.org/Juridico/MLA/sp/cri/sp\\_cri-int-text-cpenal.pdf](http://www.oas.org/Juridico/MLA/sp/cri/sp_cri-int-text-cpenal.pdf).

<sup>1005</sup> Government of Costa Rica, *Informe solicitado por el Departamento de Trabajo de los Estados Unidos*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for

Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Ministerio de Trabajo y Seguridad Social, San José, December 31, 2008, 11. See also U.S. Embassy- San Jose, reporting, January 29, 2009.

<sup>1006</sup> U.S. Embassy- San Jose, reporting, January 29, 2009. See also U.S. Department of State, "Country Reports- 2008: Costa Rica," section 6d.

<sup>1007</sup> Government of Costa Rica, *Response to FRN 2008*, 11.

<sup>1008</sup> U.S. Department of State, "Country Reports- 2008: Costa Rica," section 5.

<sup>1009</sup> U.S. Embassy- San Jose, reporting, January 29, 2009.

<sup>1010</sup> Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, San José, September 2000, 21.

<sup>1011</sup> Government of Costa Rica, *Response to FRN 2008*, 16. See also U.S. Embassy- San Jose, reporting, January 29, 2009.

<sup>1012</sup> Government of Costa Rica, *Plan Nacional para la Erradicación de la Explotación Sexual Comercial de Niños, Niñas, y Adolescentes 2008-2010*, San José, 2007; available from [http://white.oit.org.pe/ipec/documentos/plan\\_nac\\_esc\\_costa\\_rica.pdf](http://white.oit.org.pe/ipec/documentos/plan_nac_esc_costa_rica.pdf).

<sup>1013</sup> Government of Costa Rica, *Protocolo de Coordinación Inter Institucional para la Atención Inmediata de las Personas Trabajadores Menores de Edad*, Decreto No. 34423-MTSS, (April 1, 2008); available from [http://historico.gaceta.go.cr/pub/2008/04/01/COMP\\_01\\_04\\_2008.html#\\_Toc194722901](http://historico.gaceta.go.cr/pub/2008/04/01/COMP_01_04_2008.html#_Toc194722901). See also Government of Costa Rica, *Memoria*, 9.

<sup>1014</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Costa Rica." See also UN Committee on the Rights of the Child, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (no. 182) Costa Rica (ratification: 2001)*, [online] 2008; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21858&chapter=9&query=%28Costa+Rica%29+%40ref&highlight=&querytype=bool&context=0>.

<sup>1015</sup> U.S. Embassy- San Jose, reporting, January 29, 2009. See also Government of Costa Rica, *Memoria*, 12.

<sup>1016</sup> U.S. Embassy- San Jose, reporting, January 29, 2009.

<sup>1017</sup> Ibid.

<sup>1018</sup> Ibid.

<sup>1019</sup> ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama, and the Dominican Republic*, Project Document, RLA/02/P51/USA, San José, 2005.

<sup>1020</sup> CARE USA, *Primero Aprendo Project. Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, 2004.

<sup>1021</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC official E-mail communication to USDOL official, February 4, 2008.

<sup>1022</sup> ILO-IPEC official, E-mail communication, December 18, 2008. See also ILO-IPEC official E-mail communication, February 4, 2008.

## Côte d'Ivoire

### Incidence and Nature of Child Labor

In Côte d'Ivoire, many children work in agriculture on family farms and on rubber, cotton, palm, cocoa, coffee, rice, and commercial fruit plantations (such as banana, pineapple, and papaya plantations).<sup>1023</sup> Children are also engaged in fishing and animal husbandry.<sup>1024</sup> In the urban informal sector, children work as street vendors, shoe shiners, errand runners, car washers and watchers, as food sellers in street restaurants, and in public works construction.<sup>1025</sup>

According to a 2007 survey led by Tulane University and implemented by The National School of Statistics and Applied Economics in Côte d'Ivoire, many children (estimated at 1.36

million) work in the cocoa sector. According to the survey, many of these children work under hazardous conditions, such as carrying heavy loads, spraying pesticides, clearing land, and burning vegetation; are immigrants from neighboring countries, particularly Burkina Faso; do not attend school (49 percent); and report limited access to intervention projects that provide assistance to children (98 percent of children surveyed).<sup>1026</sup> Studies conducted by the Ivorian Government in 2005, 2007, and 2008 substantiate many of Tulane University's findings.<sup>1027</sup> In addition, the independent verification assessment of the Government's 2008 certification survey results further substantiates Tulane University's findings.<sup>1028</sup>

*Selected Statistics and Indicators  
on Child Labor*<sup>1029</sup>

Population, children, 5-14 years, 2006:	5,478,424
Working children, 5-14 years (%), 2006:	39.8
Working boys, 5-14 years (%), 2006:	41.5
Working girls, 5-14 years (%), 2006:	38.0
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	Not compulsory
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	72.1
Net primary enrollment rate (%), 2003:	54.9
School attendance, children 5-14 years (%), 2006:	53.6
Survival rate to grade 5 (%), 2006:	78.3
ILO Convention 138:	2/7/2003
ILO Convention 182:	2/7/2003
CRC:	2/4/1991
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

Anecdotal reports indicate that Ivorian children work in small-scale family-operated gold and diamond mines, where they perform activities such as digging holes, clearing out water, and carrying and washing gravel.<sup>1030</sup>

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Côte d'Ivoire.<sup>1031</sup> While some boys receive lessons, some are forced to beg and surrender the money that they have earned.<sup>1032</sup>

Ivorian girls as young as 9 years work as domestic servants, and some are subject to mistreatment including sexual abuse.<sup>1033</sup> Especially in the district of Yopougon, in Abidjan, are engaged in commercial sexual exploitation; many of these

girls are ages 15 and 16 years and some are from Nigeria.<sup>1034</sup>

Côte d'Ivoire is a source, transit, and destination country for trafficked children. Trafficking occurs most frequently within the country, including from the northern regions to southern cities.<sup>1035</sup> Children are trafficked for labor in mines.<sup>1036</sup> Children, often girls between the ages of 9 to 15 years, are trafficked to Abidjan for work in the informal sector, including as domestic servants.<sup>1037</sup> Boys are trafficked internally for agriculture labor (e.g., on cocoa plantations) and for work in the service sector.<sup>1038</sup>

Children are also trafficked to Côte d'Ivoire from neighboring countries, including for labor in the informal sector.<sup>1039</sup> In particular, boys are trafficked to Côte d'Ivoire from Ghana, Mali, Burkina Faso, and Benin for agricultural labor (on cocoa, coffee, pineapple, and rubber plantations); from Guinea for labor in the mining sector; from Benin for carpentry and construction work; and from Togo to work in construction. Boys from Ghana and Togo are also trafficked to Côte d'Ivoire to work in the fishing industry.<sup>1040</sup> Girls from Ghana, Togo, Benin, and Nigeria are trafficked to Côte d'Ivoire for domestic labor, street vending, and commercial sexual exploitation.<sup>1041</sup>

Evidence suggests that Government-supported militias and rebel groups have ceased recruitment of new child soldiers and have released some of the children within their ranks.<sup>1042</sup>

### **Child Labor Laws and Enforcement**<sup>1030</sup>

The minimum age for admission to work and apprenticeships is 14 years.<sup>1043</sup> Ivorian law requires parents or legal guardians to sign employment contracts on behalf of children under 16 years and to serve as witnesses to contracts signed by children between 16 and 18 years.<sup>1044</sup> Night work by children under 18 years is prohibited, and all children are required to have at least 12 consecutive hours of rest between work shifts. The Labor Inspectorate can require children to take a medical exam to ensure that the work for which they are hired does not exceed their physical capacity.<sup>1045</sup>

The Government has defined certain activities as hazardous and prohibited for children under the age of 18 years.<sup>1046</sup> Hazardous activities for agriculture and forestry sectors include: logging; burning fields; applying chemicals and chemical fertilizer; and carrying heavy loads. Hazardous activities for the mining sector includes: drilling and blasting; transporting stone fragments or blocks; crushing stone; extracting ore by use of chemicals; and working underground. Hazardous activities for commercial and domestic service sectors include: selling pornographic material; working in bars and picking up garbage.<sup>1047</sup>

Ivorian law prohibits forced or compulsory labor.<sup>1048</sup> The penalty for imposing labor on a person is 1 to 5 years imprisonment and a fine.<sup>1049</sup> In addition, persons convicted of pimping victims under the age of 21 years may be imprisoned for 2 to 10 years and charged a fine.<sup>1050</sup> While the law does not directly forbid trafficking in persons, traffickers may be prosecuted for kidnapping, mistreating, or torturing children with a punishment of 1 to 5 years of imprisonment and a fine. Further, alienation of a person's freedom is punishable by 5 years to life imprisonment, with the maximum penalty enforced if the victim is under 15 years.<sup>1051</sup> The minimum age for both voluntary and compulsory recruitment into the military is 18 years.<sup>1052</sup>

Côte d'Ivoire was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>1053</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>1054</sup>

The Ministry of Labor is responsible for enforcement of child labor laws. The National Committee for the Fight against Trafficking and Child Exploitation, under the Ministry of Family and Social Affairs coordinates the Government's anti-trafficking efforts.<sup>1055</sup> According to USDOS,

the Government conducted raids on establishments that were suspected of engaging in the commercial sexual exploitation of children.<sup>1056</sup> In addition, according to USDOS, the Government of Côte d'Ivoire collaborated with the Ghanaian Police to pursue child traffickers.<sup>1057</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In October 2008, 13 ECOWAS country governments, including the Government of Côte d'Ivoire, participated in a training of military personnel funded by Save the Children Sweden. The training sought to sensitize regional military personnel on child soldiering and sexual exploitation issues.<sup>1058</sup>

The Government Côte d'Ivoire participates in a 1-year regional project funded by Denmark at USD 2.64 million and implemented by ILO-IPEC. The project focuses on implementation of policy level agreements on child labor and trafficking.<sup>1059</sup> The Government participated in a 2-year project funded by USDOS at USD 250,000, which ended in June 2008. The USDOS-funded project aimed to strengthen the National Committee for Combating Trafficking in Children and Child Exploitation.<sup>1060</sup> During the reporting period, the National Committee continued to bolster its child trafficking monitoring system through the establishment of additional village watch committees.<sup>1061</sup> The Government also participated in a 5-year regional project funded by Denmark at USD 6.19 million and implemented by ILO-IPEC. The project aimed to combat child trafficking for labor exploitation and ended in April 2008.<sup>1062</sup> During the reporting period, with support from ILO and UNICEF, the Government trained 175 transporter, security, and defense agents on trafficking, including how to detect and process trafficking cases.<sup>1063</sup> The Government of Côte d'Ivoire also participated in Phase II of a 3-year anti-trafficking project funded by the German Agency for Technical Cooperation at USD 2.56 million, which ended in March 2008.<sup>1064</sup> The Government, with support from UNICEF, published a procedural manual for the identification and care of child labor and trafficking victims.<sup>1065</sup> The Government also

continued to undertake awareness-raising campaigns on trafficking.<sup>1066</sup>

During the reporting period, the Governments of Côte d'Ivoire and Ghana have continued to take steps toward implementing agreements under the Harkin-Engel Protocol, by publishing child labor cocoa certification surveys and participating in verification activities in the cocoa sector, according to Tulane University.<sup>1067</sup>

The Ivorian child labor cocoa certification survey published in June 2008 covered more than 50 percent of the cocoa growing region.<sup>1068</sup> In addition, the Government of Côte d'Ivoire continued to participate in the International Cocoa Verification Board (ICVB) that was convened by Verité, Inc., to strengthen remediation efforts, improve national surveys, and work towards verification of the cocoa sectors of Côte d'Ivoire and Ghana.<sup>1069</sup> In 2008, ICVB contracted the FAFO Institute of Advanced International Studies and Khulisa Management Services to assess the accuracy of the Governments' child labor certification surveys.<sup>1070</sup> In December 2008, the contractors published their verification assessment report, which will be used to strengthen future cocoa sector certification and verification exercises, as well as child labor remediation activities.<sup>1071</sup> The international cocoa industry provided the majority of funding for ICVB's activities, at over USD 2 million.<sup>1072</sup>

The Government of Côte d'Ivoire continues to cooperate with a 3-year project to oversee the efforts of the international cocoa industry and the Governments of Côte d'Ivoire and Ghana to eliminate the worst forms of child labor in the cocoa sector, funded by USDOL at USD 4.3 million and implemented by Tulane University, in partnership with the West African Health Organization. In September 2008, Tulane University submitted its second annual report to the U.S. Congress on the status of public and private efforts to implement agreements under the Harkin-Engel Protocol.<sup>1073</sup> The Government is participating in a 4-year USDOL-funded 6.8 million ILO-IPEC project to conduct data collection on child labor.<sup>1074</sup>

The Government continues to participate in the 4-year Phase II Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation, and the international cocoa industry, which is scheduled to end in 2011. 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. STCP operates in 11 districts and works with 14 cocoa cooperatives in Côte d'Ivoire.<sup>1075</sup> The international cocoa industry contributed around USD 2.55 million to the program.<sup>1076</sup>

In addition, the Government of Côte d'Ivoire continues to participate in the Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES) Project, funded by the World Cocoa Foundation, USAID (Ghana only), and the international cocoa industry at USD 6 million.<sup>1077</sup> The ECHOES project is implemented in Côte d'Ivoire and Ghana by Winrock International, International Foundation for Education Self-Help, and Making Cents. The ECHOES project aims to provide vocational agriculture education to 4,500 primary and secondary school-age children and 260 out-of-school youth, as well as provide 250 children and their families with income-generating support.<sup>1078</sup>

The Government continues to participate in a 6-year regional project funded by the World Cocoa Foundation at USD 999,880 and implemented by ILO-IPEC. The project aims to reduce hazardous child labor in the cocoa sector.<sup>1079</sup> In addition, the Government of Côte d'Ivoire continues to support the Community Education Centers, which provided educational services to children withdrawn from exploitive labor, including in the cocoa sector.<sup>1080</sup>

Finally, the Government of Côte d'Ivoire continues to participate in projects funded by the International Cocoa Initiative (ICI), which implements activities to combat child labor in the cocoa sectors of 252 communities throughout Côte d'Ivoire and Ghana.<sup>1081</sup> During the reporting period, ICI conducted trainings to enhance awareness of child labor and trafficking, including for Government officials from the



Ministries of Interior, Justice, and Agriculture.<sup>1082</sup>  
From 2005 to 2008, the international cocoa industry funded the ICI at around USD 6.79 million.<sup>1083</sup>

<sup>1023</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 6d. See also U.S. Embassy- Abidjan, reporting, June 3, 2008, para 6-12.

<sup>1024</sup> U.S. Embassy- Abidjan, reporting, June 3, 2008, para 15. See also ILO and UNICEF, *Les activités des enfants en Afrique subsaharienne: les enseignements des enquêtes sur le travail des enfants en Afrique de l'Ouest*, UCW, July 2008, 8; available from [http://www.ucw-project.org/cgi-bin/ucw/Publications/Main.sql?come=report\\_research.sql](http://www.ucw-project.org/cgi-bin/ucw/Publications/Main.sql?come=report_research.sql).

<sup>1025</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 6d. See also ILO-IPEC, *La Traite des Enfants aux fins d'Exploitation de leur Travail dans le Secteur Informel a Abidjan Cote d'Ivoire*, Geneva, 2005, 2, 18; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=5178>.

<sup>1026</sup> Tulane University, *Second 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, 2008, 9-10, 16-17, 43, 51-55, 59, 63-67, 69-70; available from <http://childlabor-payson.org/default.html>.

<sup>1027</sup> Government of Côte d'Ivoire, *Child Labor Monitoring System in the Cocoa Sector in Côte d'Ivoire Pilot Project (CLMS PP)*, Abidjan, December 2005, 22, 25, 35. See also Government of Côte d'Ivoire, *Initial Diagnostic Survey in Agnibilekrou, Tiassale and Soubre*, Abidjan, November 2007, 9; available from [http://www.cocoaverification.net/Docs/CdI\\_pilot\\_survey\\_report.pdf](http://www.cocoaverification.net/Docs/CdI_pilot_survey_report.pdf). See also Tulane University, *Second Annual Report*, 9-10. See also Government of Côte d'Ivoire, *National Initial Diagnostic Survey*, Final Report, Abidjan, June 2008, 8-9, 47, 51-52; available from [http://www.cocoaverification.net/Docs/CDI-\\_RapportFinalEIDExtension20072008.pdf](http://www.cocoaverification.net/Docs/CDI-_RapportFinalEIDExtension20072008.pdf).

<sup>1028</sup> International Cocoa Verification Board, *International Cocoa Verification Board*, [online] [cited January 8, 2009]; available from <http://www.cocoaverification.net/>. See also FAFO AIS and Khulisa Management Services (pty) Ltd, *Verification of Certification Activities in West African Cocoa Sector, Cote d'Ivoire*, Final Report, December 2008, vi; available from [http://www.cocoaverification.net/Docs/Verification\\_Report\\_CDI.pdf](http://www.cocoaverification.net/Docs/Verification_Report_CDI.pdf).

<sup>1029</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government

of Côte d'Ivoire, *Code du travail*, No. 95/15, (1995), article 23.8; available from [http://www.droit-afrique.com/images/textes/Cote\\_Ivoire/RCI%20-%20Code%20travail.pdf](http://www.droit-afrique.com/images/textes/Cote_Ivoire/RCI%20-%20Code%20travail.pdf). For age to which education is compulsory, and free public education, see U.S. Department of State, "Cote d'Ivoire," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>.

<sup>1030</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 6d. See also ILO-IPEC, *La Traite des Enfants: Secteur Informel*, 2, 18. See also U.S. Embassy- Abidjan, reporting, June 3, 2008, para 13-14. See also 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, 35-39, 45; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=5176>. See also U.S. Embassy- Abidjan, reporting, January 15, 2009.

<sup>1031</sup> Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Peter Easton, Mark Peach, Ibrahim Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/a-bel2.html> [hard copy on file].

<sup>1032</sup> IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited January 29, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cac/he/offonce?entryId=12007>. 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, 4, 6-7. See also U.S. Embassy- Abidjan official, e-mail communication to USDOL official, June 30, 2009.

<sup>1033</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 6d. See also ILO-IPEC, *La Traite des Enfants: Secteur Informel*, 2, 18.

<sup>1034</sup> German Agency for Technical Cooperation, *L'Exploitation Sexuelle des Enfants dans les Communes de Yopougon et d'Adjame*, Project de Lutte contre la traite et les pires Formes de Travail des Enfants Côte d'Ivoire, Abidjan, June 2008, 16. See also U.S. Embassy- Abidjan official, e-mail communication to USDOL official, June 30, 2009.

<sup>1035</sup> U.S. Department of State, "Cote d'Ivoire (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>.

<sup>1036</sup> ILO-IPEC, *La Traite des Enfants: Travail dans les Mines*, 24.

<sup>1037</sup> ILO-IPEC, *La Traite des Enfants: Secteur Informel*, 6. See also U.S. Department of State, "Country Reports-2008: Cote d'Ivoire," section 5.

<sup>1038</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cote d'Ivoire." See also U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 5.

<sup>1039</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 5.

<sup>1040</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cote d'Ivoire." See also ILO-IPEC, *La Traite des Enfants: Travail dans les Mines*, 24. See also U.S. Embassy- Abidjan, reporting, February 13, 2009, para 2b. See also German Agency for Technical Cooperation, *La traite et les pires formes de travail des enfants dans les plantations de café-cacao en Côte d'Ivoire: La situation dans les départements Abengourou, Oumé, et Soubré* (Abidjan: 2005); available from <http://www.gtz.de/en/weltweit/afrika/cote-d-ivoire/8046.htm>. See also Tulane University, *Second Annual Report*, 77-81. See also Xaquín Lopez, "Sur la piste des enfants esclaves," *Courrier International*, no. 900 (February 6, 2008), 47.

<sup>1041</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire." See also U.S. Embassy- Abidjan, reporting, February 13, 2009, para 2b.

<sup>1042</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 6d. See also U.N. Human Rights Council, *Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, A/HRC/9/3, June 27, 2008, para 16; available from [http://www.crin.org/docs/G0814615\[1\].pdf](http://www.crin.org/docs/G0814615[1].pdf). See also U.N. Security Council, *Working Group on Children and Armed Conflict*, S/AC.51/2008/5, February 1, 2008, para 3.d.; available from <http://daccessdds.un.org/doc/UNODC/GEN/N08/246/62/PDF/N0824662.pdf?OpenElement>.

<sup>1043</sup> Government of Côte d'Ivoire, *Code du travail*, 1995, Article 23.8.

<sup>1044</sup> Government of Côte d'Ivoire, *Loi n° 70-483 sur la Minorité*, (August 3, 1970), chapter III, article 31.

<sup>1045</sup> Government of Côte d'Ivoire, *Code du travail*, 1995, articles 3, 22.2, 22.3, 23.9

<sup>1046</sup> Government of Côte d'Ivoire, *Arrêté n° 2250 Portant détermination de la liste des travaux dangereux interdits aux enfants de moins de dix huit (18) ans*, (March 14, 2005); available from <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/72229/73238/F1049373095/CIV72229.pdf>.

<sup>1047</sup> *Ibid.* See also U.S. Embassy- Abidjan, reporting, *January 15, 2009*, para 2.

<sup>1048</sup> Government of Côte d'Ivoire, *Code du travail*, 1995, article 3.

<sup>1049</sup> Government of Côte d'Ivoire, *Code Penal*, 1981, (August 31, ), article 378 available from <http://droit.francophonie.org/df-web/publication.do?publicationId=198&sidebar=true>.

<sup>1050</sup> Government of Côte d'Ivoire, *Code Penal*, (August 31, 1981), article 336; available from <http://droit.francophonie.org/df-web/publication.do?publicationId=198&sidebar=true>.

<sup>1051</sup> Government of Côte d'Ivoire, *Code Penal*, 1981, articles 362.

<sup>1052</sup> Coalition to Stop the Use of Child Soldiers. "Côte d'Ivoire", *In Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

<sup>1053</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

<sup>1054</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13; available from [http://www.ceeac-eccas.org/img/pdf/Multilateral\\_Agreement\\_Trafficking-1184251953.doc](http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc).

<sup>1055</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 6d. See also U.S. Embassy- Abidjan, reporting, February 13, 2009, para 3b.

<sup>1056</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cote d'Ivoire."

<sup>1057</sup> U.S. Embassy- Abidjan, reporting, February 13, 2009, para 4g.

<sup>1058</sup> Integrated Regional Information Networks, "West Africa: Train the soldiers, protect the children", IRINnews.org, [online], October 17, 2008 [cited October 20, 2008]; available from <http://www.irinnews.org/report.aspx?ReportID=80974>.

<sup>1059</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, February 26, 2009.

<sup>1060</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>1061</sup> U.S. Department of State, "Country Reports- 2008: Cote d'Ivoire," section 5.

<sup>1062</sup> ILO-IPEC Geneva official, E-mail communication, December 18, 2008.

<sup>1063</sup> U.S. Embassy- Abidjan, reporting, February 13, 2009, para 4f.

<sup>1064</sup> German Agency for Technical Cooperation, *Combat against Child Trafficking and the Worst Forms of Child Labour in Cote d'Ivoire*, Project de Lutte contre la traite et les pires Formes de Travail des Enfants Côte d'Ivoire Abidjan, June 2007, 3-4; available from <http://www.gtz.de/en/dokumente/en-ci-Project-LTTE-situation-July-07.pdf>.

<sup>1065</sup> U.S. Embassy- Abidjan, reporting, February 13, 2009, para 5f.

<sup>1066</sup> U.S. Embassy- Abidjan, reporting, February 13, 2009, para 6a.

<sup>1067</sup> Tulane University, *Second Annual Report*, 9-11, 29-30.

<sup>1068</sup> Government of Côte d'Ivoire, *National Initial Diagnostic Survey*, 1. See also Government of Ghana, *Cocoa Labour Survey in Ghana - 2007/2008*, Ministry of Manpower, Youth and Employment, Accra, June 2008, 1; available from [http://www.cocoaverification.net/Docs/Rapport\\_Final\\_EID\\_Extension\\_2007\\_2008\\_Eng.pdf](http://www.cocoaverification.net/Docs/Rapport_Final_EID_Extension_2007_2008_Eng.pdf). See also Tulane University, *Second Annual Report*, 21.

<sup>1069</sup> International Cocoa Verification Board, *International Cocoa Verification Board*. See also International Cocoa Verification Board, *Verification Board Biographies*, [online] [cited January 29, 2009]; available from <http://www.cocoaverification.net/members.php>.

<sup>1070</sup> International Cocoa Verification Board, *International Cocoa Verification Board*.

<sup>1071</sup> International Cocoa Verification Board, Email communication to USDOL official, December 5, 2008. See also International Cocoa Verification Board, *International Cocoa Verification Board*.

<sup>1072</sup> International Cocoa Verification Board, *Frequently Asked Questions*, [online] [cited January 30, 2009]; available from <http://www.cocoaverification.net/faq.php>.

<sup>1073</sup> U.S. Department of Labor, *U.S. Labor Department Funds Project to Evaluate Effectiveness of Anti-Child-Labor Efforts in the Cocoa Industry*, Press Release, October 3, 2006. See also Tulane University, *Second Annual Report*.

<sup>1074</sup> ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.

<sup>1075</sup> USAID, "Chocolate Companies Help West African Farmers Improve Harvest", USAID Frontlines, [online], September 2005; available from

[http://www.usaid.gov/press/frontlines/fl\\_sep05/pilars.htm](http://www.usaid.gov/press/frontlines/fl_sep05/pilars.htm). See also International Institute of Tropical Agriculture, *Sustainable Tree Crops Program*, [online] March 20, 2006 [cited December 15, 2008]; available from <http://www.treecrops.org/index.htm>. See also World Cocoa Foundation, *Sustainable Tree Crops Program - Cote d'Ivoire*, [online] [cited January 8, 2009]; available from [http://www.worldcocoafoundation.org/difference/STCPCotedIvoire\\_Summary.asp](http://www.worldcocoafoundation.org/difference/STCPCotedIvoire_Summary.asp).

<sup>1076</sup> Tulane University, *Second Annual Report*, 86.

<sup>1077</sup> Winrock International, Email communication to USDOL official, December 14, 2008. See also USAID, World Cocoa Foundation, and Winrock International, *Project Profile: Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES)*, Washington, DC, n.d.

<sup>1078</sup> Winrock International, Email communication, December 14, 2008. See also USAID, World Cocoa Foundation, and International, *ECHOES Project Fact Sheet*.

<sup>1079</sup> ILO-IPEC Geneva official, E-mail communication, February 26, 2009.

<sup>1080</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Cote d'Ivoire."

<sup>1081</sup> International Cocoa Initiative, *Progress Report: January 2008 to Date*, ICI Board Meeting, Geneva, October 2008, 3-5; available from [http://www.cocoainitiative.org/images/stories/pdf/2008\\_third\\_quarter\\_progress\\_report.pdf](http://www.cocoainitiative.org/images/stories/pdf/2008_third_quarter_progress_report.pdf).

<sup>1082</sup> Ibid. See also U.S. Embassy - Abidjan, reporting, December 24, 2008, para 3.

<sup>1083</sup> Tulane University, *Second Annual Report*, 86.

## Croatia

### Incidence and Nature of Child Labor

Children in Croatia work in the entertainment, hospitality, tourism, retail, industrial, agricultural, construction, and media sectors.<sup>1084</sup> Roma children are particularly vulnerable to work in the agriculture sector and are exploited through forced begging.<sup>1085</sup> With regards to trafficking, Croatia is a source, a transit, and increasingly a destination country for girls trafficked for prostitution.<sup>1086</sup>

### Child Labor Laws and Enforcement

The minimum age for employment is 15 years; however, children younger than 15 years may participate in artistic endeavors for compensation with a labor inspector's approval, provided that the activity does not threaten their health or morals or interfere with school.<sup>1087</sup> Children 15 to 18 years may only work with written permission from a legal guardian and labor inspector, provided that the work is not harmful to the

child's health, morality, education, or development.<sup>1088</sup> If a labor inspector feels a job being performed by a minor is harming the health of the child, the inspector can order a physical exam and can prohibit the minor from performing the job.<sup>1089</sup> Children are prohibited from working overtime, at night, and under dangerous labor conditions.<sup>1090</sup> Under Croatian law, anyone forcing minors to beg or perform work inappropriate for their age can be penalized.<sup>1091</sup>

minimum age for conscription into the military is 18 years.<sup>1096</sup>

The law prohibits both domestic and international solicitation and prostitution of a minor for sexual purposes, calling for between 3 months and 10 years of imprisonment for violations. The law also stipulates 1 to 5 years of imprisonment for using children for pornographic purposes or distributing child pornography.<sup>1097</sup>

The Ministry of Economy, Labor, and Entrepreneurship collaborates with the Ombudsman for Children and the State Labor Inspectorate to enforce minimum age laws.<sup>1098</sup> During the reporting period, the inspectorate had 111 inspectors who are responsible for enforcing all labor laws, including child labor.<sup>1099</sup> The Ombudsman for Children promotes and protects the interests of children and is obligated to report any findings of exploitation to the State's Attorney's Office.<sup>1100</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government is implementing the 2006-2012 National Program for the Protection of the Best Interests of Children to prevent and protect children from sexual abuse, including commercial sexual exploitation. The program calls for the development of legislation to further protect children from exploitive labor conditions.<sup>1101</sup>

During the reporting period, the Government of Croatia implemented its National Program for Suppression of Trafficking in Persons 2005-2008.<sup>1102</sup> The Government also operates the Child Trafficking Prevention Program in partnership with local and international organizations. The program has developed teacher training modules on child pornography, sexual exploitation of children, child trafficking, and the worst forms of child labor.<sup>1103</sup> Prior to the June 2008 Euro Cup soccer championship, the Government ran a television campaign to raise awareness that individuals engaged in child labor and prostitution may be trafficking victims.<sup>1104</sup> The Government continues to provide funds and support for anti-trafficking public awareness campaigns; a national referral system; victim identification; separate shelters for adults and

<i>Selected Statistics and Indicators on Child Labor<sup>1092</sup></i>	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	8th grade
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	99.0
Net primary enrollment rate (%), 2006:	90.4
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	10/8/1991
ILO Convention 182:	7/17/2001
CRC:	10/12/1992*
CRCOPAC:	11/1/2002
CRCOPSC:	5/13/2002
Palermo:	1/24/2003
ILO-IPEC participating country:	No

\*Succession

Forced and compulsory labor is prohibited.<sup>1093</sup> Trafficking in persons is a separate criminal act for which the law stipulates a minimum prison sentence of 5 years when a child or a minor is involved.<sup>1094</sup> In December 2008, the Criminal Procedure Act was amended to give additional rights to trafficking victims, including the right to a custodian, protection of personal information, and a private trial for underage victims.<sup>1095</sup> The

children; and legal, medical, and psychological services for victims as well as educational and vocational training. The Government also runs continued law enforcement training.<sup>1105</sup> A USD 700,000 project, funded by the EU, to strengthen the capacity of national institutions to combat trafficking, with a special focus on trafficking in children, ended in June 2008.<sup>1106</sup>

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<sup>1084</sup> U.S. Department of State, "Country Reports- 2008: Croatia," section 6d. See also U.S. Embassy- Zagreb, *reporting*, January 15, 2009, para 17.

<sup>1085</sup> U.S. Embassy- Zagreb, *reporting*, January 15, 2009, para 17.

<sup>1086</sup> U.S. Department of State, "Croatia (Tier 1)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>1087</sup> Government of Croatia, *Labour Act of 2004*, article 21(2).

<sup>1088</sup> *Ibid.*, articles 22(1), 22(5), 23(1).

<sup>1089</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Croatia (ratification: 2001)*, [online] 2007 [cited February 5, 2009]; available from [www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20448&chapter=9&query=%28Croatia%29+%40ref&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20448&chapter=9&query=%28Croatia%29+%40ref&highlight=&querytype=bool&context=0).

<sup>1090</sup> Government of Croatia, *Labour Act of 2004*, articles 23(1), 41(5), 62(3). See also *Safety and Health Protection at the Workplace Act, 1996*, (June 28, 1996), section 40; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45063/65037/E96HRV01.htm>.

<sup>1091</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention 2007, 1999 (No. 182) Croatia (ratification: 2001)*.

<sup>1092</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Croatia, *Labour Act of 2004 (No. 137/2004)*, article 21; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/41244/72720/F484034153/HRV41244.PDF>. For age to which education is compulsory, see U.S. Department of State, "Croatia," in *Country Reports on Human Rights Practices – 2008*, Washington,

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DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For free public education, see Government of Croatia, *Constitution of the Republic of Croatia*, (December 1990, as amended on April 2, 2001), article 65; available from [http://www.oefre.unibe.ch/law/icl/hr00000\\_.html](http://www.oefre.unibe.ch/law/icl/hr00000_.html).

<sup>1093</sup> Government of Croatia, *Constitution*, article 23.

<sup>1094</sup> U.S. Embassy- Zagreb, *reporting*, February 13, 2009, section 3b.

<sup>1095</sup> *Ibid.*, section 4a.

<sup>1096</sup> Coalition to Stop the Use of Child Soldiers, "Croatia," in *Child Soldiers Global Report 2008*, London, 2008, 122; available from <http://www.childsoldiersglobalreport.org/>.

<sup>1097</sup> Government of Croatia, "Croatia," in *Legislation of Interpol Member States on Sexual Offences against Children*, 2006; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/csaCroatia.asp>.

<sup>1098</sup> U.S. Embassy- Zagreb, *reporting*, January 15, 2009. See also U.S. Department of State, "Country Reports- 2008: Croatia," section 6d.

<sup>1099</sup> U.S. Embassy- Zagreb, *reporting*, January 15, 2009.

<sup>1100</sup> Government of Croatia, *Law on the Ombudsman for Children*, (May 29, 2003), articles 2 and 14; available from <http://www.crin.org/Law/instrument.asp?InstID=1145>.

<sup>1101</sup> U.S. Embassy- Zagreb, *reporting*, January 15, 2009, paras 7 and 14.

<sup>1102</sup> Government of Croatia, *National Programme for Suppression of Trafficking in Persons 2005-2008*, National Committee for the Suppression of Trafficking in Persons, Zagreb, 2004. See also Government of Croatia, *OSCE 2006 Human Dimension Implementation Meeting: Trafficking in Human Beings*, Office for Human Rights, Warsaw, October 3, 2006.

<sup>1103</sup> U.S. Embassy- Zagreb, *reporting*, January 15, 2009, para 16.

<sup>1104</sup> U.S. Embassy- Zagreb, *reporting*, February 13, 2009, section 5a.

<sup>1105</sup> U.S. Embassy- Zagreb, *reporting*, January 15, 2009, para 15. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Croatia." See also U.S. Embassy- Zagreb, *reporting*, February 13, 2009.

<sup>1106</sup> U.S. Embassy- Zagreb, *reporting*, February 13, 2009, section g.

# Djibouti

## Selected Statistics and Indicators on Child Labor<sup>1107</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	-
Net primary enrollment rate (%), 2006:	37.8
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2005:	89.9
ILO Convention 138:	6/14/2005
ILO Convention 182:	2/28/2005
CRC:	12/6/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	4/20/2005**
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

### Incidence and Nature of Child Labor

In urban areas of Djibouti, children work largely in informal sector activities, including washing cars, polishing shoes, changing money, sorting merchandise, and vending items.<sup>1108</sup> Children also work in family-owned businesses, wash dishes and clean in restaurants, guard vehicles, and carry goods for store patrons.<sup>1109</sup> Children are also involved in begging.<sup>1110</sup> Some children participate in the sale of drugs, including the legal drug *khat*.<sup>1111</sup> Children in rural areas mostly care for livestock.<sup>1112</sup>

Children are trafficked for commercial sexual exploitation and domestic service in Djibouti.<sup>1113</sup>

In some cases, refugees and girls from poor Djiboutian families may be trafficked into prostitution to earn money.<sup>1114</sup> USDOS reports that Somali children are trafficked to Djibouti for commercial sexual exploitation and exploitive labor.<sup>1115</sup> Some children living on the streets become involved in prostitution.<sup>1116</sup> In addition, a small number of girls from Somalia and Ethiopia, traveling through Djibouti en route to the Middle East for economic reasons are trafficked into domestic service and commercial sexual exploitation in the country.<sup>1117</sup>

### Child Labor Laws and Enforcement

The minimum age for employment and apprenticeships in Djibouti is 16 years. Young people 16 to 18 years may not be employed or have apprenticeships as domestics or work in hotels, bars, or pubs, with the exception of work related to catering.<sup>1118</sup> The Ministries of Labor and Health also set the types of work prohibited by young people and inspectors can require a medical exam to verify if work is beyond a young person's capabilities. Penalties for noncompliance with legal provisions requiring medical exams and prohibiting any wage deductions for young people and wage deductions of no more than 25 percent for apprentices are punishable by fines.<sup>1119</sup> Unless the National Council of Work, Labor, and Vocational Training makes exceptions, young people must have a minimum of 12 consecutive hours of rest and are forbidden from night work with penalties for noncompliance that include fines and, on the second infraction, 15 days of imprisonment.<sup>1120</sup>

The law prohibits forced labor.<sup>1121</sup> The procurement of prostitution of a minor is punishable by 10 years imprisonment and a fine.<sup>1122</sup> The law also provides for penalties against the use of a minor in pornography, punishable by 1 year in prison and fines, increasing to 3 years in prison and higher fines for minors 15 years and under.<sup>1123</sup> There is no compulsory military service in Djibouti, and the minimum age for voluntary recruitment is 18.<sup>1124</sup> Unskilled youth 17 years of age can take part in

the Government's voluntary national service program, which provides professional training, including training with the Djiboutian armed forces.<sup>1125</sup> Military instruction cannot make up more than 30 percent of the training provided and there is no expectation that participants will remain with the armed forces.<sup>1126</sup>

The law also prohibits internal and cross-border trafficking, including trafficking of persons under 18 years.<sup>1127</sup> Penalties include imprisonment of up to 30 years and fines.<sup>1128</sup>

The Police Vice Squad (*Brigade des Moeurs*) and the local police department (*Gendarmerie*) have the authority to enforce child labor laws and regulations, and according to USDOS, the *Brigade des Moeurs* has reportedly closed bars where child prostitution occurred and conducted regular sweeps of the city of Djibouti at night.<sup>1129</sup> The police also worked with hospitals to provide services to victims of child prostitution.<sup>1130</sup>

The Labor Inspectorate can sanction businesses that employ children. According to USDOS, the Labor Inspectorate had three inspectors and six controllers; however, it did not have the resources to conduct child labor inspections in 2008.<sup>1131</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government of Djibouti continues to participate in the 2-year, USD 460,000 regional anti-trafficking technical assistance project implemented by the UNODC's Regional Office for Eastern Africa and funded by Norway and Sweden. The project aims to bolster coordination among the 11 EAPCCO countries through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa, and harmonize national legislation with the Palermo Protocol.<sup>1132</sup>

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<sup>1107</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work see Government of Djibouti, *Loi n°133/AN/05/5ème L portant Code du Travail*, (January 28, 2006), article 5; available from <http://www.uddesc.org/Chartes,%20Conventions,%20Constitutions,%20D%E9clarations,%20Lois,%20Trait>

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[http://www.ilo.org/public/french/employment/skills/hrdr/init/dji\\_1.htm](http://www.ilo.org/public/french/employment/skills/hrdr/init/dji_1.htm). For free public education, see U.S. Department of State, "Djibouti," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118998.htm>. See also Government of Djibouti, *Loi n°96/AN/00/4ème L portant Orientation du Système Educatif Djiboutien*, (July 10, 2000), article 14; available from [http://www.ilo.org/public/french/employment/skills/hrdr/init/dji\\_1.htm](http://www.ilo.org/public/french/employment/skills/hrdr/init/dji_1.htm). For free public education, see U.S. Department of State, "Djibouti," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118998.htm>. See also Government of Djibouti, *Loi n°96/AN/00/4ème L portant Orientation du Système Educatif Djiboutien*, article 16.

<sup>1108</sup> Ministry of Employment and National Solidarity official, Interview with USDOL consultant, July 11, 2006. See also U.S. Department of State, "Country Reports- 2008: Djibouti," section 6d. See also U.S. Embassy - Djibouti, *reporting*, December 28, 2008, para 6.

<sup>1109</sup> Ministry of Employment and National Solidarity official, Interview, July 11, 2006, paras 2 and 4. See also UNESCO-PEER Program representative, Interview with USDOL consultant, July 11, 2006, para 2. See also U.S. Embassy - Djibouti, *reporting*, December 28, 2008, para 1.

<sup>1110</sup> U.S. Embassy - Djibouti, *reporting*, December 28, 2008, para 1. See also, Ministry of Employment and National Solidarity official, Interview, July 11, 2006, para 4.

<sup>1111</sup> U.S. Department of State, "Country Reports- 2008: Djibouti," section 6d. See also Open Door Association official, Interview with USDOL consultant, August 9, 2006, para 6.

<sup>1112</sup> U.S. Department of State, "Background Note: Djibouti," Washington, DC, March 2009; available from <http://www.state.gov/r/pa/ei/bgn/5482.htm>. See also, U.S. Embassy - Djibouti, *reporting*, December 28, 2008, para 1. See also, U.S. Embassy - Djibouti, *reporting*, May 19, 2008, para 2.

<sup>1113</sup> U.S. Department of State, "Djibouti (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>1114</sup> Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Djibouti (Tier 2)."

<sup>1115</sup> U.S. Department of State, "Somalia," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>1116</sup> U.S. Embassy - Djibouti, *reporting*, February 16, 2009, para 2D.

<sup>1117</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Djibouti (Tier 2)." See also, U.S. Embassy- Djibouti, *reporting, February 16, 2009*, para 2B.

<sup>1118</sup> Government of Djibouti, *Loi n°133/AN/05/5ème L*, articles 5, 70, 71, 110, 111.

<sup>1119</sup> *Ibid.*, articles 111, 112, 288(a), 288(b).

<sup>1120</sup> *Ibid.*, articles 94, 96, 289.

<sup>1121</sup> U.S. Embassy- Djibouti, *reporting*, September 28, 2008, para 9. See also, Government of Djibouti, *Loi n°133/AN/05/5ème L*, article 2.

<sup>1122</sup> Government of Djibouti, *Loi n°68/AN/79 réglementant la lutte contre la prostitution et le racolage*, (January 23, 1973), article 5; available from <http://www.presidence.dj/jo/1979/loi68an79.htm>.

See also, Government of Djibouti, *Code Pénal*, article 396; available from <http://www.justice.gouv.dj/code%20penal.htm>.

<sup>1123</sup> Government of Djibouti, *Code Pénal*, article 463.

<sup>1124</sup> Coalition to Stop the Use of Child Soldiers, "Djibouti," in *Child Soldiers Global Report 2008*, London, 2008, 129; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1125</sup> Government of Djibouti, *Décret n°2003-0240/PRE portant création du Service National Adapté*, (December 9, 2003), articles 1, 4, 5, 18; available from <http://www.presidence.dj/jo/2003/decr0240pr03.php>.

<sup>1126</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Djibouti." See also Government of Djibouti, *Arrêté n°2003-0914/PR/MDN portant Organisation et modalités de fonctionnement du*

*Service Nationale Adapté*, (December 17, 2003), article 9; available from <http://www.presidence.dj/jo/2003/arr0914pr03.php>.

<sup>1127</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Djibouti (Tier 2)." See also Government of Djibouti, *Loi n°210/AN/07/5ème L relative à la Lutte Contre le Trafic des Etres Humains*, (October 2, 2007), article 1; available from <http://www.presidence.dj/jo/2007/loi210an07.php>. See also U.S. Department of State, "Djibouti," in *Trafficking in Persons Interim Assessment*, Washington, DC, February 28, 2008; available from <http://www.state.gov/g/tip/rls/rpt/101438.htm>.

<sup>1128</sup> Government of Djibouti, *Loi n°210/AN/07/5ème*, articles 7, 8, 9.

<sup>1129</sup> U.S. Embassy- Djibouti, *reporting, September 28, 2008*, para 5.

<sup>1130</sup> U.S. Embassy- Djibouti, *reporting, February 16, 2009*, para 5F.

<sup>1131</sup> U.S. Embassy- Djibouti, *reporting, September 28, 2008*, para 5. See also, U.S. Department of State, "Country Reports- 2008: Djibouti," section 6d.

<sup>1132</sup> UNODC, *Ongoing Projects in Eastern Africa*, [online] December 16, 2008 [cited July 22, 2009]; available from <http://www.unodc.org/easternafrika/en/about-unodc-eastern-africa/ongoing-projects.html>. See also, UNODC official, E-mail communication to USDOL official, April 2, 2009. See also, UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008.

## Dominica

### *Selected Statistics and Indicators on Child Labor*<sup>1133</sup>

Gross primary enrollment rate (%), 2006:	85.7
Net primary enrollment rate (%), 2006:	77.3
Survival rate to grade 5 (%), 2006:	89.3

#### **Incidence and Nature of Child Labor**

No changes have been recorded since the last reporting period regarding the incidence and nature of child labor in Dominica.\*

#### **Child Labor Laws and Enforcement**

No changes have been recorded since the last reporting period regarding child labor laws and enforcement in Dominica.\*

#### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Dominica to address exploitive child labor during the reporting period.



\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next

extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

<sup>1133</sup> For statistical data not cited here, see the Data Sources and Definitions section.

## Dominican Republic

<i>Selected Statistics and Indicators on Child Labor</i> <sup>1134</sup>	
Population, children, 10-14 years, 2005:	1,035,151
Working children, 10-14 years (%), 2005:	5.8
Working boys, 10-14 years (%), 2005:	9.0
Working girls, 10-14 years (%), 2005:	2.7
Working children by sector, 10-14 years (%), 2005:	
- Agriculture	18.5
- Manufacturing	9.8
- Services	57.5
- Other	14.2
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	106.8
Net primary enrollment rate (%), 2007:	82.4
School attendance, children 5-14 years (%), 2005:	96.3
Survival rate to grade 5 (%), 2005:	68.4
ILO Convention 138:	6/15/1999
ILO Convention 182:	11/15/2000
CRC:	6/11/1991
CRCOPAC:	No
CRCOPSC:	12/6/2006*
Palermo:	2/5/2008
ILO-IPEC participating country:	Yes

\*Accession

### Incidence and Nature of Child Labor

Most work performed by children in the Dominican Republic is in the informal sector.<sup>1135</sup> In urban areas, children work primarily in

services, construction, transportation, and tourism; in rural areas, children work mostly in agriculture.<sup>1136</sup> Children work in the production of coffee, rice, sugarcane, tomatoes, potatoes, and garlic where they are exposed to pesticides, sharp tools, heavy machinery, harsh conditions, and long hours.<sup>1137</sup> Children have been reported mining for larimar stones as they can fit into small spaces and mine faster than adults.<sup>1138</sup> Children also work as domestic servants.<sup>1139</sup> The Ministry of Education has indicated that in areas where the incidence of child labor is high, only about half the children attend school.<sup>1140</sup>

Migrants from Haiti, including children, work in agriculture and construction; Haitian children plant and cut sugarcane.<sup>1141</sup> Many Haitian adults and children live in sugarcane worker villages referred to as "bateyes," which lack adequate housing conditions, access to medical services, and other basic needs, and are rife with exploitive child labor.<sup>1142</sup> Dominican-born children from parents of Haitian descent are regularly denied citizenship or legal identity documents which preclude access to education beyond the fourth grade, formal sectors jobs, and other basic rights.<sup>1143</sup>

The commercial sexual exploitation of children is a problem, especially in tourist locations and major urban areas. Dominican Government officials have stated that economic need contributes to child prostitution.<sup>1144</sup> The Dominican Republic is a source and destination country for the trafficking of children for commercial sexual exploitation.<sup>1145</sup> Children are

also trafficked internally from rural to tourist areas.<sup>1146</sup> Some Haitian children who are trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture and often live in poor conditions.<sup>1147</sup> It has been reported that children, particularly Haitian children, are sometimes “adopted” by families who register them as their own and provide some form of payment to the birthparents. Such children are often exploited as domestic workers or as workers in family businesses.<sup>1148</sup>

### **Child Labor Laws and Enforcement**

The legal minimum age for employment in the Dominican Republic is 14 years; however, the Secretary of Labor (SET) may authorize individual permits to those younger than 14 years to work as actors or characters in public shows, radio, television, or movies.<sup>1149</sup> Work must not interfere with a minor’s education.<sup>1150</sup> Children under 16 years may not work for more than 6 hours a day and must have a medical certification; children 16 years of age cannot work at night or more than 12 consecutive hours.<sup>1151</sup> Special authorization is needed for minors to work in itinerant sales.<sup>1152</sup> Girls 14 to 16 years are prohibited from working as messengers and delivering merchandise.<sup>1153</sup>

Minors under 18 years are prohibited from dangerous work such as work involving hazardous substances, heavy or dangerous machinery, and heavy loads. Minors are also prohibited from night work, work on the street, work in gaming establishments, handling cadavers, various tasks involved in the production of sugarcane, and certain work at hotels. Some exceptions are made for apprenticeships and job training for those older than 16 years.<sup>1154</sup>

Forced labor is prohibited by law.<sup>1155</sup> The Law Against Trafficking in Persons and Alien Smuggling establishes penalties of 15 to 20 years of imprisonment as well as fines for trafficking minors.<sup>1156</sup> The Protection of Children and Adolescents Law establishes punishments of 20 to 30 years of incarceration and fines 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, in exchange for compensation.<sup>1157</sup> Perpetrators can receive a prison sentence of up to 10 years and fines for involvement in the commercial sexual exploitation of children; the sexual abuse of children under circumstances involving trafficking; or giving a son or daughter to another person in exchange for compensation.<sup>1158</sup> Fines are established for transporting minors unaccompanied by their parents without authorization.<sup>1159</sup> Promoting or assisting the trafficking of a minor to a foreigner is punishable by 4 to 6 years of imprisonment and fines.<sup>1160</sup> Making, distributing, or publishing pornographic photographs of children is punishable by 2 to 4 years of incarceration and fines.<sup>1161</sup> The Technology Crime Law penalizes the purchase or possession of child pornography with 2 to 4 years in prison.<sup>1162</sup> Crimes involving drug trafficking carry increased penalties if minors were used to carry out the offense.<sup>1163</sup> The minimum voluntary and compulsory recruitment age for military service is 16 years.<sup>1164</sup>

The SET, in coordination with the National Council for Children and Adolescents (CONANI), is responsible for protecting minors against labor exploitation.<sup>1165</sup> CONANI is supposed to receive a minimum of 2 percent of the national budget; however, this is not being met. According to USDOS, the Government has made some efforts to protect children, particularly from exploitive child labor.<sup>1166</sup> The SET employs 203 labor inspectors who are trained to detect child labor; of those, 20 inspectors are dedicated to investigate child labor.<sup>1167</sup> The national judicial sector has 33 district attorneys who address issues involving the worst forms of child labor.<sup>1168</sup> The anti-trafficking unit of the Office of the Attorney General investigates and prosecutes trafficking crimes.<sup>1169</sup> According to USDOS, the Dominican Republic lacks effective trafficking law enforcement and victim protection programs.<sup>1170</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of the Dominican Republic has both 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.<sup>1171</sup> The Office of the First Lady coordinates the *Programa Progresando* (“Making Progress”) that offers opportunities for income generation to the parents of children at risk for commercial sexual exploitation.<sup>1172</sup> The country’s Agricultural Bank has included a clause in its loan agreements that prohibits the recipients from using child labor and guarantees that they send their children to school. Additionally, the Government provides breakfasts to 1,500 schools daily so that children will attend.<sup>1173</sup>

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.<sup>1174</sup> The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons, which collaborates with the Ministries of Labor and Education, conducts anti-trafficking seminars at schools across the country.<sup>1175</sup> The Government supports measures to prevent trafficking, such as posting notices at the international airport regarding the penalties under Dominican law for the criminal offence of sexually exploiting children and adolescents.<sup>1176</sup>

The Attorney General’s Office and the Ricky Martin Foundation sponsor an anti-trafficking hotline that serves as a resource for the prevention of trafficking.<sup>1177</sup> Additionally, the Government trains officials posted overseas in how to recognize and assist Dominican nationals who are trafficking victims abroad.<sup>1178</sup>

The SET currently participates in the second phase of a USDOL-funded, 39-month, USD 2.7 million ILO-IPEC project to support the Government’s Timebound Program to Eliminate the Worst Forms of Child Labor. The project began in 2006 and aims to withdraw 2,900 children and prevent 2,200 children from exploitive labor.<sup>1179</sup> In addition, the Government is part of a USDOL-funded 4-year USD 4 million project, implemented by DevTech Systems, Inc., in association with EDUCA and INTEC, that seeks to withdraw and prevent 8,500 children from exploitive labor by improving the quality of and access to basic and vocational education, and

working with public–private partnerships. This includes the development of corporate codes of conduct in sectors prone to the use of child labor.<sup>1180</sup>

The Government of the Dominican Republic participated in regional projects funded by USDOL, including a 7-year USD 8.8 million project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>1181</sup> The Government also participated in the 4-year USD 5.7 million Child Labor Education Initiative regional project implemented by CARE that worked to strengthen the Government and civil society’s capacity to combat child labor through education and withdrew or prevented 4,105 children from exploitive child labor.<sup>1182</sup> The activities in the Dominican Republic for both of these regional projects, however, have focused on strengthening regional cooperation, legislation, policies, and institutions.<sup>1183</sup>

The Government of the Dominican Republic participated in a Phase III USD 3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain and implemented by ILO-IPEC.<sup>1184</sup> Additionally, an IOM project funded by USDOS supports government and NGO services, including medical assistance, counseling and reintegration services, for trafficking victims.<sup>1185</sup>

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<sup>1134</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see 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.suprema.gov.do/codigos/Codigo\\_NNA.pdf](http://www.suprema.gov.do/codigos/Codigo_NNA.pdf). For age to which education is compulsory, see UNESCO, *Education for All Global Monitoring Report 2008: Literacy for Life*, Paris, 2008; available from <http://www.unesco.org/education/gmr2008/annexes>

/annex5.pdf. See also 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. For free public education, see 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.

<sup>1135</sup> U.S. Department of State, "Dominican Republic," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119157.htm>.

<sup>1136</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Dominican Republic*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Geneva, February 11, 2008, para 80; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also U.S. Embassy- Santo Domingo, reporting, January 31, 2008.

<sup>1137</sup> Glenn R. Smucker and Gerald F. Murray, *The Uses of Children: A Study of Trafficking in Haitian Children*, USAID/Haiti Mission, Port-au-Prince, 2004; available from [http://pdf.usaid.gov/pdf\\_docs/PNADF061.pdf](http://pdf.usaid.gov/pdf_docs/PNADF061.pdf). See also U.S. Embassy- Santo Domingo, reporting, January 31, 2008.

<sup>1138</sup> U.S. Embassy- Santo Domingo, reporting, January 31, 2008.

<sup>1139</sup> IOM, *Panorama Sobre la Trata de Personas*, 2006, 89; available from <http://www.oim.org.co/modulos/contenido/default.asp?idmodulo=7&idlibro=115>.

<sup>1140</sup> U.S. Embassy- Santo Domingo, reporting, January 31, 2008.

<sup>1141</sup> U.S. Department of State, "Dominican Republic (Tier 2 Watch List)," in *Trafficking in Persons Report-2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also IOM, *Americas: Assistance for Children Victims of Human Trafficking in Haiti*, [online] December 4, 2006 [cited February 23, 2009]; available from <http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryId=12185>. See also U.S. Embassy- Santo Domingo, reporting, January 31, 2008. See also ILO, *Trabajo Infantil en la Agricultura: Reflexiones sobre las legislaciones de América Central y República Dominicana*, 2007, 17. See also Glenn R. Smucker and Gerald F. Murray, *The Uses of Children*, 4.

<sup>1142</sup> IOM, *Americas: Assistance for Children Victims*. See also U.S. Embassy- Santo Domingo, reporting, March 2,

2006. See also Joe Johns, *CNN Anderson Cooper 360 Degrees: Invisible Chains: Sex, Work and Slavery [transcript]* (2007). 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/asset/AMR27/001/2007/en/dom-AMR270012007en.html>. See also USDOL, *Trip Report of Site Visit by U.S. Department of Labor Officials to the Dominican Republic: January 13-16, 2008*, Washington, DC, January 2008. See also U.S. Embassy- Santo Domingo, reporting, January 31, 2008.

<sup>1143</sup> U.S. Department of State, "Country Reports- 2008: Dominican Republic," section 2. See also U.S. Embassy- Santo Domingo, reporting, January 31, 2008. See also U.S. Embassy- Santo Domingo, reporting, December 7, 2007. See also U.S. Embassy- Santo Domingo, reporting, February 13, 2009. See also Amnesty International, *A Life in Transit*.

<sup>1144</sup> U.S. Department of State, "Country Reports- 2008: Dominican Republic," section 5.

<sup>1145</sup> The Protection Project, *2007 Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2007; available from [http://www.protectionproject.org/human\\_rights\\_reports/report\\_documents/dominican.doc](http://www.protectionproject.org/human_rights_reports/report_documents/dominican.doc). See also IOM, *Americas: Assistance for Children Victims*. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Dominican Republic."

<sup>1146</sup> The Protection Project, *2007 Human Rights Report on Trafficking in Persons, Especially Women and Children*.

<sup>1147</sup> UNICEF, *At a Glance: Haiti: Background*, [online] [cited March 1, 2009]; available from <http://www.unicef.org/infobycountry/haiti.html>.

See also U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Dominican Republic." See also IOM, *Americas: Assistance for Children Victims*. See also U.S. Embassy- Port-au-Prince, reporting, February 6, 2009.

<sup>1148</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Haiti." 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.

<sup>1149</sup> 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](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*, article 40.

<sup>1150</sup> Government of the Dominican Republic, *Código de Trabajo 1992*, article 254. See also Government of the Dominican Republic, *Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas, y Adolescentes*, article 39.

<sup>1151</sup> Government of the Dominican Republic, *Código de Trabajo 1992*, articles 246-248.

<sup>1152</sup> *Ibid.*, article 249.

<sup>1153</sup> *Ibid.*, article 252.

<sup>1154</sup> 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>.

<sup>1155</sup> The Protection Project, *2007 Human Rights Report on Trafficking in Persons, Especially Women and Children*. See also U.S. Department of State, "Country Reports-2008: Dominican Republic," section 6c.

<sup>1156</sup> Government of the Dominican Republic, *Ley contra el Tráfico Ilicito de Migrantes y Trata de Personas*, (August 2003).

<sup>1157</sup> 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.

<sup>1158</sup> *Ibid.*, articles 396, 404, 409, 410.

<sup>1159</sup> *Ibid.*, articles 204 and 391.

<sup>1160</sup> *Ibid.*, article 406.

<sup>1161</sup> *Ibid.*, articles 26 and 411.

<sup>1162</sup> Government of the Dominican Republic, *Ley contra Crímenes y Delitos de Alta Tecnología*, (April 23, 2007), article 24. 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)*, Technical Progress Report, Geneva, August 2007.

<sup>1163</sup> Government of the Dominican Republic, *Law on Drugs and Controlled Substances in the Dominican Republic*, (May 30, 1988), article 85; available from <http://www.unifr.ch/derechopenal/ley.htm>.

<sup>1164</sup> Government of the Dominican Republic, *Ley Orgánica de las Fuerzas Armadas de la República Dominicana*, Public Law Number 873, (1996), articles 30-31. See also Coalition to Stop the Use of Child Soldiers, "Dominican Republic," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=154>.

<sup>1165</sup> Government of the Dominican Republic, *Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas, y Adolescentes*, article 34.

<sup>1166</sup> U.S. Department of State, "Country Reports- 2008: Dominican Republic," section 5.

<sup>1167</sup> U.S. Embassy- Santo Domingo, *reporting, February 13, 2009*. See also U.S. Department of State, "Country Reports- 2008: Dominican Republic," section 6d.

<sup>1168</sup> U.S. Embassy- Santo Domingo, *reporting, February 13, 2009*.

<sup>1169</sup> U.S. Department of State, "Country Reports- 2008: Dominican Republic," section 5.

<sup>1170</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Dominican Republic."

<sup>1171</sup> *Plan Estratégico Nacional para la erradicación de las peores formas de trabajo infantil en República Dominicana 2006-2016*, ILO, Santo Domingo, August 2006. 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/ipec/documentos/plan\\_nacional\\_esc.pdf](http://www.oit.org.pe/ipec/documentos/plan_nacional_esc.pdf).

<sup>1172</sup> DevTech Systems Inc., *Combating Child Labor Through Education*, Technical Progress Report, Arlington, Virginia, September 29, 2008.

<sup>1173</sup> Government of the Dominican Republic, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Santo Domingo, January 2009, 13.

<sup>1174</sup> Comisión de la Mujer Niñez Juventud y Familia del Parlamento Centroamericano, *I Plan de Trabajo Regional de la Comisión para Apoyar la Prevención y Eliminación la Trata de Personas y la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 2008-2010*, 2008.

<sup>1175</sup> U.S. Department of State, "Country Reports- 2008: Dominican Republic," section 5.

<sup>1176</sup> Government of the Dominican Republic, *Written communication*, 4.

<sup>1177</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Dominican Republic."

<sup>1178</sup> *Ibid.*

<sup>1179</sup> ILO-IPEC, *Supporting the Timebound Programme - Phase II, Project Document*, vi and vii.

<sup>1180</sup> DevTech Systems Inc., *Combating Exploitive Child Labor through Education II/Dominican Republic*, Initial Project Document, January 28, 2008, i, 7, 14, 17-18.

<sup>1181</sup> ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Document, RLA/02/P51-05/52/USA, San Jose, 2002, 2005, 1 and 63. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, Geneva, September 2005, 1 and 22.

<sup>1182</sup> CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the*

Dominican Republic, Project Revision, April 19, 2007, 1-2. See also CARE, *Primerio Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Project Revision, September 29, 2006.

<sup>1183</sup> CARE, *Primerio Aprendo Project: Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, 2004, 5.

See also ILO-IPEC, *Elimination of Commercial Sexual Exploitation of Children*, Project Addendum, 22-23.

<sup>1184</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>1185</sup> U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, [online] February 2008 [cited February 11, 2009]; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

## East Timor

### *Selected Statistics and Indicators on Child Labor*<sup>1186</sup>

Population, children, 10-14 years, 2001:	100,087
Working children, 10-14 years (%), 2001:	85.2
Working boys, 10-14 years (%), 2001:	84.5
Working girls, 10-14 years (%), 2001:	85.9
Working children by sector, 10-14 years (%), 2001:	
- Agriculture	91.8
- Manufacturing	-
- Services	8.2
- Other	-
Minimum age for work:	15
Compulsory education age:	Not compulsory
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	90.9
Net primary enrollment rate (%), 2007:	63.0
School attendance, children 10-14 years (%), 2001:	86.3
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	No
CRC:	4/16/2003**
CRCOPAC:	8/2/2004**
CRCOPSC:	4/16/2003**
Palermo:	No
ILO-IPEC participating country:	No

\*Guaranteed by law, but no system has been established to ensure that education is available

\*\*Accession

### **Incidence and Nature of Child Labor**

In East Timor, many children in rural areas work in agriculture, including on coffee farms.<sup>1187</sup>

Children are also engaged in domestic service, primarily for adoptive families and their relatives; a small percentage work for third parties. Most of these children work in return for school fees or shelter.<sup>1188</sup>

In urban areas, children are found working in the streets, selling a variety of items.<sup>1189</sup>

Throughout the country, children are found working in construction under hazardous conditions. In coastal areas, children work in fishing.<sup>1190</sup> Children are commercially exploited for sexual purposes, including prostitution.<sup>1191</sup>

There are reports of internal trafficking of girls from rural areas to the capital, Dili, for commercial sexual exploitation.<sup>1192</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years, although children working in vocational schools or in family-owned businesses are exempt.<sup>1193</sup> It is illegal for children between 15 and 18 years to perform work that jeopardizes their health, safety, or morals. However, the law allows for light work for children older than 12 years.<sup>1194</sup> According to USDOS, enforcement of the labor code is limited due to a lack of resources and capacity.<sup>1195</sup>

The law forbids compulsory labor.<sup>1196</sup> The minimum age for conscription into military service is 18 years.<sup>1197</sup> Trafficking is prohibited, and the penalty for trafficking minors is imprisonment of 5 to 12 years.<sup>1198</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government works with children's rights and local women's NGOs to raise awareness on prevention of human trafficking and child sex abuse.<sup>1199</sup> USDOS and the Australian Department of Immigration and Citizenship are supporting an anti-trafficking program that aims to build the capacity and raise awareness of the Government.<sup>1200</sup>

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<sup>1186</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Department of State, "East Timor," 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/index.htm>. For age to which education is compulsory, see U.S. Department of State, "Country Reports- 2008: East Timor," section 5. See also Government of East Timor, *Constitution of the Democratic Republic of East Timor*, (2002), article 59. See also USDOL consultant, Researcher's comments on East Timor to USDOL official, August 15, 2007. For free public education, see U.S. Department of State, "Country Reports- 2008: East Timor," section 5. See also Government of East Timor, *Constitution of East Timor*, article 59.

<sup>1187</sup> U.S. Department of State, "Country Reports- 2008: East Timor," section 6d. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*, Jakarta, December 2007, executive summary, 10-11.

<sup>1188</sup> ILO, *Rapid Assessment on Child Labor in Timor Leste*, executive summary, 10-11. See also U.S. Embassy-Dili, *reporting*, February 12, 2008. See also USDOL consultant, Researcher's comments, August 15, 2007.

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<sup>1189</sup> ILO, *Rapid Assessment on Child Labor in Timor Leste*, executive summary, 10-11. 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: East Timor*, Geneva, June 28, 2007, 245.

<sup>1190</sup> ILO, *Rapid Assessment on Child Labor in Timor Leste*.

<sup>1191</sup> Cathleen Carson, *Trafficking in East Timor: A Look into the Newest Nation's Sex Industry*, ALOLA, 2004, 7, 32. See also ILO, *Rapid Assessment on Child Labor in Timor Leste*.

<sup>1192</sup> U.S. Department of State, "East Timor (Tier 2)," in *Trafficking in Persons Report- 2008: East Timor*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>1193</sup> U.S. Department of State, "Country Reports- 2008: East Timor," section 6d. See also Government of East Timor, *Labour Code*, (May 1, 2002), section 11.

<sup>1194</sup> U.S. Department of State, "Country Reports- 2008: East Timor," section 6d. See also Government of East Timor, *Labour Code*, section 11. See also Ministry of Labor official, Interview with USDOL consultant, June 8, 2007.

<sup>1195</sup> U.S. Department of State, "Country Reports- 2008: East Timor," section 6d. See also U.S. Embassy- Dili, *reporting*, February 12, 2008. See also USDOL consultant, Researcher's comments, August 15, 2007.

<sup>1196</sup> Government of East Timor, *Constitution of East Timor*, section 50.

<sup>1197</sup> Coalition to Stop the Use of Child Soldiers, "East Timor," in *Child Soldiers Global Report*, London, 2008. 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: Concluding Observations: East Timor*, Geneva, February 1, 2008.

<sup>1198</sup> Government of East Timor, *Immigration and Asylum Act*, No. 9, (2003), article 81.

<sup>1199</sup> U.S. Embassy- Dili, *reporting*, February 13, 2009.

<sup>1200</sup> IOM, *Timor-Leste*, [online] August 2007 [cited January 12, 2009]; available from <http://www.iom.int/jahia/Jahia/activities/asia-and-oceania/east-and-south-east-asia/timor-leste>. See also U.S. Department of State, *USG Funds Obligated in FY2008 for TIP Projects*, 2009.

# Ecuador

## *Selected Statistics and Indicators on Child Labor<sup>1201</sup>*

Population, children, 5-14 years, 2004:	2,969,088
Working children, 5-14 years (%), 2004:	10.2
Working boys, 5-14 years (%), 2004:	12.6
Working girls, 5-14 years (%), 2004:	7.8
Working children by sector, 5-14 years (%), 2004:	
- Agriculture	71.0
- Manufacturing	4.5
- Services	22.9
- Other	1.6
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	116.8
Net primary enrollment rate (%), 2006:	96.8
School attendance, children 5-14 years (%), 2004:	91.1
Survival rate to grade 5 (%), 2005:	77.3
ILO Convention 138:	9/19/2000
ILO Convention 182:	9/19/2000
CRC:	3/23/1990
CRCOPAC:	6/7/2004
CRCOPSC:	1/30/2004
Palermo:	9/17/2002
ILO-IPEC participating country:	Yes

### **Incidence and Nature of Child Labor**

In Ecuador, children work in rural and urban areas, mostly in the informal sector. They work in the agricultural sector, in the harvest of bananas and flowers, and small-scale gold mining.<sup>1202</sup> Minors are also found working in the production of broccoli and strawberries, as well as in the production of bricks and cinder blocks.<sup>1203</sup> In urban areas, they work as street beggars and vendors, messengers, domestic servants, shoe shiners, garbage collectors, and recyclers.<sup>1204</sup> Many of them work alongside their parents in family-run businesses. Working children often use chemicals and sharp tools, and lift heavy loads.<sup>1205</sup>

Children are sexually exploited for commercial purposes in Ecuador. Some trafficked children are sold into prostitution, forced agricultural labor, and begging.<sup>1206</sup> Domestic and international trafficking in children is a problem.<sup>1207</sup> There are also reports of indigenous children being trafficked to other Latin American countries and Europe. Colombian girls are trafficked to Ecuador for the purpose of sexual exploitation, and some Ecuadorean children are trafficked to neighboring countries as well as Spain and Italy.<sup>1208</sup> There are reports of children from Ecuador working as coca pickers in Colombia.<sup>1209</sup>

### **Child Labor Laws and Enforcement**

The Constitution, approved in 2008, sets the minimum age for employment at 15 years, prohibiting child labor below this age.<sup>1210</sup> Minimum age provisions do not apply to children involved in formative cultural or ancestral practices, as long as they are not exposed to physical or psychological harm. The law prohibits adolescents from working more than 6 hours per day or more than 5 days per week.<sup>1211</sup> Resolution No. 016 of 2008 prohibits children under 15 years from work in 93 economic activities, including livestock raising, fishing, extraction of salt, the textile industry, logging, and quarrying.<sup>1212</sup>

The Labor Inspectorate and municipalities oversee labor contracts and work permits for adolescents 15 years and older.<sup>1213</sup> The law prescribes sanctions for violations of child labor laws, such as monetary fines and the closing of establishments where child labor occurs.<sup>1214</sup>

The Constitution prohibits forced labor, human trafficking, and any form of exploitation.<sup>1215</sup> Commercial sexual exploitation of children under 18 is punishable with 6 to 9 years of imprisonment and of children under 14 with 12 to 16 years of imprisonment. Trafficking in children is punishable by 9 to 12 years of imprisonment if the victim is younger than 18 years, and 12 to 16



years in prison if the victim is under 14 years old.<sup>1216</sup> The law establishes a penalty of 9 to 12 years' imprisonment for promoting child sex tourism. Child pornography is punishable with sentences from 6 to 9 years if the victim is under 18 years and 12 to 16 years if the child is under 12 years. Several state and municipal governments have established anti-trafficking ordinances and action plans.<sup>1217</sup> The new 2008 Constitution abolished compulsory military service and established a civic-military volunteer service. Adolescents may join the civic-military voluntary services at age 18.<sup>1218</sup>

The Ministry of Labor and Employment (MTE) has 27 child labor inspectors who investigate cases of child labor throughout the country. Ten child labor inspectors are exclusively taking part in the eradication of child labor in mining.<sup>1219</sup> In 2008, labor inspections were conducted in 3,089 workplaces and 1,539 minors were found working in violation of labor laws.<sup>1220</sup> The Ecuadorean National Development Plan (2007–2010) includes the elimination of child labor as one of its objectives.

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Government of Ecuador converted the quasi-governmental organization, Institute for Children and Family (INFA), into a government agency whose principal mission is to guarantee the rights of children, including addressing child labor.<sup>1221</sup> INFA developed a Plan for the Elimination of Child Labor in Landfills, started an initiative to combat child labor in landfills in three municipalities, and carried out an awareness-raising campaign to address child beggars. MTE withdrew 449 children from working in landfills, who were incorporated into the school system and their families were included in the Solidarity Grant (*Bono Solidario*). The Government of Ecuador supported a child labor initiative to eradicate child labor in the banana and mining sectors in the Province of Oro, implemented by the University of Machala and the NGO Development and Self-Management (DyA).<sup>1222</sup> The Police rescued 95 children from begging on the streets and arrested 50 adults suspected of

trafficking children for the purpose of begging during the holiday season, a period during which this problem is especially prevalent.<sup>1223</sup> In addition, INFA is currently adopting a methodology to combat child labor designed by a USDOL-funded 4-year USD 4 million project to address child labor, which is implemented by World Learning and DyA. This initiative combats child labor within indigenous communities through the provision of education services, and it targets 2,124 children for withdrawal and 4,054 children for prevention from exploitive work in the Sierra, Amazon, and Quito.<sup>1224</sup> It also targets 146 children to be withdrawn from trafficking for begging.<sup>1225</sup>

During the reporting period, the National Plan for the Prevention and Eradication of Child Labor was revised with the aim of linking it with the Social Agenda for Children and Adolescents and the National Development Plan to improve coordination of efforts made by the Government and the private sector to combat child labor.<sup>1226</sup> The National Council for Children and Adolescents published a protocol to help national and local government agencies and organizations assist child victims of commercial sexual exploitation by providing guidelines about the different actors and stages involved in supporting these children.<sup>1227</sup>

The Government of Ecuador continues to assist child victims of trafficking and sexual exploitation through its Victim and Witness Protection Program. The program coordinates Government and NGO services to victims of trafficking, providing psychological and medical care, shelter, economic and employment assistance, and police protection.<sup>1228</sup> The Government filed 85 cases of trafficking in people and commercial sexual exploitation, including 11 for child pornography.<sup>1229</sup>

The Government of Ecuador participated in a USDOL-funded 4-year USD 4 million ILO-IPEC Timebound Program, which ended in 2008. It targeted 2,156 children for withdrawal and 5,250 children for prevention from exploitive labor in the banana and cut flower sectors as well as commercial sexual exploitation.<sup>1230</sup> In addition, it participated in a USDOL-funded 4-year USD 3

million program implemented by Catholic Relief Services to combat exploitive child labor through access to quality education; the project ended in September 2008. The project withdrew 1,192 children and prevented 6,486 children from working in the banana and cut flower industries.<sup>1231</sup>

In addition, Ecuador participates in a USD 3.3 million ILO-IPEC regional initiative to eradicate child labor, funded by the Government of Spain.<sup>1232</sup> To assist the Government of Ecuador address trafficking in persons and children, USDOS and USAID fund several programs to prevent human trafficking and assist victims of trafficking in Ecuador, implemented by organizations such as IOM and the NGO Amauta Foundation.<sup>1233</sup>

During the reporting period, MTE, with the support of USAID, trained 22 child labor inspectors in child labor-related issues and launched the Labor Inspections Informational System (SIUDEL), which includes an internet site, a speech recognition system, and a call center to provide information about child labor. It also designed an informational system that provided child labor statistics and training to labor inspectors on the eradication of child labor in landfills and the banana sector.<sup>1234</sup>

The Ministry of Tourism (MOT) continues to raise awareness of commercial sexual exploitation of children and sexual tourism. It organized workshops for the tourism industry, parents, and high school students, and published informational materials.<sup>1235</sup> In partnership with the Ministry of Social and Economic Inclusion and the Federation of Provincial Tourism Boards, the Ministry established a manual for sustainable tourism for tourist providers, aimed at preventing sexual tourism.<sup>1236</sup> MOT was designated as the South American regional coordinator for 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. It was created in 2005 and includes the Ministries of Tourism of Argentina, Bolivia, Brazil, Chile, Colombia,

Paraguay, Peru, Suriname, Uruguay, and Venezuela.<sup>1237</sup>

Municipalities in Ecuador are taking steps to address child labor while Territorial Councils for Children have assigned funding to child labor initiatives. For example, the Government of Quito prohibits child labor while the National Committee for the Progressive Elimination of Child Labor established an indigenous child labor working group to address child labor in indigenous communities.<sup>1238</sup> The Government of Ecuador continues working in partnership with UNICEF and the Prochildren program of Telefonica Foundation to combat child labor.<sup>1239</sup>

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<sup>1201</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Ecuador, *Código de la Niñez y Adolescencia*, N 2002-100, (January 3, 2003), article 82; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/actividad/proyectos/ippec/boletin/documentos/cna.doc>. For age to which education is compulsory, see U.S. Department of State, "Ecuador," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For free public education, see U.S. Department of State, "Country Reports- 2008: Ecuador." See also National Constituent Assembly, *Constitución del Ecuador*, (September 28, 2008), article 28; available from [http://www.asambleanacional.gov.ec/images/constitucion\\_de\\_bolsillo.pdf](http://www.asambleanacional.gov.ec/images/constitucion_de_bolsillo.pdf).

<sup>1202</sup> Government of Ecuador, *Plan Nacional de Desarrollo 2007-2010*, Quito, 2007, 232-233; available from <http://www.sigob.gov.ec/metas/main/componentes/clasif.asp?consulta=2009&titulo=Plan%20Nacional%20de%20Desarrollo&nivel=4>. See also U.S. Embassy- Quito, *reporting*, June 13, 2008.

<sup>1203</sup> Raul Harari and Homero Harari, "Children's Environment and Health in Latin America The Ecuadorian Case," *Annals of the New York Academy of Science* 1076 (2006), 670. See also World Learning and Development and Self-Management (DyA), *Wiñari: Combating the Worst Forms of Child Labor through Education in Ecuador*, Project Document, September 30, 2005, 45, 50.

<sup>1204</sup> U.S. Department of State, "Country Reports- 2008: Ecuador," section 6d. See also World Learning and Development and Self-Management (DyA), *Wiñari, Project Document*, iv, 84.

<sup>1205</sup> U.S. Embassy- Quito, *reporting*, June 13, 2008. See also World Learning and Development and Self-Management (DyA), *Wiñari, Project Document*, 38.

<sup>1206</sup> ILO, *Estudio Rápido sobre Causas, Consecuencias, Magnitud, Mecanismos, Circuitos Fines y Otras Importantes Características de la Trata de Niños, Niñas y Adolescentes en Ecuador*, Quito, 2006, 7-20; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=6277>, Government of Ecuador, *Plan Nacional de Desarrollo 2007-2010*. See also U.S. Department of State, "Country Reports- 2008: Ecuador," section 5b. See also U.S. Department of State, "Ecuador (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>1207</sup> U.S. Embassy- Quito, *reporting*, March 4, 2009.

<sup>1208</sup> USAID, *Anti-Trafficking Technical Assistance: Ecuador Anti-Trafficking Assessment*, 2006, 3-5; available from <http://www.state.gov/g/tip/rls/rpt/78948.htm>. See also U.S. Department of State, "Country Reports- 2008: Ecuador," section 5b.

<sup>1209</sup> David Khoudour-Castéras, *Efectos de la Migración sobre el Trabajo Infantil en Colombia*, ILO-IPEC, 2007, 14. See also Monica Hurtado, *Trata de Infantes y Adolescentes en Colombia (1999-2006)*, ILO-IPEC, 2007, 46.

<sup>1210</sup> National Constituent Assembly, *Constitución*, article 46.

<sup>1211</sup> Government of Ecuador, *Código de la Niñez y Adolescencia*, articles 84 and 86.

<sup>1212</sup> Government of Ecuador, *Resolución No. 016 CNNA - 2008: El Consejo Nacional de la Niñez y la Adolescencia*, (May 8, 2008); available from [http://www.cnna.gov.ec/\\_upload/Trabajo\\_Infantil.pdf](http://www.cnna.gov.ec/_upload/Trabajo_Infantil.pdf).

<sup>1213</sup> Government of Ecuador, *Código de la Niñez y Adolescencia*, articles 88 and 93.

<sup>1214</sup> *Ibid.*, articles 81, 82, 95.

<sup>1215</sup> National Constituent Assembly, *Constitución*, articles 46 and 66.

<sup>1216</sup> Government of Ecuador, *Ley Reformatoria al Código Penal que Tipifica los Delitos de Explotación Sexual de los Menores de Edad*, (June 15, 2005), chapter III; available from <http://www.acnur.org/biblioteca/pdf/6032.pdf>.

<sup>1217</sup> U.S. Department of State, "Country Reports- 2008: Ecuador," section 5. See also Government of Ecuador, *Ley Reformatoria al Código Penal*, chapter IV.

<sup>1218</sup> National Constituent Assembly, *Constitución*, article 161. See also U.S. Embassy -Quito, E-mail communication to USDOL official, July 10, 2009.

<sup>1219</sup> Government of Ecuador, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor",

Washington, DC, 2009, 8. See also USAID official, E-mail communication to USDOL official, January 21, 2009.

<sup>1220</sup> Government of Ecuador, *Request for Information*, 8.

<sup>1221</sup> Government of Ecuador, *Decreto Ejecutivo No. 1170*, (June 24, 2008); available from <http://www.sigob.gov.ec/decretos/Default.aspx>.

<sup>1222</sup> Government of Ecuador, *Request for Information*, 4. See also Minister of Labor and Employment, *Boletín de Relaciones Internacionales del Ministerio de Trabajo y Empleo*, December 2008, 3.

<sup>1223</sup> Development and Self-Management official, Interview with USDOL official, February 4, 2009. See also El Universo, *Policía Rescató a 95 Niños Mendigos*, December 26, 2008; available from <http://www.eluniverso.com/2008/12/26/1/1447/1C58C5E982AC46088CCE9539415DAB0D.html>. See also El Universo, *Plan para Erradicar el Trabajo Infantil de Basureros Comenzará en El Oro, Los Ríos y Manabí*, January 31, 2008; available from <http://archivo.eluniverso.com/2008/01/31/0001/12/1B1710C2A2234F94BFB104781DF09F88.aspx>.

<sup>1224</sup> World Learning and Development and Self-Management (DyA), *Wiñari, Project Document*, iv-v, 37-38.

<sup>1225</sup> World Learning and Development and Self-Management, *Wiñari: Combating the Worst Forms of Child Labor through Education in Ecuador*, Project Revision, July 10, 2007.

<sup>1226</sup> Government of Ecuador, *Plan Nacional de Desarrollo 2007-2010*, 237-238. See also Technical Secretariat of the National Committee for the Progressive Elimination of Child Labor (CONEPTI), *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 2008, 26-31.

<sup>1227</sup> World Learning official, E-mail communication to USDOL official, April 1, 2009.

<sup>1228</sup> U.S. Embassy- Quito, *reporting*, March 4, 2009. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Ecuador."

<sup>1229</sup> U.S. Embassy- Quito, *reporting*, March 4, 2009.

<sup>1230</sup> ILO-IPEC, *Supporting the Time-Bound Program for the Elimination of the Worst Forms of Child Labor in Ecuador (Addendum)*, Final Technical Progress Report, Geneva, June 20, 2008, 5.

<sup>1231</sup> Catholic Relief Services, *Project SOY! Combating the Worst Forms of Child Labor through Education in Ecuador*, Technical Progress Report, September 20, 2008.

<sup>1232</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>1233</sup> USDOS, *U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Project*, [online] February 26, 2008; available from <http://www.state.gov/g/tip/c12606.htm>.

<sup>1234</sup> USAID official, E-mail communication, January 21, 2008. See also Ministry of Labor and Employment, *OIT*

destaca *Acción de Gobierno para Erradicar Trabajo Infantil*, [online] May 28, 2008]; available from <http://www.mintrab.gov.ec/MinisterioDeTrabajo/index.htm>. See also Ministry of Labor, *Taller Nacional que Promueve la Erradicación Progresiva del Trabajo Infantil en Basurales se Inaguró en Quito*, [online] September 19, 2008]; available from <http://www.mintrab.gov.ec/MinisterioDeTrabajo/index.htm>.

<sup>1235</sup> Ministry of Tourism, *Turismo Lidera Estrategia para Prevenir y Erradicar Prácticas de Explotación Sexual Asociada a Viaje*, [online] 2008 [cited January 26, 2009]; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43). See also Ministry of Tourism, *En Otavalo se Desarrolló un Taller sobre la Prevención y Explotación Sexual de Niños y Adolescentes*, [online] 2008 [cited January 26, 2009]; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=905&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=905&Itemid=43).

<sup>1236</sup> U.S. Embassy- Quito, *reporting, March 4, 2009*.

<sup>1237</sup> Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43). See also Brazilian Ministry of Tourism,

*Equador Assume Direção de Grupo Latino-Americano para a Proteção Infanto-Juvenil*, November 26, 2008; available from [http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Equador\\_assume\\_dir\\_ecao\\_de\\_grupo\\_latino-americano\\_para\\_protecao\\_infanto-juvenil.html](http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Equador_assume_dir_ecao_de_grupo_latino-americano_para_protecao_infanto-juvenil.html).

<sup>1238</sup> Metropolitan Council of Quito, *Ordenanza Metropolitana No. 0241*, (February 8, 2008). See also Technical Secretariat of the National Committee for the Progressive Elimination of Child Labor (CONEPTI), *Acta de Conformación de la Mesa de Trabajo Infantil Indígena*, September 10, 2008. See also Technical Secretariat of the National Committee for the Progressive Elimination of Child Labor (CONEPTI), *Memoria Foro "Erradicando el Trabajo Infantil en Ecuador"* May 6-7, 2008, 2008.

<sup>1239</sup> Development and Self-Management official, Interview, February 4, 2009. See also Central Bank of Ecuador, *PMT inaugura "CENTRO PANITA" y gradúa a 550 niños*, Quito, July 10, 2008; available from <http://www.bce.fin.ec/documentos/PublicacionesNotas/ComunicacionMedios/BoletinesPrensa/BPrensa129.pdf>. See also Minister of Labor and Employment, *El Peti: Boletín No. 2*, March 2008, 3.

## Egypt

### **Incidence and Nature of Child Labor**

A large portion of working children in Egypt is found in the agricultural sector, where children are hired each year for the cotton harvest.<sup>1240</sup> Children also work in a number of sectors deemed hazardous by the Government of Egypt including leather tanning, fishing, glassworks, blacksmithing, working metal and copper, construction, carpentry, mining, auto repair, textile manufacturing, and brick making.<sup>1241</sup> In addition, children participate in the hazardous work of limestone quarrying where they face serious health risks from rock cutting machines, limestone dust, and intense heat.<sup>1242</sup> UNICEF estimates that there are some 1 million street children in Egypt.<sup>1243</sup> Street children, primarily boys, work collecting garbage, begging, and vending.<sup>1244</sup> Street children are particularly vulnerable to becoming involved in illicit activities, including pornography and prostitution.<sup>1245</sup>

Reports indicate a widespread practice of poor, rural families arranging to send their daughters to cities to work as domestic servants in the homes of wealthy residents. Child domestic workers are excluded from the protections of the labor code and are highly susceptible to harsh working conditions as well as physical and sexual abuse.<sup>1246</sup>

Children, especially street children and young girls from poor families, are trafficked internally for the purposes of commercial sexual exploitation, forced begging, and domestic labor.<sup>1247</sup> Recent reports indicate that trafficking for the purposes of child sex tourism is becoming increasingly prevalent in Cairo, Alexandria, and Luxor.<sup>1248</sup> It has been reported that wealthy men from the Gulf region travel to Egypt for the purpose of temporary marriages, a form of commercial sexual exploitation, with minor girls.<sup>1249</sup> Girls are sometimes sold to men for short-term marriages which are akin to prostitution.<sup>1250</sup>

***Selected Statistics and Indicators  
on Child Labor***<sup>1251</sup>

Population, children, 5-14 years, 2005:	15,247,673
Working children, 5-14 years (%), 2005:	6.7
Working boys, 5-14 years (%), 2005:	9.5
Working girls, 5-14 years (%), 2005:	3.7
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	13
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	104.7
Net primary enrollment rate (%), 2007:	95.8
School attendance, children 6-14 years (%), 2005:	88.1
Survival rate to grade 5 (%), 2006:	96.8
ILO Convention 138:	8/4/1982
ILO Convention 182:	5/6/2002
CRC:	7/6/1990
CRCOPAC:	2/6/2007*
CRCOPSC:	7/12/2002*
Palermo:	3/5/2004
ILO-IPEC participating country:	Yes

\*Accession

### **Child Labor Laws and Enforcement**

In June 2008, the minimum age for employment was changed from 14 to 15 years.<sup>1252</sup> The Labor Law, however, still does not apply to children working in agriculture, small family enterprises, or domestic service.<sup>1253</sup>

The law prohibits children 14 to 17 years from working more than 6 hours per day; requires at least a 1 hour break per day; and prohibits them from working overtime, on holidays, more than 4 consecutive hours, and between 7 p.m. and 7 a.m.<sup>1254</sup> The law also allows the employment of children 12 to 14 years in seasonal jobs that do not harm their health or affect their schooling.<sup>1255</sup>

Children 12 to 18 years may participate in certain types of apprenticeship training.<sup>1256</sup> Employers are bound by law to provide working minors an annual medical check-up, and must honor a child's lawful period of annual leave, which is 7

days longer than that of adult workers.<sup>1257</sup> Children under 18 years are prohibited from working in 44 hazardous industries, including cotton compressing, leather tanning, working with explosives, and agricultural activities involving the use of pesticides.<sup>1258</sup> The law penalizes those who break the child labor laws with fines that double if violations are repeated.<sup>1259</sup>

The law prohibits forced labor. It is also illegal for a person to entice or assist a male under 21 years or a female of any age to depart the country to work in prostitution or other "immoral" activities. The law also prohibits the incitement of any person under the age of 21 from committing any act of prostitution or immorality, including the use of children in the production, promotion, or distribution of pornography. Violations of these laws are punishable with imprisonment for 1 to 7 years.<sup>1260</sup> In June 2008, amendments to the Child Protection Law were approved that criminalized trafficking in children. The new legislation also criminalizes commercial or economic abuse of children.<sup>1261</sup> Those convicted of involvement with child trafficking face a minimum of 5 years imprisonment and a fine.<sup>1262</sup> Perpetrators can be prosecuted if the act is committed abroad, and the punishment is increased if children are trafficked by a criminal transnational organization.<sup>1263</sup> Child traffickers may also be prosecuted under laws related to the abduction of children and rape.<sup>1264</sup>

The minimum age for compulsory recruitment into the Egyptian Armed Forces is 18 years. Children may voluntarily enter the Armed Forces at 16 years.<sup>1265</sup>

The Child Labor Unit within the Ministry of Manpower and Migration (MOMM) coordinates investigations based on reports of child labor violations and enforces the laws pertaining to child labor. USDOS reports that enforcement in state-owned businesses is adequate, while enforcement in the informal sectors is lacking, especially in villages and poorer urban areas.<sup>1266</sup>

Children are victims of commercial sexual exploitation and USDOS reports indicate that street children are treated as criminals rather than victims by law enforcement officers.<sup>1267</sup> In January

2009, Egypt's Tanta Criminal Court affirmed the verdicts against those convicted of trafficking and murdering 24 street children, while in February the Alexandria Prosecutor's Office began investigating an organization that allegedly forced street children into prostitution.<sup>1268</sup> However, according to USDOS, while some progress has been made, the lack of adequate financial resources to enforce trafficking laws as well as a lack of formal training for police and first responders significantly inhibits the successful implementation of the laws.<sup>1269</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government's National Council for Childhood and Motherhood (NCCM) continues to implement the First National Strategy for the Progressive Elimination of Child Labor.<sup>1270</sup> In June 2008, First Lady Suzanne Mubarak chaired a NCCM-organized conference entitled "A Future without Child Labor."<sup>1271</sup> The NCCM continues to collaborate with MOMM, the Egyptian Trade Union Federation (ETUF), ILO, UNICEF, WFP, and the Ministries of Social Affairs, Agriculture, Education, Health, and Interior to implement action programs to reduce child labor.<sup>1272</sup> The NCCM worked during 2008 to provide working minors with social security safeguards and provided families with alternative sources of income to reduce school dropout rates.<sup>1273</sup>

The NCCM and the Ministry of Social Security also provide services for street children.<sup>1274</sup> The NCCM also operates a 24-hour child labor hotline.<sup>1275</sup> In January 2009, the NCCM opened a rehabilitation center for child victims of human trafficking.<sup>1276</sup> Additionally, Egypt's National Commission for Combating Trafficking in Persons, which is composed of 16 governmental agencies, is conducting a broad study into the scope and the nature of human trafficking in the republic.<sup>1277</sup>

The First Lady of Egypt sponsors an awareness-raising campaign to combat human trafficking. It calls for ethical business practices and improving law enforcement cooperation.<sup>1278</sup> Additionally, there is an anti-trafficking unit within the NCCM, which serves a wide variety of functions including advancing the reform of trafficking-

related legislation, victim rehabilitation, capacity building, increasing awareness of human trafficking and issuing publications concerning the different forms of trafficking.<sup>1279</sup> The unit has also started training government officials on human trafficking, with a special focus on judges and prosecutors.<sup>1280</sup> The Public Prosecutor's Office has administered training for 125 prosecutors working on cases of child trafficking.<sup>1281</sup> The training focused on raising awareness of vulnerable child populations, and using the Child Labor Law amendments effectively for prosecution.<sup>1282</sup>

The Government of Egypt continues to participate in the USDOL-funded USD 5.09 million UN WFP project to combat exploitive child labor through education. The project aims to withdraw 4,300 children and prevent 6,000 children from exploitive labor.<sup>1283</sup> The Government of Egypt is also participating in a USD 168,280 Italian-funded ILO-IPEC child labor project.<sup>1284</sup>

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<sup>1240</sup> ILO Committee of Experts, *Comments made by the CEACR: Minimum Age Convention, 1973 (No. 138), Egypt (ratification: 1999) (paper presented at the 75th Session, Geneva)*, 2002; available from [hard copy on file]. See also Agence France-Presse, "Egypt child labour a sombre reality," 2008; available from [http://afp.google.com/article/ALeqM5g8x0QCubrK\\_seW-OynM7MJqGDzZA](http://afp.google.com/article/ALeqM5g8x0QCubrK_seW-OynM7MJqGDzZA). See also Dan McDougall, "Luxury Cotton's True Cost Exposed" *The Observer*, 2008; available from <http://www.guardian.co.uk/society/2008/jun/08/childprotection.humanrights>.

<sup>1241</sup> See also WFP, *Rapid Assessment: Identification of Worst Forms of Child Labor in Beni Sweif, Assiut, Sohag and Red Sea*, May 2007, 4, 18-22. See also Associated Press, "In Egypt, Child Workers a Growing Problem as Food Prices Rise," April 3, 2008; available from [hard copy on file].

<sup>1242</sup> U.S. Embassy - Cairo, *reporting*, July 31, 2008, sections 3-5. See also Daily Star Egypt staff, "Children of the Quarries," *Daily News Egypt*, [online], April 10, 2006 [cited April 1, 2009], para 3, 6-7; available from <http://www.thedailynewsegypt.com/article.aspx?ArticleID=1153>.

<sup>1243</sup> UNICEF, "A new approach to Egypt's street children," 2006; available from [http://www.unicef.org/infobycountry/egypt\\_30616.html](http://www.unicef.org/infobycountry/egypt_30616.html).

<sup>1244</sup> UNWFP, *Rapid Assessment: Identification of Worst Forms of Child Labor in Beni Sweif, Assiut, Sohag and Red Sea*, May 2007, 5.

<sup>1245</sup> Clarisa Bencomo, *Charged with Being Children: Egyptian Police Abuse of Children in Need of Protection*, Human Rights Watch, New York, February 2003, 40; available from <http://www.hrw.org/en/reports/2003/02/18/charged-being-children-0>. See also ECPAT International CSEC Database, *Egypt*, accessed December 6, 2007; available from <http://www.ecpat.net/>. See also Karam Saber, *A Situational Analysis of Commercial Sexual Exploitation of Children in Egypt*, Land Centre for Human Rights, March 2003, 4-6; available from [hard copy on file]. See also U.S. Department of State, "Egypt (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>1246</sup> Karam Saber, *Commercial Sexual Exploitation of Children in Egypt*, 10-11. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Egypt."

<sup>1247</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Egypt." See also U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 2d.

<sup>1248</sup> U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 2b.

<sup>1249</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Egypt." See also U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 2b.

<sup>1250</sup> Integrated Regional Information Networks, "Egypt: Minors Sold for Prostitution Under Guise of Marriage", IRINnews.org, [online], November 16, 2006 [cited February 2, 2009]; available from <http://www.irinnews.org/report.aspx?reportId=61947>.

<sup>1251</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Egypt, *Labour Law*, Law No. 12/2003, (April 7, 2003), article 99; available from <http://www.egypt.gov.eg/english/laws/labour/default.aspx>. See also Kawther Abu Gazaleh, Lamia Bulbul, and Suadad Najium, *Gender, Education and Child Labour in Egypt*, 2004, 28; available from [hard copy on file]. For age to which education is compulsory, see UNESCO, *Education for All Global Monitoring Report 2008*, 2008; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>. For free public education, see Government of Egypt, *The Constitution of the Arab Republic of Egypt*, (May 22, 1980), article 20; available from <http://aceproject.org/ero-en/regions/mideast/EG/Egyptian%20Constitution%20-%20english.pdf>. See also U.S. Embassy- Cairo, *reporting, January 22, 2009*.

<sup>1252</sup> U.S. Embassy- Cairo, *reporting, January 22, 2009*, paras 1 and 2.

<sup>1253</sup> Government of Egypt, *Labour Law*, article 103. See also ILO Committee of Experts, *CEACR Comments*, 3.

<sup>1254</sup> Government of Egypt, *Labour Law*, articles 98 and 101.

<sup>1255</sup> U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 4a. See also U.S. Department of State, "Egypt," 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/nea/119114.htm>. See also ILO-IPEC, *Gender, Education and Child Labour in Egypt*, prepared by Kawther Abu Gazaleh, Lamia Bulbul, and Suadad Najium, 2004, 28; available from [hard copy on file]. See also ILO Committee of Experts, *CEACR Comments*, 4, article 7. See also Land Center for Human Rights, *The Rights of Working Children and their Protection*, November 25, 2008; available from [http://www.crin.org/docs/The\\_rights\\_of\\_working\\_children\\_and\\_their\\_protection.doc](http://www.crin.org/docs/The_rights_of_working_children_and_their_protection.doc).

<sup>1256</sup> Government of Egypt, *Decree Concerning the Rules and Procedures Regulating Vocational Apprenticeship*, Decree No. 175 of 2003, (August 31, 2003).

<sup>1257</sup> U.S. Embassy- Cairo, *reporting, March 4, 2009*.

<sup>1258</sup> Government of Egypt, *Decree Determining the System of Employing Children, and the Conditions, Terms and Cases in which They Are Employed as well as the Works, Vocations, and Industries in which it is Prohibited to Employ Them, According to the Different Stages of Age*, Decree No. 118 of 2003, (June 30, 2003), Articles 1-9. See also U.S. Embassy- Cairo, *reporting, August 18, 2003*, para 2.

<sup>1259</sup> U.S. Embassy- Cairo, *reporting, August 18, 2003*, section 5.

<sup>1260</sup> Government of Egypt, "Egypt," in *Legislation of Interpol Member States on Sexual Offences against Children*, 2007; available from <http://www.interpol.org/Public/Children/SexualAbuse/NationalLaws/csaEgypt.asp>. See also UN Committee on the Elimination of Racial Discrimination (CERD), *Periodic Reports of States Parties due in 1999*, CERD/C/384/Add.3, prepared by Government of Egypt, pursuant to Article 9 of the Convention on the Elimination of all Forms of Racial Discrimination, April 11, 2001, para 134; available from <http://www.arabhumanrights.org/countries/egypt/cerd/cerd-c384-add3-01e.pdf>.

<sup>1261</sup> U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 4a.

<sup>1262</sup> Ibid.

<sup>1263</sup> Ibid.

<sup>1264</sup> U.S. Embassy- Cairo, *reporting, February 28, 2008*.

<sup>1265</sup> Coalition to Stop the Use of Child Soldiers, "Egypt," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=63>.

<sup>1266</sup> U.S. Embassy- Cairo, *reporting, January 22, 2009*, para 5.

<sup>1267</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Egypt." See also U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 4i.

<sup>1268</sup> U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 4e.

<sup>1269</sup> *Ibid.*, section 3c.

<sup>1270</sup> U.S. Embassy- Cairo, *reporting, January 22, 2009*, para 7.

<sup>1271</sup> *Ibid.*

<sup>1272</sup> U.S. Embassy- Cairo, *reporting, September 1, 2004*, para 7. See also U.S. Embassy- Cairo, *reporting, September 12, 2005*, 12. See also Abu Gazaleh, Bulbul, and Najium, *Gender, Education and Child Labour in Egypt*, 54. See also U.S. Department of State, "Country Reports- 2008: Egypt," section 6d.

<sup>1273</sup> U.S. Department of State, "Country Reports- 2008: Egypt," section 6d.

<sup>1274</sup> U.S. Embassy- Cairo, *reporting, February 28, 2008*. See also U.S. Department of State, "Country Reports- 2008: Egypt," section 6d.

<sup>1275</sup> U.S. Embassy- Cairo, *reporting, January 22, 2009*, para 6. See also U.S. Department of State, "Country Reports- 2008: Egypt."

<sup>1276</sup> U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 4l.

<sup>1277</sup> *Ibid.*, section 2b.

<sup>1278</sup> U.S. Embassy- Cairo, *reporting, June 10, 2008*.

<sup>1279</sup> U.S. Embassy- Cairo, *reporting, March 4, 2009*, section 2a.

<sup>1280</sup> *Ibid.*, section 4e.

<sup>1281</sup> *Ibid.*, section 2b.

<sup>1282</sup> *Ibid.*

<sup>1283</sup> WFP, *Combating Exploitative Child Labor through Education in Egypt*, Technical Progress Report, Cairo, August 31, 2008, 2-3.

<sup>1284</sup> ILO-IPEC Geneva official, USDOL official E-mail communication to, December 9, 2008.

## El Salvador

### Incidence and Nature of Child Labor

In El Salvador, children work more often in rural areas than in urban areas.<sup>1285</sup> They work in sugarcane and coffee harvesting, fishing, and mollusk extraction. They also work in the production of fireworks, garments, and garbage scavenging.<sup>1286</sup> Girls work as domestic servants in third-party homes and as street vendors. Some working children assist with family-operated businesses.<sup>1287</sup> Boys are more likely to be paid for their work than girls.<sup>1288</sup>

Commercial sexual exploitation and trafficking of children, especially of girls, is a problem. El Salvador is reported to be a transit point for girls trafficked internationally.<sup>1289</sup> Some children are trafficked internally from poor areas to urban areas for the purpose of commercial sexual exploitation. At-risk groups include girls, children, and adolescents without formal education from poor areas.<sup>1290</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years. Children who have reached 12 years

may be allowed to perform light work if it does not hinder school attendance, health, or personal development.<sup>1291</sup> There are also exceptions for artistic performances. Children under 16 years are prohibited from working more than 6 hours per day, 34 hours per week, or 2 hours overtime in one day.<sup>1292</sup> Children under 18 years are prohibited from working at night and are required to have a physical exam to determine whether they are capable of performing a particular job. Employers who hire children must maintain a child labor registry.<sup>1293</sup> Hazardous or unhealthy work is prohibited for all minors under age 18, including such activities as cutting or sawing; work underground; work with explosives or toxic materials; in construction, mines, or quarries; at sea; or in bars, pool halls, and similar establishments.<sup>1294</sup>

Forced labor is prohibited, except in cases of public emergency and in particular cases established by law.<sup>1295</sup> The minimum age for compulsory military service is 18 years. With parental consent, children between 16 and 18 years may volunteer for military service.<sup>1296</sup> The law prohibits trafficking in persons. Criminal



penalties for trafficking range from 4 to 8 years of imprisonment, and might increase by 1 to 3 years if the victim is under 18 years.<sup>1297</sup> The law provides for penalties of 3 to 8 years of imprisonment for the inducement, facilitation, or promotion of sexual acts with a person under age 18.<sup>1298</sup> Forced prostitution of a minor incurs penalties of 8 to 12 years in prison. Production and distribution of child pornography carries penalties of 6 to 12 years of imprisonment.<sup>1299</sup>

MTPS reported conducting 608 labor inspections in coffee and sugar plantations, in fireworks factories, and in the fishing and mollusks industry.<sup>1302</sup> However, the Ministry did not report on the number of children found.<sup>1303</sup> The National Committee against Trafficking in Persons comprises 12 government agencies that are responsible for combating trafficking, and the Ministry of Foreign Affairs chairs it. Ten national government agencies, along with the Government of San Salvador, the Community Development Board of the municipalities of Morazan and San Miguel, the National Coordinating Committee of Women in El Salvador (CONAMUS), and the Intervida Foundation are part of the National Roundtable to Combat the Commercial Sexual Exploitation of Children, which coordinates efforts to address this issue.<sup>1304</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Salvadoran Government continued to implement its National Plan for the Eradication of the Worst Forms of Child Labor (2006-2009). In collaboration with NGOs, the Government carried out several initiatives to combat child labor, including an initiative with the Spanish NGO Intervida aimed at withdrawing 500 children from working in agriculture in the departments of San Vicente, La Paz, and Usulután.<sup>1305</sup> The Government launched the National Policy to Combat Trafficking in Persons and the National Strategic Plan to Combat Trafficking in People (2008-2012).<sup>1306</sup> The National Policy aims to eradicate trafficking in people by establishing strategic areas of intervention such as prevention and combating of trafficking in persons, assistance and protection to victims of trafficking, reviewing and updating legislation to combat trafficking in persons, and monitoring and evaluation of government agencies' performance to combat trafficking in people.<sup>1307</sup> The National Strategic Plan to Combat Trafficking in Persons seeks to develop a framework for government agencies to combat trafficking and coordinate efforts under the strategic areas of intervention set up by the National Policy.<sup>1308</sup> The Government of El Salvador, along with the Government of San Salvador, the Community Development Board of

<i>Selected Statistics and Indicators on Child Labor<sup>1300</sup></i>	
Population, children, 5-14 years, 2003:	1,598,487
Working children, 5-14 years (%), 2003:	10.2
Working boys, 5-14 years (%), 2003:	13.7
Working girls, 5-14 years (%), 2003:	6.5
Working children by sector, 5-14 years (%), 2003:	
- Agriculture	51.2
- Manufacturing	12.4
- Services	35.3
- Other	1.1
Minimum age for work:	14
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	117.8
Net primary enrollment rate (%), 2007:	92
School attendance, children 5-14 years (%), 2003:	80.4
Survival rate to grade 5 (%), 2006:	73.7
ILO Convention 138:	1/23/1996
ILO Convention 182:	10/12/2000
CRC:	7/10/1990
CRCOPAC:	4/18/2002
CRCOPSC:	5/17/2004
Palermo:	3/18/2004
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

Enforcement of child labor laws is the responsibility of the Ministry of Labor and Social Welfare (MTPS). The Ministry has a monitoring unit for the eradication of child labor that verifies whether children are engaged in the worst forms of child labor and provides information to the labor inspections unit, which investigates child labor cases.<sup>1301</sup> It has 159 labor inspectors, but none exclusively cover child labor cases. In 2008,

Morazan and San Miguel, CONAMUS, and Intervida Foundation, agreed to maintain the National Round-Table to Combat the Sexual Exploitation of Children through 2012.<sup>1309</sup>

The Ministry of Education set up an online database that provides information about working children, broken down and mapped by school. It published educational materials that include information about child labor, and it conducted awareness-raising activities.<sup>1310</sup> Under its initiative to provide health services to poor families in rural areas, the Ministry of Public Health and Social Welfare gathers information on child labor through the family health cards that those families receive.<sup>1311</sup>

During the reporting period, the Ministry of Labor and Social Security consolidated its child labor efforts at the local and regional levels by designating an official to coordinate child labor activities. In partnership with ILO-IPEC, the Ministry conducted the workshop “Developing a Road Map to Make Central America, Panama, and the Dominican Republic a Child-Labor Free Zone.” Government officials and representatives from trade unions, employers, and NGOs participated in this event.<sup>1312</sup> Red Solidaria, the Government of El Salvador conditional cash transfer program, conducted child labor awareness-raising among program beneficiaries, using materials designed by ILO-IPEC and published by UNICEF. The Attorney General’s Office published a guide on how to prosecute cases of human trafficking, including trafficking of children.<sup>1313</sup> Beginning in 2008, the National Household Survey includes questions about child labor. The Government of El Salvador supported the Huellas Foundation in assisting child victims of trafficking during the reporting period.<sup>1314</sup>

The Government of El Salvador continues to collaborate in an 8-year, USD 7.4 million project that supports El Salvador’s National Timebound Program to eliminate the worst forms of child labor in fishing, sugarcane harvesting, commercial sexual exploitation, and garbage-dump scavenging, funded by USDOL and implemented by ILO-IPEC. The project entered its second phase in 2006, aimed at withdrawing

3,210 and preventing 8,808 children from exploitive child labor.<sup>1315</sup>

The Government also participated in regional projects funded by USDOL, including a 7-year USD 8.8 million regional project implemented by ILO-IPEC, which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. The project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>1316</sup> In addition, the Government participated in a USD 5.7 million 4-year child labor education project implemented by CARE that worked to strengthen the Government and civil society’s capacity to combat child labor through education. The project ended in March 2009 and withdrew and prevented 4,105 children from exploitive child labor in the region.<sup>1317</sup> The activities in El Salvador for both of these projects, however, focus on strengthening legislation, policies, and institutions, and promoting regional cooperation.<sup>1318</sup>

The Government of El Salvador also participates in a USD 3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain and implemented by ILO-IPEC.<sup>1319</sup> In addition, IDB, Save the Children, UNODC, USAID, USDOS, and UNICEF support the Salvadoran Government’s efforts in addressing child labor, including the commercial sexual exploitation of children and trafficking in children.<sup>1320</sup>

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<sup>1285</sup> Government of El Salvador, *Plan Nacional 2006-2009 para la Erradicación de las Peores Formas de Trabajo Infantil*, Comité Nacional para la Erradicación de las Peores Formas de Trabajo Infantil, March 2006, 32; available from [http://www.oit.org.pe/ipecc/documentos/plan\\_nacional\\_es.pdf](http://www.oit.org.pe/ipecc/documentos/plan_nacional_es.pdf). See also Government of El Salvador, *Unidad Erradicación de las Peores Formas del Trabajo Infantil*, [online] [cited March 16, 2009]; available from <http://trabajoinfantil.mtps.gob.sv/default.asp?id=3&mnu=3>. See also U.S. Embassy- San Salvador, *reporting*, June 12, 2008.

<sup>1286</sup> Government of El Salvador, *Unidad Erradicación de las Peores Formas del Trabajo Infantil*. See also Government of El Salvador, *Plan Nacional*, 32-36. See also U.S. Department of State, “Country Reports- 2008:

El Salvador," section 6d. See also U.S. Embassy- San Salvador official, E-mail communication to USDOL official, July 25, 2008.

<sup>1287</sup> Human Rights Watch, *Abuses Against Child Domestic Workers in El Salvador*, Vol. 16, No. 1 (B), January 2004, 2 and 9; available from <http://www.hrw.org/sites/default/files/reports/elsalvador0104.pdf>. See also U.S. Department of State, "Country Reports- 2008: El Salvador," section 6d. See also Government of El Salvador, *Plan Nacional*.

<sup>1288</sup> Government of El Salvador, *Plan Nacional*, 31-32.

<sup>1289</sup> U.S. Department of State, "Country Reports- 2008: El Salvador," section 5. See also U.S. Department of State, "El Salvador (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>1290</sup> U.S. Embassy- San Salvador, *reporting*, February 20, 2009. See also U.S. Department of State, "El Salvador," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: El Salvador."

<sup>1291</sup> Government of El Salvador, *Código de Trabajo*, (June 23, 1972), article 114; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/49592/65113/S95SLV01.htm#a104>.

<sup>1292</sup> *Ibid.*, articles 114 and 116.

<sup>1293</sup> *Ibid.*, articles 116 and 117.

<sup>1294</sup> *Ibid.*, articles 105-108.

<sup>1295</sup> Government of El Salvador, *Constitution*, title 2, chapter 1, section 1, article 9. See also U.S. Department of State, "Country Reports- 2008: El Salvador," section 6c.

<sup>1296</sup> Government of El Salvador, *Constitution*, article 215. See also Coalition to Stop the Use of Child Soldiers, "El Salvador," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1297</sup> Government of El Salvador, *Decreto No. 210*, (November 25, 2003), article 24 (modified article 367b of Penal Code); available from [http://www.oit.or.cr/ipsec/encuentros/documentos/sv\\_decreto\\_reforma\\_esci.pdf](http://www.oit.or.cr/ipsec/encuentros/documentos/sv_decreto_reforma_esci.pdf).

<sup>1298</sup> *Ibid.*, 12 (modified article 169 of Penal Code).

<sup>1299</sup> *Ibid.*, articles 14 and 18 (modified articles 170 and 173 of Penal Code).

<sup>1300</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of El Salvador, *Constitution of the Republic of El Salvador*, (1983), title 2, chapter 2, section 2, article 38; available from <http://pdba.georgetown.edu/Constitutions/ElSal/ElSal83.html>. For age to which education is

compulsory, see UNESCO, *EFA Global Monitoring Report 2008*, Paris, 2008, 278; available from <http://www.unesco.org/education/gmr2008/annexes/annex5.pdf>. For free public education, see Government of El Salvador, *Constitution*, title 2, chapter 2, section 3, article 56. See also U.S. Department of State, "El Salvador," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>.

<sup>1301</sup> U.S. Department of State, "Country Reports- 2008: El Salvador," section 6d. See also Government of El Salvador, *Unidad Erradicación de las Peores Formas del Trabajo Infantil*.

<sup>1302</sup> U.S. Department of State, "Country Reports- 2008: El Salvador," section 6d.

<sup>1303</sup> U.S. Embassy- San Salvador, *reporting*, January 21, 2009.

<sup>1304</sup> Government of El Salvador, *Decreto No. 114*, (November 30, 2005); available from <http://www.isdemu.gob.sv/documentos/Cr%E9ase%20el%20Comit%E9%20Nacional%20contra%20la%20Trata%20de%20Personas.pdf>. See also Government of El Salvador, *Carta de Entendimiento para la Erradicación de la Explotación Sexual Comercial de los Niños y Niñas y Adolescentes*, San Salvador, November 4, 2004, 4; available from [http://www.rree.gob.sv/sitio/img.nsf/vista/UnidadSocial/\\$file/CARTA%20DE%20ENTENDIMIENTO.pdf](http://www.rree.gob.sv/sitio/img.nsf/vista/UnidadSocial/$file/CARTA%20DE%20ENTENDIMIENTO.pdf).

<sup>1305</sup> Government of El Salvador, *Plan Nacional*, 41-44. See also ILO-IPEC, *Supporting the Time-bound Programme for the Elimination of the Worst Forms of Child Labour in El Salvador*, Technical Progress Report, Geneva, September 30, 2006. See also U.S. Embassy- San Salvador, *reporting*, January 21, 2009.

<sup>1306</sup> Government of El Salvador, *Política Nacional para la Erradicación de la Trata de Personas en El Salvador*, May 2008; available from [http://www.mspas.gob.sv/comunicaciones/trata\\_personas/pdf/politica\\_nacional.pdf](http://www.mspas.gob.sv/comunicaciones/trata_personas/pdf/politica_nacional.pdf). See also Government of El Salvador, *Plan Estratégico 2008-2012*, December 2008; available from [http://www.mspas.gob.sv/comunicaciones/trata\\_personas/pdf/plan\\_estrategico.pdf](http://www.mspas.gob.sv/comunicaciones/trata_personas/pdf/plan_estrategico.pdf).

<sup>1307</sup> Government of El Salvador, *Política Nacional para la Erradicación de la Trata de Personas en El Salvador*, 13.

<sup>1308</sup> Government of El Salvador, *Plan Estratégico 2008-2012*, 12-13.

<sup>1309</sup> Government of El Salvador, *Prórroga a la Carta de Entendimiento para la Erradicación de la Explotación Sexual Comercial de los Niños, Niñas y Adolescentes*, San Salvador, November 5, 2008.

<sup>1310</sup> ILO-IPEC, *Supporting the Time-bound Programme for the Elimination of the Worst Forms of Child Labour in El Salvador*, Technical Progress Report, March 30, 2008, 4. See also ILO-IPEC, *Supporting the Time-bound*

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*Programme for the Elimination of the Worst Forms of Child Labour in El Salvador*, Technical Progress Report, Geneva, September 6, 2007, 11-13. See also U.S. Department of State, "Country Reports- 2008: El Salvador," section 6d.

<sup>1311</sup> ILO-IPEC, *Supporting the Time-bound Programme*, Technical Progress Report, March 2008, 4.

<sup>1312</sup> Ibid. See also ILO-IPEC San Salvador and Geneva officials, Interview with USDOL officials, January 29, 2009. See also Ministry of Labor, *Ministerio de Trabajo y el Programa IPEC/OIT Desarrollaron Taller "Desarrollo para Hacer de Centroamérica, Panamá, y República Dominicana una Zona Libre de Trabajo Infantil"*, March 26, 2009; available from <http://www.mtps.gob.sv/default.asp?id=1&ACT=5&content=433&mnu=1>.

<sup>1313</sup> ILO-IPEC, *Supporting the Time-bound Programme*, Technical Progress Report, March 2008, 4. See also ILO-IPEC San Salvador and Geneva officials, Interview, January 29, 2009. See also Government of El Salvador, *Protocolo de Capacitación a las Familias Beneficiarias del Programa Red Solidaria*, 2008. See also Government of El Salvador, *Módulo de Capacitación Niñas y Niños en Riesgo - Trabajo Infantil*, 2008.

<sup>1314</sup> ILO-IPEC, *Supporting the Time-bound Programme*, Technical Progress Report, March 2008, 4. See also ILO-IPEC San Salvador and Geneva officials, Interview, January 29, 2009. CARE International, *Primero Aprendo Project: Combating Exploitative Child Labor through Education in Central America and Dominican Republic*, Technical Progress Report, September 19, 2008, 3. See also UNODC, *Global Report on Trafficking in Persons*, February 2009, 144; available from [http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf).

<sup>1315</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in El Salvador 2002-2005*, Project Document, Geneva, July 2001. See also ILO-IPEC, *Supporting the Time-bound Programme for the Elimination of the Worst Forms of Child Labour in El Salvador - Phase II*, Project Document, Geneva, September 30, 2006.

<sup>1316</sup> ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Document, RLA/02/P51/USA, San Jose, April

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2002, 26. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, RLA/05/P52/USA, Geneva, September 2005, 22, 34, 41.

<sup>1317</sup> CARE International, *Primero Aprendo Project: Combating Exploitative Child Labor through Education in Central America and the Dominican Republic*, Project Revision, September 29, 2006. See also CARE International, *Primero Aprendo Project: Combating Exploitative Child Labor through Education in Central America and the Dominican Republic*, Project Revision, April 19, 2007, 1-2.

<sup>1318</sup> CARE International, *Primero Aprendo Project: Combating Exploitative Child Labor through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, August 16, 2004, 5. See also ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic* Project Document, 26. See also ILO-IPEC, *Elimination of Commercial Sexual Exploitation of Children*, Project Addendum, 34.

<sup>1319</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO, *IPEC Action Against Child Labour 2008: Highlights*, 2009, 56; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=9471>.

<sup>1320</sup> Commission for Women, Children, Youth, and Family, *I Plan de Trabajo Regional de la Comisión para Apoyar la Prevención y Eliminación de la Trata de Personas y la Explotación Sexual Comercial de Niños, Niñas y Adolescentes (2008-2010)*, Central American Parliament, July 2008, 12-13. See also U.S. Embassy- San Salvador, *reporting, January 21, 2009*. See also U.S. Department of State, *U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Projects*, February 26, 2008; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

# Equatorial Guinea

## *Selected Statistics and Indicators on Child Labor<sup>1321</sup>*

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	13
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	122.0
Net primary enrollment rate (%), 2003:	87.0
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2001:	33.0
ILO Convention 138:	6/12/1985
ILO Convention 182:	8/13/2001
CRC:	6/15/1992**
CRCOPAC:	No
CRCOPSC:	2/7/2003**
Palermo:	2/7/2003
ILO-IPEC participating country:	No

\*\*In practice, must pay for various school expenses

\*\*Accession

### **Incidence and Nature of Child Labor**

In Equatorial Guinea, children work in subsistence agriculture and auto mechanic workshops, and sometimes as street or market vendors and car washers.<sup>1322</sup> In the past, children from Nigeria, Benin, Cameroon, and Gabon were trafficked to the cities of Malabo and Bata for forced labor, sometimes for commercial sexual exploitation; it is unclear whether such trafficking continues in significant numbers.<sup>1323</sup>

### **Child Labor Laws and Enforcement**

The Labor Law sets the minimum age for employment at 14 years but allows children 13 years to perform light work.<sup>1324</sup> Children under 16

years are specifically prohibited from work that might harm their health, safety, or morals.<sup>1325</sup> A Government decree on child trafficking establishes that minors are specifically protected from child labor in street vending and other jobs in the informal and formal sectors during school and night hours.<sup>1326</sup> The criminal penalty for employing children under this decree is 1 year in prison and a fine.<sup>1327</sup>

Another Government decree bans all children under 17 years of age from being on the streets after 11 p.m.<sup>1328</sup> The decree forbids parents or tutors from exploiting children for labor, such as street vending, car washing, or working in bars or restaurants. Under the decree, youth found in the above situations will be automatically arrested, and businesses that employ minors, including family businesses, are subject to a fine or may be closed.<sup>1329</sup> From April 2007 through March 2008, the most recent period such information is available, USDOS reported that the Government of Equatorial Guinea regularly enforced these laws through street-level police patrols, who fined individuals employing child workers, especially in markets.<sup>1330</sup>

Forced or compulsory child labor is forbidden.<sup>1331</sup> The law prohibits trafficking in persons and stipulates a penalty of 10 to 15 years' imprisonment and a fine for trafficking offenses.<sup>1332</sup> The Government also began distributing procedural manuals for police and military outposts that include measures for processing suspected traffickers and provides wallet cards to help identify and care for trafficking victims.<sup>1333</sup> During the reporting period the Government of Equatorial Guinea increased the monitoring of trans-border movement of minors and has regularly patrolled open-air markets to deter child labor and identify potential child trafficking victims.<sup>1334</sup>

Equatorial Guinea was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and

Central African Regions.<sup>1335</sup> As part of the Multilateral Cooperative Agreement, the governments agreed to use the child trafficking monitoring system developed by the USDOL-funded ILO-IPEC LUTRENA project; to assist each other in the investigation, arrest, and prosecution of trafficking offenders; and to protect, rehabilitate, and reintegrate trafficking victims.<sup>1336</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Equatorial Guinea continues to train military and police officials on human trafficking issues through MPRI, a U.S. security training contractor. The Government also distributes wallet cards to security officials to help them identify and care for trafficking victims. The Government continues to collaborate with UNICEF to raise public awareness about human trafficking.<sup>1337</sup>

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<sup>1321</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, age to which education is compulsory and free public education, see Government of Equatorial Guinea, *Constitution of the Republic of Equatorial Guinea*, (1991), article 23; available from [www.guinea-ecuatorial.gq/Government/index.cfm?PageID=26](http://www.guinea-ecuatorial.gq/Government/index.cfm?PageID=26). See also Government of Equatorial Guinea, *Ley Num. 14/1.995: Reformado el Decreto- Ley sobre Educación General en Guinea Ecuatorial* (January 9, 1995), article 3. See also U.S. Embassy-Malabo, *reporting*, September 15, 2008, para IV. See also UNESCO, *2009 EFA Global Monitoring Report- Overcoming inequality: why governance matters*, UNESCO, Oxford, 2008; available from <http://www.unesco.org/en/education/efareport/>.

<sup>1322</sup> European Union Fund for Development official, Interview with USDOL consultant, May 22, 2007. See also Constitutional Court official, Interview with USDOL consultant, May 24, 2007. See also Ministry of Justice and Culture official, Interview with USDOL consultant, May 30, 2007. See also U.S. Department of State official, E-mail communication to USDOL official, July 14, 2008. See also U.S. Department of State, "Equatorial Guinea," 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/118999.htm>.

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<sup>1323</sup> U.S. Department of State, "Country Reports- 2008: Equatorial Guinea," section 5. See also U.S. Embassy-Malabo, *reporting*, March 3, 2009, para 23b. See also Government of Equatorial Guinea, *Plan de Acción de Lucha Contra el Tráfico y la Trata de Niños 2005-2009*, 2005, 10 and 11. See also U.S. Department of State, "Equatorial Guinea (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm>. See also U.S. Department of State official, E-mail, July 14, 2008.

<sup>1324</sup> Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, 2/1990, (January 4, 1990), article 11. See also U.S. Department of State official, E-mail, July 14, 2008.

<sup>1325</sup> Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, article 11.

<sup>1326</sup> Government of Equatorial Guinea, *Sobre el Tráfico Ilícito de Migrantes y la Trata de Personas*, 1/2004, (September 14, 2004), articles 1b, 4, 5. See also Alicia Campos Serrano and Plácido Micó Abogo, *Labor and Trade Union Freedom in Equatorial Guinea*, Fundación Paz y Solidaridad Serafín Aliaga de Comisiones Obreras, Madrid, 2006, 48.

<sup>1327</sup> Government of Equatorial Guinea, *Tráfico Ilícito de Migrantes y la Trata de Personas*, article 5.

<sup>1328</sup> Government of Equatorial Guinea, *Regulación Sobre la Circulación de Menores de Edad Durante Determinadas Horas Nocturnas, así como su Explotación para Actividades con Fines Lucrativos*, Orden Ministerial 4/2005, (June 20, 2005), article 1. See also Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, articles 6, 4, 11.

<sup>1329</sup> Government of Equatorial Guinea, *Curfew for Minors Ordinance*, articles 1-3.

<sup>1330</sup> U.S. Embassy- Malabo, *reporting*, March 5, 2008, paras 2a and 2e.

<sup>1331</sup> Government of Equatorial Guinea, *Ordenamiento General del Trabajo*, article 3.

<sup>1332</sup> Government of Equatorial Guinea, *Tráfico Ilícito de Migrantes y la Trata de Personas*, article 3. See also U.S. Embassy- Malabo, *reporting*, March 3, 2009, para 25b.

<sup>1333</sup> U.S. Embassy- Malabo, *reporting*, September 15, 2008, para 3d.

<sup>1334</sup> *Ibid.*, para 2a.

<sup>1335</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>1336</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-7. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and*

## Eritrea

### Selected Statistics and Indicators on Child Labor<sup>1338</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	13 or 14
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	62.2
Net primary enrollment rate (%), 2006:	46.5
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2005:	73.7
ILO Convention 138:	2/22/2000
ILO Convention 182:	No
CRC:	8/3/1994
CRCOPAC:	2/16/2005**
CRCOPSC:	2/16/2005**
Palermo:	No
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

### Incidence and Nature of Child Labor

Children in Eritrea work in agriculture, on the streets, and as domestic servants.<sup>1339</sup> Children in rural areas of Eritrea work on farms and in fields gathering firewood, hauling water, and herding livestock.<sup>1340</sup> In urban areas, they work as vendors selling items such as cigarettes, newspapers, and chewing gum.<sup>1341</sup> Children under the legal age work in towns as apprentices in shops,

workshops, and garages.<sup>1342</sup> Children are also involved in commercial sexual exploitation.<sup>1343</sup>

In order to graduate, all secondary school students are required to complete their final, 12<sup>th</sup> year of schooling at a facility adjacent to the Sawa Military Training Camp (Sawa) in remote western Eritrea. Students who do not attend Sawa are not eligible to take their final examinations or to graduate.<sup>1344</sup> According to USDOS, students receive initial military training at Sawa. There is no specific age required to complete the final year of school and thus children as young as 14 may be trained.<sup>1345</sup>

### Child Labor Laws and Enforcement

Eritrean law sets the minimum age of employment and apprenticeship at 14 years.<sup>1346</sup> Young persons between 14 and 18 years may not work between the hours of 6 p.m. and 6 a.m. or more than 7 hours per day.<sup>1347</sup> Children under 18 years cannot engage in hazardous work, including transporting goods/passengers; heavy lifting; working with toxic chemicals, and dangerous machines; and working underground such as in mines, quarries, sewers, and tunnel digging.<sup>1348</sup> The First Instance Labor Court hears and determines violations of the law.<sup>1349</sup>

Forced labor is prohibited by the Constitution.<sup>1350</sup> The recruitment of children under 18 years into the armed forces is prohibited; however, at age 17 the law requires them to register for mandatory military or civilian service.<sup>1351</sup> Child prostitution is prohibited and punishable by a fine and up to 5 years imprisonment.<sup>1352</sup> Trafficking in persons is prohibited with penalties of fines and up to 10 years in prison. Information on trafficking, including child trafficking is limited, and there were no reports of trafficking in 2008.<sup>1353</sup> The Ministry of Labor and Human Welfare (MLHW) is responsible for enforcing child labor and

trafficking laws. Due to limited resources, labor inspectors from the MLHW conduct infrequent inspections.<sup>1354</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government of Eritrea, in collaboration with UNICEF, has a national plan of action focused on reintegrating child workers into families and communities.<sup>1355</sup> The Government also runs awareness campaigns concerning child labor and sexual exploitation of children.<sup>1356</sup>

The Government of Eritrea continues to participate in the 2-year, USD 460,000 regional anti-trafficking technical assistance project implemented by the UNODC's Regional Office for Eastern Africa and funded by Norway and Sweden. The project aims to bolster coordination among the 11 EAPCCO countries through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa, and harmonize national legislation with the Palermo Protocol.<sup>1357</sup>

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<sup>1338</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Eritrea, *Proclamation No.118/2001: The Labour Proclamation of Eritrea*, (2001), section 2, article 68(1). See also ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Eritrea (ratification: 2000)*, [online] 2004 [cited January 27, 2009], para 3; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=15755&chapter=9&query=%28Eritrea%29+%40ref&highlight=&querytype=bool&context=0>. For age to which education is compulsory and free public education, see ILO-IPEC, *Country Baselines Under the ILO Declaration Annual Review (2000-2008): Eritrea*, ILO-IPEC, Geneva, 2008; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_decl\\_cl\\_er\\_i.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_cl_er_i.pdf). See also Division of Policy and Practice UNICEF, Statistics and Monitoring Section, *Education statistics: Eritrea*, May 2008, 3; available from [http://www.childinfo.org/files/ESAR\\_Eritrea.pdf](http://www.childinfo.org/files/ESAR_Eritrea.pdf). See also U.S. Department of State, "Eritrea," in *Country Reports on Human Rights Practices- 2008*, Washington,

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DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119000.htm>.

<sup>1339</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention, Second and third periodic reports of States parties due in 2006: Eritrea*, CRC/C/ERI/3, United Nations, Geneva, October 23, 2007, para 341; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G07/447/18/PDF/G0744718.pdf?OpenElement>. See also U.S. Embassy- Asmara, *reporting*, October 9, 2008, para 9.

<sup>1340</sup> U.S. Embassy- Asmara, *reporting*, October 9, 2008, para 9. See also Muluberhan Hagos, *Harmonisation of laws relating to children: Eritrea*, The African Child Policy Forum, 2007, 98; available from <http://www.africanchild.info/documents/Eritrea%20Report%20final%20Sarah.doc>.

<sup>1341</sup> U.S. Department of State, "Country Reports- 2008: Eritrea," section 6d. See also Hagos, *Harmonisation of laws relating to children: Eritrea*, 98.

<sup>1342</sup> ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Eritrea (ratification: 2000)*, para 12.

<sup>1343</sup> U.S. Embassy- Asmara, *reporting*, February 18, 2009, section 23.

<sup>1344</sup> Kaleyesus Bekele, "Politics - Woes of Eritrean Refugees," *UNHCR Refugees Daily*, October 8, 2007; available from <http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=463ef21123&id=470b1e938>. See also U.S. Department of State, "Country Reports- 2008: Eritrea," section 5. See also Human Rights Watch, *Essential Background: Overview of Human Rights Issues in Eritrea*, Washington, DC, January 2004; available from <http://hrw.org/english/docs/2004/01/21/eritre6987.htm>.

<sup>1345</sup> U.S. Embassy- Asmara, *reporting*, February 18, 2009, para 5.

<sup>1346</sup> Government of Eritrea, *The Labour Proclamation of Eritrea*, articles 9(1) and 68(1). See also ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Eritrea (ratification: 2000)*, para 3.

<sup>1347</sup> Government of Eritrea, *The Labour Proclamation of Eritrea*, articles 3 and 68(2).

<sup>1348</sup> *Ibid.*, article 69. See also ILO-IPEC, *Country Baselines Under the ILO Declaration Annual Review (2000-2008): Eritrea*, 2.

<sup>1349</sup> Government of Eritrea, *The Labour Proclamation of Eritrea*, article 157.

<sup>1350</sup> 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\\_Eri](http://www.chr.up.ac.za/undp/domestic/docs/c_Eri)



tra.pdf. See also U.S. Embassy- Asmara, *reporting, October 9, 2008*, para 8.

<sup>1351</sup> Coalition to Stop the Use of Child Soldiers, "Eritrea," in *Child Soldiers Global Report 2008*, London, 2008, 138; available from <http://www.child-soldiers.org/regions/country?id=66>. See also Amnesty International, *Eritrea: 'You Have No Right to Ask' - Government Resists Scrutiny on Human Rights*, AFR 64/003/2004, Amnesty International, London, May 2004, 25 and 27.

<sup>1352</sup> U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 3A.

<sup>1353</sup> Government of Eritrea, *The Transitional Eritrean Penal Code*, (1991), articles 605-607. See also Hanibal Goitom, *Eritrea: Child Labor*, Law Library of Congress, February 2008, 3. See also U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 2B. See also U.S.

Department of State, "Country Reports- 2008: Eritrea," section 5.

<sup>1354</sup> U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 5D. See also U.S. Department of State, "Country Reports- 2008: Eritrea," section 6d.

<sup>1355</sup> U.S. Embassy- Asmara, *reporting, February 18, 2009*, para 19. See also U.S. Embassy- Asmara, *reporting, October 9, 2008*, para 8.

<sup>1356</sup> U.S. Embassy- Asmara, *reporting, October 9, 2008*, para 8.

<sup>1357</sup> UNODC, *Ongoing Projects in Eastern Africa*, [online] December 16, 2008 [cited February 9, 2009]; available from <http://www.unodc.org/easternafrika/en/about-unodc-eastern-africa/ongoing-projects.html>. See also UNODC official, E-mail communication to USDOL official, April 2, 2009. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008.

## Ethiopia

### Incidence and Nature of Child Labor

In Ethiopia, most children work for their families without pay.<sup>1358</sup> The number of working children is highest in Amhara, Oromiya, Tigray, and Southern Nation, Nationalities and Peoples (SNNPR).<sup>1359</sup> In both rural and urban areas, children often begin working at young ages, with many starting work at 5 years.<sup>1360</sup> The Ministry of Labor and Social Affairs (MOLSA) has indicated that 2 out of 5 working children in Ethiopia are under 6 years.<sup>1361</sup> In rural areas, children work primarily in family-based agriculture<sup>1362</sup> and commercial agriculture.<sup>1363</sup> Children are known to work in tea, coffee, sugarcane, and cotton production. Children work long hours for low wages on cotton plantations, where they are exposed to environmental toxins, snakes, and disease.<sup>1364</sup>

Children in rural areas also work in domestic service.<sup>1365</sup> Children, especially boys, engage in activities such as cattle herding, petty trading, plowing, harvesting, and weeding, while other children, mostly girls, collect firewood and water.<sup>1366</sup> Children also work in illegal gold mining.<sup>1367</sup>

Children in urban areas work in construction and manufacturing.<sup>1368</sup> They manufacture clothes and other woven items, shoes, and textiles.<sup>1369</sup> They also work shining shoes, tailoring, portering, leading customers into taxis, and trading, as well as animal herding, which is a common activity both in Ethiopia's urban and rural areas.<sup>1370</sup> As in rural areas, in Addis Ababa, many children, mostly girls, work in domestic service.<sup>1371</sup> Child domestics work long hours and are vulnerable to sexual abuse by male employers. Many are unable to attend school and are unpaid, receiving only room and board.<sup>1372</sup> There are a number of street children in Ethiopia, some of whom work in the informal sector.<sup>1373</sup>

The commercial sexual exploitation of children continues to be a problem in Ethiopia, especially in urban areas.<sup>1374</sup> Young girls, some as young as 11 years, have been recruited to work in brothels, where they are sought by customers who believe them to be free of sexually transmitted infections. Girls are also exploited in prostitution at hotels, bars, rural truck stops, and in resort towns.<sup>1375</sup> Girls have also been forcibly sexually exploited by their teachers in exchange for favors, such as better grades.<sup>1376</sup>

***Selected Statistics and Indicators  
on Child Labor***<sup>1377</sup>

Population, children, 5-14 years, 2005:	17,722,972
Working children, 5-14 years (%), 2005:	50.1
Working boys, 5-14 years (%), 2005:	58.1
Working girls, 5-14 years (%), 2005:	41.6
Working children by sector, 5-14 years (%), 2005:	
- Agriculture	95.2
- Manufacturing	1.3
- Services	3.4
- Other	0.2
Minimum age for work:	14
Compulsory education age:	Not compulsory
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	90.8
Net primary enrollment rate (%), 2007:	71.4
School attendance, children 5-14 years (%), 2005:	29.2
Survival rate to grade 5 (%), 2006:	64.4
ILO Convention 138:	5/27/1999
ILO Convention 182:	9/2/2003
CRC:	5/14/1991**
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

Within Ethiopia, children are trafficked from Oromiya and SNNPR to other regions for forced or bonded labor in domestic service.<sup>1378</sup> Children are also trafficked from rural to urban areas for commercial sexual exploitation and street vending.<sup>1379</sup> Further, children are trafficked from rural areas to Addis Ababa to work in the weaving industry. Some reports indicate that children in the weaving industry in Addis Ababa face starvation, confinement, physical violence, and long hours of work.<sup>1380</sup>

## Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years.<sup>1381</sup> The law forbids employers from using “young workers,” defined as children 14 to 18 years, when the nature of the job or the conditions under which it is carried out might endanger the life or health of a child.<sup>1382</sup> Young workers are prohibited from working more than 7 hours per day, or between 10 p.m. and 6 a.m., during weekly rest days, and on public holidays.<sup>1383</sup> Violations of the provisions related to young workers are punishable by a fine.<sup>1384</sup>

Children are prohibited from engaging in occupations designated as the worst forms of child labor, such as transporting goods or passengers by road, rail, air, and in international waters; lifting, pushing, or pulling heavy items; working in connection with electrical power plants; engaging in work underground, including in mines and quarries; working in sewers and digging tunnels; working in construction on high scaffolding; working in conditions involving exposure to extreme temperatures; working in night clubs and hotels; working with metal; working with wood using electrical machinery; and mixing noxious chemicals.<sup>1385</sup>

The law prohibits the compulsory or forced labor of children.<sup>1386</sup> The law also prohibits child rape; in cases where victims are under 17 years of age, it is punishable by up to 15 years in prison.<sup>1387</sup> The law prohibits all forms of human trafficking for forced labor and sexual exploitation.<sup>1388</sup> Trafficking children for labor or prostitution carries a penalty of 3 to 20 years of imprisonment and a fine.<sup>1389</sup> The minimum age for conscription and voluntary recruitment into the military is 18 years.<sup>1390</sup>

MOLSA’s Occupational Safety, Health, and Working Conditions Department employs a staff of 82 individuals charged with enforcing child labor laws in industrial enterprises.<sup>1391</sup> In addition, police departments in Addis Ababa, Amhara, Oromiya, SNNPR, and Dire Dawa have

special Child Protection Units that work to address the worst forms of child labor, including child trafficking.<sup>1392</sup> According to USDOS, the Government's efforts to enforce the minimum age law have not been effective,<sup>1393</sup> and its capacity to prosecute cases of trafficking is limited.<sup>1394</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government of Ethiopia has integrated child labor issues into its Plan for Accelerated and Sustained Development to End Poverty (PASDEP).<sup>1395</sup> The Government continues to implement its National Plan of Action on Sexual Abuse and Exploitation of Children (2006-2010), which outlines targets for reducing the commercial sexual exploitation of children.<sup>1396</sup>

The Government of Ethiopia continued to participate in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which was funded by USDOL at USD 14.5 million and World Vision at USD 5.8 million through March 2009. Implemented by World Vision, in partnership with the International Rescue Committee and the Academy for Educational Development, the project withdrew and prevented a total of 32,823 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.<sup>1397</sup> The Government also took part in Canada-funded child labor survey activities, implemented by ILO-IPEC through March 2008.<sup>1398</sup>

The Government of Ethiopia continued to participate in the 2-year, USD 460,000 regional anti-trafficking technical assistance project implemented by the UNODC's Regional Office for Eastern Africa and funded by Norway and Sweden. The project aims to bolster coordination among the 11 countries involved through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa and harmonize national legislation in line with the Palermo Protocol.<sup>1399</sup>

The IOM, in collaboration with two local NGOs—the Addis Ababa Merkato CPU and Integration of Female Street Children—provides assistance with basic needs to child trafficking victims, including

shelter, counseling, and medical treatment. The police run a similar program for child trafficking victims in one town in the Amhara region without any foreign assistance.<sup>1400</sup>

In Addis Ababa police stations, Child Protection Units (CPUs) rescued children who had been trafficked and referred them to the IOM and NGOs for care pending their return home. The CPUs also collected data on rescued children to facilitate their reunification with their families, and the local police and administrators helped repatriate these children to their home regions.<sup>1401</sup> The police use a manual that focuses on educating police officers on the rights and protection of children, including domestic trafficking of children.<sup>1402</sup> From January to November 2008, these CPUs reunited 1,180 trafficked children with their families.<sup>1403</sup>

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<sup>1358</sup> Lorenzo Guarcello, Scott Lyon, and Furio Camillo Rosati, *The Twin Challenges of Child Labor and Youth Employment in Ethiopia*, Understanding Children's Work Rome, July 2006, 9; available from <http://www.ucw-project.org/pdf/publications/Youthethiopia.pdf>.

<sup>1359</sup> Tassew Woldehanna, Bekele Tefera, Nicola Jones, and Alebel Bayrau, *Child Labour, Gender Inequality and Rural/Urban Disparities: How Can Ethiopia's National Development Strategies be Revised to Address Negative Spill-over Impacts on Child Education and Wellbeing?*, Working Paper No. 20, London, 2005, 15-17; available from <http://www.savethechildren.org/uk/younglives/data/publications/pdfs/WP20Labour.pdf> [hard copy on file].

<sup>1360</sup> Ibid. See also Lorenzo Guarcello, Scott Lyon, and Furio Camillo Rosati, *The Twin Challenges of Child Labor and Youth Employment in Ethiopia*, 6.

<sup>1361</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 5.

<sup>1362</sup> Lorenzo Guarcello, Scott Lyon, and Furio C Rosati, *Child Labor and Youth Employment: Ethiopia Country Study*, The Understanding Children's Work Project, Rome, July 2006.

<sup>1363</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 6d.

<sup>1364</sup> U.S. Embassy- Addis Ababa, *reporting*, June 12, 2008 paras 3 and 4.

<sup>1365</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 6d.

<sup>1366</sup> Tassew Woldehanna, Bekele Tefera, Nicola Jones, and Alebel Bayrau, *Child Labour, Gender Inequality, and Rural/Urban Disparities: Ethiopia*, 15-17, 30. See also Sonia Bhalotra, *Child Labour in Africa*, OECD Social,

Employment and Migration Working Papers, Paris: OECD, April 28, 2003, 48-49; available from <http://www.oecd.org/cataoecd/28/21/2955692.pdf> [hard copy on file]. See also Lorenzo Guarcello, Scott Lyon, and Furio Camillo Rosati, *The Twin Challenges of Child Labor and Youth Employment in Ethiopia*, 6-7.

<sup>1367</sup> U.S. Embassy- Addis Ababa, *reporting, June 12, 2008*, para 3.

<sup>1368</sup> Lorenzo Guarcello, Scott Lyon, and Furio Camillo Rosati, *The Twin Challenges of Child Labor and Youth Employment in Ethiopia*, 11.

<sup>1369</sup> U.S. Embassy- Addis Ababa, *reporting, June 12, 2008*, paras 3 and 4.

<sup>1370</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 6d.

<sup>1371</sup> Integrated Regional Information Networks, "Ethiopia: Child Domestic Work Rampant in Addis Ababa", IRINnews.org, [online], June 16, 2004 [cited March 4, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=50255>.

<sup>1372</sup> Ibid. See also U.S. Department of State, "Country Reports- 2008: Ethiopia," sections 5 and 6d.

<sup>1373</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 6d.

<sup>1374</sup> Ibid. See also Addis Ababa City Administrative Social and NGO Affairs Office, Save the Children Denmark, and ANPPCAN-Ethiopia Chapter, *Study on the Worst Forms of Child Labour With Special Focus on Child Prostitution- in Addis Ababa*, Addis Ababa, June 2003, 3; available from [http://www.redbarnet.dk/Files/Filer/sexuelt\\_misbrug/ChildProstitutionStudy.doc](http://www.redbarnet.dk/Files/Filer/sexuelt_misbrug/ChildProstitutionStudy.doc) [hard copy on file]. See also ECPAT International CSEC Database, *Ethiopia*, accessed February 4, 2009; available from [http://www.ecpat.net/EI/Csec\\_onlineDatabase.asp](http://www.ecpat.net/EI/Csec_onlineDatabase.asp).

<sup>1375</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 6d.

<sup>1376</sup> ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Ethiopia*, Bangkok, 2007; available from [http://www.ecpat.net/A4A\\_2005/PDF/AF/Global\\_Monitoring\\_Report-ETHIOPIA.pdf](http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-ETHIOPIA.pdf).

<sup>1377</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Ethiopia, *Labour Proclamation* (January 20, 1993), chapter II, section 89, article 2; available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/31977/64870/E93ETH10.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Ethiopia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>. See

also Andrew Heavens, "In Ethiopia, Better Education for a Better Future", Ethiopia, June 15, 2006 [cited March 4, 2009]; available from [http://www.unicef.org/infobycountry/ethiopia\\_34570.html?q=printme](http://www.unicef.org/infobycountry/ethiopia_34570.html?q=printme).

<sup>1378</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 6d.

<sup>1379</sup> Ibid. See also Integrated Regional Information Networks, "Ethiopia: Campaign Launched Against Child Trafficking", IRINnews.org, [previously online], October 20, 2005 [cited July 7, 2006]; available from <http://www.irinnews.org/print.asp?ReportID=49655> [hard copy on file]. See also IOM, *Trafficking in East and Horn of Africa- At a Glance*, Fact Sheet, 2007.

<sup>1380</sup> World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Technical Progress Report, September 29, 2008, Section II.B, part 3. See also "Poverty Hits Hard on Ethiopia's Vulnerable Kids," *Angola Press News*, October 21, 2005; available from <http://www.angolapress-angop.ao/noticia-e.asp?ID=385126> [hard copy on file]. See also U.S. Embassy- Addis Ababa, *reporting, June 12, 2008*, paras 3 and 4.

<sup>1381</sup> Government of Ethiopia, *Labour Proclamation*, chapter II, section 89, article 2.

<sup>1382</sup> Ibid., chapter II, section 89, articles 1, 3, 4. See also Government of Ethiopia, *The Constitution of the Federal Democratic Republic of Ethiopia*, (December 8, 1994), article 36.

<sup>1383</sup> Government of Ethiopia, *Labour Proclamation*, chapter II, sections 90 and 91.

<sup>1384</sup> Ibid., part XII, chapter I, section 185.

<sup>1385</sup> Government of Ethiopia, *Information and Measures Taken on Elimination of Worst Forms of Child Labour in Ethiopia*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, January 21, 2009, 2-3. See also U.S. Embassy- Addis Ababa, *reporting, June 12, 2008*, para 3. See also Government of Ethiopia, *Labour Proclamation*, chapter II, section 89, articles 1, 3, 4.

<sup>1386</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 6c.

<sup>1387</sup> U.S. Embassy- Addis Ababa, *reporting, February 13, 2009*.

<sup>1388</sup> U.S. Department of State, "Ethiopia (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 2.

<sup>1389</sup> Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 3.

<sup>1390</sup> Coalition to Stop the Use of Child Soldiers, "Ethiopia," in *Child Soldiers Global Report 2008*, London,

2008, 141-142; available from <http://www.child-soldiers.org/library/global-reports>

<sup>1391</sup> Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 3.

<sup>1392</sup> *Ibid.*, 4. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Ethiopia."

<sup>1393</sup> U.S. Department of State, "Country Reports- 2008: Ethiopia," section 6d.

<sup>1394</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Ethiopia."

<sup>1395</sup> Government of Ethiopia, *Information on Eliminating the WFCL in Ethiopia*, 4.

<sup>1396</sup> ECPAT International, *Global Monitoring Report on Status of Anti-CSEC Efforts: Ethiopia*, 14-15. See also Government of Ethiopia, *Written Replies by the Government of Ethiopia Concerning the List of Issues (CRC/C/ETH/Q/3) Received by the Committee on the Rights of the Child Relating to the Third Periodic Report of Ethiopia (CRC/C/ETH/3)*, August 25, 2006, section 10; available from <http://tb.ohchr.org/default.aspx>.

<sup>1397</sup> World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Initiative*, Project Document,

Washington, DC, July 18, 2005, i, 2, 7, 9, 15-16. See also World Vision, *KURET September 2008 TPR* cover. See also World Vision official, E-mail communication to USDOL official, October 6, 2008, Revised TPR, 44.

<sup>1398</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>1399</sup> UNODC, *Ongoing Projects in Eastern Africa*, [online] [cited April 2, 2009]; available from <http://www.unodc.org/easternafrika/en/about-unodc-eastern-africa/ongoing-projects.html>. See also UNODC official, E-mail communication to USDOL official, April 2, 2009. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008.

<sup>1400</sup> U.S. Embassy- Addis Ababa, *reporting, February 13, 2009*, para C5.

<sup>1401</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Ethiopia."

<sup>1402</sup> U.S. Embassy - Addis Ababa, E-mail communication to USDOL official, July 15, 2009.

<sup>1403</sup> U.S. Embassy- Addis Ababa, *reporting, February 13, 2009*, para E8.

## Fiji

### Incidence and Nature of Child Labor

Children work in agriculture in Fiji, including on tobacco and sugar farms.<sup>1404</sup> Children also work in the informal sector, in family businesses, and on the streets, selling snacks, shining shoes, and delivering goods.<sup>1405</sup> Children are exploited through prostitution, pornography, and sex tourism.<sup>1406</sup> Children are also trafficked within Fiji for the purpose of commercial sexual exploitation by Fiji citizens.<sup>1407</sup>

### Child Labor Laws and Enforcement

The law sets a minimum age for work of 15 years.<sup>1408</sup> Children from 13 to 15 years of age may perform "light work" or work with family members or communal or religious group members, provided it is not harmful to their health or development and does not adversely affect their schooling.<sup>1409</sup> The law prohibits all children under 18 years of age from working during school hours or for periods prejudicial to their education, except when the employment is

an apprenticeship lawfully entered into by contract.<sup>1410</sup> Children may not be employed for more than 8 hours a day and must be given 30 minutes of paid rest for every continuous 4 hours worked.<sup>1411</sup> Children may be employed at night under conditions prescribed by the Minister.<sup>1412</sup>

Children may not work underground in a mine, and the Minister may, after consulting with the National Occupational Health and Safety Advisory Board, declare any employment or workplace unsuitable for children.<sup>1413</sup> This may include environments where children work with machinery, hazardous substances, drive motor vehicles, or perform heavy physical labor.<sup>1414</sup> Employers of children must keep a register of their employment, including ages, dates of employment, and conditions and nature of employment, maintained separate from other registers and available for inspection.<sup>1415</sup> Individuals who violate the law are subject to fines, imprisonment of up to 2 years, or both, and companies, corporations, or trade unions are

subject to fines and, where applicable, disqualification from holding a post as an officer of a trade union for 5 years from conviction.<sup>1416</sup>

<i>Selected Statistics and Indicators on Child Labor<sup>1417</sup></i>	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	94.5
Net primary enrollment rate (%), 2005:	86.6
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2003:	86.0
ILO Convention 138:	1/3/2003
ILO Convention 182:	4/17/2002
CRC:	8/13/1993
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

The Constitution prohibits forced labor.<sup>1418</sup> The law prohibits the worst forms of child labor, including slavery, practices similar to slavery, and procurement for and use of children in armed conflict, illicit activities, prostitution, and pornography.<sup>1419</sup> Individuals who violate the law are subject to fines, imprisonment of up to 2 years, or both, and companies, corporations, or trade unions are subject to fines and, where applicable, disqualification from holding a post as an officer of a trade union for 5 years from conviction.<sup>1420</sup>

The 1978 Penal Code prohibits the procurement or attempted procurement of any girl or woman to become a prostitute, and the individual's consent is no defense.<sup>1421</sup> Violators are guilty of a

misdemeanor charge and liable for 2 years of imprisonment, with the possibility of corporal punishment.<sup>1422</sup> Individuals who buy or sell minors under 16 years for "immoral purposes" are subject to the same misdemeanor charge and terms of imprisonment.<sup>1423</sup> A person who knowingly permits a girl under 13 years to be "defiled" on his or her premises is guilty of a felony and liable for imprisonment for 5 years with the possibility of corporal punishment.<sup>1424</sup> Such violations involving girls between 13 and 16 years carry a misdemeanor charge and liability of 2 years of imprisonment, with the possibility of corporal punishment.<sup>1425</sup> The 2003 Immigration Act prohibits trafficking, the attempt to traffic, and aiding and abetting or conspiring to traffic persons and children for both labor and sexual exploitation. The Act carries stiffer penalties; violators can be punished with fines or 20 years of imprisonment.<sup>1426</sup>

There is no law on the minimum age of conscription into the military. The minimum age for voluntary military service is 18 years, but commanders may enlist 16-year-olds as the commander deems necessary.<sup>1427</sup>

USDOS has reported that children in Fiji remain vulnerable to exploitation due to inadequate enforcement of child labor laws.<sup>1428</sup> According to USDOS, the Government "does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so."<sup>1429</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, Fiji re-launched its National Decent Work Action Plan, in cooperation with ILO, which calls for awareness of child labor issues, particularly the worst forms of child labor.<sup>1430</sup> Fiji is a partner in the EU-funded USD 23,840,531 ILO-IPEC inter-regional Tackling Child Labour through Education, which began in March of 2008 and runs through February 2012.<sup>1431</sup>

<sup>1404</sup> Farm Consultancy, *Child Labour in the Fiji Tobacco Industry*, 2004, 2, 17-18; available from <http://www.eclt.org/filestore/BAT-%20Fiji.pdf>. See

also IIECL Database, *Child Labor Information Bank: Fiji*, [online] [cited March 18, 2009]; available from [http://www.endchildlabor.org/db\\_infoBank.cfm](http://www.endchildlabor.org/db_infoBank.cfm). See also U.S. Embassy- Suva official, E-mail communication to USDOL official, July 14, 2008.

<sup>1405</sup> U.S. Department of State, "Country Reports- 2008: Fiji," section 6d. See also IIECL Database, *Child Labor Information Bank: Fiji*. See also U.S. Embassy- Suva, *reporting, December 9, 2007*. See also U.S. Embassy-Suva official, E-mail communication, July 14, 2008.

<sup>1406</sup> Save the Children Fiji, *The Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji: A Situational Analysis*, 2006, 15-20; available from [http://www.unescap.org/esid/GAD/Issues/CSEC/CSEC%20Fiji%20Report%20\\_Edited\\_%201205.pdf](http://www.unescap.org/esid/GAD/Issues/CSEC/CSEC%20Fiji%20Report%20_Edited_%201205.pdf). See also U.S. Embassy- Suva, *reporting*, March 2, 2007. See also U.S. Department of State, "Fiji (Tier 3)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 117; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>1407</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Fiji," 117.

<sup>1408</sup> Government of Fiji, *Promulgation No. 36 of 2007*, part 10, article 92.

<sup>1409</sup> *Ibid.*, article 93.

<sup>1410</sup> *Ibid.*, article 97.

<sup>1411</sup> *Ibid.*

<sup>1412</sup> *Ibid.*, article 98.

<sup>1413</sup> *Ibid.*, article 95.

<sup>1414</sup> *Ibid.*

<sup>1415</sup> *Ibid.*, article 99.

<sup>1416</sup> *Ibid.*, part 21, article 256.

<sup>1417</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Fiji, *Republic of Fiji Islands Government Gazette: Interim Government of the Republic of the Fiji Islands Employment Relations Promulgation 2007*, 77, October 2 2007, part 10, article 92; available from <http://labour.gov.fj/bills/ER.pdf>. For age at which education is compulsory and free public education, see U.S. Department of State, "Fiji," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119039.htm>. See also U.S. Embassy- Suva,

*reporting*, December 9, 2007. For ILO-IPEC participation, see ILO, *IPEC Action Against Child Labour 2008: Highlights*, Geneva, 2009, 55; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=9471>.

<sup>1418</sup> Government of Fiji, *Fiji Constitution*, (1988), section 24; available from [http://www.servat.unibe.ch/law/icl/fj00000\\_.html](http://www.servat.unibe.ch/law/icl/fj00000_.html).

<sup>1419</sup> Government of Fiji, *Promulgation No. 36 of 2007*, part 10, article 91.

<sup>1420</sup> *Ibid.*, part 10, article 256.

<sup>1421</sup> Government of Fiji, *Penal Code*, (1978), article 157; available from [http://www.itc.gov.fj/lawnet/fiji\\_act/penal\\_code.html](http://www.itc.gov.fj/lawnet/fiji_act/penal_code.html).

<sup>1422</sup> *Ibid.*

<sup>1423</sup> *Ibid.*, articles 162 and 163.

<sup>1424</sup> *Ibid.*, article 159.

<sup>1425</sup> *Ibid.*, article 160.

<sup>1426</sup> Government of Fiji, *Immigration Act*, (2003), sections 19, 27-30, schedule 2.65. See also U.S. Embassy- Suva, *reporting, March 2, 2007*.

<sup>1427</sup> Coalition to Stop the Use of Child Soldiers, "Fiji," in *Child Soldiers Global Report 2008*, London, 2004; available from <http://www.childsoldiersglobalreport.org/content/fiji>.

<sup>1428</sup> U.S. Department of State, "Country Reports- 2008: Fiji," section 6d.

<sup>1429</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Fiji," 117.

<sup>1430</sup> Lekh Ram Vayeshnoi, "Fiji Labour Minister's Address" (paper presented at the 97th Session of the International Labour Conference, Geneva, June 11 2008); available from [http://www.fiji.gov.fj/publish/printer\\_12100.shtml](http://www.fiji.gov.fj/publish/printer_12100.shtml). See also ILO, *Decent Work Country Programme Development in Asia Pacific Region*, January 31, 2009; available from <http://www.ilo.org/public/english/bureau/program/dwcp/download/asia-status310109.pdf>. See also ILO, *Decent Work Programme - Fiji Islands*, [online] 2008 [cited March 20, 2009]; available from [http://www.ilo.org/public/english/employment/skills/hrdr/init/fij\\_1.htm](http://www.ilo.org/public/english/employment/skills/hrdr/init/fij_1.htm).

<sup>1431</sup> ILO, *IPEC Action Against Child Labour 2008: Highlights*, 55. For budget information, see ILO-IPEC official, IPEC Projects Chart USDOL official, December 18, 2008.

## Gabon

<i>Selected Statistics and Indicators on Child Labor<sup>1432</sup></i>	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2004:	152.2
Net primary enrollment rate (%), 2001:	88.0
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2002:	69.3
ILO Convention 138:	No
ILO Convention 182:	3/28/2001
CRC:	2/9/1994
CRCOPAC:	No
CRCOPSC:	10/1/2007
Palermo:	No
ILO-IPEC participating country:	Yes

### Incidence and Nature of Child Labor

Children work in agriculture, farming cassava, taro, yams, and, to a lesser extent, coffee and cocoa. Some evidence suggests that these children harvest crops, apply chemicals without protective gear, and clear fields, including through the use of machetes.<sup>1433</sup> Children also work in animal husbandry, fishing, and mining.<sup>1434</sup>

Gabon is primarily a destination country for children trafficked for forced labor from other African countries. Children are trafficked into the country from Benin, Nigeria, Togo, and Guinea and, to a lesser extent, Sierra Leone, Burkina Faso, and Cameroon.<sup>1435</sup> Past reports indicate that the majority of children working in Gabon are trafficking victims; nearly all trafficked children

are employed in the informal sector, with the majority engaging in domestic work.<sup>1436</sup>

Girls, including trafficking victims from Togo, Benin, and Nigeria, work in domestic service, sometimes under forced labor conditions.<sup>1437</sup> Cases have been reported of girls in domestic service being forced to work for long hours with little food and being subjected to physical abuse.<sup>1438</sup> Girls, including trafficking victims from Togo and Nigeria, also engage in market vending and selling goods, sometimes under forced conditions.<sup>1439</sup> Girls are also trafficked to Gabon for forced labor in restaurants and commercial sexual exploitation.<sup>1440</sup> Boys, including child trafficking victims, are forced to work in small workshops and as street vendors.<sup>1441</sup> Children trafficked from Nigeria are found working as mechanics.<sup>1442</sup> Gabonese children are trafficked to Equatorial Guinea.<sup>1443</sup>

Children trafficked to Gabon from other West African countries are typically from poor families, who believe their children will receive an education, opportunities, and wages for their work. While some children receive such benefits, many receive only rudimentary room and board, and wages are seldom paid either to them or their families.<sup>1444</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment at 16 years; however, younger children may be permitted to work with joint consent from the Ministries of Labor, Education, and Public Health. In addition, children between 14 and 16 years may work as apprentices with permission from the Ministry of National Education.<sup>1445</sup> The employment of children in jobs that are unsuitable for them because of their age, state, or condition, or that interfere with their education is also prohibited.<sup>1446</sup> A labor inspector can require a medical exam for children up to 18 years to confirm that the work does not exceed their capacity.<sup>1447</sup> Children under 16 years who have been removed from exploitive labor must be placed in appropriate reception or transit centers.



If they are of foreign nationality, the children must be repatriated to their country of origin at the expense of their guardian or employer.<sup>1448</sup> Children under 18 years are prohibited from working at night in industrial establishments, unless the establishment is exclusively run by family members. However, children over 16 years are permitted to work in certain industries that, by their nature, must be continued at night, such as sugar refineries and metalworks.<sup>1449</sup> The law imposes a fine for violations of minimum age laws and a larger fine, along with a prison term of 2 to 6 months for repeat violators.<sup>1450</sup>

Gabonese law prohibits trafficking children for labor, forced labor, procuring a minor for prostitution, and forced prostitution.<sup>1451</sup> Gabon's trafficking law outlines measures to protect children under 18 years from trafficking for labor and stipulates 5 to 15 years of imprisonment and a fine for perpetrators.<sup>1452</sup> The penalty for imposing forced labor is imprisonment for 1 to 6 months and a fine, and recurring violations are punishable with imprisonment for 2 to 12 months and a heavier fine.<sup>1453</sup> Procurement of a minor under 18 years for the purpose of prostitution and forcing someone to engage in prostitution are both punishable by imprisonment for 2 to 5 years and a fine.<sup>1454</sup> Rape is punishable by 2 to 10 years of imprisonment and a fine.<sup>1455</sup> The minimum age for voluntary recruitment into the military is 20 years, and there is no conscription.<sup>1456</sup>

The Ministry of Justice is responsible for the enforcement of child labor laws, while the Ministry of Labor is charged with receiving, investigating, and addressing child labor complaints.<sup>1457</sup> Minimum age laws are strictly enforced for the protection of Gabonese children in urban areas, but rarely in rural areas. Gabonese child labor laws also apply to foreign children residing in Gabon, but abuses are rarely reported.<sup>1458</sup> According to USDOS, the number of labor inspectors was inadequate, and child labor complaints were not routinely investigated.<sup>1459</sup>

According to USDOS, the Government of Gabon's efforts to patrol its coastline and borders to prevent trafficking, investigate and prosecute trafficking cases, and assist trafficking victims were weak and hindered by a lack of resources.<sup>1460</sup> While the Government did make some

trafficking-related arrests during the reporting period, prosecutions were rare, and no convictions were reported during 2008.<sup>1461</sup> According to the Ministry of Justice, some trafficking cases have languished because victims were repatriated before the traffickers were brought to trial. The Ministry of Justice continues to coordinate with other Government agencies to ensure that victims can stay in Gabon and receive proper care until cases can be prosecuted.<sup>1462</sup>

Gabon was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, especially Women and Children in West and Central African Regions.<sup>1463</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Gabon agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>1464</sup>

### **Current Government Efforts to Eliminate the Worst Forms of 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 that it has ratified.<sup>1465</sup>

The Government's Inter-Ministerial Committee to Combat Trafficking, chaired by the Ministry of Labor, created a set of guidelines to standardize the Government's process for identifying trafficking victims, removing them from exploitive situations, providing them with temporary care, and repatriating them to their home countries. As of early 2009, the Committee was disseminating these guidelines to all relevant Government ministries and agencies throughout the country.<sup>1466</sup>

The Government and UNICEF worked closely to increase collaboration between Gabon and several African countries known to be countries of origin for trafficking to Gabon to develop standard

procedures for removing foreign trafficking victims. As a result, Gabon and Benin recently finalized a bilateral agreement to repatriate trafficking victims and protect them from being re-trafficked.<sup>1467</sup> The Government of Gabon hosted a workshop in October 2008 to develop a strategy for implementing a UNICEF-supported ECOWAS/ECCAS joint action plan to combat child trafficking. The U.S. Government provided assistance to Gabon to increase country capacity to guard its coasts.<sup>1468</sup>

The Government continued to operate three reception centers for children, including child trafficking victims; the Government fully funds one center and co-funds the other two. These centers, located in the capital of Libreville and Port Gentil, offer shelter, medical care, repatriation, rehabilitation, and reintegration services to children.<sup>1469</sup> The Government conducted campaigns in towns and cities outside Libreville to raise awareness of trafficking. In collaboration with UNICEF, the Government continues to fund and operate a toll-free hotline to assist child trafficking victims.<sup>1470</sup>

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<sup>1432</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Gabon, *Code du travail*, Loi no 3/94, (November 21, 1994), article 177; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/39615/64948/F94GAB01.htm>. For age to which education is compulsory, see U.S. Department of State, "Gabon," 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>. For free public education, see UNESCO, *EFA: Global Monitoring Report 2009*, Paris, 2009, 298; available from <http://www.unesco.org/en/education/efareport/reports/2009-governance/>. See also Government of Gabon, *Key Indicators*, [online] [cited January 29, 2009]; available from <http://www.legabon.org/uk/indic.php?Id=2>.

<sup>1433</sup> U.S. Embassy- Libreville official, E-mail communication to USDOL official, July 11, 2008. See also U.S. Embassy- Libreville, *reporting*, June 19, 2008, para 3.

<sup>1434</sup> U.S. Embassy- Libreville, *reporting*, June 19, 2008, para 2.

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<sup>1435</sup> U.S. Department of State, "Gabon (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also Antoine Lawson, "Gabon cracks down on child trafficking," *Mail and Guardian*, February 26, 2005; available from <http://www.mg.co.za/article/2005-02-25-gabon-cracks-down-on-child-trafficking>. See also "Rights-Gabon: Hopefully, the Beginning of the End for Child Traffickers," *IPS.com*, February 24, 2005, 3; available from [http://www.childtrafficking.org/cgi-bin/ct/main.sql?ID=1446&file=view\\_document.sql](http://www.childtrafficking.org/cgi-bin/ct/main.sql?ID=1446&file=view_document.sql).

<sup>1436</sup> ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No.182) Gabon (ratification: 2001)*, [online] June 20, 2006 [cited January 29, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=8875&chapter=6&query=%28Gabon%29+%40ref+%2B+%23YEAR%3E2003&highlight=&querytype=bold&context=0>.

<sup>1437</sup> Human Rights Watch, *Borderline Slavery*, New York, April 1, 2003, 1; available from [www.hrw.org/en/reports/2003/04/01/borderline-slavery-0](http://www.hrw.org/en/reports/2003/04/01/borderline-slavery-0). See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria, and Togo*, Vienna, September 2006, 12 and 30; available from [http://www.unodc.org/pdf/human\\_trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf). See also Anti-Slavery International, *Enfants Travailleurs Domestiques: Manuel sur La Bonne Pratique dans les Interventions*, London, 2005, 65; available from <http://www.antislavery.org/homepage/resources/Enfants%20travailleurs%20domestiques%20%20manuel%20sur%20la%20bonne%20pratique%20dans%20les%20interventions.pdf>. See also UNODC, *Trafficking in Persons: Global Patterns*, Vienna, April 2006, 67; available from [http://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006-04.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf).

<sup>1438</sup> UNODC, *Trafficking in Persons: Global Patterns*, 67.

<sup>1439</sup> Human Rights Watch, *Borderline Slavery*, 1. See also UNODC, *Trafficking in Persons: Global Patterns*, 67. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon."

<sup>1440</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon."

<sup>1441</sup> *Ibid.* See also Integrated Regional Information Networks, "Gabon: Laws Fail to Curb Child Trafficking Racket", IRINnews.org [previously online] February 4, 2005; available from <http://irinnews.org/print.asp?ReportID=45400> [hard copy on file].

<sup>1442</sup> UNESCO, *Global Monitoring Report 2009*, section 5.

<sup>1443</sup> U.S. Department of State, "Equatorial Guinea (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*,

Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also Government of Equatorial Guinea, *Plan de Acción de Lucha Contra el Tráfico y la Trata de Niños 2005-2009*, 2005, 10.

<sup>1444</sup> Integrated Regional Information Networks, "Laws Fail to Curb Child Trafficking Racket".

<sup>1445</sup> Government of Gabon, *Code du travail*, articles 82 and 177.

<sup>1446</sup> *Ibid.*, article 6.

<sup>1447</sup> *Ibid.*, article 178.

<sup>1448</sup> ILO, *The Effective Abolition of Child Labour*, [previously online], 2003; available from <http://www.ilo.org/public/english/standards/decl/download/review03/childlabour.pdf> [hard copy on file].

<sup>1449</sup> Government of Gabon, *Code du travail*, articles 167 and 168.

<sup>1450</sup> *Ibid.*, article 195.

<sup>1451</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon." See also Government of Gabon, *Code du travail*, article 4.

<sup>1452</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon." 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) Gabon*, Observation, CEACR 2005/76th Session, Geneva, 2005; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displaycomment.cfm?hdroff=1&ctry=2610&year=2005&type=O&conv=C182&lang=EN>.

<sup>1453</sup> Government of Gabon, *Code du travail*, articles 4 and 16.

<sup>1454</sup> Government of Gabon, *Procurement, Procurement of Minors, and Procurement with Coercion Code*, articles 260 and 261; available from [www.protectionproject.org](http://www.protectionproject.org) [hard copy on file]. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon."

<sup>1455</sup> U.S. Embassy- Libreville, *reporting*, February 24, 2009, paras 25B and D.

<sup>1456</sup> Coalition to Stop the Use of Child Soldiers, "Gabon," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>.

<sup>1457</sup> U.S. Department of State, "Country Reports- 2008: Gabon," section 6d.

<sup>1458</sup> *Ibid.*

<sup>1459</sup> *Ibid.*

<sup>1460</sup> U.S. Embassy- Libreville, *reporting*, February 24, 2009, paras 23D, 24A, 27B. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon."

<sup>1461</sup> U.S. Department of State, "Country Reports- 2008: Gabon," section 5. See also U.S. Embassy- Libreville, *reporting*, February 24, 2009, para 25E.

<sup>1462</sup> U.S. Embassy- Libreville, *reporting*, February 24, 2009, para 25E.

<sup>1463</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Geneva, September 1, 2006.

<sup>1464</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

<sup>1465</sup> U.S. Embassy- Libreville, *reporting*, December 4, 2007, para 3.

<sup>1466</sup> U.S. Embassy- Libreville, *reporting*, February 24, 2009, paras 26F and 27C.

<sup>1467</sup> *Ibid.*, para 25G.

<sup>1468</sup> *Ibid.*, paras 23D and 24A.

<sup>1469</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon."

<sup>1470</sup> *Ibid.*

## The Gambia

### Incidence and Nature of Child Labor

Children in The Gambia primarily work in the informal sector, engaging in street vending, domestic service, and agriculture.<sup>1471</sup> Working girls engage in street vending, selling food items such as sweets, water, and fruits for their families.<sup>1472</sup> Working boys are found hauling items, sweeping, and collecting fares.<sup>1473</sup> Children

in urban areas work as taxi or bus attendants. Children between 14 and 17 years work in technical sectors such as carpentry, sewing, tailoring, plumbing, masonry, and auto repair.<sup>1474</sup> Most working children in The Gambia work as part of family businesses, and very few are paid for their work. Children in rural areas are more likely to work than children in urban areas.<sup>1475</sup> Orphaned children are more likely to work than

other children and more likely to work outside the household for pay.<sup>1476</sup> Children have been known to sell drugs for their parents, especially cannabis.<sup>1477</sup>

continues to be a problem in The Gambia.<sup>1481</sup> Both Gambian men as well as European visitors exploit children through prostitution and sex tourism.<sup>1482</sup>

Within The Gambia, children are trafficked for domestic service and commercial sexual exploitation, including in the tourism industry.<sup>1483</sup> Boys are trafficked within the country for street vending and forced begging by religious teachers. Boys from Senegal are trafficked to The Gambia for forced begging, and Gambian boys are trafficked to Senegal for this purpose as well.<sup>1484</sup> Gambian girls are trafficked to Senegal for domestic service.<sup>1485</sup>

### Child Labor Laws and Enforcement

Laws governing the minimum age for work in The Gambia are contradictory. The Labor Law of 2007 prohibits children, defined as persons under 18 years, from engaging in agricultural, industrial or non-industrial work.<sup>1486</sup> The Gambian Children's Act specifically prohibits the economic exploitation of children, including night work, hazardous work, and work that interferes with a child's education.<sup>1487</sup> According to the Act, however, children over 16 years can engage in light work, and children may serve as apprentices at 12 years or upon the completion of basic education.<sup>1488</sup> Penalties for child labor violations range from a fine to imprisonment for up to 5 years.<sup>1489</sup>

Employers are required to keep a register of all children employed, detailing their date of birth or age, and all employees are given employee labor cards that include their age.<sup>1490</sup> These cards are registered with the labor commissioner.<sup>1491</sup> The Department of Labor is responsible for enforcing laws related to the worst forms of child labor. However, according to USDOS, child labor inspections rarely occur.<sup>1492</sup>

Forced child labor is prohibited by law.<sup>1493</sup> The trafficking of children is specifically prohibited under multiple Gambian laws.<sup>1494</sup> Under the Children's Act, which takes precedence over other legislation, child trafficking offenses are punishable by life imprisonment.<sup>1495</sup> The law prohibits sexual relations with girls under 16 years.<sup>1496</sup> Multiple Gambian laws prohibit promoting child prostitution and procuring a

### Selected Statistics and Indicators on Child Labor<sup>1478</sup>

Population children, 5-14 years, 2005-2006:	496,918
Working children, 5-14 years (%), 2005-2006:	36.4
Working boys, 5-14 years (%), 2005-2006:	28.5
Working girls, 5-14 years (%), 2005-2006:	43.8
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	Not compulsory
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	74.0
Net primary enrollment rate (%), 2006:	61.8
School attendance, children 5-14 years (%), 2005-2006:	65.7
Survival rate to grade 5 (%):	-
ILO Convention 138:	9/4/2000
ILO Convention 182:	7/3/2001
CRC:	8/8/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	5/5/2003
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including The Gambia.<sup>1479</sup> While some of these boys, known locally as "almudos," receive lessons, many are forced to beg by their teachers for money and food.<sup>1480</sup>

The commercial sexual exploitation of children, including prostitution and child sex tourism,

child for sexual exploitation in The Gambia. Penalties for such offenses range from 2 years to life in prison and/or a fine, with a maximum penalty of 14 years of imprisonment for tourists who commit sexual offenses against a child.<sup>1497</sup> Child pornography is also prohibited by law.<sup>1498</sup> Children under 18 years may not be recruited into the Armed Forces.<sup>1499</sup>

In March 2009, a New Zealand national was prosecuted under the Tourism Offence Act of 2003. He was convicted of child pornography and sentenced to one year in prison, but was acquitted of a second count of defilement of a minor. The man's accomplice, a Gambian national, was acquitted on the charge of procurement.<sup>1500</sup> In November 2008, a German national was arrested for indecently assaulting an 11-year-old boy in a tourist area. In July 2008, a man was convicted of child trafficking and sentenced to 2 years in prison.<sup>1501</sup> In December 2008, a Dutch national was convicted of committing an indecent act with a boy; he was sentenced to 2 years in prison and a fine.<sup>1502</sup>

The Gambia was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>1503</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of The Gambia agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>1504</sup>

A number of government agencies are involved in efforts to combat trafficking. According to USDOS, the Tourism Security Unit (TSU) and the Child Protection Unit within the Gambian military are taking on an increasing role in the enforcement and prevention of trafficking.<sup>1505</sup> The Department of State for Justice is the lead agency for coordinating anti-trafficking efforts; it serves as the Executive Secretariat for the Anti-Trafficking National Task Force and continues to employ one dedicated officer for trafficking.<sup>1506</sup> All law enforcement agencies in The Gambia have

units dedicated to either anti-trafficking or child protection.<sup>1507</sup> At border crossings, Government officials check to make sure that minor children are traveling with their parents or with their parents' consent to prevent trafficking.<sup>1508</sup>

According to USDOS, TSU's patrols of the Tourism Development Area (TDA) have been effective in combating child sex tourism and commercial sexual exploitation. TSU continues to enforce a ban on unaccompanied children under 18 years in the tourist resort areas—turning these children away or placing them in the custody of the Department of Social Welfare—and hotel staff in the TDA refuse to allow children onto hotel premises.<sup>1509</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Gambia Tourism Authority (GTA) responded to the problem of child sex tourism by developing, in collaboration with UNICEF and the NGO Child Protection Alliance (CPA), a Code of Conduct for the Protection of Children in Tourist Areas, which outlines penalties for abusing children.<sup>1510</sup> CPA conducted training for teachers on commercial sexual exploitation and child rights, and training for staff and security personnel of small- and medium-scale businesses on the role of stakeholders in preventing child sex tourism, protecting children, and promoting responsible tourism.<sup>1511</sup> TSU is collaborating with GTA to compile a database of persons suspected to be and/or convicted as traffickers and/or pedophiles.<sup>1512</sup>

The Government finalized a national action plan to combat trafficking in December 2008.<sup>1513</sup> In October 2008, officials from the Department of State for Justice and UNICEF toured police stations and border crossings throughout the country to educate officers about trafficking and distribute copies of the 2007 anti-trafficking law.<sup>1514</sup>

The Government co-funded and operated, in collaboration with UNICEF and ChildFund International, a drop-in center that provides medical care and other basic services to street children and almosos. Once almosos have registered in the drop-in center program, they are

no longer allowed to continue begging on the streets for their teachers.<sup>1515</sup>

The Government continues to run a 24-hour shelter for child trafficking victims. Children at the center are provided with basic services, and the Government helps reunite them with their families.<sup>1516</sup>

<sup>1471</sup> Frances Foord, Cherno Jallow, Katie Paine, and Alieu Sarr, *Situational Analysis of Orphans and Other Vulnerable Children in the Gambia*, UNICEF and the Government of The Gambia, Banjul, August 2004, 54; available from [www.csd.gm/Social%20Research/OVC%20Situational%20Analysis%20Final%20Report%5B1%5D.doc](http://www.csd.gm/Social%20Research/OVC%20Situational%20Analysis%20Final%20Report%5B1%5D.doc). See also Gambia Department of State for Education official, Interview with USDOL contractor, September 4, 2006, 32.

<sup>1472</sup> Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment for Children Living and Working in the Streets of Banjul*, January 3, 2006, 13. See also Gambia Department of State for Education official, Interview, September 4, 2006, 33.

<sup>1473</sup> Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 13.

<sup>1474</sup> U.S. Department of State, "Country Reports- 2008: The Gambia," section 6d.

<sup>1475</sup> Gambia Bureau of Statistics, UNICEF, and The World Bank, *The Gambia Multiple Indicator Cluster Survey 2005/2006 Report*, Bakau, 2007, 62 and 135; available from [http://www.childinfo.org/fles/MICS3\\_Gambia\\_Final\\_Report\\_2006\\_Eng.pdf](http://www.childinfo.org/fles/MICS3_Gambia_Final_Report_2006_Eng.pdf).

<sup>1476</sup> Frances Foord, Cherno Jallow, Katie Paine, and Sarr, *Situational Analysis of Orphans and Other Vulnerable Children in the Gambia*, 54-57. See also ILO, *HIV/AIDS and Work: Global Estimates, Impact, and Response*, Revised edition, Geneva, 2004, 32; available from [http://www.ilo.org/global/Supplemental\\_Navigation/Site\\_Search/ContextualSearchResults/lang--en/docName--KD00022/index.htm](http://www.ilo.org/global/Supplemental_Navigation/Site_Search/ContextualSearchResults/lang--en/docName--KD00022/index.htm) [hard copy on file].

<sup>1477</sup> Gambia Department of State for Education official, Interview, September 4, 2006, 32.

<sup>1478</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of the Gambia, *Children's Act*, (July 21, 2005), articles 18 and 43(1). For age to which education is compulsory, see U.S. Department of State official, E-mail communication to USDOL, February 28, 2008. For free public education, see U.S. Department of State, "The Gambia," 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>.

<sup>1479</sup> Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/a-bel2.html>. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999); available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 3, 13, and 15. See also U.S. Embassy- Banjul, *reporting*, March 5, 2009, paras 2C, 2E, 5D.

<sup>1480</sup> U.S. Embassy- Banjul, *reporting*, March 5, 2009, paras 2C, 2E, 5D. 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 May 22, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cac/he/offonce?entryId=12007>.

<sup>1481</sup> U.S. Department of State, "Country Reports- 2008: The Gambia," section 5 and 6d. See also Integrated Regional Information Networks, "Gambia: Sex Tourists Exploiting Children", IRINnews.org, [online], October 30, 2008 [cited January 29, 2009]; 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*, previously online, 2007, 11; available from [http://www.ecpat.net/eng/A4A\\_2005/PDF/AF/Global\\_Monitoring\\_Report-GAMBIA.pdf](http://www.ecpat.net/eng/A4A_2005/PDF/AF/Global_Monitoring_Report-GAMBIA.pdf) [hard copy on file].

<sup>1482</sup> U.S. Embassy- Banjul, *reporting*, February 29, 2008, paras 2B and 3M. See also Integrated Regional Information Networks, "Gambia: Rising Poverty Breeds Sexual Exploitation of Children by Sugar Daddies", IRINnews.org, [online], May 6, 2004 [cited February 10, 2009]; available from <http://newsite.irinnews.org/PrintReport.aspx?ReportId=49784>. See also ECPAT, *Report on the Status of Action*, 11.

<sup>1483</sup> U.S. Department of State, "The Gambia (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>1484</sup> Ibid. See also Christian Children's Fund- The Gambia, *Child Protection Baseline Assessment*, 8 and 9.

<sup>1485</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: The Gambia."

<sup>1486</sup> Government of the Gambia, *Labour Act*, 5/2007, (October 17, 2007), 8, article 45.

<sup>1487</sup> Government of the Gambia, *Children's Act*, articles 41-44. See also Government of the Gambia, *Constitution*, (1997), article 29(2); available from <http://confinder.richmond.edu>. See also Government of the Gambia, *Labour Act*, article 46.

<sup>1488</sup> Government of the Gambia, *Children's Act*, articles 43 and 51. See also U.S. Embassy- Banjul, *reporting*, November 30, 2007, para A.

<sup>1489</sup> Government of the Gambia, *Labour Act*, article 48.

<sup>1490</sup> Government of the Gambia, *Children's Act*, article 45-49. See also Government of the Gambia, *Labour Act*, article 47.

<sup>1491</sup> U.S. Department of State, "Country Reports- 2008: The Gambia," section 6d.

<sup>1492</sup> *Ibid.*

<sup>1493</sup> *Ibid.*, section 6c.

<sup>1494</sup> Government of the Gambia, *Children's Act*, articles 26 and 39. See also Government of the Gambia, *Trafficking in Persons Act*, (October 5, 2007), article 28. See also U.S. Embassy- Banjul, *reporting*, February 19, 2009, para 2.

<sup>1495</sup> Government of the Gambia, *Children's Act*, article 39(2). See also Government of the Gambia, *Trafficking in Persons Act*, article 56. See also ECPAT, *Report on the Status of Action*, 22. See also U.S. Embassy- Banjul, *reporting*, March 5, 2009.

<sup>1496</sup> U.S. Department of State, "Country Reports- 2008: The Gambia," section 6d.

<sup>1497</sup> Government of the Gambia, *Children's Act*, articles 26-38. See also U.S. Embassy- Banjul, *reporting*, February 19, 2009, para 2. See also ECPAT, *Report on the Status of Action*, 21. See also ILO NATLEX National Labor Law Database, *Tourism Offences Act*, accessed February 10, 2009; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse](http://www.ilo.org/dyn/natlex/natlex_browse). home.

<sup>1498</sup> U.S. Embassy- Banjul, *reporting*, February 19, 2009, para 2.

<sup>1499</sup> Government of the Gambia, *Children's Act*, 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>.

<sup>1500</sup> U.S. Department of State official, E-mail communication to USDOL, July 9, 2009.

<sup>1501</sup> U.S. Department of State, "Country Reports- 2008: The Gambia."

<sup>1502</sup> U.S. Embassy- Banjul, *reporting*, March 5, 2009, para 4M.

<sup>1503</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>1504</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-7.

<sup>1505</sup> U.S. Embassy- Banjul, *reporting*, March 5, 2009, para 3B.

<sup>1506</sup> *Ibid.*, paras 3B and 3D. See also U.S. Department of State, "Country Reports- 2008: The Gambia," section 5.

<sup>1507</sup> U.S. Department of State, "Country Reports- 2008: The Gambia," section 5.

<sup>1508</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: The Gambia."

<sup>1509</sup> U.S. Embassy- Banjul, *reporting*, March 5, 2009, paras 6E and 6F.

<sup>1510</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: The Gambia." See also Integrated Regional Information Networks, "Sex Tourists Exploiting Children".

<sup>1511</sup> ECPAT International, *ECPAT Directory: Africa*, January 29, 2009; available from [http://www.ecpat.net/EI/Ecpat\\_directory.asp?id=31&groupID=1](http://www.ecpat.net/EI/Ecpat_directory.asp?id=31&groupID=1).

<sup>1512</sup> U.S. Embassy- Banjul, *reporting*, March 5, 2009, para 2A.

<sup>1513</sup> *Ibid.*, paras 3B and 6D.

<sup>1514</sup> *Ibid.*, para 3D.

<sup>1515</sup> U.S. Embassy- Banjul, *reporting*, February 19, 2009, para 2C. See also U.S. Embassy- Banjul, *reporting*, March 5, 2009, para 5B.

<sup>1516</sup> U.S. Embassy- Banjul, *reporting*, March 5, 2009, para 5B.

## Georgia

### Incidence and Nature of Child Labor

Working children in Georgia may be found in the streets, begging or selling small items.<sup>1517</sup> In 2008,

the NGO Save the Children estimated there to be 1,600 street children, half of whom were living in Tbilisi. Children sometimes work in family businesses or intermittently on family farms.<sup>1518</sup>

Prostitution of boys and girls is a problem; however, no statistics are available.<sup>1519</sup> Trafficking of children rarely occurred.<sup>1520</sup> In the separatist region of Abkhazia, authorities allegedly forcibly conscripted boys under 18, the minimum age for conscription into the armed forces.<sup>1521</sup>

heavy, harmful, or dangerous work, including underground work, mechanical engineering, metallurgy, or welding.<sup>1526</sup> Children are also banned from selling alcoholic beverages and tobacco, magazines and newspapers containing pornographic materials, and from working in gambling institutions, night clubs, and bars.<sup>1527</sup>

Forced labor is prohibited in Georgia.<sup>1528</sup> The law provides that sexual contact with any person under 16 years is a crime and states that any person involving children in prostitution or other sexual depravity may be punished with imprisonment of up to 3 years.<sup>1529</sup> The production, sale, distribution, or promotion of child pornography is punishable by a fine or by corrective labor or imprisonment of up to 3 years. The punishment for involving a minor in the production of pornographic material is up to 5 years of imprisonment.<sup>1530</sup> The law prohibits trafficking in minors for sexual exploitation, forced labor, and other forms of exploitation. Punishment for these crimes is imprisonment from 8 years to life.<sup>1531</sup> The minimum age for entry into the armed forces is 18 years.<sup>1532</sup>

The Ministry of Health and Social Security's Department for Social Protection is responsible for labor-related issues and employs two office employees who focus on labor policy issues. The Department.<sup>1533</sup> The Permanent Anti-Trafficking Coordination Council is responsible for coordinating Government efforts against trafficking in persons.<sup>1534</sup> In 2007, 16 alleged traffickers were prosecuted, resulting in 13 convictions and sentences ranging from 8 to 26 years of imprisonment. Sixteen new trafficking investigations were opened in 2008 and seven cases were decided, one involving a minor, which resulted in sentences from 9 to 10 years.<sup>1535</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Ministry of Health and Social Affairs continued to operate two trafficking shelters in Batumi and Tbilisi, which were opened in 2006 and 2007, respectively. The Government continued an awareness-raising campaign on trafficking in persons.<sup>1536</sup>

<i>Selected Statistics and Indicators on Child Labor<sup>1522</sup></i>	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	99.0
Net primary enrollment rate (%), 2007:	93.7
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2006:	100.0
ILO Convention 138:	9/23/1996
ILO Convention 182:	7/24/2002
CRC:	6/2/1994**
CRCOPAC:	No
CRCOPSC:	6/28/2005**
Palermo:	11/5/2006
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

### **Child Labor Laws and Enforcement**

The law sets the minimum age for work at 16 years. However, children as young as 14 years may work with parental consent if the work does not damage their health or hinder their studies.<sup>1523</sup> Children 14 to 16 years may work up to 24 hours per week, while children between 16 and 18 years are permitted to work 36 hours per week.<sup>1524</sup> Employment of children under 18 years is prohibited between the hours of 10 p.m. and 6 a.m.<sup>1525</sup> Children are not permitted to work in



<sup>1517</sup> Government of Georgia, *National Plan of Action for Children 2003-2007 [Draft-English Edition]*, Tbilisi, 2003, 38.

<sup>1518</sup> U.S. Department of State, "Country Reports- 2008: Georgia," section 5.

<sup>1519</sup> Government of Georgia, *National Plan of Action for Children 2003-2007 [Draft-English Edition]*, 38 and 41.

<sup>1520</sup> U.S. Department of State, "Country Reports- 2008: Georgia," section 5.

<sup>1521</sup> *Ibid.*, section 1g.

<sup>1522</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Georgia, *Labor Code of Georgia*, (July 4, 2006), article 4; available from <http://www.doingbusiness.org/documents/lawlibrary/georgia-labor-code-of-georgia.doc>. For age to which education is compulsory and free public education, see Government of Georgia, *The Constitution of Georgia*, (August 24, 1995), article 35; available from [http://www.parliament.ge/files/68\\_1944\\_951190\\_CONSTIT\\_27\\_12.06.pdf](http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf). See also U.S. Department of State, "Georgia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119080.htm>.

<sup>1523</sup> Government of Georgia, *Labor Code of Georgia*, article 4.

<sup>1524</sup> Government of Georgia, *National Plan of Action for Children 2003-2007 [Draft-English Edition]*, 40.

<sup>1525</sup> Government of Georgia, *Labor Code of Georgia*, article 18.

<sup>1526</sup> Government of Georgia, Ministry of Labor, Healthcare, and Social Affairs, *Information on Child Labor Protection in Georgia*, Tbilisi, February 2, 2005, 2-3.

<sup>1527</sup> *Ibid.*, 2.

<sup>1528</sup> Government of Georgia, *The Constitution of Georgia*, article 30.

<sup>1529</sup> Government of Georgia, "Georgia," in *Legislation of Interpol Member States on Sexual Offences Against Children-Georgia, 2006*, accessed December 5, 2007; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaGeorgia.asp>.

<sup>1530</sup> U.S. Embassy- Tbilisi, *reporting*, December 6, 2007. See also U.S. Embassy- Tbilisi official, E-mail communication to USDOL official, July 24, 2008.

<sup>1531</sup> U.S. Department of State, "Country Reports- 2008: Georgia," section 5.

<sup>1532</sup> Coalition to Stop the Use of Child Soldiers, "Georgia," in *Child Soldiers Global Report 2008*, London, 2008, 149; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1533</sup> U.S. Embassy- Tbilisi, *reporting*, December 6, 2007.

<sup>1534</sup> U.S. Department of State, "Georgia (Tier 1 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>1535</sup> U.S. Department of State, "Country Reports- 2008: Georgia," section 5.

<sup>1536</sup> *Ibid.* See also U.S. Embassy- Tbilisi official, E-mail communication, July 24, 2008.

## Ghana

### Incidence and Nature of Child Labor

Children in Ghana work in agriculture in the production, harvesting, and loading of food crops, including cashews, cassava, cotton, maize, rice, plantains, spinach, tomatoes, and yams.<sup>1537</sup>

An estimated 1.6 million children work in the cocoa sector, some as young as 5 years of age, according to a 2008 study led by Tulane University. Many of these children work under hazardous conditions, such as carrying heavy loads, spraying pesticides, using machetes to clear undergrowth, and burning vegetation. Many children who work in the cocoa sector are able to attend school (90 percent) but report limited

access to intervention projects that provide support to children in rural areas (95 percent).<sup>1538</sup> Studies conducted by the Ghanaian Government in 2007 and 2008 substantiate many of Tulane University's findings, as did an independent verification assessment of the Government's 2008 certification survey results.<sup>1539</sup>

Children herd livestock<sup>1540</sup> and also fetch firewood and work in brick-laying.<sup>1541</sup> Children, including girls, are also engaged in quarrying and small-scale mining activities, including extracting, transporting, and processing.<sup>1542</sup> Children are known to work in diamond and small-scale,

illegal gold mining, known locally as “galamsey.”<sup>1543</sup> The practice of sending children to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Ghana.<sup>1544</sup> While some children receive lessons, many are forced by their teachers to beg for money and food.<sup>1545</sup>

in the Volta Region are also used to weave kente cloth.<sup>1551</sup>

Children work in the informal sector in activities such as street vending and fare collecting.<sup>1552</sup> Girls as young as 6 years transport heavy loads on their heads (known as “kayaye”) in urban areas such as Accra and Kumasi. These girls often live on the streets and are especially vulnerable to being exploited in prostitution.<sup>1553</sup> Children in Ghana are also engaged in commercial sexual exploitation, including in Accra and the tourist destinations of Elmina and Cape Coast.<sup>1554</sup> As of 2008, Ghana’s Ministry of Women’s and Children’s Affairs (MOWAC) estimates that thousands of children are involved in the sex industry in Ghana.<sup>1555</sup> Children in Elmina and Cape Coast are also known to sell drugs.<sup>1556</sup>

Some children are involved in *Trokosi*, a religious practice indigenous to the southern Volta region, which involves pledging children to atone for family members’ sins by assisting with prayers and the upkeep of religious shrines. The period of atonement for *trokosis* can last from a few months to 3 years.<sup>1557</sup> According to the Government of Ghana, *Trokosi* constitutes forced or ritual servitude, which is banned under the law.<sup>1558</sup>

Ghana is a source, transit, and destination country for child trafficking for commercial sexual exploitation and forced labor.<sup>1559</sup> Ghanaian children are trafficked to and from neighboring countries in West Africa for labor exploitation.<sup>1560</sup> Children are also trafficked to Ghana from Burkina Faso.<sup>1561</sup> The internal trafficking of children is also a problem. Within Ghana, children are trafficked for forced labor in fishing, agriculture, mining, quarrying, portering, street vending, domestic service, and commercial sexual exploitation.<sup>1562</sup> The common cultural practice of “adoption,” whereby some parents send their children to live with more affluent relatives and family friends, has been exploited by child traffickers in Ghana.<sup>1563</sup>

### Child Labor Laws and Enforcement

Ghanaian law sets the minimum age for employment at 15 years and the minimum age for light work at 13 years. Light work is defined as

### Selected Statistics and Indicators on Child Labor<sup>1546</sup>

Population, children, 5-14 years, 2000:	5,174,923
Working children, 5-14 years (%), 2000:	24.2
Working boys, 5-14 years (%), 2000:	24.5
Working girls, 5-14 years (%), 2000:	24.0
Working children by sector, 5-14 years (%), 2000:	
- Agriculture	71.0
- Manufacturing	5.8
- Services	22.6
- Other	0.6
Minimum age for work:	15
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	97.7
Net primary enrollment rate (%), 2007:	71.6
School attendance, children 5-14 years (%), 2000:	80.0
Survival rate to grade 5 (%), 2002:	63.3
ILO Convention 138:	No
ILO Convention 182:	6/13/2000
CRC:	2/5/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

Children work in fishing on Lake Volta, including both boys and girls who have been trafficked there for this purpose.<sup>1547</sup> The fishing industry on Lake Volta employs many children in hazardous labor, such as deep diving and casting and drawing nets.<sup>1548</sup> Children are known to engage in fishing for tilapia, mudfish, silverfish, catfish, latesfish, and electric fish.<sup>1549</sup> Girls work as domestic servants, cooks, servers, and porters in fishing villages along Lake Volta. They also prepare fish for market and sell them.<sup>1550</sup> Children

work that is unlikely to be harmful to the health or development of a child and does not affect the child's attendance or ability to benefit from school.<sup>1564</sup> The law stipulates that children 15 years and older, or children who have completed basic education, can work as apprentices if the craftsman provides food, training, and a safe and healthy work environment. Children under 18 years may not engage in night work between 8 p.m. and 6 a.m. The law prohibits persons under 18 years from engaging in hazardous labor, which includes work in mines or quarries; at sea; in bars, hotels, and entertainment venues likely to expose children to immoral behavior; in manufacturing that involves chemicals; in places that operate machinery; or in any job that involves carrying heavy loads.<sup>1565</sup> Employers who violate any of the above provisions regulating children's employment, with the exception of those related to apprenticeships, are subject to a fine and/or 2 years of imprisonment. Employers who operate in industrial undertakings other than agriculture or commerce must keep a register with the dates of birth or apparent ages of the children they employ; failure to keep this register is punishable by a fine.<sup>1566</sup>

The law prohibits forced child labor, slavery, or servitude.<sup>1567</sup> Ritual servitude is illegal in Ghana and is punishable by a minimum of 3 years of imprisonment.<sup>1568</sup> The law prohibits persons with custody, charge, or care of a child under 16 years from encouraging or causing that child to become involved in prostitution.<sup>1569</sup> It is a misdemeanor to procure females under 21 years, except "known prostitutes," for prostitution.<sup>1570</sup> The law also prohibits forced prostitution of children under 18 years.<sup>1571</sup>

Ghanaian law contains specific provisions against trafficking in persons, including trafficking children under 18 years of age, providing another person for trafficking, and using a trafficked person. Each of these offenses carries a penalty of at least 5 years of imprisonment.<sup>1572</sup> The law mandates that police officers respond to all requests for assistance from trafficking victims and offer protection to persons who report cases of alleged trafficking, even if such a person is not the victim. The law provides for the rescue, temporary shelter and care, counseling, family

tracing, and rehabilitation of victims of trafficking; it also established a Human Trafficking Fund to assist victims.<sup>1573</sup> The law also prohibits children from transporting illicit drugs.<sup>1574</sup> The minimum age for military recruitment is 18 years, and there is no conscription.<sup>1575</sup>

Ghana was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, especially Women and Children in West and Central African Regions.<sup>1576</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Ghana agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>1577</sup>

The Ministry of Employment and Social Welfare (MESW) is responsible for enforcing child labor laws. Labor officers and other officials at the district level are responsible for conducting annual workplace inspections and investigating allegations of violations.<sup>1578</sup> According to USDOS, enforcement of child labor laws in Ghana is inconsistent and ineffective.<sup>1579</sup>

The Ghana Police Service's Domestic Violence Victim Support Unit (DOVVSU) is responsible for enforcing anti-trafficking laws, while the Immigration Service's Border Patrol Unit is responsible for monitoring movement across the country's borders. In 2008, the Immigration Service identified 26 traffickers and transferred them into police custody.<sup>1580</sup> In 2008, the police intervened to rescue a total of 167 children who were being transported to Côte d'Ivoire in two separate instances of trafficking and 15 children being forced to beg by a Koranic teacher in Bimbilla.<sup>1581</sup>

According to USDOS, the Government of Ghana's efforts to combat trafficking in 2008 through law enforcement were modest.<sup>1582</sup> Ghana's Criminal Investigations Department conducted a raid in 2008 on the Soldier Bar, a group of brothels in Accra where child prostitution was known to take

place. More than 75 male clients and three employees were detained, but none was charged.<sup>1583</sup> In May 2008, two men were convicted of conspiracy and slavery charges for attempting to sell a child 16 years of age; both were sentenced to 20 years in prison.<sup>1584</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government of Ghana included child labor as an issue to be addressed in its Growth and Poverty Reduction Strategy for 2006 through 2009 (GPRS II), indicating that priority will be given to special programs to combat the worst forms of child labor, including commercial sexual exploitation and child trafficking.<sup>1585</sup> Under one of the strategies developed as part of GPRS II, the Government is implementing the Livelihood Empowerment Against Poverty, a cash transfer program for families that includes child labor as one of the selection criteria for families to receive assistance.<sup>1586</sup> The Government's National Policy Guidelines on Orphans and Other Children Made Vulnerable by HIV/AIDS includes children engaged in the worst forms of child labor and street children as target groups.<sup>1587</sup>

The Government continued to implement its National Plan of Action for the Elimination of Child Labor and collaborated with ILO-IPEC on a USDOL-funded 4-year USD 4.75 million project of support to the National Plan of Action in Ghana through June 2009. The project has withdrawn 5,326 children and prevented 5,753 children from exploitive labor through the provision of educational services.<sup>1588</sup> The Government participated in the second phase of the regional anti-trafficking LUTRENA project through April 2008, funded by the Danish Government at USD 6.19 million and implemented by ILO-IPEC in West and Central Africa, with activities in Ghana.<sup>1589</sup>

The Government of Ghana continued to implement its 5-year National Program for the Elimination of the Worst Forms of Child Labor in the Cocoa Sector, which is a component of the Government of Ghana's National Timebound Program for Eliminating the Worst Forms of Child Labor. The objective of this program is to eliminate the worst forms of child labor in cocoa

production by 2011 and contribute to the elimination of other worst forms of child labor by 2015.<sup>1590</sup> The child labor monitoring system developed under the USDOL-funded West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor Project is being integrated into the program.<sup>1591</sup> The program is funded by the Government, cocoa industry partners, and multilateral and bilateral donors; implementation is coordinated by MESW, with participation of other Government agencies.<sup>1592</sup> MESW reported in January 2009 that key stakeholders in 46 cocoa-producing districts had been trained on issues related to child labor. In addition, 110 communities in 11 districts established committees to combat the worst forms of child labor and protect children; 1,246 children have been supported to attend school or engage in apprenticeships.<sup>1593</sup>

The Governments of Ghana and Côte d'Ivoire continued to take steps during 2008 toward implementing agreements under the Harkin-Engel Protocol by publishing child labor certification surveys covering more than 50 percent of the cocoa-growing region in June 2008 and participating in verification activities in the cocoa sector.<sup>1594</sup>

The Government of Ghana continued to participate in the International Cocoa Verification Board (ICVB) convened by Verité, Inc., in 2007 to strengthen remediation efforts, improve national surveys, and work toward verification.<sup>1595</sup> In 2008, ICVB contracted the FAFO Institute of Advanced International Studies and Khulisa Management Services to assess the accuracy of the Governments' child labor certification surveys.<sup>1596</sup> In December 2008, FAFO and Khulisa published their verification assessment report, which will be used to strengthen future cocoa sector certification and verification exercises, as well as child labor remediation activities.<sup>1597</sup> In 2008, the international cocoa industry provided the majority of funding for ICVB's activities, at more than USD 2 million.<sup>1598</sup>

The Government of Ghana continued to cooperate with the 3-year project to oversee the efforts of the international cocoa industry and the Governments of Ghana and Côte d'Ivoire to

eliminate the worst forms of child labor in the cocoa sector, funded by USDOL at USD 4.3 million and implemented by Tulane University, in partnership with the West African Health Organization.<sup>1599</sup>

During 2008, the International Cocoa Initiative (ICI) continued to implement projects in 252 communities throughout Ghana and Côte d'Ivoire. ICI conducted trainings to enhance awareness of child labor and trafficking, including for Government officials from the Department of Social Welfare, the Judiciary Service, and the Ghana Police Service.<sup>1600</sup> From 2005 to 2008, the international cocoa industry funded ICI at approximately USD 6.79 million.<sup>1601</sup>

The Government continued to participate in the USD 6 million Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES) project, funded by the World Cocoa Foundation, USAID, and the international cocoa industry, and implemented in Ghana and Côte d'Ivoire by Winrock International, the International Foundation for Education Self-Help, and Making Cents through 2009. The ECHOES project aims to provide vocational agriculture education to 4,500 primary and secondary school children and 260 out-of-school youth, and provide 250 children and their families with income-generating support.<sup>1602</sup> The project will also raise awareness on child labor issues in agriculture.<sup>1603</sup>

The Government of Ghana continued to participate in the 4-year Phase II Sustainable Tree Crops Program (STCP), funded by USAID, the World Cocoa Foundation, and the international cocoa industry through 2011. 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.<sup>1604</sup> In Ghana, the trains farmers through Farmer Field Schools and Video Viewing Clubs and works with eight communities to develop cocoa cooperatives.<sup>1605</sup> The international cocoa industry contributed approximately USD 2.55 million to the program between 2005 and 2008.<sup>1606</sup>

In 2008, the Government of Ghana adopted and began implementing its National Plan of Action to combat trafficking in persons. In December 2008, the Government allocated an estimated USD 75,000 to the Human Trafficking Fund established by the 2005 Human Trafficking Act.<sup>1607</sup>

The Government continued to collaborate with IOM on the implementation of a USD 420,000 project, funded by private donors through 2009. The project aims to withdraw 587 child trafficking victims from exploitive child labor in fishing villages on Lake Volta and rehabilitate, return, and reintegrate them into their original communities.<sup>1608</sup> The Government continued to provide staff and in-kind support to an IOM-funded shelter in Medina that provides care to children trafficked for fishing. The Government also continued to operate two facilities in Accra for poor children, including some who were victims of trafficking.<sup>1609</sup> MOWAC launched programs to withdraw, rehabilitate, and reintegrate children involved in prostitution in Ghana. This program assisted at least 20 girls who were arrested as part of the Government's raid on Soldier Bar in February 2008.<sup>1610</sup> The Government continued to conduct awareness campaigns on the 2005 Human Trafficking Act and train DOVVSU officials on child protection issues.<sup>1611</sup>

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<sup>1537</sup> U.S. Embassy- Accra, *reporting*, February 20, 2009. See also ILO-IPEC, *Girl Child Labour in Agriculture, Domestic Work and Sexual Exploitation: Rapid Assessments on the Cases of the Philippines, Ghana and Ecuador*, previously online, Geneva, 2004, 314-319; available from [http://www.ilo.org/iloroot/docstore/ipecc/prod/eng/gcl\\_vol1\\_2004.pdf](http://www.ilo.org/iloroot/docstore/ipecc/prod/eng/gcl_vol1_2004.pdf) [hard copy on file]. See also Ministry of Manpower, Youth, and Employment, *Second Report on Child Labour Monitoring System in Five Districts in Ghana*, The Government of Ghana, May 2005, 7, 30, 39, 43-44, 57. See also Stephen Afranie, *Survey Report on Knowledge, Attitudes, and Perception of Hazardous Child Labour in Farming Communities in Ghana*, University of Ghana, Legon, December 2005, section 2.2.2.2.

<sup>1538</sup> Tulane University, *Second 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,

2008, 9-10,39, 43, 51-54, 59, 63-67, 69-70, 88; available from <http://childlabor-payson.org/default.html>.

<sup>1539</sup> Government of Ghana, *Cocoa Labour Survey in Ghana - 2007/2008*, Ministry of Manpower, Youth and Employment, Accra, June 2008, 118-151; available from [http://www.cocoaverification.net/Docs/Rapport\\_Final\\_EID\\_Extension\\_2007\\_2008\\_Eng.pdf](http://www.cocoaverification.net/Docs/Rapport_Final_EID_Extension_2007_2008_Eng.pdf). See also Samuel Asuming-Brempong, Daniel B. Sarpong, Philip Amoo, and Kwadwo Asenso-Okyere, *Pilot Labour Survey in Cocoa Production in Ghana - 2006*, [previously online] April 2007, 85-109; available from [http://www.cocobod.gh/News\\_Details.cfm?EmpID=912](http://www.cocobod.gh/News_Details.cfm?EmpID=912) [hard copy on file]. See also International Cocoa Verification Board, *Home page*, [online] n.d. [cited March 19, 2008]; available from <http://www.cocoaverification.net/>. See also FAFO AIS and Khulisa Management Services Ltd, *Verification of Certification Activities in West African Cocoa Sector. Final Verification Report: Ghana*, December 2008, i-vi; available from [http://www.cocoaverification.net/Docs/Verification\\_Report\\_Ghana.pdf](http://www.cocoaverification.net/Docs/Verification_Report_Ghana.pdf).

<sup>1540</sup> U.S. Embassy- Accra, *reporting*, February 20, 2009, para E26.

<sup>1541</sup> Ministry of Manpower, Youth, and Employment, *Second Report on Ghana's CLMS*, 46-47. See also Stephen Afranie, *KAP Survey on Hazardous Child Labor in Farming in Ghana*, Section 2.2.2.2.

<sup>1542</sup> ILO-IPEC, *Girls in Mining: Research Findings from Ghana, Niger, Peru, and the United Republic of Tanzania*, Geneva, 2007, 1-2; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=5304>. See also U.S. Embassy- Accra, *reporting*, February 20, 2009, para E27.

<sup>1543</sup> University of Ghana- Legon, *Girls in Mining and Quarrying in Ghana*, commissioned by ILO-IPEC Accra, July 2007, 14. See also ILO-IPEC, *Girls in Mining: Research Findings* 4 and 9. See also ILO-IPEC, *Child Labour in Gold Mining: The Problem*, Geneva, 2006; available from <http://www.ilo.org/.../download.do?sessionId=0a038009ce9f52eda7591484dcf8606fe643013a21b?type=document&id=4146> [hard copy on file].

<sup>1544</sup> Peter Easton, Mark Peach, Ibrahim Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html>. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999), 1 and 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also U.S. Embassy-Accra, *reporting*, August 5, 2008, paras 1-3.

<sup>1545</sup> U.S. Embassy-Accra, *reporting*, August 5, 2008, paras 1-3. See also IOM, *Traditional Practices Being Abused to*

*Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited May 22, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cac/he/offonce?entryId=12007>.

<sup>1546</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Ghana, *The Children's Act (Act 560)*, (September 24, 1998), section 89; available from <http://www.ilo.org/dyon/natlex/docs/WEBTEXT/56216/65194/E98GHA01.htm> [hard copy on file]. For age to which education is compulsory, see UNESCO Institute for Statistics, *National Education Systems*, [online] [cited February 20, 2009]; available from [http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3\\_1.html](http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html). See also UNESCO, *EFA: Global Monitoring Report 2009*, Paris, 2009; available from <http://www.unesco.org/en/education/efareport/reports/2009-governance/>. See also Government of Ghana, *The Constitution of the Republic of Ghana*, (1996), chapter 5, article 25; available from <http://www.parliament.gh/book/export/html/60>.

For free public education, see Government of Ghana, *The Education Act, 1961*, Act 87, (November 15, 1961), article 21. See also U.S. Department of State, "Ghana," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>.

<sup>1547</sup> Micky Informatics Consult, *Survey on Child Trafficking in the Fishing Industry in the Volta Region, Ghana*, IOM Ghana, Accra, 2007, cover, 4. See also U.S. Embassy- Accra, *reporting*, February 20, 2009, para E27. See also U.S. Embassy- Accra, *reporting*, May 30, 2008.

<sup>1548</sup> Raggie Johansen, "Child Trafficking in Ghana", UNODC eNewsletter, [online], 2006 [cited February 23, 2009]; available from <http://www.unodc.org/newsletter/en/perspectives/0601/page002.html>.

<sup>1549</sup> IOM official, E-mail communication to USDOL official, June 24, 2008. See also U.S. Embassy- Accra official, E-mail communication to USDOL official, June 13, 2008.

<sup>1550</sup> Integrated Regional Information Networks, "West Africa: Children in Danger: War on Trafficking", IRINnews.org, [online], June 29, 2006 [cited February 23, 2009]; available from <http://www.irinnews.org/report.aspx?reportid=59518>. See also IOM, *Another Group of Trafficked Children Rescued in Ghana*, [online] February 10, 2009 [cited February 13, 2009]; available from <http://www.iom.int/jahia/Jahia/pid/1666>. See also U.S. Embassy- Accra, *reporting*, February 20, 2009, para E27.

<sup>1551</sup> U.S. Embassy- Accra, *reporting*, February 20, 2009, para E28.

<sup>1552</sup> *Ibid.*, para E27.

<sup>1553</sup> ILO-IPEC, *Girl Child Labour in Agriculture, Domestic Work and Sexual Exploitation: Ghana*, 277 and 279. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Ghana (ratification: 2000)*, [online] 2006 [cited February 23, 2009]; available from <http://www.ilo.org/ilolex/english/iloquery.htm>. See also U.S. Embassy- Accra, *reporting, February 20, 2009*, para C16.

<sup>1554</sup> Integrated Regional Information Networks, "Ghana: Response to "Thriving" Child Sex Industry Too Weak", IRINnews.org, [online], March 20, 2008 [cited February 20, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77389>. See also The Protection Project, "Ghana," in *2005 Human Rights Report on Trafficking in Persons, Especially Women and Children, 2005*; available from <http://www.protectionproject.org>.

<sup>1555</sup> Integrated Regional Information Networks, "Ghana: Profile of a Child Sex Worker", IRINnews.org, [online], March 20, 2008 [cited February 20, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77388>.

<sup>1556</sup> ILO Committee of Experts, *Direct Request, C. 182: Ghana*.

<sup>1557</sup> U.S. Department of State, "Country Reports- 2008: Ghana," section 2c.

<sup>1558</sup> Government of Ghana official, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, December 13, 2007, 2. See also Government of Ghana, *Consolidation of Criminal Code, 1960; Act 29*, (December 10, 1999), section 314 (A).

<sup>1559</sup> UNODC, *Trafficking in Persons: Global Patterns*, April 2006; available from [http://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006ver2.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf).

<sup>1560</sup> U.S. Department of State, "Country Reports- 2008: Ghana," section 5.

<sup>1561</sup> Brad Kress, *Burkina Faso: Testing the Tradition of Circular Migration*, Migration Policy Institute, May 2006, 7; available from <http://www.migrationinformation.org/Profiles/print.cfm?ID=399>.

<sup>1562</sup> U.S. Department of State, "Country Reports- 2008: Ghana," section 5. See also U.S. Embassy- Accra, *reporting, February 20, 2009*, para E27.

<sup>1563</sup> Johansen, "Child Trafficking in Ghana". See also Integrated Regional Information Networks, "Children in Danger: War on Trafficking".

<sup>1564</sup> Government of Ghana, *The Children's Act*, section 89-90.

<sup>1565</sup> *Ibid.*, articles 98-99, 88, 91.

<sup>1566</sup> *Ibid.*, articles 93-94. See also Government of Ghana, *Labour Act (Act 651)*, (2003), articles 60-61.

<sup>1567</sup> Government of Ghana, *Constitution of Ghana*, chapter 5, article 16. See also Government of Ghana, *Labour Act, 2003*, articles 116-117.

<sup>1568</sup> Government of Ghana, *Consolidation of Criminal Code, 1960; Act 29*, section 314(A).

<sup>1569</sup> ILO Committee of Experts, *Direct Request, C. 182: Ghana*.

<sup>1570</sup> Government of Ghana, *Penal Code, Act 29*, 107(1) and 108(1) (1960), 107(1) and 108(1); available from <http://209.190.246.239/protectionproject/statutes/PDF/GhanaF.pdf> [hard copy on file].

<sup>1571</sup> Government of Ghana, *Human Trafficking Act, 2005 (Act 694)*, (December 5, 2005), section 1. See also Government of Ghana official, *Written communication*.

<sup>1572</sup> Government of Ghana, *Human Trafficking Act, 2005*, sections 1-4.

<sup>1573</sup> *Ibid.*, sections 10, 14-22.

<sup>1574</sup> Government of Ghana official, *Written communication*.

<sup>1575</sup> Coalition to Stop the Use of Child Soldiers, "Ghana," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>

<sup>1576</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Geneva, September 1, 2006, 2.

<sup>1577</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

<sup>1578</sup> U.S. Embassy- Accra, *reporting, February 20, 2009*, para B6.

<sup>1579</sup> U.S. Department of State, "Country Reports- 2008: Ghana," section 6d.

<sup>1580</sup> U.S. Embassy- Accra, *reporting, February 20, 2009*, para B6. See also U.S. Department of State, "Country Reports- 2008: Ghana," section 5.

<sup>1581</sup> U.S. Department of State, "Country Reports- 2008: Ghana," section 5.

<sup>1582</sup> U.S. Department of State, "Ghana (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>1583</sup> *Ibid.*

<sup>1584</sup> U.S. Department of State, "Country Reports- 2008: Ghana," section 5.

<sup>1585</sup> Republic of Ghana National Development Planning Commission, *Growth and Poverty Reduction Strategy (GPRS II) (2006-2009)*, Accra, November 2005; available from

[http://siteresources.worldbank.org/INTPRS1/Resources/GhanaCostingofGPRS\\_2\(Nov-2005\).pdf](http://siteresources.worldbank.org/INTPRS1/Resources/GhanaCostingofGPRS_2(Nov-2005).pdf). See also U.S. Embassy- Accra, *reporting, February 20, 2009*, para D21.

<sup>1586</sup> ILO-IPEC, *Support for the Implementation of Timebound Measures for the Elimination of the Worst Forms of Child Labor in Ghana*, Technical Progress Report, Geneva, September 7, 2007.

<sup>1587</sup> Ghana AIDS Commission, *National Policy Guidelines on Orphans and Other Children Made Vulnerable by HIV/AIDS*, Republic of Ghana, January 2005, 17-18. See also U.S. Embassy- Accra, *reporting, February 20, 2009*, para D21.

<sup>1588</sup> ILO-IPEC, *Support for the Implementation of Timebound Measures for the Elimination of the Worst Forms of Child Labor in Ghana*, Project Document, Geneva, September 3, 2004. See also U.S. Department of State, "Country Reports- 2008: Ghana," section 5. See also ILO-IPEC, *Support for the Implementation of Timebound Measures for the Elimination of the Worst Forms of Child Labor in Ghana*, Technical Progress Report, Geneva, March 2009.

<sup>1589</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>1590</sup> Ministry of Manpower Youth and Employment and the Ghana Cocoa Board, *National Programme for the Elimination of the Worst Forms of Child Labour in the Cocoa Sector 2006-2011*, The Republic of Ghana, 2006, iv, vii, 32.

<sup>1591</sup> Tulane University, *Second Annual Report*, 26-27.

<sup>1592</sup> Ministry of Manpower Youth and Employment and the Ghana Cocoa Board, *National Programme for the Elimination of the Worst Forms of Child Labor in Cocoa*, 32.

<sup>1593</sup> Ministry of Employment and Social Welfare, *National Programme for the Elimination of the Worst Forms of Child Labour in Cocoa (NPECLC)- Summary of Status Report*, Government of Ghana, Accra, January 2009.

<sup>1594</sup> Tulane University, *Second Annual Report*, 9-11, 29-30.

<sup>1595</sup> International Cocoa Verification Board, *Home page*. See also International Cocoa Verification Board, *Verification Board Biographies*, [online] n.d. [cited February 12, 2009]; available from <http://www.cocoaverification.net/members.php>.

<sup>1596</sup> International Cocoa Verification Board, *Home page*. See also Government of Ghana, *Cocoa Labour Survey in Ghana - 2007/2008*, 1. See also Government of Côte d'Ivoire, *National Initial Diagnostic Survey: Final Report*, Abidjan, June 2008, 1; available from <http://www.cocoaverification.net/Docs/CDI-RapportFinalEIDExtension20072008.pdf>.

<sup>1597</sup> International Cocoa Verification Board, Email communication to USDOL official, December 6, 2008. See also International Verification Board, *Home page*, [online] n.d. [cited March 19, 2008]; available from <http://www.cocoaverification.net/>.

<sup>1598</sup> International Cocoa Verification Board, *Frequently Asked Questions*, [online] n.d. [cited February 12, 2009]; available from <http://www.cocoaverification.net/faq.php>.

<sup>1599</sup> U.S. Department of Labor, *U.S. Labor Department Funds Project to Evaluate Effectiveness of Anti-Child Labor Efforts in the Cocoa Industry*, Press Release, previously online, Washington, DC, October 3, 2006; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20061723.htm> [hard copy on file]. See also Tulane University, *Second Annual Report*, 1.

<sup>1600</sup> International Cocoa Initiative, *Progress Report: January 2008 to Date*, ICI Board Meeting, Geneva, October 2008, 3 and 6; available from [http://www.cocoainitiative.org/images/stories/pdf/2008\\_third\\_quarter\\_progress\\_report.pdf](http://www.cocoainitiative.org/images/stories/pdf/2008_third_quarter_progress_report.pdf).

<sup>1601</sup> Tulane University, *Second Annual Report*, 86.

<sup>1602</sup> Winrock International, Email communication to USDOL official, December 14, 2008. See also USAID, World Cocoa Foundation, and Winrock International, *Project Profile: Empowering Cocoa Households with Opportunities and Education Solutions (ECHOES)*, Washington, DC, n.d.

<sup>1603</sup> Winrock International, Email communication, December 14, 2008. See also USAID, World Cocoa Foundation, and International, *ECHOES Project Fact Sheet*.

<sup>1604</sup> USAID, "Chocolate Companies Help West African Farmers Improve Harvest," *USAID Frontlines* (September, 2005); available from [http://www.usaid.gov/press/frontlines/fl\\_sep05/pilars.htm](http://www.usaid.gov/press/frontlines/fl_sep05/pilars.htm). See also International Institute of Tropical Agriculture, *Sustainable Tree Crops Program*, [online] March 20, 2006 [cited February 12, 2009]; available from <http://www.treecrops.org/index.htm>. See also World Cocoa Foundation, *Sustainable Tree Crops Program- Ghana*, [online] [cited February 11, 2009]; available from [http://www.worldcocoafoundation.org/difference/S TCPGhana\\_Summary.asp](http://www.worldcocoafoundation.org/difference/S TCPGhana_Summary.asp).

<sup>1605</sup> USAID, "Chocolate Companies Help West African Farmers Improve Harvest." See also International Institute of Tropical Agriculture, *Sustainable Tree Crops Program*. See also World Cocoa Foundation, *Sustainable Tree Crops Program*.

<sup>1606</sup> Tulane University, *Second Annual Report*, 86.

<sup>1607</sup> U.S. Embassy- Accra, *reporting, February 20, 2009*, para D23.

<sup>1608</sup> IOM- Ghana, *Support Trafficked Children in Ghana*, [online] [cited February 13, 2009]; available from <http://www.iom.int/jahia/Jahia/pid/1666>.

<sup>1609</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Ghana."

<sup>1610</sup> Integrated Regional Information Networks, "Ghana: Thriving Child Sex Industry".



<sup>1611</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Ghana." See also U.S. Embassy- Accra,

reporting, February 20, 2009, para B11.

## Grenada

### *Selected Statistics and Indicator on Child Labor*<sup>1612</sup>

Gross primary enrollment rate (%), 2007:	80.4
Net primary enrollment rate (%), 2007:	75.9

#### **Incidence and Nature of Child Labor**

No changes have been recorded since the last reporting period regarding the incidence and nature of child labor in Grenada.\*

#### **Child Labor Laws and Enforcement**

Inspectors from the Ministry of Labor conducted periodic checks in the private sector to ensure compliance with the minimum age for work. USDOS reports that the lack of enforcement in the informal sector is a problem.<sup>1613</sup>

#### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Grenada to address exploitive child labor.

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

<sup>1612</sup> For statistical data not cited here, see the Data Sources and Definitions section.

<sup>1613</sup> U.S. Department of State, "Grenada," 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/wha/119160.htm>.

## Guatemala

#### **Incidence and Nature of Child Labor**

Children in Guatemala work in the production of gravel, coffee, sugarcane, corn, broccoli, and fireworks.<sup>1614</sup> According to the most recent child labor census, the total number of working children in Guatemala increased by almost 30,000 between the years 2000 and 2006.<sup>1615</sup> Half of all working children are of indigenous heritage. The

majority of child labor occurs in the agricultural sector in rural areas.<sup>1616</sup> According to ILO-IPEC, almost 39,000 children, most of whom are indigenous girls, work in third-party homes as domestic servants, where they are vulnerable to physical and sexual abuse. Indigenous girls also work frequently in street sales and in the packaging of flowers and vegetables.<sup>1617</sup> Indigenous boys work in agriculture, in rubber

and timber production, and as shoe shiners and bricklayers' assistants.<sup>1618</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>1619</sup>	
Population, children, 7-14 years, 2003:	2,550,744
Working children, 7-14 years (%), 2003:	21.1
Working boys, 7-14 years (%), 2003:	26.2
Working girls, 7-14 years (%), 2003:	16.0
Working children by sector, 7-14 years (%), 2003:	
- Agriculture	62.3
- Manufacturing	11.4
- Services	24.2
- Other	2.0
Minimum age for work:	14
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	113.4
Net primary enrollment rate (%), 2007:	95.0
School attendance, children 7-14 years (%), 2003:	73.6
Survival rate to grade 5 (%), 2006:	68.3
ILO Convention 138:	4/27/1990
ILO Convention 182:	10/11/2001
CRC:	6/6/1990
CRCOPAC:	5/9/2002
CRCOPSC:	5/9/2002
Palermo:	4/1/2004
ILO-IPEC participating country:	Yes

Children in Guatemala are trafficked for forced labor and commercial sexual exploitation to Mexico and within the country. In border areas with Mexico, child migrants are vulnerable to forced prostitution and begging.<sup>1620</sup> Children are trafficked into begging rings in Guatemala City. Children from neighboring countries are trafficked into Guatemala for commercial sexual exploitation by organized groups.<sup>1621</sup>

### **Child Labor Laws and Enforcement**

The Constitution and the Labor Code set the minimum age for employment at 14 years.<sup>1622</sup> In some exceptional cases, the Labor Inspectorate can issue work permits to children under 14 years, provided that the work is related to an apprenticeship, is light and of short duration and intensity, is necessary because of extreme poverty

of the child's family, and does not interfere with the child's ability to meet compulsory education requirements.<sup>1623</sup> In August 2008, Guatemala passed a comprehensive list of hazardous occupations, which prohibits minors 14 to 17 years from working in a variety of activities, including with explosive or toxic substances, in mining, underwater, with agrochemicals, and in bars or other establishments where alcoholic beverages are served. Prohibited activities that are hazardous due to their conditions include those that keep minors from attending school, domestic service, overtime, and those that carry the risk of physical or sexual abuse.<sup>1624</sup> The workday for minors less than 14 years is limited to 6 hours per day or 36 hours per week. While the Labor Code allows minors 14 to 17 years to work 7 hours per day or 42 hours per week, a 2006 governmental agreement, which outlines child labor law regulations, limits total weekly work hours to 38.<sup>1625</sup> Legislation also establishes requirements for children working in industrial, commercial, or agricultural sectors to undergo an annual medical exam. The law sets fines for violations of child labor laws.<sup>1626</sup>

The law prohibits child pornography and prostitution. Procuring and inducing a minor to engage in prostitution are crimes that can result in fines and 2 to 6 years of imprisonment; the penalty increases by two-thirds from 3.3 to 10 years of imprisonment if the victim is younger than 12 years.<sup>1627</sup> Guatemalan law prohibits forced or compulsory labor.<sup>1628</sup> The Government passed a new law against trafficking in February 2009 that increased penalties for trafficking of minors to a range of 8 to 18 years in prison.<sup>1629</sup> The law protects children from military recruitment and deployment into armed conflicts.<sup>1630</sup>

The Ministry of Labor's Child Workers Protection Unit is responsible for enforcing child labor regulations as well as educating children, parents, and employers regarding the labor rights of minors.<sup>1631</sup> Out of a total of 245 labor inspectors, the Labor Inspectorate has six specialized child labor inspectors.<sup>1632</sup> In 2008, 1,025 adolescents between 14 and 17 years requested permission to work.<sup>1633</sup>

In collaboration with a local NGO, the Government conducted 15 raids through September 2008, which rescued 24 sexually exploited minors.<sup>1634</sup> The Government prosecuted and convicted eight people on crimes related to trafficking during the reporting period. USDOS reports increased governmental attention to rescuing foreign child trafficking victims through a repatriation protocol.<sup>1635</sup> However, it also reports that Government agencies responsible for combating trafficking were underfunded and understaffed. In addition, some local officials reportedly compromised police investigations and raids of brothels by taking bribes.<sup>1636</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Guatemala is continuing to implement the National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.<sup>1637</sup> The Government, under the coordination of the Secretariat of Social Welfare of the Presidency, is implementing the National Plan of Action against the Commercial Sexual Exploitation of Children and Adolescents in Guatemala.<sup>1638</sup> In addition, the Secretariat is responsible for coordinating the Protocol to Detect and Assist Child and Adolescent Victims of Commercial Sexual Exploitation, which focuses on prevention, eradication, awareness raising, and the promotion of public policy and legislation on the issue.<sup>1639</sup> 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 centers of protection and assistance.<sup>1640</sup>

As a member of the Central American Parliament Commission on Women, Children, Youth, 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.<sup>1641</sup> An Inter-Agency Commission to Combat Trafficking in Persons and Related Crimes coordinates initiatives in combating trafficking and adopted a national action plan in 2008. In February 2009, the Government of Guatemala established a Secretariat within the Vice President's Office to coordinate efforts to combat human trafficking.<sup>1642</sup>

In August 2008, Guatemala passed an inter-institutional protocol to coordinate the Government's health, education, and legal services to adolescent workers.<sup>1643</sup>

The Government's attention to rescuing children from commercial sexual exploitation increased in the reporting period. During 2008, the Public Ministry worked with a local NGO to train government officials about commercial sexual exploitation of children and child trafficking.<sup>1644</sup> The Government continued running seven shelters for child trafficking victims and also referred victims to NGOs to receive services.<sup>1645</sup> The Guatemala City municipal government offers free meals and scholarships to families with former child workers in the gravel, coffee, broccoli, and fireworks industries.<sup>1646</sup> In April 2008, the Government of Guatemala initiated the My Family Progresses (*Mi Familia Progresá*) program, which provides cash transfers conditioned on withdrawing children from work and ensuring their school attendance. According to the Government, this program reintegrated 3,700 children back into school.<sup>1647</sup>

The Government participated in regional projects funded by USDOL, including a 7-year USD 8.8 million regional project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>1648</sup> The Government also participated in a USD 5.7 million 4-year child labor education project implemented by CARE that worked to strengthen the Government and civil society's capacity to combat child labor through education. The project ended in March 2009 and withdrew and prevented 4,105 children from exploitive child labor in the region.<sup>1649</sup> Guatemala also participates in a 2-year USD 550,000 ILO-IPEC global program funded by Canada to build the capacity of labor ministries, as well as worker and employer organizations. In addition, Guatemala participates in a 4-year Phase III USD 3.3 million ILO-IPEC regional initiative to eradicate child labor, funded by the Government of Spain.<sup>1650</sup>

<sup>1614</sup> ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, San José, 2006, 55; available from [http://white.oit.org.pe/ipecc/documentos/guatemala\\_indigenas.pdf](http://white.oit.org.pe/ipecc/documentos/guatemala_indigenas.pdf). 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 ILO-IPEC, *Estudio de Condiciones y Medio Ambiente del Trabajo Infantil en la Agricultura: Brocoli, Guatemala*, San José, 2003, 28; available from [http://white.oit.org.pe/ipecc/documentos/librobrocoli\\_3.pdf](http://white.oit.org.pe/ipecc/documentos/librobrocoli_3.pdf). See also ILO-IPEC, "Danger: Children Working - Guatemala Fireworks Industry", *www.ilo.org*, [online], March 20, 2003; available from [http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Broadcast\\_materials/Video\\_News\\_Release/lang-en/WCMS\\_074385/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Broadcast_materials/Video_News_Release/lang-en/WCMS_074385/index.htm). See also U.S. Embassy- Guatemala City, *reporting*, June 2, 2008. See also UNICEF, *Mírame: Situación de la niña indígena en Guatemala*, Guatemala City, 2007; available from [http://www.unicef.org.gt/02infancia/documentos/mirame\\_situacion\\_nina\\_indigena.pdf](http://www.unicef.org.gt/02infancia/documentos/mirame_situacion_nina_indigena.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 Global Youth Connect, *Guatemala Program Report*, Kingston, June 2007; available from [http://www.globalyouthconnect.org/pdf/guate\\_2007.pdf](http://www.globalyouthconnect.org/pdf/guate_2007.pdf).

<sup>1615</sup> 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, 13; available from [http://white.oit.org.pe/ipecc/documentos/estudio\\_en\\_profundidad\\_encovi\\_2006.pdf](http://white.oit.org.pe/ipecc/documentos/estudio_en_profundidad_encovi_2006.pdf).

<sup>1616</sup> 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*, 21 and 23.

<sup>1617</sup> ILO-IPEC, *Alto al Trabajo Infantil Doméstico!*, 2005, 43 and 47; available from [http://white.oit.org.pe/ipecc/documentos/legal\\_tid\\_guatemala.pdf](http://white.oit.org.pe/ipecc/documentos/legal_tid_guatemala.pdf). See also ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 55.

<sup>1618</sup> ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 54.

<sup>1619</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Guatemala, *Constitution*, (May 31, 1985, reformed November 17, 1993), article 102; available from

<http://pdba.georgetown.edu/Constitutions/Guate/guate93.html>. For age to which education is compulsory and free public education, see U.S. Department of State, "Guatemala," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119161.htm>. See also UNESCO, *Education for All - EFA Global Monitoring Report 2009*, 2008; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>.

<sup>1620</sup> U.S. Department of State, "Guatemala (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>1621</sup> U.S. Department of State, "Country Reports- 2008: Guatemala," section 5.

<sup>1622</sup> ILO, *Ficha País: Argentina*, Lima, article 102; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichaargentina.doc>. See also Government of Guatemala, *Código de Trabajo de la República de Guatemala*, articles 31 and 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.gob.gt/org/leyes-y-convenios/acuerdos/acuerdo-gubernativo-no-112-2006-proteccion-laboral-de-la-ninez-y-adolescencia>.

<sup>1623</sup> Government of Guatemala, *Código de Trabajo*, article 150.

<sup>1624</sup> *Código de Trabajo de la República de Guatemala*, 1996, article 148. See also Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 32. See also Government of Guatemala, *Acuerdo Ministerial*, 154-2008, (August 14, 2008).

<sup>1625</sup> Government of Guatemala, *Código de Trabajo*, articles 149 and 116. See also Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 14. See also Government of Guatemala, *Acuerdo Ministerial*.

<sup>1626</sup> Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 10. See also Government of Guatemala, *Código de Trabajo*, articles 269 and 272.

<sup>1627</sup> Government of Guatemala, *Código Penal*, articles 188-189, 196; available from [http://www.oas.org/JURIDICO/MLA/sp/gtm/sp\\_gtm-int-text-cp.pdf](http://www.oas.org/JURIDICO/MLA/sp/gtm/sp_gtm-int-text-cp.pdf). See also Government of Guatemala, *Ley de Protección Integral de la Niñez y Adolescencia*, (June 4, 2003), article 56; available from <http://www.pdh.org.gt/files/archivos/Ley%20de%20Proteccion%20Integral%20de%20la%20Ninez%20y%20Adolescencia.pdf>.

<sup>1628</sup> U.S. Department of State, "Country Reports- 2008: Guatemala," section 6c.

<sup>1629</sup> U.S. Embassy- Guatemala City, *reporting*, February 23, 2009.

<sup>1630</sup> Coalition to Stop the Use of Child Soldiers, "Guatemala," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1631</sup> U.S. Embassy- Guatemala City, *reporting*, January 23, 2009.

<sup>1632</sup> Ibid.

<sup>1633</sup> Ibid.

<sup>1634</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Guatemala." See also U.S. Embassy-Guatemala City, *reporting*, January 23, 2009.

<sup>1635</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Guatemala."

<sup>1636</sup> Ibid. See also U.S. Department of State, "Country Reports- 2008: Guatemala," section 5.

<sup>1637</sup> Government of Guatemala, "Avances y Atención a Recomendaciones por parte Ministerio de Trabajo y Previsión Social relativos a los compromisos del Libro Blanco" (paper presented at the VIII DR-CAFTA Labor Cooperation Coordination Meeting, Washington, DC, February, 2009).

<sup>1638</sup> ECPAT International CSEC Database, *Guatemala*, accessed January 28, 2009; available from <http://www.ecpat.net/>.

<sup>1639</sup> 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, 7, 19-21; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=6621>.

<sup>1640</sup> Ibid., 7 and 20.

<sup>1641</sup> Comisión de la Mujer Niñez Juventud y Familia del Parlamento Centroamericano, *I Plan de Trabajo Regional de la Comisión para Apoyar la Prevención y Eliminación la Trata de Personas y la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 2008-2010*, 2008, 14.

<sup>1642</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Guatemala." See also U.S. Embassy-Guatemala City, *reporting*, February 23, 2009.

<sup>1643</sup> Government of Guatemala, *Protocolo de Coordinación Intrainstitucional para la Atención de las Personas Trabajadoras Menores de Edad, 154-2008*, (August 20, 2008); available from <http://white.oit.org.pe/>

[ipec/documentos/protocolo\\_intrainstitucional\\_atencion\\_guatemala.pdf](http://white.oit.org.pe/ipec/documentos/protocolo_intrainstitucional_atencion_guatemala.pdf).

<sup>1644</sup> U.S. Embassy- Guatemala City, *reporting*, January 23, 2009. See also U.S. Department of State, "Country Reports- 2008: Guatemala," section 5.

<sup>1645</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Guatemala."

<sup>1646</sup> U.S. Department of State, "Country Reports- 2008: Guatemala," section 5.

<sup>1647</sup> ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Technical Progress Report, RLA/05/P52/USA, San Jose, September 2008. See also Government of Guatemala, "Comunicado", [online], November 4, 2008 [cited January 28, 2009]; available from [http://www.mifamiliaprogresa.gob.gt/index.php?option=com\\_content&task=view&id=45&Itemid=59](http://www.mifamiliaprogresa.gob.gt/index.php?option=com_content&task=view&id=45&Itemid=59). See also U.S. Embassy- Guatemala City, *reporting*, January 23, 2009.

<sup>1648</sup> ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Document, RLA/02/P51/USA, San Jose, 2002, 1. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, RLA/05/P52/USA, Geneva, September 2005, 1 and 22.

<sup>1649</sup> CARE International, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, 2004, 1-5. See also CARE International, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Project Revision, April 19, 2007, 1-2. See also CARE International, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Project Revision, September 29, 2006.

<sup>1650</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

# Guinea

## *Selected Statistics and Indicators on Child Labor*<sup>1651</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	90.8
Net primary enrollment rate (%), 2007:	73.6
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2006:	82.8
ILO Convention 138:	6/6/2003
ILO Convention 182:	6/6/2003
CRC:	7/13/1990**
CRCOPAC:	No
CRCOPSC:	No
Palermo:	11/9/2004**
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

\*\*Accession

### **Incidence and Nature of Child Labor**

The majority of working children in Guinea are engaged in agriculture and domestic service.<sup>1652</sup> Children work in subsistence farming, including herding and fishing, and in the production of cashews, cocoa, and coffee.<sup>1653</sup> In urban areas, children work in the informal sector in vending and transportation.<sup>1654</sup> Girls as young as 5 years perform domestic labor, carry heavy loads, and are not paid for their work. Children are reportedly beaten and sexually exploited.<sup>1655</sup>

Children work in gold and diamond mines in Upper and Lower Guinea. They also work in sand and gravel mines and quarries, breaking rocks,

extracting gravel, transporting materials, and selling water and other items near work sites.<sup>1656</sup>

More boys than girls work in the mines, especially boys 15 to 17 years, though younger children and girls sort through and wash rubble, and push water through sieves in search of diamonds. Children in the mines work 12 to 18 hours per day, do not wear protective gear, and are prone to accidents, broken bones, and respiratory, skin, and other diseases.<sup>1657</sup>

Children from rural areas are sent to Conakry to attend school. If those they are staying with cannot or choose not to pay their school fees, these children work in domestic service, sell water, or shine shoes to pay their room and board.<sup>1658</sup> The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Guinea.<sup>1659</sup> While some boys receive lessons, many are forced by their teachers to beg or work in fields.<sup>1660</sup>

Guinea is a source, transit, and destination country for trafficking in children.<sup>1661</sup> Most children are trafficked internally: boys for forced labor as street vendors, shoe shiners, beggars, miners, and agricultural workers; and girls for forced domestic labor and sexual exploitation. Girls are trafficked to Guinea from Nigeria, Ghana, Mali, Burkina Faso, Liberia, Senegal, Sierra Leone, and Guinea-Bissau for forced domestic service and sexual exploitation.<sup>1662</sup> Guinean children are trafficked to Cote d'Ivoire and Sierra Leone for mining and domestic work.<sup>1663</sup> Children from Guinea are trafficked to Europe for commercial sexual exploitation and forced labor.<sup>1664</sup>

### **Child Labor Laws and Enforcement**

The minimum age for admission to work is 16 years.<sup>1665</sup> Children under 16 years, however, can work with consent from the authorities.<sup>1666</sup> The law sets the minimum age for apprenticeship at 14 years, though the age for apprenticeship can be reduced to 12 years for certain activities such as agriculture, with approval by a labor inspector.

Workers younger than 18 years are not permitted to work at night or for more than 12 consecutive hours per day.<sup>1667</sup> The law prohibits children under 16 years from working in mines or quarries, other than as an assistant.<sup>1668</sup> Violations of these laws are punishable by fines and sentences of 8 days to 2 months in prison.<sup>1669</sup> According to USDOS, the Government of Guinea lacks the resources to enforce and prosecute child labor violations.<sup>1670</sup>

The official age for voluntary and compulsory recruitment into the armed forces is 18 years.<sup>1671</sup> The law prohibits work in unhealthy or dangerous establishments and hazardous work for children younger than 18 years.<sup>1672</sup> Forced labor is prohibited by law.<sup>1673</sup> The law also prohibits child prostitution, sex tourism involving a child, and child pornography. Violation of the law can result in 1 to 5 years of imprisonment.<sup>1674</sup> Trafficking in persons is prohibited by law. The penalty for labor trafficking of children includes the maximum imprisonment of 10 years and the confiscation of money or property received through trafficking activities.<sup>1675</sup>

Guinea was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>1676</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Guinea agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>1677</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

In 2008, the Child Code into law, which includes numerous provisions related to child labor, child trafficking, and the worst forms of child labor.<sup>1678</sup>

The Government of Guinea continues to work with NGOs to place trafficked children in foster homes, supports a 24-hour victim's hotline, and provides awareness-raising activities, including a national media campaign to combat trafficking.<sup>1679</sup>

The Government also participates in a 3-year, USD 279,000, USAID-funded project implemented by Save the Children to help reintegrate young trafficking victims in Guinea and Mali and provide them with vocational training. The project ends in September 2009.<sup>1680</sup> Through August 2010, the Government will collaborate with World Education on a USD 345,000 USDOS-funded project to collect data to establish a national database on trafficking and anti-trafficking efforts. The project also provides recovery efforts for 160 child victims; prevention, situational improvement and protection efforts for 650 vulnerable and at-risk children; and tests models of delivering services through government-sponsored Local Child Family Protection Councils and parents' associations.<sup>1681</sup>

In 2008, USDOL awarded a 4-year USD 3.5 million project to World Education to implement the Combating Exploitive Child Labor in Guinea project. The project aims to contribute to the prevention and elimination of child labor in agriculture, mining, domestic service, and the informal sector and targets 3,930 children for withdrawal and 3,930 for prevention from exploitative labor.<sup>1682</sup> The Government of Guinea and Save the Children collaborated in a USDOL-funded 4-year USD 4.4 million child labor education initiative that ended in September 2008 and withdrew 3,594 and prevented 1,206 children from exploitive labor in agriculture, domestic service, small-scale mining, and commerce by providing formal and non-formal education.<sup>1683</sup>

Through April 30, 2008, the Government of Guinea also participated in an ILO-IPEC regional project combating trafficking in children for labor exploitation in West Africa funded by the Government of Denmark at USD 6.19 million.<sup>1684</sup>

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<sup>1651</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Guinea, *Code du travail de la République de Guinée*, (1988), article 5. For age to which education is compulsory, see UNESCO, *EFA Global Monitoring Report 2009 - Overcoming inequality: Why governance matters*, France, 2009, 16; available from <http://www.unesco.org/en/efareport/reports/2009->

governance. For free public education, see U.S. Department of State, "Guinea," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119005.htm>.

<sup>1652</sup> International Confederation of Free Trade Unions (ICFTU), *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, 5; available from <http://www.icftu.org/www/pdf/clsguinea2005.pdf>. See also U.S. Department of State, "Country Reports- 2008: Guinea," section 6d.

<sup>1653</sup> U.S. Department of State, "Country Reports- 2008: Guinea," section 6d. See also International Confederation of Free Trade Unions (ICFTU), *Internationally Recognized Core Labour Standards in Guinea*, 5. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Guinea (ratification: 2003)*, [online] 2007 [cited February 26, 2009]; 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 Guinée, Rapport d'analyse des résultats* Conakry, October 2006, 41. See also ILO-IPEC, *Rooting Out Child Labour from Cocoa Farms: Sharing Experiences*, Paper No. 3, Geneva, 2007, 17; available from [http://www.ilo.org/ipeinfo/product/download.doj?sessionId=0a038009ceb894400a9b81d4f9e93c38d63c1e604c7.hkzFngTDP6WImQuUaNaKbND3IN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3eIpkzFngTDP6WImQuxahySbxaTbN8TbMb48OX3b4DtGj15eMbynknvrkLOIQzNp65In0\\_\\_?type=document&id=6446](http://www.ilo.org/ipeinfo/product/download.doj?sessionId=0a038009ceb894400a9b81d4f9e93c38d63c1e604c7.hkzFngTDP6WImQuUaNaKbND3IN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3eIpkzFngTDP6WImQuxahySbxaTbN8TbMb48OX3b4DtGj15eMbynknvrkLOIQzNp65In0__?type=document&id=6446). See also République de Guinée Bureau d'Etudes et Services, *Enquête de Base sur le Travail des Enfants dans l'Agriculture Commerciale Cacao/Acajou en Guinée*, December 2004, 36.

<sup>1654</sup> Integrated Regional Information Networks, "West Africa: Children in danger: Working on the street", IRINnews.org, [online], June 15, 2006 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=59327>. See also Action Against the Exploitation of Children and Women, *Etude sur le trafic et travail domestique des enfant en Guinée (rapport provisoire)*, Anti Slavery International, Conakry, November 2005, 16 and 26; available from [http://www.crin.org/docs/ACEEF\\_Trafic\\_Enfants\\_Guinée.doc](http://www.crin.org/docs/ACEEF_Trafic_Enfants_Guinée.doc).

<sup>1655</sup> Human Rights Watch, *Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers*, New York, June 2007, 27-28; available from <http://hrw.org/reports/2007/guinea0607/>. See also Human Rights Watch, *Legal, Policy and Programmatic Responses to Protect Child Domestic Workers*, [online] 2006 [cited January 29, 2009]; available from <http://hrw.org/reports/2007/guinea0607/10.htm>.

See also Action Against the Exploitation of Children and Women, *Etude sur le trafic et travail domestique (rapport provisoire)*, 4. See also ILO, *Rapport d'analyse des résultats*, 40-42. See also Action Against the Exploitation of Children and Women, *Etude sur le trafic et travail domestique (rapport provisoire)*, 26.

<sup>1656</sup> Republic of Guinea and UNICEF, *Etude sur les "Enfants Travaillant dans les Mines et Carrières"*, Ministère des Affaires Sociales and Ministère de l'Emploi, Conakry, 2006, 2, 14, 16, 21, 33, 41. 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, 3-5. See also International Confederation of Free Trade Unions (ICFTU), *Internationally Recognized Core Labour Standards in Guinea*, 5.

<sup>1657</sup> Republic of Guinea and UNICEF, *Etude sur les "Enfants Travaillant dans les Mines et Carrières"*, 17, 19, 23, 26, 27, 31

<sup>1658</sup> U.S. Department of State, "Country Reports- 2008: Guinea," section 6d.

<sup>1659</sup> Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html> [hard copy on file]. See also U.S. Department of State, "Country Reports- 2008: Guinea," section 6d.

<sup>1660</sup> IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM*, [online] 2006 [cited January 26, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>. See also U.S. Embassy-Bamako, *reporting*, April 1, 2008, paras 1 and 3. See also U.S. Embassy- Conakry, *reporting*, June 26, 2008, paras 1, 5, 8. See also U.S. Embassy- Conakry, *reporting*, May 15, 2008, paras 1 and 8.

<sup>1661</sup> U.S. Department of State, "Guinea (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105659.pdf>. See also U.S. Department of State, "Country Reports- 2008: Guinea," section 5.



<sup>1662</sup> U.S. Department of State, "Country Reports- 2008: Guinea," section 6d. See also U.S. Embassy- Conakry, reporting, June 26, 2008, paras 5 and 12. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea." See also U.S. Embassy- Conakry, reporting, May 15, 2008, para 8.

<sup>1663</sup> U.S. Department of State, "Country Reports- 2008: Guinea," section 5. See also U.S. Department of State, "Cote d'Ivoire (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>. See also U.S. Department of State, "Sierra Leone (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>. See also U.S. Embassy- Bamako, reporting, April 1, 2008, paras 1 and 3. See also U.S. Embassy- Conakry, reporting, June 26, 2008, para 1.

<sup>1664</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea." See also U.S. Department of State, "Country Reports- 2008: Guinea," section 6d.

<sup>1665</sup> Government of Guinea, *Conditions de travail des salariés âgés de moins de 18 ans*, (April 22, 1996), articles 1-5, 7, 10-11; available from <http://www.droit-afrique.com/images/textes/Guinee/Guinee%20-%20Travail%20des%20mineurs.pdf>. See also Government of Guinea, *Code du travail*, 1988, article 5. See also Government of Guinea, *Loi Portant Code de l'Enfant*, (August 2008), articles 411-416.

<sup>1666</sup> U.S. Embassy- Conakry, reporting, January 21, 2009, para 3.

<sup>1667</sup> Government of Guinea, *Code de travail des mineurs*, 1996, articles 5, 31, 148. See also Government of Guinea, *Code de l'enfant*, 2008, articles 411-413.

<sup>1668</sup> Government of Guinea, *Code Minier*, (1995), title X, article 135; available from <http://www.droit-afrique.com/images/textes/Guinee/Guinee%20-%20Travail%20des%20miniers.pdf>. See also Government of Guinea, *Code du travail*, 1988, article 2.

<sup>1669</sup> Government of Guinea, *Code du travail*, 1988, articles 2, 186, 187, 205.

<sup>1670</sup> U.S. Embassy- Conakry, reporting, January 21, 2009, paras 5 and 6.

<sup>1671</sup> Coalition to Stop the Use of Child Soldiers, "Guinea," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1672</sup> Government of Guinea, *Code de l'enfant*, 2008, article 411.

<sup>1673</sup> Government of Guinea, *Code du travail*, 1988, article 2. See also International Confederation of Free Trade

Unions (ICFTU), *Internationally Recognized Core Labour Standards in Guinea*, 5.

<sup>1674</sup> Interpol, *National Laws: Legislation of Interpol member states on sexual offences against children*, [online] 2006 [cited January 26, 2009], sections 4 and 5; available from

<http://www.interpol.int/public/children/sexualabuse/nationallaws/default.asp>. See also Government of Guinea, *Code de l'enfant*, 2008, articles 357-359.

<sup>1675</sup> Government of Guinea, *Code de l'enfant*, 2008, articles 385, 387. See also U.S. Embassy- Conakry, reporting, January 21, 2009, para 5.

<sup>1676</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

<sup>1677</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13; available from [http://www.ceeac-eccas.org/img/pdf/Multilateral\\_Agreement\\_Trafficking-1184251953.doc](http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc).

<sup>1678</sup> Government of Guinea, *Code de l'enfant*, 2008, articles 357-386, 397-399, 411-443. See also U.S. Embassy- Conakry, reporting, January 21, 2009, para 1.

<sup>1679</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea."

<sup>1680</sup> Francesca Munzi, "Guinea Feels the Effects of Trafficking in Persons", [online], April 2, 2008 [cited February 26, 2009]; available from <http://www.usaid.gov/gn/news/2008/trafficking/trafficking.htm>. See also, USAID official, E-mail communication to USDOL official, July 27, 2009.

<sup>1681</sup> U.S. Department of State, *Fiscal Year 2008 Anti-Trafficking Programs*, [online] 2008 [cited February 26, 2009]; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>. See also USDOS official, E-mail communication to USDOL official, July 22, 2009.

<sup>1682</sup> World Education, *SELECT - Stop Exploitive Labor and Educate Children for Tomorrow*, Cooperative Agreement, September 30, 2008, cover page, 4. See also World Education, *SELECT - Stop Exploitive Labor and Educate Children for Tomorrow*, Project Document (draft), January 2009, 1 and 9.

<sup>1683</sup> Save the Children- U.S., *Combating Child Labor and Exploitation in Guinea (CCLEE)*, Project Document, Westport, November 6, 2006, 1. See also Save the Children- U.S., *Combating Child Labor and Exploitation in Guinea (CCLEE)*, Final Report, Westport, January 6, 2009, cover page, G-18.

<sup>1684</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, April 16, 2009.

## Guinea-Bissau

<i>Selected Statistics and Indicators on Child Labor</i> <sup>1685</sup>	
Population, children, 5-14 years, 2000:	385,726
Working children, 5-14 years (%), 2000:	64.2
Working boys, 5-14 years (%), 2000:	64.4
Working girls, 5-14 years (%), 2000:	64.0
Working children by sector, 5-14 years (%)	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2001:	69.7
Net primary enrollment rate (%), 2001:	45.1
School attendance, children 5-14 years (%), 2000:	37.3
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	8/26/2008
CRC:	8/20/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	9/10/2007
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

### Incidence and Nature of Child Labor

Most working children in Guinea-Bissau are involved in family enterprises. The rate of child work is higher in rural than urban areas.<sup>1686</sup> In rural areas, children perform farming and cattle herding.<sup>1687</sup> For 4 months each year, during the annual cashew harvest, some children are partially or completely withdrawn from school to work in the fields.<sup>1688</sup>

In urban areas, many children work as street vendors, spending hours in the streets shining shoes, washing cars, and selling various items.<sup>1689</sup> The Child Protection Office of the Police Department of Bissau, the capital, estimated that approximately 1,000 children were living on the streets of the city during 2008.<sup>1690</sup>

Children also work as apprentices in activities such as metalworking, mechanics, and carpentry.<sup>1691</sup> Some children live with other families as unpaid domestic servants.<sup>1692</sup>

Girls are sometimes exploited as prostitutes in Guinea-Bissau, but the extent of this problem is unknown.<sup>1693</sup> Children, primarily boys, are trafficked for begging and agricultural labor, including on cotton plantations. Many children from the Bafata and Gabu regions are trafficked to Senegal, but some children are trafficked to Mali and Guinea.<sup>1694</sup> The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Guinea-Bissau.<sup>1695</sup> While some boys receive lessons, many are forced by their teachers to beg for money and food.<sup>1696</sup> Each child must present the teacher an established amount and may be beaten if he fails to do so. Some children choose to live and beg on the streets rather than return to abusive teachers.<sup>1697</sup> Children also attend Koranic schools and engage in begging within Guinea-Bissau.<sup>1698</sup> Some girls may be trafficked for domestic service, but reliable evidence is lacking.<sup>1699</sup>

### Child Labor Laws and Enforcement

The minimum age for employment is 14 years. For heavy or dangerous labor, including work in mines, the minimum age is 18 years.<sup>1700</sup> Working minors may not work overtime and must have fulfilled the compulsory education requirements, except in areas where no schools are available. Fines are established for violations of Labor Code provisions involving children.<sup>1701</sup> However, the Code applies only to certain kinds of work that involve wage payments and does not apply to many types of work performed by children, such as domestic and agricultural work.<sup>1702</sup>

Forced child labor is prohibited.<sup>1703</sup> Prostitution is illegal, and the activities of brothel owners, pimps, customers, and prostitutes are criminalized. Laws against kidnapping and the removal of minors, sexual exploitation, and abuse

may be used to prosecute trafficking cases; kidnapping is punishable by imprisonment for 2 to 10 years.<sup>1704</sup> The Government has also instituted a policy that provides for imprisonment for parents who collude with traffickers and requires parents to sign a contract acknowledging this policy when trafficked children are returned to them.<sup>1705</sup> The compulsory military recruitment age is 18 years; however, boys under 16 years may volunteer for the armed forces with the consent of their parents or tutors.<sup>1706</sup>

Guinea-Bissau was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>1707</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>1708</sup>

According to USDOS, although minimum age requirements are generally respected in the small formal sector, these requirements were not enforced by the Ministries of Justice or Civil Service and Labor in the informal sector.<sup>1709</sup> Also according to USDOS, the Government's response to child labor is hampered by a lack of resources and political instability.<sup>1710</sup> Child labor violations are not prosecuted in courts, as there is a general lack of awareness regarding relevant laws. Perpetrators often flee before court hearings, and the families of many victims believe that they will incur related financial costs, although the Public Prosecution Service may provide a lawyer at no cost for those who cannot afford one.<sup>1711</sup> According to USDOS, a number of factors inhibit the investigation and prosecution of trafficking. Local law enforcement lacks the resources to patrol the country's borders; police and border guards are often not paid for months at a time, creating an incentive to accept bribes; and the country has no functioning prisons.<sup>1712</sup> During 2008, there were some trafficking-related arrests but no prosecutions. Local law enforcement did, however, investigate parents suspected of collusion with traffickers.<sup>1713</sup>

## **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Guinea-Bissau's 2006-2008 Poverty Reduction Strategy Paper included among its goals the construction of welcome centers to assist street and working children. As of the writing of this report, however, the status of these centers was unclear.<sup>1714</sup> In August 2008, the Government ratified ILO Convention 182.<sup>1715</sup>

The Government provides funding of approximately USD 16,000 per year to a local NGO that manages a shelter for child trafficking victims, and police actively refer victims to the shelter.<sup>1716</sup> Local governments and police in victim-sending areas work with UNICEF, NGOs, and community members in surveillance committees to report on suspected cases of trafficking.<sup>1717</sup> The Embassy of Guinea-Bissau in Senegal, along with the Ministry of Interior, raises awareness of child trafficking in both sending areas and Senegal, including by encouraging the establishment of centers for Koranic study in local villages to discourage parents from sending children far away to study. During 2008, the Embassy assisted with the repatriation of 63 children to Guinea-Bissau.<sup>1718</sup> Police and the courts work with a local NGO to educate parents on the dangers of trafficking and their responsibilities to protect their children.<sup>1719</sup> UNICEF likewise supports Government efforts to combat trafficking, providing training to Government officials.<sup>1720</sup>

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<sup>1685</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see General Labor Inspectorate official, Interview with USDOL consultant, May 26, 2006, 10. See also U.S. Department of State, "Guinea-Bissau," 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/119006.htm>. For age to which education is compulsory, see Ministry of Education official, Interview with USDOL consultant, June 14, 2006, 62. See also UNESCO, *Overcoming Inequality: Why Governance Matters*, 2009, 298; available from <http://unesdoc.unesco.org/images/0017/001776/177683E.pdf>. For free public

education, see Ministry of Education official, Interview, June 14, 2006, 60, 62. See also UNESCO, *Overcoming Inequality*, 298.

<sup>1686</sup> 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](http://www.childinfo.org/files/MICS3_GuineaBissau_FinalReport_2006_Fr.pdf).

<sup>1687</sup> Guinea-Bissau PLAN International official, Interview with USDOL consultant, June 13, 2006, 56. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

<sup>1688</sup> Ministry of Education official, Interview, June 14, 2006, 61. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

<sup>1689</sup> U.S. Embassy- Dakar, *reporting*, September 28, 2007. See also African Young Workers and Children Movement representative, Interview with USDOL consultant, May 24, 2006, 2.

<sup>1690</sup> U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 5.

<sup>1691</sup> African Young Workers and Children Movement representative, Interview, May 24, 2006, 2. See also Network of Young Educators official, Interview with USDOL consultant, May 25, 2006, 6.

<sup>1692</sup> Cooperation and Development official, Interview with USDOL consultant, June 12, 2006, 52.

<sup>1693</sup> U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 5.

<sup>1694</sup> U.S. Embassy- Dakar, *Trafficking in Persons Reporting*, March 2, 2009. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 5. See also Integrated Regional Information Networks, "Child trafficking on the decline say local authorities", IRINnews.org, [online], October 15, 2008 [cited February 10, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=80928>. See also Integrated Regional Information Networks, "On the Child Trafficking Route", IRINnews.org,, [online], November 23, 2007 [cited February 10, 2009]; available from <http://www.irinnews.org/report.aspx?ReportID=75485>.

<sup>1695</sup> Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html>. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999), 1 and 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also UNICEF, *Under the Facade of Religious Study, Children Fall Victim to Trafficking*, July 9, 2007; available

from [http://www.unicef.org/infobycountry/guineabissau\\_40282.html](http://www.unicef.org/infobycountry/guineabissau_40282.html).

<sup>1696</sup> Integrated Regional Information Networks, "Child trafficking on the decline say local authorities". See also UNICEF, *Under the Facade of Religious Study*. See also IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM*, [online] 2006 [cited April 28, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

<sup>1697</sup> U.S. Embassy- Dakar, *Trafficking in Persons Reporting*, March 2, 2009.

<sup>1698</sup> Ibid.

<sup>1699</sup> U.S. Embassy- Dakar, *Child Labor Reporting*, March 2, 2009. See also U.S. Embassy- Dakar, *Trafficking in Persons Reporting*, March 2, 2009.

<sup>1700</sup> General Labor Inspectorate official, Interview, May 26, 2006. See also U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

<sup>1701</sup> General Labor Inspectorate official, Interview, May 26, 2006, 10. See also Ministry of Labor and Civil Society official, Interview with USDOL consultant, May 26, 2006, 13.

<sup>1702</sup> General Labor Inspectorate official, Interview, May 26, 2006, 10.

<sup>1703</sup> U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6c.

<sup>1704</sup> U.S. Embassy- Dakar, *reporting*, February 21, 2008, para 28b. See also U.S. Embassy- Dakar, *Trafficking in Persons Reporting*, March 2, 2009, para 25.

<sup>1705</sup> U.S. Department of State, "Guinea-Bissau (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>1706</sup> Coalition to Stop the Use of Child Soldiers, "Guinea-Bissau," in *Child Soldiers Global Report 2008*, London, 2008, 159; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1707</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>1708</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

<sup>1709</sup> U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 6d.

<sup>1710</sup> U.S. Embassy- Dakar, *Child Labor Reporting*, March 2, 2009.

<sup>1711</sup> Network of Young Educators official, Interview, May 25, 2006, 9. See also Office of the Public

Prosecutor official, Interview with USDOL consultant, May 30, 2006.

<sup>1712</sup> U.S. Embassy- Dakar, *Trafficking in Persons Reporting, March 2, 2009*.

<sup>1713</sup> Ibid.

<sup>1714</sup> Ministry of Economy, *National Poverty Reduction Strategy Paper (NPRSP)*, September 2006, 42 and 85; available from <http://www.imf.org/external/pubs/ft/scr/2007/cr07339.pdf>.

<sup>1715</sup> ILO, *Ratifications by Country*, accessed February 9, 2009; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>1716</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea Bissau." See also U.S. Embassy-Dakar, *Trafficking in Persons Reporting, March 2, 2009*.

<sup>1717</sup> Integrated Regional Information Networks, "Child trafficking on the decline say local authorities".

<sup>1718</sup> U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 5.

<sup>1719</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea Bissau."

<sup>1720</sup> Integrated Regional Information Networks, "Child trafficking on the decline say local authorities".

## Guyana

### *Selected Statistics and Indicators on Child Labor<sup>1721</sup>*

Population, children, 5-14 years, 2000:	172,342
Working children, 5-14 years (%), 2000:	26.3
Working boys, 5-14 years (%), 2000:	28.7
Working girls, 5-14 years (%), 2000:	23.9
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	115.2
Net primary enrollment rate (%), 2002:	93.0
School attendance, children 5-14 years (%), 2000:	95.8
Survival rate to grade 5 (%), 2001:	64.3
ILO Convention 138:	4/15/1998
ILO Convention 182:	1/15/2001
CRC:	1/14/1991
CRCOPAC:	No
CRCOPSC:	No
Palermo:	9/14/2004
ILO-IPEC participating country:	Associated

### **Incidence and Nature of Child Labor**

Children in Guyana work in farming, construction, logging, and fishing. Some children are domestic servants, shop assistants, street

vendors, brick makers, and welders.<sup>1722</sup> There are three times more children working in the interior than in the coastal urban areas.<sup>1723</sup> The work performed by children includes lifting and carrying heavy loads, spraying pesticides, using power-driven machines, handling raw meat, preserving lumber, and varnishing and spraying furniture.<sup>1724</sup> There are reports of children involved in the illicit drug trade. Sexual exploitation of children also occurs in Guyana, including prostitution.<sup>1725</sup> Trafficking in children is a problem, particularly among young Amerindian girls who are trafficked internally.<sup>1726</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years. Children at least 14 years of age may be employed if the work conducted is for general, vocational, or technical education.<sup>1727</sup> Children or adolescents under 18 years are prohibited from work between 10 p.m. and 5 a.m. and for 11 consecutive hours in industrial undertakings, which include mining and quarrying, construction, reconstruction, maintenance, and transportation of passengers or goods. The law provides an exception when a family member of the child is employed by the industrial undertaking.<sup>1728</sup> Children older than 16 years may work in the manufacture of steel, iron, paper, and raw sugar as well as gold mining reduction or glass work. Businesses that employ children are required to keep a child labor registry.<sup>1729</sup> There

are fines for employers and parents who are guilty of direct involvement with child labor.<sup>1730</sup>

Forced labor is prohibited by the Constitution.<sup>1731</sup> The law sets the minimum age for compulsory enlistment in the armed forces at 18 years and voluntary recruitment at 16 years with parental consent.<sup>1732</sup> All forms of trafficking are prohibited by law, and penalties include life imprisonment, forfeiture of property, and payment of full restitution to the trafficked person.<sup>1733</sup> Even though child pornography is not specifically mentioned in Guyanese law, the penalty for selling, publishing, or exhibiting obscene matter is 2 years in prison. Although child prostitution is likewise not explicitly prohibited, carnal knowledge of a girl under 12 years is subject to life in prison, and carnal knowledge of a girl 12 years of age earns 10 years in prison. The law sets the age of sexual consent at 16 years, thus prohibiting sex with children younger than 16 years of age.<sup>1734</sup> In addition, the penalty for procurement of a female under 21 years is 10 years in prison.<sup>1735</sup> The penalty for unlawful detention of girl under 18 years for carnal knowledge is 10 years. The owner or occupier of a premises that permits the defilement of a girl 12 to 13 years for the purposes of unlawful carnal knowledge is subject to 10 years of imprisonment; if the victim was a girl under 12 years, the penalty is life in prison.<sup>1736</sup>

The Ministry of Labor, Human Services, and Social Security (MLHSS) has principal responsibility for enforcing legislation relating to child labor. In the case of the worst forms of child labor, enforcement is handled by the Guyana National Police.<sup>1737</sup> The Ministry of Labor has 20 labor officers who investigate reports of child labor and exploitative labor activities. They have authority to enter all workplaces to conduct inspections, including inspections concerning child labor.<sup>1738</sup> In addition, the Ministry of Education has responsibility for enforcing provisions of the Education Act relating to the employment of children. As such, the Ministry of Education's attendance officers are authorized to enter any premise or place between 6 a.m. and 5 p.m. on any day except Sunday and inquire whether any child resides or is employed there.<sup>1739</sup> The Police Force has conducted raids on

establishments such as brothels and shops, finding victims of trafficking, including children.<sup>1740</sup> MLHSS collaborates with the Minister of Education and the Police Force to enforce child labor and occupational safety and health laws.<sup>1741</sup> According to USDOS, the Ministry of Labor lacks sufficient inspectors to enforce child labor laws effectively.<sup>1742</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Guyanese Government continued to participate in a 3.5 year, USD 2 million USDOL-funded project implemented by Partners of the Americas to combat exploitive child labor through education. The project aims to withdraw 951 children and prevent 2,093 children from exploitive labor.<sup>1743</sup> The project also aims to build the capacity of the Guyanese Government to combat child labor, increase awareness of exploitive child labor in the country, and improve educational access for working and at-risk children.<sup>1744</sup> During the reporting period, Partners of the Americas, in partnership with the Government of Guyana and UNICEF, carried out an awareness-raising campaign and trained school welfare service officers on child labor and school attendance.<sup>1745</sup> The Government of Guyana is participating in a 4-year USD 23,840,500 project funded by the EU and implemented by ILO-IPEC to combat child labor through education in 11 countries. This project aims to support ongoing efforts to eliminate child labor and promote youth employment.<sup>1746</sup> In addition, the Government of Guyana and UNICEF continue to implement a 4-year USD 3.3 million cooperative agreement (2006-2010) that includes the promotion of children's rights and protection, child survival, and adolescent development and participation, particularly among vulnerable children such as working children.<sup>1747</sup> In partnership with UNICEF, the Government published the results of the Multiple Indicator Cluster Survey conducted in 2006, which provides insights into the situation of children, including child labor, in Guyana.<sup>1748</sup> The Government participated in the second phase of a USD 750,000 regional project to combat the worst forms of child labor in the Caribbean,

funded by the Government of Canada and implemented by ILO-IPEC.<sup>1749</sup>

During the reporting period, the Government of Guyana took part in a regional initiative to raise awareness of trafficking in persons, funded by USDOS and implemented by IOM.<sup>1750</sup> The Guyana Police Force instituted a mandatory training to the Criminal Investigations Division Police officers on trafficking in persons. MLHSSS and the National Task Force for Combating Trafficking in persons conducted awareness-raising campaigns on human trafficking, and the Government continued to support efforts to assist victims of trafficking.<sup>1751</sup>

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<sup>1721</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01) [consolidated up to 1973]*, No. 14 of 1933, article 2; available from [http://www.gina.gov.gy/gina\\_pub/laws/Laws/cap9901.pdf](http://www.gina.gov.gy/gina_pub/laws/Laws/cap9901.pdf). For age to which education is compulsory, see Government of Guyana, *Education Act, revised 1999*, Chapter 39:01, article 22; available from [http://www.gina.gov.gy/gina\\_pub/laws/Laws/cap3901.pdf](http://www.gina.gov.gy/gina_pub/laws/Laws/cap3901.pdf). For free public education, see Government of Guyana, *The Constitution of Guyana, 1980 with 1996 reforms*, (1996), article 27; available from <http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html>.

<sup>1722</sup> Partners of the Americas, *Child Labour in Guyana: A Descriptive Analysis of Recent Findings*, Georgetown, March 2008, 3, 35-36. See also ILO, *Baseline Study on the Worst Forms of Child Labour in Parika*, Port of Spain, 2005, 52-55, 87; available from [www.ilocarib.org.tt/childlabour/library/paprika.pdf](http://www.ilocarib.org.tt/childlabour/library/paprika.pdf).

<sup>1723</sup> Bureau of Statistics of Guyana and UNICEF, *Guyana Multiple Indicator Cluster Survey 2006*, December 16, 2008, 60 and 127; available from [http://www.childinfo.org/files/MICS3\\_Guyana\\_FinalReport\\_2006-2007\\_Eng.pdf](http://www.childinfo.org/files/MICS3_Guyana_FinalReport_2006-2007_Eng.pdf).

<sup>1724</sup> Ibid.

<sup>1725</sup> Partners of the Americas, *Child Labour in Guyana: A Descriptive Analysis of Recent Findings*, 61. See also U.S. Department of State, "Guyana (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 28, 2008, 134; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82805.htm>.

Partners of the Americas, *Educare - Guyana: Combating Child Labor through Education in Guyana*, Technical Progress Report, September 30, 2007, 33. See also U.S. Department of State, "Guyana," in *Country Report on*

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*Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>.

<sup>1726</sup> U.S. Embassy- Georgetown, *reporting*, February 27, 2009.

<sup>1727</sup> Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*, part II, articles 2 and 6. See also Government of Guyana, *Education Act (Chapter 39:01)*, articles 17-24. See also Clive Pegus, *A Review of Child Labour Laws of Guyana - A Guide to Legislative Reform*, ILO Subregional Office for the Caribbean, June 2005, 23; available from [http://www.ilocarib.org.tt/projects/childlabour/library/legislative\\_reviews/review-child-labour-law-guyana.pdf](http://www.ilocarib.org.tt/projects/childlabour/library/legislative_reviews/review-child-labour-law-guyana.pdf).

<sup>1728</sup> Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*, part I, articles 2-3. See also Government of Guyana, *Education Act (Chapter 39:01)*, articles 17-24. See also Clive Pegus, *A Review of Child Labour Laws of Guyana*, 23.

<sup>1729</sup> Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*, section 3(3), part I, article 2.

<sup>1730</sup> Ibid., articles 3 and 5. See also Government of Guyana, *Education Act (Chapter 39:01)*, article 20-21.

<sup>1731</sup> Government of Guyana, *Constitution of the Co-operative Republic of Guyana*, article 140; available from <http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html>.

<sup>1732</sup> Coalition to Stop the Use of Child Soldiers, "Guyana," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1733</sup> Clive Pegus, *A Review of Child Labour Laws of Guyana*, 26-27.

<sup>1734</sup> U.S. Department of State, "Country Reports- 2008: Guyana."

<sup>1735</sup> Government of Guyana, *Criminal Law (Offences) Act, Chapter 8:01* articles 69, 70, 73, 351; available from [http://www.gina.gov.gy/gina\\_pub/laws/Laws/cap801.pdf](http://www.gina.gov.gy/gina_pub/laws/Laws/cap801.pdf).

<sup>1736</sup> Ibid., articles 86-88.

<sup>1737</sup> Clive Pegus, *A Review of Child Labour Laws of Guyana*, 31.

<sup>1738</sup> U.S. Department of State, "Country Reports- 2008: Guyana," section 6d. See also U.S. Embassy- Georgetown, *reporting*, January 5, 2009.

<sup>1739</sup> Government of Guyana, *Education Act (Chapter 39:01)*, articles 11 and 12.

<sup>1740</sup> U.S. Embassy- Georgetown, *reporting*, December 9, 2008.

<sup>1741</sup> Ibid. See also U.S. Embassy- Georgetown, *reporting*, January 9, 2009.

<sup>1742</sup> U.S. Department of State, "Country Reports- 2008: Guyana," section 6d.

<sup>1743</sup> Partners of the Americas, *Educare - Guyana: Combating Child Labor through Education in Guyana*, Project Revision, October 28, 2008.

<sup>1744</sup> *Ibid.*, 6.

<sup>1745</sup> *Ibid.*, 10-11.

<sup>1746</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=8511>.

<sup>1747</sup> Government of Guyana and UNICEF, *Country Programme Action Plan between the Government of Guyana and the United Nations Children's Fund*, February 22, 2006, 8, 10, 12-13; available from

[http://www.unicef.org/guyana/GUY\\_CPAP\\_SIGN\\_ED\\_VERSION-\\_22JAN06.pdf](http://www.unicef.org/guyana/GUY_CPAP_SIGN_ED_VERSION-_22JAN06.pdf).

<sup>1748</sup> Bureau of Statistics of Guyana and UNICEF, *Bureau of Statistics of Guyana and UNICEF, Guyana Multiple Indicator Cluster Survey 2006*.

<sup>1749</sup> ILO-IPEC Geneva official, E-mail communication, December 18, 2008. See also ILO, *IPEC Action Against Child Labour 2008: Highlights*, 2009, 56; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=9471>.

<sup>1750</sup> U.S. Department of State, *U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Projects*, February 26, 2008; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

<sup>1751</sup> U.S. Department of State, "Country Reports- 2008: Guyana," section 6d. See also U.S. Embassy-Georgetown, *reporting, December 9, 2008*. See also U.S. Embassy- Georgetown, *reporting, February 27, 2009*.

## Haiti

### Incidence and Nature of Child Labor

Children in Haiti work on family farms and in the informal sector, such as in street vending.<sup>1752</sup> A 2007 household survey, which was carried out by the research firm Macro International Inc. and funded by USDOL, found that more than one-quarter of the sampled workers involved in farming in one department in Haiti are children, primarily contributing to the production of pistachio, corn, peas, millet, sugarcane, manioc, and rice.<sup>1753</sup>

The most common form of work for children in Haiti is domestic service.<sup>1754</sup> The practice of sending children, particularly girls, from poor rural areas to work as domestic servants for relatively richer families is common. While some of these children, referred to as "restaveks," are cared for and receive an education, many are trafficked into forced labor and abusive situations. Such children receive no schooling; are sexually exploited and physically abused; and are unpaid, undocumented, and unprotected.<sup>1755</sup> It is estimated that up to 300,000 children work under the restavek system in Haiti.<sup>1756</sup> A requirement to pay a salary to domestic workers 15 years and older encourages employers to

dismiss the restaveks before they reach that age, which in turn contributes to a large population of street children in Haiti.<sup>1757</sup> There are an estimated 2,500 street children who live in the capital, many of whom are former domestic servants; it has been estimated that this number may have grown to 3,000 children after many destructive storms impacted Haiti in 2008.<sup>1758</sup> Children on the streets work washing car windows, as vendors, as beggars, and also in prostitution.<sup>1759</sup>

In addition to internal trafficking, children are also trafficked from Haiti to the Dominican Republic.<sup>1760</sup> Haitian children trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture, and they often live in poor conditions.<sup>1761</sup> Haitian nationals who migrate to the Dominican Republic or Dominican children of Haitian descent often lack citizenship or personal identification and are consequently more vulnerable to exploitive labor situations.<sup>1762</sup> Girls are also trafficked from the Dominican Republic to Haiti for commercial sexual exploitation.<sup>1763</sup>

Haiti continues to experience a lack of public safety.<sup>1764</sup> The poor rural economy, which has been further devastated by natural disasters, has



created a major exodus to urban areas.<sup>1765</sup> Children are involved with armed groups and work as porters, spies, messengers, and combatants. Children of extremely poor families are especially vulnerable to recruitment by armed groups and have been forced to participate in illegal activities and subjected to rape.<sup>1766</sup>

Children are prohibited from night work in industrial jobs, and minors (of undefined age) are prohibited from hazardous work.<sup>1772</sup>

The law prohibits the forced labor of adults and children.<sup>1773</sup> The law also prohibits the corruption of youth under the age of 21 years, including by prostitution, with penalties ranging from 6 months to 3 years of imprisonment.<sup>1774</sup> Child trafficking is illegal, as is recruiting children for sexual exploitation, pornography, and illicit activities.<sup>1775</sup> There are no penalties for trafficking, although there are laws prohibiting and penalizing slavery and kidnapping.<sup>1776</sup>

The law sets the minimum age for military service at 18 years, but in 1995, the military forces were disbanded by presidential order.<sup>1777</sup>

The Ministry of Social Affairs and Labor, through the Institute of Social Welfare and Research (IBESR), is responsible for enforcing child labor laws.<sup>1778</sup> IBESR and the Haitian National Police's Brigade for the Protection of Minors (BPM) take the lead on anti-child trafficking efforts, and BPM is responsible for investigating crimes against children, which include trafficking.<sup>1779</sup> BPM monitors the movement of children crossing into the Dominican Republic.<sup>1780</sup> However, BPM does not investigate restavek or child trafficking cases.<sup>1781</sup> According to USDOS, an absence of governmental institutions, the lack of capacity to adequately monitor borders, and the lack of a well-trained and equipped national police force have inhibited the Government from effectively addressing child trafficking.<sup>1782</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Ministry of Social Affairs provides minimal assistance to street children. The Government refers victims of trafficking to NGOs and social welfare agencies that provide return and reintegration services.<sup>1783</sup> The Government of Haiti is participating in a USD 290,000 project to eradicate and prevent the worst forms of child labor, funded by the Government of Brazil and implemented by ILO-IPEC.<sup>1784</sup>

### *Selected Statistics and Indicators on Child Labor<sup>1767</sup>*

Population, children, 5-14 years, 2005:	2,271,815
Working children, 5-14 years (%), 2005:	29.0
Working boys, 5-14 years (%), 2005:	32.2
Working girls, 5-14 years (%), 2005:	26.0
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	11
Free public education:	Yes*
Gross primary enrollment rate (%):	-
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2005:	81.2
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	7/19/2007
CRC:	6/8/1995
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### **Child Labor Laws and Enforcement**

The minimum age for work in industrial, agricultural, or commercial enterprises in Haiti is 15 years, while the minimum age for domestic service is 12 years.<sup>1768</sup> However, there are no legal penalties for employing children in domestic labor as restaveks.<sup>1769</sup> The minimum age for work as an apprentice is 14 years, and a medical exam of the child is required.<sup>1770</sup> Children ages 15 to 18 years must obtain a work authorization from the Ministry of Labor. Employing a child without a work authorization is punishable by fines.<sup>1771</sup>

The Government participates in a number of projects to address child trafficking. In one such project, funded by USDOS, IOM is working with NGOs to provide shelter, protection, and services to child trafficking victims, specifically restaveks from Port-au-Prince.<sup>1752</sup> The Government is also participating in a USD 1 million project funded by USAID and implemented by the Pan American Development Foundation (PADF) to strengthen legislation and law enforcement associated with trafficking. Additionally, USDOS is supporting a USD 200,000 project also implemented in Haiti by PADF to prevent trafficking across the border of Haiti and the Dominican Republic.<sup>1756</sup>

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<sup>1752</sup> U.S. Department of State, "Country Reports- 2008: Haiti," section 6d.

<sup>1753</sup> Macro International, *Child Labor in Haiti's Agricultural Sector - A Study of Children in the Rural Centre Department (Draft)*, June 23, 2008, 30.

<sup>1754</sup> ILO-IPEC, *Haiti escenario de moderna esclavitud*, [August 2005 [cited February 16, 2009]; available from <http://www.oit.or.cr/ipsec/encuentros/noticia.php?notCodigo=469>. See also U.S. Department of State, "Country Reports- 2008: Haiti," section 6d.

<sup>1755</sup> U.S. Department of State, "Country Reports- 2008: Haiti," section 5. See also U.S. Department of State, "Haiti," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also ILO Committee of Experts, *Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution), Third Item on the Agenda: Information and Reports on the Application of Conventions and Recommendations*, ILO Conference, 92nd session, Geneva, 2005; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=7698&chapter=6&query=%28C029%29+%40ref+%2B+%28Haiti%29+%40ref&highlight=&querytype=bool&context=0>. See also IOM, *Americas: Assistance for Children Victims of Human Trafficking in Haiti*, [online] December 4, 2006 [cited February 16, 2009]; available from <http://www.iom.int/jahia/Jahia/featureArticleAM/cache/offonce?entryId=12185>. See also ILO, *Hope for Haiti's restavecs: South-South cooperation against child labour*, [online] 2008 [cited February 16, 2009]; available from <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-7BJN9W?OpenDocument>. See also Marc Lacey, "Children in Servitude, the Poorest of Haiti's Poor," *The New York Times*, September 13, 2008.

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<sup>1756</sup> The Protection Project, "Haiti," in *2007 Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2007; available from <http://www.protectionproject.org/haiti.doc>. See also ILO, *Hope for Haiti's restavecs*. See also ILO Committee of Experts, *Report of the Committee of Experts*.

<sup>1757</sup> ILO Committee of Experts, *Report of the Committee of Experts*. See also Government of Haiti, *Code du travail*, article 350.

<sup>1758</sup> Louis Joinet, *Situation of Human Rights in Haiti*, UN Economic and Social Council, January 24, 2006, 2. See also U.S. Department of State, "Country Reports- 2008: Haiti," section 5. See also U.S. Embassy- Port-au-Prince, *reporting*, February 6, 2009.

<sup>1759</sup> U.S. Department of State, "Country Reports- 2008: Haiti," section 6d. See also U.S. Embassy- Port-au-Prince, *reporting*, February 6, 2009.

<sup>1760</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Haiti." See also The Protection Project, "Haiti," in *2005 Human Rights Report on Trafficking in Persons, Especially Women and Children*, 2005; available from <http://www.protectionproject.org/haiti.doc>.

<sup>1761</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Haiti." See also U.S. Department of State, "Dominican Republic (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also IOM, *Americas: Assistance for Children Victims*. See also U.S. Embassy- Port-au-Prince, *reporting*, February 6, 2009.

<sup>1762</sup> U.S. Department of State, "Dominican Republic," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 2; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119157.htm>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Dominican Republic."

<sup>1763</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Haiti."

<sup>1764</sup> Ibid. See also UNICEF, *At a Glance: Haiti*, [online] [cited February 16, 2009]; available from <http://www.unicef.org/infobycountry/haiti.html>.

See also Louis Joinet, *Situation of Human Rights in Haiti*, 2.

<sup>1765</sup> Macro International, *Child Labor in Haiti's Agricultural Sector*, 4.

<sup>1766</sup> UNICEF, *At a Glance: Haiti*. See also UN Mission for the Stabilization of Haiti Child Protection Unit official, Interview with USDOL consultant, July 25, 2006. See also Coalition to Stop the Use of Child Soldiers, "Haiti," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=92>. See also Organization of American States, *Observations of the Inter-American Commission on Human Rights upon*

Conclusion of its April 2007 Visit to Haiti, Washington, DC, March 2, 2008, 16; available from <http://www.cidh.org>.

<sup>1767</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Haiti, *Code du travail*, (1984), article 335; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm>. For age to which education is compulsory, see UNESCO, *Education for All Global Monitoring Report 2006: Literacy for Life*, Paris, 2005, 306; available from [http://portal.unesco.org/education/en/ev.php-URL\\_ID=43283&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=43283&URL_DO=DO_TOPIC&URL_SECTION=201.html). For free public education, see Government of Haiti, *Constitution de la République d'Haiti*, (1987), article 32; available from <http://pdba.georgetown.edu/Constitutions/Haiti/haiti1987fr.html>. See also U.S. Department of State, "Haiti," in *Country Reports on Human Rights Practices-2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119163.htm>.

<sup>1768</sup> Government of Haiti, *Code du travail*, articles 335 and 341.

<sup>1769</sup> U.S. Department of State, "Country Reports- 2008: Haiti," section 6d.

<sup>1770</sup> Government of Haiti, *Code du travail*, article 73.

<sup>1771</sup> *Ibid.*, articles 337 and 340.

<sup>1772</sup> *Ibid.*, articles 333 and 334.

<sup>1773</sup> *Ibid.*, article 4. See also Government of Haiti, *Loi relative à l'interdiction et à l'élimination de toutes formes d'abus, de violences, de mauvais traitements ou traitements inhumains contre les enfants*, (June 5, 2003), article 2.

<sup>1774</sup> Government of Haiti, *Código penal de Haiti*, article 282; available from [http://www.unifr.ch/ddp1/derechopenal/legislacion/l\\_20080616\\_57.pdf](http://www.unifr.ch/ddp1/derechopenal/legislacion/l_20080616_57.pdf).

<sup>1775</sup> Government of Haiti, *Loi relative a l'interdiction et a l'élimination de toutes formes d'abus*, article 2.

<sup>1776</sup> U.S. Department of State, "Country Reports- 2008: Haiti," section 5.

<sup>1777</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Haiti."

<sup>1778</sup> Ministry of Social Affairs and Labor official, Interview with USDOL consultant, July 17, 2006. See also U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*.

<sup>1779</sup> U.S. Embassy- Port-au-Prince, *reporting, February 28, 2008*.

<sup>1780</sup> U.S. Department of State, "Country Reports- 2008: Haiti," section 5.

<sup>1781</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Haiti." See also U.S. Embassy- Port-au-Prince, *reporting, February 28, 2008*.

<sup>1782</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Haiti." See also U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*.

<sup>1783</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Haiti." See also U.S. Embassy- Port-au-Prince, *reporting, February 28, 2008*. See also U.S. Embassy- Port-au-Prince, *reporting, February 6, 2009*.

<sup>1784</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>1785</sup> U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, accessed March 11, 2009; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

<sup>1786</sup> *Ibid.*

## Honduras

### Incidence and Nature of Child Labor

A May 2008 census by the National Statistics Institute of Honduras reported that the majority of working children in Honduras work in agriculture, forestry, hunting, and fishing.<sup>1787</sup> Children, especially boys, predominantly work in rural rather than urban areas.<sup>1788</sup> Children work in melon, coffee, lime, limestone, and sugarcane production, and as deckhands and divers in the lobster industry.<sup>1789</sup> Children work in mining, selling goods, begging, and scavenging in garbage dumps.<sup>1790</sup> Children, predominantly girls, also

work as domestic servants, where they are sometimes subject to abuse by third-party employers.<sup>1791</sup>

Commercial sexual exploitation of children is especially problematic in border areas, in major cities, such as Tegucigalpa, and in tourist areas, such as San Pedro Sula and the Bay Islands. Honduras is a transit and source country for children trafficked for commercial sexual exploitation.<sup>1792</sup> Honduran children are trafficked internally, usually from rural to urban settings. Children are also trafficked internationally to

neighboring countries, often while en route to the United States.<sup>1793</sup>

work from the Secretary of State or the Office of Labor and Social Security, and businesses employing children must have a child labor registry.<sup>1799</sup>

The legal work hours for adolescents are also in conflict. While the Constitution prohibits children under 17 years from working more than 6 hours per day and 30 hours per week, the Childhood and Adolescence Code states that minors between 14 and 16 years cannot work more than 4 hours per day, and minors 16 to 18 years of age cannot work more than 6 hours per day.<sup>1800</sup> Night work is prohibited for children under 18 years.<sup>1801</sup>

The Child Labor Regulation and the Childhood and Adolescence Code prohibit children from work that is unhealthy or dangerous, even when completed as part of a program of study.<sup>1802</sup> Minors, except adolescents 16 to 18 years with authorization from the Office of Labor and Social Security, cannot engage in work in static positions or on high scaffolding; underwater diving; work in tunnels or underground; agricultural work that implies health risks; work with heavy machinery, ovens, smelters, heavy presses, or glass; or in work that involves exposure to toxic substances, vehicular traffic, loud noise, high-voltage electric currents, or garbage.<sup>1803</sup> Furthermore, in August 2008, the Government published a list of specific activities and occupations that are considered hazardous for children under 18 years of age.<sup>1804</sup> Individuals who violate child labor laws may receive prison sentences of 3 to 5 years and fines.<sup>1805</sup> However, according to USDOS, child labor laws were not effectively enforced outside of the apparel sector, despite frequent child labor law violations.<sup>1806</sup>

The Child Labor Regulation prohibits all forms of slavery and practices analogous to slavery, such as the sale of adolescents, debt bondage, and forced labor, including the forced recruitment of adolescents for use in armed conflicts.<sup>1807</sup> Trafficking in persons under 18 years of age, inside or outside the national territory with the goal of “commercial exploitation” is sanctioned by 12 to 19 years in prison and a fine.<sup>1808</sup> Peacetime military service in Honduras is voluntary, and the age of enlistment is 18 years.<sup>1809</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>1794</sup>	
Population, children, 5-14 years, 2004:	1,941,242
Working children, 5-14 years (%), 2004:	5.4
Working boys, 5-14 years (%), 2004:	8.2
Working girls, 5-14 years (%), 2004:	2.6
Working children by sector, 5-14 years (%), 2004:	
- Agriculture	63.3
- Manufacturing	8.3
- Services	26.5
- Other	1.9
Minimum age for work:	14/16
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	116.8
Net primary enrollment rate (%), 2007:	96.4
School attendance, children 5-14 years (%), 2004:	84.7
Survival rate to grade 5 (%), 2006:	66.5
ILO Convention 138:	6/9/1980
ILO Convention 182:	10/25/2001
CRC:	8/10/1990
CRCOPAC:	8/14/2002**
CRCOPSC:	5/8/2002**
Palermo:	4/1/2008**
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

\*\*Accession

### **Child Labor Laws and Enforcement**

Honduran laws governing the minimum age for work are conflictive.<sup>1795</sup> Although the Constitution and the Labor Code both set the minimum age for work at 16 years, children may be authorized to work with parental consent when it is indispensable for the subsistence of the family and does not interfere with the child’s education.<sup>1796</sup> Furthermore, a 2007 Government analysis of the legal minimum age for employment placed the minimum age at 14 years.<sup>1797</sup> Additionally, the Childhood and Adolescence Code and the Child Labor Regulation assert that no child under 14 years will be authorized to work.<sup>1798</sup> All minors between 14 and 18 years of age must receive authorization to

The law also penalizes the use of children for the production or trafficking of drugs.<sup>1810</sup>

The Penal Code criminalizes procuring, especially the recruitment and submission of children to commercial sexual exploitation, as well as domestic and international trafficking of children for commercial sexual exploitation, with penalties of 9 to 15 years of imprisonment.<sup>1811</sup> Honduran law also prohibits the use of children under 18 years for exhibitions or performances of a sexual nature and in the production of pornography.<sup>1812</sup> Sexual tourism is punishable by 12 to 18 years of imprisonment and a fine if the victim is a minor.<sup>1813</sup> According to USDOS, law enforcement officials collaborate with neighboring countries and the United States on anti-trafficking efforts and child sex tourism investigations.<sup>1814</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Honduras launched a National Plan of Action for the Eradication of Child Labor in May 2008 that will last 7 years. The Plan builds upon the work accomplished through the first Plan of Action (2001-2005) and involves the coordination of many government agencies.<sup>1815</sup> Honduras is also implementing a 5-year National Plan of Action to Eradicate Commercial Sexual Exploitation of Children, which was introduced in 2008. The plan aims to promote inter-institutional cooperation, justice, and assistance for child victims of commercial sexual exploitation.<sup>1816</sup> The Government continues to refer child victims to NGOs for care.<sup>1817</sup> 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.<sup>1818</sup>

The Government of Honduras participated in regional projects funded by USDOL, including a 7-year USD 8.8 million project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project

targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>1819</sup> The Government also participated in the 4-year USD 5.7 million Child Labor Education Initiative regional project implemented by CARE that worked to strengthen the Government and civil society's capacity to combat child labor through education and withdrew or prevented 4,105 children from exploitive child labor.<sup>1820</sup> During the reporting period, the Ministry of Education adopted one of the project's piloted educational models, Niño Tutor ("Child Tutor"), to implement in every school with the purpose of eliminating child labor and improving the educational attainment of children who have worked or are at risk of working.<sup>1821</sup>

The Government of Honduras participated in a USD 550,000 ILO-IPEC project that ended in August 2008 and was funded by the Government of Canada that focused on combating child labor through strengthening labor ministries.<sup>1822</sup> During the reporting period, the Government also participated in a Phase III USD 3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain and implemented by ILO-IPEC.<sup>1823</sup> Additionally, with the assistance of UNICEF, the National Commission for Family and Childhood publishes materials outlining the definitions, dangers, and legal regulations of child labor in Honduras.<sup>1824</sup>

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<sup>1787</sup> National Statistics Institute of Honduras, *Encuesta Permanente de Hogares de Propósitos Múltiples*, Tegucigalpa, May 2008. See also U.S. Embassy-Tegucigalpa, *reporting*, January 20, 2009.

<sup>1788</sup> UCW and ILO-IPEC, *Child Labour in the Latin America and Caribbean Region: A Gender Based Analysis*, ILO, Geneva, April 2006, 90.

<sup>1789</sup> 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](http://www.oit.org.pe/ipecc/documentos/good_practices_agri.pdf). See also Charles Curry-Smithson, *Education Initiative Needs Assessment for Honduras*, November 24, 2003. See also Ruth Yanet Escoto Meras, *Proyecto Nacional De Erradicación Progresiva De Trabajo Infantil En El Sector Café En Honduras*, Consultora Nacional - ILO-IPEC, Tegucigalpa, July 2003, 257 and 264. See also

Rainforest Alliance, *Forestry for Lobster Saves Child Divers in Honduras*, Rainforest Alliance, Fall 2006; available from [http://www.rainforest-alliance.org/forestry/sustainable-forestry-update/fall\\_06.html](http://www.rainforest-alliance.org/forestry/sustainable-forestry-update/fall_06.html). See also U.S. Embassy- Tegucigalpa, *reporting, January 20, 2009*. See also U.S. Department of State, "Honduras," 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/wha/119164.htm>.

<sup>1790</sup> Charles Curry-Smithson, *Education Initiative Needs Assessment for Honduras*, 38. See also U.S. Embassy- Tegucigalpa, *reporting, January 20, 2009*. See also ILO-IPEC, *Análisis cualitativo del Trabajo Infantil en Honduras*, San José, 2003, 14. See also U.S. Department of State, "Country Reports- 2008: Honduras," section 6.

<sup>1791</sup> ILO-IPEC, *Trabajo Infantil Doméstico en Honduras: A Puerta Cerrada*, 2003, 74, 79, 82-83. See also ILO-IPEC, *Análisis cualitativo del Trabajo Infantil en Honduras*, 14. See also U.S. Department of State, "Country Reports- 2008: Honduras," section 6.

<sup>1792</sup> ILO-IPEC, *Análisis cualitativo del Trabajo Infantil en Honduras*. See also U.S. Department of State, "Honduras (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>. See also U.S. Department of State, "Country Reports- 2008: Honduras," section 5. See also U.S. Embassy- Tegucigalpa, *reporting, February 23, 2009*.

<sup>1793</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Honduras." See also U.S. Embassy- Tegucigalpa, *reporting, February 23, 2009*.

<sup>1794</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Honduras, *Constitución*, (January 11, 1982), article 128; available from <http://pdba.georgetown.edu/Constitutions/Honduras/hond82.html>. See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, Decreto No. 73-96, (September 5, 1996), article 125; available from <http://www.paho.org/spanish/ad/fch/ca/derecho27.pdf>. See also Government of Honduras, *Código del Trabajo y sus Reformas*, Decreto No. 189, (July 15, 1959), article 32; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/29076/64849/S59HND01.htm#t3>.

For age to which education is compulsory, see Ministry of Education, *Educación Básica*, [online] 2009 [cited February 2, 2009]; available from [http://www.se.gob.hn/index.php?a=Webpage&url=BASICA\\_home](http://www.se.gob.hn/index.php?a=Webpage&url=BASICA_home). For free public education, see Government of Honduras, *Constitución*, article 171. See also UNESCO, *EFA Global Monitoring Report, Literacy for Life*, Geneva, 2006; available from

<http://unesdoc.unesco.org/images/0014/001416/141639e.pdf>.

<sup>1795</sup> U.S. Department of State official, E-mail communication to USDOL official, August 5, 2008.

<sup>1796</sup> Government of Honduras, *Constitución*, article 128(7). See also Government of Honduras, *Código del Trabajo*, articles 32 and 128.

<sup>1797</sup> Office of Labor and Social Security official, Letter to Primero Aprendo Project Coordinator, July 25, 2007.

<sup>1798</sup> Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 120. See also Government of Honduras, *Reglamento sobre Trabajo Infantil en Honduras*, Acuerdo Ejecutivo No. STSS-211-01, (October 10, 2001).

<sup>1799</sup> Government of Honduras, *Government of Honduras, Reglamento sobre Trabajo Infantil*. See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 126.

<sup>1800</sup> Government of Honduras, *Constitución*, article 128(7). See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, articles 125(a) and (b).

<sup>1801</sup> Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 125(c). See also Government of Honduras, *Government of Honduras, Reglamento sobre Trabajo Infantil*, articles 7(a), 7(b), 7(c).

<sup>1802</sup> Government of Honduras, *Government of Honduras, Reglamento sobre Trabajo Infantil*, article 8. See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 122.

<sup>1803</sup> Government of Honduras, *Government of Honduras, Reglamento sobre Trabajo Infantil*, article 8. See also Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 122.

<sup>1804</sup> CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Technical Progress Report, September 19, 2008, table IIIC and annex K.

<sup>1805</sup> Government of Honduras, *Código de la Niñez y de la Adolescencia*, articles 128 and 134.

<sup>1806</sup> U.S. Department of State, "Country Reports- 2008: Honduras," section 6d.

<sup>1807</sup> Government of Honduras, *Government of Honduras, Reglamento sobre Trabajo Infantil*, article 10(a).

<sup>1808</sup> Government of Honduras, *Decreto No. 234-2005: Reforma al Código Penal 2005*, ILO-IPEC, 2005, Article 149; available from [http://genero.bvsalud.org/lildbi/docsonline/1/8/681-OIT\\_DECRETO\\_234\\_2005.pdf](http://genero.bvsalud.org/lildbi/docsonline/1/8/681-OIT_DECRETO_234_2005.pdf).

<sup>1809</sup> Coalition to Stop the Use of Child Soldiers, "Honduras," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1810</sup> Government of Honduras, *Código de la Niñez y de la Adolescencia*, article 178.

<sup>1811</sup> Government of Honduras, *Reforma al Código Penal*, articles 148 and 149.

<sup>1812</sup> Ibid., articles 149(B) and 149(D). See also Government of Honduras, *Government of Honduras, Reglamento sobre Trabajo Infantil*, article 10. See also Government of Honduras, *Código del Trabajo*, article 134.

<sup>1813</sup> Government of Honduras, *Reforma al Código Penal*, article 149(E).

<sup>1814</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Honduras."

<sup>1815</sup> National Commission for the Gradual and Progressive Eradication of Child Labor, *Plan de Acción Nacional para la Erradicación Gradual y Progresiva del Trabajo Infantil en Honduras*, Tegucigalpa, 2008. See also U.S. Embassy- Tegucigalpa, *reporting, January 20, 2009*.

<sup>1816</sup> Interinstitutional Commission against the Commercial Sexual Exploitation of Children and Adolescents in Honduras, *Plan de Acción Nacional Contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Honduras*, Tegucigalpa, 2006, 31-38; available from [http://white.oit.org.pe/ipecc/documentos/plan\\_esc\\_honduras.pdf](http://white.oit.org.pe/ipecc/documentos/plan_esc_honduras.pdf).

<sup>1817</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Honduras."

<sup>1818</sup> Comisión de la Mujer Niñez Juventud y Familia del Parlamento Centroamericano, *I Plan de Trabajo Regional de la Comisión para Apoyar la Prevención y Eliminación la Trata de Personas y la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 2008-2010*, 2008.

<sup>1819</sup> ILO-IPEC, "Stop the Exploitation" ("*Alto a la explotación*") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Document, RLA/02/P51-05/52/USA, San Jose, 2002, 2005, 1 and 63. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, Geneva, September 2005, 1 and 22.

<sup>1820</sup> CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, 2004. See also CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America and the Dominican Republic*, Project Revision, September 29, 2006.

<sup>1821</sup> CARE, *Primero Aprendo, Technical Progress Report*, table III C and annex K.

<sup>1822</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

<sup>1823</sup> ILO-IPEC official, E-mail communication, February 4, 2008. See also ILO-IPEC official, E-mail communication, February 4, 2008.

<sup>1824</sup> U.S. Embassy- Tegucigalpa, *reporting, January 20, 2009*.

## India

### Incidence and Nature of Child Labor

According to the Government of India, the largest number of working children can be found in agriculture, including the production of rice and hybrid seeds.<sup>1825</sup> A large number of children can also be found in the informal economy, and ILO reports that children's work is increasingly occurring in home-based production rather than organized factory settings.<sup>1826</sup> Other activities in which children work in the informal economy include vending food and other goods, repairing vehicles and tires, construction, food preparation, scavenging and rag-picking, shoe-shining, car washing, begging, and domestic service. The majority of children working in domestic service are girls 12 to 17 years of age, though some are

reportedly as young as 5 or 6 years, and many work very long hours and suffer abusive treatment.<sup>1827</sup> A large proportion of the working children engaged in waste-picking are from the scheduled castes and tribes, communities that have traditionally suffered from societal discrimination.<sup>1828</sup> Children work in service industries such as hotels, food service, and tourism.<sup>1829</sup> Working children are found in industries such as quarrying of sandstone and other materials; stone breaking; gemstone polishing; *zari*-production, consisting of embroidering or sewing beads and colored threads to fabric; and hand-loomed silk cloth, often used to make *saris*.<sup>1830</sup> Children also work in the manufacturing of matches, bricks, carpets, locks, glass bangles, fireworks, leather goods, *bidis*

(cigarettes), footwear, garments, soccer balls, brassware, and other metal goods.<sup>1831</sup> The government has identified many of these industries as hazardous for children.<sup>1832</sup>

indentured child labor in domestic service, gemstone cutting, quarrying, carpet weaving, brick kilns, and rice mills. Children also work under forced conditions in the production of hybrid seeds, silk thread, garments, and embroidered textiles.<sup>1835</sup>

The commercial sexual exploitation of children is a problem in India; girls as young as 7 years are exploited in brothels in major urban centers.<sup>1836</sup> Some child sex tourism has been reported in the states of Goa and Kerala and other popular tourist destinations.<sup>1837</sup> There is increasing awareness of boys being exploited in prostitution and sex tourism.<sup>1838</sup>

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 in Jammu, Kashmir, and Andhra Pradesh.<sup>1839</sup>

India is a source, transit, and destination country for minors trafficked for commercial sexual exploitation and forced labor in domestic service; sweatshops; agriculture; and activities such as begging, driving cycle rickshaws, and hotel services.<sup>1840</sup> The majority of such children are Indians trafficked within the country and even within the same state.<sup>1841</sup> 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.<sup>1842</sup> In 2008, there were reports of children trafficked from rural areas to New Delhi to work in the *zari* industry.<sup>1843</sup>

### Child Labor Laws and Enforcement

Children of any age may be employed, provided employers adhere to restrictions, including a maximum 6-hour workday with a 1-hour rest period, at least 1 day off per week, and no night work or overtime work. Indian law prohibits the employment of children under 14 years in any factory or mine or in 16 hazardous occupations and 66 hazardous processes, including the manufacture or handling of pesticides, carpet weaving, diving, stone grinding, trash picking, and work in slaughterhouses, roadside eateries and restaurants, hotels, tea shops, and other

### Selected Statistics and Indicators on Child Labor<sup>1833</sup>

Population, children, 5-14 years, 1999-2000:	311,864,479
Working children, 5-14 years (%), 1999-2000:	4.1
Working boys, 5-14 years (%), 1999-2000:	4.1
Working girls, 5-14 years (%), 1999-2000:	4.0
Working children by sector, 5-14 years (%), 1999-2000:	
- Agriculture	73.3
- Manufacturing	12.4
- Services	11.5
- Other	2.8
Minimum age for work:	14 for specified hazardous occupations and processes
Compulsory education age:	Not compulsory*
Free public education:	No*
Gross primary enrollment rate (%), 2006:	111.9
Net primary enrollment rate (%), 2006:	88.7
School attendance, children 5-14 years (%), 2000:	71.5
Survival rate to grade 5 (%), 2005:	65.8
ILO Convention 138:	No
ILO Convention 182:	No
CRC:	12/11/1992**
CRCOPAC:	11/30/2005
CRCOPSC:	8/16/2005
Palermo:	No
ILO-IPEC participating country:	Yes

\*Constitution provides for free, compulsory education for ages 6 to 14, but Parliament has not enacted implementing legislation.

\*\*Accession

Some reports indicate that large numbers of children work under forced labor conditions in India.<sup>1834</sup> Children work under forced or



recreational establishments.<sup>1844</sup> Children 14 to 18 years may work limited hours in factories during the daytime if they have been granted a certificate of fitness by a certifying doctor.<sup>1845</sup> Penalties include fines or imprisonment of 3 months to 1 year or up to 2 years for repeat offenses.<sup>1846</sup>

Bonded labor is illegal in India, and the law provides for district-level vigilance committees, headed by district collectors (the principal government officer of the district), to investigate allegations of bonded labor and to release anyone found in bondage. Persons found using bonded labor may be fined and imprisoned for up to 3 years.<sup>1847</sup> Commercial sexual exploitation and trafficking of boys and girls are prohibited by law. Penalties include imprisonment of 7 to 14 years for procuring, inducing, or taking a minor 16 to 18 years from one place to another for prostitution; the penalty can increase to a life sentence if the victim is under 16 years of age.<sup>1848</sup> It is illegal to cause any person to produce or deal in narcotic or psychotropic substances; punishment consists of fines and imprisonment of up to 20 years.<sup>1849</sup>

There is no compulsory conscription into the Indian military, and the voluntary recruitment age is 17 years and 6 months.<sup>1850</sup>

Enforcement of child labor and forced labor laws is primarily the responsibility of state and local governments, with the Ministry of Labor and Employment (MOLE) providing oversight and coordination.<sup>1851</sup> From April 2007 to March 2008, 716 bonded laborers were rescued and rehabilitated from the states of Haryana, Madhya Pradesh, Bihar, Uttar Pradesh, and West Bengal.<sup>1852</sup> From April 2006 through March 2007, the most recent period for which such data are available, the Government prosecuted 9,436 child labor cases, resulting in 20 convictions.<sup>1853</sup> During the reporting period, children were rescued from hazardous work as part of raids in several states, including Maharashtra, Jharkhand, and Delhi.<sup>1854</sup> Despite these enforcement efforts, the National Human Rights Commission reports that the implementation of child labor laws is inadequate.<sup>1855</sup>

From April 2008 to February 2009, more than 1,000 individuals were arrested on trafficking-

related offenses in the states of Andhra Pradesh, Bihar, Maharashtra, Goa, and West Bengal, 30 of whom were convicted.<sup>1856</sup> Police actions in Tamil Nadu resulted in more than 1,000 additional arrests in trafficking crimes in 2008. Information on arrests involving the trafficking of children specifically is unavailable.<sup>1857</sup> USDOS reports that some state governments and the central government have taken specific measures to improve law enforcement, better protect victims, and raise awareness on trafficking issues.<sup>1858</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

India's National Charter for Children (2003) 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 with special needs.<sup>1859</sup> The National Policy on Child Labor lays out concrete actions for combating child labor, including legislative reforms and projects to provide direct assistance to children.<sup>1860</sup> These direct assistance projects are collectively known as the National Child Labor Projects (NCLPs), which operate at the district level to identify working children; withdraw them from hazardous work; and provide education, vocational training, mainstreaming into formal education, stipends, meals, and health checkups. Through January 2009, NCLPs had been established in 250 districts in 21 of India's 28 states, and approximately 9,000 NCLP schools were in operation.<sup>1861</sup> The Government has plans to extend the NCLP program to every district in the country (610) by 2012.<sup>1862</sup> The NCLP scheme is linked to the Ministry of Human Resource Development's *Sarva Shiksha Abhiyan* (Education for All) program to ensure children's smooth transition from NCLP schools into the formal education system.<sup>1863</sup> With support from UNICEF, MOLE is piloting a National Tracking System of children in NCLP schools in the states of Karnataka, Andhra Pradesh, Uttar Pradesh, and West Bengal.<sup>1864</sup>

MOLE's Grants-in-Aid scheme funds NGOs to provide working children with education and vocational training opportunities, health care, and nutrition supplements.<sup>1865</sup> During 2007 to 2008, the scheme provided financial assistance to 117

NGOs.<sup>1866</sup> MOLE's Skill Development Initiative Scheme gives priority to children withdrawn from child labor and parents of child laborers for vocational training programs to improve their employability.<sup>1867</sup> MOLE also carries out large-scale awareness-raising activities on child labor.<sup>1868</sup> A toll-free helpline called Child Line provides counseling to children in need and referral to rehabilitation services in 76 cities across India.<sup>1869</sup> In February 2009, an additional helpline was established by the Delhi government to help rescue children found begging.<sup>1870</sup> The Ministry of Women and Child Development's (MWCD) Scheme for the Welfare of Working Children in Need of Care and Protection and Integrated Scheme for Street Children provides nutrition, health services, and education to street children and working children.<sup>1871</sup> In 2008, the government supported several full-page awareness-raising advertisements in national newspapers.<sup>1872</sup> Additionally, the Indian Postal Service conducted awareness-raising through disseminating and collecting information on human trafficking to remote villages in the northeast.<sup>1873</sup>

The states of Andhra Pradesh, Maharashtra, Tamil Nadu, Karnataka, Gujarat, and Orissa are implementing state-level action plans to eliminate child labor from hazardous industries.<sup>1874</sup> In 2008, the government of Gujarat committed funds to implement its action plan.<sup>1875</sup> From February 2005 through March 2009, the U.K. Government provided USD 4.85 million to support the state government of Andhra Pradesh to pilot its action plan.<sup>1876</sup> In 2008, the government of Uttar Pradesh launched a conditional cash transfer scheme to support the schooling of working children.<sup>1877</sup> In order to prevent drop outs from schools, most states in India implement a mid-day meal program for children in grades 1 to 5 in government run schools.<sup>1878</sup>

The Government of India and USDOL jointly funded and collaborated on the USD 40 million INDUS project, which withdrew more than 100,000 children from work in 10 hazardous sectors—*bidis*, brassware, bricks, fireworks, footwear, glass bangles, locks, matches, quarrying, and silk.<sup>1879</sup> The project, implemented by ILO-IPEC, was designed to complement the NCLP program and Government primary

education initiatives. Target areas were 21 districts in the states of Madhya Pradesh, Maharashtra, Tamil Nadu, and Uttar Pradesh, as well as the National Capital Territory of Delhi. The project concluded in March 2009.<sup>1880</sup> The Government is currently participating in a USDOL-funded USD 6.85 million Convergence Model Project, which targets 10,500 children for withdrawal and 8,500 children for prevention from work in hazardous labor in 10 districts in the states of Bihar, Jharkhand, Gujarat, Madhya Pradesh, and Orissa (2008-2012).<sup>1881</sup> The project, implemented by ILO-IPEC, is designed to strengthen the Government's efforts to combat hazardous child labor through different initiatives operated by various ministries. With support from the Government of Italy, the state government of Karnataka is participating in a USD 3.6 million ILO-IPEC project to combat exploitive child labor and economic exploitation of adolescents in the sericulture (silk farming) industry; the project is scheduled to end in July 2009.<sup>1882</sup>

The Government of India and its state governments are collaborating on a program to rescue and rehabilitate child and adult bonded laborers. This includes administering surveys to identify bonded laborers, stipends of 20,000 rupees (USD 408), training and education for each person rescued, and awareness-raising activities.<sup>1883</sup> MOLE is also partnering with ILO on a project to identify and provide rehabilitative services to bonded laborers in selected states, as well as train local officials on bonded labor issues.<sup>1884</sup>

The Government's National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children aims to rehabilitate and reintegrate victims of trafficking into society.<sup>1885</sup> In 2008, the Government issued a protocol of guidelines for the rescue, repatriation, and rehabilitation of trafficked and migrant children.<sup>1886</sup> MWCD coordinates a wide range of anti-trafficking activities, in collaboration with NGOs and state governments, including awareness-raising programs; victim rescue; shelter homes; and the provision of counseling, legal aid, medical care, repatriation, and rehabilitative services.<sup>1887</sup> These efforts include

MWCD's new *Ujjawala* scheme, which supports the reintegration and repatriation of trafficking victims. Since August 2008, MCWD has provided more than USD 240,000 in funding to 18 projects at 12 rehabilitation centers in the states of Karnataka, Maharashtra, Manipur, and Nagaland to provide services to trafficking victims.<sup>1888</sup> MWCD is providing more than USD 1 million in support to 200 shelters. Information was not available on the number of specific child trafficking survivors whom the shelters supported.<sup>1889</sup> The states of Andhra Pradesh, Goa, West Bengal, Maharashtra, and Bihar operate Anti-Human Trafficking Units.<sup>1890</sup> Also in 2008, the Government sponsored child migration and trafficking training for 22 state and federal officials.<sup>1891</sup> In partnership with UNODC, the governments of Andhra Pradesh, Bihar, Maharashtra, Goa, and West Bengal trained 13,490 police officials and prosecutors on trafficking issues.<sup>1892</sup>

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<sup>1825</sup> Government of India, *Federal Register Notice response* (2008). See also Davuluri Venkateswarlu, *Child Bondage Continues in Indian Cotton Supply Chain*, OECD Watch, Deutsche Welthungerhilfe, India Committee of the Netherlands, Eine Welt Netz NRW, and International Labor Rights Forum, September 2007, 7; available from <http://www.indianet.nl/pdf/childbondagecotton.pdf>. See also U.S. Embassy- New Delhi, *reporting*, May 30, 2008, paras 1, 4, 5.

<sup>1826</sup> ILO- Subregional Office for South Asia, *A Decade of ILO-India Partnerships*, New Delhi, 2004, 70-71; available from [http://www.ilo.org/public/english/region/asro/newdelhi/download/misa\\_cl.pdf](http://www.ilo.org/public/english/region/asro/newdelhi/download/misa_cl.pdf).

<sup>1827</sup> *Ibid.*, 70. See also U.S. Embassy- New Delhi, *reporting*, November 2, 2007, para 7. See also ILO-IPEC, *Converging Against Child Labour: Support for India's Model*, Project Document, Geneva, September 2008, 12.

<sup>1828</sup> ILO-IPEC, *Addressing the Exploitation of Children in Scavenging (Waste Picking): A Thematic Evaluation of Action on Child Labour*, Geneva, October 2004, 18; available from [http://www.ilo.org/iloroot/docstore/ippec/prod/eng/2004\\_eval\\_scavenging\\_en.pdf](http://www.ilo.org/iloroot/docstore/ippec/prod/eng/2004_eval_scavenging_en.pdf).

<sup>1829</sup> ILO- Subregional Office for South Asia, *A Decade of ILO-India Partnerships*, 71.

<sup>1830</sup> U.S. Embassy- New Delhi, *reporting*, May 30, 2008, paras 4 and 7. See also U.S. Department of State, "India," 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/sca/119>

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134.htm. See also P. Madhavan and Sanjay Raj, *Budhupura "Ground Zero" Sandstone Quarrying in India*, India Committee of the Netherlands, Utrecht, December 2005, 18-19; available from <http://www.indianet.nl/budhpura.pdf>. See also Macro International, *In-Country Research and Data Collection on Forced Labor and Child Labor in the Production of Goods in India*, 2008, 1, 3, 5. See also ILO-IPEC, *Convergence Project, Project Document*, 12. See also U.S. Embassy- New Delhi, *reporting*, March 4, 2009, para E. See also BBC News, *Real Cost of India's Cheap Stone*, [online] May 1, 2005 [cited April 2, 2009]; available from [http://news.bbc.co.uk/2/hi/south\\_asia/6233697.stm](http://news.bbc.co.uk/2/hi/south_asia/6233697.stm).

<sup>1831</sup> U.S. Department of State, "Country Reports- 2008: India," section 6d. See also U.S. Embassy- New Delhi, *reporting*, May 30, 2008, paras 1, 6, 8. See also Macro International, *In-Country Research: India*, 14. See also Bachpan Bachao Andolan, *Child Labour in Football Stitching Activity in India*, New Delhi, October 6, 2008; available from <http://www.laborrights.org/files/FOOTBALLREPORT2008.pdf>. See also ILO-IPEC, *Convergence Project, Project Document*, 8. See also U.S. Embassy- New Delhi, *reporting*, May 21, 2007, para 4.

<sup>1832</sup> U.S. Department of State, "Country Reports- 2008: India," section 6d. See also Government of India, *Child Labor - Prohibition and Regulation Act (as amended)*, Schedule.

<sup>1833</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of India, *Child Labor - Prohibition and Regulation Act (as amended)*, (1986 and July 10, 2006), articles 2, 3, Schedule; available from <http://labour.nic.in/cwl/ChildLabour.htm>. See also Government of India, *The Factories Act*, No. 63 of 1948, as amended by No. 20 of 1987, (1948), article 67; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/32063/64873/E87IND01.htm>. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2006-2007*, New Delhi, September 26, 2007, para 12.4; available from <http://labour.nic.in/annrep/annrep2006.htm>. For age to which education is compulsory and free public education, see Government of India, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, January 23, 2009.

<sup>1834</sup> U.S. Department of State, "Country Reports- 2008: India," section 6d.

<sup>1835</sup> Ravi Srivastava, *Bonded Labour in India: Its Incidence and Pattern*, ILO- Special Action Programme to Combat Forced Labour, Geneva, April 2005, 8-9; available from

[http://www.ilo.org/dyn/declaris/DECLARATIONWB.DOWNLOAD\\_BLOB?Var\\_DocumentID=5071](http://www.ilo.org/dyn/declaris/DECLARATIONWB.DOWNLOAD_BLOB?Var_DocumentID=5071). See also

U.S. Embassy- New Delhi, *reporting*, December 4, 2007, para 11. See also U.S. Embassy- New Delhi, *reporting*, March 4, 2009, question 23B. See also U.S. Department of State, "Country Reports- 2008: India," sections 6c, 6d. See also Davuluri Venkateswarlu, *Child Bondage in Cotton*, 8 and 9. See also U.S. Department of State, "Nepal," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, sections 6c and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119138.htm>.

<sup>1836</sup> U.S. Department of State, "Country Reports- 2008: India," section 5.

<sup>1837</sup> U.S. Embassy- New Delhi, *reporting*, March 4, 2009, question 25M.

<sup>1838</sup> Sree Lakshmi Akula and Anil Raghuvanshi, *Situational Analysis Report on Prostitution of Boys in India (Hyderabad)*, Bangkok, June 2006, 7; available from [http://www.ecpat.net/eng/publications/Boy\\_Prostitution/PDF/India\\_Hyderabad.pdf](http://www.ecpat.net/eng/publications/Boy_Prostitution/PDF/India_Hyderabad.pdf). See also Equations, *A Situational Analysis of Child Sex Tourism in India (Kerala and Goa)*, Bangkok, December 2003; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/sex\\_tourism/India-Equations.Web.pdf](http://www.ecpat.net/eng/Ecpat_inter/projects/sex_tourism/India-Equations.Web.pdf). See also Agniva Lahiri and Sarika Kar, *Dancing Boys: Traditional Prostitution of Young Males in India*, UNDP - Prevention of Trafficking, HIV and AIDS Program, New Delhi, March 2007, 4 and 7; available from [http://www.giftasia.in/images/pdf/dancing\\_boys.pdf](http://www.giftasia.in/images/pdf/dancing_boys.pdf).

<sup>1839</sup> U.S. Embassy- New Delhi, *reporting*, March 20, 2008. See also Coalition to Stop the Use of Child Soldiers, "India," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also U.S. Department of State, "India (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also Human Rights Watch, *Being Neutral is Our Biggest Crime: Government, Vigilante, and Naxalite Abuses in India's Chhattisgarh State*, New York, July 2008, 115, 116, 129, 130; available from <http://www.hrw.org/reports/2008/india0708/>.

<sup>1840</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: India." See also U.S. Embassy- New Delhi, *reporting*, November 2, 2007. See also Sankar Sen and P. M. Nair, *A Report on Trafficking in Women and Children in India 2002-2003*, National Human Rights Commission of India, Institute of Social Sciences, and UNIFEM, New Delhi, July 2004, 10, 165, 166. See also U.S. Department of State, "Country Reports- 2008: India," section 5. See also U.S. Embassy- New Delhi

official, E-mail communication USDOL official, July 13, 2009.

<sup>1841</sup> Sankar Sen and P. M. Nair, *Report on Trafficking in Women and Children in India*, 353. See also ECPAT International CSEC Database, *India*, accessed January 27, 2009; available from <http://www.ecpat.net/>.

<sup>1842</sup> U.S. Department of State, "Country Reports- 2008: India," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: India." See also U.S. Embassy- New Delhi, *reporting*, March 4, 2009, question 23B.

<sup>1843</sup> Hindustan Times, *Being Eldest, It Is My Duty To Work, Says 7-year-old*, [online] 2008 [cited February 4, 2009]; available from <http://www.hindustantimes.com/StoryPage/Print.aspx?Id=b3a3b77c-ae91-44de-99a7-6365bdfb20e2>. See also U.S. Embassy- New Delhi, *reporting*, January 16, 2009.

<sup>1844</sup> Government of India, *Child Labor - Prohibition and Regulation Act (as amended)*, articles 2 and 3, Schedule. See also Government of India, *The Factories Act*, article 67. See also U.S. Embassy- New Delhi, *reporting*, January 16, 2009, para A. See also Government of India, *Federal Register Notice response (2008)*. See also U.S. Embassy- New Delhi, *reporting*, March 4, 2009, Question 25F.

<sup>1845</sup> Government of India, *The Factories Act*, sections 2, 67-71.

<sup>1846</sup> Government of India, *Child Labor - Prohibition and Regulation Act (as amended)*, articles 7, 8, 14.

<sup>1847</sup> Government of India- Department of Social Welfare, *Bonded Labour System (Abolition) Act*, Act No. 19, (February 9, 1976), articles 4, 13, 14, 18; available from <http://indiacode.nic.in/fullact1.asp?tfnm=197619>. See also Government of India, *Juvenile Justice (Care and Protection of Children) Act*, No. 56, (December 30, 2000), article 26; available from <http://socialwelfare.delhigovt.nic.in/juvenilejustice1.htm>. See also U.S. Embassy - New Delhi, E-mail communication to USDOL official, July 25, 2008.

<sup>1848</sup> Government of India, *Immoral Traffic (Prevention) Act*, (1956), articles 2 and 5.

<sup>1849</sup> Government of India, *The Narcotic Drugs and Psychotropic Substances Act*, No. 61, (1985), articles 8, 22, 32; available from <http://www.vakilno1.com/bareacts/THE-NARCOTIC-DRUGS-AND-PSYCHOTROPIC-SUBSTANCES-ACT-1985/THE-NARCOTIC-DRUGS-AND-PSYCHOTROPIC-SUBSTANCES-ACT-1985.htm>.

<sup>1850</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: India."

<sup>1851</sup> Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2006-2007*, paras 9.2, 9.3, 12.6, 12.7.

<sup>1852</sup> U.S. Department of State, "Country Reports- 2008: India," section 6c.

<sup>1853</sup> U.S. Embassy- New Delhi, *reporting, January 16, 2009*, para E.

<sup>1854</sup> U.S. Embassy- New Delhi, *reporting, March 4, 2009*, question 25E.

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<sup>1859</sup> Ministry of Women and Child Development, *National Charter for Children*, New Delhi, February 9, 2004, articles 7 and 8b; available from <http://wcd.nic.in/nationalcharter2003.doc>.

<sup>1860</sup> Ministry of Labour and Employment, *National Policy on Child Labour*, [online] [cited March 31, 2009]; available from <http://labour.nic.in/cwl/CIPolicy.htm>.

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<sup>1862</sup> U.S. Embassy- New Delhi, *reporting, March 4, 2009*, questions 25A-25D.

<sup>1863</sup> Government of India, *Federal Register Notice response (2008)*.

<sup>1864</sup> Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2007-2008*, New Delhi, April 25, 2008, para 12.27; available from <http://labour.nic.in/annrep/annrep2007.htm>.

<sup>1865</sup> Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2006-2007*, para 12.24. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2005-2006*, New Delhi, September 21, 2006, 6; available from <http://www.labour.nic.in/annrep/annrep2005.htm>.

<sup>1866</sup> Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2007-2008*, para 12.20.

<sup>1867</sup> Ministry of Labour and Employment, *Skill Development Initiative Scheme Implementation Manual*, New Delhi, January 2008, 8.

<sup>1868</sup> U.S. Embassy- New Delhi, *reporting, December 4, 2007*. See also Childline India Foundation, *FAQ*, [online] [cited February 4, 2009]; available from <http://www.childlineindia.org.in/aboutus08.htm>.

<sup>1869</sup> Ministry of Women and Child Development, *Annual Report of the Ministry of Women and Child Development 2007-2008*, New Delhi, 2008, para 3.109; available from <http://wcd.nic.in/>.

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<sup>1871</sup> Ministry of Finance, *Union Budget 2009-2010*, New Delhi, February 15, 2009, 248; available from [http://indiabudget.nic.in/ub2009-10\(I\)/eb/sbe104.pdf](http://indiabudget.nic.in/ub2009-10(I)/eb/sbe104.pdf).

<sup>1872</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: India."

<sup>1873</sup> U.S. Embassy- New Delhi, *reporting, March 4, 2009*, questions 25A-25D.

<sup>1874</sup> ILO-IPEC, *Convergence Project, Project Document*, 19.

<sup>1875</sup> Ibid.

<sup>1876</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>1877</sup> ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, Technical Progress Report, Geneva, September 4, 2008, 9.

<sup>1878</sup> U.S. Embassy- New Delhi official, TDA Edits.

<sup>1879</sup> ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, Project Document, Geneva, September 2001, 3, 6-7, 18-19. See also U.S. Embassy- New Delhi official, TDA Edits.

<sup>1880</sup> ILO-IPEC, *INDUS, Project Document*, 2001, 3, 6-7, 18-19. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2006-2007*, para 12.32. See also ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, Technical Progress Report, Geneva, September 13, 2006. See also ILO-IPEC, *INDUS, Technical Progress Report, 2008*.

<sup>1881</sup> ILO-IPEC, *Convergence Project, Project Document*, 1 and 83. See also Government of India, *Federal Register Notice response (2008)*.

<sup>1882</sup> ILO-IPEC Geneva official, E-mail communication, December 18, 2008.

<sup>1883</sup> Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2007-2008*, sections 9.3 and 9.4. For currency conversion, see OANDA, *FX Converter - Currency Converter for 164 Currencies*, [online] [cited February 3, 2009]; available from <http://www.oanda.com/convert/classic>.

<sup>1884</sup> U.S. Embassy- New Delhi, *reporting, March 20, 2008*.

<sup>1885</sup> Ministry of Women and Child Development, *Initiatives Taken by Ministry of Women and Child Development to Combat Trafficking of Women and Children*, New Delhi, October 11, 2006, para i; available from <http://wcd.nic.in/INITITrafficking.doc>.

<sup>1886</sup> Ministry of Labour and Employment, *Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour*, Delhi, May 2008, 8; available from <http://labour.nic.in/cwl/DraftProtocolPreventionMigrantChildLabour.pdf>.

<sup>1887</sup> U.S. Department of State, "Country Reports- 2008: India," section 5. See also Ministry of Women and Child Development, *Initiatives of the MWCD*, para xxi.

<sup>1888</sup> U.S. Embassy- New Delhi, *reporting, December 4, 2008*, para 11.

<sup>1889</sup> U.S. Embassy- New Delhi, *reporting, March 4, 2009*, question 26E.

<sup>1890</sup> U.S. Embassy- New Delhi, *reporting, December 4, 2007*.

<sup>1891</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: India."

<sup>1892</sup> U.S. Embassy- New Delhi, *reporting, March 4, 2009*, question 25F.

## Indonesia

### *Selected Statistics and Indicators on Child Labor*<sup>1893</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15*
Free public education:	Yes**
Gross primary enrollment rate (%), 2006:	114.1
Net primary enrollment rate (%), 2006:	95.4
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2005:	84.4
ILO Convention 138:	6/7/1999
ILO Convention 182:	3/28/2000
CRC:	9/5/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Yes

\*May vary

\*\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

The majority of child work in Indonesia occurs in rural areas. Children work in agriculture on palm oil, cacao, tobacco, rubber, tea, and sugar plantations.<sup>1894</sup> Children work in fishing and fisheries, manufacturing, footwear production, food processing, woodworking, furniture carving, and textile production. Children also work in the small-scale mining sector, including gold and coal mines.<sup>1895</sup> Children also work in construction, including in collecting sand and breaking stones

for construction use.<sup>1896</sup> Other children work in the informal sector, including those living on the street, selling newspapers, shining shoes, street vending, scavenging, and working beside their parents in family businesses or cottage industries.<sup>1897</sup> Children, primarily girls, are also engaged in domestic service, where some are exploited and can be subject to forced labor, including debt bondage.<sup>1898</sup>

Indonesia is primarily a source and, to a lesser extent, a destination country for individuals trafficked internationally and internally, including children.<sup>1899</sup> Children, especially girls, are trafficked internationally from Indonesia to Malaysia, Saudi Arabia, Hong Kong, Taiwan, Japan, and Singapore, and are trafficked internally mainly from rural to urban areas. There is evidence that girls are also trafficked into Indonesia, mainly from China and Eastern Europe.<sup>1900</sup> Girls are primarily trafficked both internationally and internally for commercial sexual exploitation and forced domestic service, whereas boys are trafficked internally to work on fishing platforms. There are reports of children being trafficked to work in organized begging rings.<sup>1901</sup> Children are also exploited through prostitution, the production of pornography, and the international sex industry, increasingly through sex tourism.<sup>1902</sup> Likewise, children are known to be involved in the production, trafficking, and sale of drugs.<sup>1903</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for work at 15 years.<sup>1904</sup> The law contains an exception for employing children 13 to 15 years of age to perform light work that does not jeopardize their physical, mental, and social development. Requirements for employment of children 13 to 15 years include a maximum of 3 hours of work per day, parental permission, and no

disruption of schooling. No specific requirements are outlined for children age 16 to 17 years.<sup>1905</sup>

Employing and involving children under 18 years in the worst forms of child labor or economic exploitation are prohibited under the law; failure to comply can result in criminal sanctions of 2 to 5 years of imprisonment and a fine. The law defines the worst forms of child labor as slavery; use of children in prostitution, pornography, and gambling; use of children for the production and trade of alcohol, narcotics, and addictive substances; and all types of work harmful to the health, safety, and morals of children.<sup>1906</sup> The law identifies a list of such harmful activities and provides detailed descriptions and examples of these activities. These include jobs that require children to work with machines; where physical, chemical, or biological hazards are present; with inherent hazards such as construction, offshore fishing, lifting heavy loads (among others); and that harm the morals of children, including working in bars, massage parlors, discotheques, or promoting alcohol or drugs to arouse sexual desire.<sup>1907</sup> Persons who expose children to such hazardous activities are liable to terms of up to 5 years of imprisonment or a fine.<sup>1908</sup> Additional specific legal sanctions are laid out for commercial sexual exploitation, child trafficking, involving children in the production or distribution of alcohol or narcotics, and involving children in armed conflict (see next paragraph).<sup>1909</sup> Anyone exercising legal custody of a child under 12 years for the purpose of providing that child to another person, knowing that the child is going to be used for the purposes of begging, harmful work, or work that affects the child's health, may face a maximum sentence of 4 years of imprisonment.<sup>1910</sup>

Indonesian law prohibits sexual intercourse outside of marriage with a female recognized to be under 15 years, engaging in an obscene act with a person under 15 years, and forcing or allowing the sexual abuse of a child under 18 years. Maximum penalties range from 7 to 15 years of imprisonment.<sup>1911</sup> The law also prohibits forced labor, including trafficking in persons.<sup>1912</sup> The law provides key trafficking definitions and harsher punishments than previous laws utilized to prosecute traffickers. If the trafficking crimes

involve children under 18 years, the standard sentence for violation of the law is 3 to 15 years and a fine, with penalties for Government officials increasing by one-third. The law also details specific procedures for working with child witnesses and/or victims.<sup>1913</sup> Additional laws also exist to prosecute trafficking. The Penal Code provides a maximum penalty of 6 years of imprisonment for trading children, and the Child Protection Act stipulates a prison sentence of 3 to 15 years and/or a fine for the same offense.<sup>1914</sup> The minimum age for recruitment or enlistment into the Armed Forces is 18 years, with violations incurring a maximum sentence of 5 years and/or a fine.<sup>1915</sup> The law also prohibits the use or involvement of children in the misuse, production, or distribution of narcotics and stipulates a maximum sentence of the death penalty or life imprisonment and a fine.<sup>1916</sup>

The Ministry of Manpower and Transmigration (MOMT) authorities at the provincial and district levels have responsibility for enforcing child labor laws.<sup>1917</sup> The national police's anti-trafficking unit and other law enforcement bodies have increased efforts to combat trafficking of children.<sup>1918</sup> As of the end of 2008, there were 1,969 labor inspectors with responsibility for withdrawing children from work and returning them to school.<sup>1919</sup> Despite these efforts, USDOS reports that the Indonesian Government does not enforce child labor laws in an effective manner due to a lack of resources and limited child labor inspections.<sup>1920</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The 20-year National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labor is currently in its second 5-year phase. This phase focuses on continued promotion of national and local policies to combat child labor, as well as direct, targeted interventions to assist children engaged in exploitive labor.<sup>1921</sup> MOMT chairs a National Action Committee for the Elimination of the Worst Forms of Child Labor, which coordinates child labor elimination efforts throughout the country and produces annual reports on the implementation of the NPA.<sup>1922</sup> The National Plan of Action of Human Rights in Indonesia (2004-2009) contains a specific objective

on protecting the rights of the child, with a series of activities aimed at combating trafficking and protecting against sexual exploitation, pornography, and the worst forms of child labor.<sup>1923</sup>

The Indonesia National Medium Term Development Plan (2004-2009) recognizes the problem of child labor and supports the implementation of the National Plan on the Elimination of the Worst Forms of Child Labor.<sup>1924</sup> The country's Poverty Reduction Strategy Plan (2005-2009) includes objectives of preventing exploitation and the worst forms of child labor, increasing protection for street children and child workers, and preventing child trafficking. In its monitoring and evaluation system, this plan also has a 2009 target to decrease the number of child trafficking cases.<sup>1925</sup>

The National Plan of Action to Combat Commercial Sexual Exploitation is in place to help address the commercial sexual exploitation of children.<sup>1926</sup> Under the anti-trafficking law, Standard Operating Procedures for the return and reintegration of trafficking victims were finalized and launched in August 2008.<sup>1927</sup> The national Government collaborates with NGOs on efforts to raise awareness on trafficking, provide assistance to law enforcement, and protect trafficking victims.<sup>1928</sup> The Government is implementing "Operation Flower" an operation targeted at children trafficked for commercial sexual exploitation. In 2008, the operation was conducted in 11 provinces and rescued hundreds of victims, primarily children.<sup>1929</sup> The Foreign Affairs Ministry operates shelters at its embassies and consulates in several countries, including Kuwait, Malaysia, Saudi Arabia, and Singapore.<sup>1930</sup> The Indonesian National Police operate a medical recovery center for victims of trafficking in Jakarta, and other recovery centers exist in Surabaya, Pontianak, and Makassar.<sup>1931</sup> Indonesia is one of several countries in South East Asia participating in a campaign by MTV and USAID to raise awareness on human trafficking.<sup>1932</sup> A number of local governments have also established and are operating shelters for trafficking victims, and several districts and provinces have adopted anti-trafficking regulations and implemented anti-trafficking

activities through their Anti-Trafficking Committees and district action plans.<sup>1933</sup> As of the end of 2008, 26 provinces had such committees or task forces. Also in 2008, the number of women's help desks for assisting exploited women and children, including those exploited through trafficking, increased to 305 nationwide.<sup>1934</sup>

An Indonesian decree calls for general programs to ban and abolish the worst forms of child labor and improve family income; specific programs that provide such children with non-formal education; and schemes that return children to school by providing scholarships.<sup>1935</sup> As of the end of 2008, the Government's Conditional Cash Transfer (CCT) program had expanded to 13 provinces and had reached 500,000 impoverished households. The program provides cash transfers to very poor families who meet a set of conditions, one of which is withdrawing their children from labor and ensuring that they are enrolled in school.<sup>1936</sup> In support of CCT, in August 2008, MOMT launched a USD 4.5 million program that specifically targets the withdrawal of 5,000 child laborers from the workforce through referral to education services.<sup>1937</sup> The National Labor Force Survey includes a question on child labor in order to establish a sampling framework for the planned National Child Labor Survey and to obtain an estimate of the scale of child labor in the country.<sup>1938</sup> As of the end of 2008, Action Committees on Child Labor were established in 24 of 33 provinces and 92 of 458 districts in Indonesia.<sup>1939</sup> Several provincial governments, such as Central Java, East Java, and North Sumatra, undertook specific child labor activities during 2008. Actions included launching provincial child labor action plans; implementing anti-child labor awareness-raising campaigns; and forming child labor action committees.<sup>1940</sup>

The Government of Indonesia participated in a USDOL-funded USD 4.1 million ILO-IPEC Timebound Program that aimed to progressively eliminate the worst forms of child labor. The program ended in March 2008 and withdrew 1,724 children and prevented 16,963 children from exploitive labor in the five priority sectors identified in the NPA.<sup>1941</sup> The Government continues to participate in a USD 5.55 million, 4-



year second phase of the project implemented by ILO-IPEC and supported by USDOL. The project targets an additional 6,000 children for withdrawal and 16,000 for prevention from exploitive work in domestic service, commercial agriculture, drug trafficking, and trafficking for commercial sexual exploitation.<sup>1942</sup> In support of the national Timebound Program, USDOL also funds a USD 6 million Child Labor Education Initiative project to combat child trafficking in Indonesia that aims to withdraw 1,500 child trafficking victims and prevent 17,932 children from being trafficked for commercial sexual exploitation or forced domestic service. The project began in September 2004 and ends in June 2009.<sup>1943</sup> The Netherlands supported a new USD 22.6 million youth employment and child labor project, focusing on six provinces in the eastern part of Indonesia.<sup>1944</sup>

To address the vulnerability of children to the worst forms of child labor in the tsunami-stricken areas of Indonesia, in 2005, USDOL funded a USD 1.5 million addendum to the ILO-IPEC Timebound Program and a USD 2.5 million addendum to the Education Initiative project. The ILO-IPEC project ended in March 2008 and prevented 7,751 children from entering exploitive labor; the Education Initiative project is ongoing through December 2009 and aims to prevent 10,530 children from entering exploitive labor.<sup>1945</sup>

USDOS supports a project that provides technical assistance and training to help national and local governments establish and implement policies to reduce vulnerability to trafficking.<sup>1946</sup> This project assisted the Government in developing an anti-trafficking law and supported 50 projects by Indonesian civil society institutions in the areas of prevention and protection.<sup>1947</sup> USAID and USDOS support additional projects to assist the Government in combating in the trafficking of persons, including providing training to the Ministry of Women's Empowerment and civil society groups to raise awareness on trafficking, as well as assistance to develop and implement policies and procedures to fight trafficking in persons.<sup>1948</sup>

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<sup>1893</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, age to which education is compulsory, and free public education, see Ministry of Manpower and Transmigration, *Concerning Jobs that Jeopardize the Health, Safety and Morals of Children*, Decree No. Kep.235/MEN/2003, (October 31, 2003), article 3; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.detail?s?p\\_lang=en&p\\_country=IDN&p\\_classification=04&p\\_origin=SUBJECT](http://www.ilo.org/dyn/natlex/natlex_browse.detail?s?p_lang=en&p_country=IDN&p_classification=04&p_origin=SUBJECT). See also Government of Indonesia, *National Child Protection Act*, Law No. 23, (2002), articles 48 and 53. See also U.S. Department of State, "Indonesia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. See also UNESCO, *EFA Global Monitoring Report*, 2009, 278.

<sup>1894</sup> U.S. Embassy- Jakarta, *reporting*, January 20, 2009. See also ILO-IPEC, *Support to the Indonesian Time-bound Program on the Elimination of the Worst Forms of Child Labor: Phase II*, Project Document, Geneva, 2008, 41. See also End Child Labor, *Indonesia Child Labor by Industry or Occupation*, accessed January 14, 2009; available from [http://www.endchildlabor.org/db\\_infoBank.cfm?Action=View](http://www.endchildlabor.org/db_infoBank.cfm?Action=View). See also University of North Sumatra, *Study of Child Workers in Tobacco Plantations in Sumatra Indonesia*, 2004, executive summary; available from [http://www.eclt.org/filestore/Indonesia\\_Research\\_ECLT\\_Oct05.PDF](http://www.eclt.org/filestore/Indonesia_Research_ECLT_Oct05.PDF).

<sup>1895</sup> U.S. Embassy- Jakarta, *reporting*, January 20, 2009. See also U.S. Department of State, "Country Reports-2008: Indonesia," section 6d. See also U.S. Embassy-Jakarta, *reporting*, June 5, 2008. See also ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme on the Elimination of the Worst Forms of Child Labour*, Project Document, INS/03/P50/USA, Geneva, September 30, 2003, 2-3, 47, 127. See also End Child Labor, *Child Labor by Industry or Occupation*. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Indonesia*, Geneva, June 2007, 15-16; available from [http://www.ituc-csi.org/IMG/pdf/Indonesia\\_report\\_final\\_FINAL.pdf](http://www.ituc-csi.org/IMG/pdf/Indonesia_report_final_FINAL.pdf).

<sup>1896</sup> Rustam Lamitur Tampubolon, *Child Labor and its Situation in Nias, North Sumatera*, ILO-IPEC, 2006.

<sup>1897</sup> U.S. Department of State, "Country Reports- 2008: Indonesia," sections 5 and 6d. See also Ministry of Manpower and Transmigration, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, Presidential Decree Number 59, (August 13, 2002), 5. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Indonesia*, 15-16. See also U.S. Embassy-Jakarta, *reporting*, January 20, 2009.

<sup>1898</sup> U.S. Department of State, "Country Reports- 2008: Indonesia," sections 5 and 6d. See also "Swept Under the Rug: Abuses Against Domestic Workers Around the World," *Human Rights Watch* 18, no. 7(C) (2006), 53 and 54; available from [http://www.hrw.org/legacy/campaigns/women/2006/domestic\\_workers/index.htm](http://www.hrw.org/legacy/campaigns/women/2006/domestic_workers/index.htm). See also "Always on Call: Abuse and Exploitation of Child Domestic Workers in Indonesia," *Human Rights Watch* 17, no. 7(C) (2005). See also U.S. Embassy- Jakarta, *reporting*, December 10, 2007.

<sup>1899</sup> U.S. Embassy- Jakarta, *reporting*, December 10, 2007.

<sup>1900</sup> International Catholic Migration Commission and The Solidarity Center, *When They Were Sold: Trafficking of Women and Girls in 15 Provinces of Indonesia*, Jakarta, November 2006, 53-54. See also U.S. Embassy- Jakarta, *reporting*, December 10, 2007. See also Ruth Rosenberg (ed.), *Trafficking of Women and Children in Indonesia*, Jakarta, 2003, 31-32; available from <http://solidarity.timberlakepublishing.com/content.asp?contentid=502>.

<sup>1901</sup> U.S. Department of State, "Country Reports- 2008: Indonesia," section 5. See also Ruth Rosenberg (ed.), *Trafficking of Women and Children in Indonesia*, 16, 19, 31, 32, 172. See also International Catholic Migration Commission and The Solidarity Center, *When They Were Sold*, 29, 31, 36-37, 43, 45, 46. See also U.S. Embassy- Jakarta, *reporting*, December 10, 2007.

<sup>1902</sup> ECPAT International CSEC Database, *Indonesia*, accessed January 14, 2009; available from [http://www.ecpat.net/EI/CSEC\\_onlineDatabase.asp](http://www.ecpat.net/EI/CSEC_onlineDatabase.asp). See also Ruth Rosenberg (ed.), *Trafficking of Women and Children in Indonesia*, 19. See also UNICEF, *Factsheet on Commercial Sexual Exploitation and Trafficking of Children*; available from [http://www.unicef.org/indonesia/Factsheet\\_CSEC\\_trafficking\\_Indonesia.pdf](http://www.unicef.org/indonesia/Factsheet_CSEC_trafficking_Indonesia.pdf).

<sup>1903</sup> ILO-IPEC, *Support to the Indonesia National Plan of Action, Project Document*, 2008, 42. See also U.S. Department of State, "Country Reports- 2008: Indonesia," section 6d. See also ILO-IPEC, *Support to the Indonesia National Plan of Action, Project Document*, 4. See also U.S. Embassy- Jakarta, *reporting*, December 10, 2007.

<sup>1904</sup> Ministry of Manpower and Transmigration, *Concerning Jobs that Jeopardize the Health, Safety and Morals of Children*, article 3.

<sup>1905</sup> Government of Indonesia, *Manpower Development and Protection Act (no. 13)*, (March 25, 2003), article 26, 68, and 69.

<sup>1906</sup> *Ibid.*, articles 74 and 183.

<sup>1907</sup> Ministry of Manpower and Transmigration, *Concerning Jobs that Jeopardize the Health, Safety and Morals of Children*. See also ILO NATLEX National Labor Law Database, *Protection of Children Undertaking Jobs to Develop Talent and Interest*, Decree No. KEP.115/MEN/VII/2004, accessed March 13, 2008; available from <http://www.ilo.org/dyn/>

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<sup>1908</sup> Government of Indonesia, *National Child Protection Act*, articles 59-60, 78-89.

<sup>1909</sup> *Ibid.*, articles 80-89.

<sup>1910</sup> Government of Indonesia, *Penal Code of Indonesia*, article 301.

<sup>1911</sup> *Ibid.*, articles 287, 289-291. See also Government of Indonesia, *National Child Protection Act*, articles 81-82, 88.

<sup>1912</sup> U.S. Department of State, "Country Reports- 2008: Indonesia," sections 5 and 6c.

<sup>1913</sup> Government of Indonesia, *Law of the Republic of Indonesia on the Eradication of the Criminal Act of Trafficking in Persons*, Number 21, (April 19, 2007), article 6-8, 17 and 38-40. See also U.S. Embassy- Jakarta, *reporting*, March 4, 2009.

<sup>1914</sup> Government of Indonesia, *National Child Protection Act*, article 83. See also Government of Indonesia, *Penal Code of Indonesia*, article 297.

<sup>1915</sup> Government of Indonesia, *National Child Protection Act*, article 87. See also Coalition to Stop the Use of Child Soldiers, "Indonesia," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>.

<sup>1916</sup> Government of Indonesia, *National Child Protection Act*, article 89.

<sup>1917</sup> U.S. Embassy- Jakarta, *reporting*, December 10, 2007.

<sup>1918</sup> U.S. Embassy- Jakarta, *reporting*, February 29, 2008.

<sup>1919</sup> U.S. Embassy- Jakarta, *reporting*, January 20, 2009.

<sup>1920</sup> U.S. Department of State, "Country Reports- 2008: Indonesia," section 5 and 6d. See also U.S. Embassy- Jakarta, *reporting*, January 20, 2009.

<sup>1921</sup> U.S. Embassy- Jakarta, *reporting*, January 20, 2009. See also Ministry of Manpower and Transmigration, *The National Plan of Action WFCL*, 15-16.

<sup>1922</sup> Government of Indonesia, *Presidential Decree on National Action Plan for Elimination of the Worst Forms of Child Labour No. 12/2001*, (January 17, 2001). See also National Action Committee on the Worst Forms of Child Labor, *Report on the Implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour (2002-2004 period)*, Jakarta, 2005.

<sup>1923</sup> Republic of Indonesia, *National Plan of Action of Human Rights in Indonesia for 2004-2009*; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.detail.s?p\\_lang=en&p\\_country=IDN&p\\_classification=01.05&p\\_origin=COUNTRY&p\\_sortby=SORTBY\\_COUNTRY](http://www.ilo.org/dyn/natlex/natlex_browse.detail.s?p_lang=en&p_country=IDN&p_classification=01.05&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY).

<sup>1924</sup> ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme for the Elimination of the Worst Forms of Child Labour*, Technical Progress Report, Geneva, March 2005, 2. See

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also Embassy of the Republic of Indonesia, *Indonesia Country Report on the Elimination of the Worst Forms of Child Labor*, Washington, DC, March 2005, 4.

<sup>1925</sup> ILO-IPEC, *Support to the Indonesian National Plan of Action, Technical Progress Report*, March 2005.

<sup>1926</sup> Embassy of the Republic of Indonesia, *Country Report on the Elimination of the WFCL*, 7-8.

<sup>1927</sup> Save the Children, *Enabling Communities to Combat Child Trafficking through Education (ENABLE)*, Technical Progress Report, September 2008.

<sup>1928</sup> U.S. Embassy- Jakarta, *reporting*, March 4, 2009, 6.

<sup>1929</sup> U.S. Department of State, "Indonesia (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Embassy- Jakarta, *reporting*, March 4, 2009, 7.

<sup>1930</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Indonesia." See also U.S. Embassy- Jakarta, *reporting*, March 4, 2009, 7.

<sup>1931</sup> Save the Children, *Enabling Communities to Combat Child Trafficking through Education (ENABLE)*, Technical Progress Report, September 28, 2005, 3. See also U.S. Embassy- Jakarta, *reporting*, March 4, 2009, 10.

<sup>1932</sup> U.S. Embassy- Jakarta, *reporting*, June 27, 2007. See also U.S. Department of State, *Anti-Human Trafficking Programs Awarded in Fiscal Year 2008*, [online] November 3, 2008 [cited April 2, 2009]; available from <http://www.state.gov/g/tip/rls/rpt/111540.htm>.

<sup>1933</sup> U.S. Embassy- Jakarta, *reporting*, March 4, 2009.

<sup>1934</sup> *Ibid.*, 7.

<sup>1935</sup> Government of Indonesia, *Decree of the Minister of Home Affairs and Regional Autonomy on the Control of Child Workers*, Law No. 5, (January 8, 2001), article 5.

<sup>1936</sup> U.S. Embassy- Jakarta, *reporting*, January 20, 2009. See also ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme on the Elimination of the Worst Forms of Child Labour: Phase II*, Technical Progress Report, September 2008, 3.

<sup>1937</sup> U.S. Embassy- Jakarta, *reporting*, January 20, 2009. See also ILO-IPEC, *Support to the Indonesian National Plan of Action, Technical Progress Report*, September 2008, 3.

<sup>1938</sup> U.S. Embassy- Jakarta, *reporting*, December 10, 2007.

<sup>1939</sup> U.S. Embassy- Jakarta, *reporting*, January 20, 2009.

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<sup>1940</sup> ILO-IPEC, *Support to the Indonesian National Plan of Action, Technical Progress Report*, September 2008, 8. See also U.S. Embassy- Jakarta, *reporting*, January 20, 2009.

<sup>1941</sup> Embassy of the Republic of Indonesia, *Information Series on Indonesian Effort in Combating Trafficking in Persons: May 2004*, Washington, DC, May 2004, 1. See also ILO-IPEC, *Support to the Indonesian National Plan of Action, Technical Progress Report*, March 2005, 1. See also ILO-IPEC, *Support to the Indonesian National Plan of Action and the Development of the Timebound Programme on the Elimination of the Worst Forms of Child Labour*, Final Technical Report, March 2008, 54.

<sup>1942</sup> U.S. Department of Labor, *Project of Support to the Indonesian Timebound Programme on the Elimination of the Worst Forms of Child Labour - Phase II*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007.

<sup>1943</sup> U.S. Department of Labor, *Enabling Communities to Combat Child Trafficking through Education (ENABLE)*, ILAB Technical Cooperation Project Summary, Washington, DC, 2004.

<sup>1944</sup> Royal Netherlands Embassy in Jakarta, *Education*, [online] [cited January 14, 2009]; available from <http://indonesia.nlembassy.org/development/education>.

<sup>1945</sup> ILO-IPEC, *Addendum to Support to the Indonesian National Plan of Action and the Development of the Timebound Programme for the Elimination of the Worst Forms of Child Labour*, Project Document, Geneva, February 2005, cover page, 13. See also ILO-IPEC, *Support to the Indonesian National Plan of Action, Final Technical Report*, 55. See also U.S. Department of Labor, *Enabling Aceh to Combat Exploitation through Education (ENABLE/ACEH)*, ILAB Technical Cooperation Project Summary, Washington, DC, 2005.

<sup>1946</sup> U.S. Department of State, *U.S. Government Funds Obligated in Fiscal Year 2008 for Anti-trafficking in Persons Projects* [online] April 3, 2009 [cited July 16, 2009]; available from <http://www.state.gov/g/tip/rls/reports/2009/121506.htm>.

<sup>1947</sup> U.S. Embassy- Jakarta official, E-mail communication to USDOL official, July 30, 2007.

<sup>1948</sup> U.S. Department of State, *U.S. Government Funds Obligated in Fiscal Year 2008 for Anti-trafficking in Persons Projects* See also U.S. Embassy- Jakarta official, E-mail communication to USDOL official, July 28, 2008.

# Iraq

## *Selected Statistics and Indicators on Child Labor<sup>1949</sup>*

Population, children, 5-14 years, 2006:	7,074,168
Working children, 5-14 years (%), 2006:	12.4
Working boys, 5-14 years (%), 2006:	15.1
Working girls, 5-14 years (%), 2006:	9.6
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	11
Free public education:	Yes
Gross primary enrollment rate (%), 2005:	99.5
Net primary enrollment rate (%), 2005:	88.6
School attendance, children 5-14 years (%), 2006:	69.6
Survival rate to grade 5 (%), 2004:	80.6
ILO Convention 138:	2/13/1985
ILO Convention 182:	7/9/2001
CRC:	6/15/1994*
CRCOPAC:	7/24/2008*
CRCOPSC:	6/24/2008*
Palermo:	No
ILO-IPEC participating country:	No

\*Accession

### **Incidence and Nature of Child Labor**

According to a 2006 UNICEF survey, the last date for which such data is available, most working children in Iraq are employed in a family business. Boys work at a higher rate than girls and rural children at a higher rate than children living in urban areas.<sup>1950</sup> In addition, children are engaged in begging, selling items on the streets, and working in hazardous conditions in automobile shops and on construction sites. In rural areas, children work on farms.<sup>1951</sup>

There are reports of children participating in both the sex industry and the drug trade.<sup>1952</sup> Boys and girls are trafficked within the country and abroad for commercial sexual exploitation.<sup>1953</sup> According

to USDOS, there is anecdotal evidence of children trafficked from orphanages by employees of those organizations.<sup>1954</sup> On January 29, 2008, the Iraqi press reported that journalists had discovered a market for selling children in Baghdad, and a local NGO reported in February 2008 that they were following the cases of 16 missing children.<sup>1955</sup> Press reports note that as of April 2009, the selling of children continued to be a problem in Iraq.<sup>1956</sup>

There are reports of Iraqi insurgent groups recruiting children for a number of combat-related roles, including spying, scouting, and planting improvised explosive devices, as well as using children as suicide bombers.<sup>1957</sup>

### **Child Labor Laws and Enforcement**

The 1987 Labor Law remains in effect with Amendments made by Coalition Provisional Authority Order 89.<sup>1958</sup> The law sets the minimum for employment at 15 years. The law prohibits the employment of anyone under 18 years in work detrimental to the worker's health, safety, or morals.<sup>1959</sup> Types of work specifically prohibited to young persons include activities such as work underground, underwater, or with dangerous equipment or hazardous substances.<sup>1960</sup> Additional legal requirements regarding the employment of young persons include a pre-employment medical examination, maximum 7-hour workday, maximum 4-hour work period without breaks, and a daily rest period of 1 hour. Youth 15 years or older who are employed in family enterprises are excluded from the provisions regarding medical examinations and daily work hours.<sup>1961</sup>

The Constitution prohibits forced labor, slavery, trafficking of women and children, and the sex trade.<sup>1962</sup> The amended Penal Code does not directly address trafficking, but aspects of trafficking may be covered under other articles; for example, crimes involving unlawful seizure, kidnapping, and detention all carry prison terms of 10 to 15 years.<sup>1963</sup> The Penal Code also prohibits child prostitution and provides for imprisonment of up to 10 years for violations.<sup>1964</sup>

The Labor Code prohibits the worst forms of child labor, defined as slavery and similar practices, including forced labor, child trafficking, and compulsory recruitment of minors for use in armed conflict; child prostitution; illicit activities such as drug trafficking; and work likely to harm the health, safety, or morals of children.<sup>1965</sup> Violations of Labor Code provisions pertaining to work performed by children, including the worst forms of child labor, may be penalized by imprisonment for 10 days to 3 months or fines.<sup>1966</sup>

The minimum age of voluntary military service is 18 years.<sup>1967</sup>

The Ministry of Labor and Social Affairs (MOLSA) is responsible for enforcing child labor regulations. According to USDOS, MOLSA's Child Labor Unit is unable to enforce child labor laws and remove children from exploitive labor situations because of a lack of inspectors and resources.<sup>1968</sup> The Ministries of Interior of both the Iraqi and Kurdish Regional Governments are responsible for trafficking issues; however, according to USDOS, trafficking is relegated to a lower priority given the security situation and is not investigated.<sup>1969</sup> The Government did not prosecute any trafficking cases in 2008.<sup>1970</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Iraq funds programs to assist former and current street children.<sup>1971</sup> In October 2008, after the Ministry of Human Rights raised concerns, the Government established a committee to examine trafficking in persons in Iraq.<sup>1972</sup>

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<sup>1949</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Coalition Provisional Authority, *Coalition Provisional Authority Order 89*, (May 5, 2004), article 90.1; available from <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/77032/81470/F1644531479/IRQ.77032.pdf>. For age to which education is compulsory and free public education, see Government of Iraq, *Constitution of Iraq*, (October 15, 2005), article 34. See also U.S. Department of State, "Iraq," in *Country Reports on Human Rights*

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*Practices- 2008*, Washington, DC, February 25, 2009, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>. See also UNESCO, *Education for All Global Monitoring Report 2009: Overcoming inequality: why governance matters*, Paris, 2009, 292; available from <http://unesdoc.unesco.org/images/0017/001776/177683E.pdf>.

<sup>1950</sup> UNICEF, *Iraq: Monitoring the Situation of Children and Women*, 2006, 56; available from [http://www.childinfo.org/files/MICS3\\_Iraq\\_FinalReport\\_2006\\_eng.pdf](http://www.childinfo.org/files/MICS3_Iraq_FinalReport_2006_eng.pdf).

<sup>1951</sup> U.S. Department of State, "Country Reports- 2008: Iraq," sections 5 and 6d. See also Integrated Regional Information Networks, "Iraq: Child Labour on the Rise as Poverty Increases", IRINnews.org [online] June 12, 2007 [cited February 8, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=72683>.

<sup>1952</sup> U.S. Department of State, "Country Reports- 2008: Iraq," section 5. See also Integrated Regional Information Networks, "IRAQ: Children Lured into Drugs and Prostitution", IRINnews.org [online] February 12, 2007 [cited February 8, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=70094>.

<sup>1953</sup> U.S. Department of State, "Iraq," in *In Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Embassy- Baghdad, *reporting*, February 25, 2009, para 2b.

<sup>1954</sup> U.S. Department of State, "Country Reports- 2008: Iraq," section 5.

<sup>1955</sup> Ibid.

<sup>1956</sup> Afif Sarhan, "Iraqi babies for sale: people trafficking crisis grows as gangs exploit poor families and corrupt system," *The Guardian Online* (London), April 6, 2009; available from <http://www.guardian.co.uk/world/2009/apr/06/child-trafficking-iraq>.

<sup>1957</sup> Office of the Special Representative 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, p 8-10; available from [http://www.un.org/children/conflict/\\_documents/countryvisits/IraqVisitReport.pdf](http://www.un.org/children/conflict/_documents/countryvisits/IraqVisitReport.pdf). See also Integrated Regional Information Networks, "Iraq: Move to prevent children being exploited by militants", IRINnews.org [online] July 29, 2008; available from <http://www.irinnews.org/Report.aspx?ReportId=79498>. See also U.S. Department of State, "Country Reports- 2008: Iraq," section 5.

<sup>1958</sup> U.S. Embassy- Baghdad, *reporting*, December 28, 2008, para 1. See also U.S. Department of State official,

E-mail communication to USDOL official, April 4, 2009.

<sup>1959</sup> Coalition Provisional Authority, *Order 89*, articles 90.1-91.2. See also U.S. Department of State official, E-mail communication, April 4, 2009.

<sup>1960</sup> Coalition Provisional Authority, *Order 89*, articles 90.1-91.2.

<sup>1961</sup> *Ibid.*, articles 92.1-93.2, 96.

<sup>1962</sup> Government of Iraq, *Constitution of Iraq*, article 37c. See also U.S. Embassy- Baghdad, *reporting, February 25, 2009*, para 4a.

<sup>1963</sup> U.S. Embassy- Baghdad, *reporting, February 25, 2009*, para 4a.

<sup>1964</sup> *Penal Code with Amendments*, (September 9, 1980), article 399; available from [http://law.case.edu/saddamtrial/documents/Iraqi\\_P](http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf)

[enal\\_Code\\_1969.pdf](http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf). See also U.S. Embassy- Baghdad, *reporting, February 25, 2009*, paras 4a and 4b.

<sup>1965</sup> Coalition Provisional Authority, *Order 89*, article 91.3.

<sup>1966</sup> *Ibid.*, article 97.

<sup>1967</sup> Coalition to Stop the Use of Child Soldiers, "Iraq," in *Child Soldiers Global Report 2008*, London, 2008, 179; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1968</sup> U.S. Department of State, "Country Reports- 2008: Iraq," section 6d.

<sup>1969</sup> *Ibid.*, section 5.

<sup>1970</sup> *Ibid.*

<sup>1971</sup> *Ibid.*, section 6d.

<sup>1972</sup> *Ibid.*, section 5.

## Jamaica

### *Selected Statistics and Indicators on Child Labor*<sup>1973</sup>

Population, children, 5-14 years, 2006:	573,192
Working children, 5-14 years (%), 2006:	8.4
Working boys, 5-14 years (%), 2006:	9.6
Working girls, 5-14 years (%), 2006:	7.2
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	94.9
Net primary enrollment rate (%), 2005:	90.3
School attendance, children 5-14 years (%), 2006:	98.6
Survival rate to grade 5 (%), 2001:	90.3
ILO Convention 138:	10/13/2003
ILO Convention 182:	10/13/2003
CRC:	5/14/1991
CRCOPAC:	5/9/2002
CRCOPSC:	No
Palermo:	9/29/2003
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

Children in Jamaica work on plantations, farms, and construction sites, as well as in gardens, shops, and markets. Children also work selling goods on the street and begging.<sup>1974</sup>

Commercial sexual exploitation of children is a problem in Jamaica, especially in tourist areas. Girls are recruited as barmaids and masseuses but then forced into prostitution.<sup>1975</sup> Boys who work on the streets of Kingston and Montego Bay are vulnerable to being trafficked. Boys working on the streets are also forced into selling drugs or becoming drug couriers.<sup>1976</sup> Girls in rural areas are sometimes recruited for domestic labor and then forced into servitude.

### **Child Labor Laws and Enforcement**

The minimum age for employment in Jamaica is 15 years. The law prohibits the employment of children under 13 years in any type of work. Children between 13 and 15 years are permitted to engage in "light work," as prescribed by the Ministry of Labor, which will not disrupt their education or be harmful to their health, including their physical, mental, spiritual, or social development.<sup>1977</sup> The law also prohibits children under 15 years from working at night or in any

industrial undertaking. The Ministry of Labor maintains a list of prohibited occupations for children, including fishing at sea, handling insecticides, operating equipment, or producing pornography.<sup>1978</sup> However, the Ministry of Labor may issue a permit to a child for work in artistic performances.<sup>1979</sup>

Children under 18 are prohibited from working in nightclubs and establishments that sell or serve alcohol or tobacco. The law provides for fines and 6 months to 1 year of imprisonment for the violation of child labor laws.<sup>1980</sup> Nightclubs employing children are also subject to the revocation of their operating licenses for 3 years.<sup>1981</sup>

The Government of Jamaica has no laws specifically prohibiting forced or slave labor.<sup>1982</sup> The law prohibits procuring a child younger than 18 years for the purpose of prostitution and allows for punishments of up to 3 years of imprisonment.<sup>1983</sup> The law prohibits all forms of trafficking, including the trafficking of children for labor or commercial sexual exploitation, and penalizes perpetrators with up to 10 years in prison.<sup>1984</sup> Minors of at least 17.5 years may voluntarily enlist for military training with parental consent, but they must be 18 years old upon graduating from training.<sup>1985</sup>

The Ministry of Labor has a Child Labor Unit that has two employees and assists the Government's Office of Health and Safety (OHS) in child labor enforcement efforts. OHS conducted 559 labor inspections through September 2008 and found no incidences of child labor.<sup>1986</sup> The police are required to conduct child labor inspections. According to USDOS, however, resources were insufficient to investigate child labor.<sup>1987</sup>

The Child Development Agency (CDA) is responsible for carrying out investigations of abuse, finding shelters for children subject to exploitation, and handling any legal matters related to children. CDA trained 50 police officers in 2008 on child labor and exploitation issues.<sup>1988</sup> The Government runs a National Task Force against Trafficking in Persons to which it has dedicated six police officers.<sup>1989</sup>

## **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Government distributed flyers about trafficking and collaborated with the tourism industry to combat child sex tourism. In addition, the Government established a hotline for reporting child exploitation, including child labor.<sup>1990</sup> While the Government did not provide specialized shelters to child trafficking victims, it did make public shelters available for victims.<sup>1991</sup> The Government of Jamaica participated in an IOM-implemented project, funded by USDOS, that focused on raising awareness about trafficking through the training of NGO and Government representatives. IOM also piloted direct assistance programs for trafficking victims.<sup>1992</sup> The Government of Jamaica is also participating in a 4-year USD 23,840,500 project funded by the EU and implemented by ILO-IPEC to combat child labor through education in 11 countries.<sup>1993</sup>

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<sup>1973</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Jamaica, *Child Care and Protection Act of 2004*, (2004), article 33; available from <http://www.moj.gov.jm/laws/statutes/The%20Child%20Care%20and%20Protection%20Act.pdf>. For age to which education is compulsory, see Government of Jamaica, *Child Care and Protection Act*, article 28. For free public education, see U.S. Department of State, "Jamaica," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100645.htm>.

<sup>1974</sup> U.S. Embassy- Kingston, *reporting*, January 26, 2009. See also ICFTU, *Internationally Recognised Core Labour Standards in Jamaica*, Geneva, 2005; available from <http://www.icftu.org/www/pdf/clsjamaica2005.pdf>.

<sup>1975</sup> IOM, *Exploratory Assessment of Trafficking in Persons in the Caribbean Region*, June 2005, 87.

<sup>1976</sup> *Ibid.*, 88-89.

<sup>1977</sup> Government of Jamaica, *Child Care and Protection Act*, articles 33-34.

<sup>1978</sup> U.S. Embassy- Kingston, *reporting*, January 26, 2009.

<sup>1979</sup> Government of Jamaica, *Child Care and Protection Act*, article 35.

<sup>1980</sup> *Ibid.*, articles 35-39.

<sup>1981</sup> *Ibid.*, article 39.

<sup>1982</sup> U.S. Department of State, "Jamaica," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119165.htm>.

<sup>1983</sup> Government of Jamaica, *Offenses Against the Person Act*, (1995), article 58; available from <http://www.moj.gov.jm/laws/statutes/Offences%20Against%20the%20Person%20Act.pdf>.

<sup>1984</sup> U.S. Embassy- Kingston, *reporting, January 26, 2009*.

<sup>1985</sup> Coalition to Stop the Use of Child Soldiers, "Jamaica," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1986</sup> U.S. Embassy- Kingston, *reporting, January 26, 2009*.

<sup>1987</sup> U.S. Department of State, "Country Reports- 2008: Jamaica," section 6d.

<sup>1988</sup> Child Development Agency, *About the CDA*, [online] 2005 [cited February 6, 2009]; available from

[http://www.cda.gov.jm/about\\_us.php](http://www.cda.gov.jm/about_us.php). See also U.S. Embassy- Kingston, *reporting, January 26, 2009*.

<sup>1989</sup> U.S. Department of State, "Jamaica (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>1990</sup> Ibid. See also U.S. Embassy- Kingston, *reporting, January 26, 2009*.

<sup>1991</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Jamaica."

<sup>1992</sup> U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, April 9, 2009; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

<sup>1993</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=8511>.

## Jordan

### Incidence and Nature of Child Labor

According to the Jordanian Department of Statistics, in 2008, children in Jordan—mostly males—worked in mechanical repair, agriculture and fishing, construction, and hotels and restaurants.<sup>1994</sup> Children also work in the informal sector as street vendors, carpenters, blacksmiths, painters, domestic laborers, and fruit and vegetable pickers, and they work in small family businesses.<sup>1995</sup> Children also work in factories, clean cars, and sell items at traffic stops.<sup>1996</sup> The Government study found that some children are subject to conditions considered to be forced labor.<sup>1997</sup> Risks for working children include injury from heavy machinery, loud noise, poor lighting, and exposure to chemicals.

### Child Labor Laws and Enforcement

Jordanian law sets the minimum age for work at 16 years, except for apprentices.<sup>1998</sup> The labor laws do not set a minimum age for such vocational training.<sup>1999</sup> For hazardous jobs, the minimum age is 18 years.<sup>2000</sup> Jordanian law states that children under 18 years shall not perform work with mechanically operated equipment; with oil and

gas machines; requiring scuba diving equipment; in construction in which the worker is exposed to noise, vibration, high air pressure, radiation, or dust; underground; and in offices, hotels, restaurants, or nightclubs.<sup>2001</sup> Those under 18 years of age must be given a rest break after 4 hours of work and may not work more than 6 hours per day, during weekends and holidays, or at night.<sup>2002</sup> These restrictions, however, do not apply to agriculture or the informal sector, where many children work.<sup>2003</sup> Before hiring a minor, a prospective employer must obtain a guardian's written approval, the minor's birth certificate, and a health certificate.<sup>2004</sup> Violators of the law are subject to fines, but USDOS reports that this is often not enforced.<sup>2005</sup> Children who are self-employed, who are employed by family members, and who work for no wages, fall outside the scope of the labor code.<sup>2006</sup>

Compulsory labor is prohibited by the Constitution except in circumstances of war, natural disaster, or as a result of a conviction by a court of law.<sup>2007</sup> The minimum age for recruitment into the military is 18 years.<sup>2008</sup> The law calls for punishment up to life imprisonment with hard



labor for anyone who uses a minor in the production, transportation, sale, or purchase of drugs.<sup>2009</sup> On March 31, 2009, a new anti-trafficking in persons law came into force that prohibits trafficking for both forced labor and sexual exploitation, with penalties of up to 10 years of imprisonment with hard labor for cases involving aggravating circumstances, such as where the victim is under the age of 18 years or is female.<sup>2010</sup> It is illegal to induce a female to engage in prostitution, to procure or attempt to procure “illegal” sex from any female under the age of 20 who is not a prostitute, or to sodomize a person under 15 years. Maximum prison terms are 3 years.<sup>2011</sup>

failure to comply with the law were increased, and fines included those for employers who force, threaten, or coerce someone to work.<sup>2014</sup>

The Child Labor Unit (CLU) of the Ministry of Labor (MOL) is primarily responsible for directing labor inspections and reviewing and ensuring the enforcement of existing legislation. According to USDOS, the current CLU staff of one person is insufficient.<sup>2015</sup> The MOL hired 60 additional labor inspectors in 2008, for a total of 140.<sup>2016</sup> All MOL inspectors, including child labor inspectors, will receive training through a USDOL-funded project to combat exploitive child labor in Jordan.<sup>2017</sup> According to the ILO Committee of Experts, current labor inspection mechanisms are inadequate in terms of their frequency, scope, outreach, and quality of reporting. Moreover, most working children are in establishments employing five workers or less and, therefore, are less likely to be inspected.<sup>2018</sup> Inspectors often handle child labor cases informally rather than issuing citations and fines. An official with the MOL Inspectorate Division told USDOS that inspectors frequently attempt to remove the child from the dangerous work situation, make agreements with the child’s employer to gain access to education, or find other positive solutions so that families are not deprived of the child’s income.<sup>2019</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The National Agenda (2006-2015) calls for the reduction of child labor through the strengthening of the labor inspectorate and provision of vocational training opportunities.<sup>2020</sup> The Jordanian National Plan of Action for Children (2004-2013) aims to eliminate the worst forms of child labor in Jordan by 2014 and to decrease the number of child laborers under 16 years.<sup>2021</sup> The MOL Labor Inspectorate set a target to remove 3,000 children from the labor market in 2008. The actions are part of its long-term strategy to remove 38,000 children from work.<sup>2022</sup> Research has not identified whether this effort was a success. The public and private sectors cooperate on a code of conduct to fight child labor.<sup>2023</sup>

<i>Selected Statistics and Indicators on Child Labor<sup>2012</sup></i>	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	96.7
Net primary enrollment rate (%), 2006:	89.6
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2005:	94.7
ILO Convention 138:	3/23/1998
ILO Convention 182:	4/20/2000
CRC:	5/24/1991
CRCOPAC:	5/23/2007
CRCOPSC:	12/4/2006
Palermo:	No
ILO-IPEC participating country:	Yes

In July 2008, the Government amended the Labor Law to include domestic and agricultural workers. Codified standards, including those for wages, rest periods, and working hours will be defined in implementing by-laws which were not in effect at the time of reporting.<sup>2013</sup> Fines for

In January, the Lower House of Parliament endorsed the anti-trafficking in persons that came into effect in March 2009.<sup>2024</sup> In addition to including penalties for trafficking, the law states that shelters may be established for victims.<sup>2025</sup>

The Jordanian Hashemite Fund established a Social Safety Center in Sahab that provides non-formal education to working children from 13 to 15 years and is supported by the Greater Amman Municipality, the MOL, and the Ministry of Education.<sup>2026</sup> The Information and Resource Center of the King Hussein Foundation developed a model program for community-based organizations to assist child laborers.<sup>2027</sup>

The Government of Jordan is participating in a USDOL-funded four-year USD 4 million child labor education initiative program implemented by CHF International in association with Questscope Fund for Social Development and the National Council for Family Affairs. The project began in October 2008 and targets 4,000 children for withdrawal and 4,000 for prevention from exploitive work in informal and small industries in Greater Amman, Zarqa, Irbid, Madaba, and Aqaba and in hazardous agriculture in Jerash, Balqa, and Karak.<sup>2028</sup> The Government of Jordan is participating in a 14-month USDOL-funded USD 1.6 million ILO-IPEC project to conduct data collection on child labor.

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<sup>1994</sup> U.S. Embassy- Amman, *reporting*, January 22, 2009, para 14. See also CHF International, *Combating Exploitive Child Labor through Education (CECLE)*, Technical Progress Report, March 15, 2009, 3.

<sup>1995</sup> U.S. Department of State, "Country Reports- 2008: Jordan," section 6d.

<sup>1996</sup> Integrated Regional Information Networks, "Jordan: Code of Conduct to Fight Child Labour Launched", IRINnews.org, [online], July 10, 2007 [cited January 25, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=73152>.

<sup>1997</sup> U.S. Embassy- Amman, *reporting*, January 22, 2009, para 16. See also Integrated Regional Information Networks, "Jordan: Plan to Remove 3,000 Children from Labour Market in 2008", IRINnews.org, [online], March 17, 2008 [cited January 25, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=77314>.

<sup>1998</sup> U.S. Department of State, "Country Reports- 2008: Jordan," section 6d. See also U.S. Embassy- Amman,

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*reporting*, January 22, 2009, para 4. See also Government of Jordan, *Labour Code*, chapter VIII, section 73. See also Government of Jordan, *Human Resources*, [online] [cited March 26, 2009]; available from <http://www.kinghussein.gov.jo/resources5.html>.

<sup>1999</sup> CHF International, *CECLE, Technical Progress Report*, March 15, 2009, 4. See also Government of Jordan, *Human Resources*.

<sup>2000</sup> Government of Jordan, *Labour Code*, section 74. See also U.S. Department of State, "Country Reports- 2008: Jordan," section 6d.

<sup>2001</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jordan (ratification: 2000)*, [online] 2004 [cited February 2, 2009], article 3.2.d; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?hdroff=1&ctry=1850&conv=C182&Lang=SP>.

<sup>2002</sup> Government of Jordan, *Labour Code*, section 75.

<sup>2003</sup> CHF International, *CECLE, Technical Progress Report*, March 15, 2009, 4.

<sup>2004</sup> Government of Jordan, *Labour Code*, section 76. See also U.S. Department of State, "Country Reports- 2008: Jordan," section 6d.

<sup>2005</sup> Government of Jordan, *Labour Code*, section 77. See also U.S. Department of State, "Country Reports- 2008: Jordan," section 6d.

<sup>2006</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jordan (ratification: 2000)*, article 3.2.c.

<sup>2007</sup> Government of Jordan, *Constitution of the Hashemite Kingdom of Jordan*, (1952), chapter 2, article 13; available from [http://www.mfa.gov.jo/wps/portal/!ut/p/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_QjzKLN4h38wHJgFjOafqRqCKOcIGg1Dx9X4\\_83FR9b\\_0A\\_YLc0Ih yR0dFAAu1mMU!/delta/base64xml/L3dJdyEvd0ZNQUFzQUMvNEIVRS82XzBfQ1A!?WCM\\_GLOBAL\\_CONTEXT=http://images.jordan.gov.jo/wps/wcm/connect/Foreign+Ministry+WS/Home/Jordan/Political+History+and+System+of+Government/1952+Constitution/](http://www.mfa.gov.jo/wps/portal/!ut/p/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLN4h38wHJgFjOafqRqCKOcIGg1Dx9X4_83FR9b_0A_YLc0Ih yR0dFAAu1mMU!/delta/base64xml/L3dJdyEvd0ZNQUFzQUMvNEIVRS82XzBfQ1A!?WCM_GLOBAL_CONTEXT=http://images.jordan.gov.jo/wps/wcm/connect/Foreign+Ministry+WS/Home/Jordan/Political+History+and+System+of+Government/1952+Constitution/).

<sup>2008</sup> Coalition to Stop the Use of Child Soldiers, "Jordan," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/>. See also U.S. Embassy- Amman, *reporting*, January 22, 2009, para 4.

<sup>2009</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jordan (ratification: 2000)*, article 3.2.c.

<sup>2010</sup> U.S. Embassy- Amman official, E-mail communication to USDOL official, April 7, 2009. See also U.S. Embassy- Amman, *reporting*, February 18, 2009, 2, 4, 5. See also U.S. Department of State, "Country Reports- 2008: Jordan," section 5. See also Integrated Regional Information Networks,

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"Government adopts anti-human trafficking law", IRINnews.org, [online], January 27, 2009 [cited April 6, 2009]; available from <http://www.irinnews.org/report.aspx?ReportID=82587>, Irin News, "Government adopts anti-human trafficking law," January 27, 2009; available from <http://www.irinnews.org/report.aspx?ReportID=82587>.

<sup>2011</sup> {Government of Jordan, 2006 #81@article 310; Government of Jordan, 1960 #113}

<sup>2012</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Jordan, *Labour Code, Law No. 8 of 1996*, (March 2, 1996), p 5; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45676/65048/E96JOR01.htm#c1>. For age to which education is compulsory and free public education, see U.S. Department of State, "Jordan," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119118.htm>.

<sup>2013</sup> U.S. Embassy- Amman, *reporting II*, February 18, 2009, para 23. See also {U.S. Embassy- Amman official, 2009 #112}

<sup>2014</sup> Ibid.

<sup>2015</sup> U.S. Department of State, "Country Reports- 2008: Jordan," section 6d. See also U.S. Embassy- Amman, *reporting, January 22, 2009*, para 6.

<sup>2016</sup> U.S. Embassy- Amman, *reporting, January 22, 2009*, para 6.

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<sup>2017</sup> {CHF International, 2009 #110}

<sup>2018</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Jordan (ratification: 2000)*, article 7.3. See also CHF International, *CECLE, Technical Progress Report, March 15, 2009*, 4.

<sup>2019</sup> U.S. Embassy- Amman, *reporting, January 22, 2009*, para 8.

<sup>2020</sup> Ibid., para 2.

<sup>2021</sup> UNICEF, *The Jordanian National Plan of Action for Children (2004-2013)*, [online] [cited February 2, 2009]; available from [http://www.unicef.org/jordan/resources\\_809.html](http://www.unicef.org/jordan/resources_809.html). See also U.S. Embassy- Amman, *reporting, January 22, 2009*, para 2.

<sup>2022</sup> Integrated Regional Information Networks, "Jordan: Plan to Remove 3,000 Children from Labour Market in 2008".

<sup>2023</sup> Integrated Regional Information Networks, "Jordan: Code of Conduct to Fight Child Labour Launched".

<sup>2024</sup> U.S. Embassy- Amman, *reporting, February 18, 2009*, para 1. See also U.S. Embassy- Amman official, E-mail communication, April 7, 2009.

<sup>2025</sup> U.S. Embassy- Amman, *reporting II, February 18, 2009*, para 44.

<sup>2026</sup> U.S. Embassy- Amman, *reporting, January 22, 2009*, para 10.

<sup>2027</sup> Ibid., para 11.

<sup>2028</sup> *Combating Exploitive Child Labor through Education (CECLE) in Jordan*, Technical Cooperation Project Summary, 2008-2012. See also CHF International, *CECLE, Technical Progress Report, March 15, 2009*, 4.

## Kazakhstan

### Incidence and Nature of Child Labor

Children in rural areas of Kazakhstan work in commercial agriculture or on family farms.<sup>2029</sup>

Many children from Uzbekistan and the Kyrgyz Republic migrate to south Kazakhstan with their families during the harvest season to work in cotton and tobacco production.<sup>2030</sup> Children working in the cotton and tobacco industry suffer from little rest and malnutrition. In urban areas, children work as beggars, street vendors, scavengers, car washers, and market traders.<sup>2031</sup>

Children also work as domestic servants, and this work makes them vulnerable to sexual and physical exploitation.<sup>2032</sup> Girls are trafficked internationally and internally for sexual

exploitation, while boys are trafficked internationally for labor exploitation.<sup>2033</sup> Children from impoverished, rural communities and orphanages are most vulnerable to trafficking.<sup>2034</sup>

### Child Labor Laws and Enforcement

The minimum age for admission to work in Kazakhstan is 16 years. However, children may work at 15 years with parental consent if they have completed their compulsory education.<sup>2035</sup> Children 14 years or older may perform light work with parental consent if the work does not interfere with school attendance or pose a health threat.<sup>2036</sup> Children 16 and 17 years may only work up to 36 hours per week, and children 14

and 15 years may work no more than 24 hours per week.<sup>2037</sup> Children are prohibited from working overtime, at night, under hazardous conditions, or in occupations that might be harmful to their health and moral development, including gambling; working in night-time entertainment establishments; and working in the production and transportation of and trading in alcoholic products, tobacco goods, narcotics, psychotropic substances, and “precursors.”<sup>2038</sup> Children must receive an annual medical examination in order to work.<sup>2039</sup> The Ministry of Labor enforces child labor laws and punishes violations with fines. The Ministry of the Interior investigates crimes related to illegal child labor.<sup>2040</sup>

military schools at 11 years, and children 16 and 17 years have been reported to receive weapons training.<sup>2044</sup>

Involving a minor in the production of pornographic materials is punishable by a fine.<sup>2045</sup> Manufacturing and distributing pornographic material is punishable by a prison term of up to 2 years or a fine.<sup>2046</sup> Procuring a minor to engage in prostitution or begging is illegal and punishable by up to 3 years of imprisonment. When the act is committed by a parent, guardian, or teacher, the sentence is increased to 5 years.<sup>2047</sup> Using violence or threats to involve a minor in prostitution or begging is punishable by 6 years of imprisonment.<sup>2048</sup> The keeping of brothels for prostitution and pimping is punishable by a fine or prison term of up to 3 years. The sentence is increased to 5 years of imprisonment if committed by an organized group or repeat offender.<sup>2049</sup>

The recruitment of a minor for the purpose of exploitation and trafficking is punishable by a prison term of 3 to 8 years.<sup>2050</sup> The act of purchasing and selling a minor who is illegally trafficked into or out of the country is punishable by a prison term of 3 to 10 years. If the purchase and sale results in the death of the child, then the law imposes a sentence of 7 to 15 years of imprisonment.<sup>2051</sup> Under the law, victims are given amnesty for crimes committed as a result of being trafficked, and victims are provided with temporary protection from deportation.<sup>2052</sup> In 2008, the Law on Special Social Services was adopted. This law provides rehabilitation and reintegration services to trafficking victims, as well as allocates funding for the establishment of a Government shelter for trafficking victims.<sup>2053</sup> Mandatory licensing laws for tourist agencies are enforced by the Procurator General’s Office, and inspections are conducted to uncover agencies involved in trafficking.<sup>2054</sup> USDOS notes that corruption and bribery of law enforcement officials still hamper anti-trafficking efforts.<sup>2055</sup>

In 2008, IOM reported 48 trafficking victims in Kazakhstan from Uzbekistan, including seven children, and 13 victims of domestic trafficking, including six girls.<sup>2056</sup> In 2008, the Government reported that it investigated 44 trafficking cases

<i>Selected Statistics and Indicators on Child Labor</i> <sup>2041</sup>	
Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2008:	108.7
Net primary enrollment rate (%), 2008:	90.3
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	5/18/2001
ILO Convention 182:	2/26/2003
CRC:	8/12/1994
CRCOPAC:	4/10/2003
CRCOPSC:	8/24/2001
Palermo:	7/31/2008*
ILO-IPEC participating country:	Associated

\*Accession

The law prohibits forced labor, except under a court mandate or in a state of emergency.<sup>2042</sup> The minimum age for compulsory military service is 18 years.<sup>2043</sup> However, children can enroll in

and prosecuted 30, with sex traffickers receiving up to 11 years in prison and labor traffickers receiving up to 10 years in prison.<sup>2057</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government approved the National Trafficking in Persons Plan (2009-2011). This plan addresses trafficking prevention; financial assistance to trafficking victims and trafficking-related NGOs; law enforcement training; analysis of trafficking legislation; and monitoring of labor, tourist, and model agencies.<sup>2058</sup> The Ministry of Education's Children of Kazakhstan National Program (2007-2011) addresses child labor through awareness-raising and alternative occupation projects.<sup>2059</sup> The Government and national employer associations have an agreement to combat forced labor and the worst forms of child labor through eradication efforts and the development of alternative jobs.<sup>2060</sup>

The Government allocated USD 300,000 to radio, television, newspapers, and magazines to implement anti-trafficking information and education campaigns. As a result of this campaign, 300 anti-trafficking programs were broadcast, and 400 anti-trafficking articles were published.<sup>2061</sup> The Ministry of Education reported that anti-trafficking components are included in the curriculum of all high schools. The Ministry of Justice maintains a telephone hotline for trafficking victims to receive information and report crimes.<sup>2062</sup>

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<sup>2029</sup> ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, Project Document, RER/04/P54/USA, Geneva, September 2004, 5. See also U.S. Department of State, "Kazakhstan," 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/sca/119135.htm>. See also ILO-IPEC, *Child Labour in Tobacco and Cotton Growing in Kazakhstan: Rapid Assessment Report*, Almaty, 2006, vii.

<sup>2030</sup> U.S. Embassy- Astana, *reporting*, January 26, 2009. See also ILO-IPEC, *Child Labour in Tobacco and Cotton Growing in Kazakhstan*, vii.

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<sup>2031</sup> ILO-IPEC, *CAR Capacity Building Project, Project Document*, 5, 6, 8. See also U.S. Department of State, "Country Reports- 2008: Kazakhstan," section 6d. 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*, August 23, 2006, para 499; available from <http://tb.ohchr.org/default.aspx>.

<sup>2032</sup> ILO-IPEC, *CAR Capacity Building Project, Project Document*, 8.

<sup>2033</sup> U.S. Department of State, "Country Reports- 2008: Kazakhstan," section 5. See also U.S. Embassy- Astana, *reporting*, February 17, 2009.

<sup>2034</sup> U.S. Department of State, "Country Reports- 2008: Kazakhstan," section 5.

<sup>2035</sup> Government of Kazakhstan, *Labor Code*, article 30.

<sup>2036</sup> *Ibid.*

<sup>2037</sup> *Ibid.*, article 181.

<sup>2038</sup> *Ibid.*, article 179.

<sup>2039</sup> *Ibid.*, article 180.

<sup>2040</sup> U.S. Department of State, "Country Reports- 2008: Kazakhstan," section 6d.

<sup>2041</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Kazakhstan, *Labor Code of the Republic of Kazakhstan*, (May 15, 2007), article 30(1); available from <http://www.oit.org/dyn/natlex/docs/MONOGRAPH/76433/82753/F982631364/Microsoft%20Word%20-%20ENG%20KAZ.76433.pdf>. For age to which education is compulsory, see ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kazakhstan (ratification: 2003)*, [online] 2007 [cited January 26, 2009], 4; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20458&chapter=9&query=Kazakhstan%40ref&highlight=&querytype=bool&context=0>. For free public education, see Government of Kazakhstan, *Constitution of the Republic of Kazakhstan*, (August 20, 1995), article 30(1); available from [http://www.ifescentralasia.kg/Kazakhstan/ENG/conste\\_kaz.html](http://www.ifescentralasia.kg/Kazakhstan/ENG/conste_kaz.html).

<sup>2042</sup> Government of Kazakhstan, *Constitution of the Republic of Kazakhstan*, article 24.

<sup>2043</sup> Coalition to Stop the Use of Child Soldiers, "Kazakhstan," in *Child Soldiers Global Report 2008*, London, 2008, 194; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>2044</sup> *Ibid.*

<sup>2045</sup> 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*

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*the Rights of the child on the Sale of Children, Child Prostitution and Child Pornography: Initial Reports: Kazakhstan*, April 12, 2005, 9, 33; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G05/410/41/PDF/G0541041.pdf?OpenElement>.

<sup>2046</sup> Government of Kazakhstan, *Criminal Code of the Republic of Kazakhstan*, LAW No. 167, (July 16, 1997), article 273; available from <http://www.legislationline.org/download/action/download/id/1681/file/ca1cfb8a67f8a1c2ffe8de6554a3.htm/preview>.

<sup>2047</sup> *Ibid.*, article 132.

<sup>2048</sup> *Ibid.*

<sup>2049</sup> *Ibid.*, article 271.

<sup>2050</sup> *Ibid.*, article 128.

<sup>2051</sup> *Ibid.*, article 133.

<sup>2052</sup> U.S. Department of State, "Kazakhstan " in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 154; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>2053</sup> U.S. Embassy- Astana, *reporting, February 17, 2009*, para 38. See also U.S. Embassy- Astana, *reporting, February 9, 2009*.

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<sup>2054</sup> U.S. Department of State, "Country Reports- 2008: Kazakhstan," sections 1c and 5.

<sup>2055</sup> *Ibid.*, section 5. See also U.S. Department of State, *Kazakhstan (Tier 2 Watch List)*, Washington, DC, June 4, 2008, 154; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>2056</sup> U.S. Embassy- Astana, *reporting, February 17, 2009*, paras 4 and 7.

<sup>2057</sup> *Ibid.*, para 25.

<sup>2058</sup> *Ibid.*, para 52.

<sup>2059</sup> UN Committee on the Rights of the Child, *Summary Record of the 1241st Meeting*, June 8, 2007, 2; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G07/422/32/PDF/G0742232.pdf?OpenElement>. See also U.S. Embassy- Astana, *reporting, January 26, 2009*.

<sup>2060</sup> U.S. Embassy- Astana, *reporting, January 26, 2009*.

<sup>2061</sup> U.S. Embassy- Astana, *reporting, February 17, 2009*, para 46.

<sup>2062</sup> U.S. Department of State, "Country Reports- 2008: Kazakhstan," section 5.

## Kenya

### Incidence and Nature of Child Labor

Children work primarily in Kenya's informal sector. The vast majority of working children live in rural areas, with the largest population of working children being found in the Rift Valley Province, followed by Eastern, Central, Nyanza, and Western Provinces.<sup>2063</sup>

Kenyan children primarily work in agriculture on mixed farms and, to a lesser extent, on tea and sugar plantations; they also work on ranches.<sup>2064</sup>

Children also work in the production of coffee, flowers, maize, miraa (a stimulant plant), rice, sisal, and tobacco.<sup>2065</sup> Children engage in fishing, including for tilapia and sardines.<sup>2066</sup>

Children work in charcoal burning, logging, fishing, herding, quarrying, and mining—including in abandoned gold mines.<sup>2067</sup> They are also involved in the production of meat and dairy products, alcohol, textiles, rope and twine, furniture, and cabinets. They work in

construction, domestic service, transportation, and communications, and they sell a variety of household and food items through wholesale and retail trading.<sup>2068</sup> Children also work in restaurants, barber shops, and beauty shops. They also work as street vendors, shoe shiners, messengers, and porters.<sup>2069</sup> In urban areas, children work as mechanics; they also collect and sell scrap metal, paper, plastic, and glass.<sup>2070</sup>

Children are exploited in prostitution, including in Nairobi, Kisumu, Eldoret, Nyeri, and the coastal areas.<sup>2071</sup> Children engage in prostitution on the streets and in bars, discos, brothels, and massage parlors.<sup>2072</sup> The growth of the tourism industry has been accompanied by an increase in children's involvement in prostitution.<sup>2073</sup> In 2006, UNICEF estimated that up to 30 percent of girls between 12 and 18 years living in the coastal areas of Malindi, Mombasa, Kalifi, and Diani—or between 10,000 and 15,000 girls—are engaged in prostitution.<sup>2074</sup>

*Selected Statistics and Indicators  
on Child Labor*<sup>2075</sup>

Population, children, 5-14 years, 2000:	9,047,128
Working children, 5-14 years (%), 2000:	32.5
Working boys, 5-14 years (%), 2000:	34.7
Working girls, 5-14 years (%), 2000:	30.4
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	105.9
Net primary enrollment rate (%), 2006:	75.5
School attendance, children 5-14 years (%), 2000:	74.9
Survival rate to grade 5 (%), 2004:	82.9
ILO Convention 138:	4/9/1979
ILO Convention 182:	5/7/2001
CRC:	7/30/1990
CRCOPAC:	1/28/2002
CRCOPSC:	No
Palermo:	1/5/2005**
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

\*\*Accession

Children are trafficked within Kenya for forced labor in street vending, domestic service, agricultural labor, and herding. Children are also compelled to work as barmaids and engage in prostitution.<sup>2076</sup> 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 and/or exploiting the child.<sup>2077</sup> Orphaned children and street children are at increased risk of being trafficked.<sup>2078</sup> Children are also trafficked from Rwanda, the Democratic Republic of the Congo, Ethiopia, Uganda, and Somalia to Kenya; many of the girls trafficked from these countries are coerced or forced into prostitution.<sup>2079</sup> Kenya's coastal areas are known destinations for trafficked children to be exploited in sex tourism.<sup>2080</sup> A recent Government-sponsored publication indicates that there are limited reports of children being loaned as workers to settle debts.<sup>2081</sup>

The negative effects on children in Kenya of the political crisis following the December 2007 presidential election continued into 2008.<sup>2082</sup> The Kenyan education system—particularly in the Rift Valley, Nyanza, and Western Provinces—suffered from a widespread displacement of students and teachers. Many schools were closed, while others were converted into centers for internally displaced persons (IDPs).<sup>2083</sup> Children became refugees and IDPs while fleeing the violence with their families, leaving them at increased risk for exploitation, including commercial sexual exploitation.<sup>2084</sup> In Eldoret, the population of unaccompanied children, children separated from their families, and children living on the streets has increased since the election, according to Save the Children. Some of these street children scavenge for boxes and scrap metal in order to survive.<sup>2085</sup>

The Sabaot Land Defense Force (SLDF), a Soy clan militia in ongoing conflict with the Ndorobo clan in the Mount Elgon District, forcibly recruited a number of children in 2008.<sup>2086</sup>

### **Child Labor Laws and Enforcement**

A new Employment Act entered into force in June 2008.<sup>2087</sup> This new law sets the minimum age for employment at 16 years. Children between 13 and 16 years may perform “light work” that is not hazardous or likely to keep them from attending school or engage in apprenticeships.<sup>2088</sup> The law prohibits the employment of children—defined as persons below 18 years—in the worst forms of child labor, defined as slavery or practices similar to slavery, including the sale and trafficking of children; child prostitution and child pornography; involvement in illicit activities, including drug production and trafficking; and work likely to injure the health, safety, or morals of a child.<sup>2089</sup> The law also prohibits children from being employed in industrial undertakings between 6:30 p.m. and 6:30 a.m., except in the case of an extreme emergency as defined by the Minister of Labor, and prohibits children from working in sub-surface workplaces entered through a shaft.<sup>2090</sup> The law provides for fines and/or up to 1 year of imprisonment for employers caught employing a child in any of the activities prohibited by the law. In cases where children are injured or killed while performing

one of the prohibited activities, these same penalties apply, with increased fines and the stipulation that a portion of the fines should be used to benefit the child and/or his or her immediate family. Employers who employ children are required to maintain a register of the children's ages and dates of birth and employment.<sup>2091</sup>

In 2008, the Government of Kenya completed its list of hazardous occupations for children. Kenya designates the following occupations as being hazardous forms of work for children: deep-lake and sea fishing; scavenging; begging; carpet and basket weaving; mining; stone crushing; sand harvesting; picking miraa; making bricks; performing domestic service for third-party households; working in a glass factory or tannery; engaging in internal armed conflicts; working in agriculture, transportation, construction, or industrial undertakings; and working in the production of matches and fireworks.<sup>2092</sup>

The law prohibits forced child labor, slavery, and servitude.<sup>2093</sup> The law also prohibits the defilement of a child, committing indecent acts with a child, promoting sexual offenses with a child, child trafficking for the purposes of sexual exploitation, promoting child sex tourism, child prostitution, and child pornography. Penalties for violations include fines and/or imprisonment of up to life in prison, depending on the type of offense and the age of the child, but the minimum penalty for child trafficking is a fine and 10 years of imprisonment. The minimum penalty for sex trafficking is a fine, 15 years of imprisonment, or both.<sup>2094</sup>

The Children's Act prohibits children under 18 years from being recruited into the military and holds the Government responsible for protecting, rehabilitating, and reintegrating children involved in armed conflict into society. However, the Armed Forces Act permits the enlistment of children under 18 years with the permission of a parent, guardian, or district commissioner.<sup>2095</sup>

According to USDOS, the Ministry of Labor and Human Resource Development's enforcement of Kenya's minimum age law is limited.<sup>2096</sup> The Ministry of Gender, Children, and Social

Development is the lead agency on anti-trafficking issues, as of 2008.<sup>2097</sup> According to USDOS, the Government's anti-trafficking efforts improved in 2008, and more investigations of suspected trafficking cases were conducted.<sup>2098</sup>

As of December 2008, six people were on trial on charges of trafficking 14 children in Nandi and Bomet Districts. In May 2008, police closed a children's home in Kajiadu for its involvement in trafficking a child to the United Kingdom.<sup>2099</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In June 2008, the Government of Kenya released a report analyzing the child labor situation in the country based on data from the 2005/2006 Integrated Household Based Survey Labour Module. This report replaces the Government's 1998/1999 child labor survey as the most up-to-date source of comprehensive information on the child labor situation in the country.<sup>2100</sup> As of the writing of this report, data were not available to UCW for analysis for use in this report. For information on data used in this report, please see the data sources and definitions section.

In 2008, the Government expanded its cash transfer program for orphans and vulnerable children to cover 25,000 children in 17 districts. The program provides monthly cash transfers to families of working children to help meet basic needs, including school costs, to prevent children from having to work. The child must attend school as a prerequisite for receiving these financial incentives.<sup>2101</sup>

The Government participated in a 4-year USD 23.8 million project funded by the EU and implemented by ILO-IPEC to combat child labor through education in 11 countries.<sup>2102</sup> In addition, the Government of Kenya is collaborating on two other ILO-IPEC projects, funded by the Government of Germany at USD 447,410 and USD 538,731, respectively, that promote national coordination in combating child labor.<sup>2103</sup>

The Government participated in a 4-year, USD 5 million Timebound Project on the Elimination of



Child Labor funded by USDOL and implemented by ILO-IPEC through April 2009. The project withdrew 14,904 and prevented 10,695 children from exploitive labor in domestic service, commercial sexual exploitation, commercial and subsistence agriculture, fishing, herding, and informal-sector street work.<sup>2104</sup>

The Government also took part in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together project, which was funded by USDOL at USD 14.5 million and World Vision at USD 5.9 million through March 2009. Implemented by World Vision, in partnership with the International Rescue Committee and the Academy for Educational Development, the project withdrew and prevented a total of 32,823 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.<sup>2105</sup>

The Government continues to participate in the 2-year, USD 460,000 regional anti-trafficking technical assistance project implemented by UNODC's Regional Office for Eastern Africa and funded by Norway and Sweden. The project aims to bolster coordination among the 11 countries involved through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa and harmonize national legislation in line with the Palermo Protocol.<sup>2106</sup>

In May 2008, the Ministry of Gender and Children's Affairs and a local NGO, Childline Kenya, launched a toll-free, nationwide hotline to help children in need. The hotline has already provided counseling and referrals to a number of callers who needed assistance with child labor and child prostitution situations.<sup>2107</sup>

The Government continues to work closely with IOM on the country's anti-trafficking initiative, which included launching a 6-month, nationwide public information campaign to combat human trafficking in Kenya in July 2008.<sup>2108</sup> 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.<sup>2109</sup>

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<sup>2063</sup> Kenya National Bureau of Statistics, *2005/6 Kenya Integrated Household Budget Survey Child Labour Analytical Report*, Nairobi, June 2008, 30.

<sup>2064</sup> *Ibid.*, 42.

<sup>2065</sup> U.S. Embassy- Nairobi, *reporting*, June 16, 2008. ILO-IPEC, *Rapid Assessment of Child Labour in Subsistence Agriculture and Fishing Sectors of Kenya and its Implication on the Time Bound Programme*, Geneva, 2004, 15, 17, 20, 22. See also Lawrence Kinoti, "Children Hooked to Miraa", AllAfrica.com, [previously online], September 12, 2007, [cited December 12, 2007]. See also "Sisal Farm Workers Refuse to Surrender Spartan Life," *The Nation*, April 6, 2008; available from <http://web.lexisnexis.com/universe>. See also "No Cash in This Crop," *New Internationalist*, no. 369 (July 2004); available from <http://www.newint.org/features/2004/07/01/kenya/>. See also International Labor Rights Fund, "The State of the Coffee Children," *Worker Rights News* 6, no. 1 (Spring 2003); available from <http://lrights.igc.org/publications/WRNspring03.pdf>. See also ILO-IPEC, *Kenya TBP, Project Document*, 78.

<sup>2066</sup> Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42. See also ILO-IPEC official, E-mail communication to USDOL official, June 3, 2008. See also Population Centre for Education, Environment, and Development (CEPED), *Supporting the National Plan of Action to Combat HIV/AIDS related WFCL in the Fishing Industry on the Shores of Lake Victoria in Western and Nyanza Provinces*, Action Program, Nairobi, September 2006.

<sup>2067</sup> Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 38-42. See also U.S. Department of State, "Country Reports- 2008: Kenya," section 6d.

<sup>2068</sup> Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40 and 42.

<sup>2069</sup> *Ibid.*

<sup>2070</sup> Lou Witherite, *Combating Exploitive Child Labor through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET): Kenya Country Report*, Independent Final Evaluation, Macro International, Washington, DC, February 2009, vii. See also Dann Okoth, "Child Labour Syndicates," *The Standard* (Nairobi), November 27, 2006.

<sup>2071</sup> 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 C. Sarah 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](http://www.unicef.de/fileadmin/content_media/presse/Kenia/report.pdf).

<sup>2072</sup> U.S. Embassy- Nairobi, *reporting*, November 29, 2007. See also Jones, *Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, 37-38. See also ECPAT

International CSEC Database, *Kenya*, accessed February 23, 2009; available from <http://www.ecpat.net>. See also Sam Owuor Ogola and Patricia Jane Ochieng, *Baseline on CSEC in Nairobi, Kisumu, Eldoret, and Nyeri*, 30-31, 58-59.

<sup>2073</sup> Jones, *Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, vi-viii. See also U.S. Department of State, "Country Reports- 2008: Kenya," section 5. See also Integrated Regional Information Networks, "Kenya: Bangaisha na Mzungu- Youth, Sex and Tourism on the Kenyan coast", IRINnews.org, [online], February 23, 2007 [cited April 9, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=69989>.

<sup>2074</sup> Jones, *Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, vii. See also U.S. Embassy-Nairobi, *reporting*, December 20, 2006, para 9.

<sup>2075</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Kenya, *The Employment Act, 2007 (No. 11 of 2007)*, (October 22, 2007), articles 56-58; available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/frame\\_s.php](http://www.kenyalaw.org/kenyalaw/klr_app/frame_s.php). For age to which education is compulsory, see UNESCO Institute for Statistics, *National Education Systems*, accessed March 17, 2008; available from [http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3\\_1.html](http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html). For free public education, see ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Project Document, Geneva, September 6, 2004, 6. See also U.S. Department of State, "Kenya," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>.

<sup>2076</sup> U.S. Embassy- Nairobi, *reporting*, February 26, 2009, para 2B. 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. Embassy- Nairobi official, Email communication to USDOL official, June 23, 2009.

<sup>2077</sup> U.S. Embassy- Nairobi official, E-mail communication to USDOL official, August 11, 2006.

<sup>2078</sup> The Solidarity Center, *Trafficking in Persons from Labor Perspective: Kenya*, 15.

<sup>2079</sup> U.S. Department of State, "Kenya (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>2080</sup> The Solidarity Center, *Trafficking in Persons from Labor Perspective: Kenya*, 9. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Kenya." See also U.S. Embassy- Nairobi official, E-mail communication, August 11, 2006.

<sup>2081</sup> Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 1.

<sup>2082</sup> U.S. Embassy- Nairobi official, E-mail communication to USDOL official, March 19, 2008. See also Integrated Regional Information Networks, "Kenya: Separated children eking a living in Rift Valley town", IRINnews.org, [online], September 10, 2008; available from <http://www.irinnews.org/Report.aspx?ReportId=80267>.

<sup>2083</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Kenya*, Technical Progress Report, Geneva, March 7, 2008, annex 1. See also U.S. Embassy- Nairobi official, E-mail communication, March 19, 2008.

<sup>2084</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of Child Labor, Technical Progress Report*, 3-4, annex. See also U.S. Embassy- Nairobi official, E-mail communication, March 19, 2008. See also Integrated Regional Information Networks, "Kenya: Separated children eking a living in Rift Valley town". See also Associated Press, "Teen Prostitution up after Kenya's Election Bloodshed", USAtoday.com, [online], July 31, 2008 [cited January 2, 2009]; available from [http://www.usatoday.com/news/world/2008-07-31-910462575\\_x.htm](http://www.usatoday.com/news/world/2008-07-31-910462575_x.htm).

<sup>2085</sup> Integrated Regional Information Networks, "Kenya: Numbers of Street Children Rising in Eldoret", IRINnews.org August 8, 2008 [cited April 9, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=79707>.

<sup>2086</sup> U.S. Department of State, "Country Reports- 2008: Kenya," section 1g.

<sup>2087</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of Child Labor, Technical Progress Report*, 7. See also Government of Kenya, *Consideration of Reports Submitted by States Parties in Accordance with Article 16 of the International Covenant on Economic, Social, and Cultural Rights: Replies by the Government of Kenya to the List of Issues (E/C.12/KEN/Q1) to be taken up in Connection with the Consideration of the Initial Report of Kenya (E/C.12/KEN/1)*, UN Economic and Social Council, Geneva, October 24, 2008, 39; available from <http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.KEN.Q1.Add1.doc>.

<sup>2088</sup> Government of Kenya, *The Employment Act, 2007*, part VII, sections 56(1) and 56(2); 57-58.

<sup>2089</sup> *Ibid.*, sections 2 and 53.

<sup>2090</sup> *Ibid.*, part VII, sections 58-60.

<sup>2091</sup> *Ibid.*

<sup>2092</sup> ILO-IPEC, *Supporting the National Plan of Action for the Elimination of Child Labor, Technical Progress Report*, 7. See also Government of Kenya, *Replies by the Government of Kenya to UN ECOSOC*, 39. See also Ministry of Labour and Human Resources Development, *Determining Hazardous Child Labour in Kenya*, Nairobi, July 2008, 5-17.

<sup>2093</sup> Government of Kenya, *The Constitution of Kenya, Revised edition*, (2001), chapter V, section 73; available from <http://www.bunge.go.ke/downloads/constitution.pdf>.

<sup>2094</sup> Government of Kenya, *The Sexual Offences Act, 2006 (No. 3 of 2006)*, (July 21, 2006), sections 8, 11-16; available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/view\\_cap.php?CapID=596](http://www.kenyalaw.org/kenyalaw/klr_app/view_cap.php?CapID=596). See also U.S. Department of State, "Country Reports- 2008: Kenya," section 5.

<sup>2095</sup> Government of Kenya, *The Children's Act, 2001 (No. 8 of 2001)*, (January 4, 2002), part II, section 10(2); available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/view\\_cap.php?CapID=393](http://www.kenyalaw.org/kenyalaw/klr_app/view_cap.php?CapID=393). See also

Government of Kenya, *The Armed Forces Act- Chapter 199*, (December 2, 1968), section (2); 173; available from [http://www.kenyalaw.org/kenyalaw/klr\\_app/view\\_cap.php?CapID=132](http://www.kenyalaw.org/kenyalaw/klr_app/view_cap.php?CapID=132). See also Government of Kenya, *Declaration on 11.b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000*, [previously online] October 22, 2007 [cited March 15, 2008]; available from

[http://www2.ohchr.org/english/bodies/ratification/11\\_b.htm](http://www2.ohchr.org/english/bodies/ratification/11_b.htm) [hard copy on file]. See also Coalition to Stop the Use of Child Soldiers, "Kenya," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>

<sup>2096</sup> U.S. Department of State, "Country Reports- 2008: Kenya," section 6d.

<sup>2097</sup> U.S. Embassy- Nairobi, *reporting, February 26, 2009*, para 3A.

<sup>2098</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Kenya."

<sup>2099</sup> U.S. Department of State, "Country Reports- 2008: Kenya," section 5.

<sup>2100</sup> Kenya National Bureau of Statistics, *Child Labour Analytical Report*, 40.

<sup>2101</sup> U.S. Department of State, "Country Reports- 2008: Kenya," section 6d. 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>.

<sup>2102</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=8511>.

<sup>2103</sup> ILO-IPEC official, E-mail communication, December 18, 2008.

<sup>2104</sup> ILO-IPEC, *Kenya TBP, Project Document*, i, 42-44.

<sup>2105</sup> World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Project Document, July 18, 2005, i, 2, 9. See also World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Technical Progress Report, September 29, 2008, cover. See also World Vision official, E-mail communication to USDOL official, October 6, 2008.

<sup>2106</sup> UNODC, *Ongoing Projects in Eastern Africa*, [online] [cited April 2, 2009]; available from <http://www.unodc.org/easternafrika/en/about-unodc-eastern-africa/ongoing-projects.html>. UNODC official, E-mail communication to USDOL official, April 2, 2009. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008.

<sup>2107</sup> U.S. Embassy- Nairobi, *reporting*, June 10, 2008, paras 1, 2, 4, 7, 8.

<sup>2108</sup> IOM, *IOM Launches Anti-Trafficking Campaign in Kenya*, July 8, 2008; available from <http://nairobi.iom.int/Press%20Briefing%20Notes/Kenya/PDF/6.pdf>. See also IOM, *Counter Trafficking in Kenya: Phase II Countering Human Trafficking in Kenya through Capacity Building, Awareness Raising, and Assistance to Victims*, Nairobi, November, 2008; available from [http://nairobi.iom.int/Info\\_Sheets/Regulating%20Migration/Counter%20trafficking/cou nter%20trafficking%20in%20kenya%20phase%20II.pdf](http://nairobi.iom.int/Info_Sheets/Regulating%20Migration/Counter%20trafficking/cou nter%20trafficking%20in%20kenya%20phase%20II.pdf). See also U.S. Embassy-Nairobi, *reporting*, November 29, 2007.

<sup>2109</sup> U.S. Department of State, "Country Reports- 2008: Kenya," section 6d.

## Kiribati

### *Selected Statistics and Indicators*

#### *on Child Labor*<sup>2110</sup>

No new data since last reporting period.

### **Incidence and Nature of Child Labor**

No changes have been recorded since the last reporting period regarding the incidence and nature of child labor in Kiribati.\*

## Child Labor Laws and Enforcement

No changes have been recorded since the last reporting period regarding child labor laws and enforcement in Kiribati.\*

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Research has not identified any policies or programs by the Government of Kiribati to address exploitive child labor during the reporting period.\*

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

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<sup>2110</sup> For data not cited here, see the Data Sources and Definitions section.

# The Kyrgyz Republic

## Incidence and Nature of Child Labor

Children in the Kyrgyz Republic work in domestic service, agriculture, retail service, construction, and mining. In the agriculture sector, children work in tobacco, cotton and rice fields.<sup>2111</sup> During the cotton and tobacco harvesting season, children in southern Kyrgyz Republic miss school to work in the fields.<sup>2112</sup> Children working in agriculture are exposed to extreme heat and hazardous conditions.<sup>2113</sup> Children have been reported to work in coal mines near uranium dumps and scavenge for silicon in landfills. The conditions of the landfill result in respiratory problems and exposure to radiation.<sup>2114</sup>

Some children, primarily girls, engage in prostitution.<sup>2115</sup> Trafficking of children for sexual exploitation and forced labor is a problem. Children have been reported to be trafficked from rural areas to Bishkek and Osh for sexual exploitation.<sup>2116</sup> ILO reported an increase in the use of trafficked children to sell and distribute illegal drugs.<sup>2117</sup>

## Child Labor Laws and Enforcement

The minimum age for admission to work in the Kyrgyz Republic is 16 years, but children 14 years

may work with the permission of a parent or guardian. The maximum work hours for children 14 and 15 years is 5 hours per day; for children 16 and 17 years, it is 7 hours per day.<sup>2118</sup> Minors are prohibited from working at night or underground.<sup>2119</sup> Children less than 18 years cannot be employed in certain industries, such as metal, oil and gas, and mining.<sup>2120</sup> The penalty for violating labor laws is a fine.<sup>2121</sup> The Prosecutor General's Office and the State Labor Inspectorate are responsible for enforcing labor laws. USDOS noted that it was difficult for the Government to determine whether employers violated labor laws, as many children worked for their families or were self-employed.<sup>2122</sup> In 2008, the inspectors performed occasional spot checks on child labor law compliance. USDOS reported that these spot checks were infrequent and ineffective.<sup>2123</sup>

Children studying in educational establishments are forbidden from participating in agricultural or other work not related to their schooling.<sup>2124</sup> Parents who restrict their children's access to schooling are penalized by a fine or 1 year of "corrective labor."<sup>2125</sup> According to USDOS, this law is not strictly enforced, especially in rural areas.<sup>2126</sup>

*Selected Statistics and Indicators  
on Child Labor*<sup>2127</sup>

Population, children, 5-14 years, 2006:	1,075,630
Working children, 5-14 years (%), 2006:	4.5
Working boys, 5-14 years (%), 2006:	5.1
Working girls, 5-14 years (%), 2006:	3.9
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	95.3
Net primary enrollment rate (%), 2007:	84.5
School attendance, children 5-14 years (%), 2005:	84.0
Survival rate to grade 5 (%):	-
ILO Convention 138:	3/31/1992
ILO Convention 182:	5/11/2004
CRC:	10/7/1994**
CRCOPAC:	8/13/2003**
CRCOPSC:	2/12/2003**
Palermo:	10/2/2003
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

The law prohibits forced labor, except in the case of war, natural disaster, epidemic, imprisonment, or other extraordinary circumstances.<sup>2128</sup> The enticement of a person into prostitution is punishable by a prison term of up to 5 years.<sup>2129</sup> The keeping of brothels for prostitution and pimping is punishable by a fine or prison term of up to 5 years. USDOS reports that the lack of legal regulation and oversight makes prostitution an ongoing problem.<sup>2130</sup>

The trafficking of minors for exploitation, such as forced labor or prostitution, is punishable by a prison term of 5 to 15 years.<sup>2131</sup> Trafficking victims cannot be prosecuted if they assist a trafficking investigation.<sup>2132</sup> The State Committee on Employment and Migration Issues is the lead agency in coordinating anti-trafficking efforts.<sup>2133</sup> According to USDOS, law enforcement is

hampered by corruption.<sup>2134</sup> Victims reported that government officials assisted trafficking operations.<sup>2135</sup>

The minimum age for recruitment to compulsory military service is 18 years. However, boys may enroll in military schools at 16 years.<sup>2136</sup>

The Office of the Ombudsman has a special department to oversee the rights of minors. It has the authority to request information from other agencies and perform investigations.<sup>2137</sup>

**Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the State Program of Action of Social Partners for the Elimination of the Worst Forms of Child Labor in the Kyrgyz Republic (2008-2011) was adopted.<sup>2138</sup> The program aims to improve legislation, make the labor inspectorate more efficient, withdraw and prevent children from the worst forms of child labor, promote youth employment, and increase awareness about the worst forms of child labor.<sup>2139</sup> The Government also passed a National Action Plan against Human Trafficking. The plan's goals include expanding the definition of trafficking in persons, increasing public awareness, and increasing social protection for trafficking victims.<sup>2140</sup>

The Government continued to provide space for NGO-operated shelters for trafficking victims. Additionally, the Government published and distributed brochures and booklets in Kyrgyz and Russian to increase awareness of trafficking issues.<sup>2141</sup>

The Government of Kyrgyzstan is participating in a USDOL-funded 4 year USD 6.8 million ILO-IPEC project to conduct data collection on child labor.<sup>2142</sup>

<sup>2111</sup> Integrated Regional Information Networks, "Kyrgyzstan: Child Labour Remains Rife", IRINnews.org [online] 2006 [cited January 28, 2009]; available from <http://www.irinnews.org/report.asp?ReportID=54174&SelectRegion=Asia&SelectCountry=KYRGYZSTAN>. See also U.S. Embassy- Bishkek, *reporting*, December 21, 2007, section E. See also U.S.

Department of State, "Country Reports- 2008: Kyrgyz Republic," section 6d.

<sup>2112</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 6d.

<sup>2113</sup> Ramazon Dyrlydaev and Severine Jacomy, *Rights of the Child in Kyrgyzstan*, Geneva, February 2004, 18; available from [http://www.crin.org/docs/resources/treaties/crc.37/Kyrgyzstan\\_OMCT\\_ngo\\_report.pdf](http://www.crin.org/docs/resources/treaties/crc.37/Kyrgyzstan_OMCT_ngo_report.pdf).

<sup>2114</sup> Integrated Regional Information Networks, "Child Labour Remains Rife". See also Ilan Greenberg, *There's Money in Dirt, for Those Who Find Bits of Silicon*, [online] 2006 [cited January 29, 2009]; available from [http://www.nytimes.com/2006/09/05/world/asia/05kyrgyzstan.html?\\_r=1&pagewanted=print](http://www.nytimes.com/2006/09/05/world/asia/05kyrgyzstan.html?_r=1&pagewanted=print).

<sup>2115</sup> Institute for War and Peace Reporting (IWPR), *Lost Children of Central Asia*, Press Release, January 19, 2004, 2; available from [www.essex.ac.uk/armedcon/story\\_id/000170.doc](http://www.essex.ac.uk/armedcon/story_id/000170.doc). See also Ramazon Dyrlydaev and Severine Jacomy, *Rights of the Child in Kyrgyzstan*, 14.

<sup>2116</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," sections 5 and 6d.

<sup>2117</sup> *Ibid.*, section 6d.

<sup>2118</sup> *Ibid.* See also UN Committee on the Rights of the Child, *Second periodic reports: Kyrgyzstan*, para 70.

<sup>2119</sup> UN Committee on the Rights of the Child, *Second periodic reports: Kyrgyzstan*, para 339.

<sup>2120</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 6d.

<sup>2121</sup> U.S. Embassy- Bishkek, *reporting, December 21, 2007*, section b.

<sup>2122</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 6d.

<sup>2123</sup> *Ibid.*

<sup>2124</sup> UN Committee on the Rights of the Child, *Second periodic reports: Kyrgyzstan*, para. 340.

<sup>2125</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 5. See also UN Committee on the Rights of the Child, *Second periodic reports: Kyrgyzstan*, para 67.

<sup>2126</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 5.

<sup>2127</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see 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 2001*, CRC/C/104/Add.4, April 5, 2004, para 70. See also U.S. Department of State, "Kyrgyz Republic," 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/sca/119136.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119136.htm). For age to which education is compulsory and free public education, see Government of the Kyrgyz Republic, *Constitution of the Kyrgyz Republic*, (October 21, 2007), article 32; available from <http://www.legislationline.org/download/action/download/id/1047/file/a61762ed3aed45f05228ad0985a5.htm/preview>. See also U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 5. See also Asia Human Rights Commission, *Kyrgyzstan: Children Labour to Pay School Fees*, [online] [cited February 5, 2009]; available from <http://acr.hrschool.org/mainfile.php/0188/340/>.

<sup>2128</sup> Government of the Kyrgyz Republic, *Constitution 2007*, article 28(3).

<sup>2129</sup> U.S. Embassy- Bishkek, *reporting, March 16, 2009*, 8.

<sup>2130</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 5.

<sup>2131</sup> 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: Kyrgyzstan*, May 31, 2006, 2; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G06/423/96/PDF/G0642396.pdf?OpenElement>.

<sup>2132</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 5.

<sup>2133</sup> U.S. Embassy- Bishkek, *reporting, March 16, 2009*, 4.

<sup>2134</sup> U.S. Department of State, "Country Reports- 2008: Kyrgyz Republic," section 5.

<sup>2135</sup> *Ibid.* See also U.S. Department of State, *Kyrgyz Republic (Tier 2)*, Washington, DC, June 4, 2008, 159; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>2136</sup> Coalition to Stop the Use of Child Soldiers, "Kyrgyzstan," in *Child Soldiers Global Report 2008*, London, 2008, 202-203; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>2137</sup> UN Committee on the Rights of the Child, *Summary Record of the 987th Meeting: Kyrgyzstan*, September 29, 2004, para 38 and 47; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G04/437/60/PDF/G0443760.pdf?OpenElement>.

<sup>2138</sup> U.S. Embassy- Bishkek, *reporting, February 17, 2009*.

<sup>2139</sup> ILO-IPEC official, E-mail communication to USDOL official, February 8, 2008.

<sup>2140</sup> U.S. Embassy- Bishkek, *reporting, March 16, 2009*, 1.

<sup>2141</sup> U.S. Department of State, *Trafficking in Persons Report- 2008: Kyrgyz Republic*, 159.

<sup>2142</sup> ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.

# Lebanon

## *Selected Statistics and Indicators on Child Labor<sup>2143</sup>*

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	95.4
Net primary enrollment rate (%), 2006:	82.9
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2005:	98.6
ILO Convention 138:	6/10/2003
ILO Convention 182:	9/11/2001
CRC:	5/14/1991
CRCOPAC:	No
CRCOPSC:	11/8/2004
Palermo:	10/5/2005
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

In Lebanon, children work in the tobacco industry and in the informal sectors of the economy, including construction, agriculture, mechanics, and fisheries. It is reported that some of these activities are hazardous and may present a danger to children's health, safety, and development, particularly in metal works, construction, automobile repair, and seasonal agriculture.<sup>2144</sup>

Non-Lebanese children, particularly boys from Syria and Palestinian boys living in Lebanese refugee camps, constitute approximately 85 percent of children working on the street.<sup>2145</sup> The most common types of street work are selling

goods, shoe polishing, and washing car windshields.<sup>2146</sup> Forty-seven percent of working street children who participated in a 2004 study conducted by the Ministry of Labor (MOL) were forced by adults to work long hours on the streets.<sup>2147</sup>

Children who were most vulnerable to child labor were reported to be Lebanese children from poor families in rural areas of the country and children who were foreign nationals in urban centers.<sup>2148</sup> A 2007 study by a Lebanese NGO, in partnership with ILO, reported high rates of children's work on tobacco plantations in South Lebanon.<sup>2149</sup>

Lebanese children are trafficked internally for forced labor in metal works, construction, agriculture, and commercial sexual exploitation.<sup>2150</sup> Child prostitution, including situations in which girls have been forced into prostitution by their own families, as well as children who have been sexually exploited by organized criminal gangs, have been reported to the UN Special Rapporteur of the UN Commission on Human Rights.<sup>2151</sup>

While children are not known to participate in the Lebanese Armed Forces, Palestinian children living in refugee camps in Lebanon have been reported to be involved with various Palestinian armed groups operating in the country.<sup>2152</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 14 years and prohibits work that could be potentially hazardous for individuals under 17 years.<sup>2153</sup> Children 14 to 18 years of age may not work more than 6 hours per day, require 1 hour of rest for work that is more than 4 continuous hours, must have a 13-hour period of rest between workdays, and may not work between 7 p.m. and 7 a.m. In addition, children ages 14 to 17 years must pass a medical examination to ensure that they can undertake the work in which they are to be engaged, and the prospective employer must request the child's identity card to verify his or her date of birth.<sup>2154</sup>

Vocational training establishments may be permitted to employ children who are 13 years of age pending approval from both MOL and the Public Health Services.<sup>2155</sup>

Youth under 16 years are prohibited from working in dangerous environments that threaten their life, health, or morals.<sup>2156</sup> Industrial work and work such as mining and quarrying, manufacturing or selling alcohol, work with chemicals or explosives, and work in tanneries or with machinery are not permitted for children under 16 years.<sup>2157</sup>

There are no laws specifically prohibiting trafficking or forced labor; however, various laws are used to address such offenses.<sup>2158</sup> Sexual exploitation is prohibited per the Lebanese Penal Code, and the law punishes any person who instigates the prostitution of a person under 21 years and any person who gains financial benefit from the prostitution of others with imprisonment from 6 months to 2 years.<sup>2159</sup> According to the Lebanese Penal Code, any person who deprives another person of his or her personal liberty by abduction or any other means will be sentenced to hard labor. This penalty increases to life in prison with hard labor if the period of deprivation exceeds 1 month or if the victim suffers any physical or moral harm.<sup>2160</sup>

The minimum age for voluntary recruitment into the Armed Forces is 18 years for soldiers, non-commissioned personnel, and officers.<sup>2161</sup>

MOL is responsible for the enforcement of child labor laws.<sup>2162</sup> According to USDOS, enforcement of the laws has improved slightly in recent years.<sup>2163</sup> There is a Labor Inspection Team, composed of 48 full-time labor inspectors and 46 assistants nationwide. However, according to USDOS, MOL's Child Labor Unit continued to lack adequate personnel and resources, which limited its ability to enforce the law.<sup>2164</sup>

In a 2008 assessment by the Ministry of Justice of Lebanon, 38 children were reported to have been known or suspected victims of trafficking. However, no official cases have been identified or prosecuted under Lebanese law as such.<sup>2165</sup>

## **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Higher Council for Childhood, part of the Ministry of Social Affairs, held a number of awareness campaigns and training sessions targeting child labor related issues.<sup>2166</sup> Additionally, in March and April 2008, the Internal Security Forces (ISF) and the Surete General investigators participated in four training seminars with Caritas and the International Catholic Migration Commission on human rights, trafficking issues, and international conventions on trafficking. ISF cadets were also trained in identifying and assisting trafficking victims through part of the U.S. Embassy's USD 68 million program of assistance.<sup>2167</sup>

From 2004 through 2008, the Government of Lebanon participated in a USDOL-funded USD 3 million regional project implemented by ILO-IPEC that sought to harmonize legislative framework with international standards on child labor, build capacity of national institutions, raise awareness on the negative consequences of child labor, and implement effective interventions to withdraw and prevent children from exploitative labor practices. Through these activities, the project withdrew or prevented 4,149 children from engaging in the worst forms of child labor.<sup>2168</sup>

During that same time period, the Government also participated in a USD 8.4 million sub-regional project funded by USDOL and implemented by CHF International to combat child labor through education in Lebanon and Yemen. This project withdrew 1,994 children and prevented 6,958 children from entering exploitive child labor through formal and informal education programs in Lebanon.<sup>2169</sup>

Currently, funding from the Italian Development Cooperation Office has enabled ILO to implement a 2-year program entitled "Strengthening National Action to Combat the Worst Forms of Child Labor in Lebanon." The project, working with MOL and other stakeholders, targets north Lebanon and the Biq'a with the primary objective of withdrawal and prevention from exploitive and hazardous work.<sup>2170</sup>



<sup>2143</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Lebanon, *Code du travail- Travail des enfants*, Law No. 536, (July 24, 1996), article 22; available from <http://www.lebaneselaws.com/>. See also U.S. Embassy- Beirut, *reporting*, January 9, 2009, para 4. For age to which education is compulsory and free public education, see U.S. Department of State, "Lebanon," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100600.htm>.

<sup>2144</sup> U.S. Department of State, "Lebanon," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119120.htm>. See also International Bureau for Children's Rights, *Making Children's Rights Work: Country Profile on Lebanon*, Montreal, 2006, 7-8; available from [http://www.ibcr.org/Publications/CRC/Draft\\_CP\\_Asia/LebanonPDF.pdf](http://www.ibcr.org/Publications/CRC/Draft_CP_Asia/LebanonPDF.pdf).

<sup>2145</sup> U.S. Embassy- Beirut, *reporting*, November 23, 2007, para 8.

<sup>2146</sup> U.S. Department of State, "Country Reports- 2008: Lebanon," section 6d.

<sup>2147</sup> U.S. Embassy- Beirut, *reporting*, November 23, 2007, para 8.

<sup>2148</sup> Mike Sergeant, "Lebanon's Vulnerable Child Workers," *BBC News* (Tripoli), 2008; available from [http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle\\_east/7289634.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/7289634.stm). See also U.S. Embassy- Beirut, *reporting*, November 23, 2007, para 8. See also Ministry of Justice Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, May 2008, 48-49; available from <http://www.unodc.org/documents/human-trafficking/Lebanon-HTreport-Oct08.pdf>.

<sup>2149</sup> Partners for Development-Civil Group, *Baseline Study on Education and Child Labour Risks on Tobacco Plantations*, July 2007, 23.

<sup>2150</sup> U.S. Department of State, "Lebanon (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105388.htm>.

<sup>2151</sup> UNHCR, *Expert on Trafficking in Persons Ends Visit to Lebanon*, Press Release, Geneva, September 15, 2005; available from <http://www.unhchr.ch/hurricane/hurricane.nsf/0/5F43BE66EDB9D815C125707E00240837?opendocument>.

<sup>2152</sup> Coalition to Stop the Use of Child Soldiers, "Lebanon," in *Child Soldiers Global Report 2008*, London, 2008, 2-4; available from <http://www.childsoldiersglobalreport.org>. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict* New York, December 21, 2007, paras 59 and 60; available from [http://www.reliefweb.int/rw/RWfiles2007.nsf/filesbyyrwdocunidfilename/egua-7bbtf3-full\\_report.pdf/\\$file/full\\_report.pdf](http://www.reliefweb.int/rw/RWfiles2007.nsf/filesbyyrwdocunidfilename/egua-7bbtf3-full_report.pdf/$file/full_report.pdf).

<sup>2153</sup> Government of Lebanon, *Code du travail*, articles 22-23. See also U.S. Embassy- Beirut, *reporting*, November 23, 2007, para 5. See also U.S. Embassy- Beirut, *reporting*, January 9, 2009, para 4.

<sup>2154</sup> *Ibid.*, articles 21-24. See also U.S. Embassy- Beirut, *reporting*, November 23, 2007, para 5.

<sup>2155</sup> Government of Lebanon, *Code du travail*, article 25.

<sup>2156</sup> *Ibid.*, article 23.

<sup>2157</sup> *Ibid.* See also Annex No. 1 as cited in Government of Lebanon, *Report of the Government of Lebanon on Efforts by GSP Beneficiary Countries to Eliminate Worst Forms of Child Labour*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Beirut, December 21, 2007.

<sup>2158</sup> U.S. Department of State, "Country Reports- 2008: Lebanon," section 5.

<sup>2159</sup> Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, 15.

<sup>2160</sup> *Ibid.*, 13.

<sup>2161</sup> Government of Lebanon Ministry of National Defense Army Command, Email communication to U.S. Department of State official, June 21, 2009.

<sup>2162</sup> U.S. Embassy- Beirut, *reporting*, November 23, 2007, para 10. See also U.S. Department of State, "Country Reports- 2008: Lebanon," section 6d.

<sup>2163</sup> U.S. Department of State, "Country Reports- 2008: Lebanon," section 6d. See also U.S. Embassy- Beirut, *reporting*, November 23, 2007, para 10.

<sup>2164</sup> U.S. Embassy- Beirut, *reporting*, January 9, 2009, para 8. See also U.S. Embassy- Beirut, *reporting*, November 23, 2007, para 9.

<sup>2165</sup> Government of Lebanon, *Measures to prevent and combat trafficking in human beings: Lebanon country assessment*, 3.

<sup>2166</sup> U.S. Embassy- Beirut, *reporting*, January 9, 2009, para 9.

<sup>2167</sup> U.S. Embassy- Beirut, *reporting*, February 13, 2009, para 4.

<sup>2168</sup> 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*, Final Technical Progress Report, Beirut, August 2008, 6-7, 49.

<sup>2169</sup> CHF International, *Alternatives to Combat Child Labor through Educational and Sustainable Services in the Middle*

*East and North Africa Region (ACCESS-MENA) Final Report*, Beirut, August 2008, 24.

<sup>2170</sup> U.S. Embassy- Beirut, *reporting*, January 9, 2009, para 17.

## Lesotho

<i>Selected Statistics and Indicators on Child Labor</i> <sup>2171</sup>	
Population, children, 5-14 years, 2000:	443,297
Working children, 5-14 years (%), 2000:	28.1
Working boys, 5-14 years (%), 2000:	31.3
Working girls, 5-14 years (%), 2000:	25.0
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	Not compulsory
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	114.4
Net primary enrollment rate (%), 2005:	72.4
School attendance, children 5-14 years (%), 2000:	80.7
Survival rate to grade 5 (%), 2005:	73.7
ILO Convention 138:	6/14/2001
ILO Convention 182:	6/14/2001
CRC:	3/10/1992
CRCOPAC:	9/24/2003
CRCOPSC:	9/24/2003
Palermo:	9/24/2003
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

### Incidence and Nature of Child Labor

In Lesotho, boys as young as 5 years of age herd livestock, either for their families or through an

arrangement in which they are hired out by their parents.<sup>2172</sup> Boys also work as load bearers, car washers, and taxi fare collectors. Some girls also engage in herding. They are also employed as domestic servants, in some cases working up to 16 hours daily.<sup>2173</sup> According to a 2006 report jointly published by the ILO and the Government of Lesotho's Ministry of Employment and Labor, domestic servants are sexually exploited.<sup>2174</sup> Children work as street vendors, where they are exposed to inclement weather, long hours, and pressure to participate in illegal activities.<sup>2175</sup> Children are also involved in commercial sexual exploitation.<sup>2176</sup>

Children in Lesotho are trafficked internationally to South Africa, Zimbabwe, and Zambia for sexual exploitation.<sup>2177</sup> Children are also trafficked internally to work as herders. Boys are trafficked internally to work as street vendors, and girls for domestic work and commercial sexual exploitation.<sup>2178</sup> South African boys are also trafficked to Lesotho to work as herders.<sup>2179</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment at 15 years, although children 13 to 15 years may perform light work in a home-based environment, technical school, or other institution approved by the Government. Children of any age may work for their family in a private undertaking, provided there are no more than five other employees and all are members of the child's family.<sup>2180</sup> Persons under 16 years may not work for more than 4 consecutive hours without a break of at least 1 hour and may not work more than 8 hours in any 1 day. Working children,

with the exception of domestic laborers, have a right to return to their homes at night.<sup>2181</sup> Each employer in an industrial undertaking is required to keep a register of all employees under 18 years of age.<sup>2182</sup> The law identifies the protection of children and young persons as a principle of state policy.<sup>2183</sup> The law prohibits the employment of children in hazardous work.<sup>2184</sup> Work prohibited for children includes working in or with mines, quarries, underwater, dangerous heights, confined spaces, dangerous machinery, and heavy equipment.<sup>2185</sup>

The law sets a penalty of up to 3 months in prison and/or a fine for an employer in the industrial sector who employs an underage child or for an employer who fails to keep a register of all employees under 18 years of age. The law also dictates imprisonment of up to 6 months and/or a fine for persons who employ a child in violation of restrictions related to dangerous work, required rest periods, parental rights to refuse work for their children, and children's rights to return each night to the home of their parents or guardians. Violation of the minimum age for work carries a penalty of 3 months in prison and/or a fine.<sup>2186</sup>

The Constitution defines and prohibits forced labor and slavery; punishment includes fines and 1 year of imprisonment.<sup>2187</sup> Lesotho does not have laws specifically prohibiting trafficking in children for either sexual exploitation or labor. However, violators can be prosecuted under the Child Protection Act of 1980, Sexual Offenses Act of 2003, kidnapping, which is an offense under Common Law, and the Labor Code Order of 1981 as amended.<sup>2188</sup> Military service is not compulsory, and the minimum age for voluntary enlistment is 18 years.<sup>2189</sup> The law defines and prohibits child prostitution.<sup>2190</sup> The procurement of a girl for prostitution is punishable by a maximum penalty of up to 6 years in prison.<sup>2191</sup> It is illegal to procure or attempt to procure a woman or girl to become a prostitute within Lesotho, or to leave Lesotho so that she may be a prostitute elsewhere.<sup>2192</sup> Lesotho has an extradition treaty with South Africa so that Lesotho nationals committing crimes against Lesotho children in South Africa can be extradited to Lesotho for prosecution.<sup>2193</sup>

The law provides broad powers for the Labor Commissioner and staff to perform workplace inspections, but only in the commercial sector.<sup>2194</sup> The Ministry of Employment and Labor has three inspectors for each district and seven for the capital to conduct randomly selected samples of enterprises each week for general inspection, including child labor code inspections.<sup>2195</sup> According to a 2007 ILO Committee of Experts session, the last such assessment year, government inspections are difficult to execute due to a lack of resources and absence in oversight in the informal sector.<sup>2196</sup> Current labor laws do not apply to child labor in the informal sector, subsistence agriculture, or self-employment.<sup>2197</sup> According to a 2007 UNESCO report, the last year for which such data are available, the Child and Gender Protection Unit lacks funding and trained personnel.<sup>2198</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In April 2008, the Government, with support from UNICEF, established a national, toll-free helpline for children. This helpline offers counseling and referral services to address a variety of issues, including child labor.<sup>2199</sup> The Ministry of Home Affairs, Child and Gender Protection Unit works with UNICEF to prevent children from involvement in prostitution.

The Government participated in a USDOL-funded 4-year USD 9 million regional project implemented by the American Institutes for Research that ended in August 2008. Over the life of the project, 2,247 children were withdrawn from exploitive labor and provided education or training opportunities in five countries.<sup>2200</sup>

In January 2009, several Government ministries, NGOs, and diplomats participated in a counter-trafficking and child sexual abuse seminar conducted by the U.S. Embassy in Maseru, which was also featured on local television.<sup>2201</sup> In collaboration with UNICEF, the Government established a toll-free helpline for children to report abuse, including child prostitution.<sup>2202</sup>

<sup>2171</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Lesotho, *Labour Code Order*, 24, (1992), part IX, number 124; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/31536/64865/E92LSO01.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Lesotho," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119008.htm>. See also ILO Committee of Experts, *Direct Request, Worst forms of Child Labour Convention*, 1999 (No. 182); *Lesotho (ratification: 2001)*; CEACR 2007, [online] [cited July 21, 2009], article 1; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

<sup>2172</sup> U.S. Department of State, "Country Reports- 2008: Lesotho," section 6d.

<sup>2173</sup> U.S. Embassy- Maseru, *reporting*, January 7, 2009, para 6. See also U.S. Department of State, "Lesotho (Special Cases)." in *Trafficking in Persons Report- 2008: Lesotho*, Washington, D.C., June 4, 2008, 273; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>2174</sup> Itumeleng Kimane, *Protecting the rights of working children in Lesotho through legislation*, Ministry of Employment and Labor and ILO, Maseru, 2006, 5.

<sup>2175</sup> U.S. Department of State, "Country Reports- 2008: Lesotho," section 6d. Also see U.S. Embassy- Maseru, *reporting, January 7, 2009*, para 5.

<sup>2176</sup> U.S. Department of State, "Country Reports- 2008: Lesotho," sections 5 and 6d.

<sup>2177</sup> International Organization for Migration, *The Trafficking of Women and Children in the Southern African Region: Presentation of Research Findings*, International Organization for Migration, Pretoria, March 24, 2003, 1 and 11; available from [http://portal.unesco.org/shs/en/files/3606/10718385931SouthernAfrica\\_trafficking.pdf/SouthernAfrica\\_trafficking.pdf](http://portal.unesco.org/shs/en/files/3606/10718385931SouthernAfrica_trafficking.pdf/SouthernAfrica_trafficking.pdf).

<sup>2178</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Lesotho," 273.

<sup>2179</sup> UNESCO, *Human Trafficking in Lesotho: Root Causes and Recommendations*, Paris, 2007, 25; available from <http://unesdoc.unesco.org/images/0015/001528/152824E.pdf>. See also Jonathan Martens, Maciej "Mac" Pieczkowski, and Bernadette van Vuuren-Smyth, *Seduction, Sale and Slavery: Trafficking in Women and Children for Sexual Exploitation in Southern Africa*, 3rd edition, IOM Regional Office for Southern Africa, Pretoria, May 2003, 42; available from <http://www.iom.org.za/site/media/docs/TraffickingReport3rdEd.pdf>.

<sup>2180</sup> Government of Lesotho, *Labour Code Order*, sections 3 and 124. See also U.S. Embassy- Maseru, *reporting*, November 30, 2007, para 3.

<sup>2181</sup> Government of Lesotho, *Labour Code Order*, section 125.

<sup>2182</sup> *Ibid.*, part IX, section 128.

<sup>2183</sup> Government of Lesotho, *The Constitution of Lesotho*, (1993), section 32; available from [http://www.lesotho.gov.ls/documents/Lesotho\\_Constitution.pdf](http://www.lesotho.gov.ls/documents/Lesotho_Constitution.pdf).

<sup>2184</sup> ILO Committee of Experts, *Direct Request, Minimum Age Convention*, 1973 (No. 138); *Lesotho (ratification: 2001)*; CEACR 2004/75<sup>th</sup> Session, [online] [cited July 21, 2009], article 3, para 2; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C138&ctry=1800&hdroff=1&lang=EN>. See also ILO Committee of Experts, *Direct Request, Worst forms of Child Labour Convention*, 1999 (No. 182); *Lesotho (ratification: 2001)*; CEACR 2004/75<sup>th</sup> Session, [online] [cited July 21, 2009]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C138&ctry=1800&hdroff=1&lang=EN#2007>.

<sup>2185</sup> U.S. Embassy- Maseru, *reporting, January 7, 2009*, para 9.

<sup>2186</sup> Government of Lesotho, *Labour Code Order*, part IX, sections 124, 126, 128.

<sup>2187</sup> Government of Lesotho, *The Constitution of Lesotho*, section 9. See also Government of Lesotho, *Labour Code Order*, part II, section 7.

<sup>2188</sup> U.S. Embassy -- Maseru, E-mail communication to USDOL official, July 8, 2009.

<sup>2189</sup> Coalition to Stop the Use of Child Soldiers, "Lesotho," in *Child Soldiers Global Report 2008*, London, 2008, 210; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>2190</sup> Julia Sloth-Nielsen, *Harmonisation of laws relating to children: Lesotho*, African Child Policy Forum, 2007, 14; available from <http://www.africanchild.info/documents/Lesotho%20Reportfinal%20Sarah.doc>.

<sup>2191</sup> ILO Committee of Experts, *Direct Request, Worst forms of Child Labour Convention*, 1999 (No. 182); CEACR 2007, 6.

<sup>2192</sup> U.S. Department of State, "Country Reports- 2008: Lesotho," section 5. See also ILO Committee of Experts, *Direct Request, Worst forms of Child Labour Convention*, 1999 (No. 182); CEACR 2007, article 1, clause 1b.

<sup>2193</sup> UNESCO, *Human Trafficking in Lesotho*, 44.

<sup>2194</sup> ILO Committee of Experts, *Direct Request, Worst forms of Child Labour Convention*, 1999 (No. 182); CEACR 2007, 4 and 5. See also U.S. Embassy- Maseru, *reporting, November 30, 2007*, para 5.

<sup>2195</sup> U.S. Embassy- Maseru, *reporting, January 7, 2009*, para 10.

<sup>2196</sup> ILO Committee of Experts, *Direct Request, Worst forms of Child Labour Convention, 1999 (No. 182); CEACR 2007*, article 9, para 9.

<sup>2197</sup> U.S. Embassy- Maseru, *reporting, January 7, 2009*, para 11.

<sup>2198</sup> UNESCO, *Human Trafficking in Lesotho*, 12.

<sup>2199</sup> Clelia Barbadoro, *Toll-Free child helpline to support children in Lesotho*, [2008 [cited July 21, 2009]; available

from [http://www.unicef.org/infobycountry/lesotho\\_43771.html](http://www.unicef.org/infobycountry/lesotho_43771.html).

<sup>2200</sup> American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland) through Education*, Technical Progress Report, December 8, 2008, 36.

<sup>2201</sup> U.S. Embassy- Maseru, *reporting, February 17, 2009*, paras 4-6.

<sup>2202</sup> U.S. Embassy -- Maseru, E-mail communication, July 8, 2009.

## Liberia

### *Selected Statistics and Indicators*

#### *on Child Labor*<sup>2203</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2008:	83.4
Net primary enrollment rate (%), 2008:	30.9
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	6/2/2003
CRC:	6/4/1993
CRCOPAC:	No
CRCOPSC:	No
Palermo:	9/22/2004**
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

### **Incidence and Nature of Child Labor**

Children in Liberia work on family farms and in alluvial diamond and gold mines.<sup>2204</sup> On commercial rubber plantations, children tap rubber trees, clear brush, and carry buckets.<sup>2205</sup> Children are also engaged in scrap metal collection, charcoal production, foreign currency exchange, auto repair, stone crushing, and fishing.<sup>2206</sup> Children also work in the construction and timber sectors and as porters, truck loaders, and sand baggers.<sup>2207</sup> Some children, especially girls, engage in prostitution, in some cases to pay school fees or support their families.<sup>2208</sup>

Liberia is a country of origin, transit, and destination for trafficked children.<sup>2209</sup> Children are trafficked for domestic service, street vending, commercial sexual exploitation, and farm work from Liberia to Guinea, Côte d'Ivoire, and Nigeria; and to Liberia from Sierra Leone, Guinea, and Côte d'Ivoire.<sup>2210</sup> Some Liberian children are trafficked internally for domestic service.<sup>2211</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for work at 16 years. Children under 16 years 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.<sup>2212</sup> Labor recruiters are permitted to hire children between 16 and 18 years for occupations approved by the Ministry of Labor.<sup>2213</sup>

Liberian law prohibits forced and bonded labor and slavery.<sup>2214</sup> The law criminalizes human trafficking and establishes sentences for the trafficking of children ranging from 11 to 16 years in prison.<sup>2215</sup> The law also bans the procuring of girls under 16 years of age for immoral purposes and for prostitution.<sup>2216</sup> In addition, the law prohibits any person under 16 years from enlisting in the military.<sup>2217</sup> In practice, the minimum age of voluntary recruits for Liberia's restructured national army is 18 years.<sup>2218</sup>

Liberia was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>2219</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Liberia agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>2220</sup>

According to USDOS, the Government of Liberia did not have the resources to effectively enforce existing labor laws. The Ministry of Labor's National Commission on Child Labor conducted two investigations in 2008, but neither of these investigations resulted in any prosecutions.<sup>2221</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Liberia's poverty reduction strategy, which was finalized in 2008, recognizes the links between household income and child labor; highlights the importance of protecting children from physical, psychological, and sexual abuse; and commits the Government to developing and launching a national youth employment action plan.<sup>2222</sup> The Government's Truth and Reconciliation Commission continues to investigate the individual and systematic use of child soldiers in Liberia from January 1979 to October 2003. The commission is authorized to recommend the amnesty or prosecution of individuals responsible for recruiting child soldiers.<sup>2223</sup> The Government also conducted

awareness-raising campaigns against child labor, sexual abuse, and human trafficking.<sup>2224</sup>

The Government participated in a USDOL-funded USD 6 million Child Labor Education Initiative project in Sierra Leone and Liberia that was implemented by the International Rescue Committee. This 4-year project, which was launched in 2005, aimed to withdraw a total of 7,473 children and prevent a total of 22,417 children from exploitive child labor by improving access to and quality of education.<sup>2225</sup> The Government is also participating in a program with IOM to train immigration officials on how to identify human trafficking victims.<sup>2226</sup>

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<sup>2203</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Liberia, *Labor Law (Title 18 and 18A)*, (1956), chapter 2d, section 74; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.detail.s?p\\_lang=en&p\\_country=LBR&p\\_classification=01.02&p\\_origin=COUNTRY&p\\_sortby=SORTBY\\_COUNTR Y](http://www.ilo.org/dyn/natlex/natlex_browse.detail.s?p_lang=en&p_country=LBR&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTR Y). For age to which education is compulsory and free public education, see U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2d. See also U.S. Department of State, "Liberia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119009.htm>.

<sup>2204</sup> U.S. Embassy- Monrovia, *reporting*, January 20, 2009, paras 1 and 2e. See also UN Mission in Liberia, *Human Rights in Liberia's Rubber Plantations: Tapping into the Future*, Monrovia, May 2006, 44-46; available from [http://unmil.org/documents/human\\_rights\\_liberiaru bber.pdf](http://unmil.org/documents/human_rights_liberiaru bber.pdf). See also International Crisis Group, *Liberia and Sierra Leone: Rebuilding Failed States*, 87, Dakar/Brussels, December 8, 2004, 16; available from <http://www.crisisgroup.org/home/index.cfm?id=3156&l=1>. See also UN Security Council, *Seventeenth progress report of the Secretary-General on the United Nations Mission in Liberia*, New York, August 15, 2008, para 19; available from <http://www.unmil.org/documents/sgreports/sg17pr.pdf>

<sup>2205</sup> U.S. Embassy- Monrovia, *reporting*, January 20, 2009, para 2e.

<sup>2206</sup> ILO-IPEC and UNICEF, *Labour Market and Training Needs Assessment: Mapping of Reintegration Opportunities for Children Associated with Fighting Forces; A Report Covering Liberia*, Geneva, March, 2005, 13;

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available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=999>. See also International Rescue Committee official, Interview with USDOL consultant, June 26, 2006. See also Government of Liberia Ministry of Gender and Development official, Interview with USDOL consultant, June 26, 2006. See also International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, Project Document, New York, August 2007, 9.

<sup>2207</sup> International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, 9. See also Government of Liberia Ministry of Gender and Development official, Interview, June 26, 2006.

<sup>2208</sup> Government of Liberia Ministry of Labor official, Interview with USDOL consultant, June 26, 2006. See also Save the Children UK, *From Camp to Community: Liberia Study on exploitation of children*, Monrovia, May 8, 2006, 10; available from [http://www.savethechildren.it/2003/download/pub\\_blicazioni/Liberia/Liberia\\_sexual\\_exploitation\\_edited\\_LB.pdf](http://www.savethechildren.it/2003/download/pub_blicazioni/Liberia/Liberia_sexual_exploitation_edited_LB.pdf).

<sup>2209</sup> U.S. Department of State, "Liberia," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>2210</sup> *Ibid.*

<sup>2211</sup> U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2e.

<sup>2212</sup> Government of Liberia, *Labor Law (Title 18 and 18A)*, section 74.

<sup>2213</sup> *Ibid.*, 1506, para 11. See also U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2a.

<sup>2214</sup> Government of Liberia, *Constitution of the Republic of Liberia*, (January 6, 1986), article 12; available from [http://www.moj.gov.lr/constitution\\_of\\_liberia\\_pdf.pdf](http://www.moj.gov.lr/constitution_of_liberia_pdf.pdf).

<sup>2215</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Liberia."

<sup>2216</sup> The Protection Project, "Human Rights Reports of Africa: Liberia" [online] 2008 [cited April 6, 2009]; available from [http://www.protectionproject.org/human\\_rights\\_reports/report\\_documents/liberia.doc](http://www.protectionproject.org/human_rights_reports/report_documents/liberia.doc).

<sup>2217</sup> Coalition to Stop the Use of Child Soldiers, "Liberia," in *Child Solidiers Global Report 2004*, London,

2004; available from <http://www.child-soldiers.org/regions/country?id=120>.

<sup>2218</sup> Coalition to Stop the Use of Child Soldiers, "Liberia," in *Child Solidiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=120>.

<sup>2219</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>2220</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-7.

<sup>2221</sup> U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2b. See also U.S. Department of State, "Country Reports- 2008: Liberia," section 6d.

<sup>2222</sup> Government of Liberia, *Poverty Reduction Strategy*, International Monetary Fund, Washington, DC, July 2008, 185-187; available from <http://www.imf.org/external/pubs/ft/scr/2008/cr08219.pdf>.

<sup>2223</sup> Government of Liberia, *An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia*, (May 12, 2005), article IV (4a-4e), article VII (26h-26g); available from <https://www.trcofliberia.org/scholarly-resources/documents/an-act-establishing-the-truth-and-reconciliation-commission-trc-of-liberia>. See also Truth and Reconciliation Commission (TRC) of Liberia, *TRC Extends Duration of Public Hearings*, [online] 2009 [cited February 2, 2009]; available from <https://www.trcofliberia.org/news-1/press-releases/trc-extends-duration-of-public-hearings>.

<sup>2224</sup> U.S. Embassy- Monrovia, *reporting, January 20, 2009*, para 2c. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Liberia."

<sup>2225</sup> International Rescue Committee, *Countering Youth and Child Labour Through Education (CYCLE)*, 19-20.

<sup>2226</sup> IOM, "Managing Migration and Combating Human Trafficking in Liberia" [online] March 24, 2009 [cited April 6, 2009]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce?entryId=24125>.

# Macedonia

## *Selected Statistics and Indicators on Child Labor<sup>2227</sup>*

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	18
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	97.9
Net primary enrollment rate (%), 2005:	91.8
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	11/17/1991
ILO Convention 182:	5/30/2002
CRC:	12/2/1993**
CRCOPAC:	1/12/2004
CRCOPSC:	10/17/2003
Palermo:	1/12/2005
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Succession

### **Incidence and Nature of Child Labor**

Children work on the streets in Macedonia begging and performing minor services such as selling cigarettes and other small items. These activities also occur in bars or restaurants, sometimes at night.<sup>2228</sup> Children also work in the informal sector on family farms, usually outside school hours.<sup>2229</sup> Street children are predominantly of the Roma minority ethnic group but also include ethnic Albanians, Turks, and Macedonians.<sup>2230</sup> Roma children are organized into groups to beg for money at busy intersections, on street corners, and in restaurants.<sup>2231</sup>

Children are trafficked for sexual exploitation.<sup>2232</sup> Girls from socially and economically vulnerable families in Macedonia are at the highest risk of becoming victims.<sup>2233</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years. The employment of minors in work that is harmful to their health and morals is prohibited.<sup>2234</sup> Minors are further prohibited from working overtime, working at night between 10 p.m. and 6 a.m., or performing physically demanding work. Minors are also not permitted to work underground in mines or underwater.<sup>2235</sup> The law allows children to work in film or advertisements with parental consent and after a Ministry inspection of the workplace. Additionally, children 14 years of age can work as apprentices or in vocational education programs if the work is part of an official education program.<sup>2236</sup> Employers who illegally employ minors may face a fine.<sup>2237</sup>

Forced labor is prohibited by the Constitution.<sup>2238</sup> Individuals under 18 years are prohibited from serving in the Armed Forces.<sup>2239</sup> Trafficking in persons is also prohibited.<sup>2240</sup> The law establishes a minimum prison sentence of 5 years for trafficking of children. The law also specifies a minimum sentence of 8 years for a person convicted of trafficking or complicity in trafficking of children for the purpose of sexual exploitation.<sup>2241</sup>

Penalties for making a profit from child prostitution range from 3 to 5 years of imprisonment while penalties for mediating child prostitution range from 5 to 10 years of imprisonment.<sup>2242</sup> However USDOS reports that using minors for prostitution is punishable as trafficking.<sup>2243</sup>

Enforcement of laws regulating the employment of children is the responsibility of the Ministry of Labor and Social Policy. According to USDOS, although a legal framework is in place, there has



been weak implementation of child labor laws and policies.<sup>2244</sup>

Trafficking enforcement efforts were led by the Ministry of the Interior, and victim protection was headed by the Ministry of Labor and Social Policy.<sup>2245</sup> The Government of Macedonia increased the number of trafficking cases prosecuted in 2008 to 57 cases, up from 55 cases in 2007.<sup>2246</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Macedonia has created a National Action Plan for the Rights of Children that includes strategies to address the worst forms of child labor.<sup>2247</sup> The Government in conjunction with UNICEF has published an Action Plan to Combat Trafficking of Children in the Republic of Macedonia 2009-2012.<sup>2248</sup>

The Government funds two centers in Skopje that provided services to street children.<sup>2249</sup> The Ministry of Labor and Social Welfare assumed responsibility for some services in trafficking shelters previously provided by NGOs. The Government created a national database for trafficking victims, which bridges social welfare centers, the Ministry of Social Welfare, and the Ministry of the Interior in order to better track and identify trafficking victims.<sup>2250</sup> From May to August 2008, a nationwide trafficking awareness survey was conducted by the Ministry of the Interior, which identified a lack of awareness in high risk communities. The Government held special victim awareness training in many high-risk communities as well as awareness seminars for the media on its role on combating trafficking.<sup>2251</sup> The Government provided financial and personnel support to NGOs as part of its anti-trafficking plan developed to raise awareness and provided anti-trafficking training to its armed services stationed abroad.<sup>2252</sup>

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<sup>2227</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Macedonia, *Constitution of Macedonia, 1991*,

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(November 17, 1991), article 42; available from [http://www.oefre.unibe.ch/law/icl/mk00000\\_.html](http://www.oefre.unibe.ch/law/icl/mk00000_.html). For age to which education is compulsory, see U.S. Department of State, "Macedonia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119091.htm>. For free public education, see Government of Macedonia, *Constitution*, article 44. See also U.S. Department of State, "Macedonia," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/index.htm>.

<sup>2228</sup> Divna Lakinska, *Assessment of Policies, Situation and Programmes for Children on the Streets in Macedonia*, Skopje, June 2005, 25 and 103; available from [www.unicef.org/tfymacedonia/STREET\\_CHILDREN\\_STUDY\\_2005.doc](http://www.unicef.org/tfymacedonia/STREET_CHILDREN_STUDY_2005.doc) See also U.S. Department of State, "Country Reports- 2008: Macedonia," section 6d.

<sup>2229</sup> U.S. Embassy- Skopje, *reporting*, August 26, 2005.

<sup>2230</sup> Divna Lakinska, *Assessment of Policies, Situation and Programmes*, 45.

<sup>2231</sup> U.S. Department of State, "Country Reports- 2008: Macedonia," section 5.

<sup>2232</sup> *Ibid.*, section 6c.

<sup>2233</sup> U.S. Embassy- Skopje, *reporting*, February 25, 2008.

<sup>2234</sup> Government of Macedonia, *Constitution*, article 42.

<sup>2235</sup> Government of Macedonia, *Labor Relations Act: Macedonia*, (December 27, 1993), sections 7, 63, 66, 67; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/47727/65084/E93MKD02.htm>.

<sup>2236</sup> U.S. Embassy- Skopje, *reporting*, August 26, 2005.

<sup>2237</sup> *Ibid.*

<sup>2238</sup> Government of Macedonia, *Constitution*, article 11.

<sup>2239</sup> Coalition to Stop the Use of Child Soldiers, "Macedonia," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>2240</sup> U.S. Department of State, "Country Reports- 2008: Macedonia," section 5.

<sup>2241</sup> Advocates for Human Rights, *Stop Violence Against Women: The Former Yugoslav Republic of Macedonia* [online] November 24, 2008 [cited July 29, 2009]; available from <http://www.stopvaw.org/Macedonia.html>.

<sup>2242</sup> S.K.Delevska, *Macedonian Criminal Code undergoes changes*, [online] November 11, 2008 [cited July 29, 2009]; available from [http://www.canee.net/macedonia/vest\\_macedonian\\_criminal\\_code\\_undergoes\\_changes](http://www.canee.net/macedonia/vest_macedonian_criminal_code_undergoes_changes).

<sup>2243</sup> U.S. Embassy- Skopje, *reporting*, February 25, 2008.

<sup>2244</sup> U.S. Department of State, "Country Reports- 2008: Macedonia," section 6d.

<sup>2245</sup> U.S. Department of State, "Country Reports- 2007: Macedonia," section 5.

<sup>2246</sup> U.S. Department of State, "Country Reports- 2008: Macedonia," section 5. See also U.S. Embassy- Skopje, *reporting, February 25, 2008*.

<sup>2247</sup> U.S. Embassy-- Skopje, *reporting, December 27, 2007*.

<sup>2248</sup> Government of Macedonia and UNICEF. *Action Plan to Combat Trafficking in Children in the Republic of Macedonia 2009-2012*. April 2009; available from

[http://www.unicef.org/tfymacedonia/NAP\\_Children\\_April\\_09\\_-\\_ENG.pdf](http://www.unicef.org/tfymacedonia/NAP_Children_April_09_-_ENG.pdf).

<sup>2249</sup> U.S. Department of State, "Country Reports- 2008: Macedonia," section 6d.

<sup>2250</sup> U.S. Embassy- Skopje, *reporting, November 18, 2008*.

<sup>2251</sup> Ibid.

<sup>2252</sup> U.S. Department of State, "Country Reports- 2008: Macedonia," section 5.

## Madagascar

### *Selected Statistics and Indicators on Child Labor*<sup>2253</sup>

Population, children, 6-14 years, 2001:	3,728,808
Working children, 6-14 years (%), 2001:	24.3
Working boys, 6-14 years (%), 2001:	24.8
Working girls, 6-14 years (%), 2001:	23.7
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	14
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	141.4
Net primary enrollment rate (%), 2007:	98.5
School attendance, children 6-14 years (%), 2001:	65.6
Survival rate to grade 5 (%), 2006:	42.3
ILO Convention 138:	5/31/2000
ILO Convention 182:	10/4/2001
CRC:	3/19/1991
CRCOPAC:	9/22/2004
CRCOPSC:	9/22/2004
Palermo:	9/15/2005
ILO-IPEC participating country:	Yes

### **Incidence and Nature of Child Labor**

In rural areas of Madagascar, children work in agriculture on family subsistence farms and sisal plantations. Children also perform tasks such as

fruit tree picking and cattle herding.<sup>2254</sup> In coastal areas, children work in fishing, deep sea diving, and the shrimp industry.<sup>2255</sup> In the informal sector, children work in bars and restaurants; petty trading; welding and mechanical work; transporting goods by rickshaw; and begging.<sup>2256</sup> Children in the areas of Diego Suarez, Majunga and Manakara work for traveling vendors by loading and selling merchandise.<sup>2257</sup> Children are sent from the South East and Upper Center zones to the cities to work as domestic laborers.<sup>2258</sup>

The 2007-2008 ILO-IPEC lead survey supported by the Government of Madagascar and UNICEF and implemented by the National Bureau of Statistics of Madagascar was published in 2008. The survey report indicates that the majority of children (85 percent) work in rural areas and in agriculture.<sup>2259</sup> The greatest proportion of working children are found in the regions of Vakinankaratra, Betsiboka, Melaky, d'Ihorombe and Amoron'i Mania. The study also found an estimated 90,000 children, many girls, working in the domestic service sector.<sup>2260</sup> In addition, of the children engaged in labor, the study found an estimated 430,000 children (or 23 percent) engaged in the worst forms of child labor. Many of the children engaged in the worst forms of child labor work in hazardous labor in stone quarries and mines.<sup>2261</sup> As of writing, data were not available to UCW for analysis for use in this report. For information on data used in this report, please see the Data Sources and Definitions section.<sup>2262</sup>

Children are involved in mining precious and semi-precious stones (e.g., sapphires) and in informal-sector work in and around the mines, particularly in the town of Ilakaka; most of this work is performed alongside their families. Children also engage in salt mining and production in Tulear; work in granite mines near Antananarivo; and work in stone quarries, working long hours performing tasks such as breaking and carrying baskets full of stones.<sup>2263</sup> These children do not wear protective gear and as a result, suffer serious physical ailments.<sup>2264</sup>

Girls are engaged in commercial sexual exploitation, mostly in urban areas, including Antananarivo, Tulear, Ilakaka, and Sakaraha.<sup>2265</sup> In addition, according to USDOS, child sex tourism is a growing problem in Antananarivo and small coastal of Tamatave, Nosy Be, and Diego Suarez. While victims of child sex tourism are commonly girls, boys are exploited as well.<sup>2266</sup>

Madagascar is a source country for internal trafficking of children for sexual exploitation and forced labor. Malagasy children are mostly trafficked from rural to urban areas for forced labor in product vending, prostitution, domestic service, and possibly mines.<sup>2267</sup> Children are reportedly trafficked by a number of different people, including by 'friends,' taxi drivers, and relatives.<sup>2268</sup>

### **Child Labor Laws and Enforcement**

The minimum age for admission to work is 15 years.<sup>2269</sup> Children between 15 and 17 years can 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. In addition, children between 14 and 15 years can perform light work under exceptional circumstances, including when the child has finished school and only with authorization from a labor inspector.<sup>2270</sup> The law prohibits children under 18 years to be employed in work that is immoral, hazardous, or forced.<sup>2271</sup> The law prohibits children from working in the proximity of toxic materials and pesticides.<sup>2272</sup> The law bars children from work in bars, discos, casinos,

mines, and as domestic laborers. The law also prohibits children less than 18 years from performing work at night or in excess of 8 hours a day or 40 hours a week.<sup>2273</sup> The law stipulates the weight a child can carry by gender.<sup>2274</sup> Before children are hired, a medical examination is required.<sup>2275</sup> Violation of the minimum age laws results in a fine and 1 to 3 years of imprisonment.<sup>2276</sup>

The law prohibits the production and dissemination of pornographic materials.<sup>2277</sup> The use of children in pornography is punishable by 2 to 5 years of imprisonment and a fine, with increased penalties of 3 to 10 years of imprisonment and a higher fine if the child is under 15 years.<sup>2278</sup> In addition, forced labor, commercial sexual exploitation, and trafficking of children are forbidden by law.<sup>2279</sup> Commercial sexual exploitation of children under 15 years that includes sex tourism or trafficking is punishable by forced labor for life. The law also allows for extradition of Malagasy nationals and persons charged with trafficking in other countries.<sup>2280</sup> The minimum age for voluntary and compulsory military service under Malagasy law is 18 years.<sup>2281</sup>

The Ministry of Civil Services and Labor is charged with enforcing child labor laws and conducting workplace inspections.<sup>2282</sup> The Ministry of Labor has 52 labor inspectors, with an additional 5 labor inspectors specifically for children.<sup>2283</sup> The law requires State Prosecutors to submit cases of child labor violations directly to court judges.<sup>2284</sup> According to USDOS, enforcement of child labor laws in the informal sector was an issue due to budgetary constraints and lack of personnel. The Ministry of Justice is responsible for the enforcement of trafficking laws.<sup>2285</sup> According to USDOS, the Government has made progress in addressing the issue of child sex tourism. For example, the Government reprimanded local Government officials who were involved with child sex tourism; coordinated with governments of other countries to prosecute child trafficking cases; and shut down nightclubs in Nosy Be and Fort Dauphin that allowed children in their establishment.<sup>2286</sup>

## **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

According to USDOS, the military coup and civil unrest in Madagascar negatively impacted the Government's efforts to combat child labor and trafficking during the reporting period.<sup>2287</sup>

Prior to the crisis, the Government of Madagascar with support from ILO-IPEC, developed a Decent Work Program for 2008 to 2012. The Program aims to improve the access of vulnerable groups to employment, as well as the overall productiveness of work through social dialogue and implementation of fundamental labor rights and social protection.<sup>2288</sup> In November 2008, the Government set specific benchmarks for the reduction of child labor, including decreasing the incidence of child labor to 10 percent by 2012.<sup>2289</sup> During the reporting period, four additional Regional Committees to Combat Child Labor were established in the regions of Diana, Analamanga, Anosy, and Haute Matsiatra.<sup>2290</sup> Further, the regions of Diana, Boeny, Atsimo Andrefana, and Atsinanana incorporated child labor in their Regional Development Programs.<sup>2291</sup> The Ministry of Labor expended USD 275,000 on child labor activities in 2008. However, this amount does not include expenditures by other ministries that also implement activities to combat child labor.<sup>2292</sup>

The Government of Madagascar continued to implement its 15-year national action plan to combat the worst forms of child labor.<sup>2293</sup> In September 2008, with support from the USDOJ's International Crime Investigative Training Assistance program, the Government created a "Criminal Analysis Center" that hosts a nationwide information database with the aim of tracking trafficking cases.<sup>2294</sup> In addition, with support from UNICEF, the Government expanded its child protection network to include 65 communes, which handle cases of child labor and trafficking.<sup>2295</sup> The Government participated in the ILO-IPEC supported training of the child protection network in Antananarivo on child domestic labor laws.<sup>2296</sup> UNICEF also provided training to the police, social workers, and other groups on how to identify, investigate, and prosecute trafficking cases.<sup>2297</sup>

The Government continued to assist victims of child labor and trafficking through support to rehabilitation centers in Antananarivo, Tulear, and Tamatave.<sup>2298</sup> The Government's financial contribution to these three shelters was over USD 12,689.<sup>2299</sup> In addition, the Government, with support from NGOs, assisted similar centers in Antananarivo and Fianarantsoa that provided counseling to child sex trafficking victims. Overall, assistance was provided to over 105 child victims, which also included support for education, health, and other services.<sup>2300</sup> With support from UNICEF, the Government implemented a child birth registration project to prevent child labor and trafficking.<sup>2301</sup>

During the reporting period, the Government of Madagascar distributed copies of the 2007 Anti-Trafficking and Sex Tourism Law to parliament, police, and other bodies.<sup>2302</sup> The Government continued its campaign against child sexual exploitation, which included awareness-raising messages on child sex tourism on posters and other media.<sup>2303</sup> The Government also continued awareness-raising campaigns on child trafficking, including in high risk areas such as airports, hotels, and health clinics. Messages were aired over the radio and viewed on television.<sup>2304</sup>

In 2008, USDOL awarded a 4-year USD 4.5 million project to the Private Agencies Collaborating Together, to implement the Combating Exploitive Child Labor in Madagascar project. The project aims to contribute to the prevention and elimination of child labor in the sectors of agriculture, commercial sexual exploitation, domestic service, mining, and quarrying.<sup>2305</sup> The project is implemented in Antananarivo, Alaotra Mangoro, Analamanga, Anosy, Atsinanana, Diana, Haute Matsiatra, and Vakinankaratra. The project aims to withdraw a total of 4,500 children and prevent another 4,500 children from exploitive labor.<sup>2306</sup>

The Government of Madagascar is participating in a 4-year USD 4.75 million Timebound Program implemented by ILO-IPEC and funded by USDOL. The Timebound Program aims to combat the worst forms of child labor by withdrawing 3,500 children and preventing an additional 6,500 children from exploitive labor.

The project focuses on the agriculture, domestic work, stone quarrying and mining, and fishing sectors, as well as combating commercial sexual exploitation.<sup>2307</sup> In August 2008, with support from ILO-IPEC, the Government trained labor inspectors on child labor detection.<sup>2308</sup> In addition, with support from ILO-IPEC, the Government continued its partnership with the Malagasy Soccer Federation to raise awareness on child labor, as part of its "red card" to child labor campaign.<sup>2309</sup>

The Government of Madagascar participates in a 2-year USD 400,000 USAID-funded anti-trafficking project in Madagascar.<sup>2310</sup> The Government participates in a 3-year regional project funded by France at USD 4.34 million and implemented by ILO-IPEC. The French-funded project aims to combat the worst forms of child labor in Francophone Africa.<sup>2311</sup> The Government of Madagascar is participating in a 4-year USD 23.8 million project funded by the EU and implemented by ILO-IPEC to combat child labor through education in 11 countries, including Madagascar.<sup>2312</sup> The Government also participated in a 2-year USD 276,476 project funded by UNICEF to combat child labor and trafficking in four regions and ended in October 2008.<sup>2313</sup>

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<sup>2253</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Madagascar, *Labor Code*, Loi no. 2003-044, (June 10, 2004), article 100; available from <http://www.droit-afrique.com/images/textes/Madagascar/Mada%20-%20Code%20du%20travail.pdf>. For age to which education is compulsory, see U.S. Department of State, "Madagascar," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For free public education, see Government of Madagascar, *Constitution*, (August 19, 1992), articles 23 and 24; available from [http://www.oefre.unibe.ch/law/icl/ma00000\\_.html](http://www.oefre.unibe.ch/law/icl/ma00000_.html). See also U.S. Department of State, "Country Reports-2008: Madagascar," section 5.

<sup>2254</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar - IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Project Document, Geneva, August 13, 2004, 5-8. See also U.S. Embassy-Antananarivo, *reporting*, December 3, 2007, para 2e.

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<sup>2255</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 7. See also U.S. Embassy- Antananarivo, *reporting*, December 3, 2007, para 2e.

<sup>2256</sup> U.S. Embassy- Antananarivo, *reporting*, December 3, 2007, para 2e. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 8.

<sup>2257</sup> U.S. Embassy- Antananarivo, *reporting*, February 29, 2008, para 3.7.A-D.

<sup>2258</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 7. See also Office of the High Commissioner on Human Rights, *Mise en oeuvre du Pacte relatif aux Droits Civils et Politiques, La Situation des Droits de l'Homme a Madagascar*, Geneva, March 2007, 31-32; available from [http://www2.ohchr.org/english/bodies/hrc/docs/n-gos/omct\\_madagascar.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/n-gos/omct_madagascar.pdf).

<sup>2259</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar - IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Technical Progress Report, Geneva, March 2009, 2. See also ILO-IPEC, *Enquete Nationale sur le Travail des Enfants a Madagascar*, National Bureau of Statistics and UNICEF, 2008.

<sup>2260</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour*, Technical Progress Report, March 2009, 2. See also ILO-IPEC, *Enquete Nationale sur le Travail des Enfants a Madagascar- 2007*.

<sup>2261</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour*, Technical Progress Report, March 2009, 2. See also ILO-IPEC, *Enquete Nationale sur le Travail des Enfants a Madagascar- 2007*.

<sup>2262</sup> ILO-IPEC, *Enquete Nationale sur le Travail des Enfants a Madagascar- 2007*.

<sup>2263</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 6, 8. See also U.S. Embassy- Antananarivo, *reporting*, December 3, 2007, para 2e. See also U.S. Embassy- Antananarivo, *reporting*, February 29, 2008, 3.27.A-D. See also U.S. Embassy- Antananarivo, *reporting*, June 3, 2008, 2-3. See also Laura Tilghman, Merrill Baker, and Salley DeLeon, *Artisanal Sapphire Mining in Madagascar: Environmental and Social Impacts*, University of Vermont, Burlington, November 2007; available from [http://www.uvm.edu/envnr/gemecology/assets/Tilghman\\_et\\_al\\_Madagascar\\_2005.pdf](http://www.uvm.edu/envnr/gemecology/assets/Tilghman_et_al_Madagascar_2005.pdf). See also International Trade Union Confederation, *Les Normes Fondamentales du Travail Reconnues Internationalement a Madagascar*, April 2008, 7; available from <http://www.ituc-csi.org/IMG/pdf/MADAGASCAR.final.FR.pdf>. See also ILO-IPEC, *Child Labour in Stone Quarrying: the Problem*, Geneva, June 2006, 2; available from <http://www.ilo.org/>.

<sup>2264</sup> U.S. Embassy- Antananarivo, *reporting*, June 3, 2008, para 3. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar*, Project Document, 6, 8.

<sup>2265</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 6. See also U.S. Department of State, "Madagascar (Tier 1)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>. See also U.S. Embassy - Antananarivo, *reporting*, March 3, 2009, para 23b.

<sup>2266</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Project Document*, 6. See also U.S. Department of State, "Trafficking in Persons Report-2008: Madagascar." See also U.S. Embassy - Antananarivo, *reporting*, March 3, 2009, para 23b.

<sup>2267</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar."

<sup>2268</sup> U.S. Department of State, "Country Reports- 2008: Madagascar," section 5.

<sup>2269</sup> Government of Madagascar, *Labor Code*, article 100.

<sup>2270</sup> Government of Madagascar, *Decret N 2007 - 563*, (July 3, 2007), articles 2- 3.

<sup>2271</sup> Government of Madagascar, *Labor Code*, articles 16, 22, 101. See also Government of Madagascar, *Decret N 2007 - 563*, articles 10, 12.

<sup>2272</sup> Government of Madagascar, *Decret N 2007 - 563*, articles 8, 19.

<sup>2273</sup> Government of Madagascar, *Labor Code*, articles 16, 22, 101. See also Government of Madagascar, *Decret N 2007 - 563*, articles 10, 12.

<sup>2274</sup> Government of Madagascar, *Decret N 2007 - 563*, articles 8, 19.

<sup>2275</sup> *Ibid.*, article 9.

<sup>2276</sup> Government of Madagascar, *Labor Code*, article 261.

<sup>2277</sup> Government of Madagascar, *Decret N 2007 - 563*, article 13 and 15.

<sup>2278</sup> Government of Madagascar, *Code Penal*, (June 17, 1972), article 346-347; available from <http://droit.francophonie.org/df-web/publication.do?publicationId=2485&sidebar=true>.

<sup>2279</sup> Government of Madagascar, *Decret N 2007 - 563*, article 13 and 15.

<sup>2280</sup> Government of Madagascar, *Modifying and Completing Some Provisions of the Penal Code on the Fight Against Trafficking in Persons and Sexual Tourism*, Law No.2007-038, (January 14, 2008), chapter II, articles 6-8.

<sup>2281</sup> U.S. Embassy- Antananarivo official, E-mail communication to USDOL official, April 8, 2008. See also Central Intelligence Agency, *The World Factbook: Field Listing - Military Service Age and Obligation*, [online] December 4, 2008 [cited December 15, 2008]; 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 Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

<sup>2282</sup> U.S. Department of State, "Country Reports- 2008: Madagascar," section 6d.

<sup>2283</sup> Government of Madagascar, *Informations sur le Travail des Enfants*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Antananarivo, January 26, 2009, 2, 4.

<sup>2284</sup> ILO Committee of Experts, *Individual Observation, Labour Inspection (Agriculture) Convention, 1969 (No. 129) Madagascar (ratification: 1971)*, [online] 2007 [cited December 15, 2008], para 4; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

<sup>2285</sup> U.S. Department of State, "Country Reports- 2008: Madagascar," section 5 and 6d.

<sup>2286</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar."

<sup>2287</sup> U.S. Department of State official, E-mail communication to USDOL official, April 3, 2009. See also U.S. Embassy- Antananarivo, *reporting*, March 24, 2009.

<sup>2288</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour, Technical Progress Report, March 2009*, 6.

<sup>2289</sup> *Ibid.*, 2.

<sup>2290</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar - IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Technical Progress Report, Geneva, September 2008, 9.

<sup>2291</sup> U.S. Embassy- Antananarivo, *reporting*, February 2, 2009, section D.

<sup>2292</sup> *Ibid.*, section B.

<sup>2293</sup> U.S. Department of State, "Country Reports- 2008: Madagascar," section 6d.

<sup>2294</sup> U.S. Embassy - Antananarivo, *reporting*, March 3, 2009, para 23a and 24d.

<sup>2295</sup> U.S. Department of State, "Country Reports- 2008: Madagascar," section 5. See also U.S. Embassy - Antananarivo, *reporting*, March 3, 2009, section 26a.

<sup>2296</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour, September 2008 Technical Progress Report*, 5-6.

<sup>2297</sup> U.S. Embassy - Antananarivo, *reporting*, March 3, 2009, para 26k.

<sup>2298</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar."

<sup>2299</sup> Government of Madagascar, *Reply to FRN, January 26, 2009*, 2.

<sup>2300</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar."

<sup>2301</sup> U.S. Embassy- Antananarivo, *reporting*, February 2, 2009, section D. See also U.S. Department of State, "Country Reports- 2008: Madagascar," section 5.

<sup>2302</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar."

<sup>2303</sup> U.S. Embassy - Antananarivo, *reporting, March 3, 2009*, section 27a.

<sup>2304</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar." See also Integrated Regional Information Networks, "Madagascar: No Welcome for Sex Tourism", [online], October 7, 2008 [cited October 8, 2008]; available from <http://www.irinnews.org>.

<sup>2305</sup> Private Agencies Collaborating Together (PACT), *Combating Exploitive Child Labor in Madagascar*, Proposal, 2008.

<sup>2306</sup> Ibid.

<sup>2307</sup> Ibid., i, 43, and 45.

<sup>2308</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour, September 2008 Technical Progress Report*, 5-6.

<sup>2309</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar." See also U.S. Department

of State, "Country Reports- 2008: Madagascar," section 6d.

<sup>2310</sup> USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, Washington, DC, April, 2007, 61; available from [http://pdf.usaid.gov/pdf\\_docs/PDACJ521.pdf](http://pdf.usaid.gov/pdf_docs/PDACJ521.pdf).

<sup>2311</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, April 16, 2009.

<sup>2312</sup> Ibid. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=8511>.

<sup>2313</sup> UNICEF, *Project Report: Fighting Against the Abuse, Exploitation and Trafficking of Malagasy Children*, Antananarivo, March 2008, 2-3.

## Malawi

### Incidence and Nature of Child Labor

In Malawi, children work in the agriculture, industrial, and service sectors.<sup>2314</sup> In agriculture, children work on smallholder farms, including commercial tea and tobacco farms.<sup>2315</sup> Some children are engaged in forced and bonded labor on tobacco plantations, alongside their families.<sup>2316</sup>

Children, particularly boys, are found in the cattle herding and fishing industry sectors.<sup>2317</sup> Children also work in the informal sector as street vendors, porters for merchants, and brick makers.<sup>2318</sup>

Children, especially boys, break rocks and haul sand in the construction sector.<sup>2319</sup> Girls work in domestic service for long hours, where they are often unpaid and abused.<sup>2320</sup>

Malawi is a source, destination, and transit country for children trafficked for commercial sexual exploitation, as well as for forced labor. Reports indicate that most trafficking occurs within Malawi and that children are most commonly trafficked for agriculture labor.<sup>2321</sup> Children are trafficked to areas such as Kasungu, Salima, Thyolo, Mulanje, and Chikwawa for labor on tobacco and tea estates.<sup>2322</sup> Boys are trafficked internally for animal herding. Girls are trafficked internally for labor in restaurants and bars, as domestic laborers, and for commercial sexual

exploitation.<sup>2323</sup> Some impoverished families resort to selling girls into sexual slavery in the northern region of Malawi, including districts such as Karonga and Chitipa.<sup>2324</sup> Children are also trafficked to the lake shore areas such as Chilumba, Nkhata Bay, Nkhotakota, Monkey Bay, Salima, and Mangochi for sex tourism.<sup>2325</sup>

Children are trafficked along trucking routes in Malawi to South Africa for commercial sexual exploitation.<sup>2326</sup> Malawian children are also trafficked to Zambia and Tanzania for cattle herding.<sup>2327</sup> Boys as young as 9 years are trafficked from Zambia and Mozambique to Malawi by plantation owners and are engaged in hazardous agricultural work.<sup>2328</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years.<sup>2329</sup> Exceptions are made for certain work in vocational technical schools, other training institutions, and homes.<sup>2330</sup> The law also prohibits children between 14 and 18 years from being employed in work that could harm their health, safety, development, education, or morals, or in work that could interfere with their attendance at school or any vocational or training program.<sup>2331</sup> The law protects children under 16 years against

economic exploitation and hazardous work. The law prohibits any treatment, work, or punishment that is harmful to a child's health or physical, mental, spiritual, or social development, and any work that interferes with a child's education.<sup>2332</sup> Employers are required to keep a register of all employees under the age of 18 years.<sup>2333</sup> Violation of the provisions under the Labor Code can result in a fine and 5 years of imprisonment.<sup>2334</sup>

procuring of a person for prostitution or work in a brothel, and involuntary detention for sexual purposes are all prohibited by law.<sup>2338</sup> The minimum age for voluntary recruitment into the military is 18 years, although those younger may enlist with parental consent.<sup>2339</sup>

The Ministry of Labor and the police are responsible for the enforcement of child labor laws and policies.<sup>2340</sup> The Ministry and police investigate complaints and tips through their 150 labor officers. However, according to USDOS, the child labor enforcement efforts of the labor inspectors and police were hindered by the lack of resources.<sup>2341</sup> The Ministry of Women and Child Development is the lead ministry for combating child trafficking.<sup>2342</sup> In addition, the police have 34 support units that focus on managing trafficking cases.<sup>2343</sup> According to USDOS, the Government of Malawi cooperated with the Government of Zambia regarding cross-border child trafficking cases.<sup>2344</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Malawi included an indicator for combating child labor in its 2006 to 2011 Development and Growth Strategy.<sup>2345</sup> The Ministry of Labor budgeted USD 2.47 million for the 2008-2009 fiscal year for its program to combat child labor, which includes labor inspections, community awareness activities, support to families, agricultural tools, money transfers, and education.<sup>2346</sup> The Government and ILO continued to work with businesses to eliminate child labor in sectors such as tea and tobacco.<sup>2347</sup> The Government runs a shelter for child trafficking victims and street children in the nation's capital.<sup>2348</sup> In addition, the Government provides counseling, rehabilitation, and repatriation services to trafficking victims.<sup>2349</sup>

The Government of Malawi provided training on child protection and trafficking to its peacekeepers that were deployed abroad.<sup>2350</sup> The Government also developed a Law Enforcement Training Manual that was designed to teach police and magistrates how to manage child labor cases.<sup>2351</sup> During the reporting period, the Ministry of Labor provided child labor training

<i>Selected Statistics and Indicators on Child Labor</i> <sup>2335</sup>	
Population, children, 5-14 years, 2004:	3,657,292
Working children, 5-14 years (%), 2004:	35.9
Working boys, 5-14 years (%), 2004:	38.0
Working girls, 5-14 years (%), 2004:	34.0
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	Not compulsory
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	116.5
Net primary enrollment rate (%), 2006:	87.0
School attendance, children 5-14 years (%), 2004:	77.0
Survival rate to grade 5 (%), 2004:	43.4
ILO Convention 138:	11/19/1999
ILO Convention 182:	11/19/1999
CRC:	1/2/1991
CRCOPAC:	No
CRCOPSC:	No
Palermo:	3/17/2005
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

The law prohibits slavery and servitude, as well as any forms of bonded, forced, or compulsory labor.<sup>2336</sup> Violators are subject to a monetary fine and 2 years of imprisonment.<sup>2337</sup> The law prohibits the procurement of any girl under 21 years for the purpose of unlawful sexual relations, either in Malawi or elsewhere. Abduction, the



courses to its labor officers, police, social welfare officers, and magistrates.<sup>2352</sup> UNICEF, ILO, the Norwegian Church Aid, and other NGOs provided support for these trainings.<sup>2353</sup> According to USDOS, the Government of Malawi continued its strong efforts to raise public awareness on child labor and trafficking.<sup>2354</sup>

The Government of Malawi participated in a USDOL-funded 3-year USD 2.1 million ILO-IPEC project that ended in December 2008 and withdrew 2,353 and prevented 3,942 children from entering exploitive labor in agriculture and domestic labor.<sup>2355</sup> In addition, the Government of Malawi, in partnership with the Eliminating Child Labor in Tobacco Growing Foundation, continued to implement the Integrated Child Labor Elimination Program. The Program is a 4-year USD 4 million project that aims to reduce child labor through awareness-raising and improving the living conditions of children and their families.<sup>2356</sup>

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<sup>2314</sup> ILO-IPEC, *Malawi: Child Labour Data Country Brief*, Geneva, January, 2008; available from [www.ilo.org/ipecinfor/product/download.do?type=document&id=7802](http://www.ilo.org/ipecinfor/product/download.do?type=document&id=7802).

<sup>2315</sup> J. Oldenzel, G. Otten, and India Committee of the Netherlands, *Sustainabilitea: The Dutch Tea Market and Corporate Social Responsibility*, SOMO, Centers for Research on Multinational Corporations, 2006, page 41; available from <http://www.indianet.nl/sustainabilitea.pdf>. See also U.S. Department of State, "Country Reports- 2008: Malawi," section 6d. See also U.S. Embassy- Lilongwe, *reporting*, January 12, 2009, section 1.

<sup>2316</sup> U.S. Department of State, "Country Reports- 2008: Malawi," sections 5 and 6c.

<sup>2317</sup> U.S. Embassy- Lilongwe, *reporting*, May 30, 2008, para 1.

<sup>2318</sup> Bright B. Sibale and Evans Kachale, *Educational perspectives related to the impact of the HIV/AIDS pandemic on child labour in Malawi*, ILO-IPEC and Centre for Development Management Consulting and Learning Facility, October 2004, 2; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=121>. See also, UNICEF, *Malawi- Real lives*, [online] [cited February 2, 2009]; available from [http://www.unicef.org/infobycountry/malawi\\_2429.html](http://www.unicef.org/infobycountry/malawi_2429.html).

<sup>2319</sup> Kwakwarhi Mwanamai, *Malawi: Poverty afflicts children orphaned by AIDS*, UNICEF, November 5, 2005; available from

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[www.unicef.org/infobycountry/malawi\\_29672.html?q=printme](http://www.unicef.org/infobycountry/malawi_29672.html?q=printme).

<sup>2320</sup> U.S. Department of State, "Country Reports- 2008: Malawi," section 6d. 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/ipecinfor/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/AdvancesVersions/CRC.C.MWI.2.pdf>.

<sup>2321</sup> U.S. Department of State, "Malawi (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>.

<sup>2322</sup> Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 66.

<sup>2323</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Malawi." See also Millenium Center for Research & Development, *Final Report: Child Trafficking in Malawi*, ILO-IPEC, September, 2008, viii, 21.

<sup>2324</sup> Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 130.

<sup>2325</sup> *Ibid.*, 66.

<sup>2326</sup> U.S. Department of State, "Country Reports- 2008: Malawi," section 5. See also Integrated Regional Information Networks, "Southern Africa: Major destination for traffickers in women and children", April 23, 2004 [cited January 23, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=49630>.

<sup>2327</sup> Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 21.

<sup>2328</sup> United Nations Economic and Social Council Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography*, Juan Miguel Petit, *Addendum: Communications to and from Governments*, Geneva, March 27, 2006, 19; available from [http://www.unhchr.ch/html/menu2/2/60chr/summaries/13\\_E.doc](http://www.unhchr.ch/html/menu2/2/60chr/summaries/13_E.doc).

<sup>2329</sup> Government of Malawi, *Employment Act No.6*, article 21.

<sup>2330</sup> *Ibid.*

<sup>2331</sup> *Ibid.*, article 22.

<sup>2332</sup> Government of Malawi, *Constitution of the Republic of Malawi*, chapter IV, article 23.

<sup>2333</sup> Government of Malawi, *Employment Act No.6*, article 23.

<sup>2334</sup> *Ibid.*, article 24.

<sup>2335</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and

ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Malawi, *Employment Act No.6*, (2000), part IV, article 21; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWIo1.htm>. For age to which education is compulsory, see U.S. Department of State, "Malawi," 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/index.htm>. For free public education, see Government of Malawi, *Constitution of the Republic of Malawi*, (2004), chapter 4, article 25; available from <http://www.sdn.org.mw/constitut/dtlindx.html>. See also U.S. Department of State, "Country Reports-2008: Malawi," section 5.

<sup>2336</sup> Government of Malawi, *Constitution of the Republic of Malawi*, article 27. See also, Government of Malawi, *Employment Act No.6*, article 4 (1).

<sup>2337</sup> Government of Malawi, *Employment Act No.6*, article 4 (2).

<sup>2338</sup> Government of Malawi, *Penal Code*, [previously online] 2004], article 140; available from <http://www.protectionproject.org> [hard copy on file].

<sup>2339</sup> 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>.

<sup>2340</sup> U.S. Department of State, "Country Reports- 2008: Malawi," section 6d.

<sup>2341</sup> Ibid.

<sup>2342</sup> U.S. Embassy- Lilongwe, *reporting*, February 13, 2009, section 1.

<sup>2343</sup> Ibid., section 6b.

<sup>2344</sup> Ibid., section 5g.

<sup>2345</sup> U.S. Embassy- Lilongwe, *reporting*, January 12, 2009, section 7.

<sup>2346</sup> Ibid., section 5.

<sup>2347</sup> U.S. Embassy- Lilongwe, *reporting*, May 30, 2008, para 2.

<sup>2348</sup> U.S. Embassy- Lilongwe, *reporting*, January 12, 2009.

<sup>2349</sup> Millenium Center for Research & Development, *Final Report: Child Trafficking in Malawi*, 56. See also U.S. Embassy- Lilongwe, *reporting*, February 13, 2009, section 2.

<sup>2350</sup> UN Committee on the Rights of the Child, *Written Replies by the Government of Malawi 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 Malawi*, CRC/C/MWI/Q/2/Add.1, Geneva, January 9, 2009, section 66; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.MWI.Q.2.Add.1.doc>. See also, U.S. Department of State, "Trafficking in Persons Report- 2008: Malawi."

<sup>2351</sup> U.S. Embassy- Lilongwe, *reporting*, January 12, 2009, section 5.

<sup>2352</sup> Ibid.

<sup>2353</sup> U.S. Embassy- Lilongwe, *reporting*, February 13, 2009, para 5f.

<sup>2354</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Malawi."

<sup>2355</sup> ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Project Document, Geneva, 2005, 2, cover page. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Final Technical Progress Report, Geneva, March 2009, 1 and 26.

<sup>2356</sup> ECLT Foundation, *Quick Facts: ECLT in MALAWI, ICLEP 2*, [[cited February 22, 2009]; available from [http://www.eclt.org/activities/projects/malawi\\_iclep2.html](http://www.eclt.org/activities/projects/malawi_iclep2.html). See also, ECLT Foundation, *Integrated Child Labour Elimination Program, Phase 2*, [May 21, 2007] [cited February 22, 2009]; available from <http://www.eclt.org/filestore/ICLEP2Programme.pdf>. See also, Alain Berthoud, *Response to "Playing with Children's Lives: Big Tobacco in Malawi"*, [online] March 4, 2008 [cited February 23, 2009]; available from <http://www.corpwatch.org/article.php?id=14947>.

## Mali

### Incidence and Nature of Child Labor

In Mali, 60 percent of children in rural areas are economically active, compared with 36 percent of children in urban zones, according to a report prepared by UCW. Most working children are employed in agriculture, including in hazardous activities such as mixing chemicals to prepare

pesticides, spraying pesticides, and carrying heavy loads.<sup>2357</sup> Children, including street children, work within the informal urban sector, in activities such as begging, vending goods, portering, and garbage scavenging.<sup>2358</sup>

Children work in hazardous conditions in garages, workshops, quarries, and gold mines,

which include working underground and being exposed to chemicals such as mercury.<sup>2359</sup> Children, especially girls, work as domestic servants, sometimes suffering physical abuse by their employers; a Government study found that such children are at increased risk of sexual exploitation.<sup>2360</sup> There are also reports of commercial sexual exploitation of children, especially girls, who work as venders in hotels, restaurants, bars, mines and quarries, and near construction fields and transportation hubs such as bus stations. The commercial sexual exploitation of children is particularly prevalent in the capital of Bamako as well as in the regions of Kayes and Sikasso.<sup>2361</sup>

The practice of sending boys, called *talibe*, to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Mali.<sup>2363</sup> While some boys receive lessons, many are forced by their teachers to beg or work in fields and surrender the money that they have earned.<sup>2364</sup> Children as young as 4 years are reported working as *talibes* in Mali and may be punished if they do not remit enough money.<sup>2365</sup> *Talibe* from Mali and from bordering countries, such as Burkina Faso, are also exploited in rice fields where some farmers pay teachers directly for the boys' labor.<sup>2366</sup>

Mali is a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.<sup>2367</sup> Boys have been trafficked within Mali to work in agriculture, gold mining, and begging.<sup>2368</sup> Children have also been trafficked internally to the central regions to work in rice fields.<sup>2369</sup> Likewise, children from other countries, especially Burkina Faso but also Nigeria, Ghana, Guinea, and Senegal, are trafficked for forced labor in rice fields.<sup>2370</sup> Burkinabe children are also trafficked to Mali for the purposes of mining, field work, and domestic servitude.<sup>2371</sup> Boys have also been trafficked to Senegal and Mali for the purposes of forced begging.<sup>2372</sup> Children, especially girls, are trafficked to Guinea to work in domestic service.<sup>2373</sup> Children are trafficked to Côte d'Ivoire to work as domestic servants, in mines, and on plantations, especially on coffee, cotton, and cocoa farms.<sup>2374</sup> Mali is reportedly a transit country for children being trafficked to Europe.<sup>2375</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment and apprenticeship at 14 years.<sup>2376</sup> The Labor Code permits children 12 to 14 years to be employed in light domestic or seasonal work, such as on plantations, with the express authorization and in the presence of their parents or guardians.<sup>2377</sup> However, such children may not be employed for more than 4.5 hours per day or 2 hours per day if they are in school; these children are prohibited from working on Sundays or holidays.<sup>2378</sup> Children under 18 years are prohibited from work that threatens their safety or morals, exceeds 8 hours per day or their

### Selected Statistics and Indicators on Child Labor<sup>2362</sup>

Population, children, 5-14 years, 2005:	3,664,237
Working children, 5-14 years (%), 2005:	65.8
Working boys, 5-14 years (%), 2005:	66.6
Working girls, 5-14 years (%), 2005:	64.9
Working children by sector, 5-14 years (%), 2005:	
- Agriculture	58.2
- Manufacturing	1.9
- Services	39.5
- Other	0.4
Minimum age for work:	14
Compulsory education age:	For 9 years*
Free public education:	Yes**
Gross primary enrollment rate (%), 2007:	83.1
Net primary enrollment rate (%), 2007:	63.0
School attendance, children 5-14 years (%), 2005:	44.8
Survival rate to grade 5 (%), 2005:	81.2
ILO Convention 138:	3/11/2002
ILO Convention 182:	7/14/2000
CRC:	9/20/1990
CRCOPAC:	5/16/2002
CRCOPSC:	5/16/2002***
Palermo:	4/12/2002
ILO-IPEC participating country:	Yes

\*According to the law, children are required to attend 9 years of school

\*\*In practice, must pay for various school expenses

\*\*\*Accession

physical capacity, or occurs at night.<sup>2379</sup> In December 2008, Mali's High Council on Labor approved the updated hazardous labor list for children, which was instituted by the Ministry of Labor.<sup>2380</sup>

The law prohibits forced or obligatory labor.<sup>2381</sup> It also makes child trafficking punishable by 5 to 20 years of imprisonment.<sup>2382</sup> The Government requires that Malian children of under 18 years present travel documentation in an effort to reduce cross-border trafficking.<sup>2383</sup> The Penal Code establishes penalties of fines and prison sentences of up to 20 years for sexual exploitation, abuse, and carnal knowledge of any person under 15 years.<sup>2384</sup> The minimum age for both voluntary recruitment and military conscription is 18 years.<sup>2385</sup>

Mali was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>2386</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>2387</sup>

Inspectors from the Ministry of Employment and Civil Service conduct complaint-based and surprise inspections in the formal sector, but according to USDOS, a lack of resources limits the frequency and effectiveness of monitoring and enforcement of child labor laws.<sup>2388</sup> The Ministry for the Promotion of Women, Children, and Family is the lead ministry coordinating the fight against trafficking.<sup>2389</sup> In March 2008, police intercepted 26 trafficked children in Kita, whose ages ranged from 6 to 17 years.<sup>2390</sup> During 2008, three traffickers were also arrested and then released pending further investigation.<sup>2391</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Mali continues to implement measures aimed against exploitive child labor

from the 2007 Malian Government Plan of Action. To this end, the Ministry of Labor created a National Steering Committee via a decree and worked with this group to update the hazardous labor list.<sup>2392</sup> The National Documentation and Information Center on Women and Children also held a workshop to develop an action plan on the development of protection indicators related to child labor in July 2008.<sup>2393</sup> And, throughout the year, labor inspectors received training on preventing child labor abuses.<sup>2394</sup>

During 2008, the Government provided temporary shelter and protection to trafficking victims at welcome centers in several cities and helped child trafficking victims return to their families.<sup>2395</sup> Malian officials also cooperated with government authorities from Guinea-Bissau to repatriate trafficked children.<sup>2396</sup>

Mali is participating in a USD 3.5 million ILO-IPEC Timebound Preparation project, funded by USDOL, that is working to withdraw 3,000 children and prevent 6,000 children from exploitive work in agriculture, mining, the informal urban sector, domestic service, and commercial sexual exploitation.<sup>2397</sup>

The Government of Mali also participates in a USAID project, for which Phase I was completed in December 2008 and Phase II runs through November 2009. This program is educating families in five villages, as well as truck, bus, and taxi drivers on the methods used by child traffickers.<sup>2398</sup>

Mali is participating in a 3-year USD 4.8 million regional ILO-IPEC project, funded by the Government of France, which runs until December 31, 2009, and includes vocational training and apprenticeship programs.<sup>2399</sup> The Government of Mali is also participating in a 4-year USD 23.8 million project funded by the EU and implemented by ILO-IPEC to combat child labor through education in 11 countries.<sup>2400</sup>

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<sup>2357</sup> UCW, *Comprendre le Travail des Enfants au Mali*, Rome, June 2008, 9, 18, 27. See also M. Traore, "Travail des Enfants: Le Milieu Rural en Ligne de Mire," *L'Essor*, June 14, 2007; available from [http://www.essor.gov.ml/jour/cgi-bin/view\\_article.pl?id=15812](http://www.essor.gov.ml/jour/cgi-bin/view_article.pl?id=15812).

<sup>2358</sup> UCW, *Comprendre le Travail des Enfants au Mali*, 37. See also Integrated Regional Information Networks, "Mali: Children scrape by on scrap", IRINnews.org [online] April 7, 2008 [cited May 5, 2008]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77641>. See also Integrated Regional Information Networks, "MALI: Urbanisation fuelling begging on streets of capital", IRINnews.org [online] January 22, 2008; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=76375>.

<sup>2359</sup> ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, March 3, 2008, 9. See also ILO-IPEC, *Mali Time-Bound Programme, Technical Progress Report, March 2008*, 6. See also ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Project Document, Geneva, September 1, 2006, iii. See also ILO-IPEC, *Child Labour in Gold Mining: The Problem* [online] June 2006; available from <http://www.ilo.org/ipsec/areas/Miningandquarrying/MoreaboutCLinmining/1ang--en/index.htm>.

<sup>2360</sup> UCW, *Comprendre le Travail des Enfants au Mali*, 36. See also U.S. Department of State, "Mali," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100492.htm>. See also Human Rights Watch, *Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers in Guinea*, Volume 19, No.8 (A), New York, June 2007, 37 and 38; available from <http://hrw.org/reports/2007/guinea0607/guinea0607web.pdf>.

<sup>2361</sup> ILO-IPEC, *Programme d'Action pour la Prévention, le Retrait et la Réinsertion Socioprofessionnelle des Enfants Victimes ou à Risque d'Exploitation Sexuelle à des Fins Commerciales*, Technical Progress Report: Annex I, Geneva, September 1, 2007, 13, 14, 18.

<sup>2362</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Mali, *Decret no. 96-178/P-RM portant Application de Diverses Dispositions de la Loi no 92-20 portant Code du travail*, (June 13, 1996), article 187; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44399/65027/F96MLI01.htm>. For age to which education is compulsory, see Government of Mali, *Loi no 02-062/P-RM portant Code de protection de l'enfant*, (June 5, 2002), article 20; available from <http://www.justicemali.org/doc107.htm>. For free public education, see UNESCO, *Education for All Global Monitoring Report 2008*, accessed March 30, 2009, 282; available from <http://www.unesco.org/education/gmr2008/annexes/annex5.pdf>. See also World Bank Group, *Evaluation of the World Bank Assistance to*

*Primary Education in Mali*, Washington, DC, 2007, 24; available from [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/03/27/000090341\\_20070327162259/Rendered/PDF/391530MLI1education1PUBLIC1.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/03/27/000090341_20070327162259/Rendered/PDF/391530MLI1education1PUBLIC1.pdf).

<sup>2363</sup> 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, 4. See also Peter Easton, Mark Peach, Ibrahim Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html>. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999), 1 and 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>.

<sup>2364</sup> IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited January 26, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cac/he/offonce?entryId=12007>. See also U.S. Department of State, "Country Reports- 2007: Mali," section 5.

<sup>2365</sup> M. Hamadou Tolo, *Etude sur la traite des enfants au Mali: Dimensions internes, phenomenes transfrontaliers, role et responsabilites du secteur prive*, Bamako, June 2007, 37.

<sup>2366</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Mali (ratification: 2000)*, [online] 2008 [cited January 16, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Winrock International, *Spotlight on ENDA, Mali*, [online] July 2005 [cited January 26, 2009]; available from <http://circle.winrock.org/news/ml-ENDA.cfm>.

<sup>2367</sup> U.S. Department of State, "Mali (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105658.pdf>. 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, 6.

<sup>2368</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mali." See also U.S. Department of State, "Mali," 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/119012.htm>

<sup>2369</sup> M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 68 and 69. See also ILO-IPEC, *Mali*

*Time-Bound Programme, Technical Progress Report, March 2008*, 9.

<sup>2370</sup> M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 7. See also U.S. Department of State, "Niger (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105658.pdf>.

<sup>2371</sup> U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 69 and 70.

<sup>2372</sup> U.S. Department of State, "Mauritania (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105658.pdf>. See also U.S. Department of State, "Senegal (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>.

<sup>2373</sup> Human Rights Watch, *Bottom of the Ladder*, 36-38. See also U.S. Department of State, "Guinea (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>2374</sup> ILO-IPEC LUTRENA, *La Traite des Enfants Aux Fins D'Exploitation De Leur Travail Dans Les Mines d'Or D'Issia Cote D'Ivoire*, Research Report, Cote D'Ivoire, 2005, 24, 62, 64. See also U.S. Embassy- Bamako, *reporting*, January 7, 2009 - 16:36, para 14. See also U.S. Department of State, "Cote d'Ivoire (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>2375</sup> U.S. Embassy- Bamako, *reporting*, January 7, 2009 - 16:36, para 14. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Cote d'Ivoire."

<sup>2376</sup> Government of Mali, *Loi no 92-020 portant Code du Travail*, (September 23, 1992), article 187; available from <http://www.assemblee-nationale.insti.ml/codesetlois/18-travail.pdf>.

<sup>2377</sup> ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Mali (ratification: 2002)*, [online] 2008 [cited January 16, 2009], article 7; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Government of Mali, *Code du Travail*, article 189: 35-36.

<sup>2378</sup> Government of Mali, *Code du Travail*, article 189: 35-36.

<sup>2379</sup> *Ibid.*, articles D.189-14, D.189-15, D.189-16.

<sup>2380</sup> ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme, Technical Progress Report*, Geneva, March 1, 2009, 11 and 16. See also Government of Mali, *Ministerial Order No. 09/0151/MTFPRE-SG of 04.02.09 completing the list of hazardous labour banned for children under the age of 18*, (December 2008).

<sup>2381</sup> Government of Mali, *Code du Travail*, article 6.

<sup>2382</sup> U.S. Department of State, "Country Reports- 2007: Mali," section 5. See also Government of Mali, *Loi no 61-99 AN-RM du aout 1961*, (August 3, 1961), article 189; available from <http://www.assemblee-nationale.insti.ml/codesetlois/11-codepenal.pdf>.

<sup>2383</sup> Government of Mali, *Déterminant les spécifications techniques du titre de voyage tenant lieu d'autorisation de sortie pour les enfants âgés de zéro à dix-huit ans*, (February 20, 2002).

<sup>2384</sup> Government of Mali, *Code pénal*, articles 180 and 182.

<sup>2385</sup> Government of Mali, *Code de protection de l'enfant*, article 17. See also Coalition to Stop the Use of Child Soldiers, "Mali," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=131>.

<sup>2386</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>2387</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

<sup>2388</sup> U.S. Department of State, "Country Reports- 2008: Mali," section 6d. See also U.S. Embassy- Bamako, *reporting*, January 7, 2009 - 16:36, para 4.

<sup>2389</sup> U.S. Embassy- Bamako, *reporting*, January 7, 2009 - 14:36, para 2. See also U.S. Embassy- Bamako, *reporting*, September 2, 2008.

<sup>2390</sup> U.S. Embassy- Bamako, *reporting*, April 1, 2008.

<sup>2391</sup> U.S. Embassy- Bamako, *reporting*, January 7, 2009 - 16:36.

<sup>2392</sup> *Ibid.*, paras 2 and 10.

<sup>2393</sup> ILO-IPEC, *Mali Time-Bound Programme, Technical Progress Report, March 2008*, 17.

<sup>2394</sup> U.S. Embassy- Bamako, *reporting*, January 7, 2009 - 16:36, para. 5.

<sup>2395</sup> U.S. Department of State, "Country Reports- 2008: Mali," section 5.

<sup>2396</sup> U.S. Embassy- Dakar, *reporting*, March 4, 2008, para 28h. See also U.S. Department of State, "Country Reports- 2008: Mali," section 5.

<sup>2397</sup> ILO-IPEC, *Mali Time-Bound Programme, Project Document*, cover page and 46.

<sup>2398</sup> U.S. Embassy- Bamako, reporting, January 7, 2009 - 16:36, para 8.

<sup>2399</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC official, E-mail communication to USDOL official, February 27, 2008.

<sup>2400</sup> ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=8511>.

See also ILO-IPEC Geneva official, E-mail communication, December 18, 2008.

## Mauritania

### *Selected Statistics and Indicators on Child Labor*<sup>2401</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	103.2
Net primary enrollment rate (%), 2007:	80.4
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2006:	63.7
ILO Convention 138:	12/3/2001
ILO Convention 182:	12/3/2001
CRC:	5/16/1991
CRCOPAC:	No
CRCOPSC:	4/23/2007**
Palermo:	7/22/2005**
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

### **Incidence and Nature of Child Labor**

In rural areas in Mauritania, children frequently work with their families in activities such as farming (e.g., rice, beans, and vegetables), herding (e.g., goats), and fishing. Children also burn wood to produce charcoal.<sup>2402</sup> Children perform a

wide range of urban informal activities in cities such as Nouakchott, Nouadhibou, Kiffa, and Rosso, including domestic labor, street vending, and driving donkey carts to collect garbage and deliver water and construction materials.<sup>2403</sup>

Girls between the ages of 7 and 13 years sell fish, vegetables, and other items in markets and at bus stands, and most work more than 8 hours a day.<sup>2404</sup> Boys between the ages of 14 and 18 years cart and transport people and goods, and many work more than 8 hours a day, 6 days a week.<sup>2405</sup> Boys who work as apprentices to mechanics are as young as 7 years; many of these boys work more than 8 hours a day, 6 days a week. Some boy apprentices are beaten and forced to work for many years by their master.<sup>2406</sup>

Girls, many of whom are between the ages of 7 and 12 years, work as domestic servants in urban households for more than 10 hours a day. Many girls work without pay and some are beaten and sexually abused.<sup>2407</sup> Many domestic servants in Mauritania come from the Senegal River Valley and Assaba and work in Nouakchott.<sup>2408</sup> The USDOS estimates that there are 400 street children.<sup>2409</sup> These children work on the streets in cities such as Nouakchott, Nouadhibou, and Rosso; many are boys around the age of 14 years. Some are former *talibes*. Also, some street children are sexually exploited, including by tourists.<sup>2410</sup>

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Mauritania.<sup>2411</sup> The majority of boy students, or *talibes*, are between the ages of 6 and 10 years and

come from the Pulaar tribes of southern Mauritania.<sup>2412</sup> Many religious leaders, or *marabouts*, provide the boys with lessons. However, some *marabouts* force the *talibes* to beg for more than 12 hours a day without adequate food or shelter.<sup>2413</sup> Some *talibes* suffer severe beatings by their *marabout* if they fail to produce sufficient profit from their begging activities.<sup>2414</sup>

Historically, the practices of slavery and indentured servitude have been utilized in Sahelian communities. In Mauritania, children continue to be exploited in slave-like practices in remote areas of the country, including places where the economy persists on traditional labor and barter arrangements.<sup>2415</sup> These children are engaged in activities such as animal husbandry and herding (e.g., with goats, camels, and other animals).<sup>2416</sup>

Mauritania is a source and destination country for trafficked children.<sup>2417</sup> Reports indicate that children are trafficked within Mauritania for forced labor in agriculture, construction, herding, domestic labor, and fishing.<sup>2418</sup> Specifically, children are trafficked by street gang leaders for selling drugs and stealing; girls for domestic labor and sexual exploitation; and *talibes* for forced begging.<sup>2419</sup> *Talibes* are trafficked from Senegal, Mali, Guinea, and Guinea-Bissau to Mauritania for forced begging.<sup>2420</sup> Girls are trafficked to Mauritania from Senegal and Mali for domestic service.<sup>2421</sup> Reports indicate that Mauritanian girls are also trafficked to the Gulf States for domestic labor and commercial sexual exploitation.<sup>2422</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 14 years. If the child has not completed the 9 years of compulsory education, the minimum working age may be raised.<sup>2423</sup> At 12 years, 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. However, 12-year-olds may not work more than 2 hours a day, with the total combined hours of school and work not to exceed 7 hours a day, and the work must not be harmful to their normal development.<sup>2424</sup> Children under 14 years may not work on Fridays or public holidays, and

children under 16 years are prohibited from night work.<sup>2425</sup> The law also bans children under 18 years from work that is beyond their strength or is likely to harm their safety, health, or morals.<sup>2426</sup> Employers must maintain a registry of employed youths under 18 years, including the hours worked.<sup>2427</sup> Violation of Mauritania's child labor laws may result in a prison sentence of 15 days to 1 month and/or a fine.<sup>2428</sup> In addition, if the child's health or schooling is compromised, the offense is punishable by a fine and 3 months to 1 year imprisonment.<sup>2429</sup>

Mauritanian law defines the worst forms of child labor as all forms of slavery and exploitive work; work exceeding the physical capacity of a child or considered degrading; work connected to trafficking in children; and activities requiring children to handle chemicals or dangerous materials; work on Fridays or holidays; and work outside the country.<sup>2430</sup> If the child is found to be engaged in a worst form of child labor, the punishment is a fine and 3 to 6 months imprisonment.<sup>2431</sup> In addition, the law establishes penalties for sexual exploitation of a child, ranging from fines to imprisonment for 10 years.<sup>2432</sup>

Forced and compulsory labor, as well as enslaving and trafficking in persons are prohibited by law.<sup>2433</sup> The law states that inciting a child to beg is punishable by a fine and imprisonment for 1 to 6 months. Further, the crime of giving authority to another person for a child, where the child is subsequently incited to beg, is punishable by a fine and imprisonment for 8 months.<sup>2434</sup> The penalty for child trafficking is 5 to 10 years imprisonment and a fine.<sup>2435</sup> The minimum age for both voluntary and compulsory recruitment into the military is 18 years.<sup>2436</sup>

The Labor Inspectorate has 30 labor inspectors and shares responsibility for following up on child labor violations. According to USDOS, the Government of Mauritania lacks sufficient resources to enforce child labor laws.<sup>2437</sup> However, according to USDOS, the Government has made some enforcement efforts by establishing courts to pursue trafficking cases and launching a police brigade to investigate child trafficking.<sup>2438</sup>



## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Mauritania continued to participate in a USD 2.7 million program to return and reintegrate child camel jockeys to their home countries, funded by the United Arab Emirates and implemented by UNICEF.<sup>2439</sup> Phase I of the project ended in February of 2009 and assisted 412 children.<sup>2440</sup>

In May 2008, the Government of Mauritania, with support from UNICEF held a child trafficking training for judges and law enforcement officials in an effort to raise awareness on the issue.<sup>2441</sup> In February 2008, the Government funded and implemented a country-wide campaign to raise awareness on slavery and trafficking laws. The Ministry of Justice, Human Rights Commission, and NGOs participated in the awareness-raising campaign.<sup>2442</sup>

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<sup>2401</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Mauritania, *Code du travail*, Loi No. 2004-017, (July 2004), article 153; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.detail?s?p\\_lang=en&p\\_country=MRT&p\\_classification=01.02&p\\_origin=COUNTRY&p\\_sortby=SORTBY\\_COUNTR](http://www.ilo.org/dyn/natlex/natlex_browse.detail?s?p_lang=en&p_country=MRT&p_classification=01.02&p_origin=COUNTRY&p_sortby=SORTBY_COUNTR) Y. For age to which education is compulsory, see Government of Mauritania, *Loi n° 2001-054 du portant obligation de l'enseignement*, (July 19, 2001), article 1. For free public education, see U.S. Department of State, "Mauritania," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>.

<sup>2402</sup> U.S. Department of State, "Country Reports- 2008: Mauritania," section 6d. See also U.S. Embassy-Nouakchott, *reporting, November 30, 2007*, para 11. See also Haimoud Ramdan, *La lutte contre la Précarité des Enfants en Mauritanie*, Université de Nouakchott, n.d., 17. See also Le Quotidien de Nouakchott official, Interview with USDOL consultant, May 15, 2008, 65. See also Maye Haidy, *A Situational Analysis of Commercial Sexual Exploitation of Children in Mauritania*, ECPAT International, March 2003, 6.

<sup>2403</sup> U.S. Department of State, "Country Reports- 2008: Mauritania," section 6d. See also U.S. Embassy-Nouakchott, *reporting, November 30, 2007*, para 11. See also Ministère de la Promotion de la Femme de l'enfant

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et de la Famille official, Interview with USDOL consultant, March 5, 2008, 3. See also Ministère de la Promotion de la Femme de l'enfant et de la Famille official, Interview with USDOL consultant, May 18, 2008, 91. See also Maye Haidy, *A Situational Analysis of Commercial Sexual Exploitation*, 6.

<sup>2404</sup> 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, 14, 17.

<sup>2405</sup> *Ibid.*, 24, 27-28.

<sup>2406</sup> *Ibid.*, 29-30, 33. See also SOS-Esclaves official, Interview with USDOL consultant, May 8, 2008, 13.

<sup>2407</sup> U.S. Department of State, "Country Reports- 2008: Mauritania," section 6d. See also Maye Haidy, *A Situational Analysis of Commercial Sexual Exploitation*, 8. See also Bechir Fall, *Enquete sur le Travail des Enfants et Opportunités d'Insertion a Nouakchott*, 19-20.

<sup>2408</sup> Ministère de la Justice official, Interview with USDOL consultant, May 7, 2008, 27.

<sup>2409</sup> U.S. Department of State, "Country Reports- 2008: Mauritania," section 5.

<sup>2410</sup> Maye Haidy, *A Situational Analysis of Commercial Sexual Exploitation*, 4, 6, 8, 10. See also Haimoud Dr. Ramdan, *La lutte contre la Précarité des Enfants en Mauritanie*, Université de Nouakchott, n.d., 4, 7.

<sup>2411</sup> Peter Easton, Mark Peach, Ibrahima L. Bah, Elhadj B. Doumboula, and Mohammed L. Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html> [hard copy on file]. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>.

<sup>2412</sup> U.S. Embassy- Nouakchott, *reporting*, November 30, 2007, para 13. 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, Comunidad de Madrid, November 2006, 12.

<sup>2413</sup> U.S. Embassy-Nouakchott, *reporting, November 30, 2007*, para 12. See also U.S. Department of State, "Country Reports- 2008: Mauritania," sections 5 and 6d. See also Maye Haidy, *A Situational Analysis of Commercial Sexual Exploitation*, 7-8.

<sup>2414</sup> U.S. Embassy-Nouakchott, *reporting, November 30, 2007*, para 12. See also U.S. Department of State, "Country Reports- 2008: Mauritania," sections 5 and 6d. See also Maye Haidy, *A Situational Analysis of Commercial Sexual Exploitation*, 7-8. See also Ba Samba Hamady, *Rapport Narratif de l'enquête Participative sur la Situation des « almuube »*, 19.

<sup>2415</sup> U.S. Department of State, "Country Reports- 2008: Mauritania," section 6c. See also ILO, *A Global Alliance Against Forced Labor*, Geneva, 2005, 42; available from <http://www.ilo.org>.

<sup>2416</sup> MACRO International Research Consultant, E-mail communication with USDOL consultant, February 17, 2009, 3.

<sup>2417</sup> U.S. Department of State, "Mauritania (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>.

<sup>2418</sup> Ibid. See also Association Enfants Developpement en Mauritanie (AEDM) official, Interview with USDOL consultant, May 12, 2008, 53. See also U.S. Department of State, "Country Reports- 2008: Mauritania," section 5.

<sup>2419</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mauritania."

<sup>2420</sup> Ibid. See also Ba Samba Hamady, *Rapport Narratif de l'enquête Participative sur la Situation des « almuube »*, 12. See also Association Enfants Developpement en Mauritanie (AEDM) official, Interview, AEDM, May 12, 2008, 53.

<sup>2421</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mauritania."

<sup>2422</sup> U.S. Department of State, "Country Reports- 2008: Mauritania," section 5.

<sup>2423</sup> Government of Mauritania, *Code du travail*, article 153. See also Government of Mauritania, *Loi portant obligation de l'enseignement*, article 1.

<sup>2424</sup> Government of Mauritania, *Code du travail*, articles 153 and 154.

<sup>2425</sup> Ibid., articles 155 and 164.

<sup>2426</sup> Ibid., article 247. See also 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.detail?s?p\\_lang=en&p\\_country=MRT&p\\_classification=04&p\\_origin=COUNTRY&p\\_sortby=SORTBY\\_COUNTRY](http://www.ilo.org/dyn/natlex/natlex_browse.detail?s?p_lang=en&p_country=MRT&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY).

<sup>2427</sup> Government of Mauritania, *Code du travail*, article 156.

<sup>2428</sup> Ibid., articles 449-450.

<sup>2429</sup> Government of Mauritania, *Ordonnance 2005-015 portant protection penale de l'enfant*, (December 5, 2005), article 62.

<sup>2430</sup> U.S. Embassy- Nouakchott, *reporting, August 18, 2004*.

<sup>2431</sup> Government of Mauritania, *Protection penale de l'enfant*, article 62.

<sup>2432</sup> Ibid., articles 24-27.

<sup>2433</sup> Government of Mauritania, *Code du travail*, article 5. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Mauritania (ratification: 2001)*, [online] 2005 [cited December 16, 2008]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. 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.

<sup>2434</sup> Government of Mauritania, *Protection penale de l'enfant*, 42.

<sup>2435</sup> ILO Committee of Experts, *Direct Request, C182: Mauritania*. See also Government of Mauritania, *Loi portant incrimination de l'esclavage* article 4.

<sup>2436</sup> 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>.

<sup>2437</sup> U.S. Department of State, "Country Reports- 2008: Mauritania," section 6d.

<sup>2438</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mauritania."

<sup>2439</sup> UNICEF, *Starting Over: Children Return Home from Camel Racing*, 2006, 5-6, 12-13; available from <http://www.unicef.org/infobycountry/files/StartingOver.pdf>. See also UNICEF, *UAE Supports UNICEF in Safe Return of Camel Jockeys to Home Countries*, May 8, 2005; available from [http://www.unicef.org/media/media\\_26692.html](http://www.unicef.org/media/media_26692.html).

See also Prepared by Brahim A. Isselmou UNICEF, "Supporting the Repatriation of Child Camel Jockeys in Mauritania", UNICEF, [online], June 25, 2007 [cited January 21, 2009]; available from [http://www.unicef.org/infobycountry/mauritania\\_40103.html?q=printme](http://www.unicef.org/infobycountry/mauritania_40103.html?q=printme). See also UNICEF official, Interview with USDOL consultant, May 11, 2008, 49. See also Ministère de l'Emploi de l'insertion et de la Formation Professionnelle, Interview with USDOL consultant, May 19, 2008, 87.

<sup>2440</sup> U.S. Embassy- Nouakchott official, e-mail communication to USDOL official, June 29, 2009.

<sup>2441</sup> U.S. Embassy- Nouakchott, *reporting*, February 22, 2009, para 5b.

<sup>2442</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mauritania."

# Mauritius

## *Selected Statistics and Indicators on Child Labor<sup>2443</sup>*

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	101.4
Net primary enrollment rate (%), 2007:	95.4
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2006:	99.0
ILO Convention 138:	7/30/1990
ILO Convention 182:	6/8/2000
CRC:	7/26/1990**
CRCOPAC:	No
CRCOPSC:	No
Palermo:	9/24/2003**
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

### **Incidence and Nature of Child Labor**

In Mauritius, children work in agriculture, commerce, and domestic service. Children also work as informal street traders, shop merchants, household workers, and in small businesses.<sup>2444</sup> Children, especially young girls, are trafficked within Mauritius for the purpose of commercial sexual exploitation.<sup>2445</sup> Some are exploited by prostitution rings.<sup>2446</sup>

### **Child Labor Laws and Enforcement**

The minimum age for employment and apprenticeship in Mauritius is 16 years.<sup>2447</sup> It is illegal to employ young persons under 18 years in activities that are dangerous, harmful to their

health, or otherwise unsuitable, including operating lifting machines; working in confined spaces; working with explosives, asbestos, and heavy metals; and being exposed to ionizing radiation, benzene, and harmful solvents.<sup>2448</sup> In addition, young persons who have not been fully instructed or adequately supervised are prohibited from operating dangerous machinery.<sup>2449</sup> The health and safety of young persons working aboard ships is also provided for by law.<sup>2450</sup> Young persons cannot be required to work more than 10 hours per day or between 6 p.m. and 6 a.m.<sup>2451</sup> Employers found employing a child under 16 years may be imprisoned for up to 1 year and fined.<sup>2452</sup> Cases of child employment can result in the prosecution of employers.<sup>2453</sup>

Child labor laws are enforced, and frequent child labor inspections are conducted by the Ministry of Labor, Industrial Relations, and Employment. USDOS reports that of the 1,050 labor inspections conducted in 2008, four cases of child labor were found and are currently being prosecuted.<sup>2454</sup>

Forced labor and slavery are prohibited.<sup>2455</sup> There is no system of military conscription, and the minimum age for voluntary recruitment is 18 years.<sup>2456</sup> Child pornography and causing, inciting, or allowing any child to engage in prostitution are crimes punishable by imprisonment of up to 8 years, or up to 15 years if the victim is mentally handicapped.<sup>2457</sup> Acting as an accomplice to child prostitution is unlawful, and violators are subject to 2 to 10 years in prison and a fine.<sup>2458</sup> The recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation outside or within Mauritius is prohibited.<sup>2459</sup> These crimes are punishable by up to 15 years of imprisonment.<sup>2460</sup> The Minors Brigade within the police force is dedicated to investigating cases of child prostitution and child trafficking.<sup>2461</sup> The Attorney General's Office and the Office of the Ombudsperson for Children also play an important role in anti-trafficking efforts.<sup>2462</sup> In 2008, investigations were still ongoing for two reported child prostitution cases, for which four people were arrested. USDOS reports that even

with law enforcement officials' efforts, locating and arresting criminals involved in child prostitution remains a challenge because of the illicit nature of this activity.<sup>2463</sup>

During 2008, the Government of Mauritius passed the Judicial Provisions Act, which provides for heavier penalties, including increased fines, and allows for sentencing discretion for a number of offenses, including child trafficking.<sup>2464</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

During 2008, the Government of Mauritius implemented a National Plan of Action to combat the commercial sexual exploitation of children (CSEC).<sup>2465</sup> As part of this plan, the Government is developing CSEC monitoring indicators and empowering the public to protect children against child sexual exploitation.<sup>2466</sup> Local NGOs that educate the public on the issue of commercial sexual exploitation are also funded by the Government.<sup>2467</sup>

To prevent the employment of underage children, the Ministry of Labor developed vocational training programs.<sup>2468</sup> The Ministry of Women's Rights, Child Development and Family Welfare operates a hotline to respond to children in need of immediate support services and administers a Child Watch Network, which detects children at risk and refers them to the appropriate authorities. The Child Development Unit funds a drop-in center, providing counseling, psychological treatment, and educational services for children exploited in the commercial sex industry.<sup>2469</sup> The drop in center promotes its activities through bumper stickers, its toll-free number, and outreach in schools and the wider community.<sup>2470</sup>

The police training school held specialized training courses on trafficking, and the police initiated awareness campaigns for students and school administrators.<sup>2471</sup> The police have held awareness sessions in schools and villages.<sup>2472</sup>

A formal protocol to assist victims of commercial sexual exploitation was established, whereby a child welfare officer accompanies victims when

they give police statements and receive priority treatment at the hospital.<sup>2473</sup>

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<sup>2443</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Mauritius, *Labour Act*, (December 30, 1975), part 2, section 5; available from <http://www.gov.mu/portal/goc/labour/file/labour%20act%20updated.doc>. See also Government of Mauritius, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor." Washington, DC, February 11, 2009, para 1(a). For age to which education is compulsory, see Government of Mauritius, *Education Act*, (December 28, 1957); available from [www.gov.mu/portal/goc/educationsite/file/act2001.pdf](http://www.gov.mu/portal/goc/educationsite/file/act2001.pdf). For free public education, see Ministry of Education and Scientific Research, *The Development of Education: National report of Mauritius*, September 9, 2004, 2; available from <http://www.ibe.unesco.org/International/ICE47/English/Natreps/reports/mauritius.pdf>. See also Government of Mauritius, *Written communication submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008)*, para 4(c).

<sup>2444</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 2. See also U.S. Department of State, "Mauritius," 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/119014.htm>. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Mauritius (ratification: 2000)*, [online] 2006 [cited January 29, 2009], article 4, para 2; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18896&chapter=9&query=Mauritius%40ref&highlight=&querytype=bo ol&context=0>.

<sup>2445</sup> U.S. Embassy- Port Louis, *reporting*, February 24, 2009, para 2C. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Mauritius (ratification 2000)*, 2007, para 2; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?hdroff=1&ctry=1370&conv=C182&Lang=EN#2007>.

<sup>2446</sup> U.S. Embassy- Port Louis, *reporting, January 15, 2009*, para 2. See also ECPAT International, *Report on the Status of Action Against Commercial Sexual Exploitation of Children: Mauritius*, 2007, 11; available from

[http://www.ecpat.net/A4A\\_2005/PDF/AF/Global\\_Monitoring\\_Report-MAURITIUS.pdf](http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-MAURITIUS.pdf).

<sup>2447</sup> Government of Mauritius, *Written communication submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008)*, para 1(a). See also Government of Mauritius, *Labour Act*, part 1, article 2, part 2, article 7.

<sup>2448</sup> Government of Mauritius, *Labour Act*, part 2 and 7(a). See also Government of Mauritius, *The Occupational Safety and Health Act 2005*, (October 28, 2005), articles 8 and 51(6); available from <http://ioshm.intnet.mu/oshact05.pdf>.

<sup>2449</sup> U.S. Embassy- Port Louis, *reporting*, June 2, 2008, para 3. See also Government of Mauritius, *The Occupational Safety and Health Act 2005*, article 51(6).

<sup>2450</sup> Government of Mauritius, *Labour Act*, part I, 2(c), part III, 15 3(a), 12.

<sup>2451</sup> *Ibid.*, part III, 15. See also U.S. Embassy- Port Louis, *reporting*, June 2, 2008, para 3.

<sup>2452</sup> U.S. Department of State, "Country Reports- 2008: Mauritius," section 6c.

<sup>2453</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, paras 5 and 6.

<sup>2454</sup> *Ibid.*, para 5.

<sup>2455</sup> 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/>. See also U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 6.

<sup>2456</sup> Government of Mauritius, *Written communication submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008)*, para 1(b).

<sup>2457</sup> Government of Mauritius, *The Child Protection (Amendment) Act*, No. 34, (December 6, 2005), article 4(a)(i); available from [http://supremecourt.intnet.mu/Entry/dyn/GuestGetDoc.Asp?Doc\\_Idx=2977961&Mode=Html&Search=No](http://supremecourt.intnet.mu/Entry/dyn/GuestGetDoc.Asp?Doc_Idx=2977961&Mode=Html&Search=No). See also U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 6.

<sup>2458</sup> ECPAT International, *Report on the Status of Action*, 19.

<sup>2459</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 6.

<sup>2460</sup> Government of Mauritius, *The Child Protection (Amendment) Act*, article 13. See also ECPAT International, *Report on the Status of Action*, 20.

<sup>2461</sup> Government of Mauritius, *The Mauritius Police Force: Police Family Protection Unit*, [online] January 5 2009 [cited January 28 2009]; available from <http://www.gov.mu/portal/site/police/menuitem.fd3503a43d26d778455084e80fb521ca/>. See also U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 6.

<sup>2462</sup> U.S. Embassy- Port Louis, *reporting*, March 3, 2008, para C.

<sup>2463</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, paras 5 and 6.

<sup>2464</sup> *Ibid.*, para 4. See also Government of Mauritius, *Judicial Provisions Bill (No. XXXV of 2008)- Explanatory Memorandum*, (November 7, 2008); available from <http://www.gov.mu/portal/goc/assemblysite/file/bill3508.pdf>.

<sup>2465</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 7.

<sup>2466</sup> ECPAT International, *Report on the Status of Action*, 13. See also U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 7.

<sup>2467</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 7.

<sup>2468</sup> U.S. Department of State, "Country Reports- 2008: Mauritius," section 6c.

<sup>2469</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para 7.

<sup>2470</sup> U.S. Embassy- Port Louis, *reporting*, February 24, 2009, para. 6A.

<sup>2471</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para K. See also U.S. Embassy- Port Louis, *reporting*, February 24, 2009, para 6A.

<sup>2472</sup> U.S. Embassy- Port Louis, *reporting*, February 24, 2009, para D.

<sup>2473</sup> U.S. Embassy- Port Louis, *reporting*, January 15, 2009, para C.

## Moldova

### Incidence and Nature of Child Labor

Children in Moldova work on family farms or perform other work for their families. A 2007 ILO report notes that two-thirds of rural children worked on farms by age 14 years.<sup>2474</sup> Children also work in factories, theaters, car washes,

carpentry, and the trade and transportation sectors.<sup>2475</sup> Children also sell alcohol and tobacco.<sup>2476</sup> According to the Ministry of Internal Affairs, children also work on the streets.<sup>2477</sup>

Moldova is a country of origin for children trafficked abroad for commercial sexual

exploitation and forced begging.<sup>2478</sup> There are reports of trafficking from and through the separatist region of Transnistria.<sup>2479</sup> Children, mostly girls, are trafficked internally from rural areas to the capital, Chisinau.<sup>2480</sup> A 2006 UNICEF report states that the migration of adults in search of work has left approximately 40,000 children parentless.<sup>2481</sup> These children often do not have proper supervision and are at greater risk of exploitation.<sup>2482</sup>

and 18 years can work a maximum of 35 hours a week and no more than 7 hours a day.<sup>2486</sup> Children are not permitted to work on holidays or weekends.<sup>2487</sup> To be eligible to work, children must pass a medical exam every year, paid for by the employer, until they reach 18 years.<sup>2488</sup> Children are prohibited from working overtime or participating in hazardous work, including work at nightclubs, work involving gambling, or selling tobacco or alcohol.<sup>2489</sup> The Government has approved a list of hazardous work forbidden for children, including: underground work; well drilling; metal work; work demanding “dynamic effort” or psychological exertion; and work which presents risk of injury from machinery, electric shock, extreme temperatures, or chemical or biological agents.<sup>2490</sup>

The Constitution prohibits forced labor and the exploitation of minors.<sup>2491</sup> The law prohibits trafficking in children for labor and sexual exploitation and provides for 10 years to life in prison for trafficking, and 10 to 15 years of imprisonment for using children in the worst forms of child labor (imprisonment may be for life for aggravated circumstances).<sup>2492</sup> The law prohibits child pornography and provides for 1 to 3 years of imprisonment or a fine.<sup>2493</sup>

The minimum age for compulsory military service is 18 years. The minimum age for voluntary military service for trainees is 17 years, though participation in active combat is not permitted until 18 years.<sup>2494</sup> The penalty for involvement of children in armed conflict is 2 to 5 years of imprisonment or a fine.<sup>2495</sup>

The law permits vulnerable youth from 16 to 18 years (including those living in residential institutions, orphans, children from single parent families, and victims of trafficking) to receive unemployment benefits and vocational training.<sup>2496</sup>

The Labor Inspection Office (LIO) is responsible for enforcing all labor laws, including those pertaining to child labor.<sup>2497</sup> The LIO employs 123 staff, including 93 inspectors.<sup>2498</sup> In 2008, the LIO uncovered 184 cases of child labor law violations. Violations included improper documentation; selling alcohol and tobacco; working without a

*Selected Statistics and Indicators  
on Child Labor*<sup>2483</sup>

Population, children, 5-14 years, 2000:	712,734
Working children, 5-14 years (%), 2000:	30.1
Working boys, 5-14 years (%), 2000:	31.2
Working girls, 5-14 years (%), 2000:	28.9
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	18
Compulsory education age:	9th grade
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	89.2
Net primary enrollment rate (%), 2007:	83.3
School attendance, children 5-14 years (%), 2000:	82.2
Survival rate to grade 5 (%):	-
ILO Convention 138:	9/21/1999
ILO Convention 182:	6/14/2002
CRC:	1/26/1993*
CRCOPAC:	4/7/2004
CRCOPSC:	4/12/2007
Palermo:	9/16/2005
ILO-IPEC participating country:	Yes

\*Accession

**Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 16 years.<sup>2484</sup> In certain cases, children who are 15 years of age can work with parental or legal authorization if the work will not interfere with their education, health, or development.<sup>2485</sup> Children between 15 and 16 years are allowed to work a maximum of 24 hours a week and no more than 5 hours a day. Children between 16

medical exam; and working at night, on weekends, or during holidays. Of these, 19 cases resulted in administrative sanctions.<sup>2499</sup> Four work accidents involving children were registered in 2008.<sup>2500</sup> The law permits child labor inspections for both legally registered workplaces and of persons, thus covering informal worksites. Inspectors are also allowed to seek assistance from local public administrators to withdraw licenses of employers who repeatedly neglect labor inspection recommendations.<sup>2501</sup> There is a Child Labor Unit within the LIO that includes two persons and is responsible for developing, implementing, and monitoring national action to combat the worst forms of child labor.<sup>2502</sup> The LIO also maintains a Child Labor Documentation Center.<sup>2503</sup> However, USDOS reports that enforcement efforts have not deterred violations.<sup>2504</sup>

The Center to Combat Trafficking in Persons (CCTIP) is the Moldovan Government's principal anti-trafficking agency, which operates a task force to coordinate the country's law enforcement efforts.<sup>2505</sup> In July 2008, the President appointed a new CCTIP director and increased the staff from 63 to 105 persons; however, according to USDOS, the CCTIP remains insufficiently funded.<sup>2506</sup>

CCTIP operates a hotline for trafficking victims and, in 2008, provided television interviews on anti-trafficking operations and held seminars for high school students, teachers, priests, law enforcement, and local government officials with the help of NGOs and international organizations.<sup>2507</sup>

CCTIP reported 215 trafficking cases in 2008, 31 involving children, though USDOS reports that the actual numbers of trafficking cases are thought to be much higher.<sup>2508</sup> All cases involving children were sent to court, and out of all cases, 58 individuals were sentenced to terms of imprisonment ranging from 7 to 23 years.<sup>2509</sup> In July 2008, a Court of Appeals convicted six members of a trafficking network that operated in Moldova, Turkey, and Ukraine of 21 to 23 years in prison; the victims involved eight children.<sup>2510</sup> USDOS also notes that there are continued reports of government and law enforcement officials' involvement in trafficking, though the

Government increased efforts to address such involvement in 2008.<sup>2511</sup>

The Ministry of Social Protection, Family, and Child is responsible for addressing the social reintegration of children who have been used for criminal activities and are at risk of trafficking.<sup>2512</sup>

The law stipulates Government protection for the victims/witnesses in trafficking cases. USDOS and others report that the law has been inadequately implemented, and there were not sufficient measures to provide for victims' safety.<sup>2513</sup> A national trafficking victims' referral system exists in 19 of 32 districts.<sup>2514</sup> All 32 districts have local anti-trafficking committees.<sup>2515</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In March 2008, the President of Moldova promulgated the Law on the Prevention and Combating Family Violence, which included child labor as a form of economic violence against children.<sup>2516</sup> In the same month, the Government approved the National Action Plan on Combating Trafficking in Persons (2008-2009), which included special provisions for minors, victim protection rehabilitation, and monitoring.<sup>2517</sup> The Government also approved the National Strategy on the Residential Childcare System in Moldova and the National Plan of Action (2008-2012), which aims to reduce the number of children living in orphanages, who are especially vulnerable to trafficking, by promoting alternatives to residential care.<sup>2518</sup> In December 2008, Parliament adopted the Strategy Action Plan of the National Referral System for Protection and Assistance of Victims and Potential Victims of Trafficking to coordinate local, national, and international anti-trafficking efforts.<sup>2519</sup>

In July 2008, the Government established the Center for Assistance and Protection to Victims and Potential Victims of Trafficking in Human Beings and contributed one-quarter of the operating costs.<sup>2520</sup> Also in 2008, the Ministry of Education, Youth, and Sports, in cooperation with other ministries and stakeholders, developed anti-trafficking educational and training programs for teachers, parents, children, and at-risk groups.<sup>2521</sup>

The Government hosted a regional conference aimed at preventing child exploitation, child pornography, and sex tourism.<sup>2522</sup> Topics discussed included the problem of Internet distribution of child pornography and deficiencies in laws that can prevent such exploitation.<sup>2523</sup> With funding from the Ministry of Social Protection, Family, and Child, 580 newly recruited social workers received 8-hour training sessions on the worst forms of child labor and child labor monitoring in 2008. The training was facilitated by UNICEF with assistance from ILO-IPEC.<sup>2524</sup> Further, as part of the Government's Collective Convention on the Elimination of the Worst Forms of Child Labor, the National Employers' Federation of the Agriculture and Food Processing Industry carried out training sessions for employers on child labor laws in 2008.<sup>2525</sup>

The Moldovan Government is participating in a project called Trafficking and other Worst Forms of Child Labor in Central and Eastern Europe (Phase II; 2006-2009), a USD 3.5 million USDOL-funded project implemented by ILO-IPEC. The project, operating in Albania, Bulgaria, Kosovo, Moldova, Romania, and Ukraine, aims to withdraw 1,350 children and prevent 3,150 children from exploitive labor in the region.<sup>2526</sup> The Government participated in a USD 843,215 German Government-funded regional project (Albania, Moldova, Romania, Ukraine) to combat child trafficking that ended in March 2008 and a USD 2.2 million German Government-funded ILO-IPEC project to combat child labor in the Stability Pact countries that ended in June 2008. The Government is currently participating in a USD 250,000 German Government-funded ILO-IPEC regional project (Albania, Moldova, Romania, Ukraine) to combat child trafficking.<sup>2527</sup>

The Government of Moldova participated in a USDOL-funded USD 1.25 million project implemented by Catholic Relief Services that ended in October 2008. The project provided market-based job training, livelihood skills courses, and links to employment opportunities for young women and girls at risk for trafficking.<sup>2528</sup>

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<sup>2474</sup> U.S. Department of State, "Country Reports- 2008: Moldova," section 6d. See also U.S. Embassy-Chisinau, *reporting*, January 23, 2009, 2.

<sup>2475</sup> U.S. Department of State, "Country Reports- 2008: Moldova," section 6d. U.S. Embassy- Chisinau, *reporting*, January 23, 2009, 5.

<sup>2476</sup> U.S. Embassy- Chisinau, *reporting*, January 23, 2009, 5.

<sup>2477</sup> United Nations, *Common Country Assessment*, Chisinau, July 2005, 37; available from [http://www.un.md/key\\_doc\\_pub/doc/CCA\\_Eng\\_la st.pdf](http://www.un.md/key_doc_pub/doc/CCA_Eng_la st.pdf).

<sup>2478</sup> U.S. Department of State, "Country Reports- 2008: Moldova," sections 5 and 6d. See also U.S. Department of State, "Moldova (Tier 3)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105658.pdf>.

<sup>2479</sup> U.S. Department of State, "Country Reports- 2008: Moldova," section 5.

<sup>2480</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Moldova." See also U.S. Department of State, "Country Reports- 2008: Moldova," section 5. See also U.S. Embassy- Chisinau, *reporting*, February 18, 2009, para 11.

<sup>2481</sup> Vladimir Lozinski, *Lack of Jobs in Moldova Leaves Children Without Parental Care*, UNICEF, Rublenita, Moldova, October 17, 2006; available from [http://www.unicef.org/infobycountry/moldova\\_36200.html](http://www.unicef.org/infobycountry/moldova_36200.html).

<sup>2482</sup> PROTECT CEE, *Moldova Country Profile*, [online] 2006 [cited February 2, 2009]; available from [hard copy on file].

<sup>2483</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of the Republic of Moldova, *Labour Code*, (March 28, 2003), article 46; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64896/63849/F1780758090/MDA64896ENG.PDF>. See also U.S. Embassy- Chisinau, *reporting*, November 29, 2007, para 5. See also U.S. Department of State, "Moldova," 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/eur/119093.htm>. For age to which education is compulsory, see U.S. Department of State, "Country Reports- 2008: Moldova," section 5. For free public education, see Government of the Republic of Moldova, *Constitution of the Republic of Moldova*, (1994), article 35; available from <http://www.e-democracy.md/en/legislation/constitution/>. See also U.S. Department of State, "Country Reports- 2008: Moldova," section 5.



<sup>2484</sup> Government of the Republic of Moldova, *Labour Code*, article 46. See also U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 2. See also ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Project Document, Geneva, 2006, 34.

<sup>2485</sup> Government of the Republic of Moldova, *Labour Code*, article 46. See also U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 2.

<sup>2486</sup> Government of the Republic of Moldova, *Labour Code*, articles 96 and 100. See also U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 3.

<sup>2487</sup> Government of the Republic of Moldova, *Labour Code*, articles 109 and 110. See also U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 3.

<sup>2488</sup> Government of the Republic of Moldova, *Labour Code*, article 253. See also U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 3.

<sup>2489</sup> Government of the Republic of Moldova, *Labour Code*, articles 105 and 255. See also U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 3.

<sup>2490</sup> Government of the Republic of Moldova, *Collective Convention No. 8 on Elimination of the Worst Forms of Child Labor*, (July 12, 2007), sections 1-3; available from [http://www.un.md/un\\_ag\\_mol/ILO/Convention\\_en\\_gl\\_12%2007%2007.pdf](http://www.un.md/un_ag_mol/ILO/Convention_en_gl_12%2007%2007.pdf).

<sup>2491</sup> Government of the Republic of Moldova, *Constitution*, articles 44 and 50.

<sup>2492</sup> U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 4 and 5. See also U.S. Department of State, "Country Reports- 2008: Moldova," sections 5 and 6d.

<sup>2493</sup> U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 4.

<sup>2494</sup> Coalition to Stop the Use of Child Soldiers, "Moldova," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=140>.

<sup>2495</sup> U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 5.

<sup>2496</sup> U.S. Embassy- Chisinau, *reporting, February 18, 2009*, para 56.

<sup>2497</sup> U.S. Embassy- Chisinau, *reporting, January 23, 2009*.

<sup>2498</sup> Ibid.

<sup>2499</sup> Ibid., 6.

<sup>2500</sup> Ibid.

<sup>2501</sup> Ibid.

<sup>2502</sup> Ibid. See also U.S. Embassy- Chisinau, *reporting, November 29, 2007*, 7.

<sup>2503</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, August 31, 2007, 12. See also U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 7.

<sup>2504</sup> U.S. Department of State, "Country Reports- 2008: Moldova," section 6d.

<sup>2505</sup> Ibid., section 5. See also U.S. Embassy- Chisinau, *reporting, February 18, 2009*, para 30.

<sup>2506</sup> U.S. Embassy- Chisinau, *reporting, February 18, 2009*, paras 30 and 42.

<sup>2507</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Moldova."

<sup>2508</sup> U.S. Department of State, "Country Reports- 2008: Moldova," section 5.

<sup>2509</sup> U.S. Embassy- Chisinau, *reporting, February 18, 2009*, para 66.

<sup>2510</sup> U.S. Department of State, "Country Reports- 2008: Moldova," section 5.

<sup>2511</sup> Ibid. See also

<sup>2512</sup> ILO-IPEC, *Combating Trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, Technical Progress Report, RER/03/P50/USA, Bucharest, March 2005, 3.

<sup>2513</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Moldova." See also Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe. 2003 Update on Situation and Responses to Trafficking in Human Beings in: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Serbia and Montenegro including the UN Administered Province of Kosovo, the Former Yugoslav Republic of Macedonia, Moldova, and Romania*, [previously online] December 2003 [cited December 6, 2007], 79; available from [hard copy on file].

<sup>2514</sup> U.S. Embassy- Chisinau, *reporting, December 31, 2008*, para 6.

<sup>2515</sup> U.S. Embassy- Chisinau, *reporting, February 18, 2009*, para 137.

<sup>2516</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, August 31, 2008, 13.

<sup>2517</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Moldova."

<sup>2518</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour, Technical Progress Report, August 2007*, 5.

<sup>2519</sup> U.S. Embassy- Chisinau, *reporting, February 18, 2009*, para 106.

<sup>2520</sup> U.S. Embassy- Chisinau, *reporting, January 23, 2009*. See also ILO-IPEC, *Trafficking and other Worst Forms of Child Labour, Technical Progress Report, August 2008*, 6.

<sup>2521</sup> U.S. Embassy- Chisinau, *reporting, February 18, 2009*, para 37.

<sup>2522</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Moldova." See also Government of Moldova, *National Plan for Preventing and Combating Trafficking in Human Beings for 2008-2009*, March 26, 2008. See also ILO-IPEC, *Trafficking and other Worst Forms of Child Labour, Technical Progress Report, August 2008*, 13.

<sup>2523</sup> U.S. Department of State, "Country Reports- 2008: Moldova," section 5.

<sup>2524</sup> U.S. Embassy- Chisinau, *reporting, January 23, 2009*, 7 and 8.

<sup>2525</sup> Ibid., 6 and 7.

<sup>2526</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour, Project Document, 2006*, cover page, 69.

<sup>2527</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 9, 2008.

<sup>2528</sup> Catholic Relief Services, *Moldova Employment and Training Alliance (META)*, Status Report, Chisinau, October 31, 2008.

## Mongolia

### *Selected Statistics and Indicators on Child Labor*<sup>2529</sup>

Population, children, 5-14 years, 2005:	571,782
Working children, 5-14 years (%), 2005:	11.3
Working boys, 5-14 years (%), 2005:	12.9
Working girls, 5-14 years (%), 2005:	9.8
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	99.9
Net primary enrollment rate (%), 2007:	88.8
School attendance, children 5-14 years (%), 2005:	86.9
Survival rate to grade 5 (%), 2006:	84.1
ILO Convention 138:	12/16/2002
ILO Convention 182:	2/26/2001
CRC:	7/5/1990
CRCOPAC:	10/6/2004
CRCOPSC:	6/27/2003
Palermo:	6/27/2008*
ILO-IPEC participating country:	Yes

\*Accession

### **Incidence and Nature of Child Labor**

Children in rural areas of Mongolia herd and tend livestock, collect animal dung for fire, and gather fruit and nuts.<sup>2530</sup> In urban areas, children sort vegetables, wash cars, polish shoes, rag pick, and work as porters.<sup>2531</sup> Children 5 to 17 years are engaged in coal, gold, and fluor spar mining. One third of children working in gold mining work underground.<sup>2532</sup> It has been reported that some

children work with mercury and explosives.<sup>2533</sup> The National Human Rights Commission of Mongolia estimates that there are 40 to 50 horse racing events each year, and at each event, approximately 2,000 children between 6 and 16 years are engaged as jockeys.<sup>2534</sup>

Child prostitution is a problem in Mongolia. Children are trafficked internally for commercial sexual exploitation, as well as for labor exploitation.<sup>2535</sup> Girls are trafficked internationally.<sup>2536</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 16 years, with some exceptions. Children 15 years may work with the permission of a parent or guardian.<sup>2537</sup> Children 14 years of age may work in vocational education programs, with the consent of a parent or guardian and the State central administration responsible for labor issues.<sup>2538</sup> Minors, those under 18 years, may not be employed in any occupation that harms their health or mental development.<sup>2539</sup> Minors also cannot be employed in a job listed on the Government's "List of Jobs Prohibited to Minors." This list was updated in 2008 to include hazardous workplace conditions in both formal and informal sectors.<sup>2540</sup> Children 14 and 15 years may not work more than 30 hours a week, and children 16 and 17 years of age may not work more than 36 hours per week.<sup>2541</sup> Children must pass a medical examination prior to employment. They are prohibited from working under abnormal conditions, overtime, on public holidays, or on weekends.<sup>2542</sup> Employers found to be in violation of these prohibitions will be fined.<sup>2543</sup> Labor inspectorates are in charge of enforcing these prohibitions. USDOS noted that the low number of inspectors and the increasing

number of enterprises resulted in limited enforcement of labor laws.<sup>2544</sup> There are currently 87 labor inspectors countrywide.<sup>2545</sup>

Forced labor is prohibited in the Constitution.<sup>2546</sup> Mongolian law prohibits the use of children in exploitive activities, such as forced labor and begging.<sup>2547</sup> Forcing a child to work is punishable by imprisonment of up to 4 years or a fine.<sup>2548</sup>

The minimum age for military conscription is 18 years.<sup>2549</sup> There are no laws that regulate the activities of children under 18 years at military schools, such as the participation in military practice and use of military techniques.<sup>2550</sup>

Trafficking of a minor for exploitation is punishable by imprisonment of 5 to 10 years; if the victim is trafficked internationally, the prison term increases to 10 to 15 years.<sup>2551</sup> In March 2008, the anti-trafficking provision was amended to allow the prosecution of recruiting, holding, and transporting trafficking victims. As a result, prosecutions and sentencing of offenders increased.<sup>2552</sup>

Production and distribution of pornographic materials involving a person under 16 years are punishable by imprisonment of 1 to 3 months or fines. Inducing a child under 16 years to engage in these crimes is also punishable by imprisonment of 3 to 6 months or a fine; if committed by an organized group, the punishment is imprisonment for up to 5 years.<sup>2553</sup> The crime of inducing a person to engage in prostitution through fraudulent or violent means is punishable by fines or 3 to 6 months of incarceration.<sup>2554</sup> The keeping of a brothel and pimping are punishable by a prison term of up to 3 years or a fine. If the crime is committed by an organized group, the punishment is a prison term of 3 to 5 years.<sup>2555</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Mongolia is implementing the National Program for Child Development and Protection (2002-2010). The objectives of this program include the protection of minors from trafficking and commercial sexual exploitation

and the eradication of worst forms of child labor.<sup>2556</sup> The Mongolian Government is also continuing the National Program on Protection from Trafficking of Children and Women with the Purpose of Sexual Exploitation for 2005-2014. This program aims to establish a legal system for preventing human trafficking and sexual exploitation, increase the community's awareness of these issues, and provide better assistance to victims.<sup>2557</sup> In 2008, a Government's resolution gave local authorities the responsibility of removing children from mining and providing them with social services.<sup>2558</sup> Additionally, the Government adopted the Sub-program for Developing Small-scale Mining, which aims to eliminate child labor in the mining sector by 2015.<sup>2559</sup> The Government Action Plan (2008-2012) was adopted. This plan includes the objectives of ending hazardous child labor, child trafficking, forced labor, child prostitution, and other illegal activities by 2012.<sup>2560</sup>

The Government supported anti-trafficking training for civil servants, such as the police, immigration officials, and border officials. In addition, the Government distributed NGO-sponsored anti-trafficking pamphlets in passports and train tickets.<sup>2561</sup> The Government is also working with IOM on a program to assist with the repatriation of trafficking victims and the provision of counseling and other services.<sup>2562</sup>

In response to the global economic crisis, in January 2009, the Ministry of Social Welfare, the Confederation of Mongolian Trade Unions, and the Mongolian Employers Federation signed a MOU, which creates a social partnership to prevent the use of child labor as a means of cheap labor.<sup>2563</sup>

The Government of Mongolia is implementing a 4-year USDOL-funded USD 2.9 million ILO-IPEC project to support the Government's Timebound Measures through 2009. The project is designed to strengthen the country's ability to take action against the worst forms of child labor, and to develop an area-based intervention model at the local level.<sup>2564</sup> The project aims to withdraw 2,400 children and prevent 2,600 children from the worst forms of child labor through the provision of educational and related services.<sup>2565</sup>

<sup>2529</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Mongolia, *Law on Labour of Mongolia*, (July 1, 1999), article 109; available from <http://www.investmongolia.com/law25.pdf>. For age to which education is compulsory, see U.S. Department of State, "Mongolia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119049.htm>. For free public education, see Government of Mongolia, *Constitution of Mongolia, 1992*, (January 13, 1992), article 16 (7); available from [http://www.servat.unibe.ch/law/icl/mg00000\\_.html](http://www.servat.unibe.ch/law/icl/mg00000_.html).

<sup>2530</sup> ILO-IPEC, *Helping Hands or Shackled Lives? Understanding Child Domestic Labour and Responses to it*, Geneva, 2004, 22; available from [http://www.ilo.org/public/libdoc/ilo/2004/104B09\\_138\\_engl.pdf](http://www.ilo.org/public/libdoc/ilo/2004/104B09_138_engl.pdf). See also ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures 2005*, Project Document, September 30, 2005, 4.

<sup>2531</sup> ILO-IPEC, *Time-Bound Measures, Project Document, September 2005*, 3.

<sup>2532</sup> U.S. Department of State, E-mail communication to USDOL Official, July 6, 2009. See also ILO-IPEC, *Baseline Survey on Child and Adult Workers in Informal Gold and Fluorspar Mining*, Ulaan Baatar, 2006, 8, 37. See also U.S. Department of State, "Mongolia " in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 184; available from <http://www.state.gov/documents/organization/105501.pdf>. See also ILO-IPEC, *Time-Bound Measures, Project Document, September 2005*, 3.

<sup>2533</sup> ILO-IPEC, *Baseline Survey on Child and Adult Workers in Informal Gold and Fluorspar Mining*, 8 and 37. See also ILO-IPEC, *Time-Bound Measures, Project Document, September 2005*, 3. See also U.S. Department of State, E-mail communication, July 6, 2009.

<sup>2534</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Mongolia (ratification: 2001)*, [online] 2006 [cited January 2, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18894&chapter=9&query=%28C29%2C+C105%2C+C138%2C+C182%29+%40ref+%2B+%28Mongolia%29+%40ref+%2B+%23YEAR%3E2000&highlight=&querytype=bool&context=0>.

<sup>2535</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mongolia," 184. See also ILO-IPEC, *Time-Bound Measures, Project Document, September 2005*, 3. See also U.S. Department of State, "Country Reports- 2008: Mongolia," section 5.

<sup>2536</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mongolia," 184.

<sup>2537</sup> Government of Mongolia, *Labor Law of Mongolia*, articles 109.1 and 109.2.

<sup>2538</sup> *Ibid.*, article 109.3.

<sup>2539</sup> *Ibid.*, article 109.4.

<sup>2540</sup> *Ibid.*, article 109.5. See also ILO NATLEX National Labor Law Database, *Order of the Minister for Health and Social Welfare establishing the lists of jobs prohibited to women and minors*, accessed January 2, 2009, 4-12; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/57614/63028/F757012132/MNG57614.PDF>.

See also U.S. Embassy- Ulaanbaatar, *reporting*, January 16, 2009. See also ILO-IPEC, *Support to the Proposed National Sub-programme to Eliminate the Worst Forms of Child Labour: Time-Bound Measures*, Technical Progress Report, Geneva, March 2009, 4.

<sup>2541</sup> Government of Mongolia, *Labor Law of Mongolia*, article 71.1.

<sup>2542</sup> *Ibid.*, articles 110.1-110.3.

<sup>2543</sup> *Ibid.*, article 141.1.6.

<sup>2544</sup> U.S. Department of State, "Country Reports- 2008: Mongolia," section 6d.

<sup>2545</sup> U.S. Embassy- Ulaanbaatar, *reporting, January 16, 2009*.

<sup>2546</sup> Government of Mongolia, *Constitution of Mongolia, 1992*, article 16.4.

<sup>2547</sup> ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Mongolia, Phase II*, Status Report, Geneva, June 16, 2003, annex II, 3.

<sup>2548</sup> Government of Mongolia, *Criminal Code of Mongolia*, (2002), article 121; available from <http://www.unhcr.org/refworld/docid/3ed919fd.html>.

<sup>2549</sup> Coalition to Stop the Use of Child Soldiers, "Mongolia," in *Child Soldiers Global Report 2008*, London, 2008, 236; available from [www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>2550</sup> UN Committee on the Rights of the Child, *Initial Report of Mongolia to the UN Committee on the Rights of the Child Concerning Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, November, 2007, para 14; available from [www.essex.ac.uk/armedcon/story\\_id/000809.doc](http://www.essex.ac.uk/armedcon/story_id/000809.doc).

<sup>2551</sup> U.S. Embassy- Ulaanbaatar, *reporting*, February 21, 2009.

<sup>2552</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mongolia," 184. See also U.S. Embassy- Ulaanbaatar, *reporting, February 21, 2009*.

<sup>2553</sup> Government of Mongolia, *Criminal Code of Mongolia*, article 123.

<sup>2554</sup> *Ibid.*, article 124.1.

<sup>2555</sup> *Ibid.*, articles 124.2 and 124.3.

<sup>2556</sup> Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 18-19, 23; available from <http://www.unicef.org/mongolia/UNICEFNPAEng.pdf>.

<sup>2557</sup> UNICEF, *The Launch of the National Plan of Action on Trafficking and Protection of Children and Women from Commercial Sexual Exploitation*, [online] [cited January 2, 2009]; available from [http://www.unicef.org/mongolia/media\\_3758.html](http://www.unicef.org/mongolia/media_3758.html).

<sup>2558</sup> U.S. Embassy- Ulaanbaatar, *reporting, January 16, 2009*.

<sup>2559</sup> ILO-IPEC, *Time-Bound Measures, Technical Progress Report, March 2009*, 3.

<sup>2560</sup> *Ibid.*, 2.

<sup>2561</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mongolia," 184.

<sup>2562</sup> *Ibid.*, 185.

<sup>2563</sup> ILO-IPEC, *Time-Bound Measures, Technical Progress Report, March 2009*, 3.

<sup>2564</sup> 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 2008, 1.

<sup>2565</sup> ILO-IPEC, *Time-Bound Measures, Project Document, September 2005*, 41.

## Montenegro

### *Selected Statistics and Indicators on Child Labor*<sup>2566</sup>

Population, children, 5-14 years, 2005:	99,990
Working children, 5-14 years (%), 2005:	12.9
Working boys, 5-14 years (%), 2005:	14.6
Working girls, 5-14 years (%), 2005:	11.0
Working children by sector (%), 5-14 years:	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%):	-
Net primary enrollment rate (%):	-
School attendance, children 5-14 years, 2006 (%):	87.7
Survival rate to grade 5 (%):	-
ILO Convention 138:	6/3/2006
ILO Convention 182:	6/3/2006
CRC:	10/23/2006**
CRCOPAC:	5/2/2007**
CRCOPSC:	10/23/2006**
Palermo:	10/23/2006**
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Succession

### **Incidence and Nature of Child Labor**

Children in Montenegro can be found working on family farms. Roma children also work in the informal sector, selling small items or washing car windows; they also are often found begging to assist their families.<sup>2567</sup> Montenegro is primarily a transit country for girls trafficked to Western Europe for the purpose of sexual exploitation.<sup>2568</sup>

### **Child Labor Laws and Enforcement**

The minimum age for employment is 15 years.<sup>2569</sup> Children under 18 years are not permitted to work in jobs that involve particularly difficult physical or dangerous work, overtime and night work, underground work, or underwater work.<sup>2570</sup> The law provides for monetary penalties for violation of these provisions.<sup>2571</sup>

Forced labor is prohibited.<sup>2572</sup> Trafficking in persons is prohibited, and the trafficking of a minor is punishable by 3 to 10 years of imprisonment.<sup>2573</sup> Procuring a minor for prostitution is punishable by 3 months to 5 years of imprisonment, while inciting a minor into prostitution is punishable by 1 to 10 years of imprisonment.<sup>2574</sup> Using children in the production of pornography is punishable by 6 months to 5 years of imprisonment.<sup>2575</sup> The minimum age to volunteer for the Montenegrin military is 18 years.<sup>2576</sup>

The Labor Inspectorate of the Ministry of Labor and Social Welfare is responsible for the enforcement of labor laws, including those protecting children from exploitation in the workplace. The Ministry has 40 inspectors handling labor issues and conducted more than 10,000 labor investigations in 2008; none of these investigations uncovered any child labor infractions.<sup>2577</sup> During the reporting period, Montenegrin police arrested several adults for involvement in organizing child begging rings near Podgorica and coastal towns. The Government's enforcement efforts were generally effective, according to USDOS.<sup>2578</sup>

In 2008, the Government initiated two human trafficking investigations and prosecuted seven individuals on trafficking charges. Convictions and punishments from these cases are unknown.<sup>2579</sup> Police of all ranks were provided anti-trafficking training by the Government but often lacked training in victim identification.<sup>2580</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In December 2008 and January 2009, the National Anti-Trafficking Coordinator hosted six anti-trafficking workshops to improve communication between organizations that deal with trafficking issues. The Government of Montenegro continues to fund a shelter for trafficking victims.<sup>2581</sup>

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<sup>2566</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Montenegro, *Labour Law*, (July 9, 2003), article 10; available from <http://www.gom.cg.yu/files/1176469100.doc>. For age to which education is compulsory, see U.S. Embassy- Podgorica, *reporting*,

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November 29, 2006. For free public education, see Government of Montenegro, *The Constitution of the Republic of Montenegro*, (October 19, 2007), article 75; available from <http://www.legislationline.org/upload/legislations/01/9c/b4b8702679c8b42794267c691488.htm>. See also U.S. Embassy- Podgorica, *reporting*, January 11, 2008.

<sup>2567</sup> U.S. Department of State, "Montenegro," 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/eur/119095.htm>. See also U.S. Embassy- Podgorica, *reporting*, January 13, 2009.

<sup>2568</sup> U.S. Department of State, "Country Reports- 2008: Montenegro," section 5. See also U.S. Embassy- Podgorica, E-mail communication to USDOL official, July 22, 2008.

<sup>2569</sup> Government of Montenegro, *Labour Law*, article 10.

<sup>2570</sup> *Ibid.*, articles 75 and 77.

<sup>2571</sup> *Ibid.*, article 148, paras 5 and 32.

<sup>2572</sup> U.S. Department of State, "Country Reports- 2008: Montenegro," section 6c.

<sup>2573</sup> Government of Montenegro, *Criminal Code of Montenegro*, (June 29, 2006), article 444, sections 1-3; available from <http://www.legislationline.org/legislation.php?tid=1&lid=6221>.

<sup>2574</sup> *Ibid.*, articles 209 and 210.

<sup>2575</sup> *Ibid.*, article 211.

<sup>2576</sup> Coalition to Stop the Use of Child Soldiers, "Montenegro," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>2577</sup> U.S. Embassy- Podgorica, *reporting*, January 13, 2009.

<sup>2578</sup> U.S. Department of State, "Country Reports- 2008: Montenegro," section 6d.

<sup>2579</sup> U.S. Embassy- Podgorica, *reporting*, November 17, 2008.

<sup>2580</sup> U.S. Department of State, "Montenegro (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>2581</sup> U.S. Embassy- Podgorica, *reporting*, December 24, 2008.

## Morocco

<i>Selected Statistics and Indicators on Child Labor<sup>2582</sup></i>	
Population, children, 7-14 years, 1998-1999:	5,226,523
Working children, 7-14 years (%), 1998-1999:	13.2
Working boys, 7-14 years (%), 1998-1999:	13.5
Working girls, 7-14 years (%), 1998-1999:	12.8
Working children by sector, 7-14 years (%)1998-1999:	
- Agriculture	60.6
- Manufacturing	8.2
- Services	10.1
- Other	21.1
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	107.2
Net primary enrollment rate (%), 2007:	88.8
School attendance, children 7-14 years (%), 1998:	71.6
Survival rate to grade 5 (%), 2006:	83.9
ILO Convention 138:	1/6/2000
ILO Convention 182:	1/26/2001
CRC:	6/21/1993
CRCOPAC:	5/22/2002
CRCOPSC:	10/2/2001
Palermo:	No
ILO-IPEC participating country:	Yes

### Incidence and Nature of Child Labor

The majority of working children in Morocco are found on family farms.<sup>2583</sup> Doukala, an agricultural province in the northwest, contains the highest concentration of working children, estimated at 26.1 percent of total children working in the country.<sup>2584</sup> Children in rural areas are reportedly six times more likely to be working than those in urban areas.<sup>2585</sup> Recent inspection visits by the Moroccan Government found that many children work in the construction and carpentry sectors.<sup>2586</sup> Some also work for mechanics.<sup>2587</sup>

There are also children working as artisans, producing textiles and carpets in the industrial sector, and in other light manufacturing activities.<sup>2588</sup> Children also work as junior artisans in the handicraft industry, many of them beginning their work as apprentices before they reach 12 years.<sup>2589</sup> Some Moroccan boys are subject to involuntary servitude as apprentices for mechanics and artisans.<sup>2590</sup> Boys are also subject to forced labor in the construction industry.<sup>2591</sup>

It has been reported that 50,000 children are working as domestic servants in Morocco.<sup>2592</sup> These children are primarily girls, as young as 6 years.<sup>2593</sup> They work long hours and are often subjected to physical and verbal abuse and nonpayment of wages.<sup>2594</sup>

Reports indicate that approximately 7,000 street children live and work in Casablanca, with another 8,000 living in other major cities such as Marrakech, Fes, and Meknes.<sup>2595</sup> Street children in Morocco engage in diverse forms of work including selling cigarettes, begging, shining shoes, and washing cars.<sup>2596</sup> Street children are predominantly boys, though girls have been seen on the street in increasing numbers. These girls are commonly former household maids who have fled abusive employers.<sup>2597</sup> Street children are vulnerable to being forced into illicit activities such as prostitution and selling drugs to collect money for gang leaders.<sup>2598</sup>

The World Bank, ILO, and UNICEF have received official reports of child prostitution in the cities of Agadir, Meknès, Tangier, Marrakech, Fez, and Casablanca.<sup>2599</sup> Former child domestic servants are especially likely to engage in prostitution.<sup>2600</sup> Isolated cases of child pornography have been reported in the country, but the Minister of Human Rights and the Parliamentary Commission on Social Affairs indicate that it goes mostly undetected.<sup>2601</sup> Sex tourism of Moroccan boys and girls is a problem.<sup>2602</sup> Reports indicate that this is especially true in popular tourist sites that attract customers from the Gulf and Europe.<sup>2603</sup>

Morocco is a source country for children trafficked to the Middle East and Europe for sexual exploitation and forced labor.<sup>2604</sup> The internal trafficking of children remains a problem as girls are often forced into involuntary servitude as maids.<sup>2605</sup> Reports from UNICEF and national NGOs indicate that young girls have been recruited from rural villages in the Atlas Mountains to work as maids in cities.<sup>2606</sup> Unofficial reports claim that employees in some hotels have been involved in the transportation of young girls from rural to urban areas for the purpose of commercial sexual exploitation.<sup>2607</sup> Children trafficked internally and abroad for sexual exploitation are usually deceived regarding the type of work that awaits them.<sup>2608</sup> Also, traffickers may seize their travel documents and force them to work until they have paid off travel costs and other alleged expenses.<sup>2609</sup> The Law on the Protection of Children states that persons under 18 years who cannot support themselves economically and whose parents cannot be reached or identified are considered eligible for adoption; adoptive parents are also entitled to a stipend from the Government.<sup>2610</sup> There has been some concern that girls are being adopted at higher rates than boys and that they are then allegedly being forced to work.<sup>2611</sup> In addition, children are also rented out to beg.<sup>2612</sup>

### **Child Labor Laws and Enforcement**

The minimum age for employment in Morocco is 15 years.<sup>2613</sup> The minimum age restriction applies to all sectors but covers only registered enterprises having more than five employees, which means that (non-industrial) farms, grocery shops, artisans' shops, non-formal sector businesses, and family enterprises are not included.<sup>2614</sup> Children under 16 years are prohibited from working more than 10 hours per day, which includes at least a 1-hour break.<sup>2615</sup> Children under 16 years are also not permitted to work between 9 p.m. and 6 a.m. in non-agricultural work, or between 8 p.m. and 5 a.m. in agricultural activities.<sup>2616</sup> The law prohibits employment of children under 18 years in stone quarries or for underground work carried out in mines.<sup>2617</sup> Employers may not permit workers under 18 years to use products, substances, equipment, or machinery deemed potentially hazardous to their health or safety, or permit

minors to perform activities that pose an extreme danger to them, exceed their capacities, or result in a breach of public morals.<sup>2618</sup>

The Ministry of Employment has responsibility for enforcing and implementing child labor laws.<sup>2619</sup> The law provides for fines to be levied against employers who actively recruit children under 15 years.<sup>2620</sup>

Forced or compulsory labor is prohibited by law.<sup>2621</sup> The minimum age for military recruitment is 18 years.<sup>2622</sup> The prostitution of children, child trafficking, and corruption of minors are prohibited under the law. Those found to be involved in or who fail to prevent trafficking, including government officials, are subject to fines and prison sentences of 6 months to 20 years.<sup>2623</sup> Anyone who incites or procures a minor under 18 years for prostitution is subject to a prison sentence of 2 to 5 years and a fine.<sup>2624</sup> Any person who uses violence, threats, or fraud to abduct (or attempt to abduct) a minor under 18 years, or who facilitates the abduction of a minor, may be imprisoned for 5 to 10 years. If the minor is under 12 years, the sentence is doubled.<sup>2625</sup>

The law enables inspectors and police to bring charges against employers of children under 15 years in all sectors, including informal activities.<sup>2626</sup> However, according to USDOS, the informal sector is not closely monitored by labor inspectors due to insufficient resources.<sup>2627</sup> None of the inspectors are exclusively focused on investigating child labor violations, and they lack the authority to inspect private residences for the presence of child domestic servants.<sup>2628</sup> During the first 6 months of 2008, the Ministry of Employment made 94 observations of child labor and issued 29 fines and citations for employing children under 15 years. During the same period, 616 observations were made, and 19 fines were given for illegally employing children between 15 and 18 years.<sup>2629</sup>

The Ministry of the Interior is responsible for implementing and enforcing anti-trafficking activities and regulations. The Government works closely with Spanish authorities to prevent human trafficking across the Strait of Gibraltar.<sup>2630</sup>



## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government is pursuing a National Action Plan to Eliminate Child Labor (2005-2015).<sup>2631</sup> The focus of the national plan includes improving implementation and raising awareness of child labor laws and improving basic education. Sectoral plans target children in agriculture and herding, the industrial sector (carpets and stitching), metal and auto work, construction, the hospitality industry and food production, street children, and children subjected to commercial sexual exploitation.<sup>2632</sup> The Government has also opened centers in Casablanca and Marrakech to help street children and victims of sexual exploitation, violence, and abuse.<sup>2633</sup> In March 2008, the Government of Morocco committed USD 2.6 million to improve the income-generating capacity of poor families at risk of sending their children to work as domestic laborers.<sup>2634</sup>

The Government of Morocco is participating in a USDOL-funded 3-year USD 3 million project to combat the worst forms of child labor. The project is implemented by Management Systems International and aims to withdraw 4,000 children and prevent 4,000 children from the worst forms of child labor.<sup>2635</sup> The Government of Morocco participated in a USDOL-funded USD 3.1 million, 4.5-year (August 2003 to March 2008) project to combat the worst forms of child labor, primarily among child domestic workers. The project withdrew or prevented 11,882 children from exploitive labor.<sup>2636</sup> The Government of Morocco participated in a USDOL-funded, USD 2,251,000, 4.5-year, ILO-IPEC-implemented project to combat rural child labor. By its conclusion in June 2008, the project had withdrawn 3,994 and prevented 7,868 children from the worst forms of child labor.<sup>2637</sup>

The Government of Morocco is participating in two additional ILO-IPEC implemented projects. The French Government is providing USD 4,834,600 in funding for a 3-year (November 2006 to December 2009) ILO-IPEC regional Francophone Africa project to contribute to the abolition of child labor. The project is operating in Benin, Burkina Faso, Madagascar, Mali,

Morocco, Niger, Senegal, and Togo. UNDP-Spain Millennium Development Goals Achievement Fund is providing funding for a USD 711,500 3-year (July 2008 to June 2011) multisectoral project to combat gender-based violence through empowering boys and girls.<sup>2638</sup> According to Morocco's Ministry of Justice, public prosecutors and judges are provided with training on human trafficking issues.<sup>2639</sup> Additionally, the Government provides training on human trafficking issues to its consular officials, and each of Morocco's 20 tribunals has received training specifically related to trafficking in children.<sup>2640</sup> Morocco's Ministry of Interior has also reported that border security officials and territorial police officers have had training on human trafficking issues.<sup>2641</sup>

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<sup>2582</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see 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), article 143; available from <http://www.maroc.ma/NR/rdonlyres/9A951844-BCA6-4468-9EFD-7460E229E00F/0/codedetravail.pdf>. See also U.S. Consulate- Casablanca, *reporting*, December 14, 2007. For age to which education is compulsory and free public education, see U.S. Department of State, "Morocco," 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/119122.htm>.

<sup>2583</sup> U.S. Department of State, "Country Reports-2008: Morocco," section 6d. See also ILO, World Bank, and UNICEF, *Understanding Children's Work in Morocco*, UCW Project, Geneva, March 2003, 2; available from [http://www.ucw-project.org/pdf/publications/report\\_morocco\\_draft.pdf](http://www.ucw-project.org/pdf/publications/report_morocco_draft.pdf).

<sup>2584</sup> ILO, World Bank, and UNICEF, *Understanding Children's Work in Morocco*, 11 and 20.

<sup>2585</sup> *Ibid.*, 2.

<sup>2586</sup> U.S. Department of State, "Country Reports-2008: Morocco," section 6d.

<sup>2587</sup> *Ibid.*

<sup>2588</sup> *Ibid.* See also UN Committee on the Rights of the Child, *Periodic Reports of States Parties due in 2004: Morocco*, prepared by Government of Morocco, pursuant to Article 12 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of

Children, Child Prostitution, and Child Pornography, July 15, 2005, para 137; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G05/428/21/PDF/G0542821.pdf?OpenElement>. See also ILO, World Bank, and UNICEF, *Understanding Children's Work in Morocco*, 26.

<sup>2589</sup> ILO, World Bank, and UNICEF, *Understanding Children's Work in Morocco*, 26. See also U.S. Department of State, "Country Reports-2008: Morocco," section 6d.

<sup>2590</sup> U.S. Department of State, "Morocco (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105658.pdf>.

<sup>2591</sup> Ibid.

<sup>2592</sup> ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001)*, [online] 2008 [cited January 23, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1504&chapter=3&query=C182%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>.

<sup>2593</sup> Ibid.

<sup>2594</sup> Human Rights Watch, *Morocco: 'Hidden' Children Face Abuse*, [online] December 20, 2005 [cited February 3, 2009]; available from [http://hrw.org/english/docs/2005/12/21/morocc12278\\_txt.htm](http://hrw.org/english/docs/2005/12/21/morocc12278_txt.htm). See also U.S. Department of State, "Trafficking in Persons Report-2008: Morocco." See also U.S. Consulate- Casablanca, *reporting*, January 21, 2009.

<sup>2595</sup> Imane Belhaj, "Shelters for Morocco's Street Children Are a Drop in an Ocean," *Magharebia*, March 14, 2008; available from [http://www.magharebia.com/cocoon/awi/xhtml1/en\\_GB/features/awi/reportage/2008/03/14/reportage-01](http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/reportage/2008/03/14/reportage-01).

<sup>2596</sup> UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Morocco*, para 137.

<sup>2597</sup> ILO, World Bank, and UNICEF, *Understanding Children's Work in Morocco*, para 64.

<sup>2598</sup> Ibid., 29-30.

<sup>2599</sup> Ibid., 28. See also U.S. Consulate- Casablanca, *reporting*, January 21, 2009.

<sup>2600</sup> U.S. Consulate- Casablanca, *reporting*, February 13, 2009, section 6c.

<sup>2601</sup> ILO, World Bank, and UNICEF, *Understanding Children's Work in Morocco*, 28 and 29.

<sup>2602</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Morocco." See also U.S. Consulate- Casablanca, *reporting*, December 14, 2007.

<sup>2603</sup> U.S. Consulate- Casablanca, *reporting*, February 13, 2009, section 6b.

<sup>2604</sup> U.S. Department of State, "Country Reports-2008: Morocco," section 6.

<sup>2605</sup> Ibid.

<sup>2606</sup> Ibid. See also U.S. Consulate- Casablanca, *reporting*, February 13, 2009, section 6b.

<sup>2607</sup> U.S. Department of State, "Country Reports-2008: Morocco," section 5.

<sup>2608</sup> U.S. Consulate- Casablanca, *reporting*, February 13, 2009, section 6c.

<sup>2609</sup> Ibid.

<sup>2610</sup> UN Committee on the Rights of the Child, *Summary Record of the 882nd Meeting, Consideration of Reports Submitted by States Parties (continued): Second Periodic Report of Morocco (continued)*, CRC/C/SR/.882, pursuant to Article 44 of the Convention on the Rights of the Child, July 16, 2003, paras 18-19; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8e3b9ac683d8dd0ac1256d7a004a2b52/\\$FILE/G0342258.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8e3b9ac683d8dd0ac1256d7a004a2b52/$FILE/G0342258.pdf).

<sup>2611</sup> Ibid., para 43.

<sup>2612</sup> U.S. Department of State, "Country Reports-2008: Morocco," section 6d.

<sup>2613</sup> Government of Morocco, *Le nouveau Code du travail*, article 143. See also U.S. Department of State, "Country Reports-2008: Morocco," section 6d.

<sup>2614</sup> Management Systems International official, E-mail communication to USDOL official, September 23, 2009.

<sup>2615</sup> U.S. Department of State, "Country Reports-2008: Morocco," section 6d.

<sup>2616</sup> Government of Morocco, *Le nouveau Code du travail*, article 172.

<sup>2617</sup> Ibid., article 179.

<sup>2618</sup> Ibid., articles 181 and 287.

<sup>2619</sup> U.S. Department of State, "Country Reports-2008: Morocco," section 6d.

<sup>2620</sup> Ibid.

<sup>2621</sup> Government of Morocco, *Le nouveau Code du travail*, article 10.

<sup>2622</sup> Coalition to Stop the Use of Child Soldiers, "Morocco," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/>.

<sup>2623</sup> U.S. Department of State, "Morocco," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100602.htm>.

<sup>2624</sup> UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties Due in 2000: Morocco*, prepared by Government of Morocco, pursuant to Article 44 of the Convention on the Rights of the Child, February 12, 2003, paras 642 and 643; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/22c537968b14bcfb1256d2d0037f5b4/\\$FILE/G0340393.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/22c537968b14bcfb1256d2d0037f5b4/$FILE/G0340393.pdf).

<sup>2625</sup> Ibid., para 660.

<sup>2626</sup> U.S. Department of State, "Country Reports-2008: Morocco," section 6d.

<sup>2627</sup> Ibid. See also U.S. Consulate- Casablanca, *reporting, January 21, 2009*, para 24.

<sup>2628</sup> U.S. Consulate- Casablanca, *reporting, February 13, 2009*, section 8e.

<sup>2629</sup> U.S. Consulate- Casablanca, *reporting, January 21, 2009*, para 25.

<sup>2630</sup> U.S. Consulate- Casablanca, *reporting, February 13, 2009*, section 8g.

<sup>2631</sup> Government of Morocco, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (December 5, 2006) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, February 28, 2007. See also U.S. Consulate- Casablanca, *reporting, January 21, 2009*, para 4.

<sup>2632</sup> UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Morocco*, paras 98-99, 128-129.

<sup>2633</sup> U.S. Consulate- Casablanca, *reporting, February 13, 2009*, section 9b.

<sup>2634</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Morocco."

<sup>2635</sup> Management Systems International, *Combating Child Labor through Education in Morocco (Dima Adros)*, Technical Progress Report, Rabat, August 30, 2008, 2, 3, G-9.

<sup>2636</sup> Management Systems International, *Combating Child Labor Through Education in Morocco (Adros)*, Final Technical Progress Report, Rabat, March 31, 2008, 2 and G-26.

<sup>2637</sup> ILO-IPEC, *Combating Child Labour in Morocco by Creating an Enabling National Environment and Developing Direct Action Against Worst Forms of Child Labour in Rural Areas*, Final Technical Progress Report, Geneva, June 30, 2008, cover page, 24.

<sup>2638</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>2639</sup> U.S. Consulate- Casablanca, *reporting, February 13, 2009*, section 8e.

<sup>2640</sup> Ibid., section 9k.

<sup>2641</sup> Ibid.

## Mozambique

### Incidence and Nature of Child Labor

Children in rural areas of Mozambique work on cotton, tea, and tobacco commercial farms as well as family farms and small plots known as *machambas*.<sup>2642</sup> They also herd livestock and work as domestics.<sup>2643</sup> Children sell products in shops, stalls, and on the street and work in restaurants and informal bars known as *barracas*.<sup>2644</sup> Some girls employed in *barracas* also engage in prostitution.<sup>2645</sup> Children cross the border from Zimbabwe into Mozambique to work in agriculture, construction, informal mining, prostitution, and street vending.<sup>2646</sup>

Children are trafficked internally and to South Africa and Swaziland for commercial sexual exploitation and forced labor in agriculture, manual work, and domestic service. Girls trafficked for commercial sexual exploitation are sent to brothels and popular nightclubs.<sup>2647</sup> Girls from Zimbabwe and Malawi are also trafficked to Mozambique for commercial sexual exploitation and forced domestic service. Boys are trafficked

within the country and to South Africa to work on farms and in mines.<sup>2648</sup>

### Child Labor Laws and Enforcement

The minimum age for employment in Mozambique is 15 years.<sup>2649</sup> The minimum age for apprenticeships is 12 years. In other exceptional cases, the law allows children between 12 and 15 years to work with the joint 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.<sup>2650</sup> The law restricts the conditions under which minors between 15 and 18 years may work and commits employers to provide for their education and professional training. Children are prohibited from working more than 38 hours per week and more than 7 hours per day.<sup>2651</sup> Minors under 18 years are not permitted to work in unhealthy, dangerous, or physically taxing occupations; must undergo a medical examination; and must be paid at least minimum wage. Violators of child labor laws are subject to fines.<sup>2652</sup>

***Selected Statistics and Indicators  
on Child Labor***<sup>2653</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	104.8
Net primary enrollment rate (%), 2006:	76.0
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2005:	57.6
ILO Convention 138:	6/16/2003
ILO Convention 182:	6/16/2003
CRC:	4/26/1994
CRCOPAC:	10/19/2004**
CRCOPSC:	3/6/2003
Palermo:	9/20/2006
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

The Ministry of Labor has child labor law enforcement and regulation authority in both the formal and informal sectors. Labor inspectors may also obtain court orders to enforce adherence to child labor legislation.<sup>2654</sup> According to USDOS, the law is adequately enforced in the formal sector; however, the Labor Inspectorate and the police lack adequate staff, funds, and training to investigate child labor cases in the informal sector and areas outside of Maputo.<sup>2655</sup>

The law prohibits forced labor, with the exception of prison labor.<sup>2656</sup> The age for military conscription is 19 years and voluntary recruitment is 18 years, which can be lowered in times of war.<sup>2657</sup> The law also forbids the practice of child prostitution.<sup>2658</sup> Procuring a minor is punishable by imprisonment for 6 months to 2

years.<sup>2659</sup> Legislation was enacted in 2008 that criminalizes human trafficking, including the trafficking of children, with penalties of up to 20 years of imprisonment.<sup>2660</sup> A Juvenile Court system that handles trafficking cases was also established during the reporting period by the Ministry of Justice.<sup>2661</sup> An Anti-Trafficking Police Brigade was established, and the Government conducted investigations on issues regarding vulnerable children, including trafficking.<sup>2662</sup>

The Government also conducted investigations, issued public awareness announcements, and held local workshops and training on issues regarding vulnerable children including trafficking.<sup>2663</sup>

**Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Ministry of Labor continues to implement an action plan for the reduction of child labor and conducts seminars around this issue. In an effort to keep children in school and prevent them from engaging in exploitive labor, the Government of Mozambique provides a scholarship program to cover the cost of children's school materials and fees.<sup>2664</sup>

The Government of Mozambique's state-owned broadcaster, TVM, partners with UNICEF, UNESCO, and private radio and television broadcasters to provide radio and television programming that focuses on child trafficking and other issues affecting children. Police stations in Mozambique continue to operate support centers to address the needs of child trafficking victims.<sup>2665</sup> The Government, including the police, also held local workshops and training on issues regarding vulnerable children including trafficking.<sup>2666</sup>

The Government of Mozambique participated in a USDOL-funded 3-year USD 3 million program, which ended in September 2008, implemented by the American Institutes for Research, to combat child labor in agriculture, domestic work, and street work, as well as commercial sexual exploitation of children.<sup>2667</sup> The project withdrew and prevented 2,177 children from engaging in such activities throughout the life of the project.<sup>2668</sup>

Mozambique signed on to the Ministers of the Community of Portuguese Speaking Countries (CPLP) Declaration against child labor, which calls for a CPLP Plan of Action and elimination of the worst forms of child labor by 2016.<sup>2669</sup> Through December 2008, the Government of Mozambique participated in a USD 200,000 ILO-IPEC project to “Combat the Worst Forms of Child Labour in Lusophone Countries in Africa,” funded by the Government of Brazil.<sup>2670</sup>

The Government of Mozambique also participated in the USD 3.46 million, 9-year ILO-IPEC Global Campaign to Raise Awareness and Understanding on Child Labor, funded by Italy that ended on March 31, 2009.<sup>2671</sup> The Government continues to collaborate with an NGO network, Rede Came, on a 2-year, USD 300,000 project to improve the legal environment for combating trafficking. The project began in May 2008 and is funded by USDOS.<sup>2672</sup>

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<sup>2642</sup> 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, 8; available from <http://www.reliefweb.int/library/documents/2006/s-c-zim-24may.pdf>. See also U.S. Embassy- Maputo, *reporting*, January 16, 2009, para 1. See also American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Project Document, September 2005.

<sup>2643</sup> Save the Children UK, *Visitors from Zimbabwe*, 9. See also U.S. Embassy- Maputo, *reporting*, January 16, 2009, para 3.

<sup>2644</sup> Integrated Regional Information Networks, “Mozambique: Exploitation and abuse awaits Zimbabwe’s migrants”, IRINnews.org, [online], May 25, 2006 [cited January 30, 2009]; available from <http://www.irinnews.org/report.aspx?ReportId=3962> 1. See also Save the Children UK, *Visitors from Zimbabwe*, 9.

<sup>2645</sup> Save the Children UK, *Visitors from Zimbabwe*, 7 and 9. See also Integrated Regional Information Networks, “Mozambique: New bridge puts children at risk”, IRINnews.org, [online], November 7, 2006 [cited January 30, 2009]; available from <http://www.irinnews.org/report.aspx?ReportId=61502>.

<sup>2646</sup> Save the Children UK, *Visitors from Zimbabwe*, 8 and 9.

<sup>2647</sup> U.S. Department of State official, E-mail communication to USDOL official, January 22, 2009.

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ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation: Mozambique*, 2007, 12; available from [http://www.ecpat.net/A4A\\_2005/PDF/AF/Global\\_Monitoring\\_Report-MOZAMBIQUE.pdf](http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-MOZAMBIQUE.pdf). See also The Protection Project, *Mozambique*, [online] 2006 [cited January 29, 2009], 3; available from [http://www.protectionproject.org/human\\_rights\\_reports/report\\_documents/mozambique.doc](http://www.protectionproject.org/human_rights_reports/report_documents/mozambique.doc). See also International Organization for Migration (IOM), *Breaking the Cycle of Vulnerability: Responding to the health needs of trafficked women in East & Southern Africa*, Pretoria, September, 2006; available from [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/Breaking\\_the\\_Cycle2.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/Breaking_the_Cycle2.pdf). See also The United Nations Office on Drugs and Crime (UNODC) and the Southern African Development Community (SADC), *Situational Assessment of Human Trafficking: A 2005 situational assessment of human trafficking in the SADC region: A survey of South Africa, Zimbabwe and Mozambique*, December, 2007, 48-55; available from [http://www.ungift.org/docs/ungift/pdf/knowledge/3332\\_UNODC\\_Situational\\_Assessment\\_HT.pdf](http://www.ungift.org/docs/ungift/pdf/knowledge/3332_UNODC_Situational_Assessment_HT.pdf).

<sup>2648</sup> U.S. Embassy- Maputo, *reporting*, February 26, 2009, para 1. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation: Mozambique*.

<sup>2649</sup> Government of Mozambique, *Mozambique Labour Law*, articles 26 and 27. See also Government of Mozambique, *Constituição da República*, (November 2, 1990), article 121 (4); available from <http://www.mozambique.mz/pdf/constituicao.pdf>.

<sup>2650</sup> Government of Mozambique, *Mozambique Labour Law*, articles 248 and 249.

<sup>2651</sup> *Ibid.*, articles 23 and 26. U.S. Embassy- Maputo, *reporting*, January 16, 2009, paras 2 and 3.

<sup>2652</sup> Government of Mozambique, *Mozambique Labour Law*, article 276. See also U.S. Department of State, “Country Reports- 2008: Mozambique,” section 6d.

<sup>2653</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Mozambique, *Labour Law*, (October 2007), article 27; available from [http://www.arbitrationmz.com/data/docs/Labour\\_Law\\_nr\\_232007.eng.pdf](http://www.arbitrationmz.com/data/docs/Labour_Law_nr_232007.eng.pdf). For age to which education is compulsory and free public education, see U.S. Department of State, “Mozambique,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119015.htm>.

<sup>2654</sup> U.S. Department of State, “Country Reports- 2008: Mozambique,” section 6d.

<sup>2655</sup> *Ibid.*

<sup>2656</sup> Government of Mozambique, *Constituição da República*, article 84(3). See also U.S. Department of State, "Mozambique," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100495.htm>.

<sup>2657</sup> Coalition to Stop the Use of Child Soldiers, "Mozambique," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=145>.

<sup>2658</sup> Interpol, *National Laws: Legislation of Interpol member states on sexual offences against children*, [2006 [cited January 2, 2009]; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/default.asp>.

<sup>2659</sup> The Protection Project, *Mozambique*, 4.

<sup>2660</sup> United Nations General Assembly Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural including the Right to Development: Report Submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography*, Juan Miguel Petit, January 9, 2008, section 13; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G08/100/07/PDF/G0810007.pdf?OpenElement>. See also U.S. Department of State official, E-mail communication, January 22, 2009.

<sup>2661</sup> U.S. Embassy- Maputo, *reporting, February 26, 2009*, para 11.

<sup>2662</sup> U.S. Embassy- Maputo, *reporting, January 16, 2009*, para 4.

<sup>2663</sup> *Ibid.*

<sup>2664</sup> *Ibid.*, para 8.

<sup>2665</sup> *Ibid.*, paras 4 and 13.

<sup>2666</sup> *Ibid.*, para 4.

<sup>2667</sup> American Institutes for Research, *RECLAIM, Project Document, September 2005*.

<sup>2668</sup> American Institutes for Research, *RECLAIM: Reducing Exploitive Child Labor in Mozambique*, Final Report, September 2008.

<sup>2669</sup> Permanent Mission of Portugal to the United Nations, *Statement by H.E. Ambassador João Salgueiro, Permanent Representative of Portugal, Item 114 (f) – Cooperation between the United Nations and the Community of Portuguese-Speaking Countries – 63rd General Assembly – New York*, [November 3, 2008 [cited February 18, 2009]; available from [http://www.missionofportugal.org/pmop/index.php?option=com\\_content&view=article&id=298:statement-by-he-ambassador-joao-salgueiro-permanent-representative-of-portugal-item-114-f-cooperation-between-the-united-nations-and-the-community-of-portuguese-speaking-countries--63rd-general-assembly--new-york-3-november-2008&catid=46:Statements%20in%202008&Itemid=51](http://www.missionofportugal.org/pmop/index.php?option=com_content&view=article&id=298:statement-by-he-ambassador-joao-salgueiro-permanent-representative-of-portugal-item-114-f-cooperation-between-the-united-nations-and-the-community-of-portuguese-speaking-countries--63rd-general-assembly--new-york-3-november-2008&catid=46:Statements%20in%202008&Itemid=51).

See also CPLP, *Seventh Conference of the Heads of State and Government of the Community of Portuguese-speaking Countries*, Geneva, July 25, 2008; available from [http://www.cplp.org/Admin/Public/DWSDownload.aspx?File=%2FFiles%2FFiler%2Fcplp%2FCCEG%2FVIIL\\_CCEG%2FLisbon\\_Declaration\\_VIICCEG.pdf](http://www.cplp.org/Admin/Public/DWSDownload.aspx?File=%2FFiles%2FFiler%2Fcplp%2FCCEG%2FVIIL_CCEG%2FLisbon_Declaration_VIICCEG.pdf).

<sup>2670</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 15, 2008.

<sup>2671</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, April 16, 2009.

<sup>2672</sup> U.S. Department of State official, E-mail communication to USDOL official, April 20, 2009. See also U.S. Department of State official, E-mail communication to USDOL official, July 24, 2009. See also U.S. Department of State, *Mozambique*, [November 3, 2008 [cited February 26, 2009]; available from <http://www.state.gov/g/tip/rls/rpt/111540.htm>.

## Namibia

### Incidence and Nature of Child Labor

Children in Namibia work in agriculture, raising or tending livestock, charcoal production, construction, and domestic service.<sup>2673</sup> Charcoal production and working in agriculture may expose children to hazardous conditions, including carrying heavy loads and using dangerous tools.<sup>2674</sup> Children also unload goods, including hazardous chemicals, for long-distance truck drivers; work in the streets, including

begging or pushing trolleys; and work in family businesses, such as selling baskets.<sup>2675</sup> Children from poor, rural households assist extended family members in urban centers with house cleaning, cooking, and child care in exchange for food, shelter, and sometimes clothes and money.<sup>2676</sup>

Some children, as young as 12 years and including street children, are involved in commercial sexual exploitation.<sup>2677</sup> Children in

Namibia are also reportedly coerced by adults to commit crimes, such as theft.<sup>2678</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>2679</sup>	
Population, children, 5-14 years, 2000:	325,394
Working children, 5-14 years (%), 2000:	14.7
Working boys, 5-14 years (%), 2000:	15.5
Working girls, 5-14 years (%), 2000:	13.9
Working children by sector, 5-14 years (%), 2000:	
- Agriculture	91.4
- Manufacturing	0.4
- Services	8.2
- Other	0.1
Minimum age for work:	14
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	109.2
Net primary enrollment rate (%), 2007:	77
School attendance, children 5-14 years (%), 1999:	91.6
Survival rate to grade 5 (%), 2005:	86.8
ILO Convention 138:	11/15/2000
ILO Convention 182:	11/15/2000
CRC:	9/30/1990
CRCOPAC:	4/16/2002
CRCOPSC:	4/16/2002
Palermo:	8/16/2002
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

Namibia is a source, destination and transit country for trafficked children.<sup>2680</sup> There is evidence suggesting that small numbers of Namibian children are trafficked within the country for forced domestic service, as well as forced agricultural labor, cattle herding, and possibly vending.<sup>2681</sup> There have also been reports of Zambian and Angolan children trafficked to Namibia for domestic service and tending livestock.<sup>2682</sup>

### **Child Labor Laws and Enforcement**

The Labor Code sets the minimum age for employment at 14 years and establishes restrictions for both children aged 14 to 15 years and for children aged 16 to 17 years.<sup>2683</sup> The law prohibits children under 16 years from working in

any mine, industrial, or construction setting; and prohibits children under 18 years from engaging in night work from 8 p.m. to 7 a.m., except in cases where permitted by regulation issued by the Minister of Labor.<sup>2684</sup> The Constitution protects children under 16 years from economic exploitation and states that they are not to be employed in any work that is likely to be hazardous; harmful to their physical health or mental, spiritual, moral, or social development; or would interfere with their education.<sup>2685</sup> Violations of child labor laws are subject to a fine and imprisonment of up to 4 years.<sup>2686</sup>

The Constitution and Labor Code prohibit slavery and forced labor.<sup>2687</sup> The penalty for anyone causing or permitting an individual to perform forced labor is imprisonment of up to 4 years or a fine.<sup>2688</sup> Child trafficking cases can be prosecuted under existing kidnapping provisions.<sup>2689</sup> The law also makes it an offense for any adult to solicit or entice a child under 16 years to participate in an indecent or immoral act, including prostitution.<sup>2690</sup> The minimum age for voluntary military service is 18 years, and there is no conscription.<sup>2691</sup>

The Government of Namibia has 36 labor inspectors; none focuses exclusively on child services. However, the inspectors are trained in identifying the worst forms of child labor, and three investigations occurred in 2008 that involved children in the worst forms of child labor.<sup>2692</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government of Namibia included child labor interventions as part of its 5-year National Development Plan.<sup>2693</sup> The Government continued to conduct public awareness campaigns on child labor.<sup>2694</sup> For example, the Government worked with the Namibia Farm Workers Union and Namibia Agricultural Union to eliminate child labor through awareness raising.<sup>2695</sup> Namibia also supported programs, aimed at child-headed households and caregivers of orphans, that were intended to keep children away from the worst forms of child labor and exploitive labor by enabling them to go to school.<sup>2696</sup>

The Government participated in a regional project funded by USDOL and implemented by the American Institutes for Research that ended in August 2008. This 4-year, USD 9 million project improved the quality of and access to education for children who were working in, or at risk of working in, the worst forms of child labor.<sup>2697</sup> Over its lifetime, the project withdrew 2,383 children and prevented 7,777 children from engaging in exploitive labor.<sup>2698</sup>

Namibia also participated in a regional project funded by USDOL and implemented by ILO-IPEC that ended in June 2008. This 5-year, USD 5 million project developed national child labor action plans.<sup>2699</sup> Over its lifetime, the project also withdrew or prevented 5,421 children from exploitive child labor in Southern Africa.<sup>2700</sup>

Additionally in 2008, USDOL awarded a USD 4.75 million grant to ILO-IPEC for a regional project to support the implementation of national child labor action plans in three countries, including Namibia.<sup>2701</sup> This 4-year project aims to withdraw and prevent 8,400 children in Southern Africa from engaging in exploitive labor, particularly in agriculture and adult-coerced criminal activity.<sup>2702</sup>

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<sup>2673</sup> U.S. Embassy- Windhoek, *reporting*, January 16, 2009, para 1. See also Petronella Sibeene, "Govt to Tackle Child Labour", AllAfrica.com. [online] January 18, 2008 [cited February 4, 2009]; available from <http://allafrica.com/stories/200801180572.html>. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, Project Document, Geneva, September 25, 2008, 22 and 24.

<sup>2674</sup> Petronella Sibeene, "Govt to Tackle Child Labour". See also ILO-IPEC, *TECL, Phase II, Project Document*, 22.

<sup>2675</sup> ILO-IPEC, *Implementation Plan of the Programme Towards the Elimination of the Worst Forms of Child Labour in Namibia, 2004-2007*, Geneva, 2005, 8; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=4511>. See also

Government of the Republic of Namibia, *Namibia National Plan of Action for Orphans and Vulnerable Children*, Windhoek, October 2007, 13; available from [www.unicef.org/infobycountry/files/NPAforOVC-Vol1.pdf](http://www.unicef.org/infobycountry/files/NPAforOVC-Vol1.pdf).

<sup>2676</sup> ILO-IPEC, *Implementation Plan of TECL, Phase I*, 7.

<sup>2677</sup> ILO-IPEC, *TECL, Phase II, Project Document*, 23. Catharine Sasman, "Vulnerable Children at Risk of Exploitation", AllAfrica [online] February 1, 2008 [cited

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February 5, 2009]; available from <http://allafrica.com/stories/200802010315.html>. See also Petronella Sibeene, "Govt to Tackle Child Labour". See also Africa News, "Namibia: Prostitution Rife in Oshikango", *afrol.com* [online] April 8, 2008 [cited February 5, 2009]; available from <http://allafrica.com/stories/200804080585.html>.

<sup>2678</sup> Catharine Sasman, "Vulnerable Children at Risk of Exploitation". See also U.S. Embassy- Windhoek, *reporting*, January 16, 2008, para 3. ILO-IPEC, *TECL, Phase II, Project Document*, 23. See also Government of the Republic of Namibia, *National Plan of Action 2006-2010*, 13.

<sup>2679</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Namibia, *Labor Act*, (December 31, 2007), chapters 2 and 3(2); available from [http://www.parliament.gov.na/acts\\_documents/81\\_3971\\_gov\\_notice\\_act\\_11.pdf](http://www.parliament.gov.na/acts_documents/81_3971_gov_notice_act_11.pdf). For age to which education is compulsory and free public education, see Government of Namibia, *Constitution*, (February 1990), article 20; available from <http://www.servat.unibe.ch/law/icl/wa00000.html>. See also U.S. Department of State, "Namibia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119016.htm>.

<sup>2680</sup> Government of the Republic of Namibia, *National Plan of Action 2006-2010*, 7, 12, 13. See also U.S. Embassy- Windhoek, *reporting*, January 16, 2008.

<sup>2681</sup> U.S. Department of State, "Namibia (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 ILO-IPEC, *TECL, Phase II, Project Document*, 23. See also Africa News, "Namibia 'Slavery' Threatens San", *afrol.com* [online] July 26, 2007 [cited February 4, 2009]; available from <http://allafrica.com/stories/200707260811.html>.

<sup>2682</sup> U.S. Embassy- Windhoek, *reporting*, January 16, 2008, para 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Namibia." See also ILO-IPEC, *TECL, Phase II, Project Document*, 23.

<sup>2683</sup> Government of Namibia, *Labor Act*, chapter 2, section 3.

<sup>2684</sup> *Ibid.*, chapter 2, sections 3 and 4.

<sup>2685</sup> Government of Namibia, *Constitution*, article 15.

<sup>2686</sup> U.S. Department of State, "Country Reports- 2008: Namibia," section 6d.

<sup>2687</sup> Government of Namibia, *Constitution*, article 9.

<sup>2688</sup> Government of Namibia, *Labor Act*, chapter 2, section 4.

<sup>2689</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Namibia."



<sup>2690</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Namibia (ratification: 2000)*, [online] 2008 [cited February 4, 2009], article 3, section 2, clause (b) 2.; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21886&chapter=9&query=%28Namibia%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Namibia."

<sup>2691</sup> 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>.

<sup>2692</sup> U.S. Embassy- Windhoek, reporting, January 16, 2008, paras 4 and 5.

<sup>2693</sup> ILO-IPEC, *TECL, Phase II, Project Document*, 26-27. See also U.S. Department of State, "Country Reports- 2008: Namibia," section 6d.

<sup>2694</sup> U.S. Embassy- Windhoek, reporting, January 16, 2008, para 6.

<sup>2695</sup> U.S. Department of State, "Country Reports- 2008: Namibia," section 6d.

<sup>2696</sup> U.S. Embassy- Windhoek, reporting, January 16, 2008, para. 6.

<sup>2697</sup> American Institutes for Research, *Reducing Exploitive Child Labor Southern Africa (RECLISA)*, Project

Document, Washington, DC, September 8, 2005, 1, 17, 18.

<sup>2698</sup> American Institutes for Research, *Reducing Exploitive Child Labor Southern Africa (RECLISA)*, Final Technical Project Report, Washington, DC, August 12, 2008, 42.

<sup>2699</sup> Towards the Elimination of the worst forms of Child Labor (TECL), *Supporting The Timebound Program To Eliminate The Worst Forms Of Child Labor In South Africa, And Laying The Basis For Concerted Action Against The Worst Forms Of Child Labor In Botswana, Lesotho, Namibia And Swaziland*, Project Document, June 2003, i. See also Towards the Elimination of the worst forms of Child Labor (TECL), *Supporting The Timebound Program To Eliminate The Worst Forms Of Child Labor In South Africa, And Laying The Basis For Concerted Action Against The Worst Forms Of Child Labor In Botswana, Lesotho, Namibia And Swaziland*, Final Technical Progress Report, June 2008, section II.B.

<sup>2700</sup> Towards the Elimination of the worst forms of Child Labor (TECL), *Supporting The Timebound Program, Final Technical Progress Report, June 2008*, section II.B.

<sup>2701</sup> USDOL-ILAB, *U.S. Department of Labor awards more than \$58 million to eliminate exploitive child labor around the world*, Press Release, October 1, 2008; available from <http://www.dol.gov/opa/media/press/ilab/archive/ILAB20081352.htm>.

<sup>2702</sup> ILO-IPEC, *TECL, Phase II, Project Document*, 1, 84, 85.

## Nepal

### Incidence and Nature of Child Labor

Children in Nepal work in agriculture, embroidered textiles, the entertainment sector, and the transportation sector. Children also work as domestic servants, porters, rag pickers, and rock breakers, as well in carpet factories, mines, brick factories, and restaurants.<sup>2703</sup> Depending on the specific sector, children work long hours; carry heavy loads; have ear, eye, and skin disorders; have musculoskeletal problems; and are at risk of sexual exploitation.<sup>2704</sup> The majority of working children are active in the informal sector.<sup>2705</sup>

There are two kinds of child bonded laborers in Nepal: *Kamaiyas*, who are born into a family legacy of bonded labor, though this practice was outlawed in 2002, and other bonded child laborers, who commonly come from large,

landless families.<sup>2706</sup> Bonded child laborers may work in the following sectors: carpet-weaving, domestic service, brick manufacturing, and embroidery of textiles. Children may also work under conditions of bondage in agriculture, stone quarries, and restaurants.<sup>2707</sup> Bonded child laborers are also found in commercial sexual exploitation.<sup>2708</sup>

Children in Nepal are exploited through sex tourism, and trafficking.<sup>2709</sup> Reports indicate many children are trafficked to India to work in carpet factories, circuses, agriculture, road construction, domestic service, and begging. Boys are also trafficked to India to work in the embroidery industry.<sup>2710</sup> 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 involuntary servitude as child

soldiers, domestic servants, circus entertainers, or factory workers.<sup>2711</sup>

The law sets a monthly minimum wage for children 14 to 16 years.<sup>2717</sup> The law imposes a punishment of up to 3 months in prison for employing an underage child. Employing children in dangerous work or against their will is punishable by imprisonment for up to 1 year.<sup>2718</sup> The law allows fines to be levied against employers who are found in violation of labor laws.<sup>2719</sup>

The minimum age for voluntary military service is 18 years.<sup>2720</sup> The Interim Constitution states that no minor shall be employed in any hazardous work and shall not be used in the army, police, or in conflicts.<sup>2721</sup> The 2006 Comprehensive Peace Accord prohibits child labor and the sexual exploitation of children.<sup>2722</sup> The *Kamaiya* system, a form of bonded labor, was formally outlawed in 2002; the law forbids keeping or employing any person as a bonded laborer and cancels any unpaid loans or bonds between creditors and *Kamaiya* laborers.<sup>2723</sup> The law prohibits children from involvement in the sale, distribution, or trafficking of alcohol and drugs.<sup>2724</sup> The law prohibits trafficking in persons and provides for up to 20 years of imprisonment for violations.<sup>2725</sup> The law also prohibits the use of children in immoral activities, including taking and distributing pornographic photographs.<sup>2726</sup>

The Ministry of Labor and Transport Management (MoLTM) is responsible for enforcing child labor legislation and issues.<sup>2727</sup> USDOS reports that despite legal protections, resources devoted to enforcement of child labor laws are limited—the Ministry of Labor employed 13 labor inspectors in 2008.<sup>2728</sup> A large amount of child labor occurs in sectors that are not covered by labor laws.<sup>2729</sup>

### **Current Government Policies and Programs to Eliminate 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. Although this goal has not been met, the plan continues to be implemented.<sup>2730</sup> In 2008, the Government committed funds to combat child labor in the Kathmandu Valley through the launch of a public awareness campaign on child

### *Selected Statistics and Indicators on Child Labor*<sup>2712</sup>

Population, children, 5-14 years, 1999:	4,989,490
Working children, 5-14 years (%), 1999:	39.6
Working boys, 5-14 years (%), 1999:	35.4
Working girls, 5-14 years (%), 1999:	44.0
Working children by sector, 5-14 years (%), 1999:	
- Agriculture	87.1
- Manufacturing	1.3
- Services	11.0
- Other	0.5
Minimum age for work:	14
Compulsory education age:	Not compulsory
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	126.3
Net primary enrollment rate (%), 2007:	76.1
School attendance, children 5-14 years (%), 1999:	69.2
Survival rate to grade 5 (%), 2005:	78.5
ILO Convention 138:	5/30/1997
ILO Convention 182:	1/3/2002
CRC:	9/14/1990
CRCOPAC:	1/3/2007
CRCOPSC:	1/20/2006
Palermo:	No
ILO-IPEC participating country:	Yes

Despite a peace agreement, reports indicate that the Communist Party of Nepal-Maoist continues to hold more than 3,000 children in cantonments (combat quarters). These children had been recruited, often forcibly, to serve in combat and in various battlefield support functions.<sup>2713</sup> It has also been reported that armed groups in the Terai area have recruited children to serve in combat.<sup>2714</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 14 years.<sup>2715</sup> The law prohibits children less than 16 years from employment in tourism, factories, carpet weaving, mining, factory work, or other hazardous work harmful to their health or well-being. Children can work up to 6 hours a day and 36 hours a week, between 6 a.m. and 6 p.m.<sup>2716</sup>

labor and through the provision of daycare centers for children under 14 years, to dissuade children from accompanying their parents to work.<sup>2731</sup>

The Government continues to take action in order to rescue and rehabilitate freed *Kamaiya* bonded laborers through the provision of land, home construction materials, and livelihood training. In 2008, the Government rehabilitated 2,658 former *Kamaiyas*.<sup>2732</sup> The Government also continues to participate in the second phase of a USDOL-funded USD 2 million a project to assist former child bonded laborers and their families, which concludes in September 2010. The ILO-IPEC implemented project aims to withdraw 3,000 children and prevent 6,600 children from exploitive labor.<sup>2733</sup>

The Government has a National Plan of Action to Combat Trafficking.<sup>2734</sup> Forty-one women's police cells, in conjunction with NGOs, helped provide referral services to trafficking victims. NGOs have also received limited funding to provide rehabilitation, medical care, and legal services to trafficking victims.<sup>2735</sup> The Government provided financial assistance to raise awareness on trafficking in persons in 26 high-risk districts.<sup>2736</sup>

The Government is currently implementing its Education for All National Plan of Action, which aims to expand education access, provide alternative schooling, and provide non-formal education alternatives. Child laborers are one of the target groups identified in the plan.<sup>2737</sup>

The Government is also participating in a 5-year USD 3.85 million Brighter Futures program funded by USDOL scheduled to run through September 2009. This project is implemented by World Education and its local partner organizations and provides technical assistance on government policies related to child labor. It aims to withdraw 15,400 children and prevent 15,200 children from exploitive labor, including children formerly associated with armed groups and armed forces.<sup>2738</sup>

The Government is also participating in several USAID-funded programs in Nepal to reduce the vulnerability of children to exploitive labor. These include scholarship programs for girls from

disadvantaged and conflict-affected families; vocational training for youth and displaced and disadvantaged persons; and an anti-trafficking program targeted at girls exploited by, and at risk of, being trafficked.<sup>2739</sup> In addition, the Government participated in an additional ILO-IPEC-implemented project to prevent and eliminate child labor in Nepal, which ended in December 2008.<sup>2740</sup>

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<sup>2703</sup> World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Project Document, Boston, September 30, 2005, 5-8. See also ILO-IPEC, *Sustainable Elimination of Child Bonded Labour in Nepal Phase II*, Project Document, Geneva, 2006, 13. See also Occupational Safety and Health Project, *Study on Identification and Prioritisation of Hazardous Works, Work Processes and Workplaces Involving Child Labour*, Kathmandu, July 2006, executive summary. See also U.S. Department of State, "Nepal," 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/sca/119138.htm>. See also U.S. Embassy-Kathmandu, *reporting*, January 27, 2009, para 11. See also Macro International, *In-Country Research and Data Collection on Forced Labor and Child Labor in the Production of Goods in Nepal*, 2008. See also World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Technical Progress Report, Boston, September 30, 2008, 8 and 26.

<sup>2704</sup> Occupational Safety and Health Project, *Identification and Prioritization of Hazardous Works*, 9 and 10.

<sup>2705</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d.

<sup>2706</sup> ILO-IPEC, *Sustainable Elimination of Child Bonded Labour Phase II*, Project Document, 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](http://www.crin.org/docs/CWA_%20UnderstandingBondedChildLabour.pdf). See also Macro International, *In-Country Research: Nepal*, 2.

<sup>2707</sup> 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.

<sup>2708</sup> William F. Stafford Jr., *Bonded Child Labour in Asia*, 23-25.

<sup>2709</sup> ECPAT International CSEC Database, *Nepal*, accessed January 27, 2009; available from <http://www.ecpat.net/>. See also ECPAT International, *Situational Analysis Studies on Child Sex Tourism in Tourist Destinations of India, Nepal and Sri Lanka*, Kathmandu, December 2003, 4; available from

www.fondationscelles.org/index.php?option=com\_docman&task=doc\_download&gid=454.

<sup>2710</sup> U.S. Embassy-Kathmandu, *reporting*, December 2, 2007, para 16. See also Macro International, *In-Country Research: Nepal*, 2 and 3. See also Women's Rehabilitation Centre (WOREC), *Insight: A Publication Against Trafficking in Persons 2*, no. 2 (2003); available from <http://www.worecnepal.org/downloads/insight.pdf>. See also U.S. Department of State, "Nepal (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Embassy- Kathmandu, *reporting* July 27, 2004. See also U.S. Department of State, "Country Reports- 2008: Nepal," section 6d.

<sup>2711</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Nepal." See also U.S. Department of State, "Country Reports- 2008: Nepal," section 6d. See also U.S. Embassy- Kathmandu, *reporting*, July 27, 2004, paras 1 and 6.

<sup>2712</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Nepal, *Children's Act*, (1992), chapter 1, section 2(a), chapter 2, section 17(1); available from [http://www.labournepal.org/labourlaws/child\\_act.html](http://www.labournepal.org/labourlaws/child_act.html). See also Government of Nepal, *Child Labor (Prohibition and Regulation) Act*, No. 14, (2000), chapter 2, section 3(1); available from <http://natlex.ilo.org/txt/E00NPL01.htm>. For age to which education is compulsory, see UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Nepal*, June 3, 2005, para 75; available from [http://www.bayefsky.com/pdf/nepal\\_t4\\_crc\\_39.pdf](http://www.bayefsky.com/pdf/nepal_t4_crc_39.pdf). For free public education, see World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Technical Progress Report, Boston, March 31, 2009, 4 and 33. See also Government of Nepal, *Interim Constitution of Nepal*, (January 15, 2007), article 17(2); available from [http://www.worldstatesmen.org/Nepal\\_Interim\\_Constitution2007.pdf](http://www.worldstatesmen.org/Nepal_Interim_Constitution2007.pdf).

<sup>2713</sup> 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](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also United Nations Radio, *Nepal Agrees to Release Child Soldiers*, [online] 2008 [cited February 2, 2009]; available from <http://www.unmultimedia.org/radio/english/detail/64292.html>. See also UN Security Council, *Conclusions on Children and Armed Conflict in Nepal*, December 5, 2008, para 6 and 7; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N08/628/07/PDF/N0862807.pdf?OpenElement>.

<sup>2714</sup> UN Security Council, *Conclusions on Children and Armed Conflict in Nepal 2008*, paras 16(d)(iii)-16(d)(v).

<sup>2715</sup> Government of Nepal, *Children's Act*, chapter 2, section 17. See also *Child Labor (Prohibition and Regulation) Act (No. 14)*, (2000), chapter 2, section 3; available from <http://natlex.ilo.org/txt/E00NPL01.htm>. See also U.S. Embassy- Kathmandu, *reporting*, January 27, 2009, para 3.

<sup>2716</sup> *Child Labor (Prohibition and Regulation) Act (No. 14)*, sections 2(a), 3(1), 3(2), schedule. See also Government of Nepal, *Children's Act*, articles 17-18. See also U.S. Embassy- Kathmandu, *reporting*, January 27, 2009, para 2.

<sup>2717</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d.

<sup>2718</sup> *Child Labor (Prohibition and Regulation) Act (No. 14)*, sections 19(1) and 19(2).

<sup>2719</sup> Government of Nepal, *Labor Act*, (1992), section 55; available from <http://natlex.ilo.org/txt/E92NPL01.htm>. See also U.S. Embassy- Kathmandu, *reporting*, January 27, 2009, para 3.

<sup>2720</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Nepal."

<sup>2721</sup> Government of Nepal, *Interim Constitution*, article 22(5).

<sup>2722</sup> U.S. Embassy- Kathmandu, *reporting*, December 2, 2007, para 4. See also Government of Nepal, *Comprehensive Peace Agreement held between Government of Nepal and Communist Part of Nepal (Maoist)*, (2006), 7.6.1; available from [http://swissnepal.ch/uploads/news/061121\\_SPA\\_Maoist\\_agreement.pdf](http://swissnepal.ch/uploads/news/061121_SPA_Maoist_agreement.pdf).

<sup>2723</sup> Government of Nepal, *The Kamaiya Labor (Prohibition) Act*, (2002), chapters 2 and 3.

<sup>2724</sup> Government of Nepal, *Children's Act*, chapter 2, section 16(4). See also Government of Nepal, *The Narcotic Drugs (Control) Act*, 2033, (1976), chapter 3, section 14. See also Government of Nepal, *Report of the Republic of Nepal on Efforts by GSP Beneficiary Countries to Eliminate Worst Forms of Child Labour*, submitted in response to U.S. Department of Labor Federal Register Notice (December 5, 2006) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Kathmandu, December 25, 2006.

<sup>2725</sup> U.S. Embassy- Kathmandu, *reporting*, January 27, 2009, para 2. See also Government of Nepal, *Trafficking in Person and Transportation (Control) Act*, 2064 Bikram Era, (2007), article 15(a). See also Government of Nepal, *Trafficking and Selling in Person Activity (Prohibition) Act*, Act No. 15 of 2043 Bikram Era, (1986), articles 3 and 8.

<sup>2726</sup> Government of Nepal, *Children's Act*, chapter 2, sections 16(2) and 16(3).

<sup>2727</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d. See also Government of Nepal, *Child Labor Info.*, section 3.

<sup>2728</sup> U.S. Embassy- Kathmandu, *reporting, January 27, 2009*, para 6.

<sup>2729</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d.

<sup>2730</sup> Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2004-2014*, Kathmandu, 2004. See also UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights: Second Period Reports Submitted by State Parties under Articles 16 and 17 of the Covenant*, August 7, 2006, executive summary, 47; available from [http://www.ohchr.org/english/bodies/cescr/docs/E\\_C12\\_NPL\\_2.doc](http://www.ohchr.org/english/bodies/cescr/docs/E_C12_NPL_2.doc). See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee 2005*, para 93. See also U.S. Embassy- Kathmandu, *reporting, January 27, 2009*, para 1.

<sup>2731</sup> U.S. Embassy- Kathmandu, *reporting, January 27, 2009*, para 6.

<sup>2732</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 6d. See also ILO- Kathmandu, *8th Kamaiya Liberation Day Observed in Nepal with the Demand for Effective Rehabilitation of Freed Kamaiya*, [online] July 2008 [cited April 7, 2009]; available from [http://www.iloktm.org.np/read\\_more.asp?id=127](http://www.iloktm.org.np/read_more.asp?id=127).

<sup>2733</sup> 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 Phase II, Project Document*, 44.

<sup>2734</sup> United Nations Division for the Advancement of Women, *The UN Secretary-General's Database on Violence Against Women*, April 7, 2009; available from <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=6960&baseHREF=country&baseHREFId=941>.

<sup>2735</sup> U.S. Department of State, "Country Reports- 2008: Nepal," section 5.

<sup>2736</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Nepal."

<sup>2737</sup> Ministry of Education and Sports, *EFA National Plan of Action: Nepal*, Kathmandu, April 2003; available from [http://portal.unesco.org/education/en/ev.php-URL\\_ID=30125&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=30125&URL_DO=DO_TOPIC&URL_SECTION=201.html). See also U.S. Embassy- Kathmandu, *reporting, January 27, 2009*, para 10.

<sup>2738</sup> U.S. Department of Labor, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007. See also World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Technical Progress Report, Boston, September 2006. See also World Education, *Combating Child Labor through Education in Nepal: The Brighter Futures Program Phase II*, Project Revision, Boston, June 26, 2007, 1.

<sup>2739</sup> USAID, *Operational Plan FY2006*, June 12, 2006, 9-10, 13; available from [http://pdf.usaid.gov/pdf\\_docs/PDACH275.pdf](http://pdf.usaid.gov/pdf_docs/PDACH275.pdf). See also U.S. Embassy- Kathmandu, *reporting*, December 19, 2007, para 1.

<sup>2740</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

## Nicaragua

### Incidence and Nature of Child Labor

Children in the agricultural sector of Nicaragua work in the production of crops such as coffee, bananas, sugarcane, and tobacco.<sup>2741</sup> Children also work crushing stone, extracting pumice, mining for gold, and collecting mollusks and shellfish.<sup>2742</sup> In addition, children work in street sales and personal services, such as domestic service in third-party homes, as well as in restaurants and hotels. Some children engage in construction, manufacturing, and transport.<sup>2743</sup> A significant number of children work in the informal sector, and some are engaged in garbage dump scavenging.<sup>2744</sup>

Child prostitution and sex tourism are problems in Nicaragua.<sup>2745</sup> Nicaragua is a source and transit country for children trafficked for sexual exploitation.<sup>2746</sup> Some children are trafficked within Nicaragua for sex tourism and to work as domestic servants.<sup>2747</sup> Children, especially girls, from poor rural areas 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 neighboring countries.<sup>2748</sup> The Government reported that trafficking was linked to organized crime, including prostitutes and brothel owners who recruit trafficking victims.<sup>2749</sup> The Government

has also acknowledged that the lack of life 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 sexual exploitation and trafficking.<sup>2750</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>2751</sup>	
Population, children, 5-14 years, 2005:	1,300,494
Working children, 5-14 years (%), 2005:	8.4
Working boys, 5-14 years (%), 2005:	13.5
Working girls, 5-14 years (%), 2005:	3.2
Working children by sector, 5-14 years (%), 2005:	
- Agriculture	70.7
- Manufacturing	9.6
- Services	19.2
- Other	0.5
Minimum age for work:	14
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	115.9
Net primary enrollment rate (%), 2006:	89.8
School attendance, children 5-14 years (%), 2005:	84.9
Survival rate to grade 5 (%), 2005:	53.7
ILO Convention 138:	11/2/1981
ILO Convention 182:	11/6/2000
CRC:	10/5/1990
CRCOPAC:	3/17/2005**
CRCOPSC:	12/2/2004**
Palermo:	10/12/2004**
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

\*\*Accession

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 14 years.<sup>2752</sup> Children 14 and 16 years must have parental permission and be under the supervision of the Labor Ministry in order to work.<sup>2753</sup> Children 14 to 18 years cannot work more than 6 hours a day or 30 hours a week. Minors are also 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.<sup>2754</sup> The Ministry of Labor has published a list of types of work that are harmful to the health, safety, and morals of children.<sup>2755</sup> An inter-ministerial resolution specifically prohibits children under 14 years from work in export processing zones, while another prohibits contracting children under 16 years for work at sea.<sup>2756</sup> In July 2008, the labor code was revised to include stricter requirements for employers who contract adolescents to work in their homes, such as obligating employers to facilitate and promote the education of those adolescent workers.<sup>2757</sup>

The law provides for fines in cases of violations of child labor laws. Within the Ministry of Labor, the National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI) receives revenues from fines that are put toward drawing attention to the rights and protection of minors.<sup>2758</sup>

The Constitution prohibits forced labor, slavery, and indentured servitude.<sup>2759</sup> The Constitution was amended in 1995 to prohibit military conscription. The minimum legal age for entry into the Armed Forces is 18 years.<sup>2760</sup>

Prostitution is legal for individuals 14 years and older.<sup>2761</sup> The new penal code published in May 2008 increased penalties related to the commercial sexual exploitation of children.<sup>2762</sup> The law establishes a penalty of 5 to 7 years of imprisonment for those found guilty of recruiting children under 16 years into prostitution, and 4 to 6 years of imprisonment for recruiting children between ages 16 and 18.<sup>2763</sup> Promoting, filming, or selling child pornography is prohibited.<sup>2764</sup> Trafficking of children under 18 years is penalized by 10 to 12 years in prison.<sup>2765</sup> The Ministry of Labor is responsible for enforcing labor laws.<sup>2766</sup> The Ministry of Labor's Inspector General's Office is responsible for conducting all inspections, including those regarding child labor.<sup>2767</sup> Although the law imposes fines for violators and allows inspectors to close establishments employing children, according to USDOS, the Ministry of Labor does not have sufficient resources to adequately enforce the law, with the exception of the small formal sector.<sup>2768</sup>

The Ministry of Government is responsible for combating trafficking, operates an anti-trafficking unit, and leads the National Coalition against Trafficking in Persons. However, USDOS notes that a lack of sufficient funding and coordination weakened the Government's anti-trafficking efforts at the national level.<sup>2769</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government's Policy on Special Protection for Children and Adolescents includes special protections for victims of commercial sexual exploitation and trafficking in persons.<sup>2770</sup> 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.<sup>2771</sup>

The Government provided oversight to the 5-year National Plan against the Commercial Sexual Exploitation of Children (2003-2008) and a 10-year National Action Plan for Children and Adolescents.<sup>2772</sup> The Ministry of Labor (CNEPTI) supports a 10-year plan (2007-2016) to end child labor that requires that all government programs and projects to include child labor prevention and eradication initiatives.<sup>2773</sup> First Lady Rosario Murillo, in coordination with the Ministries of Family, Health, Education and Government, launched a child labor initiative called Program Amor (Love) that targets 25,000 street children and their families primarily in Managua. The program aims to eliminate child labor and provide education for children and vocational training for parents.<sup>2774</sup>

The Government of Nicaragua is participating in a USDOL-funded 3-year USD 5 million initiative implemented by the American Institutes for Research. The project aims to withdraw and prevent 10,045 children from exploitive labor in the Departments of Madriz, Jinotega, and Managua through the provision of education and training opportunities.<sup>2775</sup>

The Government of Nicaragua participated in regional projects funded by USDOL, including a 7-year USD 8.8 million project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>2776</sup> The Government also participated in the 4-year USD 5.7 million Child Labor Education Initiative regional project implemented by CARE that worked to strengthen the Government and civil society's capacity to combat child labor through education and withdrew or prevented 4,105 children from exploitive child labor.<sup>2777</sup>

The Nicaraguan Government participated in a regional ILO-IPEC project that ended in August 2008 and was funded by the Government of Canada to prevent and combat the worst forms of child labor by strengthening the country's labor ministry.<sup>2778</sup> The Government of Nicaragua also participated in a Phase III USD 3.3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain and implemented by ILO-IPEC.<sup>2779</sup>

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<sup>2741</sup> ILO-IPEC, *Trabajo Infantil Peligroso en Nicaragua*, November 2007, 8.

<sup>2742</sup> Ibid. See also Government of Nicaragua- Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*, Managua, 2008.

<sup>2743</sup> Government of Nicaragua- Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*. See also ILO-IPEC, *Trabajo Infantil Peligroso en Nicaragua*.

<sup>2744</sup> Government of Nicaragua- Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*. See also ILO-IPEC, *Trabajo Infantil Peligroso en Nicaragua*. See also U.S. Embassy- Managua, *reporting, February 13, 2009*.

<sup>2745</sup> U.S. Department of State, "Nicaragua (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Department of State, "Country Reports- 2008: Nicaragua," section 5.

<sup>2746</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Nicaragua." See also UN Committee on Human Rights, *Consideration of Reports Submitted by States Parties Under Article 44 of the Covenant: Concluding Observations of the Human Rights Committee*,

CCPR/C/NIC/CO/3, Geneva, December 12, 2008; available from [http://www2.ohchr.org/english/bodies/treaty/CD\\_Concl\\_Obs\\_2008/CCPR/94th%20session/CCPR%20C%20NIC%20CO%203%20\(e\).doc](http://www2.ohchr.org/english/bodies/treaty/CD_Concl_Obs_2008/CCPR/94th%20session/CCPR%20C%20NIC%20CO%203%20(e).doc).

<sup>2747</sup> U.S. Department of State, "Country Reports- 2008: Nicaragua," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Nicaragua."

<sup>2748</sup> U.S. Department of State, "Country Reports- 2008: Nicaragua," section 5. See also U.S. Embassy-Managua, *reporting, February 13, 2009*.

<sup>2749</sup> U.S. Embassy- Managua, *reporting, February 13, 2009*. See also U.S. Department of State, "Nicaragua," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100647.htm>.

<sup>2750</sup> U.S. Embassy- Managua, *reporting, August 19, 2008*.

<sup>2751</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Nicaragua, *Ley núm. 474 por la que se dicta la Ley de reforma al Título VI, Libro Primero del Código de Trabajo*, (October 21, 2003), article 2; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.detail?s?p\\_lang=en&p\\_isn=67286](http://www.ilo.org/dyn/natlex/natlex_browse.detail?s?p_lang=en&p_isn=67286). For age to which education is compulsory, see Government of Nicaragua, *Constitución Política de la República de Nicaragua*, (1987, with 1995, 2002 and 2005 reforms), article 121; available from <http://pdba.georgetown.edu/Constitutions/Nica/nica05.html>. For free public education, see Government of Nicaragua, *Constitución Política de Nicaragua*, article 121. See also U.S. Department of State, "Nicaragua," 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/wha/119167.htm>. See also U.S. Embassy-Managua, *reporting, February 13, 2009*.

<sup>2752</sup> Government of Nicaragua, *Ley núm. 474*, article 2. See also Government of Nicaragua, *Código de la Niñez y la Adolescencia*, Ley. No. 287, (May 1998), article 73; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55822/66754/S98NIC01.htm>.

<sup>2753</sup> Government of Nicaragua, *Ley núm. 474*, article 2.

<sup>2754</sup> *Ibid.*, articles 3-5.

<sup>2755</sup> ILO NATLEX National Labor Law Database, *Acuerdo Ministerial núm. VGC-AM-0020-10-06 sobre el listado de trabajos peligrosos aplicado para el caso de Nicaragua*, accessed December 7, 2007; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.detail?s?p\\_lang=en&p\\_country=NIC&p\\_classification=04&p\\_origin=COUNTRY](http://www.ilo.org/dyn/natlex/natlex_browse.detail?s?p_lang=en&p_country=NIC&p_classification=04&p_origin=COUNTRY).

<sup>2756</sup> Ministry of Labor and ILO-IPEC, *National Report on the Results of the Child and Adolescent Labour Survey in Nicaragua*, April 2003, 17.

<sup>2757</sup> Government of Nicaragua, *Ley de Reformas y Adiciones al Capítulo I del Título VIII Del Código del Trabajo De La República de Nicaragua*, Ley. No. 666, (July 2, 2008); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/45784/65050/S96NIC01.htm>.

<sup>2758</sup> Government of Nicaragua, *Ley núm. 474*, article 6.

<sup>2759</sup> Government of Nicaragua, *Constitución Política de Nicaragua*, article 40. See also U.S. Department of State, "Country Reports- 2008: Nicaragua," section 6c.

<sup>2760</sup> Coalition to Stop the Use of Child Soldiers, "Nicaragua," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=154>.

<sup>2761</sup> U.S. Department of State, "Country Reports- 2008: Nicaragua," section 5.

<sup>2762</sup> Government of Nicaragua, *Código Penal de la República de Nicaragua*, Ley 641, (May 6, 2008), articles 167-183; available from <http://www.asamblea.gob.ni/opciones/constituciones/Codigo%20Penal.pdf>.

<sup>2763</sup> *Ibid.*, article 175.

<sup>2764</sup> *Ibid.*

<sup>2765</sup> *Ibid.*, article 182.

<sup>2766</sup> U.S. Department of State, "Country Reports- 2008: Nicaragua," section 6d. See also Ministry of Labor, *Mision*, [online] [cited February 8, 2009]; available from <http://www.mitrab.gob.ni/mision.html#>.

<sup>2767</sup> Ministry of Labor, *Servicios*, [online] [cited February 8, 2009]; available from <http://www.mitrab.gob.ni/sevicios.html>.

<sup>2768</sup> U.S. Department of State, "Country Reports- 2008: Nicaragua," section 6d.

<sup>2769</sup> *Ibid.*, sections 5 and 6d.

<sup>2770</sup> ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Technical Progress Report, RLA/02/P51-05/52/USA, September 13, 2006, 2.

<sup>2771</sup> Comisión de la Mujer Niñez Juventud y Familia del Parlamento Centroamericano, *I Plan de Trabajo Regional de la Comisión para Apoyar la Prevención y Eliminación la Trata de Personas y la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 2008-2010*, 2008.

<sup>2772</sup> U.S. Embassy- Managua, *reporting, December 14, 2007*. See also CONAPINA, *Plan Nacional Contra La Explotación Sexual Comercial de Niñas, Niños y Adolescentes 2003-2008*, November 2003.

<sup>2773</sup> U.S. Embassy- Managua, *reporting, December 14, 2007*.

<sup>2774</sup> Government of Nicaragua, *Sistema Nacional Para el Bienestar Social: Programa Amor*, Managua, September



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2008. See also U.S. Embassy- Managua, *reporting, February 13, 2009.*

<sup>2775</sup> American Institutes for Research, *ENTERATE: Combating the Worst Forms of Child Labor through Education in Nicaragua*, Cooperative Agreement, 2008.

<sup>2776</sup> ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Document, RLA/02/P51-05/52/USA, San Jose, 2002, 2005, 1 and 63. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, Geneva, September 2005, 1 and 22.

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<sup>2777</sup> CARE, *Primero Aprendo Project: Combating Exploitive Child Labor through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, Project Document, 2004, 5. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Addendum, 22-23.

<sup>2778</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

<sup>2779</sup> ILO-IPEC official, E-mail communication, December 18, 2008. See also ILO-IPEC official, E-mail communication, February 4, 2008.

## Niger

### Incidence and Nature of Child Labor

In Niger, children work in the agricultural, commercial, and artisanal sectors, often in family businesses. In rural areas, children work on family farms, including gathering water or firewood, pounding grain, and raising animals.<sup>2780</sup> Children work in manufacturing and maintenance, including welding, carpentry, and metal work. Children also work in tanneries and slaughterhouses.<sup>2781</sup> Girls especially work as domestic servants and as vendors, risking harassment and sexual abuse.<sup>2782</sup> Street children, who beg or perform tasks such as dishwashing or portering, are prevalent in the capital, Niamey, as well as in Dosso, Maradi, Zinder, and Tahoua.<sup>2783</sup>

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Niger.<sup>2784</sup> While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned or perform manual labor.<sup>2785</sup>

Children work in hazardous conditions in mines and quarries, including salt quarries in Tounouga; trona mines in the Boboye region; gypsum mines in Madaoua; and gold mines in Liptako-Gourma, Komabangou, M'banga, and the area near the border with Burkina Faso.<sup>2786</sup> In mining and

quarrying, children participate in many hazardous activities, such as breaking rocks; extracting, processing, and hoisting up ore; and transporting heavy loads.<sup>2787</sup> Gold mining is particularly hazardous because gold-washing may expose children to mercury.<sup>2788</sup> Children are also victimized in prostitution, especially along the highway between Zinder and Birni n'Konni.<sup>2789</sup>

Traditional forms of caste-based servitude, including that of children, still exist in parts of Niger.<sup>2790</sup> This practice is more prevalent among the nomadic populations. Slaves often work as shepherds, agricultural workers, or domestic servants.<sup>2791</sup>

Niger serves as a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.<sup>2792</sup> Children are trafficked internally for forced labor in mines, agricultural labor, and domestic service, as well as for commercial sexual exploitation and begging.<sup>2793</sup> Children from Benin, Burkina Faso, Ghana, Mali, Nigeria, and Togo are trafficked to Niger for exploitive labor, including working in mines, on farms, and on the streets as menial laborers.<sup>2794</sup> Children from Mali are trafficked to the rice fields in the Tillabery region of Niger, as well as in transit to Europe or North Africa.<sup>2795</sup> Nigerien children are trafficked to work as beggars or manual laborers in Mali and

Nigeria.<sup>2796</sup> Children from Niger are trafficked to Cameroon for forced labor in agriculture, vending, and fishing.<sup>2797</sup>

employed in work that exceeds his or her strength and that employers guarantee certain minimum sanitary conditions.<sup>2801</sup>

The law prohibits forced and bonded labor, except for work by legally convicted prisoners.<sup>2802</sup> Nigerien law criminalizes slavery, specifically noting that this includes children under 18 years, who might be put into such a situation by parents or guardians, and provides for a prison sentence of up to 30 years for enslaving a person.<sup>2803</sup> The law criminalizes prostitution.<sup>2804</sup> Nigerien law also prohibits forcing a person to beg, including a parent causing a child to beg.<sup>2805</sup> The minimum age for recruitment into the military is 18 years.<sup>2806</sup>

Niger was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>2807</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Niger agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>2808</sup>

The Ministry of Labor is charged with enforcing labor laws and has approximately 100 inspectors who are responsible for investigating and enforcing all elements of the Labor Code, including child labor.<sup>2809</sup> According to USDOS, the labor inspectorate is reported to be acutely lacking in both human and material resources, which hampers inspections, and there were no labor inspections in 2008.<sup>2810</sup> The Ministries of Interior, Justice, and the Promotion of Women and the Protection of Children share the responsibility for taking measures against trafficking, and law enforcement officials arrested some traffickers during 2008.<sup>2811</sup> Also, in collaboration with UNICEF, Niger established regional committees to address child trafficking in several regions, including Agadez, Niamey, and Zinder. Law enforcement authorities rescued at least 58 children from traffickers near the border with Benin in Niger and in the Agadez region.<sup>2812</sup>

### Selected Statistics and Indicators on Child Labor<sup>2798</sup>

Population, children, 5-14 years, 2000:	3,140,254
Working children, 5-14 years (%), 2000:	66.2
Working boys, 5-14 years (%), 2000:	71.8
Working girls, 5-14 years (%), 2000:	60.6
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	50.6
Net primary enrollment rate (%), 2006:	43.4
School attendance, children 5-14 years (%), 2000:	31.1
Survival rate to grade 5 (%), 2005:	56.2
ILO Convention 138:	12/4/1978
ILO Convention 182:	10/23/2000
CRC:	9/30/1990
CRCOPAC:	No
CRCOPSC:	10/26/2004
Palermo:	9/30/2004
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, including for apprenticeships.<sup>2799</sup> Children under 18 years must have at least a 12-hour break and may not be employed at night, except in certain special circumstances that are subject to decree.<sup>2800</sup> The law also requires that no child or apprentice be

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

During 2008, the Government of Niger continued to target child labor through the framework established by its Poverty Reduction Strategy Document.<sup>2813</sup> Under this framework, the Government supports three technical and vocational training centers in Zinder, Maradi, and Tahoua.<sup>2814</sup> Also, the Government provides services to street children via the National Committee for Combating the Phenomena of Street Children, under leadership of the Ministry for the Promotion of Women and Protection of Children.<sup>2815</sup> As part of this effort, the Ministry of Labor launched a vocational training program for street children rescued by an NGO.<sup>2816</sup> UNICEF is also working with the Government to reduce the number of children working on the street by providing non-formal education to former street vendors.<sup>2817</sup>

The Government of Niger continues to support research efforts aimed at determining the extent of child labor in the country. As such, the Ministry of Labor and National Institute of Statistics are working with ILO-IPEC and UNICEF to conduct surveys on child labor, while the National Commission for Human Rights and Civil Liberties is conducting a survey of customary slavery in Niger, including that of children.<sup>2818</sup>

In 2008, the Government conducted awareness-raising events on child labor.<sup>2819</sup> As part of this effort, the Ministry of Labor organized a celebration for the World Day Against Child Labor.<sup>2820</sup> Niger also continued to rescue and provide rehabilitation services to children who were victims of trafficking.

The Government of Niger is participating in a 3-year, USDOL-funded USD 3 million regional project, implemented by ILO-IPEC, that runs until July 2009, to withdraw 1,500 children and prevent 2,500 children from hazardous artisanal gold mining in Niger and Burkina Faso.<sup>2821</sup>

The Government of Niger participated through September 2008 in a 4-year, USDOL-funded USD 2 million Child Labor Education Initiative, implemented by Catholic Relief Services, to

combat child labor through education. The project withdrew 804 and prevented 6,347 children from exploitive work in mining, hazardous forms of agriculture, and cattle-raising by providing access to formal education or vocational training.<sup>2822</sup> Additionally, the project raised awareness of the worst forms of child labor, strengthened the capacity of local NGOs, and improved existing school infrastructure.<sup>2823</sup>

The Government of Niger is participating in a 3-year USD 4.8 million regional ILO-IPEC project, funded by the Government of France, which runs until December 31, 2009, and includes vocational training and apprenticeship programs.<sup>2824</sup>

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<sup>2780</sup> Government of Niger- National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*, May 2008, 13. See also U.S. Department of State, "Country Reports- 2008: Niger," section 6d.

<sup>2781</sup> U.S. Embassy- Niamey, *reporting*, January 26, 2009, para D.

<sup>2782</sup> Government of Niger- National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*, 13. See also Integrated Regional Information Networks, "NIGER: Youths are 'demographic time bomb'", IRINnews.org [online] September 12, 2008 [cited January 28, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=80323>. See also UNICEF, *Aichatou's story: New skills protect a former street vendor from exploitation in Niger*, [online] November 17, 2008 [cited January 28, 2009]; available from [http://www.unicef.org/girlseducation/niger\\_46412.html?q=printme](http://www.unicef.org/girlseducation/niger_46412.html?q=printme).

<sup>2783</sup> ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Niger (ratification: 2000)*, [online] 2008 [cited January 28, 2009], article 7, para 2; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21887&chapter=9&query=%28Niger%29+%40ref&highlight=&querytype=bool&context=0>. See also UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*, [online] June 15, 2007 [cited January 28, 2009]; available from [http://www.unicef.org/infobycountry/niger\\_39997.html?q=printme](http://www.unicef.org/infobycountry/niger_39997.html?q=printme).

<sup>2784</sup> 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, 4 and 6. See also Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine

Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html>. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes*, no. 11 (August 1999), 1 and 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>.

<sup>2785</sup> IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited January 26, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Niger (ratification: 2000)*, [online] 2008 [cited January 28, 2009], article 3(2); available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=10394&chapter=6&query=%28Niger%29+%40ref&highlight=&querytype=bool&context=0>. See also Government of Niger, ANDDH, and UNICEF, *Rapport de l'étude nationale sur le trafic des personnes au Niger*, March, 2005, 10 and 12.

<sup>2786</sup> ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour*, article 3(2), clause (d). See also O. Issa, "Niger's gold miners exploit children", *Business in Africa* [online] August 30, 2005 [cited January 28, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=72487>.

<sup>2787</sup> ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour*. See also ILO-IPEC, *Child Labour in Salt Mining: The Problem*, [online] June 2006; available from <http://www.ilo.org/ipecc/areas/Miningandquarrying/MoreaboutCLinmining/lang-en/index.htm>. See also ILO-IPEC, *Prevention and Elimination of Child Labor in Mining in West Africa*, Project Document, Geneva, September 30, 2005, 2. See also ILO-IPEC, *Child Labour in Gold Mining: The Problem*, [online] June 2006; available from <http://www.ilo.org/ipecc/areas/Miningandquarrying/MoreaboutCLinmining/lang-en/index.htm>.

<sup>2788</sup> ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour*. See also ILO-IPEC, *Child Labour in Salt Mining*.

<sup>2789</sup> U.S. Department of State, "Country Reports- 2008: Niger," section 5.

<sup>2790</sup> *Ibid.* See also Integrated Regional Information Networks, "NIGER: New slavery study welcomed by human rights experts", IRINnews.org [online] May 31, 2007 [cited January 28, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=72487>.

<sup>2791</sup> ILO Committee of Experts, *Individual Observation concerning Forced Labour Convention, 1930 (No. 29) Niger*

(*ratification: 1961*), [online] 2008 [cited January 28, 2009], articles 1(1) and 2(1); available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9685&chapter=6&query=%28Niger%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Niamey, *reporting*, January 10, 2007, paras 1-3.

<sup>2792</sup> U.S. Department of State, "Niger (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105388.htm>. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour*.

<sup>2793</sup> UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Niger."

<sup>2794</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Niger." See also UNICEF, *UNICEF and partners aid child labourers and fight trafficking in Niger*. See also U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>2795</sup> U.S. Embassy- Niamey, *reporting*, January 26, 2009.

<sup>2796</sup> *Ibid.*, para D. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Niger."

<sup>2797</sup> U.S. Department of State, "Cameroon (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>2798</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Niger, *Ordonnance no 96-039 du 29 juin 1996 portant Code du travail*, (1996), 99; available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/44750/66561/F96NER01.htm#a095>. For age to which education is compulsory and free public education, see ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Niger (ratification: 1978)*, [online] 2008 [cited January 28, 2009], article 3, para. 3; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21619&chapter=9&query=%28Niger%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Niger," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119017.htm>.

<sup>2799</sup> Government of Niger, *Code du Travail*, article 99.

<sup>2800</sup> *Ibid.*, 96.

<sup>2801</sup> Ibid., articles 100 and 30. See also U.S. Department of State, "Niger," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100497.htm>.

<sup>2802</sup> Government of Niger, *Code du Travail*, article 4.

<sup>2803</sup> Government of Niger, *Loi n° 2003-025 du 13 juin 2003 modifiant la loi n° 61-27 du 15 juillet 1961 portant institution du Code pénal* (2003), articles 270.1-270.5; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/66128/62103/F1872754105/66218.pdf>.

See also ILO Committee of Experts, *Individual Observation, Forced Labour*.

<sup>2804</sup> U.S. Department of State, "Country Reports- 2008: Niger," section 5.

<sup>2805</sup> ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour*, article 3(2). See also U.S. Embassy- Niamey, *reporting*, January 3, 2007.

<sup>2806</sup> U.S. Embassy- Niamey, *reporting*, January 26, 2009, para A.

<sup>2807</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>2808</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

<sup>2809</sup> U.S. Embassy- Niamey, *reporting*, January 26, 2009, para B. See also Government of Niger, *Code du Travail*, articles 248-264.

<sup>2810</sup> U.S. Department of State, "Country Reports- 2008: Niger," section 6d. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour*, article 5.

<sup>2811</sup> U.S. Department of State, "Country Reports- 2008: Niger," section 5.

<sup>2812</sup> U.S. Embassy- Niamey, *reporting*, November 19, 2008, paras B and C. See also U.S. Department of State, "Country Reports- 2008: Niger," section 5.

<sup>2813</sup> U.S. Embassy- Niamey, *reporting*, January 26, 2009, para D.

<sup>2814</sup> ILO Committee of Experts, *Individual Direct Request, Minimum Age*, article 3, para 3. Government of Niger, *Full Poverty Reduction Strategy*, Niamey, August 2007, 56-57.

<sup>2815</sup> Integrated Regional Information Networks, "Youths are 'demographic time bomb'". See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour*, article 7, para 2.

<sup>2816</sup> U.S. Embassy- Niamey, *reporting*, January 26, 2009, para C.

<sup>2817</sup> UNICEF, *Aichatou's story*.

<sup>2818</sup> Government of Niger- National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*. See also Integrated Regional Information Networks, "New slavery study welcomed by human rights experts". See also Catholic Relief Services, *Combating Exploitive Child Labor through Education in Niger* Technical Progress Report, September 15, 2008, 8.

<sup>2819</sup> U.S. Embassy- Niamey, *reporting*, January 26, 2009, para B.

<sup>2820</sup> Catholic Relief Services, *Combating Exploitive Child Labor through Education, Technical Progress Report, September 2008*, 3.

<sup>2821</sup> ILO-IPEC, *West Africa Mining, Project Document*, 36.

<sup>2822</sup> Catholic Relief Services, *Combating Exploitive Child Labor through Education, Technical Progress Report, September 2008*, 19. See also Catholic Relief Services, *Combating Exploitive Child Labor through Education in Niger*, Project Document, 2006, 19-20.

<sup>2823</sup> Catholic Relief Services, *Combating Exploitive Child Labor through Education, Technical Progress Report, September 2008*, 6, 8, 28, 45, 46.

<sup>2824</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

## Nigeria

### Incidence and Nature of Child Labor

Children in Nigeria work in agriculture, including under hazardous conditions, on family and commercial plantations.<sup>2825</sup> Children work on cassava farms and on cocoa and rubber plantations, in activities such as weeding, cocoa pod breaking, and mixing hazardous chemicals.<sup>2826</sup> In urban areas, children also work as street-

peddlers, shoe-shiners, load carriers, car-washers, scavengers, and bus-fare collectors.<sup>2827</sup> Children risk exposure to hazardous conditions while working in fishing, sand-harvesting, transportation, and construction.<sup>2828</sup> Children are involved in fishing, including casting nets, unloading fish, boat repair, and trading activities.<sup>2829</sup> One study of fisher-children in riverine communities in Nigeria found that 70

percent of those surveyed reported having been injured at work at least once in the previous year.<sup>2830</sup> Children also risk injury or death working, sometimes in forced labor, in mines and quarries, especially in granite and gravel production.<sup>2831</sup>

Commercial sexual exploitation of children occurs in some Nigerian cities, including Port Harcourt, Bonny, and Lagos.<sup>2836</sup> There are also reports of girls in refugee camps located in Nigeria being subject to sexual exploitation, including prostitution.<sup>2837</sup>

Nigeria is a source, transit, and destination country for child trafficking.<sup>2838</sup> Children are trafficked internally for domestic and agricultural labor, such as on cocoa plantations, as well as peddling.<sup>2839</sup> Within the country, boys are trafficked primarily to work as bonded laborers, street peddlers, and beggars.<sup>2840</sup> Girls are trafficked for street peddling, domestic service, which sometimes involves physical or sexual abuse, and commercial sexual exploitation.<sup>2841</sup>

Nigeria is a transit country for children from Togo being trafficked to Gabon and Europe.<sup>2842</sup> Nigeria is also a destination country for child trafficking; although victims come from various countries, the majority are from Benin.<sup>2843</sup> Boys are trafficked for the purposes of forced labor in agriculture, construction, mining, and quarrying from Benin, Togo, Côte d'Ivoire, Niger, Burkina Faso, and the Central African Republic.<sup>2844</sup> Girls are trafficked from these countries, as well as Mali and Ghana, for the purposes of forced labor in domestic service, street trading, and commercial sexual exploitation.<sup>2845</sup> Children from Niger are also reportedly trafficked to Nigeria to work in forced begging.<sup>2846</sup> Chadian children are trafficked to Nigeria for the purposes of cattle herding.<sup>2847</sup>

Nigeria is a source country for the trafficking of children to countries within Africa and on other continents.<sup>2848</sup> Children are trafficked for the purposes of domestic service from Nigeria to Guinea, Equatorial Guinea, Liberia, Ghana, and Gabon.<sup>2849</sup> Nigerian children are trafficked for the purposes of agricultural labor to Ghana, Liberia, Cameroon, and Mali.<sup>2850</sup> Children from Nigeria are also trafficked for the purposes of mining to Sierra Leone and for purposes of fishing to Cameroon.<sup>2851</sup> Nigerian children are also trafficked to Liberia for forced labor as porters.<sup>2852</sup> Children are reportedly trafficked to Sierra Leone, Gabon, and Guinea from Nigeria for the purposes of commercial sexual exploitation.<sup>2853</sup> Children are trafficked from Nigeria to work as vendors in

*Selected Statistics and Indicators  
on Child Labor*<sup>2832</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	12
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	95.5
Net primary enrollment rate (%), 2006:	63.0
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2003:	82.9
ILO Convention 138:	10/2/2002
ILO Convention 182:	10/2/2002
CRC:	4/19/1991
CRCOPAC:	No
CRCOPSC:	No
Palermo:	6/28/2001
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Nigeria.<sup>2833</sup> While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned or perform manual labor; such boys are also often without adequate food or shelter.<sup>2834</sup> Street children, who often work as beggars and street hawkers, have been reported to be an increasing population in urban areas.<sup>2835</sup>

Equatorial Guinea, Liberia, Ghana, Gabon, and Saudi Arabia.<sup>2854</sup> Nigerian children are trafficked to Saudi Arabia to work in forced begging and street vending.<sup>2855</sup> These children are at risk of being used by traffickers to obtain *diya* or “blood money,” whereby the trafficker pushes the child in front of a car, using the injury or death as a means of obtaining compensation.<sup>2856</sup> Nigerian children are reportedly trafficked to the Middle East to work as camel jockeys.<sup>2857</sup> Nigerian children are also reportedly trafficked to Italy and Spain.<sup>2858</sup>

### Child Labor Laws and Enforcement

The Labour Act sets a general minimum age for employment of 12 years; however, there is no minimum age provided for light work.<sup>2859</sup> The Act specifically provides exceptions for light work in agriculture and horticulture for work in which the employer is a family member.<sup>2860</sup> The Act also creates an exception for domestic work.<sup>2861</sup> Children under 12 years are prohibited from lifting, carrying, or moving anything so heavy as to be likely to affect their physical development.<sup>2862</sup> With parental consent, children may become apprentices at 12 years; children may apprentice themselves at 16 years.<sup>2863</sup>

Young persons under 14 years may only be employed under certain conditions. They may be employed only on a “day-to-day basis,” must receive the day’s wages at the end of the work day, and be able to return each night to their parents’ or guardian’s residence. Youth under 15 years cannot work in industries or on vessels not run by family members or vocational schools.<sup>2864</sup> The law prohibits youth under 16 years from being employed underground, in machine work, or against the wishes of a parent or guardian.<sup>2865</sup> Young persons under 16 years of age cannot work for more than 4 consecutive hours or more than 8 hours per day or in circumstances that reasonably prevent them from returning to their place of residence each night.<sup>2866</sup> The law forbids night employment of young persons under 18 years or in employment injurious to their health, safety, or morals.<sup>2867</sup> The Child Rights Act defines a child as one under 18 years and forbids children from being hired for the purposes of begging or hawking; however, it applies only in 20 States and Federal Territory

that have adopted the Act.<sup>2868</sup> Violation of the Labour Act’s child labor provisions is punishable by a fine, and violation of the Child Rights Act provisions may lead to criminal sanctions in the regions where it applies.<sup>2869</sup>

Nigerian law permits forced labor in limited circumstances when required by court sentences, emergency situations, and civic obligation.<sup>2870</sup> Except for those circumstances, the law prohibits forced labor, as well as the trafficking in slaves, prostitution, pornography, drug trafficking, and the forced or compulsory recruitment of children into armed conflict.<sup>2871</sup> Nigerian law punishes such offenses by fines and up to life in prison.<sup>2872</sup> The Trafficking Act outlaws trafficking and the unlawful removal of youth under 18 years from the custody of their parents or guardians and punishes such action by up to 14 years of imprisonment.<sup>2873</sup>

The law criminalizes the procurement of children under 18 years for use in prostitution with punishment of up to 14 years of imprisonment. It also outlaws inducing carnal knowledge of a person under 18 years; importing and exporting youth under 18 years of age to be forced into prostitution; and permitting, causing, or encouraging the prostitution or presence in brothels of youth under 18 years.<sup>2874</sup> Such acts are punishable by 10 years in prison.<sup>2875</sup> Nigeria has a minimum age of 18 years for voluntary recruitment into the armed forces, and there is no mandatory military service.<sup>2876</sup>

Nigeria was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>2877</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Nigeria agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>2878</sup>

The responsibility for enforcing child labor laws rests with various ministries and agencies at the Federal, State, and local levels. The Federal

Ministry of Employment, Labor, and Productivity coordinates efforts to combat child labor problems and enforce labor provisions.<sup>2879</sup>

Enforcement efforts regarding trafficking are the primary responsibility of the National Agency for Prohibition of Trafficking in Persons (NAPTIP). The National Police Force and the Nigerian Immigration Service also have anti-trafficking units responsible for combating trafficking, as do some State police.<sup>2880</sup> NAPTIP reported that from January to May 2008, it had rescued 172 children aged 0 to 12 years and 147 children aged 13 to 18 years.<sup>2881</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Nigeria raised awareness on exploitive child labor and the worst forms of child labor.<sup>2882</sup> The Ministry of Labor also conducted trainings for approximately 80 labor and factory inspectors on child labor laws as well as how to conduct inspections in high-risk sectors including agriculture, mining, and the informal sector.<sup>2883</sup> This Ministry also reported that 10 additional training and awareness raising programs on child labor were conducted.<sup>2884</sup>

In 2008, the Government passed the National Plan of Action on Trafficking in Persons, which provides a coordination framework on research, protection, prevention, and prosecution for NGOs and government entities, including law enforcement agencies and the legislature. The Government also passed the National Policy on Protection and Assistance to Trafficked Persons in Nigeria, which provides for services to trafficking victims, such as protection and rehabilitation.<sup>2885</sup> Nigeria continues to operate shelters for trafficking victims and reunited or repatriated trafficked children.<sup>2886</sup>

In 2008, Nigeria implemented a survey intended to identify the prevalence and nature of child labor.<sup>2887</sup> As of the writing of this report, data were not available to UCW for analysis for use in this report. For information on data used in this report, please see the data sources and definitions section. In November, the Joint Benin and Nigeria Committee to Combat Child Trafficking

developed a 2009 to 2010 Joint Action Plan to combat the Trafficking of children from Zakpota, Benin to Abeokuta, Nigeria, for labor in stone quarries.<sup>2888</sup>

The Government of Nigeria continues to participate in the USAID-supported Sustainable Tree Crops Program that incorporates child labor issues into its teachings on integrated crop, pest, and quality management in Nigeria. Materials used to train farmers under this program highlight particularly hazardous aspects of agricultural work for children, such as the use of pesticides or the carrying of heavy loads.<sup>2889</sup>

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<sup>2825</sup> Government of Nigeria, *Efforts to Eliminate the Worst Forms of Child Labor*, February 26, 2007, 1. See also J.G. Adewale, J.A. Oladejo, and L.T. Ogunniyi, "Economic Contributions of Farm Children to Agricultural Production in Nigeria: A Case Study of Ekiti State of Nigeria," *Journal of Social Sciences* 10, no. 2 (October 2005); available from [www.popline.org/docs/1699/305424.html](http://www.popline.org/docs/1699/305424.html).

<sup>2826</sup> Stella O. Odebode, "Appropriate Technology for Cassava Processing in Nigeria: User's Point of View," *Journal of International Women's Studies* 9, no. 3 (May 2008), 269 and 276; available from <http://www.bridgew.edu/SoAS/jiws/May08/Cassava.pdf>. See also U.S. Embassy- Abuja, *reporting*, May 28, 2008, para 6. See also Department of Agriculture Economics & Extension- Federal University of Technology, *Report On Baseline Survey Of Child Labor Situation In The STCP Pilot Project Area, Nigeria (Abstract)*, Akure, June 2005, 1-2; available from [http://www.futa.edu.ng/PDF/AgricEconsExtension\\_PDF/ILO-Baseline-reportAbstract.pdf](http://www.futa.edu.ng/PDF/AgricEconsExtension_PDF/ILO-Baseline-reportAbstract.pdf). See also Salaam-Blyther T., C. Hanrahan, and N. Cook, *Child Labor in West African Cocoa Production: Issues and U.S. Policy*, July 2005, 8; available from <http://www.nationalaglawcenter.org/assets/crs/RL32990.pdf>. See also The Tide Online, "Media onslaught against child trafficking", July 10, 2007; available from <http://www.thetidenews.com/article.aspx?qrDate=09/08/2007>.

<sup>2827</sup> Government of Nigeria, *Efforts to Eliminate the Worst Forms of Child Labor*. See also U.S. Department of State, "Nigeria," in *Country Reports on Human Rights Practices-2007*, March 11, 2008, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007>. See also Edith Osiruemu, *Poverty of Parents and Child Labour in Benin City, Nigeria: A Preliminary Account of its Nature and Implications*, Department of History, Delta State University, Abraka, 2007, 118. See also Christine Jaulmes, "Digital Diary: Nigerian Street Children Tell



Their Stories of Life Without Security," *UNICEF*, December 26, 2007; available from [http://www.unicef.org/infobycountry/nigeria\\_42282.html](http://www.unicef.org/infobycountry/nigeria_42282.html).

<sup>2828</sup> Government of Nigeria, *Efforts to Eliminate the Worst Forms of Child Labor*, 1. See also Macro International, *Children Working in Riverine Communities in Nigeria*, Research Report, Maryland, 2007, 11 and 73.

<sup>2829</sup> Macro International, *Children Working in Riverine Communities*, 66-67. See also O.A. Adekun, F.O. Adereti, and K.A. Akanni, "Children's Involvement in Fish Production: A Strategy for Poverty Alleviation in Waterside Local Government Area, Ogun State, Nigeria," *Research Journal of Fisheries and Hydrobiology* 1, no. 1 (October 13, 2006), 10 and 12; available from [www.insinet.net/rjfh/2006/10-13.pdf](http://www.insinet.net/rjfh/2006/10-13.pdf).

<sup>2830</sup> Macro International, *Children Working in Riverine Communities*, vi.

<sup>2831</sup> *Terres des Hommes, Little Hands of the Stone Quarries, Investigation of Child Trafficking Between Benin and Nigeria*, Le Mont-sur-Lausanne, December 2005. See also AFP, "Benin's child slaves working Nigeria's quarries", December 11, 2007. See also U.S. Department of State, "Benin (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also U.S. Embassy-Abuja, *reporting, May 28, 2008*, para 6.

<sup>2832</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Nigeria, *Labour Act (Chapter 198) (No. 21), as amended. Laws of the Federation of Nigeria (1990 Revised edition), Vol. X, Cap. 198*, article 59, sub-article 1a and article 91, sub-article 1; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42156/64980/E7RNGA01.htm#p3>. For age to which education is compulsory and free public education, see UNESCO, "Regional Overview: Sub-Saharan Africa," in *Global Monitoring Report 2003/4: Gender and Education for All*, Paris, 2004; available from [http://www.unesco.org/education/efa\\_report/zoom\\_regions\\_pdf/ssafrica.pdf](http://www.unesco.org/education/efa_report/zoom_regions_pdf/ssafrica.pdf). See also U.S. Department of State, "Nigeria," 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/119018.htm>.

<sup>2833</sup> U.S. Department of State, "Country Reports- 2008: Nigeria," section 5. See also Peter Easton et al., *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html>. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK*

*Notes*, no. 11 (August 1999), 1 and 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>.

<sup>2834</sup> IOM, *Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM*, [online] 2006 [cited January 26, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cac/he/offonce?entryId=12007>. See also U.S. Department of State, "Country Reports- 2008: Nigeria," section 5. See also British Broadcasting Corporation, "Child Beggars of Nigeria's Koranic Schools", BBC News, [online], December 23, 2008 [cited February 3, 2009]; available from <http://news.bbc.co.uk/2/hi/africa/7796109.stm>. See also Isiyaku Ahmed, "NGO Works to Improve Muslim Education in Nigeria", VOA, [online], November 28, 2007 [cited February 3, 2009]; available from <http://www.voanews.com/english/archive/2007-11/2007-11-28-voa46.cfm>.

<sup>2835</sup> Integrated Regional Information Networks, "Nigeria: Desperate Children Swamp Northern Cities as Food Price Hikes Bite", IRINnews.org, [online], March 18, 2008 [cited February 3, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77349>. See also UN Committee on the Rights of the Child, *Concluding Observations: Nigeria*, CRC/C/15/Add.257, Geneva, April 13, 2005, 18; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/b06804b33ec4eadbc1257018002c82db?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/b06804b33ec4eadbc1257018002c82db?Opendocument). See also UNICEF, *At a Glance: Digital Diary: Nigerian street children tell their stories of life without security*, [online] December 26, 2007 [cited February 2, 2009]; available from [http://www.unicef.org/infobycountry/nigeria\\_42282.html?q=printme](http://www.unicef.org/infobycountry/nigeria_42282.html?q=printme).

<sup>2836</sup> ECPAT International CSEC Database, *Nigeria*, accessed February 4, 2009; available from <http://www.ecpat.net>. See also AllAfrica.com, "Nigeria: State leads in child trafficking and prostitution", *afrol.com*, [online], October 8, 2006; available from <http://www.crin.org/resources/infoDetail.asp?ID=9704&flag=news>.

<sup>2837</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nigeria (ratification: 2002)*, [online] 2008 [cited February 2, 2009], article 7, para 2, clause e; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21620&chapter=9&query=%28nigeria%29+%40ref&highlight=&querytype=bool&context=0>.

<sup>2838</sup> U.S. Department of State, "Nigeria (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105658.pdf>. See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, Geneva, September 2006, 29; available from [www.unodc.org/documents/human-trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf).

<sup>2839</sup> U.S. Department of State, "Country Reports- 2008: Nigeria," section 5. See also LUTRENA and ILO-IPEC, *A Survey of Child Trafficking in Asewele, Ondo State Nigeria*, Research Report, Geneva, 2005, 18-20.

<sup>2840</sup> U.S. Department of State, "Country Reports- 2008: Nigeria," section 5.

<sup>2841</sup> LUTRENA and ILO-IPEC, *Child Trafficking in Asewele, Ondo State, Research Report*, 19-20. See also Integrated Regional Information Networks, "Nigeria: Trafficking of Girls, Abuse Worsening", IRINnews.org, [online], July 7, 2008 [cited February 2, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=79118>. See also Integrated Regional Information Networks, "Nigeria: Stepping up the Fight Against Child-Trafficking", IRINnews.org, [online], December 10, 2007; available from <http://www.irinnews.org/Report.aspx?ReportId=75783>.

<sup>2842</sup> UNESCO, *Human Trafficking in Nigeria: Root Causes and Recommendations*, Paris, 2006, 24; available from [http://portal.unesco.org/shs/en/ev.php-URL\\_ID=10309&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/en/ev.php-URL_ID=10309&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>2843</sup> U.S. Department of State, "Country Reports- 2008: Nigeria," section 5. See also Government of Nigeria-NAPTIP, *Database Analysis*, [online] 2008 [cited February 3, 2009]; available from [http://naptip.gov.ng/index.php?option=com\\_content&task=view&id=13&Itemid=31](http://naptip.gov.ng/index.php?option=com_content&task=view&id=13&Itemid=31).

<sup>2844</sup> UNODC, *Measures to Combat Trafficking in Human Beings*, 12. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Benin." See also U.S. Department of State, "Niger (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105658.pdf>. See also U.S. Department of State, "Togo (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105659.pdf>. See also U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also U.S. Department of State, "Central African Republic (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>2845</sup> UNESCO, *Human Trafficking in Nigeria*, 24. See also UNODC, *Measures to Combat Trafficking in Human Beings*, 12.

<sup>2846</sup> U.S. Department of State, "Trafficking in Persons Report-2008: Niger."

<sup>2847</sup> U.S. Department of State, "Chad (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*,

Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>2848</sup> UNODC, *Measures to Combat Trafficking in Human Beings*, 12. See also U.S. Department of State, "Country Reports- 2008: Nigeria," section 5.

<sup>2849</sup> U.S. Department of State, "Ghana (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also U.S. Department of State, "Guinea (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also U.S. Department of State, "Equatorial Guinea (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also U.S. Department of State, "Gabon (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also U.S. Department of State, "Liberia (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105658.pdf>.

<sup>2850</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Ghana." See also U.S. Department of State, "Cameroon (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Liberia." 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, 7.

<sup>2851</sup> U.S. Department of State, "Sierra Leone (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105659.pdf>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Cameroon."

<sup>2852</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Liberia."

<sup>2853</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon." See also U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea." See also U.S. Department of State, "Trafficking in Persons Report- 2008: Sierra Leone."

<sup>2854</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Equatorial Guinea." See also U.S. Department of State, "Trafficking in Persons Report- 2008: Gabon." See also U.S. Department of State, "Trafficking in Persons Report- 2008: Liberia." See also

U.S. Department of State, "Trafficking in Persons Report- 2008: Ghana." See also U.S. Department of State, "Saudi Arabia (Tier 3)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105659.pdf>.

<sup>2855</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Saudi Arabia." See also Integrated Regional Information Networks, "Stepping up the Fight Against Child-Trafficking".

<sup>2856</sup> UNESCO, *Human Trafficking in Nigeria*, 30.

<sup>2857</sup> U.S. Department of State, "Country Reports- 2008: Nigeria," section 5.

<sup>2858</sup> The Tide Online, "Media onslaught against child trafficking".

<sup>2859</sup> Government of Nigeria, *Labour Act*, sections 59(1)(a) and 91(1). See also ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Nigeria (ratification: 2002)*, [online] 2008 [cited February 2, 2009], article 7, para 1; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21620&chapter=9&query=%28nigeria%29+%40ref&highlight=&querytype=bool&context=0>.

<sup>2860</sup> Government of Nigeria, *Labour Act*, section 59.

<sup>2861</sup> *Ibid.*

<sup>2862</sup> *Ibid.*, section 59(1)(b).

<sup>2863</sup> *Ibid.*, section 49(1).

<sup>2864</sup> *Ibid.*, sections 59(2) and 61.

<sup>2865</sup> *Ibid.*, sections 59(5) and 59(7).

<sup>2866</sup> *Ibid.*, sections 59(8) and 59(4).

<sup>2867</sup> *Ibid.*, sections 60(1) and 59(6).

<sup>2868</sup> Bisi Olateru-Olagberri and Anne Ikpeme, *Review of Legislation and Policies in Nigeria on Human Trafficking and Forced Labour*, ILO, January 2006, 30; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_083149.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_083149.pdf). See also U.S. Embassy- Abuja, *reporting*, February 11, 2009, para 2.

<sup>2869</sup> Government of Nigeria, *Labour Act*, section 64. See also Olateru-Olagberri and Ikpeme, *Review of Legislation and Policies in Nigeria*, 30.

<sup>2870</sup> Government of Nigeria, *Labour Act*, sections 73 and 74. See also Government of Nigeria, *Constitution of the Federal Republic of Nigeria, 1999*, section 34(1); available from <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>.

<sup>2871</sup> Government of Nigeria, *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003*, (July 2003), Section 15. See also Olateru-Olagberri and Ikpeme, *Review of Legislation and Policies in Nigeria*, 34-36.

<sup>2872</sup> Government of Nigeria, *Trafficking in Persons Act*, section 22-24.

<sup>2873</sup> *Ibid.*, section 19(1)(a).

<sup>2874</sup> *Ibid.*, sections 18 and 26(1).

<sup>2875</sup> *Ibid.*

<sup>2876</sup> Government of Nigeria, *Second Periodic Report of Nigeria to the Committee on the Rights of the Child - CRC/C/70/Add.24*, September 17, 2004, 16 (referencing Section 34 of the Child Rights Act). See also Coalition to Stop the Use of Child Soldiers, "Nigeria," in *Child Soldiers Global Report, 2008*; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>2877</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>2878</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13.

<sup>2879</sup> ENCOMPASS official, Interview with Government of Nigeria official and USDOL consultant, March 29, 2005, 17. See also U.S. Department of State, "Country Reports- 2008: Nigeria."

<sup>2880</sup> U.S. Department of State, "Country Reports- 2008: Nigeria," section 5.

<sup>2881</sup> Government of Nigeria- NAPTIP, *Database Analysis*.

<sup>2882</sup> See also U.S. Department of State, "Country Reports- 2008: Nigeria," section 6d.

<sup>2883</sup> U.S. Embassy- Abuja, *reporting, February 11, 2009*, para 5.

<sup>2884</sup> U.S. Embassy- Abuja official, E-mail communication to USDOL official, July 7, 2009.

<sup>2885</sup> U.S. Department of State, "Country Reports- 2008: Nigeria," section 5.

<sup>2886</sup> U.S. Embassy- Abuja, *reporting, February 11, 2009*, para 19.

<sup>2887</sup> Hannah Coache, *Survey of Child Poverty in Nigeria*, [online] February 22, 2008 [cited January 7, 2009]; available from <http://www.ijid.org/News%20and%20Publications%20NEWSLETTER%20ARTICLES%20folder/Survey%20of%20Child%20Poverty.html>.

<sup>2888</sup> U.S. Embassy- Cotonou, *reporting*, February 10, 2009, para 9g. See also U.S. Embassy- Cotonou official, E-mail communication to USDOL official, April 3, 2009.

<sup>2889</sup> U.S. Embassy- Abuja, *reporting, February 11, 2009*, para 20. See also U.S. Embassy- Abuja official, E-mail communication with STCP and NAPTIP attachments to USDOL official, November 30, 2007. See also Sustainable Tree Crops Program, *Program Overview and Country Activities*, [online] 2007 [cited December 14, 2007]; available from [http://www.treecrops.org/aboutstcp/program\\_overview.asp](http://www.treecrops.org/aboutstcp/program_overview.asp).

# Oman

## *Selected Statistics and Indicators on Child Labor<sup>2890</sup>*

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	Not compulsory
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	80.3
Net primary enrollment rate (%), 2007:	72.7
School attendance, children 5-14 years (%), 1999:	69.2
Survival rate to grade 5 (%), 2006:	98.5
ILO Convention 138:	7/21/2005
ILO Convention 182:	6/11/2001
CRC:	12/9/1996*
CRCOPAC:	9/17/2004*
CRCOPSC:	9/17/2004*
Palermo:	5/13/2005*
ILO-IPEC participating country:	No

\*Accession

### **Incidence and Nature of Child Labor**

Children in Oman work in family businesses and informal occupations involving agriculture and fishing.<sup>2891</sup> Camel racing is part of the Bedouin cultural heritage; children as young as 7 years reportedly participate in competitive races.<sup>2892</sup>

Because of limited data, it is difficult to ascertain whether child prostitution, pornography, or trafficking exists in Oman. The UN Committee on the Rights of the Child has noted that a large number of migrant workers enter Oman each year; trafficked children may be among them.<sup>2893</sup>

### **Child Labor Laws and Enforcement**

The minimum age for admission to work in Oman is 15 years; however, for certain hazardous occupations the minimum age is 18 years.<sup>2894</sup> The minimum age provision and other child labor laws do not apply to children working in family businesses.<sup>2895</sup> Minors 15 to 18 years are only permitted to work 6 hours per day and no more than 4 consecutive hours without a break. They are only permitted to work between the hours of 6 a.m. and 6 p.m. and may not work overtime, on holidays, or on rest days.<sup>2896</sup> Workplaces that employ minors are required to post certain items for display, including a copy of the provisions of the law regulating the employment of children; an updated log with the names, ages, and dates of employment of minors employed in the workplace; and a work schedule showing work hours, rest periods, and weekly holidays.<sup>2897</sup> A royal decree sets the maximum prison term at 1 month and/or a fine for employers who repeatedly use child labor.<sup>2898</sup> In August 2005, the Government began raising annually by 1 year the minimum legal age to work as a camel jockey. As of January 2009, the current minimum legal age was 17 years.<sup>2899</sup>

Forced labor by children is prohibited by law.<sup>2900</sup> The crime of inciting a minor under 18 years into prostitution is punishable by not less than 5 years of imprisonment.<sup>2901</sup> Pornography, including the production, possession, or distribution of pornographic material in general, is punishable by up to 1 year of imprisonment and a fine. However, there is no explicit prohibition on child pornography.<sup>2902</sup>

The 2008 Law Combating Human Trafficking stipulates 7 to 15 years of imprisonment and a fine for traffickers if the victim is less than 18 years.<sup>2903</sup> The crime of enslaving a person carries a prison sentence between 3 and 15 years.<sup>2904</sup> Similarly, the crimes of receiving, possessing, acquiring, maintaining, or causing a person to enter or exit Oman in a state of servitude or slavery are punishable by 3 to 5 years of imprisonment.<sup>2905</sup> Between April 2007 and March

2008, the Government of Oman did not report any prosecutions for offenses related to acts of trafficking.<sup>2906</sup> It is illegal to engage a minor in illicit activities such as drug production or trafficking, or any other activity linked with narcotic drugs; such offenses are punishable by death.<sup>2907</sup>

The minimum age for voluntary military recruitment is 18 years.<sup>2908</sup>

The Ministry of Manpower (MOM) is responsible for the enforcement of child labor laws; however, USDOS reports that enforcement does not often extend to some small businesses, especially those engaged in agriculture and fishing.<sup>2909</sup> In 2008, MOM increased its capacity for monitoring labor practices by hiring approximately 100 new labor inspectors.<sup>2910</sup> In practice, most employers ask each prospective employee for a certificate indicating that he or she has completed basic education through grade 10. Considering that children usually begin their basic education at 6 years, this means that workers, in most cases, will be at least 16 years when they begin work.<sup>2911</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government operates a 24-hour hotline to allow citizens to report claims of labor abuses, including trafficking.<sup>2912</sup> In 2008, ILO trained 100 MOM inspectors on the requirements of core ILO conventions, as well as on how to recognize signs of trafficking.<sup>2913</sup>

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<sup>2890</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Oman, *Royal Decree No. 35/2003: Oman Labour Law*, (May 3, 2003), article 75. See also U.S. Department of State, "Oman," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119124.htm>.

<sup>2891</sup> U.S. Department of State, "Country Reports- 2008: Oman," section 6d. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted*

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*by States Parties Under Article 44 of the Convention: Concluding Observations: Oman*, CRC/C/OMN/CO/2, Geneva, September 29, 2006; available from [http://www.ohchr.org/english/bodies/crc/docs/co/CRC\\_C\\_OMN\\_CO\\_2.pdf](http://www.ohchr.org/english/bodies/crc/docs/co/CRC_C_OMN_CO_2.pdf).

<sup>2892</sup> U.S. Department of State, "Country Reports- 2008: Oman," section 6d. See also U.S. Embassy- Muscat, *reporting*, March 3, 2008.

<sup>2893</sup> UN Committee on the Rights of the Child, *Concluding Observations: Oman*, sections 65 and 66(a). See also UNODC, *Trafficking in Persons: Global Patterns*, Vienna, 2006, 19-20; available from [http://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006ver2.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf). See also UN Human Rights Council, *Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled Human Rights Council. Report of the Special Rapporteur on Trafficking in Persons, especially women and children, Sigma Huda*, A/HRC/4/23/Add.2, Geneva, April 25, 2007, para 35; available from <http://www.unhcr.org/refworld/docid/466d6231e.html>.

<sup>2894</sup> U.S. Department of State, "Country Reports- 2008: Oman," section 6d.

<sup>2895</sup> Government of Oman, *Labour Law*, (2003), article 2; available from <http://www.directory-oman.com/labourlaw.htm>.

<sup>2896</sup> Government of Oman, *Oman Labour Law*, articles 75-77.

<sup>2897</sup> *Ibid.*, article 78.

<sup>2898</sup> U.S. Embassy- Muscat, *reporting*, November 7, 2006.

<sup>2899</sup> U.S. Department of State, "Country Reports- 2008: Oman," section 6d. See also U.S. Embassy- Muscat, *reporting*, March 3, 2008. See also U.S. Embassy- Muscat official, E-mail communication to USDOL official, April 15, 2009.

<sup>2900</sup> U.S. Department of State, "Country Reports- 2008: Oman," section 6d.

<sup>2901</sup> Government of Oman, *Penal Code*, (1974), article 220; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaOman.asp>.

<sup>2902</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Oman (ratification: 2001)*, [online] 2007 [cited January 28, 2009]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C182&ctry=2790&hdroff=1&lang=EN>. See also Government of Oman, *Penal Code*, articles 34 and 224. See also Government of Oman, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor.", Washington, DC, January 23, 2009.

<sup>2903</sup> Government of Oman, *Royal Decree No. 126/2008: Law Combating Trafficking in Persons*, (November 23, 2008), article 9. See also U.S. Embassy- Muscat, *reporting*, January 21, 2009, para 3. See also U.S. Department of State, "Country Reports- 2008: Oman," section 6d.

<sup>2904</sup> U.S. Department of State, "Oman (Tier 3)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>.

<sup>2905</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor*.

<sup>2906</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Oman." See also U.S. Embassy- Muscat, *reporting, March 3, 2008*.

<sup>2907</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor*.

<sup>2908</sup> Coalition to Stop the Use of Child Soldiers, "Oman," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiers>

[globalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://globalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also Central Intelligence Agency, *The World Factbook - Oman*, [online] January 22, 2009 [cited January 29, 2009]; available from <https://www.cia.gov/cia/publications/factbook/files/2024.html>.

<sup>2909</sup> U.S. Department of State, "Country Reports- 2008: Oman," section 6d.

<sup>2910</sup> U.S. Embassy- Muscat, *reporting*, January 21, 2009, para. 6.

<sup>2911</sup> U.S. Embassy- Muscat, *reporting*, August 23, 2004.

<sup>2912</sup> Sultanate of Oman- Ministry of Education, *National Report on Quality Education in Oman*, Muscat, 2004, 16, 25-28, 41; available from <http://www.ibe.unesco.org/International/ICE47/English/Natrep/ports/oman.pdf>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Oman." See also U.S. Department of State, "Country Reports- 2008: Oman," section 5.

<sup>2913</sup> U.S. Embassy- Muscat, *reporting, January 21, 2009*, para 6.

## Pakistan

### Incidence and Nature of Child Labor

Children in Pakistan work in agriculture, manufacturing, construction, transport, and domestic service.<sup>2914</sup> Children of Afghan refugees, who live along the borders of Pakistan, are especially susceptible to hazardous child labor.<sup>2915</sup>

Many of the activities in which children are employed are hazardous, including rag picking, leather tanning, coal mining, deep-sea fishing, brick making, carpet weaving, and manufacturing surgical instruments and glass bangles.<sup>2916</sup> Children working in the glass bangle sector are exposed to high temperatures, unstable material, fumes, and sharp objects.<sup>2917</sup> Children working in the tannery sector are exposed to toxic chemicals, and those working in the brick sector lift heavy loads.<sup>2918</sup> Children working in carpet-weaving suffer eye and lung diseases due to unsafe working conditions.<sup>2919</sup> Child miners, child domestics, and other working children who are far from their families are particularly vulnerable to sexual abuse.<sup>2920</sup>

Bonded child labor reportedly exists in the coal, brick, and carpet industries.<sup>2921</sup> Some children working in mining, domestic service, and agriculture are from families who are bonded or indebted to their employers.<sup>2922</sup> Commercial sexual exploitation of children continues to be a problem.<sup>2923</sup> Children are trafficked within Pakistan for the purposes of sexual exploitation and bonded labor.<sup>2924</sup> Girls are trafficked internationally for forced labor.<sup>2925</sup>

There are reports of children being kidnapped, maimed, and forced to work as beggars.<sup>2926</sup> There also reports of children under the minimum voluntary recruitment age of 17 years being involved in armed conflict.<sup>2927</sup>

### Child Labor Laws and Enforcement

In Pakistan, children of any age may be employed, provided that employers adhere to restrictions. It is illegal to employ children under 14 years in mines or other hazardous occupations or processes.<sup>2928</sup> Among the 4 occupations and 34 processes considered illegal for children to work are mixing and manufacturing pesticides and

insecticides; fumigation; working at railway stations or ports; carpet weaving; construction; and manufacturing of cement, explosives, and other products that involve the use of toxic substances.<sup>2929</sup> Children may work in non-hazardous occupations, provided they do not work more than 7 hours per day (with a mandated 1-hour rest every 3 hours), do not work between 7 p.m. and 8 a.m., and do not work overtime.<sup>2930</sup>

work in mines as long as they have a certificate of fitness and are allowed 12 consecutive hours of rest per day, at least 7 of which must be between 7 p.m. and 7 a.m.<sup>2932</sup> Employers are required by law to maintain minimum standards of health and safety in a child's working environment.<sup>2933</sup> Children working for their families or in public schools are exempt from these provisions. Violations can result in a fine, a 1-year prison term, or up to a 2-year prison term for repeat violations.<sup>2934</sup>

Not all factory work is considered hazardous, and the Factories Act permits children 15 to 17 years to work in factories up to 5 hours per day, provided they do not work between 7 p.m. and 6 a.m. and have been granted a certificate of fitness.<sup>2935</sup> Children may work in shops and establishments for no more than 7 hours per day (with a 1 hour break after 3.5 hours of work) and for no more than 42 hours per week. Further, they may work only between the hours of 9 a.m. and 7 p.m.<sup>2936</sup>

Bonded labor is prohibited by law; employers found in violation face 2 to 5 years of imprisonment or a fine.<sup>2937</sup> The Prevention and Control of Human Trafficking and Smuggling Ordinance prohibits trafficking of children internationally for exploitive activities and carries a prison term of 7 to 14 years and a fine.<sup>2938</sup> The Penal Code prohibits importing, exporting, trafficking, or dealing in slaves; non-compliance is punishable by life imprisonment.<sup>2939</sup>

The purchase or sale of a person for the purpose of prostitution or any unlawful and immoral purpose is punishable by imprisonment for life and a fine.<sup>2940</sup> The procurement of a minor for prostitution is punishable by a prison term of up to 3 years.<sup>2941</sup> Parents or guardians who cause or encourage the prostitution of a girl under 16 years are subject to imprisonment for up to 3 years and a fine; males who commit this crime may also be liable to whipping.<sup>2942</sup> The punishments for importing or keeping a girl for prostitution are a fine and prison term of up to 3 years; males who commit this crime may be punished with whipping in lieu of or in addition to imprisonment.<sup>2943</sup> The law does not specifically prohibit child pornography but outlaws the circulation of any obscene material, with

*Selected Statistics and Indicators  
on Child Labor*<sup>2931</sup>

Population, children, 10-14 years, 1999-2000:	13,550,151
Working children, 10-14 years (%), 1999-2000:	16.4
Working boys, 10-14 years (%), 1999-2000:	15.8
Working girls, 10-14 years (%), 1999-2000:	17.2
Working children by sector, 10-14 years (%), 1999-2000:	
- Agriculture	78.1
- Manufacturing	7.1
- Services	13.4
- Other	1.4
Minimum age for work:	14 in specified hazardous occupations
Compulsory education age:	Varies by province
Free public education:	No
Gross primary enrollment rate (%), 2007:	92.0
Net primary enrollment rate (%), 2006:	65.6
School attendance, children 10-14 years (%), 1999-2000:	64.9
Survival rate to grade 5 (%), 2004:	69.7
ILO Convention 138:	7/6/2006
ILO Convention 182:	10/11/2001
CRC:	11/12/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Yes

Various restrictions apply to the work of children, 14 years and above, in these hazardous occupations. Children 14 years and older may

violations subject to fines or up to 6 months of imprisonment.<sup>2944</sup>

Pakistan does not have military conscription, and the minimum voluntary recruitment age is 17 years.<sup>2945</sup>

Child labor and forced labor laws are enforced by provincial governments through the labor inspection system.<sup>2946</sup> USDOS reports that enforcement of these laws is weak due to the lack of inspectors assigned to child labor, lack of training and resources, corruption, and the exclusion of many small workplaces and informal family businesses from the inspectorate's jurisdiction.<sup>2947</sup> While authorities cite employers for child labor violations, the penalties imposed are generally too minor to act as a deterrent.<sup>2948</sup> The Government's National Labor Inspection Policy encourages the involvement of private sector monitoring groups in labor inspection, such as the Independent Monitoring Association for Child Labor, which monitors child labor in the sporting goods industry.<sup>2949</sup>

The Anti-Trafficking Unit of the Federal Investigation Agency (FIA) is the lead agency responsible for enforcing trafficking-related laws.<sup>2950</sup> The provincial governments are responsible for internal anti-trafficking efforts. The Government of Pakistan and NGOs have stated that local law enforcement of anti-trafficking efforts is hampered by lack of funding, training, and awareness, as well as corruption.<sup>2951</sup> Statistics on the numbers of trafficking-related arrests are limited due to the fact that trafficking victims are not differentiated from victims of other crimes.<sup>2952</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government of Pakistan's National Action Plan for Children was adopted.<sup>2953</sup> This plan aims to harmonize Government and donor child labor programs to eliminate child labor and expand anti-trafficking efforts to include the protection of children.<sup>2954</sup>

Since 2000, the national and provincial-level governments have been implementing a National

Policy and Action Plan to Combat Child Labor (NPPA) that calls for immediate eradication of the worst forms of child labor, progressive elimination of child labor from all sectors, educational alternatives to keep children out of work, and rehabilitation of children withdrawn from work.<sup>2955</sup> The Government's current Poverty Reduction Strategy Paper reiterates the Government's commitment to the NPPA and incorporates the reduction of child labor into its target-setting process.<sup>2956</sup> The Government's Poverty Alleviation Strategy provides preferential access to micro-credit loans for the families of working children.<sup>2957</sup> The National Commission for Child Welfare and Development oversees the National Project on Rehabilitation of Child Labor, implemented by *Pakistan Bait-Ul-Mal*, an autonomous body established by the Ministry of Social Welfare and Special Education. The project withdraws children 5 to 14 years old from hazardous labor in the brick, carpet, mining, tannery, construction, glass bangle, and agricultural sectors, as well as from domestic service and begging.<sup>2958</sup> The project also provides them with non-formal education, and clothing, and gives stipends to the children and their families.<sup>2959</sup>

FIA cooperates with other governments on trafficking cases, operates a hotline for victims, and publishes information on anti-trafficking efforts on its website.<sup>2960</sup> The Ministry of Foreign Affairs works on diplomatic missions to rescue, protect, and repatriate Pakistani trafficking victims.<sup>2961</sup> The Government operates 276 shelters that provide legal assistance, vocational training, and medical care to Pakistani trafficking victims, including children.<sup>2962</sup>

The provincial Punjab Government has established Child Protection Bureaus in five districts to protect and rehabilitate street children, in particular beggars, and has budgeted USD 1.8 million for these programs.<sup>2963</sup>

The Government of Pakistan participates in a number of projects to address child labor implemented by international organizations and NGOs. USDOL funded a 5-year USD 4 million ILO-IPEC Timebound Program that ended in September 2008 and withdrew 10,217 children



and prevented 1,834 children from work in the glass bangle, surgical instrument, tanning, coal mining, scavenging, and deep-sea fishing industries.<sup>2964</sup> The Government is participating in an ILO-IPEC implemented 4-year USD 1.5 million USDOL-funded project to provide education and training programs for children in Balakot, North-West Frontier Province (NWFP) left vulnerable to hazardous child labor by the earthquake of October 8, 2005. The project targets 500 children for withdrawal and 2,000 children for prevention from hazardous work.<sup>2965</sup> Save the Children-UK is implementing a 5-year USDOL-funded USD 4 million project that aims to withdraw 7,300 children and prevent 8,420 children from hazardous work in the provinces of Balochistan, NWFP, and the Federally Administered Tribal Areas.<sup>2966</sup>

In May 2008, the Government of Denmark funded a USD 1 million Phase II project that ends in December 2009.<sup>2967</sup> With the support of the Government of Norway, the Government of Pakistan is participating in a USD 1.2 million ILO-IPEC project to engage the media in combating the worst forms of child labor, ending in July 2009.

The International Federation of Association Football (FIFA) is supporting the Government through a USD 700,000 ILO-IPEC project targeting children in the soccer ball industry in Sialkot, ending in August 2009.<sup>2968</sup> The Government of Germany is funding a USD 600,000 ILO-IPEC project to support country programs in Pakistan until December 2009. The Government of Pakistan will continue to participate in the Pakistan Carpet Manufacturers' and Exporters' Association-supported USD 900,000 ILO-IPEC project to combat child labor in the carpet industry until September 2009.<sup>2969</sup> The Government of Switzerland is supporting a USD 3.6 million ILO-IPEC project to combat child labor in the country through education and training until December 2009.<sup>2970</sup>

The Government is participating in a 5-year USD 1.3 million program (2008-2013), funded by the EU and implemented by ILO-IPEC, to combat abusive child labor.<sup>2971</sup> The Government is participating in a USD 1.4 million regional ILO-

IPEC project, funded by the Government of Italy, to prevent and eliminate child labor in South Asia until March 2009.<sup>2972</sup>

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<sup>2914</sup> Government of Pakistan, *Information on Efforts to Eliminate the Worst Forms of Child Labour*, submitted in response to U.S. Department of Labor Federal Register Notice (July 25, 2005) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Islamabad, August 15, 2005, 3. See also U.S. Department of State, "Country Reports-2008: Pakistan," section 6d. See also U.S. Embassy-Islamabad, *reporting, December 13, 2007*, para 7.

<sup>2915</sup> Save the Children- UK, *Mitigating Child Labour Through Education in Pakistan*, Project Document, London, September 2005, 3.

<sup>2916</sup> ILO-IPEC, *Supporting the Time-Bound Programme on the Elimination of the Worst Forms of Child Labour in Pakistan*, Final Technical Progress Report, Geneva, September 14, 2008, 7. See also Save the Children- UK, *Mitigating Child Labour in Pakistan*, Project Document, 3. See also ILO- Special Action Programme to Combat Forced Labour and Zafar Mueen Nasir, *A Rapid Assessment of Bonded Labour in the Carpet Industry of Pakistan*, Geneva, 2004, 9; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_082029.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_082029.pdf).

<sup>2917</sup> Karachi ILO- Special Action Programme to Combat Forced Labour with Collective for Social Science Research, *A Rapid Assessment of Bonded Labour in Hazardous Industries in Pakistan's Glass Bangle-Making, Tanneries, and Construction* Geneva, March, 2004, 9-10; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_082031.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_082031.pdf).

<sup>2918</sup> ILO- Special Action Programme to Combat Forced Labour and the Pakistan Institute of Labour Education and Research, *Unfree Labour in Pakistan: Work, Debt and Bondage in Brick Kilns*, Geneva, March 2004, 7; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_082028.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_082028.pdf). See also ILO- Special Action Programme to Combat Forced Labour with Collective for Social Science Research, *Bonded Labour in Glass Bangle-Making, Tanneries, and Construction*, 31.

<sup>2919</sup> ILO- Special Action Programme to Combat Forced Labour and Zafar Mueen Nasir, *Bonded Labour in the Carpet Industry*, 9.

<sup>2920</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Pakistan*, October 27, 2003, para 69; available from <http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/ae8223e67667611fc1256df1002eac>

68/\$FILE/G0344662.pdf. See also ILO- Special Action Programme to Combat Forced Labour with Ahmad Saleem, *A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector*, Geneva, March 2004, 15; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_082032.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_082032.pdf).

<sup>2921</sup> ILO- Special Action Programme to Combat Forced Labour and the Pakistan Institute of Labour Education and Research, *Unfree Labour in Brick Kilns*, xiv. See also ILO- Special Action Programme to Combat Forced Labour and Zafar Mueen Nasir, *Bonded Labour in the Carpet Industry*, 18-20. See also U.S. Department of State, "Country Reports- 2008: Pakistan," section 6d. See also ILO- Special Action Programme to Combat Forced Labour with Ahmad Saleem, *Bonded Labour in Pakistan's Mining Sector*, 3, 10, 14. See also Gulmina Bilal, "Death in Mines," *Newsline* (April, 2006); available from <http://www.newsline.com.pk/newsApr2006/exposeapr.htm>.

<sup>2922</sup> ILO- Special Action Programme to Combat Forced Labour with Collective for Social Science Research Karachi, *A Rapid Assessment of Bonded Labour in Domestic Work and Begging in Pakistan*, Geneva, March 2004, 19; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_082030.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_082030.pdf). See also ILO- Special Action Programme to Combat Forced Labour et al., *Bonded Labour in Agriculture: A Rapid Assessment in Sindh and Balochistan, Pakistan*, Geneva, March 2004, 16, 28; available from <http://se2.isn.ch/serviceengine/FileContent?serviceID=RESSpecNet&fileid=797155EE-C168-B10D-BF92-269976AFCCD6&lng=en>. See also ILO- Special Action Programme to Combat Forced Labour with Ahmad Saleem, *Bonded Labour in Pakistan's Mining Sector*, 14.

<sup>2923</sup> U.S. Department of State, "Country Reports- 2008: Pakistan," section 5. See also U.S. Embassy- Islamabad, *reporting*, March 1, 2008, para 2b.

<sup>2924</sup> U.S. Embassy- Islamabad, *reporting, March 1, 2008*, paras 2a-2b. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labor Convention, 1999 (No. 182) Pakistan (ratification: 2002) Published 2006*, [online] 2006 [cited January 9, 2009], 1; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=8880&chapter=6&query=Pakistan%40ref&highlight=&querytype=bool>.

<sup>2925</sup> U.S. Embassy- Islamabad, *reporting*, February 19, 2009, para 3b.

<sup>2926</sup> ILO- Special Action Programme to Combat Forced Labour with Collective for Social Science Research Karachi, *Bonded Labour in Domestic Work and Begging*, 4.

<sup>2927</sup> Coalition to Stop the Use of Child Soldiers, "Pakistan," in *Child Soldiers Global Report 2008*, London, 2008, 266-267; available from [\[soldiers.org/\]\(http://www.child-soldiers.org/\). See also Integrated Regional Information Networks, "Pakistan: Child soldiers in Swat Valley", IRINnews.org \[online\] 2008 \[cited April 6, 2009\]; available from <http://www.globalsecurity.org/wmd/library/news/pakistan/2008/pakistan-080526-irin01.htm>.](http://www.child-</a></p></div><div data-bbox=)

<sup>2928</sup> Government of Pakistan, *Constitution of Pakistan*, article 11(3).

<sup>2929</sup> Government of Pakistan, *Employment of Children Act*, (June 4, 1991, as amended December 20, 2005), section 3, Schedule; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/22707/64834/E91PAK01.htm>.

<sup>2930</sup> Government of Pakistan, *Employment of Children Act*, (June 4, 1991), sections 6-7; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/22707/64834/E91PAK01.htm>.

<sup>2931</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Pakistan, *Constitution of the Islamic Republic of Pakistan*, (1973), article 11; available from <http://www.pakistani.org/pakistan/constitution/>. For age to which education is compulsory, see U.S. Embassy- Islamabad, *reporting*, December 13, 2007. See also UNESCO, *Education- National Legislation*, [online] [cited January 5, 2009]; available from [http://portal.unesco.org/education/en/ev.php-URL\\_ID=12388&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=12388&URL_DO=DO_TOPIC&URL_SECTION=201.html). For free public education, see U.S. Department of State, "Pakistan," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119139.htm>.

<sup>2932</sup> Networking Project on Hazardous Child Labour, *Background Document: Policy and Legal Context in Asia Regarding Hazardous Child Labour*, June 16, 2005, 61; available from [hard copy on file].

<sup>2933</sup> Government of Pakistan, *Employment of Children Rules, 1995*, rules 6-15; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44242/65005/E95PAK01.htm>.

<sup>2934</sup> Government of Pakistan, *Employment of Children Act*, 3 and 14.

<sup>2935</sup> Government of Pakistan, *The Factories Act, 1934 (as amended to 1997)*, (January 1, 1935), articles 2, 50, 52, 54; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/35384/64903/E97PAK01.htm>.

<sup>2936</sup> Networking Project on Hazardous Child Labour, *Policy and Legal Context*, 61.

<sup>2937</sup> Government of Pakistan, *Constitution of Pakistan*, article 11(2). See also Government of Pakistan, *Bonded Labour System (Abolition) Act of 1992 (abstract)*, accessed January 9, 2009; available from

[http://www.ilo.org/dyn/natlex/natlex\\_browse.detail?s?p\\_lang=en&p\\_country=PAK&p\\_classification=03&p\\_origin=COUNTRY](http://www.ilo.org/dyn/natlex/natlex_browse.detail?s?p_lang=en&p_country=PAK&p_classification=03&p_origin=COUNTRY).

<sup>2938</sup> Government of Pakistan, *Prevention and Control of Human Trafficking and Smuggling Ordinance (2002)*, as cited in ILO- Regional Project on Combating Child Trafficking for Labour and Sexual Exploitation, *Anti-child Trafficking Legislation in Asia: A Six-country Review*, ILO, Bangkok, 2006, 35; available from <http://www.ilo.org/public/english/region/asro/bangkok/library/download/pub06-03.pdf>. See also U.S. Embassy- Islamabad, *reporting, March 1, 2008*, section 2a. See also U.S. Department of State, "Country Reports- 2008: Pakistan," section 5.

<sup>2939</sup> *Penal Code (1860)*, section 371, as cited in ILO- Regional Project on Combating Child Trafficking for Labour and Sexual Exploitation, *Anti-child Trafficking Legislation in Asia*, 38.

<sup>2940</sup> Government of Pakistan, *The Offence of Zina (Enforcement of Hudood) Ordinance*, No. VII, (February 10, 1979), sections 13 and 14; available from [http://www.punjabpolice.gov.pk/user\\_files/File/offence\\_of\\_zina\\_ordinance\\_1979.pdf](http://www.punjabpolice.gov.pk/user_files/File/offence_of_zina_ordinance_1979.pdf).

<sup>2941</sup> Government of Pakistan, "Pakistan," in *Legislation of Interpol Member States on Sexual Offences Against Children*, 2007, 3-4; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaPakistan.asp>.

<sup>2942</sup> *Ibid.*, 3.

<sup>2943</sup> *Ibid.*, 4.

<sup>2944</sup> Government of Pakistan, *Pakistan Penal Code*, (1860), article 292; available from [www.punjabpolice.gov.pk/user\\_files/File/pakistan\\_penal\\_code\\_xlv\\_of\\_1860.pdf](http://www.punjabpolice.gov.pk/user_files/File/pakistan_penal_code_xlv_of_1860.pdf).

<sup>2945</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Pakistan," 266.

<sup>2946</sup> Government of Pakistan, *Information on Efforts to Eliminate the Worst Forms of Child Labour*, 1.

<sup>2947</sup> U.S. Embassy- Islamabad, *reporting, December 13, 2007*, paras 7 and 11. See also U.S. Department of State, "Country Reports- 2008: Pakistan," section 6d.

<sup>2948</sup> U.S. Department of State, "Country Reports- 2008: Pakistan," section 6d.

<sup>2949</sup> U.S. Embassy- Islamabad, *reporting, December 13, 2007*, para 10.

<sup>2950</sup> U.S. Department of State, "Country Reports- 2008: Pakistan," section 5. See also U.S. Embassy- Islamabad, *reporting, February 19, 2009*, para 4b.

<sup>2951</sup> U.S. Embassy- Islamabad, *reporting, February 19, 2009*, paras 4b and 4c.

<sup>2952</sup> *Ibid.*, para 4d.

<sup>2953</sup> Mohammad Ali Fahim, *Pakistan Launches a National Campaign Against Child Abuse*, [online] [cited January 9, 2009]; available from [http://www.unicef.org/pakistan/media\\_4705.htm](http://www.unicef.org/pakistan/media_4705.htm).

<sup>2954</sup> Government of Pakistan- Ministry of Social Welfare and Special Education, *National Plan of Action for Children*, Islamabad, May 24, 2006; available from <http://www.nccwd.gov.pk/newsfiles/NPA%20for%20Children.pdf>.

<sup>2955</sup> Government of Pakistan- Ministry of Labour Manpower and Overseas Pakistanis, *National Policy and Action Plan to Combat Child Labour*, Islamabad, May 20, 2000, 11. See also Government of Pakistan, *Information on Efforts to Eliminate the Worst Forms of Child Labour*, 2.

<sup>2956</sup> ILO, *National Legislation and Policies Against Child Labor in Pakistan*, [online] March 21, 2005 [cited January 9, 2009]; available from <http://www.ilo.org/public/english/region/asro/newdelhi/ipec/responses/pakistan/national.htm>. See also Government of Pakistan- Ministry of Finance, *Accelerating Economic Growth and Reducing Poverty: The Road Ahead (Poverty Reduction Strategy Paper)*, Islamabad, December 2003, 119; available from [http://poverty2.forumone.com/files/15020\\_Pakistan\\_PRSP.pdf](http://poverty2.forumone.com/files/15020_Pakistan_PRSP.pdf).

<sup>2957</sup> U.S. Embassy- Islamabad, *reporting, December 13, 2007*, para 5.

<sup>2958</sup> Pakistan Bait-ul-Mal, *National Centre(s) for Rehabilitation of Child Labour*, [online] [cited January 12, 2009]; available from [http://www.pbm.gov.pk/new/Introduction\\_Links.html](http://www.pbm.gov.pk/new/Introduction_Links.html) and <http://www.pbm.gov.pk/new/Projects/Ongoing/NCRCL/Introduction.html>. See also ILO-IPEC, *National Legislation and Policies Against Child Labour in Pakistan*, [online] March 21, 2005 [cited January 12, 2009], 3; available from <http://www.ilo.org/public/english/region/asro/newdelhi/ipec/responses/pakistan/national.htm>.

<sup>2959</sup> ILO-IPEC, *National Legislation and Policies Against Child Labour in Pakistan*, 3.

<sup>2960</sup> U.S. Embassy- Islamabad, *reporting, February 19, 2009*, paras 5g and 7a.

<sup>2961</sup> *Ibid.*, paras 5g and 6k.

<sup>2962</sup> U.S. Department of State, "Pakistan," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 203; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>2963</sup> U.S. Embassy- Islamabad, *reporting, February 18, 2009*.

<sup>2964</sup> ILO-IPEC, *Time-Bound Programme, Final Technical Progress Report, September 2008*, cover page, 7, 45.

<sup>2965</sup> ILO-IPEC, *Pakistan Earthquake - Child Labour Response*, Project Document, Geneva, September 14, 2006, i, 25.

<sup>2966</sup> Save the Children - UK, *Mitigating Child Labour Through Education in Pakistan*, project document, London, October 2006, 1 and 2. See also Save the Children- UK, *Mitigating Child Labour Through Education in Pakistan*, Technical Progress Report, Geneva, September 20, 2008, G-43.

<sup>2967</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 19, 2008.

<sup>2968</sup> Ibid.

<sup>2969</sup> Ibid.

<sup>2970</sup> Ibid.

<sup>2971</sup> Ibid.

<sup>2972</sup> Ibid.

## Panama

<i>Selected Statistics and Indicators on Child Labor</i> <sup>2973</sup>	
Population, children, 10-14 years, 2003:	319,968
Working children, 10-14 years (%), 2003:	5.1
Working boys, 10-14 years (%), 2003:	7.7
Working girls, 10-14 years (%), 2003:	2.2
Working children by sector, 10-14 years (%) 2003:	
- Agriculture	57.6
- Manufacturing	3.1
- Services	38.1
- Other	1.2
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	112.6
Net primary enrollment rate (%), 2007:	98.3
School attendance, children 6-14 years (%), 2003:	93.8
Survival rate to grade 5 (%), 2006:	90.0
ILO Convention 138:	10/31/2000
ILO Convention 182:	10/31/2000
CRC:	12/12/1990
CRCOPAC:	8/8/2001
CRCOPSC:	2/9/2001
Palermo:	8/18/2004
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### Incidence and Nature of Child Labor

Children in rural areas of Panama work in the production of melon, tomato, onions, sugarcane, and coffee.<sup>2974</sup> The number of indigenous children working in agriculture is particularly high.<sup>2975</sup> In urban areas of Panama, children work as street vendors, collecting garbage, packing bags at

supermarkets, shining shoes, washing cars, and assisting bus drivers. Children also work in personal services, as stylists, cooks, and manicurists.<sup>2976</sup> Children from indigenous communities in Panama migrate with their families to work, interrupting their schooling. These children sometimes cross into Costa Rica to work in agriculture.<sup>2977</sup> Many children, mostly girls of indigenous or Afro-Panamanian descent, work as domestic servants in third party homes where they are vulnerable to physical, psychological, or sexual abuse. According to the most recent child labor census in 2000, approximately 3,000 children and adolescents work in domestic service in Panama.<sup>2978</sup>

Children, principally girls, in Panama are trafficked internally for the purpose of commercial sexual exploitation. The commercial sexual exploitation of adolescent girls takes place in the remote Darien province and in Panama City.<sup>2979</sup> In addition, some children from rural areas may be trafficked to urban areas for labor exploitation, including for domestic servitude.<sup>2980</sup> Children work in domestic service, sometimes under conditions that amount to forced labor.<sup>2981</sup>

### Child Labor Laws and Enforcement

The Constitution of Panama, the Family Code, and the Labor Code set the general minimum age for employment at 14 years.<sup>2982</sup> According to Panama's Labor Code, however, children who have not completed primary school may not begin work until they reach 15 years.<sup>2983</sup> Similarly, the Law on Education notes that children under 15 years cannot work or participate in other activities that deprive them of their right to attend school regularly.<sup>2984</sup> The

Constitution specifically prohibits children from engaging in domestic service before they reach 14 years.<sup>2985</sup>

The law permits some exceptions to the minimum age described here.<sup>2986</sup> The law allows children to begin light work in agriculture at 12 years, 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.<sup>2987</sup> The Family Code permits children ages 12 to 14 years to perform agricultural labor as long as the work does not take place during school hours.<sup>2988</sup> The CEACR has noted that Panamanian law does not provide clear regulations for the conditions under which those 12 to 14 years may engage in light labor.<sup>2989</sup>

Various laws and an executive decree govern hazardous work by children, and establish differing standards regarding the minimum age for such work and conditions for working minors. The Family Code and the Labor Code prohibit for children under 18 years almost identical activities and types of hazardous work. Such activities are those considered, by their nature or condition, dangerous to the life, health, or morals of the minor, or impede the minor's school attendance.<sup>2990</sup> Such hazardous forms of work include work with electric power; with explosive or flammable substances; with radioactive substances; in underground mines, quarries, tunnels or sewers; on railroads, airplanes, or boats; and in nightclubs, bars, or casinos. Some of these types of work, including work underground, with electric power, explosives, in mines, or on some types of transport, are allowed if the work is performed as part of a vocational school program authorized by the competent authority.<sup>2991</sup> An Executive Decree giving effect to Panama's list of hazardous work for children, as required by ILO Convention 182, came into effect on June 12, 2006 and provides additional types of work that are considered hazardous for children. For children under 18 years, the Decree prohibits 17 classes of work that are considered hazardous by their nature, and 12 considered hazardous by their conditions.<sup>2992</sup> The Executive Decree complements relevant laws on child labor in

Panama but does not have legal precedence over them.<sup>2993</sup>

Youth under 16 years may work no more than 6 hours per day or 36 hours per week, while those 16 and 17 years may work no more than 7 hours per day or 42 hours per week. Children may not work between 6 p.m. and 8 a.m.<sup>2994</sup> Children who work under contract must have parental or guardian approval and present documentation of their physical health. Those who employ minors must maintain a registry containing the minor's name, residence, and work description.<sup>2995</sup> Whoever employs a minor in a prohibited form of work faces fines and imprisonment of up to 6 years.<sup>2996</sup>

No law explicitly prohibits the general use of forced or compulsory labor, but the Constitution of Panama states that no one may be deprived of his or her liberty without a written mandate from a competent authority, and prohibits imprisonment, detention, or arrest for debt or purely civil obligations.<sup>2997</sup> The Constitution also guarantees that all people are free to perform any profession or office, within the regulations established by law.<sup>2998</sup> Additionally, the Penal Code prohibits depriving a person of his or her freedom, and punishes the offense by 1 to 3 years' imprisonment.<sup>2999</sup>

Panama does not have armed forces, and therefore has no laws regulating age of conscription.<sup>3000</sup>

New legislation that increased penalties for commercial sexual exploitation of children went into effect in May 2008.<sup>3001</sup> Penalties include 5 to 8 years' imprisonment and fines for soliciting and paying for prostitution with a minor 14 to 18 years of age; the penalty increases to 6 to 10 years when the crime involves minors under 14 years.<sup>3002</sup> The production, distribution, or promotion of child pornography is punishable by 5 to 10 years in prison. The penalty increases to 10 to 15 years in prison if the crime involves children under 14 years.<sup>3003</sup> Involvement in sex tourism in which children are victims may result in 8 to 10 years in prison. The penalty increases to 12 to 15 years for using children under 14 years

for purposes of sex tourism.<sup>3004</sup> Trafficking of minors for sexual purposes is punishable with 8 to 10 years in prison and fines.<sup>3005</sup> The law provides for indemnification of costs for treatment, housing, legal fees, and emotional suffering of trafficking victims.<sup>3006</sup>

There are 13 inspectors trained in child labor inspections, 11 of whom are dedicated exclusively to child labor issues.<sup>3007</sup> Children may file complaints about possible violations of their rights with the National Council for Children and Adolescent Rights; the Children's Delegate in the Ombudsperson's Office; or the Ministry of Youth, Women, Children, and Family Affairs.<sup>3008</sup>

The Panamanian National Police Sex Crimes Unit is responsible for investigating trafficking cases. In 2008, the Unit investigated 34 cases of child prostitution and 24 cases of child pornography.<sup>3009</sup> The Government of Panama lacks sufficient coordination across police, prosecution, and immigration officials. However, in 2008 the Government abolished its *alternadora* VISA program, the purpose of which was to allow foreigners to enter Panama to work in entertainment establishments, but was reported to be used to facilitate trafficking.<sup>3010</sup> In addition, the Government works with international partners on trafficking investigations. The Government implemented an agreement with Costa Rica to coordinate repatriation and services to victims of trafficking persons.<sup>3011</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Panama's Committee for the Eradication of Child Labor and Protection of the Adolescent Worker (CETIPPAT) coordinates the Government's efforts to combat child labor. CETIPPAT is implementing a National Plan against Child Labor (2007-2011), which is comprised of seven strategic components. These components aim to raise awareness, harmonize national legislation with international conventions, improve the quality of life of the parents of working children, reintegrate former child workers into the educational system, assure equitable access to health services for children, generate recreation opportunities for children, and produce systems

to monitor working children.<sup>3012</sup> The National Plan also targets indigenous children, aiming to improve access to health and educational services, expand economic opportunities, and conduct child labor awareness-raising campaigns.<sup>3013</sup>

In 2008, CETIPPAT, in conjunction with the Institute for Human Resources, Capacity Building, and Vocational Training, initiated a direct action program to combat child labor in the Panama and Colón provinces, which provided services and scholarships to 2,500 children in 58 schools. In addition, the Institute of Vocational Training for Human Development provided training to parents of child workers to reduce families' reliance on child labor.<sup>3014</sup> The Ministry of Labor and the Ministry of Social Development conducted awareness-raising campaigns about child labor.<sup>3015</sup>

The Government continues to participate in the second phase of a three-year USDOL-funded USD 1.6 million program implemented by ILO-IPEC that aims to combat child labor. The project aims to withdraw 750 children and prevent an additional 750 from becoming engaged in exploitive labor from rural agricultural and urban informal work.<sup>3016</sup> The Government participated in regional projects funded by USDOL, including a 7-year USD 8.8 million regional project implemented by ILO-IPEC which concluded in April 2009 and sought to combat commercial sexual exploitation through a variety of activities, including capacity building and legal reform. In addition, the project targeted 713 children for withdrawal and 657 children for prevention from commercial sexual exploitation in Central America.<sup>3017</sup> The Government of Panama collaborated in a four-year USD 3 million project funded by USDOL and implemented by Creative Associates International. The project ended in August 2008, and withdrew 1,021 children from exploitive work in agriculture and prevented 823 children from becoming engaged in such activities.<sup>3018</sup> The Government of Panama also participated in a four-year ILO-IPEC Phase III USD 3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>3019</sup>

The National Commission for the Prevention of Sexual Crimes, a consortium of governmental organizations, approved the first National Plan to Prevent and Eradicate Commercial Sexual Exploitation of Children and Adolescents, which runs from 2008 to 2010.<sup>3020</sup>

In 2008, the Government established a special trafficking victims unit inside the National Immigration Office. The unit provides protection and legal assistance to trafficking victims, and also oversees prevention efforts, such as education campaigns.<sup>3021</sup> The Government also funded NGOs to provide services to trafficking victims and other victims of sexual exploitation. In addition, the Government sponsored training for journalists on covering trafficking issues.<sup>3022</sup>

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<sup>2973</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see 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 U.S. Department of State, "Panama," 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/wha/119168.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Country Reports- 2008: Panama," section 5. See also Government of Panama, *Constitución Política*, article 95.

<sup>2974</sup> 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 and 40. 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 Creative Association International, *El DESTINO hacia la Educación: Disminuyendo y Erradicando el Trabajo Infantil para Nuevas Oportunidades*, Project Document, August 16, 2004, 19.

<sup>2975</sup> U.S. Department of State, "Country Reports- 2008: Panama," section 6d.

<sup>2976</sup> ILO-IPEC, *Trabajo Infantil Urbano Peligroso en Panamá: Un Estudio de Línea de Base*, May 2005, 62-65; available from [http://www.oit.org.pe/ipecc/documentos/oit\\_linea\\_web.pdf](http://www.oit.org.pe/ipecc/documentos/oit_linea_web.pdf).

<sup>2977</sup> U.S. Department of State, "Panama (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*,

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Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, "Costa Rica," 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/wha/119154.htm>.

<sup>2978</sup> ILO-IPEC, *El trabajo infantil doméstico en Panamá*, September 2002, 23, 43, 67; available from [http://white.oit.org.pe/ipecc/documentos/ras\\_cdl\\_panam.pdf](http://white.oit.org.pe/ipecc/documentos/ras_cdl_panam.pdf). See also ILO-IPEC, Contraloría General de la República, and Ministerio de Trabajo y Desarrollo Laboral, *Informe Nacional de los Resultados de la Encuesta del Trabajo Infantil*, May 2003, 153; available from [http://white.oit.org.pe/ipecc/documentos/pa\\_situ\\_2003.pdf](http://white.oit.org.pe/ipecc/documentos/pa_situ_2003.pdf). See also UN Committee on the Rights of the Child, *Concluding Observations: Panama*, CRC/C15/Add.233, Geneva, June 30, 2004, para 56; available from <http://www1.umn.edu/humanrts/crc/panama2004.html>.

<sup>2979</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Panama." See also U.S. Embassy-Panama, *reporting*, February 23, 2009.

<sup>2980</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Panama." See also U.S. Embassy-Panama, *reporting*, February 23, 2009. See also Confederación Sindical Internacional, *Normas Fundamentales del Trabajo Reconocidas Internacionalmente en Panamá*, Geneva, September 2007; available from [www.ituc-csi.org/IMG/pdf/Examen\\_OMC\\_sept2007\\_-\\_Panama\\_final.pdf](http://www.ituc-csi.org/IMG/pdf/Examen_OMC_sept2007_-_Panama_final.pdf)

<sup>2981</sup> ILO-IPEC, *Trabajo infantil doméstico en Panamá*, 69 and 78.

<sup>2982</sup> Government of Panama, *Código de la Familia*, (1994), article 508; available from [http://www.legalinfo-panama.com/legislacion/familia/codfam\\_index.htm](http://www.legalinfo-panama.com/legislacion/familia/codfam_index.htm). See also Government of Panama, *Constitución Política*, article 70. See also Government of Panama, *Código de Trabajo*, (August 12, 1995), article 117(1); available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/42679/67564/S95PAN01.htm>.

<sup>2983</sup> Government of Panama, *Código de Trabajo*, article 117(2).

<sup>2984</sup> Government of Panama, *Ley Orgánica de Educación*, 10,113, (September 24, 1946), article 46; available from <http://www.asamblea.gob.pa/busca/index-legispan.asp>.

<sup>2985</sup> Government of Panama, *Constitución Política*, article 70. See also Government of Panama, *Código de la familia*, (1994), article 716.

<sup>2986</sup> Government of Panama, *Constitución Política*, article 70.

<sup>2987</sup> Government of Panama, *Código de Trabajo*, article 119.

<sup>2988</sup> *Ibid.*, articles 117 and 119. See also Government of Panama, *Código de la Familia*, article 716.

<sup>2989</sup> ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Panama (ratification: 2000)*, [online] 2007 [cited February 2, 2009], article 7; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?conv=C138&ctry=0460&hdr off=1&lang=EN>.

<sup>2990</sup> Government of Panama, *Código de Trabajo*, article 118. See also Government of Panama, *Código de la Familia*, article 510.

<sup>2991</sup> Government of Panama, *Código de Trabajo*, articles 118 and 123. See also Government of Panama, *Código de la Familia*, articles 510-511.

<sup>2992</sup> Government of Panama, *Decreto Ejecutivo Número 19: Que aprueba la lista del trabajo infantil peligroso, en el marco de las peores formas del trabajo infantil*, 25,569, (June 12, 2006); available from [http://www.mides.gob.pa/index.php?option=com\\_content&task=view&id=268&Itemid=48](http://www.mides.gob.pa/index.php?option=com_content&task=view&id=268&Itemid=48).

<sup>2993</sup> Panamanian law expert, E-mail communication to USDOL official, July 31, 2008.

<sup>2994</sup> Government of Panama, *Código de Trabajo*, articles 120 and 122.

<sup>2995</sup> *Ibid.*, article 121. See also Government of Panama, *Código de la Familia*, article 713.

<sup>2996</sup> Government of Panama, *Código de Trabajo*, article 125. See also Government of Panama, *Código Penal de Panamá*, (May 18, 2007), article 198; available from <http://www.gacetaoficial.gob.pa/pdfTemp/25796/4580.pdf>.

<sup>2997</sup> Government of Panama, *Constitución Política*, article 21.

<sup>2998</sup> *Ibid.*, article 40.

<sup>2999</sup> Government of Panama, *Código Penal de Panamá*, article 147.

<sup>3000</sup> Government of Panama, *Constitución Política*, article 310. See also Coalition to Stop the Use of Child Soldiers, "Panama," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3001</sup> Government of Panama, *Código Penal de Panamá*, Chapter II, article 176.

<sup>3002</sup> *Ibid.*, article 182.

<sup>3003</sup> *Ibid.*, article 180.

<sup>3004</sup> *Ibid.*, article 186.

<sup>3005</sup> *Ibid.*, article 179.

<sup>3006</sup> U.S. Department of State, "Country Reports- 2008: Panama," section 5.

<sup>3007</sup> MITRADEL official, Letter to U.S. Embassy-Panama City official, July 30, 2008. See also MRE official, Letter to U.S. Embassy- Panama City official, April 23, 2009.

<sup>3008</sup> UN Committee on the Rights of the Child, *Concluding Observations: Panama*, para 3.

<sup>3009</sup> U.S. Embassy- Panama, *reporting*, January 29, 2009.

<sup>3010</sup> *Ibid.* See also U.S. Department of State, "Trafficking in Persons Report- 2008: Panama."

<sup>3011</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Panama." See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Technical Progress Report, Geneva, September 1, 2008, 17.

<sup>3012</sup> Committee for the Eradication of Child Labor and the Protection of the Adolescent Worker, *Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011*, June 2006, 3, 63-82; available from [http://www.oit.org.pe/ipecc/documentos/plan\\_nacional\\_cetippat\\_completo.pdf](http://www.oit.org.pe/ipecc/documentos/plan_nacional_cetippat_completo.pdf).

<sup>3013</sup> ILO-IPEC, *Trabajo Infantil y Pueblos Indigenas*, 2006, 49-50; available from <http://www.oit.org.pe/ipecc/documentos/panama.pdf>.

<sup>3014</sup> U.S. Embassy- Panama, *reporting*, January 29, 2009. See also CETIPPAT, *Acerca del Programa*, [online] [cited February 2, 2009]; available from <http://www.presidencia.gob.pa/cetippat/acerca.html>.

<sup>3015</sup> U.S. Embassy- Panama, *reporting*, January 29, 2009.

<sup>3016</sup> ILO-IPEC, *IPEC Country Program PHASE II, Project Document*, 25. See also ILO-IPEC, *Prevention and Elimination of Child Labour and Hazardous Work in Panama, PHASE II, Project Revision*, Geneva, August 6, 2007.

<sup>3017</sup> ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Document, Geneva, June 2002, 17. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, Project Document, Geneva, September 2005, 22.

<sup>3018</sup> Creative Associates International, *Destino: Combating Exploitive Child Labor through Education in Panama (El Destino hacia la Educación: Disminuyendo y Erradicando el Trabajo Infantil para Nuevas Oportunidades)*, Technical Progress Report, Washington, DC, November 2008.

<sup>3019</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>3020</sup> ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children, Technical Progress Report*, 14.

<sup>3021</sup> U.S. Embassy- Panama, *reporting*, February 23, 2009, para 4.

<sup>3022</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Panama."



# Papua New Guinea

## *Selected Statistics and Indicators on Child Labor*<sup>3023</sup>

Population, children, 5-14 years (%):	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	Not compulsory
Free public education:	No
Gross primary enrollment rate (%), 2006:	55.2
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2002:	68.0
ILO Convention 138:	6/2/2000
ILO Convention 182:	6/2/2000
CRC:	3/2/1993
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	No

### **Incidence and Nature of Child Labor**

In rural areas of Papua New Guinea, children work in agriculture, including tea and coffee farms, as well as in grocery stores near isolated mine and logging camps.<sup>3024</sup> In urban areas, children sell food, cigarettes, betel nut, CDs, and DVDs on the streets and in public places.<sup>3025</sup> A large number of children are engaged in domestic service, including children held in indentured servitude to pay off familial debts.<sup>3026</sup> Children are involved in prostitution in Papua New Guinea, typically working in bars or nightclubs. Children are also exploited through the production of pornography.<sup>3027</sup> Children are trafficked internally for domestic service and commercial sexual exploitation.<sup>3028</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 16 years, and the minimum age for hazardous work at 18 years.<sup>3029</sup> Children 11 to 18 years, however, may work in family businesses by obtaining medical clearance, parental permission, and a work permit from the labor office.<sup>3030</sup> Children under 16 years may not work in conditions that are harmful to their health, or their physical, mental, or spiritual development.<sup>3031</sup> Work performed by children 11 to 16 years must not interfere with school attendance.<sup>3032</sup> Work by children under 11 years is prohibited.<sup>3033</sup> Children 16 to 17 years may work between 6 p.m. and 6 a.m. if a family member is also employed there. Penalties for child labor violations range from a fine to 10 years of imprisonment.<sup>3034</sup>

The law prohibits forced labor.<sup>3035</sup> The law also prohibits indecent treatment of boys younger than 14 years, indecent treatment and defilement of girls younger than 16 years, and the abduction, kidnapping, or procurement of girls below 18 years for sexual exploitation. Under the law, children below 18 years cannot be charged with prostitution.<sup>3036</sup> Penalties for obtaining or procuring a child for commercial sexual exploitation are up to 15 years' imprisonment or life imprisonment if the child is under 12 years.<sup>3037</sup> There is no compulsory military service in Papua New Guinea; the minimum age for voluntary military service is 18 years, or 16 years with parental approval.<sup>3038</sup>

The Department of Police and the Department of Labor and Industrial Relations are responsible for implementing and enforcing child labor laws. However, USDOS reports that enforcement by those departments has been poor due to a lack of resources and cultural acceptance of child labor.<sup>3039</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government's National Plan of Action for Decent Work mandates the elimination of child

labor.<sup>3040</sup> Beginning in March 2008, the Government began participating in a 4-year USD 19.5 million project supported by the European Commission and the ILO to combat child labor in 11 countries, including Papua New Guinea. The project aims to withdraw children engaged in child labor, improve the capacity of authorities to formulate and enforce child labor policy, and work with social partners and civil society to combat child labor.<sup>3041</sup> The Government is also working with NGOs such as the Papua New Guinea Children's Foundation and People Against Child Exploitation to implement the National Action Plan against Commercial Sexual Exploitation of Children 2006-2011.<sup>3042</sup>

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<sup>3023</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Papua New Guinea, *Report to ILO Committee of Experts on Convention 182*, September 2005. See also The Law Library of Congress, *Child Labor Papua New Guinea*, February 2008. See also U.S. Department of State, "Papua New Guinea," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 5.

<sup>3024</sup> 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*, accessed January 14, 2009; available from [http://www.endchildlabor.org/db\\_infoBank.cfm](http://www.endchildlabor.org/db_infoBank.cfm).

<sup>3025</sup> Department of Community Development official, Interview, June 20, 2006. See also U.S. Embassy- Port Moresby, *reporting*, July 14, 2008.

<sup>3026</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted By States Parties Under Article 44 of the Convention: Concluding Observations: Papua New Guinea*, CRC/C/15/Add.229, February 26, 2004, para 57. See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 5. See also U.S. Department of State, "Papua New Guinea (Tier 3)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/#>.

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<sup>3027</sup> UN Committee on the Rights of the Child, *Concluding Observations: Papua New Guinea*, para 59. See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," sections 5 and 6d. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*. See also U.S. Embassy- Port Moresby, *reporting*, February 23, 2009. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Papua New Guinea (ratification: 2000)*, June 11, 2008. See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report*, 2006, 34 and 38.

<sup>3028</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Papua New Guinea." See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific*, 40. See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 5.

<sup>3029</sup> Government of Papua New Guinea, *Report to ILO Committee of Experts, September 2005, Article 3(d)*. See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 6d. See also The Law Library of Congress, *Child Labor Papua New Guinea*.

<sup>3030</sup> U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 6d. See also The Law Library of Congress, *Child Labor Papua New Guinea*.

<sup>3031</sup> U.S. Embassy- Port Moresby, *reporting*, February 23, 2009.

<sup>3032</sup> *Ibid.* See also The Law Library of Congress, *Child Labor Papua New Guinea*.

<sup>3033</sup> Department of Labor and Industrial Relations official, Interview, June 26, 2006.

<sup>3034</sup> U.S. Embassy- Port Moresby, *reporting*, February 23, 2009.

<sup>3035</sup> Government of Papua New Guinea, *Constitution of the Independent State of Papua New Guinea*, (1975), 43. See also U.S. Department of State, "Country Reports- 2008: Papua New Guinea," section 6c.

<sup>3036</sup> The Protection Project, *Papua New Guinea*; available from <http://www.protectionproject.org/papua.doc>. See also U.S. Embassy- Port Moresby, *reporting*, February 23, 2009.

<sup>3037</sup> U.S. Embassy- Port Moresby, *reporting*, February 23, 2009.

<sup>3038</sup> 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>. See also The Law Library of Congress, *Child Labor Papua New Guinea*, 3.

<sup>3039</sup> U.S. Embassy- Port Moresby, *reporting*, February 23, 2009.

<sup>3040</sup> ILO-IPEC, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, 2005, 27.

<sup>3041</sup> 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.eu/europeaid/where/acp/documents/ec\\_tackle\\_pressrelease\\_en.pdf](http://ec.europa.eu/europeaid/where/acp/documents/ec_tackle_pressrelease_en.pdf). See also ILO, *Tackling child labour through education - Fiji and Papua New Guinea*, [online] October 21, 2008 [cited January 26, 2009]; available from [http://www.ilo.org/asia/info/lang--en/WCMS\\_099948/index.htm](http://www.ilo.org/asia/info/lang--en/WCMS_099948/index.htm).

<sup>3042</sup> PNG Children's Foundation Inc., PACE, and UNICEF, *The National Action Plan Against Commercial Sexual Exploitation of Children in Papua New Guinea (July 2006-June 2011)*, 2006, 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Papua New Guinea." See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

## Paraguay

### *Selected Statistics and Indicators on Child Labor*<sup>3043</sup>

Population, children, 10-14 years, 2005:	739,776
Working children, 10-14 years (%), 2005:	15.3
Working boys, 10-14 years (%), 2005:	22.6
Working girls, 10-14 years (%), 2005:	7.7
Working children by sector, 10-14 years (%), 2005:	
- Agriculture	60.8
- Manufacturing	6.2
- Services	32.1
- Other	0.9
Minimum age for work:	12
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	111.3
Net primary enrollment rate (%), 2005:	94.3
School attendance, children 5-14 years (%), 2005:	90.3
Survival rate to grade 5 (%), 2004:	87.7
ILO Convention 138:	3/3/2004
ILO Convention 182:	3/7/2001
CRC:	9/25/1990
CRCOPAC:	9/27/2002
CRCOPSC:	8/18/2003
Palermo:	9/22/2004
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

In Paraguay, many children, primarily boys, work in agriculture in the production of goods such as cotton, soy, sesame, wheat, peanuts, beans, and stevia (a plant-based sweetener).<sup>3044</sup> Children, primarily boys, also work in the manufacturing sector, construction, hotels, restaurants, and

transportation. Children also work in markets and in stores.<sup>3045</sup> Children, primarily girls, work as *criadas*, or child domestic servants, and do not receive salaries but are promised room, board, and financial support for schooling. However, these child domestic workers are sometimes subject to sexual exploitation and often lack access to education.<sup>3046</sup>

Trafficking of children for commercial sexual exploitation and forced domestic service from rural to urban areas occurs in Paraguay. Some children were reported to be sold by their parents or guardians for forced labor or sexual exploitation.<sup>3047</sup> Sexual exploitation and trafficking of girls, and increasingly boys, occur frequently in the tri-border region of Paraguay, Argentina, and Brazil. Children are also found working as drug smugglers along the border with Brazil.<sup>3048</sup> Boys working in prostitution are trafficked internationally, especially to Italy.<sup>3049</sup> Children are trafficked to Argentina, Spain, Brazil, Chile, and Bolivia.<sup>3050</sup>

### **Child Labor Laws and Enforcement**

Children between 12 and 15 years may engage in light labor with parental authorization in nonhazardous and nonindustrial working conditions.<sup>3051</sup> The minimum age for employment in industrial work is 15 years, with exceptions for children over 12 years working in authorized professional schools and family businesses where the work is not dangerous.<sup>3052</sup> The CEACR, however, has noted that the Government of Paraguay has not described the nature of the work that is permitted for children under the minimum age.<sup>3053</sup> The laws on legal work hours

for children are conflicting. According to the Child and Adolescent Code, children 14 to 16 years may not work more than 4 hours per day and 24 hours per week, and children 16 to 18 years may not work more than 6 hours per day and 36 hours per week. However, according to the Labor Code, children between 12 and 15 years may not work more than 4 hours per day, or 24 hours per week, while children 15 to 18 years may not work 6 hours a day or a maximum of 36 hours per week. According to the Child and Adolescent Code, the maximum daily work hours are reduced to 4 for adolescents that are attending school. However, according to the Labor Code, work hours for adolescents attending school are limited to 2 hours per day.<sup>3054</sup>

Both the Labor and Family Codes prohibit minors from work between the hours of 8 p.m. and 6 a.m. However, while the Family Code specifies that the prohibition applies to those 14 to 18 years of age, the Labor Code applies the prohibition to children 15 to 18 years.<sup>3055</sup> Employers are required to maintain a registry containing biographical information on adolescent employees and to register adolescent employees with the Ministry of Justice and Labor and the Council for Children's Rights.<sup>3056</sup> Minors are to be paid at least 60 percent of the legal minimum salary for unspecified labor, and if a minor performs the same work as an adult, he or she must be paid the established legal minimum wage.<sup>3057</sup> Fines are established for employing children under 18 years for nighttime industrial work and for employing minors less than 12 years.<sup>3058</sup>

As stated in the Child and Adolescent Code, employers of adolescent domestic workers must provide certain protections, which include facilitating their school attendance, providing the adolescent with food and a separate bedroom, and registering the adolescent with the social security system. Authorization from the adolescent's guardian is needed for domestic work.<sup>3059</sup> Employing anyone under 18 years in work that may be harmful to his/her wellbeing is prohibited and punishable by fines.<sup>3060</sup> The List of Work Endangering Children decree prohibits minors under 18 years from working in 26 broad classifications of work, including crossing national borders, operating dangerous machinery,

working with toxic substances, selling alcoholic beverages, working underground, carrying heavy loads, and working as domestic servants (with exceptions for those 16 and older).<sup>3061</sup> In contrast to the Child and Adolescent Code, the decree prohibits work for adolescents less than 18 years from 7 p.m. to 7 a.m. Although the system of *criadas* and child domestic labor are on this list, the Ministry of Justice and Labor's Department of Legal Affairs states that the system is not completely prohibited for children 16 years and older as long as the provisions for domestic workers laid out in the Child and Adolescent Code are followed.<sup>3062</sup>

The commercial sexual exploitation of children and adolescents is prohibited. Penalties of up to 5 years of incarceration or fines are imposed for inducing the prostitution of someone under 18 years. If the perpetrator acts for profit the penalty increases to 6 years, and if the victim is under 14 years, the penalty increases to 8 years in prison.<sup>3063</sup> The production of child pornography is punishable by 5 to 10 years of incarceration; the distribution of child pornographic material is punishable by 3 to 8 years in prison; and the exhibition of children in sexual acts is punishable by 5 to 10 years in prison. The penalty for using children in pornography increases to 15 years in prison if the minor is under 15 years of age or the perpetrator is the child's guardian.<sup>3064</sup>

Slavery is prohibited.<sup>3065</sup> The Government prohibits international trafficking for sexual exploitation. The law states that the penalty for trafficking because although the penalty is up to 10 years in prison for deceiving or threatening another into leaving the country under life-threatening circumstances; however, the maximum prison term is up to 6 years for trafficking a person into or out of the country for sexual exploitation.<sup>3066</sup> Although the law establishes 18 years as the minimum age for conscription into the military, boys 16 to 18 years may join the military in exceptional circumstances.<sup>3067</sup>

The Ministry of Justice and Labor is responsible for inspecting workplaces for child labor violations.<sup>3068</sup> According to USDOS, the Government lacks resources to investigate child

labor violations.<sup>3069</sup> The Public Ministry, which investigates and prosecutes trafficking crimes, established an anti-trafficking unit staffed by three prosecutors. The Ministry of the Interior and the National Police also have anti-trafficking units to investigate international and domestic trafficking cases respectively.<sup>3070</sup> The Government opened 43 cases on behalf of 80 people, including 28 minors, and indicted 11 suspected traffickers. Four suspects were convicted and sentenced to up to 6 years in prison.<sup>3071</sup> The Public Ministry has two prosecutors working on trafficking cases exclusively in its anti-trafficking unit.<sup>3072</sup> According to USDOS, there were reports indicating that public officials were involved in or facilitated trafficking in persons, but no criminal cases were opened to investigate.<sup>3073</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Government's Secretariat for Women (SNNA) worked to implement the National Plan for the Eradication and Prevention of Child Labor (2003-2008). The Plan's objectives included improved data collection, increased awareness, improved legal protections and public policy, implementation of a monitoring system of child labor, and interventions to reduce child labor.<sup>3074</sup> SNNA also worked to implement the National Plan for the Prevention and Eradication of Child Sexual Exploitation (2003-2008), which aimed to diagnose the national situation, increase awareness, create policies to support prevention and detection, improve institutional capacity, support efforts to help prevent sexual exploitation and help victims, and monitor and evaluate progress. Along with the child labor plan, the National Plan for the Prevention and Eradication of Child Sexual Exploitation is part of the National Policy for Childhood and Adolescence.<sup>3075</sup>

The Secretariat for Children and Adolescents implemented *Programa Abrazo (Program Hug)*, a program for urban street children and adolescents that provides cash transfers to families conditioned on children's school attendance and withdrawal from work.<sup>3076</sup> The Ministry of Education and Culture continues to require that

all schools gather information on the working status of children.<sup>3077</sup>

The Government of Paraguay and other associates and member governments of MERCOSUR are carrying out the "Niño Sur" ("Southern Child") initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>3078</sup>

Paraguay's National Tourism Office 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. It was created in 2005 and includes the Ministries of Tourism from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay, and Venezuela.<sup>3079</sup>

The Government of Paraguay also continues to participate in a four-year Phase III USD 3 million regional projects to eradicate child labor in Latin America, funded by the Government of Spain.<sup>3080</sup> IDB is also funding a USD 1.2 million regional project to combat the trafficking and sexual exploitation of children in municipalities of Argentina, Brazil, Paraguay, and Uruguay. The project aims to strengthen local organizations and governments that work in prevention, detection, and victim assistance.<sup>3081</sup>

The Government coordinates its anti-trafficking in persons efforts through the Inter-Institutional Roundtable for the Prevention and Combat of Trafficking in Persons and includes representatives from government agencies, NGOs, and international organizations. The Roundtable trained over 100 Government officials on trafficking in persons issues.<sup>3082</sup> The Government also works with NGOs to prevent trafficking in the tri-border area.<sup>3083</sup> The Government provides short-term legal, medical, and psychological services—usually through NGOs—to trafficking victims. In addition, the Government operates a shelter for female trafficking victims in Asuncion.<sup>3084</sup> The

Government also collaborated with IOM in a USD 100,000 five country regional project funded by USDOS to provide return and reintegration assistance to trafficking victims.<sup>3085</sup> However, the Government's efforts to protect victims of trafficking remained modest, relying mostly on NGOs to provide services and shelter.<sup>3086</sup>

<sup>3043</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Paraguay, *Código del Trabajo*, No. 213, (August 22, 1994), articles 36 and 389; available from <http://www.senado.gov.py/leyes/ups/leyes/2648Ley496.DOC>. For age to which education is compulsory, see Government of Paraguay, *Ley General de Educación*, Law No. 1.264, (May 26, 1998); available from <http://www.senado.gov.py>. For free public education, see U.S. Embassy- Asunción, *reporting*, March 23, 2009.

<sup>3044</sup> 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; available from [http://white.oit.org.pe/ippec/boletin/documentos/ti\\_rural\\_py.pdf](http://white.oit.org.pe/ippec/boletin/documentos/ti_rural_py.pdf).

<sup>3045</sup> ILO-IPEC and Roberto Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 2006, 49-51, 83; available from [http://white.oit.org.pe/ippec/documentos/estadisticas\\_py\\_07.pdf](http://white.oit.org.pe/ippec/documentos/estadisticas_py_07.pdf).

<sup>3046</sup> ILO-IPEC, *Perfil del Trabajo Infantil Doméstico en Brasil, Colombia, Paraguay y Perú*, Lima, 2004, 57 and 103; available from [http://white.oit.org.pe/ippec/boletin/documentos/perfil\\_de\\_trabajo\\_infantil\\_vol\\_1\\_material\\_de\\_trabajo\\_4\\_conte.pdf](http://white.oit.org.pe/ippec/boletin/documentos/perfil_de_trabajo_infantil_vol_1_material_de_trabajo_4_conte.pdf). See also U.S. Embassy- Asunción, E-mail communication to USDOL official, July 17, 2009.

<sup>3047</sup> 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, 76; available from [http://white.oit.org.pe/ippec/documentos/verdades\\_desafios\\_py.pdf](http://white.oit.org.pe/ippec/documentos/verdades_desafios_py.pdf). See also U.S. Department of State, "Paraguay (Tier 2)," in *Trafficking in Persons Report-2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, "Paraguay," 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/wha/119169.htm>. See also U.S. Embassy- Asunción, E-mail communication, July 17, 2009.

<sup>3048</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Paraguay." See also 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; available from [http://white.oit.org.pe/ippec/documentos/genera\\_ing\\_re\\_py\\_br\\_eng.pdf](http://white.oit.org.pe/ippec/documentos/genera_ing_re_py_br_eng.pdf).

<sup>3049</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Paraguay." See also U.S. Embassy- Asunción, *reporting*, March 5, 2008, para 2a.

<sup>3050</sup> Martha Casal Cacharrón, *Un Día te Dejan de Mirar y Te Perdés*, 76. ILO and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005, 51-52, 54; available from <http://oimconosur.org/notas/buscador.php?tipo=unico&nota=253>. See also U.S. Embassy- Asunción, E-mail communication, July 17, 2009.

<sup>3051</sup> Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley 213/93, Código del Trabajo*, (August 22, 1994), articles 36, 120, 123; available from <http://www.senado.gov.py/leyes/ups/leyes/2648Ley496.DOC>.

<sup>3052</sup> *Ibid.*, article 119.

<sup>3053</sup> ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Paraguay (ratification: 2004)*, [online] 2006 [cited February 4, 2009]; 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&context=0>.

<sup>3054</sup> 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>. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, articles 120-121.

<sup>3055</sup> Government of Paraguay, *Código del Trabajo, Modificado*, article 122.

<sup>3056</sup> Government of Paraguay, *Código de la Niñez y la Adolescencia*, articles 60 and 61. See also Government of Paraguay, *Código del Trabajo, Modificado*, article 124.

<sup>3057</sup> Government of Paraguay, *Código del Trabajo*, No. 213, (June 15, 1993), article 126; available from <http://www.senado.gov.py/leyes/>.

<sup>3058</sup> Government of Paraguay, *Código del Trabajo, Modificado*, article 389.

<sup>3059</sup> Government of Paraguay, *Código de la Niñez y la Adolescencia*, articles 63-66.

<sup>3060</sup> *Ibid.*, article 54. See also Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley 213/93, Código del Trabajo*, articles 352 and 389; available from <http://www.senado.gov.py/leyes/>.

<sup>3061</sup> 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, *Código del Trabajo*, article 122.

<sup>3062</sup> Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*. See also Government of Paraguay,

*Código de la Niñez y la Adolescencia*, articles 63-66. See also Embassy of Paraguay, reporting, August 8, 2007.

<sup>3063</sup> Government of Paraguay, *Código de la Niñez y la Adolescencia*, article 31. Government of Paraguay, *Código Penal*, 1.160, (1997), article 139; available from <http://www.senado.gov.py/leyes/ups/leyes/26061160.doc>.

<sup>3064</sup> Government of Paraguay, *Ley No 2861/2006*, 2861, (January 17, 2006), articles 1-4; available from <http://www.senado.gov.py/leyes/ups/leyes/42562861-2006.doc>.

<sup>3065</sup> Government of Paraguay, *Constitución Política de la República del Paraguay*, (June 20, 1992), articles 10, 54; available from [http://www.senado.gov.py/leyes/?pagina=ley\\_resultado&id=2865](http://www.senado.gov.py/leyes/?pagina=ley_resultado&id=2865).

<sup>3066</sup> *Código Penal*, No. 1.160, articles 125 and 129; available from <http://www.unifr.ch/derechopenal/legislacion/pa/cpparaidx.htm>. See also ILO-IPEC, *Law Enforcement in Argentina and Paraguay*, Paraguay, 2005, 32; available from [http://white.oit.org.pe/ipecc/documentos/legis\\_esci\\_arg\\_py\\_eng.pdf](http://white.oit.org.pe/ipecc/documentos/legis_esci_arg_py_eng.pdf).

<sup>3067</sup> Coalition to Stop the Use of Child Soldiers, "Paraguay," in *Child Soldiers Global Report 2004*, London, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=835](http://www.child-soldiers.org/document_get.php?id=835).

<sup>3068</sup> U.S. Embassy- Asunción, reporting, March 23, 2009.

<sup>3069</sup> Ibid.

<sup>3070</sup> Ibid.

<sup>3071</sup> U.S. Embassy- Asunción, E-mail communication, July 17, 2009.

<sup>3072</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Paraguay." See also U.S. Embassy- Asunción, E-mail communication, July 17, 2009.

<sup>3073</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Paraguay."

<sup>3074</sup> Secretariat for Childhood and Adolescence, National Committee for Children and Adolescents, Movimiento por la Paz, el Desarme y la Libertad, and ILO-IPEC, *Construir otro Paraguay para los niños, niñas y adolescentes*, Asunción, 2005, 89; available from [http://white.oit.org.pe/ipecc/documentos/planes\\_grales\\_py.pdf](http://white.oit.org.pe/ipecc/documentos/planes_grales_py.pdf).

<sup>3075</sup> Ibid., 119-120.

<sup>3076</sup> Radio Viva 90.1 FM, "Reestructuran Programa Abrazo para llegar a las comunidades", [online], 2009; available from <http://www.radioviva.com.py/articulo.php?ID=3205>. See also ABC Digital, "El

programa Abrazo es oficialmente de la SNNA", abc.com, [online], 2008; available from <http://www.abc.com.py/2008-11-19/articulos/471001/el-programa-abrazo-es-oficialmente-de-la-snna>. See also U.S. Embassy- Asunción, E-mail communication, July 17, 2009.

<sup>3077</sup> U.S. Embassy- Asunción, reporting, March 23, 2009.

<sup>3078</sup> Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [online] [cited April 7, 2009]; available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Ministry of Justice and Human Rights of Argentina, *Iniciativa Niñ@ Sur*, [online] [cited April 7, 2009]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/ninosur.htm>.

<sup>3079</sup> Brazilian Ministry of Tourism, *Ecuador Assume Dirección de Grupo Latino-Americano para a Proteção Infante-Juvenil*, November 26, 2008; available from <http://www.turismo.gov.br/>. See also Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

<sup>3080</sup> ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

<sup>3081</sup> IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] [cited January 29, 2009]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=R%20DT1266>.

<sup>3082</sup> U.S. Embassy- Asunción, reporting, March 9, 2009. See also U.S. Department of State, "Country Reports- 2008: Paraguay," section 5.

<sup>3083</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Paraguay."

<sup>3084</sup> Ibid.

<sup>3085</sup> U.S. Department of State, "Chile (Tier 2)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>.

<sup>3086</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Paraguay."

## Peru

### *Selected Statistics and Indicators on Child Labor<sup>3087</sup>*

Population, children, 6-14 years, 2000:	5,420,818
Working children, 6-14 years (%), 2000:	22.3
Working boys, 6-14 years (%), 2000:	24.0
Working girls, 6-14 years (%), 2000:	20.5
Working children by sector, 6-14 years (%), 2000:	
- Agriculture	73.2
- Manufacturing	2.7
- Services	23.9
- Other	0.2
Minimum age for work:	14
Compulsory education age:	14*
Free public education:	Yes**
Gross primary enrollment rate (%), 2006:	116.4
Net primary enrollment rate (%), 2006:	96.3
School attendance, children 5-14 years (%), 2000:	96.6
Survival rate to grade 5 (%), 2005:	89.5
ILO Convention 138:	11/13/2002
ILO Convention 182:	1/10/2002
CRC:	9/4/1990
CRCOPAC:	5/8/2002
CRCOPSC:	5/8/2002
Palermo:	1/23/2002
ILO-IPEC participating country:	Yes

\*Age is approximate, education is compulsory through secondary school

\*\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

In rural areas of Peru, children work in agriculture, including in the production of coca, which the law permits to be grown in small amounts by licensed growers. Children also work in the production of gold and fireworks.<sup>3088</sup> Children, mainly girls, work in domestic service in third-party homes in both rural and urban areas.<sup>3089</sup> In urban areas, many children work as street vendors and street performers, beggars, bus assistants, shoe shiners, artisans, car washers, or scavengers in garbage dumps. Children are also found working in the brick-making industry in Lima and outlying areas.<sup>3090</sup>

According to a recent ILO study, girls who work in the mining industry are sexually exploited.<sup>3091</sup> Children in domestic service are also vulnerable to sexual abuse.<sup>3092</sup> Some Peruvian children, especially girls from the poorest areas of Peru, are trafficked into commercial sexual exploitation and domestic service through false offers of employment.<sup>3093</sup> According to USDOS, some children are also trafficked internally for forced labor. Child sex tourism is prevalent in the Amazon region of the country.<sup>3094</sup> Peru's Ministry of Labor estimated that 5,000 children worked under forced labor conditions in the production of cocaine.<sup>3095</sup> Children, along with their families, are trafficked from Chile to Peru and Bolivia to work in agriculture.<sup>3096</sup>

### **Child Labor Laws and Enforcement**

Although the general minimum age for employment in Peru is 14 years, the following provisions place restrictions on the ability of children 14 years and above to work legally. The minimum age for employment in nonindustrial agricultural work is 15 years; for work in the industrial, commercial, and surface mining sectors is 16 years; and for work in the industrial fishing sector is 17 years.<sup>3097</sup> Children under 18 years must provide authorities with proof of their health and confirmation from the employer that the work does not limit the child's ability to attend school.<sup>3098</sup> All children under 18 years must register their work with the authorities and must be issued a permit from the Ministry of Labor.<sup>3099</sup> The Ministry of Labor's Office of Labor Protection for Minors has the authority to investigate reports of illegal child labor practices by conducting onsite inspections of worksites. During 2008, the Ministry of Labor issued 851 work permits to children above the minimum legal age.<sup>3100</sup> The Ministry of Labor employs 68 inspectors specializing in child labor. The Office of the Ombudsman for Children and Adolescents kept track of violations of child labor laws and operated a reporting and tracking system.<sup>3101</sup>



Children 12 to 14 years are prohibited from working more than 4 hours a day, or more than 24 hours a week; adolescents 15 to 17 years may not work more than 6 hours a day, or more than 36 hours a week. Children working nonpaid jobs for family members or in domestic service are entitled to a 12-hour rest period and must attend school.<sup>3102</sup> Night work is prohibited for children under 18 years, but a special permit can be issued for adolescents between 15 to 17 years for a maximum of 4 hours of work a night.<sup>3103</sup> Underground work or work that involves heavy lifting, toxic substances, or responsibility for the safety of themselves and other workers is prohibited for children under 18 years.<sup>3104</sup> The Government has established a list of dangerous work for children, which includes work underground, using machinery or electrical equipment, with toxic chemicals, in brick production, at sea, selling alcohol, in sexually exploitive situations, with garbage, with animal remains, or lifting heavy weights.<sup>3105</sup>

Peruvian law prohibits forced and slave labor.<sup>3106</sup> The law prohibits promoting child prostitution, with a penalty of 5 to 12 years in prison if the victim is under 18 years.<sup>3107</sup> Peru's Penal Code also prohibits delivering a child to a third party for the purpose of prostitution; the penalty for this offense is 6 to 12 years in prison. The penalty for profiting economically from the prostitution of a minor 14 to 18 years of age is 6 to 10 years in prison, and increases to 8 to 12 years in prison if the victim is under 14 years of age.<sup>3108</sup> Statutes prohibit trafficking in persons and provide penalties of 12 to 20 years of imprisonment for those who move a person between 14 and 18 years, either within the country or to an area outside the country, for sexual exploitation or forced labor. The penalty increases to at least 25 years in prison if the victim is under 14 years.<sup>3109</sup> The Administrative Authority of Work has the authority to levy fines against employers who are guilty of trafficking minors.<sup>3110</sup> The penalty for promoting sexual tourism that exploits adolescents 14 to 18 years is 2 to 6 years in prison. The penalty is 6 to 8 years if the victim is under 14 years, and in cases of involvement by a public official or a child's guardian, the penalty is 8 to 10 years in prison.<sup>3111</sup> The penalty for possessing, promoting, producing, or selling child

pornography is 4 to 6 years' imprisonment and fines. If the victim is under 14 years, the penalty increases to 6 to 8 years in prison and fines.<sup>3112</sup> Military service is voluntary for adults 18 years and above.<sup>3113</sup>

The Peruvian National Police's Trafficking Investigation Unit investigated 30 cases of trafficking in persons, rescued 56 victims, and arrested 15 suspected traffickers during the reporting period.<sup>3114</sup> However, according to USDOS, Peru's efforts to prosecute offenders, identify victims, and provide proper protection need to be strengthened. In addition, a lack of cooperation across law enforcement agencies on local and national levels created barriers to investigation.<sup>3115</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Through the National Committee to Prevent and Eradicate Child Labor, the Government of Peru works with NGOs, labor unions, and employer organizations within the country to implement the National Plan for the Prevention and Eradication of Child Labor. The Plan, established in accordance with the National Plan of Action for Children, focuses on three strategic goals: preventing and eradicating child labor among children under 14 years, preventing and eradicating the worst forms of child labor among children under 18 years and protecting the wellbeing of adolescent workers between 14 and 18 years.<sup>3116</sup>

The National Intersectoral Commission for the Eradication of Forced Labor managed a program during the reporting period in Huachipa targeting 150 children working in the brick-making sector. The National Police implemented a program called *Colibrí* (hummingbird) which integrates children who work as vendors in the street or in markets into educational programs.<sup>3117</sup>

Ministry of Women and Social Development (MIMDES) has a National Plan against Commercial Sexual Exploitation of Boys, Girls and Adolescents. The Plan has four strategic components: establish and strengthen institutions, increase awareness about commercial sexual

exploitation of children, establish a system to monitor and penalize perpetrators, and develop a system to support victims.<sup>3118</sup>

The Government of Peru continues to participate in a four-year USD 5 million USDOL-funded project to combat child labor implemented by the International Youth Foundation. This project targets 5,250 children for withdrawal and 5,250 children for prevention from exploitive work in the urban informal sector in Lima, Callao, Trujillo, and Iquitos.<sup>3119</sup> During the reporting period, the Government of Peru participated in a four-year ILO-IPEC Phase III USD 3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>3120</sup> In cooperation with the Government, several NGOs implemented projects funded by USDOS to combat trafficking in persons totaling USD 300,000.<sup>3121</sup> The Government of Peru is participating in a USDOL-funded 4-year 1.6 million ILO-IPEC project to conduct data collection on child labor.<sup>3122</sup>

During the reporting period, the Ministry of Trade and Tourism led a campaign against child sex tourism and trafficking. The Ministry of Foreign Affairs provided training to consular officials on trafficking.<sup>3123</sup> MIMDES worked with the Belgian Government to combat trafficking in four regions of Peru.<sup>3124</sup> The Ministry of Foreign Affairs conducted an information campaign on trafficking, distributing materials to domestic passport offices and consular offices abroad.<sup>3125</sup>

The Government of Peru and other associates and member governments of MERCOSUR are carrying out the “Niño Sur” (“Southern Child”) initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>3126</sup> Peru’s Ministry of Trade and Tourism 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. It was created in 2005 and includes

Ministries of Tourism from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Suriname, Uruguay, and Venezuela.<sup>3127</sup>

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<sup>3087</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*, 27571, (December 4, 2001); available from [http://www.mintra.gob.pe/contenidos/legislacion/dispositivos\\_legales/ley\\_27571.htm](http://www.mintra.gob.pe/contenidos/legislacion/dispositivos_legales/ley_27571.htm). See also Government of Peru, *Ley General de Educación*, 28044, (July 17, 2003), articles 4 and 12; available from [http://www.minedu.gob.pe/normatividad/leyes/ley\\_general\\_de\\_educacion2003.doc](http://www.minedu.gob.pe/normatividad/leyes/ley_general_de_educacion2003.doc).

<sup>3088</sup> Maria del Pilar Mejia Fritsch, *Niños en la producción de drogas: Debemos hacer algo ya!*, [online] September 2003 [cited January 31, 2009]; available from <http://white.oit.org.pe/ippec/boletin/noticia.php?notCodigo=391>. See also Ruth Arroyo Aguilar and Luis Yupanqui Godo, *Peligros, Riesgos y Daños a la Salud de los Niños y Niñas que Trabajan en la Minería Artesanal*, ILO, Lima, 2005; available from [http://www.ilo.org/public/libdoc/ilo/2005/105B09\\_643\\_span.pdf](http://www.ilo.org/public/libdoc/ilo/2005/105B09_643_span.pdf). See also ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, Lima, 2007, 26; available from [http://white.oit.org.pe/ippec/documentos/estudio\\_cap\\_pe.pdf](http://white.oit.org.pe/ippec/documentos/estudio_cap_pe.pdf). See also Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, Lima, September 30, 2005, 14-15; available from [http://www.mimdes.gob.pe/dgna/Plan\\_Nacional\\_Trabajo\\_Infantil.pdf](http://www.mimdes.gob.pe/dgna/Plan_Nacional_Trabajo_Infantil.pdf). See also British Broadcasting Corporation, “Peru’s president recommends coca”, BBC News, [online], 2006; available from <http://news.bbc.co.uk/2/hi/americas/6196287.stm>. See also U.S. Embassy- Lima, E-mail communication to USDOL official, July 16, 2009.

<sup>3089</sup> ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, 28.

<sup>3090</sup> *Ibid.*, 26 and 27. See also International Youth Foundation, *Prepárate para la Vida*, Project Document, Washington, DC, March 28, 2007, 7. See also Macro International Inc., *Children Working in Informal Sector Marketplaces: Lima, Peru*, Calverton, MD, January 12, 2007, 42.

<sup>3091</sup> ILO-IPEC, *Girls in Mining, research findings from Ghana, Niger, Peru and United Republic of Tanzania*, Geneva, 2007, 6; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=5304>.

<sup>3092</sup> ILO-IPEC, *Perfil del Trabajo Infantil Doméstico en Brasil, Colombia, Paraguay y Perú*, Lima, 2004; available from

[http://white.oit.org.pe/ipecc/boletin/documentos/pe\\_rfil\\_de\\_trabajo\\_infantil\\_vol\\_1\\_material\\_de\\_trabajo\\_4\\_c\\_onte.pdf](http://white.oit.org.pe/ipecc/boletin/documentos/pe_rfil_de_trabajo_infantil_vol_1_material_de_trabajo_4_c_onte.pdf).

<sup>3093</sup> U.S. Department of State, "Peru (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, "Peru," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119170.htm>.

<sup>3094</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Peru."

<sup>3095</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3096</sup> U.S. Embassy- Santiago, *reporting*, February 20, 2009.

<sup>3097</sup> Government of Peru, *Ley 27571 que Modifica el Artículo 51 de la Ley No. 27337*.

<sup>3098</sup> Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, 27337, (August 2, 2000), article 54; available from <http://www.acnur.org/biblioteca/pdf/01163.pdf>.

<sup>3099</sup> *Ibid.*, article 53. See also U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3100</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3101</sup> U.S. Embassy- Lima, *reporting*, February 11, 2009. See also U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3102</sup> Government of Peru, *Ley 27337 que Aprueba el Nuevo Código de los Niños y Adolescentes*, articles 56 and 63.

<sup>3103</sup> *Ibid.*, articles 61 and 57.

<sup>3104</sup> *Ibid.*, article 58.

<sup>3105</sup> Government of Peru, *Aprueban la "Relación de Trabajos y Actividades Peligrosas o Nocivas para la Salud Física o Moral de las y los Adolescentes"*, Decreto Supremo No. 007-2006-MIMDES, (July 25, 2006); available from [http://white.oit.org.pe/ipecc/documentos/decreto\\_tip\\_pe.pdf](http://white.oit.org.pe/ipecc/documentos/decreto_tip_pe.pdf).

<sup>3106</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 6d.

<sup>3107</sup> Government of Peru, *Modificación del Código Penal 28251*, (June 7, 2004), article 179; available from [http://www.oit.org.pe/ipecc/documentos/ley\\_28251\\_esci\\_pe.pdf](http://www.oit.org.pe/ipecc/documentos/ley_28251_esci_pe.pdf).

<sup>3108</sup> *Ibid.*, articles 180 and 181.

<sup>3109</sup> Government of Peru, *Ley contra la Trata de Personas y el Tráfico Ilícito de Migrantes*, Law No. 28950, (January 16, 2007), articles 153 and 153-A; available from [http://white.oit.org.pe/ipecc/documentos/ley\\_trata\\_p\\_eru\\_06.pdf](http://white.oit.org.pe/ipecc/documentos/ley_trata_p_eru_06.pdf).

<sup>3110</sup> Embassy of Peru official, Fax communication to USDOL official, December 6, 2007, para 16.

<sup>3111</sup> Government of Peru, *Código Penal*, article 181-A.

<sup>3112</sup> *Ibid.*, article 183-A.

<sup>3113</sup> Government of Peru, *Ley del Servicio Militar*, 27178, (September 28, 1999), article 42; available from <http://www.resdal.org/Archivo/d0000281.htm>. See also Coalition to Stop the Use of Child Soldiers, "Peru," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3114</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 5.

<sup>3115</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Peru."

<sup>3116</sup> Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, 2005, 58-60; available from [http://www.mimdes.gob.pe/dgna/dna/cpeti/Plan\\_CPETI.pdf](http://www.mimdes.gob.pe/dgna/dna/cpeti/Plan_CPETI.pdf).

<sup>3117</sup> U.S. Department of State, "Country Reports- 2008: Peru," section 6d. See also Ministry of the Interior, *Niños trabajadores de la calle reciben educación gratuita con programa PNP "Colibrí" en Puno*, [online] May 5, 2007 [cited January 31, 2009]; available from [http://www.mininter.gob.pe/noticias/noticia.php?C\\_WC1Page=45&cat=1&sub=0&web=3874](http://www.mininter.gob.pe/noticias/noticia.php?C_WC1Page=45&cat=1&sub=0&web=3874).

<sup>3118</sup> Government of Peru, *Plan Nacional contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes*, 2006; available from [http://www.mimdes.gob.pe/dgna/escnna/presentacion\\_plan.pdf](http://www.mimdes.gob.pe/dgna/escnna/presentacion_plan.pdf).

<sup>3119</sup> International Youth Foundation, *Prepárate para la Vida, Project Document*, 7, 13-14.

<sup>3120</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>3121</sup> U.S. Embassy- Lima, E-mail communication, July 16, 2009.

<sup>3122</sup> ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.

<sup>3123</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Peru."

<sup>3124</sup> Ministry of Women and Social Development, *MIMDES y Gobierno Belga ejecutarán proyecto para prevenir la violencia, el abuso y la explotación sexual comercial infantil*, [online] May 15, 2006 [cited January 31, 2009]; available from [http://www.mimdes.gob.pe/noticias/2006/not15may\\_1.htm](http://www.mimdes.gob.pe/noticias/2006/not15may_1.htm).

<sup>3125</sup> U.S. Department of State, "Country Reports- 2008: Peru."

<sup>3126</sup> Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [online] [cited April 7, 2009];

available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>3127</sup> Brazilian Ministry of Tourism, *Ecuador Assume Direção de Grupo Latino-Americano para a Proteção*

*Infanto-Juvenil*, November 26, 2008; available from <http://www.turismo.gov.br/>. See also Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

## Philippines

### *Selected Statistics and Indicators on Child Labor*<sup>3128</sup>

Population, children, 5-14 years, 2001:	19,874,678
Working children, 5-14 years (%), 2001:	11.0
Working boys, 5-14 years (%), 2001:	13.4
Working girls, 5-14 years (%), 2001:	8.4
Working children by sector, 5-14 years (%), 2001:	
- Agriculture	65.4
- Manufacturing	4.2
- Services	29.4
- Other	1.1
Minimum age for work:	15
Compulsory education age:	11
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	109.5
Net primary enrollment rate (%), 2006:	91.4
School attendance, children 5-14 years (%), 2001:	87.6
Survival rate to grade 5 (%), 2005:	74.0
ILO Convention 138:	6/4/1998
ILO Convention 182:	11/28/2000
CRC:	8/21/1990
CRCOPAC:	8/26/2003
CRCOPSC:	5/28/2002
Palermo:	5/28/2002
ILO-IPEC participating country:	Yes

### **Incidence and Nature of Child Labor**

Children in the Philippines work on sugarcane, tobacco, banana, coconut, corn, mango, rice, and rubber plantations.<sup>3129</sup> They also engage in garbage scavenging, pyrotechnics production,

deep-sea fishing, gold and iron ore mining, and quarrying.<sup>3130</sup> Children living on the streets often work in the informal labor economy in such activities as begging and scavenging.<sup>3131</sup> Children are involved in the production of fashion accessories.<sup>3132</sup> Children, primarily girls, are engaged in domestic service.<sup>3133</sup> Children are also involved in the commercial sex industry as prostitutes, are used in the production of pornography, and are exploited by sex tourists.<sup>3134</sup> Children living on the streets in urban centers are particularly vulnerable to prostitution and pornography.<sup>3135</sup> Children are also involved in the production and trafficking of drugs within the country.<sup>3136</sup>

Reportedly children are trafficked internally from rural areas to major cities for commercial sexual exploitation, work in factories, domestic service, and other activities in the informal sector.<sup>3137</sup> There are no reports of child soldiers in the Government's Armed Forces, but children under 18 years are recruited into terrorist organizations, including the Abu Sayyaf Group, the Moro Islamic Liberation Front (MILF), and the New People's Army.<sup>3138</sup> However, in December 2008, MILF agreed to an action plan with UN to stop the recruitment and use of children in their organization.<sup>3139</sup>

### **Child Labor Laws and Enforcement**

The law prohibits the employment of children less than 15 years, except when working directly with a parent, when working in public entertainment is "essential," or when the work does not endanger the child's life, safety, health, or morals, and does

not interfere with schooling. The law requires that any child under 15 years employed under these guidelines receive a special permit from the Department of Labor and Employment (DOLE), but it does not define any absolute minimum age for these children to be allowed to begin work under these special circumstances.<sup>3140</sup> A child is permitted to work as an apprentice at 14 years.<sup>3141</sup> The law sets limits on children's working hours; it prohibits night work for children under 15 years from 8 p.m. to 6 a.m., and forbids children 15 to 18 years from working after 10 p.m.<sup>3142</sup> Penalties for violations include fines and prison terms up to 20 years.<sup>3143</sup>

Philippine law defines the worst forms of child labor as all forms of slavery or practices similar to slavery; any use of a child in prostitution, pornography, or pornographic performances; any use of a child for illegal or illicit activities; and work that is hazardous, including nine hazardous categories. Criteria for categorizing work as hazardous includes work that degrades the worth and dignity of a child, exposes the child to physical danger, performed underground, or under difficult conditions, and entails the handling of explosives or pyrotechnics, among others.<sup>3144</sup>

There are various Philippine laws that further describe, prohibit, and provide penalties for the identified worst forms of child labor. Slavery and forced labor are prohibited.<sup>3145</sup> The law specifically prohibits the handling of dangerous machinery or heavy loads; exposure to extremes of cold, heat, noise, or pressure; and exposure to physical, psychological, or sexual abuse.<sup>3146</sup> The law criminalizes trafficking of children for exploitation, including trafficking for sex tourism, prostitution, pornography, forced labor, and the recruitment of children into armed conflict. The law establishes the penalty of life imprisonment and a fine for trafficking violations involving children and provides for the confiscation of any proceeds derived from trafficking crimes.<sup>3147</sup> The law prohibits the involvement of minors in the manufacture, delivery, sale, or purchase of dangerous drugs.<sup>3148</sup> The law prohibits child prostitution, including engaging in, profiting from, or soliciting prostitution from children.<sup>3149</sup>

The law also prohibits the use of children in the production of pornographic materials.<sup>3150</sup>

The minimum age for voluntary recruitment into military service is 18 years, or 17 years or for training purposes.<sup>3151</sup>

DOLE is responsible for enforcing child labor laws through labor standards enforcement offices.<sup>3152</sup> However, USDOS reports that child labor enforcement is weak because of a lack of awareness of laws, lack of resources, and an inadequate judicial infrastructure.<sup>3153</sup> The National Bureau of Investigation, the Bureau of Immigration, and the Philippine National Police (PNP) Criminal Investigation and Detection Group are tasked with counter-trafficking activities, and are members of the national Interagency Council Against Trafficking headed by the Department of Justice.<sup>3154</sup> In addition, local, regional, and provincial Interagency Councils Against Trafficking address child labor and human trafficking issues throughout the country.<sup>3155</sup> The Women's and Children's Concerns Division of the PNP investigated 55 cases of trafficking in women and children and the National Bureau of Investigation investigated 237 such cases during the reporting period.<sup>3156</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Philippine National Strategic Framework for Plan Development for Children, 2000-2025, also known as "Child 21," and the Philippine Program Against Child Labor (PPACL) Strategic Framework 2007-2015 continue to serve as the primary Government policy instruments for the development, implementation, monitoring, and evaluation of programs designed to prevent and eliminate child labor in the Philippines. The plan of action developed in 2008 for PPACL includes regularly updating child labor data, institutionalizing strategic partnerships, conducting awareness raising, and enforcing compliance with relevant legislation and policies.<sup>3157</sup> The Medium Term Philippine Development Plan 2004-2010 also includes measures for reducing the incidence of child

labor, especially in hazardous occupations. In the plan, the Philippine Government pledges to strengthen mechanisms to monitor the implementation of child protection laws, develop “social technologies” to respond to child trafficking and pornography, and implement an enhanced program for children in armed conflict.<sup>3158</sup> The Government also has several mechanisms in place to address the issue of children involved in armed conflict including a monitoring and reporting country task force, a comprehensive program framework, and an interagency memorandum of agreement on the treatment and handling of children involved in armed conflict.<sup>3159</sup>

Several governmental agencies in the Philippines have ongoing programs to address the needs of children vulnerable to exploitive labor.<sup>3160</sup> DOLE continues to lead the Rescue the Child Workers Program to monitor suspected cases of child labor and intervene on behalf of children in confirmed cases.<sup>3161</sup> From January to June 2008, DOLE rescued 59 minors in 16 different operations from exploitive labor.<sup>3162</sup> As of January 2009, DOLE had 153 labor inspectors, who continue to receive training on child labor issues.<sup>3163</sup> DOLE also implements the Project Angel Tree, which grants wishes to child laborers such as providing food, clothing, and education assistance in an effort to remove them from exploitive labor.<sup>3164</sup> The Cebu Chamber of Commerce, in collaboration with the Employers Confederation of the Philippines and ILO, maintains an awards program for Child Labor-Free and Child-Friendly Firms. A staff person from DOLE sits on the screening committee for administering the awards.<sup>3165</sup> The Philippines’s National Statistics Office gathers information on child labor by including children 5 years and above in its quarterly Labor Force Survey when measuring the economically active population in the Philippines.<sup>3166</sup> DOLE’s Poverty Free Zones Program aims to ensure that all Poverty Free Zone communities are child labor-free by the year 2010.<sup>3167</sup>

The Department of Social Welfare and Development (DSWD) is the lead Government agency that provides support, primarily through 42 residential care units—including 13 exclusively for girls—for victims of trafficking; children in

armed conflict; and children who have been exploited, abused, or rescued from living on the streets.<sup>3168</sup> From January to September 2008, DSWD provided assistance to 149 victims of child trafficking and 89 victims of child prostitution.<sup>3169</sup> The Interagency Council Against Trafficking in Persons (IACAT) coordinates, monitors, and oversees the implementation of the trafficking law. In addition, IACAT approved guidelines for the rights of trafficked children during the reporting period.<sup>3170</sup> The Philippines is one of several countries in South East Asia participating in a campaign by MTV Europe to raise awareness on human trafficking.<sup>3171</sup>

The Government of the Philippines, through DOLE, is participating in a Timebound Program to implement PPACL. Phase I of the program targeted children involved in commercial sexual exploitation, mining and quarrying, pyrotechnics, deep-sea fishing, domestic service, and work on commercial sugar cane farms.<sup>3172</sup> Phase I of the Timebound Program aimed to withdraw 29,000 children and prevent 22,500 children from exploitive work in these sectors and surpassed its targets. ILO-IPEC and World Vision (in partnership with Plan International, Christian Children’s Fund, and Educational Research and Development Assistance Foundation) implemented USDOL-funded projects to support the Government’s Timebound Program to eliminate child labor in the specified worst forms.<sup>3173</sup> The World Vision project ended in July 2008 and withdrew 16,997 and prevented 14,312 children from exploitive labor.<sup>3174</sup> In support of Phase II of the Timebound Program and the PPACL, the Government is participating in another USDOL-funded USD 5.5 million project implemented by World Vision that will run through September 2011. The project targets 18,063 children for withdrawal and 11,937 children for prevention from work in the following sectors—sugarcane plantations, other commercial agriculture, child domestic work, commercial sexual exploitation, mining and quarrying, garbage scavenging, and pyrotechnics.<sup>3175</sup>

Additional government projects contributing to the goals of the Timebound Program include a 2-year USD 469,000 project, in collaboration with

the Eliminating Child Labor in the Tobacco Industry Foundation, to combat child labor in tobacco production in Region I (Ilocos Region).<sup>3176</sup> UNICEF also works actively with the Government to promote children's rights, protect children from trafficking, and support educational improvements.<sup>3177</sup> USDOS and USAID provide support to a number of anti-trafficking projects in the Philippines, including operation of shelters in several ports, capacity building of task forces, training of law enforcement and government officials, and awareness-raising efforts. Training included specific seminars on child friendly handling of trafficking cases.<sup>3178</sup> In addition, the Interagency Council Against Trafficking approved guidelines for the rights of trafficked children during the reporting period.<sup>3179</sup>

The Philippines Education for All National Plan of Action includes child laborers as beneficiaries of education services.<sup>3180</sup> The Department of Education (DepEd) has policy guidance that instructs education officials at the national, regional, and local levels to intervene to reduce or eliminate child labor, as well as guidance for reporting children involved in armed conflict in order to ensure that they receive any necessary assistance.<sup>3181</sup> DepEd is implementing functional education and literacy programs that provide working children with basic education and skills training.<sup>3182</sup> DepEd's Bureau of Alternative Learning System is tasked with promoting, improving, and monitoring alternative learning interventions for out-of-school youth and groups with special educational needs, and has developed learning modules for parents of working children in areas with a high incidence of child labor.<sup>3183</sup>

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<sup>3128</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work see Government of the Philippines, *Labour Code*, (1993), article 139. See also Government of the Philippines, *An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child*, Republic Act No. 9231, (December 19, 2003). For age to which education is compulsory and free public education, see Government of the Philippines, *Constitution*, (1987), article XIV, section 2(2). See also

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<sup>3129</sup> Terre des Hommes, *Sweet Hazards: Child Labor on Sugarcane Plantations in the Philippines*, Netherlands, June 2005, 8. See also ILO-IPEC, *Safety and Health Fact Sheet: Hazardous Child Labour in Agriculture-Sugarcane*, Geneva, March 2004. See also World Vision, *Combating Child Labor through Education in the Philippines: The ABK 2 Initiative*, Project Document, September 2008, 5, 11, 13. See also ECLT Foundation, *Eliminating Child Labour in the Tobacco Industry Project, Phase 2*, [online] May 29, 2007 [cited January 27, 2009]; available from <http://www.eclt.org/filestore/DOLE2Programme.pdf>. See also U.S. Embassy- Manila, *reporting*, December 6, 2007.

<sup>3130</sup> U.S. Embassy- Manila, *reporting*, December 6, 2007. See also World Vision, *ABK 2 Initiative, Project Document, September 2008*, 5, 11, 13, 14. See also Angelita Resurreccion, *Time-Bound Programme (TBP) Baseline Survey Integrative Report*, ILO-IPEC, March 2006, 28 and 31. See also U.S. Embassy- Manila, *reporting*, June 10, 2008.

<sup>3131</sup> U.S. Department of State, "Country Reports- 2008: Philippines," section 5. See also Consortium for Street Children, *A Civil Society Forum for East and South East Asia on Promoting and Protecting the Rights of Street Children*, Bangkok, March 12-14, 2003, 18-20.

<sup>3132</sup> ILO, *Employers' Demand for Child Labor in the Pyrotechnics and Fashion Accessories Industries in the Philippines*, December 2005, xxii-xxiii.

<sup>3133</sup> Visayan Forum Foundation Inc., *Trafficked into Forced Labor: Selected Case Studies of Domestic Workers in the Philippines*, Manila, 2006, Introductory notes. See also World Vision, *ABK 2 Initiative, Project Document, September 2008*, 5, 13.

<sup>3134</sup> U.S. Department of State, "Country Reports- 2008: Philippines," sections 5, 6c, 6d. See also ECPAT International CSEC Database, *Philippines*, accessed November 21, 2007; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp). See also Arnie Trinidad, *Child Pornography in the Philippines*, Manila, 2005, 14. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Philippines*, Bangkok, 2006, 11-12.

<sup>3135</sup> Charita Castro, *Child Sakadas in Philippine Agriculture: Researching Injury Hazards for Working Children in the Context of International Labor Standards and United States Foreign Policy*, May 20, 2007, 79.

<sup>3136</sup> Emma Porio and Christine Crisol, *The Use of Children in the Production, Sales and Trafficking of Drugs: A synthesis of participatory action-oriented research*

programs in Indonesia, the Philippines and Thailand, Manila, 2004, 1 and 2. See also Chitraporn Vanaspong, *The Use of Children in the Production, Sales and Trafficking of Drugs: Intervention Models*, ILO-IPEC, March 2004, xi.

<sup>3137</sup> U.S. Department of State, "Philippines (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Embassy- Manila, *reporting*, March 2, 2009, 1. See also U.S. Department of State, "Country Reports- 2008: Philippines," section 5. See also Visayan Forum Foundation Inc., *Trafficked into Forced Labor*, 7. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children: Philippines*, 12.

<sup>3138</sup> U.S. Department of State, "Country Reports- 2008: Philippines," section 1g. See also Coalition to Stop the Use of Child Soldiers, "Philippines," in *Child Soldiers Global Report 2008*, London, 2008, 277-278; available from <http://www.childsoldiersglobalreport.org/>. See also UN Security Council, *Working Group on Children and Armed Conflict*, October 3, 2008, 1.

<sup>3139</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Philippines: Children to be separated from MILF ranks*, Press Release, December 12, 2008; available from <http://www.un.org/children/conflict/pr/2008-12-12200.html>.

<sup>3140</sup> Government of the Philippines, *Labour Code*, article 139. See also Government of the Philippines, *Republic Act No. 9231*, section 2.

<sup>3141</sup> Government of the Philippines, *Labour Code*, article 59.

<sup>3142</sup> Government of the Philippines, *Republic Act No. 9231*, section 3.

<sup>3143</sup> *Ibid.*, sections 2-4, 6.

<sup>3144</sup> *Ibid.*, section 3.

<sup>3145</sup> Government of the Philippines, *Revised Penal Code*, No. 3815, (December 8, 1930), article 272-274.

<sup>3146</sup> Department of Labor and Employment, *Hazardous Work and Activities to Persons Below 18 Years of Age*, Department Order No. 4, (1999), section 3. See also Ayaka Matsuno and Jonathan Blagbrough, *Child Domestic Labour in South-East and East Asia: Emerging Good Practices to Combat It*, Bangkok, 2006, 36.

<sup>3147</sup> Government of the Philippines, *Anti-Trafficking in Persons Act*, Republic Act 9208, (2003), sections 4, 6, 10, 14.

<sup>3148</sup> Government of the Philippines, *Comprehensive Dangerous Drugs Act*, Republic Act No. 9165, (2002), article II, sections 5, 6, 8.

<sup>3149</sup> Government of the Philippines, *Special Protection of Children against Abuse, Exploitation and Discrimination Act*, Republic Act No. 7610 (1992). See also

Government of the Philippines, *Revised Penal Code*, articles 202, 340-341.

<sup>3150</sup> Government of the Philippines, *Special Protection of Children Act*, article V. See also Government of the Philippines, *Anti-Trafficking in Persons Act*, section 4.

<sup>3151</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Philippines."

<sup>3152</sup> Government of the Philippines, *Philippine Government's Efforts to Eliminate the Worst Forms of Child Labor*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", December 5, 2007. See also U.S. Embassy-Manila, *reporting*, January 15, 2009.

<sup>3153</sup> U.S. Embassy- Manila, *reporting*, January 15, 2009, 10-11.

<sup>3154</sup> U.S. Department of State, "Country Reports- 2008: Philippines," section 5. See also U.S. Embassy- Manila, *reporting*, March 2, 2009, 3. See also Government of the Philippines, *Philippine Government's Efforts to Eliminate the Worst Forms of Child Labor*.

<sup>3155</sup> The Philippines Department of Foreign Affairs, *DFA RCO Iloilo, and NGOs Work to Activate Regional Inter-agency Council Against Trafficking*, Press Release, August 31, 2006. See also U.S. Embassy- Manila, *reporting*, January 15, 2009, 24. See also U.S. Embassy-Manila, *reporting*, March 2, 2009, 2 and 3.

<sup>3156</sup> U.S. Embassy- Manila, *reporting*, March 2, 2009, 5. See also U.S. Embassy- Manila official, E-mail communication to USDOL official, July 6, 2009.

<sup>3157</sup> Council for the Welfare of Children, *Philippine National Strategic Framework for Plan Development for Children, 2000-2025*, Makati City, Philippines, 2000. See also Government of the Philippines, *Philippine Government's Efforts to Eliminate the Worst Forms of Child Labor*. See also U.S. Embassy- Manila, *reporting*, January 15, 2009, 15-16. See also Philippine Program Against Child Labor, *Strategic Framework*, 2007.

<sup>3158</sup> Republic of the Philippines, *Medium Term Philippine Development Plan 2004-2010*, 2004, 113, 168-169.

<sup>3159</sup> UN Security Council, *Report of the Secretary-General on children and armed conflict in the Philippines*, April 24, 2008, 2 and 14.

<sup>3160</sup> U.S. Department of State, "Country Reports- 2008: Philippines," section 6d. See also Government of the Philippines, *Philippine Government's Efforts to Eliminate the Worst Forms of Child Labor*.

<sup>3161</sup> U.S. Embassy- Manila, *reporting*, January 15, 2009, 12. See also Government of the Philippines, *Philippine Government's Efforts to Eliminate the Worst Forms of Child Labor*. See also U.S. Embassy- Manila, *reporting*, March 2, 2009, 3.

<sup>3162</sup> U.S. Department of State, "Country Reports- 2008: Philippines," section 6d. See also U.S. Embassy-Manila, *reporting*, January 15, 2009, 12.



<sup>3163</sup> U.S. Embassy- Manila, *reporting, January 15, 2009*, 11 and 14.

<sup>3164</sup> Government of the Philippines, *Philippine Government's Efforts to Eliminate the Worst Forms of Child Labor*.

<sup>3165</sup> Cebu Chamber of Commerce and Industry Inc., *Search for CCCI's Child Friendly Firm is On*, Press Release, October 8, 2006; available from [http://www.cebubusinesswebportal.com/index.php?option=com\\_content&task=view&id=63&Itemid=129](http://www.cebubusinesswebportal.com/index.php?option=com_content&task=view&id=63&Itemid=129).

<sup>3166</sup> U.S. Embassy- Manila, *reporting, December 6, 2007*, 22. See also ILO-IPEC, *Supporting the Timebound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, Technical Progress Report, March 2004, 7.

<sup>3167</sup> Philippine Trade and Investment Center, *Child Labor Review in the Production of Carpets*, February 15, 2008.

<sup>3168</sup> U.S. Embassy- Manila, *reporting, March 2, 2009*, 3 and 7. See also U.S. Embassy- Manila, *reporting, January 15, 2009*, 25. See also U.S. Embassy- Manila, *reporting, August 29, 2003*, 30. See also Department of Social Welfare and Development, *Retained Programs/Services for Children*, [online] [cited January 27, 2009]; available from <http://www.dswd.gov.ph/ProgProj.php?id=32>. See also Philippine Trade and Investment Center, *Child Labor Review in the Production of Carpets*.

<sup>3169</sup> U.S. Embassy- Manila, *reporting, January 15, 2009*, 25.

<sup>3170</sup> U.S. Embassy- Manila, *reporting, March 2, 2009*.

<sup>3171</sup> U.S. Embassy- Manila, *reporting, June 27, 2007*. See also USAID, *Radiohead Joins USAID/MTV Campaign to Raise Awareness and Help Prevent Human Trafficking*, [online] April 30, 2008 [cited April 6, 2009]; available from [http://www.usaid.gov/in/newsroom/press\\_releases/apr30\\_8.htm](http://www.usaid.gov/in/newsroom/press_releases/apr30_8.htm).

<sup>3172</sup> Government of the Philippines, *Philippine Government's Efforts to Eliminate the Worst Forms of Child Labor*. See also Government of the Philippines, *Memorandum Order No. 71*, September 2, 2002.

<sup>3173</sup> World Vision, *Combating Child Labor through Education in the Philippines: The ABK Initiative*, Project Document, Washington, DC, 2003. See also ILO-IPEC, *Supporting the Timebound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, Final Technical Progress Report, Geneva, September 2007.

<sup>3174</sup> U. S. Department of Labor, *Combating Child Labor through Education in the Philippines: The ABK Initiative*, ILAB Technical Cooperation Project Summary, 2007.

See also World Vision, *Combating Child Labor through Education in the Philippines: The ABK Initiative*, Final Progress Report, May 2008.

<sup>3175</sup> U.S. Department of Labor, *Combating Child Labor through Education in the Philippines: The ABK Initiative Phase II* ILAB Technical Cooperation Project Summary, 2007.

<sup>3176</sup> ECLT Foundation, *Eliminating Child Labour in the Tobacco Industry Project, Phase 2*. See also U.S. Embassy- Manila, *reporting, January 15, 2009*, 18.

<sup>3177</sup> U.S. Department of State, "Country Reports- 2008: Philippines," section 6d. See also UNICEF, *Philippines: Child Protection* [online] [cited January 27, 2009]; available from [http://www.unicef.org/philippines/activities/act\\_4.html](http://www.unicef.org/philippines/activities/act_4.html). See also UNICEF, *Revised Country Programme Document: Philippines*, November 1, 2004, 6, 7, 9, 14. See also UNICEF Philippines, *UNICEF Inks Agreement with Philippine Government to Reduce Disparities in the Well-Being of Children*, [online] May 4, 2005 [cited January 27, 2009]; available from <http://www.unicef.org/philippines/archives/news/050503.html>.

<sup>3178</sup> U.S. Department of State, *USG Funds Obligated in FY 2008 for TIP Projects*, 2009. See also U.S. Embassy- Manila, *reporting, March 2, 2009*, 6, 8, 9.

<sup>3179</sup> U.S. Embassy- Manila, *reporting, March 2, 2009*, 10.

<sup>3180</sup> Government of the Philippines, *National Action Plan to Achieve Education for All by Year 2015*, 2005, 51.

<sup>3181</sup> Department of Education, *DepED Bulletin No. 4 S. 2003, Philippines Timebound Program (PTBP) for the Elimination of the Worst Forms of Child Labor (WFCL)*, 2003. See also Department of Education, *DepEd Order No. 31 S. 2006, Implementation of Policy Instruments in Reporting Cases of Children Involved in Armed Conflict*, July 28, 2006.

<sup>3182</sup> Government of the Philippines, *National Action Plan to Achieve Education for All by Year 2015*, 51.

<sup>3183</sup> U.S. Embassy- Manila, *reporting, January 15, 2009*, 20. See also Government of the Philippines, *Renaming the Bureau of Nonformal Education to Bureau of Alternative Learning System*, Executive Order No. 356, (September 13, 2004). See also U.S. Embassy- Manila, *reporting, December 6, 2007*, 21. See also Government of the Philippines, *National Action Plan to Achieve Education for All by Year 2015*, 26. See also U.S. Embassy- Manila, *reporting, August 29, 2003*.

## Russia

### *Selected Statistics and Indicators on Child Labor*<sup>3184</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	96.0
Net primary enrollment rate (%), 2006:	90.9
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	5/3/1979
ILO Convention 182:	3/25/2003
CRC:	8/16/1990
CRCOPAC:	3/25/2003
CRCOPSC:	No
Palermo:	5/26/2004
ILO-IPEC participating country:	Associated

### **Incidence and Nature of Child Labor**

In Russia, large numbers of children are found working in the streets of major cities, where they are engaged in begging and work in the informal economy.<sup>3185</sup> This includes work in retail services, street vending, washing or repairing cars, shining shoes, making deliveries, carrying heavy loads, cleaning, and collecting trash.<sup>3186</sup> In rural areas, children primarily work in agriculture.<sup>3187</sup> Children from the rural areas and provincial towns also migrate or are trafficked to work in urban areas or other regions of the country.<sup>3188</sup> Children from neighboring countries, as well as Russian children, are engaged in exploitive work in the country.<sup>3189</sup>

Working street children may be involved in illegal activities such as prostitution, pornography, selling drugs, or selling stolen goods.<sup>3190</sup>

Homeless and orphaned children are particularly vulnerable to exploitation or becoming engaged in criminal activities.<sup>3191</sup> Commercial sexual exploitation of children, especially in the large cities, remains a concern.<sup>3192</sup> Moscow and St. Petersburg are hubs of child trafficking and child commercial sexual exploitation. Children are trafficked to these cities internally, and from Moldova, Ukraine, Belarus and Kazakhstan, and forced into begging or prostitution.<sup>3193</sup> Both girls and boys are trafficked for prostitution, child sex tourism, and pornography.<sup>3194</sup> St. Petersburg and the northwestern border areas of Russia are popular destinations for sex tourists from wealthier Western European nations, particularly neighboring Scandinavian countries.<sup>3195</sup> Russia is a major producer and distributor of child pornography on the Internet.<sup>3196</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age of employment at 16 years, with some exceptions.<sup>3197</sup> Children who have either completed their basic general education or have left the general educational system may work at age 15. With parental consent, children at least 14 years may perform light work that is not harmful to their health or education, and children younger than 14 may participate in the creation and/or performance of art works that are not harmful to their health and moral development.<sup>3198</sup> The working time for employees younger than 16 years should not exceed 24 hours per week, or exceed 36 hours per week for employees between 16 and 18 years.<sup>3199</sup> Employers may not request overtime from workers under age 18.<sup>3200</sup> Workers younger than 16 years may not work longer than 5 hours per shift, and for workers between 16 and 18 years, a shift may not exceed 7 hours.<sup>3201</sup> Children under 18 years are prohibited from engaging in night work, unhealthy or dangerous work, underground work, or work that may be harmful to their moral development.<sup>3202</sup> Employers must provide medical screenings to any prospective employees younger than 18 years. Once hired, these employees must also pass annual medical

surveys provided at the expense of the employer.<sup>3203</sup>

Forced labor is prohibited by law.<sup>3204</sup> Slave labor of a known minor is punishable by imprisonment from 3-10 years; if by an organized group or causing damage to the victim's health, the term is 8-15 years.<sup>3205</sup> Acts directed towards organizing prostitution that involve minors are punishable by imprisonment of up to 6 years with no minimum sentence. If the minor is under 14 years, the term of imprisonment is 3 to 10 years.<sup>3206</sup> Involving a minor in prostitution, or compelling a minor to continue to engage in prostitution is punishable by 3 to 8 years of imprisonment.<sup>3207</sup> In addition, the creation and circulation of pornography that knowingly depicts minors is punishable by a term of imprisonment of up to 6 years. The term of imprisonment is 3 to 8 years if the minor is under 14.<sup>3208</sup> Trafficking of a known minor is punishable by a sentence of 3 to 10 years of imprisonment if committed by a single individual. The sentence for an organized group that engages in any form of trafficking is 8 to 15 years.<sup>3209</sup> In December 2008, President Medvedev signed into law an amendment to the criminal code that eliminated the element of "exploitation" from the statutory definition of trafficking.<sup>3210</sup>

The minimum age for both voluntary and compulsory military recruitment is 18 years.<sup>3211</sup> However, the law on Military Obligations and Military Service provides for state-run military schools for boys as young as 7, where students aged 16 and older are considered to be on military service that counts toward conscription requirements.<sup>3212</sup> In September 2008, the Government of Russia ratified the Convention on the Rights of the Child Optional Protocol on Prohibiting the Involvement and Recruitment of Children in Armed Conflicts.<sup>3213</sup>

The Federal Labor and Employment Service (FLES) is responsible for monitoring child labor violations.<sup>3214</sup> The Public Security Police Service is authorized to investigate sex crimes against children, including prostitution and pornography.<sup>3215</sup> Research has not identified statistics on enforcement and prosecution by these agencies in 2008. Russia does not track the

number of trafficking prosecutions, convictions, and sentences.<sup>3216</sup>

According to USDOS, the Government of Russia took modest steps toward better protection of children's labor rights, but lacked a national strategy to this end. Russia has not adopted specific measures in its Labor Code to eliminate child labor violations.<sup>3217</sup> USDOS reported that Russian prosecutors believe the child labor problem is getting worse.<sup>3218</sup> According to USDOS, the Government did not enforce child labor laws effectively. CEACR has repeatedly expressed concern at the increasing number of street children in Russia, who are vulnerable to exploitation.<sup>3219</sup> CEACR has called upon the Russian government to pursue, "as a matter of urgency," measures to ensure that those who traffic children for labor or sexual exploitation are prosecuted.<sup>3220</sup>

There have been reports that Government officials have been complicit in trafficking.<sup>3221</sup> According to USDOS, in 2008 the Ministry of Internal Affairs arrested and prosecuted such individuals when their actions were discovered.<sup>3222</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In July 2008, the Government of Russia established a Fund for Children's Support, to which approximately USD 190 million was allocated by the end of 2008. Among other goals, the Fund is intended to support social programs to assist orphans and to provide for the social rehabilitation of disadvantaged children, including homeless children.<sup>3223</sup> Regional ombudsmen protect children's rights in 23 of Russia's 87 provinces. Since 2006, appointments to these offices were made by regional legislatures, which expanded their authority and gave them parliamentary status.<sup>3224</sup>

In 2008, the ILO completed the third phase of a project providing technical assistance to the city of St. Petersburg, which sought to develop time-bound measures to combat the worst forms of child labor, and scale up existing interventions.<sup>3225</sup> The Government of Finland is supporting this project (USD 450,000), as well as the first phase of

a similar project covering the Leningrad Region (USD 689,000). Both projects target working street children.<sup>3226</sup> The St. Petersburg Government Commission on Issues of Minors and Protection of Their Rights has a working group that meets regularly to address trafficking and child sexual exploitation, and has established shelters for minors across the city.<sup>3227</sup> UNICEF is working with the Government to assist children living and working in the streets.<sup>3228</sup> In 2007 and 2008, the City of Moscow and various federal agencies cooperated with an IOM-implemented project to provide information and consultation services to trafficking victims, including the placement of specialists to advise minors under the auspices of the Ministry of Interior. This project was jointly funded by the European Commission, USDOS and the Government of Switzerland.<sup>3229</sup>

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<sup>3184</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Russia, *Labor Code of the Russian Federation*, 197-FZ, (February 1, 2002), article 63; available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/60535/65252/E01RUS01.htm>. For age to which education is compulsory and free public education, see UNESCO, *Education for All Global Monitoring Report*, Geneva, 2008.

<sup>3185</sup> "Eradication of Child Labor Progresses Significantly - ILO", Interfax News Agency, [online], May 11, 2006. See also Elena Tjurjukanova, Maja Rusakova, and Viktoria Sakina, *Analysis of the Situation and Institutions in the Field of Commercial Sexual Exploitation of Children (CSEC) and Counter-CSEC Activities in Russia: Final Report*, Moscow, 2003, 12; available from [www.fondationscelles.org/index.php?option=com\\_docman&task=doc\\_download&gid=787](http://www.fondationscelles.org/index.php?option=com_docman&task=doc_download&gid=787) - 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.

<sup>3186</sup> Tjurjukanova, Rusakova, and Sakina, *Analysis of CSEC in Russia*, 12. See also ECPAT International CSEC Database, *Russia*, accessed February 6, 2009; available from <http://www.ecpat.net>. See also Tjurjukanova and Institute for Urban Economics, *Human Trafficking in the Russian Federation*, 45. 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: Russian Federation*, Geneva, November 23, 2005;

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available from <http://www.unhcr.org/refworld/category,COI,CRC,,RUS,45377eb50,0.html>. 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](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_071238/index.htm).

<sup>3187</sup> U.S. Embassy- Moscow, *reporting*, January 12, 2009.

<sup>3188</sup> Tjurjukanova, Rusakova, and Sakina, *Analysis of CSEC in Russia*, 12,153. See also ECPAT International CSEC Database, *Russia*. See also Muireann O'Briain, Anke van den Born, and Theo Noten, *Joint East West Research on Trafficking in Children for Sexual Purposes in Europe: The Sending Countries*, ECPAT Europe Law Enforcement Group, Amsterdam, 2004, 30. See also Angel Coalition, *Repatriation and Rehabilitation Protocol For Victims of Trafficking in Human Beings of the Russian Federation*, July 2005; available from [http://www.childtrafficking.com/Docs/angelcoalitio n05repatrehabprtcl\\_020107.pdf](http://www.childtrafficking.com/Docs/angelcoalitio n05repatrehabprtcl_020107.pdf). See also U.S. Embassy- Moscow, *reporting*, January 12, 2009. See also U.S. Department of State, "Russia," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008.

<sup>3189</sup> U.S. Embassy- Moscow, *reporting*, January 12, 2009.

<sup>3190</sup> Ibid. See also Tjurjukanova and Institute for Urban Economics, *Human Trafficking in the Russian Federation*. See also ILO, *Russia: A "vector" of hope for street children in St. Petersburg*.

<sup>3191</sup> U.S. Embassy- Moscow, *reporting*, January 12, 2009. See also UN Committee on the Rights of the Child, *UNCRC Concluding Observations: Russian Federation*, 16. See also Tjurjukanova, Rusakova, and Sakina, *Analysis of CSEC in Russia*, 12.

<sup>3192</sup> UN Committee on the Rights of the Child, *UNCRC Concluding Observations: Russian Federation*, 16-17. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour, No. 182 Russian Federation*, [2008 [cited February 11, 2009]. See also U.S. Embassy- Moscow, *reporting*, January 12, 2009. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Russia."

<sup>3193</sup> O'Briain, van den Born, and Noten, *Trafficking in Children for Sexual Purposes in Europe*, 39, 43, 47. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Russia." See also Tjurjukanova, Rusakova, and Sakina, *Analysis of CSEC in Russia*, 153. See also Lisa McAdams, "New Program Aims to Fight Child Trafficking in Russia", May 25, 2005; available from <http://www.voanews.com/english/archive/2005-05/New-Program-aims-to-Fight-Child-Trafficking-in-Russia.cfm>.

<sup>3194</sup> O'Briain, van den Born, and Noten, *Trafficking in Children for Sexual Purposes in Europe*, 40-41. See also ECPAT International CSEC Database, *Russia*.

<sup>3195</sup> ECPAT International CSEC Database, *Russia*. See also Tjurjukanova, Rusakova, and Sakina, *Analysis of*

CSEC in Russia, 153. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Russia."

<sup>3196</sup> U.S. Embassy- Moscow, *reporting, January 12, 2009*. See also Tjurjukanova and Institute for Urban Economics, *Human Trafficking in the Russian Federation*.

<sup>3197</sup> Government of Russia, *Russian Labor Code*, article 63.

<sup>3198</sup> *Ibid.*

<sup>3199</sup> *Ibid.*, articles 91, 92.

<sup>3200</sup> *Ibid.*, article 99.

<sup>3201</sup> *Ibid.*, article 94.

<sup>3202</sup> *Ibid.*, articles 96, 265.

<sup>3203</sup> *Ibid.*, article 266.

<sup>3204</sup> *Constitution of the Russian Federation*, (December 25, 1993); available from <http://www.legislationline.org/documents/section/constitutions/country/7>.

<sup>3205</sup> Government of Russia, *Criminal Code of the Russian Federation*, 63-FZ, (June 13, 1996), article 127.2; available from <http://www.legislationline.org/documents/section/criminal-codes/country/7>.

<sup>3206</sup> *Ibid.*, article 241.

<sup>3207</sup> *Ibid.*, article 240.

<sup>3208</sup> *Ibid.*, article 242.1.

<sup>3209</sup> *Ibid.*, article 127.1.

<sup>3210</sup> U.S. Embassy- Moscow, *reporting, January 12, 2009*.

<sup>3211</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, 2008; available from <http://www.child-soldiers.org/regions/country?id=177>.

<sup>3212</sup> *Ibid.*

<sup>3213</sup> U.S. Embassy- Moscow, *reporting, January 12, 2009*.

<sup>3214</sup> Government of Russia, *Labor Code*, (February 1, 2002), article 353; available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/60535/65252/E01RUS01.htm>. See also U.S. Embassy- Moscow, *reporting, January 12, 2009*.

<sup>3215</sup> ECPAT International CSEC Database, *Russia*.

<sup>3216</sup> U.S. Embassy- Moscow, *reporting, January 12, 2009*.

<sup>3217</sup> *Ibid.*

<sup>3218</sup> U.S. Department of State, "Russia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119101.htm>.

<sup>3219</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour, No. 182 Russian Federation*, [online] 2008 [cited February 11, 2009]; 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>. See also ILO Committee of Experts, *Concluding Observations, Worst Forms of Child Labor Convention, 1999 (No. 182) Russia*, [online] 2005 [cited February 11, 2009]; available from <http://www.unhcr.org/refworld/>

[publisher,CRC,CONCOBSERVATIONS,RUS,45377eb50,0.html](http://www.unhcr.org/refworld/publisher,CRC,CONCOBSERVATIONS,RUS,45377eb50,0.html).

<sup>3220</sup> ILO Committee of Experts, *Observation, Worst Forms of Child Labour, Russia 2008*. See also ILO Committee of Experts, *Observation, Worst Forms of Child Labour, No. 182 Russian Federation*, [2007 [cited April 7, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9598&chapter=6&query=%28C182%29+%40ref+%2B+%28%28Russian+Federation%29%29+%40ref+%2B+%23YEAR%3E2005&highlight=&querytype=bool&context=0>.

<sup>3221</sup> U.S. Department of State, "Country Reports- 2008: Russia." See also U.S. Embassy- Moscow, *reporting June 9, 2004*. See also U. S. Embassy-Moscow, *reporting, March 3, 2008*.

<sup>3222</sup> U.S. Embassy- Moscow, *reporting, January 12, 2009*. See also U.S. Department of State, "Country Reports- 2008: Russia."

<sup>3223</sup> U.S. Embassy- Moscow, *reporting, January 12, 2009*. 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://www.vladivostoktimes.ru/show/?id=34603&p=2>.

<sup>3224</sup> Peter Roudik, *Russian Federation: Children's Rights: International and National Laws and Practice*, Law Library of Congress, August 2007; available from <http://www.loc.gov/law/help/child-rights/pdfs/childrensrights-russia.pdf>. See also U.S. Embassy- Moscow, *reporting, January 12, 2009*. See also US Embassy official, E-mail communication to USDOL official, April 13, 2009.

<sup>3225</sup> ILO Subregional Office for Eastern Europe and Central Asia, *Project: Working Street Children of St. Petersburg: From Exploitation to Education, Phase III*, [online] March 3, 2008 [cited February 10, 2009]; available from [http://www.ilo.org/public/english/region/eurpro/moscow/projects/street\\_children.htm](http://www.ilo.org/public/english/region/eurpro/moscow/projects/street_children.htm) [hard copy on file].

<sup>3226</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>3227</sup> U. S. Embassy-Moscow, *reporting, March 3, 2008*. See also US Embassy official, E-mail communication, April 13, 2009.

<sup>3228</sup> Maria Gorbachova, *For Homeless Children, Hope and Help to Get Off the Streets*, [online] [cited April 16, 2009]; available from [http://www.unicef.org/infobycountry/russia\\_41947.html](http://www.unicef.org/infobycountry/russia_41947.html). See also US Embassy official, E-mail communication, April 13, 2009.

<sup>3229</sup> International Organization for Migration, *Information and Consultative Centers in the Cities of Astrakhan, Moscow, and Petrozavodsk on the Project "Prevention of Human Trafficking in the Russian Federation": Results of the Work for the Period of May*

## Rwanda

### *Selected Statistics and Indicators on Child Labor*<sup>3230</sup>

Population, children, 5-14 years, 2000:	2,497,644
Working children, 5-14 years (%), 2000:	27.3
Working boys, 5-14 years (%), 2000:	29.9
Working girls, 5-14 years (%), 2000:	24.8
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	13
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	147.4
Net primary enrollment rate (%), 2007:	93.6
School attendance, children 5-14 years (%), 2000:	55.3
Survival rate to grade 5 (%), 2003:	45.8
ILO Convention 138:	4/15/1981
ILO Convention 182:	5/23/2000
CRC:	1/24/1991
CRCOPAC:	4/23/2002**
CRCOPSC:	3/14/2002**
Palermo:	9/26/2003
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

### **Incidence and Nature of Child Labor**

In Rwanda, children work in subsistence agriculture.<sup>3231</sup> Children also work on tea, sugar cane, and rice plantations, and harvest coffee. They engage in vending and microenterprises, and make bricks, crush stones, extract sand, and burn and carry charcoal.<sup>3232</sup> They also work at waste disposal sites.<sup>3233</sup> Girls engage in domestic service for third-party households.<sup>3234</sup>

The 1994 genocide, war and, more recently, the HIV/AIDS epidemic, have left many of Rwanda's children orphaned, resulting in an increase in child-headed households and children living on the streets in urban areas.<sup>3235</sup> Children living on the streets work as porters, car guards, garbage collectors, and vendors, selling items such as cigarettes and candy. Street children are also known to engage in prostitution.<sup>3236</sup>

Children, including some who lived in child-headed households, engaged in commercial sexual exploitation, including forced prostitution.<sup>3237</sup> Girls are trafficked within Rwanda for domestic service and commercial sexual exploitation.<sup>3238</sup> Older girls living in child-headed households sometimes provide sexual services in exchange for cash, in-kind goods, protection, and for school fees.<sup>3239</sup> A limited number of girls in Rwanda's Eastern Province may be trafficked to Uganda for commercial sexual exploitation and work on tea plantations.<sup>3240</sup>

Recruiters for the Democratic Republic of the Congo (DRC)-based militia group National Congress for the Defense of the People (CNDP) conscripted a number of Congolese and Rwandan children living in refugee camps and towns in Rwanda, for forced labor and forced soldiering in the DRC.<sup>3241</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age of employment at 16 years, but does not apply to children working in subsistence agriculture.<sup>3242</sup> Children under the age of 16 years are prohibited from working between the hours of 7 p.m. and 5 a.m. or from performing any work deemed hazardous or difficult as determined by the Ministry of Labor, and must have at least 12 hours of rest between work shifts.<sup>3243</sup> Subject to the aforementioned

provisions and restrictions, children may be employed in light work at 14 years with parental consent.<sup>3244</sup> The Ministry of Labor can also make exceptions to allow children 14 to 16 years to work in a company or in apprenticeships. By law, however, the Ministry of Labor will only grant exceptions for light work that will not harm children's health or education.<sup>3245</sup>

The law prohibits forced labor.<sup>3246</sup> There is no law specifically addressing trafficking in persons, however, traffickers can be prosecuted under laws prohibiting slavery, rape, child prostitution, forced prostitution, and kidnapping.<sup>3247</sup> All sexual relations with children under the age of 18 are considered rape under Rwandan law. If the child is under 14 years, the crime is punishable by life imprisonment; if the child is between 14 and 18 years, it is punishable by 20 to 25 years in prison; and if it is committed by a person in a position of authority over the child, it is punishable by life imprisonment and a fine.<sup>3248</sup>

The law also prohibits prostitution and compelling a child to engage in prostitution. Violations are punishable by 5 years of imprisonment and a fine. Facilitating prostitution is also illegal, including serving as an intermediary between prostitutes and customers and leasing premises to be used for prostitution.<sup>3249</sup> Facilitating the prostitution of children under 18 years is punishable by 6 months to 6 years in prison and a fine. Using or exploiting children in pornographic publications is prohibited and is punishable by a fine and between 5 and 12 years imprisonment.<sup>3250</sup> The law also prohibits the use of children in drug trafficking.<sup>3251</sup>

The law sets the minimum age for voluntary enlistment into military service at 18 years.<sup>3252</sup> This minimum age law also applies to the Local Defense Forces, a paramilitary government militia. There is no conscription.<sup>3253</sup>

Rwanda was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children in West and Central African Regions.<sup>3254</sup> As part of the regional Multilateral

Cooperation Agreement to Combat Trafficking in Persons, the Government of Rwanda agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>3255</sup>

In an effort to combat child prostitution, the Rwandan National Police (RNP) issues warnings to hotel owners against allowing underage girls to frequent these establishments.<sup>3256</sup>

The Government continued to issue fines to employers who employed children illegally and those who sent their children to work rather than school. The Government has 12 regional offices employing 30 child labor inspectors; however, according to USDOS, these offices were not given adequate resources to identify or prevent child labor effectively.<sup>3257</sup>

The Ministry of Internal Security's National Police is charged with combating trafficking, and questioned men traveling with minors but without an adult female at border crossings and security checkpoints throughout Rwanda. In some cases, Rwandan border officials refused to allow young girls to cross the border into Uganda, to prevent them from engaging in prostitution there.<sup>3258</sup> According to the USDOS, Government efforts to address trafficking were constrained by a lack of resources, and enforcement of anti-trafficking laws was limited.<sup>3259</sup> In May 2008, a man was sentenced to 30 years' imprisonment for operating a child prostitution ring, and his 17-year-old accomplice was given a reduced sentence of 5 years imprisonment owing to her status as a minor.<sup>3260</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government continues to implement its National Plan of Action against Child Labor, which was developed with assistance from ILO-IPEC under the USDOL-funded Global Child Soldiers Project.<sup>3261</sup> The elimination of child labor is also specifically mentioned as a government priority in Rwanda's Economic Development and

Poverty Reduction Strategy (EDPRS).<sup>3262</sup> Targets to reduce child labor continue to be included in district officials' performance contracts.<sup>3263</sup>

The Government continues to implement its National Policy for Orphans and Other Vulnerable Children (OVC).<sup>3264</sup> The National Policy for OVC targets working children, children living in child-headed households, children affected by armed conflict, children exploited in prostitution and sexual abuse, children affected by HIV/AIDS, and street children for assistance. The National Policy for OVC outlines specific strategies for addressing child labor, such as improving children's working conditions, better enforcement of labor laws, supporting income-generating activities for families, strengthening a "catch-up" education system, and conducting child labor studies and sensitization campaigns.<sup>3265</sup> The Government continued to provide catch-up education programs for formerly working children.<sup>3266</sup>

The Government of Rwanda is participating in a 4-year, USD 6.8 million project funded by USDOL and implemented by ILO-IPEC to conduct data collection on child labor.<sup>3267</sup>

The Government continued to participate in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which was funded by USDOL at USD 14.5 million and World Vision at USD 5.8 million through March 2009. Implemented by World Vision, in partnership with the International Rescue Committee and the Academy for Educational Development, the project withdrew and prevented a total of 32,823 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.<sup>3268</sup>

The Government of Rwanda continues to participate in the 2-year, USD 460,000 regional anti-trafficking technical assistance project implemented by the UNODC's Regional Office for Eastern Africa and funded by Norway and Sweden. The project aims to bolster coordination among the 11 countries involved through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa and harmonize national legislation in line with the

Palermo Protocol.<sup>3269</sup> The RNP has incorporated the EAPCCO's anti-trafficking strategies into its 2009-2013 Strategic Plan.<sup>3270</sup> The Government provided training to police officers on child trafficking and sex crimes during the year.<sup>3271</sup>

In March 2008, the Government's National AIDS Control Commission launched a project in Karongi District to provide income-generating assistance to teenage mothers, in an effort to prevent them from entering prostitution.<sup>3272</sup>

The Government continued to implement its Disarmament, Demobilization, and Reintegration (DDR) program. The second phase of the DDR ended in December 2008, and the third phase is being implemented from 2009-2011.<sup>3273</sup> During the DDR process, child ex-combatants are provided with special rehabilitation services before being reunited with their families. To prevent ex-combatants from being rejected by their home communities and ease their reintegration into society, the Government continued to conduct public awareness campaigns.<sup>3274</sup>

The Government of Rwanda provides support to former child combatants at the Muhazi demobilization center in the Eastern Province. In 2008, this center served 41 children who had formerly been soldiers in the DRC.<sup>3275</sup> Between January 2007 and October 2008, 29 Rwandan children were repatriated by the UN Mission in the DRC.<sup>3276</sup>

Local authorities continue to place street children in foster homes or facilities run by the Government. The Government supports 12 centers throughout the country that provide street children with shelter and help meet their basic needs.<sup>3277</sup>

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<sup>3230</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Rwanda, *Establishing the Labour Code, Law No. 51/2001 of 30/12/2001* (December 30, 2001), article 11; available from <http://www.rwandainvest.gov.rw/lawlab.htm>. For age to which education is mandatory, see UNESCO Institute for Statistics, *National Education Systems*, [online] [cited March 4, 2009]; available from



[http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3\\_1.html](http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html). See also Government of Rwanda, *Constitution of Rwanda*, (May 30, 1991), article 27 available from [http://www.oefre.unibe.ch/law/icl/rw00000\\_.html](http://www.oefre.unibe.ch/law/icl/rw00000_.html). For free education, see Government of Rwanda, *Constitution of Rwanda*, Article 27. See also U.S. Department of State, "Rwanda," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>.

<sup>3231</sup> Neil W. Boris, Lisanne A. Brown, Tonya R. Thurman, Janet C. Rice, Leslie M. Snider, Joseph Ntaganira, and Laetitia N. Nyirazinyoye, "Depressive Symptoms in Youth Heads of Households in Rwanda. Correlates and Implications for Intervention," *The Archives of Pediatrics and Adolescent Medicine* 162, no. 9 (September 2008), Abstract; available from <http://archpedi.ama-assn.org/cgi/content/abstract/162/9/836?lookupType=volpage&vol=162&fp=836&view=short>.

<sup>3232</sup> U.S. Department of State, "Country Reports- 2008: Rwanda," section 6d. See also U.S. Embassy-Kigali, *reporting*, January 21, 2009, para 1E. See also World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Initiative*, Project Document, July 18, 2005, 7.

<sup>3233</sup> Republic of Rwanda, *National Policy for Orphans and Other Vulnerable Children*, Kigali, 2003, 33.

<sup>3234</sup> Save the Children, *UN Study on Violence Against Children. 10 Essential Learning Points: Listen and Speak Out Against Sexual Abuse of Girls and Boys*, Norway, 2005, 44; available from [http://www.childtrafficking.com/Docs/sc\\_alliance\\_2005\\_main\\_report\\_un\\_study\\_on\\_violence\\_against\\_children\\_16.pdf](http://www.childtrafficking.com/Docs/sc_alliance_2005_main_report_un_study_on_violence_against_children_16.pdf)

<sup>3235</sup> Human Rights Watch, *Swept Away: Street Children Detained Illegally in Kigali, Rwanda*, New York, May 14, 2006, 3; available from <http://www.hrw.org/en/reports/2006/05/14/swept-away>. See also Save the Children, *UN Study on Violence Against Children*, 41.

<sup>3236</sup> Human Rights Watch, *Street Children Detained in Kigali*, 9. See also Human Rights Watch, *Lasting Wounds: Consequences of Genocide and War on Rwanda's Children*, New York, March 2003, 61-63; available from <http://www.hrw.org/en/reports/2003/04/02/lasting-wounds-0>.

<sup>3237</sup> U.S. Department of State, "Country Reports- 2008: Rwanda," section 5.

<sup>3238</sup> U.S. Department of State, "Rwanda (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>3239</sup> Save the Children, *UN Study on Violence Against Children*, 41.

<sup>3240</sup> U.S. Department of State, "Trafficking in Persons Report-2008: Rwanda."

<sup>3241</sup> Ibid. See also U.S. Department of State, "Democratic Republic of the Congo (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>3242</sup> Government of Rwanda, *Labour Code*, article 11. See also U.S. Department of State, "Country Reports- 2008: Rwanda," section 6d.

<sup>3243</sup> Government of Rwanda, *Labour Code*, articles 11, 60-61, 63, and 65.

<sup>3244</sup> Ibid., article 11.

<sup>3245</sup> Ibid., article 65.

<sup>3246</sup> Ibid., article 4.

<sup>3247</sup> U.S. Embassy-Kigali, *reporting*, January 21, 2009, para 1A. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Rwanda."

<sup>3248</sup> U.S. Embassy- Kigali, *reporting*, February 18, 2009, para 25. See also Government of Rwanda, "Rwanda," in *Legislation of Interpol Member States on Sexual Offences against Children*; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws>.

<sup>3249</sup> Government of Rwanda, *Criminal Code*, previously online, articles 364-365; available from [www.protectionproject.org](http://www.protectionproject.org) [hard copy on file].

<sup>3250</sup> Ibid., articles 371-374. See also Government of Rwanda, "Legislation of Interpol Member States: Rwanda," section 40 part 2.

<sup>3251</sup> U.S. Department of State, *reporting*, February 27, 2008, para 28A.

<sup>3252</sup> OHCHR, *11.b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, 25 May 2000, [online] January 5, 2009 [cited February 10, 2009], Rwanda Declaration; available from [http://www2.ohchr.org/english/bodies/ratification/11\\_b.htm](http://www2.ohchr.org/english/bodies/ratification/11_b.htm).

<sup>3253</sup> ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No.182) Rwanda (ratification: 2000) 2006*, [online] [cited March 4, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Coalition to Stop the Use of Child Soldiers, "Rwanda," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>

<sup>3254</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006.

<sup>3255</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially*

*Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

<sup>3256</sup> U.S. Department of State, "Country Reports- 2008: Rwanda," section 5.

<sup>3257</sup> *Ibid.*, section 6d.

<sup>3258</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Rwanda." See also U.S. Embassy- Kigali, *reporting, February 18, 2009*, para 26H.

<sup>3259</sup> U.S. Embassy- Kigali, *reporting, February 18, 2009*, paras 24B and 26H. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Rwanda."

<sup>3260</sup> U.S. Embassy- Kigali, *reporting, February 18, 2009*, para 25E.

<sup>3261</sup> ILO-IPEC, *Prevention of Child Recruitment and Reintegration of Children Associated with Armed Forces and Groups: Strategic Framework for Addressing the Economic Gap*, Geneva, 2007, 21.

<sup>3262</sup> U.S. Embassy-Kigali, *reporting, January 21, 2009*, para 1D.

<sup>3263</sup> U.S. Department of State, "Country Reports- 2008: Rwanda," section 6d.

<sup>3264</sup> U.S. Embassy-Kigali, *reporting, November 30, 2007*, para A. See also Human Rights Watch, *Street Children Detained in Kigali*, 2-3. See also U.S. Embassy-Kigali, *reporting, January 21, 2009*, para 1D.

<sup>3265</sup> Republic of Rwanda, *National Policy for Orphans and Other Vulnerable Children*. See also ILO Committee of Experts, *Direct Request, WFCL: Rwanda*. See also UNICEF, *Rwanda- Background*, [online] [cited February 13, 2009]; available from [http://www.unicef.org/infobycountry/rwanda\\_1717.html?q=printme](http://www.unicef.org/infobycountry/rwanda_1717.html?q=printme).

<sup>3266</sup> U.S. Embassy- Kigali, *reporting, February 18, 2009*, para 26E.

<sup>3267</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, March 31, 2009.

<sup>3268</sup> World Vision, *KURET, Project Document*, World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together*

(*KURET*), Project Document, July 18, 2005, i, 2, and 9. See also World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Technical Progress Report, September 29, 2008, cover. See also World Vision official, E-mail communication to USDOL official, October 6, 2008, Revised TPR, 44.

<sup>3269</sup> UNODC official, E-mail communication to USDOL official, April 2, 2009. See also UNODC official, E-mail communication to USDOL official, April 2, 2009. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008.

<sup>3270</sup> U.S. Embassy- Kigali, *reporting, February 18, 2009*, para 24B.

<sup>3271</sup> *Ibid.*, para 25F.

<sup>3272</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Rwanda."

<sup>3273</sup> Integrated Regional Information Networks, "Rwanda: Turning Ex-Child Soldiers into Able Citizens", IRINnews.org, [online], September 30, 2008 [cited February 4, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=80668>.

<sup>3274</sup> *Ibid.*

<sup>3275</sup> U.S. Department of State, "Country Reports- 2008: Rwanda," section 5. See also U.S. Embassy- Kigali, *E-mail communication to USDOL official*, June 23, 2009.

<sup>3276</sup> Mike Pflanz, "Rwanda 'Recruited Child Soldiers for Congo Rebels'," *The Telegraph* (London), December 11, 2008; available from <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/rwanda/3708901/Rwanda-recruited-child-soldiers-for-Congo-rebels.html>.

<sup>3277</sup> U.S. Department of State, "Country Reports- 2008: Rwanda," section 5.

## Saint Kitts and Nevis

### *Selected Statistics and Indicators on Child Labor*<sup>3278</sup>

Gross primary enrollment rate (%), 2005:	99.1
Net primary enrollment rate (%), 2005:	93.4
Survival rate to grade 5 (%), 2000:	86.5

### **Incidence and Nature of Child Labor**

No changes have been recorded since the last reporting period regarding the incidence and nature of child labor in Saint Kitts and Nevis.\*

## Child Labor Laws and Enforcement

No changes have been recorded since the last reporting period regarding child labor laws and enforcement in Saint Kitts and Nevis.\*

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Research has not identified any policies or programs by the Government of Saint Kitts and Nevis to address exploitive child labor.

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

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<sup>3278</sup> For statistical data not cited here, see the Data Sources and Definitions section.

# Saint Lucia

## *Selected Statistics and Indicators on Child Labor*<sup>3279</sup>

Gross primary enrollment rate (%), 2007:	109.1
Net primary enrollment rate (%), 2007:	98.8
Survival rate to grade 5 (%), 2006:	94.1

## Incidence and Nature of Child Labor

Children can be observed selling handicrafts along roadsides to tourists during school break.<sup>3280</sup>

## Child Labor Laws and Enforcement

No changes have been recorded since the last reporting period regarding child labor laws and enforcement in Saint Lucia.\*

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Research has not identified any policies or programs by the Government of Saint Lucia to address exploitive child labor.

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

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<sup>3279</sup> For statistical data not cited here, see the Data Sources and Definitions section.

<sup>3280</sup> ILO- Programme for the Promotion of the Declaration, *Country Baseline Under the ILO Declaration Annual Review (2000-2008): Saint Lucia, 2008, 3*; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_decl\\_cl\\_lca.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_cl_lca.pdf).

# Saint Vincent and the Grenadines

## *Selected Statistics and Indicators on Child Labor*<sup>3281</sup>

Gross primary enrollment rate (%), 2007:	102.5
Net primary enrollment rate (%), 2007:	91.0

### **Incidence and Nature of Child Labor**

No changes have been recorded since the last reporting period regarding the incidence and nature of child labor in Saint Vincent and the Grenadines.\*

### **Child Labor Laws and Enforcement**

No changes have been recorded since the last reporting period regarding child labor laws and enforcement in Saint Vincent and the Grenadines.\*

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Saint Vincent

and the Grenadines to address exploitive child labor.

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

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<sup>3281</sup> For statistical data not cited here, see the Data Sources and Definitions section.

## Samoa

### **Incidence and Nature of Child Labor**

Children in rural areas of Samoa work on village farms, where village chiefs may compel children to work against their will.<sup>3282</sup> Children also work as street vendors in Apia, Samoa's capital, and increasingly in outlying areas.<sup>3283</sup> Children who work in domestic service may be unable to attend school due to their employment.<sup>3284</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age of employment at 15 years except for safe and light work suited to the capacity of the child, as determined by the Commissioner of Labor. Children under 15 years may not work 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.<sup>3285</sup> Since Samoan labor laws cover only employees with a fixed place of employment, the Government has not determined whether street vending and other informal work by children is illegal.<sup>3286</sup> Violations of child labor laws are punishable by fines.<sup>3287</sup>

Samoa law prohibits forced or compulsory labor, but this provision does not cover work or service required by Samoan custom.<sup>3288</sup> Complaints of illegal child labor are investigated by Employment Investigators of the Ministry of Labor and referred to the Ministry of Police and Attorney General for enforcement.<sup>3289</sup>

The crime of inducing a female of any age into sexual relations through fraudulent means is punishable by up to 5 years of imprisonment.<sup>3290</sup> Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is a crime punishable by 3 years of imprisonment.<sup>3291</sup> The abduction or detaining of any female child less than 16 years, with the intent to have sexual relations, is punishable by up to 7 years of imprisonment.<sup>3292</sup>

There is no minimum age of conscription as there are no armed forces maintained by the Government of Samoa.<sup>3296</sup>

### Current Government Efforts to Eliminate the Worst Forms of Child Labor

In 2008, the Government of Samoa ratified ILO Convention 138 on Minimum Age and ILO Convention 182 on Worst Forms of Child Labor.<sup>3297</sup> The Government also passed the Education Bill 2008 which fines guardians who allow children 5 to 14 years to work as street vendors and other jobs.<sup>3298</sup>

<sup>3282</sup> U.S. Embassy- Apia, *reporting*, December 2, 2007, para B.

<sup>3283</sup> *Ibid.*

<sup>3284</sup> *Ibid.* 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 State Parties due in 1996: Samoa*, Geneva, February 16, 2006, para 197(m); available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a53d58f695d3bf1c125715c0037ae04/\\$FILE/G0640507.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a53d58f695d3bf1c125715c0037ae04/$FILE/G0640507.pdf). 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: Samoa*, Geneva, October 16, 2006, para 54; available from [http://www.unhcr.org/refworld/publisher,CRC,CO\\_NCOBSERVATIONS,WSM,45c30bc00,0.html](http://www.unhcr.org/refworld/publisher,CRC,CO_NCOBSERVATIONS,WSM,45c30bc00,0.html).

<sup>3285</sup> Government of Samoa, *Labour and Employment Act*, article 32.

<sup>3286</sup> U.S. Department of State, "Country Reports- 2008: Samoa," section 6d.

<sup>3287</sup> Government of Samoa, *Labour and Employment Act*, article 41.

<sup>3288</sup> Government of Samoa, *Constitution of the Independent State of Western Samoa 1960*, (January 1, 1962), articles 8(1) and 8(2d); available from [http://www.pacii.org/ws/legis/consol\\_act/cotisows1960535/](http://www.pacii.org/ws/legis/consol_act/cotisows1960535/).

<sup>3289</sup> U.S. Embassy- Apia official, E-mail communication to USDOL official, February 16, 2009. See also U.S. Embassy- Apia, *reporting*, December 2, 2007.

<sup>3290</sup> Government of Samoa, *Crimes Ordinance 1961*, (December 16, 1961), article 55; available from [http://www.pacii.org/ws/legis/consol\\_act/co1961135/](http://www.pacii.org/ws/legis/consol_act/co1961135/).

<sup>3291</sup> *Ibid.*, article 58L-M.

<sup>3292</sup> *Ibid.*, article 83B.

<sup>3293</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and

### Selected Statistics and Indicators on Child Labor<sup>3293</sup>

Population, children, 5-14 years (%):	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	14
Free public education:	No
Gross primary enrollment rate (%), 2007:	95.4
Net primary enrollment rate (%), 2007:	87.0
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2000:	93.8
ILO Convention 138:	10/29/2008
ILO Convention 182:	6/30/2008
CRC:	11/29/1994
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	No

Kidnapping any person with the intent to transport the individual out of the country, or hold the individual for service, is a crime punishable by up to 10 years of imprisonment.<sup>3294</sup> Although there are no laws against trafficking per se, trafficking related investigations are conducted by the Transnational Crimes Unit of the Ministry of Police.<sup>3295</sup>

ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Samoa, *Labour and Employment Act*, (1972), article 32; available from [http://www.paclii.org/ws/legis/consol\\_act/laea1972228/](http://www.paclii.org/ws/legis/consol_act/laea1972228/). For age to which education is compulsory and free public education, see U.S. Department of State, "Samoa," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119055.htm>.

<sup>3294</sup> Ibid., article 83A.

<sup>3295</sup> UN Committee on the Rights of the Child, *Initial Reports: Samoa*, para 197(c).

<sup>3296</sup> Coalition to Stop the Use of Child Soldiers, "Pacific Islands: Cook Islands, Niue, Samoa," in *Child Soldiers Global Report 2008*, London, 2008, 263; available from

[www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3297</sup> ILO, *List of Ratifications of International Labor Conventions, C138 Minimum Age Convention, 1973*, [online] [cited December 29, 2008]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byConvYear.cfm?hdroff=1&:ang=EN&conv=C138>. See also ILO, *List of Ratifications of International Labor Conventions, C182 Worst Forms of Child Labor Convention, 1999*, [online] December 29, 2008 [cited December 29, 2008]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byConvYear.cfm?hdroff=1&:ang=EN&conv=C182>.

<sup>3298</sup> Tupuola Tavita, *House Passes Compulsory Education Bill*, [online] 2008 [cited December 24, 2008]; available from [http://www.govt.ws/sv\\_article.cfm?sv\\_id=424](http://www.govt.ws/sv_article.cfm?sv_id=424).

## São Tomé and Príncipe

### Incidence and Nature of Child Labor

Children in São Tomé and Príncipe work on plantations and in subsistence agriculture, informal commerce, and domestic service.<sup>3299</sup> The Government has indicated that commercial sexual exploitation of children occurs in the country.<sup>3300</sup>

### Child Labor Laws and Enforcement

The minimum age for work in São Tomé and Príncipe is 14 years. The law prohibits children under 18 years from working in unhealthy or dangerous conditions, as well as from working underground.<sup>3301</sup> Children may not work more than 7 hours a day and 35 hours per week. The law also prohibits minors from working at night, but government authorities may grant permission for those 16 and above to work at night in exceptional cases.<sup>3302</sup> Minors are likewise generally prohibited from engaging in "extraordinary" work beyond normal working hours, except in cases such as *force majeure*. The law calls for the imposition of fines for violations of provisions regarding the minimum age for both work and hazardous work.<sup>3303</sup>

The law prohibits forced or compulsory labor.<sup>3304</sup>  
The law also prohibits trafficking in persons.<sup>3305</sup>

The law prohibits the incitement of minors under 16 to debauchery, including prostitution, and provides for imprisonment for violations.<sup>3306</sup> The UN Committee on the Rights of the Child has noted, however, that under the country's laws, children involved in prostitution are considered to be criminals, rather than victims.<sup>3307</sup>

Military service is compulsory at 18 years; voluntary service may begin at 17 years with parental consent.<sup>3308</sup>

São Tomé and Príncipe was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>3309</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>3310</sup>

The Ministry of Labor is responsible for enforcing child labor laws. As of March 2009, the Ministry employed five labor inspectors.<sup>3311</sup> No cases of

child labor law violations were prosecuted during 2008.<sup>3312</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>3313</sup>	
Population, children, 5-14 years (%), 2000:	40,435
Working children, 5-14 years (%), 2000:	15.4
Working boys, 5-14 years (%), 2000:	17.2
Working girls, 5-14 years (%), 2000:	13.5
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	13
Free public education:	Yes*
Gross primary enrollment rate (%), 2008:	130.4
Net primary enrollment rate (%), 2008:	97.1
School attendance, children 5-14 years (%), 2000:	68.8
Survival rate to grade 5 (%), 2007:	78.9
ILO Convention 138:	5/4/2005
ILO Convention 182:	5/4/2005
CRC:	5/14/1991**
CRCOPAC:	No
CRCOPSC:	No
Palermo:	8/23/2006**
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of São Tomé and Príncipe operates shelters for street children where they are provided with education and training.<sup>3314</sup>

<sup>3299</sup> U.S. Department of State, "Sao Tome and Principe," 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/119020.htm>.

<sup>3300</sup> 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, para 405; available from <http://tb.ohchr.org/default.aspx?country=st>.

<sup>3301</sup> Government of São Tomé and Príncipe, *Regime Jurídico das Condições*, articles 128 and 129.

<sup>3302</sup> *Ibid.*, articles 134 and 136.

<sup>3303</sup> *Ibid.*, articles 135 and 147.

<sup>3304</sup> U.S. Department of State, "Country Reports- 2008: Sao Tome and Principe," section 6c.

<sup>3305</sup> *Ibid.*, section 5. See also UN Committee on the Rights of the Child, *Initial Reports of State Parties: São Tomé and Príncipe*, para 35.

<sup>3306</sup> UN Committee on the Rights of the Child, *Initial Reports of State Parties: São Tomé and Príncipe*, para 400. See also U.S. Embassy- Libreville official, E-mail communication to USDOL official, March 31, 2009.

<sup>3307</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: São Tomé and Príncipe*, CRC/C/15/Add.235, Geneva, July 1, 2004, para 53; available from <http://tb.ohchr.org/default.aspx?country=st>.

<sup>3308</sup> Coalition to Stop the Use of Child Soldiers, "São Tomé and Príncipe," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also UN Committee on the Rights of the Child, *Initial Reports of State Parties: São Tomé and Príncipe*, sections 97-98.

<sup>3309</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>3310</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

<sup>3311</sup> U.S. Department of State, "Country Reports- 2008: Sao Tome and Principe," section 6d. See also U.S. Embassy- Libreville official, E-mail communication, March 31, 2009.

<sup>3312</sup> U.S. Department of State, "Country Reports- 2008: Sao Tome and Principe," section 6d.

<sup>3313</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of São Tomé and Príncipe, *Regime Jurídico das Condições Individuais de Trabalho*, (June 11, 1992), article 128; available from [http://www.legis-palop.org/index.php?option=com\\_docman&task=cat\\_view&gid=62&It](http://www.legis-palop.org/index.php?option=com_docman&task=cat_view&gid=62&It)

emid=76&limitstart=10. For age to which education is compulsory and free public education, see Government of São Tomé and Príncipe, *Constituição Política da República Democrática de São Tomé e Príncipe*, (January 25, 2003), article 55; available from <http://www.gov.st/data/filestorage/docs/constistp.pdf>. See also Government of São Tomé and Príncipe, *Ensino Básico*, [online] February 14, 2009 [cited February 14, 2009]; available from

<http://www.gov.st/content.php?intMenuID=45>. See also São Tomé and Príncipe Embassy official, Interview with USDOL official, June 7, 2007.

<sup>3314</sup> National Assembly of São Tomé and Príncipe, *Programa do XIII Governo*, July 2008, 44; available from <http://www.parlamento.st/>. See also U.S. Department of State, "Country Reports- 2008: Sao Tome and Principe," section 5.

## Senegal

### *Selected Statistics and Indicators on Child Labor*<sup>3315</sup>

Population, children, 5-14 years, 2005:	2,983,310
Working children, 5-14 years (%), 2005:	30.0
Working boys, 5-14 years (%), 2005:	33.4
Working girls, 5-14 years (%), 2005:	26.7
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	16
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	83.5
Net primary enrollment rate (%), 2007:	71.9
School attendance, children 5-14 years (%), 2005:	47.9
Survival rate to grade 5 (%), 2005:	65.0
ILO Convention 138:	12/15/1999
ILO Convention 182:	6/1/2000
CRC:	7/31/1990
CRCOPAC:	3/3/2004
CRCOPSC:	11/5/2003
Palermo:	10/27/2003
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

In Senegal, children work in agriculture, hunting, fishing, domestic service, transportation, construction, manufacturing, vending, tailoring,

and weaving, as well as in automobile repair shops, restaurants, and hotels.<sup>3316</sup> Children work in the production of gold, salt, and fish.<sup>3317</sup> They also work in mines and rock quarries, often in hazardous and unhealthy working conditions.<sup>3318</sup> Children in mines sift through dirt using mercury to attract precious metals. Exposure to mercury can lead to serious health problems.<sup>3319</sup> Children, many of whom live in the streets, are exploited in illicit activities, including begging, commercial sexual exploitation, and drug trafficking; and work in dumpsites, slaughterhouses, and other poor conditions.<sup>3320</sup> Child prostitution occurs on beaches, in bars, at hotels, and other tourist areas.<sup>3321</sup>

Senegal is a source and destination country for child trafficking.<sup>3322</sup> Young girls are trafficked from villages in Fatick, Louga, Kaolack, Kolda, Ziguichor, Thies, Saint Louis, and Djourbel to urban centers for domestic service.<sup>3323</sup> Senegalese girls are also trafficked to The Gambia and Mauritania to work as domestic servants.<sup>3324</sup> Girls from The Gambia, Liberia, Ghana, Sierra Leone, and Nigeria have reportedly been trafficked to Senegal for sexual exploitation.<sup>3325</sup>

The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Senegal.<sup>3326</sup> While some boys receive lessons, others are forced by their teachers to beg for food or money and surrender the money that they have earned. Such children have been underfed and physically abused.<sup>3327</sup> These boys, or *talibes*,



are trafficked from rural areas to major cities within Senegal, as well as from The Gambia, Guinea-Bissau, Mali, and Guinea.<sup>3328</sup> A UCW study of child beggars in Dakar found that 90 percent were talibe and that half of these children were from other countries.<sup>3329</sup> Boys from Senegal are also trafficked to Mauritania to engage in forced begging for Koranic teachers.<sup>3330</sup>

### **Child Labor Laws and Enforcement**

The minimum age for employment, including apprenticeships, is 15 years.<sup>3331</sup> With permission from the Minister of Labor, children 12 years and older may perform light work within a family setting, provided that it does not jeopardize their health, morals, or schooling.<sup>3332</sup> The law prohibits hazardous work for those under 18 years. The law identifies sectors in which children under 18 years cannot work or can only work under certain conditions, including workshops where there are toxic or harmful fumes, fishing boats, and in mines or quarries.<sup>3333</sup> Children are also forbidden to work at night, can work no more than 8 hours a day, and require a minimum break of 11 consecutive hours.<sup>3334</sup>

Activities considered to be worst forms of child labor are prohibited by law.<sup>3335</sup> The government has identified the worst forms of child labor as forced labor, slavery, prostitution, drug trafficking, begging for a third party, scavenging garbage, slaughtering animals, and work that imperils the health, safety, or morality of children. Examples of such work include work underwater, with toxic chemicals, or with complex tools and machinery.<sup>3336</sup>

By law, one who procures a person into prostitution, or acts as an intermediary for prostitution, will be punished by a prison sentence of 1 to 5 years and a fine. If the crime involves a minor younger than 13 years, sentences are increased to 3 to 7 years in prison, and the fine is doubled.<sup>3337</sup> Traffickers are subject to sentences of imprisonment of 5 to 10 years and increased fines. Cases involving torture lead to longer prison sentences.<sup>3338</sup>

The minimum age for voluntary recruitment into the military is 18 years and military conscription is 20 years.<sup>3339</sup>

The Ministry of Labor is responsible for enforcing child labor laws; “social security” inspectors within the Ministry investigate child labor cases. According to USDOS, labor officers rely on reports of violations from unions because the inspectors lack transportation and other resources, preventing them from conducting workplace visits. Labor inspectors monitor and enforce minimum age laws in state-owned corporations, private enterprises, and cooperatives.<sup>3340</sup>

The police’s Criminal Analysis Unit monitors trafficking sources and a special police squad is posted at country borders. In addition, the *Brigades des Mineurs* (Minors Brigade), a special police unit to fight sex tourism, has offices in Dakar.<sup>3341</sup>

Senegal was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>3342</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Senegal agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>3343</sup>

### **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

The Government of Senegal held workshops during the reporting period with local officials, NGOs, and civil society to raise awareness on child labor and begging. The Ministry of Women, Family, Social Development, and Women’s Entrepreneurship runs a program of support to 48 Koranic schools that have committed not to engage their students in begging.<sup>3344</sup> The Government continues to implement the National Timebound Program that was started with funding from USDOL and support from ILO-IPEC. The Government also is implementing the Child Labor Plan, which focuses on better management of child labor issues.<sup>3345</sup>

Officials from the Government of Senegal have participated in trafficking and child awareness events hosted by NGOs, and have provided training on trafficking prevention, protection, and prosecution, attempting to raise public awareness on these issues. The Government also provides training to police, social workers, hospital employees, judges, lawyers, associations and others on the dangers of child trafficking, monitoring child trafficking, and its prevention.<sup>3346</sup>

Senegalese authorities worked with officials from Mali and Guinea-Bissau to repatriate trafficked children.<sup>3347</sup> Through September 2009, the Government, in partnership with IOM, is participating in a USDOS-funded USD 310,000 project that assists in returning and reintegrating child trafficking victims and providing socio-economic support for victims in ECOWAS states, including Senegal. As of July 2008, 227 children had benefited from project interventions.<sup>3348</sup>

The Government of Senegal is participating in a 3-year, French-funded USD 4.83 million regional ILO-IPEC anti-child labor project that ends on December 31, 2009. The Government also participated in one 5-year and one 2-year ILO-IPEC regional project combating trafficking in children for labor exploitation in West Africa, respectively funded by Denmark at USD 6.19 million and 2.64 million through April 30, 2008 and December 31, 2009. The Government of Senegal also participated in the USD 3.46 million ILO-IPEC, 9-year Global Campaign to Raise Awareness and Understanding on Child Labor funded by Italy that ended on March 31, 2009.<sup>3349</sup>

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<sup>3315</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Senegal, *Code du travail 1997*, Loi No. 97-17, (December 1, 1997), article 145; available from [www.droit-afrique.com/images/textes/Senegal/Senegal%20-%20Code%20du%20travail.pdf](http://www.droit-afrique.com/images/textes/Senegal/Senegal%20-%20Code%20du%20travail.pdf) For age to which education is compulsory and free public education, see U.S. Department of State, "Senegal," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119021.htm>.

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<sup>3316</sup> U.S. Embassy- Dakar, *reporting*, February 23, 2009, para. 3. See also CONAFE, *Rapport complementaire elabore par la CONAFE-SENEGAL au Comite des Nations Unies pour les Droits de l'Enfant*, report, Dakar, February, 2006, 19-21. See also Kristoffel Lieten Godefroid Nimbona, *Child Labour Unions: AEJT Senegal*, 2007, 23 and 38.

<sup>3317</sup> ILO, "In their own words...Senegal: Famara regrets leaving school to mine gold", [online], June, 2006 [cited January 23, 2009]; available from [http://www.ilo.org/ipecinfor/product/searchProduct.do?sessionId=0a038009cf0a22f693e1e3246b2a84eeebcab378e6.hkzFngTDp6WImQuUaNaLaxD3IN4K-xalah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWTa3eIpkzFngTDp6WImQuXahySc3yPaxmNcgb48OX3b4Dtgj15eMbyknvrkLOIQzNp65In0\\_?type=normal&title=&isbn=&project=&selectedMonthFrom=-1&productYearFrom=&selectedMonthTo=-1&productYearTo=&selectedCountries=147&selectedLanguages=1200&keywords=&userType=3&selectedFieldOfficeText=&selectedFieldOfficeId=-1&resultPerPage=20&selectedSortById=4](http://www.ilo.org/ipecinfor/product/searchProduct.do?sessionId=0a038009cf0a22f693e1e3246b2a84eeebcab378e6.hkzFngTDp6WImQuUaNaLaxD3IN4K-xalah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWTa3eIpkzFngTDp6WImQuXahySc3yPaxmNcgb48OX3b4Dtgj15eMbyknvrkLOIQzNp65In0_?type=normal&title=&isbn=&project=&selectedMonthFrom=-1&productYearFrom=&selectedMonthTo=-1&productYearTo=&selectedCountries=147&selectedLanguages=1200&keywords=&userType=3&selectedFieldOfficeText=&selectedFieldOfficeId=-1&resultPerPage=20&selectedSortById=4). See also ILO, "In their own words...How Awa dreads salt season", [online], June, 2006 [cited January 23, 2009]; available from [http://www.ilo.org/ipecinfor/product/searchProduct.do?sessionId=0a038009cf0a22f693e1e3246b2a84eeebcab378e6.hkzFngTDp6WImQuUaNaLaxD3IN4K-xalah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWTa3eIpkzFngTDp6WImQuXahySc3yPaxmNcgb48OX3b4Dtgj15eMbyknvrkLOIQzNp65In0\\_?type=normal&title=&isbn=&project=&selectedMonthFrom=-1&productYearFrom=&selectedMonthTo=-1&productYearTo=&selectedCountries=147&selectedLanguages=1200&keywords=&userType=3&selectedFieldOfficeText=&selectedFieldOfficeId=-1&resultPerPage=20&selectedSortById=4](http://www.ilo.org/ipecinfor/product/searchProduct.do?sessionId=0a038009cf0a22f693e1e3246b2a84eeebcab378e6.hkzFngTDp6WImQuUaNaLaxD3IN4K-xalah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWTa3eIpkzFngTDp6WImQuXahySc3yPaxmNcgb48OX3b4Dtgj15eMbyknvrkLOIQzNp65In0_?type=normal&title=&isbn=&project=&selectedMonthFrom=-1&productYearFrom=&selectedMonthTo=-1&productYearTo=&selectedCountries=147&selectedLanguages=1200&keywords=&userType=3&selectedFieldOfficeText=&selectedFieldOfficeId=-1&resultPerPage=20&selectedSortById=4). See also ILO, *Child labour in salt mining: The problem*, June 2006; available from <http://www.ilo.org/ipecinfor/product/download.do?sessionId=0a038009ce955b2d1476aae475d8e07d5a095d4550f>. See also U.S. Embassy- Dakar, *reporting*, February 23, 2009, paras 3-6. See also United Nations Convention on the Rights of the Child, *Written Replies by the Government of Senegal to the List of Issues Relating to the Consideration of the Second Periodic Report of Senegal*, Written Communication, 2006; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/9c23b19778c3a95dc12571f5003e1a84?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9c23b19778c3a95dc12571f5003e1a84?OpenDocument).

<sup>3318</sup> The Global Fund for Children, *The Global Fund for Children: Annual Report 2005-2006*, Washington, DC, 2006, 53; available from [http://www.globalfundforchildren.org/pdfs/GFC\\_AnnualReport\\_2005-06.pdf](http://www.globalfundforchildren.org/pdfs/GFC_AnnualReport_2005-06.pdf). See also ILO, "In their own words...Senegal: Crushing stones from age 7", [online], June, 2006 [cited January 23, 2009]; available from [http://www.ilo.org/ipecinfor/product/searchProduct.do?sessionId=0a038009cf0a22f693e1e3246b2a84eeebcab378e6.hkzFngTDp6WImQuUaNaLaxD3IN4K-xalah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWTa3eIpkzFngTDp6WImQuXahySc3yPaxmNcgb48OX3b4Dtgj15eMbyknvrkLOIQzNp65In0\\_?type=normal&title=&isbn=&project=&selectedMonthFrom=-1&productYearFrom=&selectedMonthTo=-1&productYearTo=&selectedCountries=147&selectedLanguages=1200&keywords=&userType=3&selectedFieldOfficeText=&selectedFieldOfficeId=-1&resultPerPage=20&selectedSortById=4](http://www.ilo.org/ipecinfor/product/searchProduct.do?sessionId=0a038009cf0a22f693e1e3246b2a84eeebcab378e6.hkzFngTDp6WImQuUaNaLaxD3IN4K-xalah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWTa3eIpkzFngTDp6WImQuXahySc3yPaxmNcgb48OX3b4Dtgj15eMbyknvrkLOIQzNp65In0_?type=normal&title=&isbn=&project=&selectedMonthFrom=-1&productYearFrom=&selectedMonthTo=-1&productYearTo=&selectedCountries=147&selectedLanguages=1200&keywords=&userType=3&selectedFieldOfficeText=&selectedFieldOfficeId=-1&resultPerPage=20&selectedSortById=4).

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ldOfficeText=&selectedFieldOfficeId=-1&resultPer  
Page=20&selectedSortById=4.

<sup>3319</sup> Rukimini Callimachi and Bradley Klapper, "International Herald Tribune: Kids working in African gold mines", A, [online], August 11, 2008 [cited February 24, 2009]; available from <http://www.ihf.com/bin/printfriendly.php?id=15181447>. See also ILO-IPEC, *Eliminating Child Labor in Mining and Quarrying*, Background Document, Geneva, June 12, 2005. See also U.S. Embassy- Dakar, *reporting, February 23, 2009*, para 4.

<sup>3320</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties Under Article 44 of the Convention: Concluding Observations: Senegal*, CRC/C/SEN/CO/2, Geneva, October 20, 2006, 13. See also ILO-IPEC, *Support to the Timebound Programme Elimination of the Worst Forms of Child Labour*, Project Document, Geneva, September 12, 2003, v-vi and 24.

<sup>3321</sup> The Global Fund for Children, *The Global Fund for Children: Annual Report 2005-2006*, 23, 61. See also U.S. Department of State, "Country Reports- 2008: Senegal," section 5.

<sup>3322</sup> U.S. Department of State, "Senegal (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 23B. See also U.S. Department of State, "Mauritania (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>.

<sup>3323</sup> U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 23B.

<sup>3324</sup> U.S. Department of State, "The Gambia (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Mauritania."

<sup>3325</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Senegal."

<sup>3326</sup> Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Peter Easton, Mark Peach, Ibrahima Lalya Bah,

ElHadj Bella Doumboula, and Mohammed Lamine Barry, *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html> [hard copy on file]. See also U.S. Department of State, "Country Reports- 2008: Senegal," section 5.

<sup>3327</sup> IOM, *Traditional Practices Being Abused to Exploit Children in West Africa*, Warns IOM, [online] 2006 [cited January 26, 2009]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cac/he/offonce?entryId=12007>. See also U.S. Department of State, "Country Reports- 2008: Senegal," section 5.

<sup>3328</sup> U.S. Department of State, "Country Reports- 2008: Senegal," sections 5 and 6d. See also Integrated Regional Information Networks, "Guinea-Bissau - Senegal: Child trafficking on the decline say local authorities", *Irinnews.org*, [online], October 15, 2008 [cited October 16, 2008]; available from <http://www.irinnews.org/Report.aspx?ReportId=80928>. See also U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 2B. See also U.S. Embassy- Dakar, *reporting, February 21, 2008*, para 4A.

<sup>3329</sup> UCW, *Enfants mendiants dans la région de Dakar*, UCW Survey Report, December 2007, 2 and 37; available from [http://www.ucw-project.org/pdf/publications/enfants\\_mendiants\\_Dakar\\_rapport\\_16janvier2008.pdf](http://www.ucw-project.org/pdf/publications/enfants_mendiants_Dakar_rapport_16janvier2008.pdf). See also U.S. Department of State, "Country Reports- 2008: Senegal," sections 5 and 6d.

<sup>3330</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Mauritania."

<sup>3331</sup> Government of Senegal, *Code du travail 1997*, article L. 145. See also U.S. Embassy- Dakar, *reporting, February 23, 2009*, para 3.

<sup>3332</sup> Government of Senegal, *Arrêté ministériel n° 3748 MFPTEOP-DTSS en date du 6 juin 2003, relatif au travail des enfants*, (June 6, 2003); available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64609/64950/F1520394879/SEN64609.pdf>. See also ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Senegal (ratification: 1999)* 2007; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displayAllComments.cfm?hdroff=1&ctry=1010&conv=C138&Lang=EN#2007>.

<sup>3333</sup> Government of Senegal, *Arrêté ministériel n° 3751 MFPTEOP-DTSS en date du 6 juin 2003, fixant les catégories d'entreprises et travaux interdits aux enfants et jeunes gens ainsi que l'âge limite auquel s'applique l'interdiction*, (June 6, 2003), article 2; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64612/64952/F364251671/SEN64612.pdf>. See also Government of Senegal, *Arrêté ministériel n° 3750 MFPTEOP-DTSS en date du 6 juin 2003, fixant la nature*

*des travaux dangereux interdits aux enfants et jeunes gens*, (June 6, 2003), article 17, annex; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64611/64953/F1229124862/SEN64611.pdf>.

<sup>3334</sup> Government of Senegal, *Arrêté ministériel n° 3748 MFPTEOP-DTSS*, articles 3 and 5.

<sup>3335</sup> Government of Senegal, *Arrêté ministériel n° 3749 MFPTEOP-DTSS en date du 6 juin 2003, fixant et interdisant les pires formes du travail des enfants*, (June 6, 2003), article 3; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64610/64951/F2020269921/SEN64610.pdf>.

<sup>3336</sup> *Ibid.*, article 2. See also Government of Senegal, *Code penal 1965*, Loi No. 65-60, (July 21, 1965); available from <http://www.justice.gouv.sn/droitp/CODE%20PENAL.PDF>.

<sup>3337</sup> Government of Senegal, *Code penal 1965*, article 320.

<sup>3338</sup> *Ibid.*

<sup>3339</sup> Coalition to Stop the Use of Child Soldiers, "Senegal," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3340</sup> U.S. Embassy- Dakar, *reporting, February 23, 2009*.

<sup>3341</sup> U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 24B.

<sup>3342</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

<sup>3343</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja,

July 7, 2006, 5-13; available from [http://www.ceeac-eccas.org/img/pdf/Multilateral\\_Agreement\\_Trafficking-1184251953.doc](http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc).

<sup>3344</sup> U.S. Department of State, "Country Reports- 2008: Senegal," section 6d. See also U.S. Embassy- Dakar, *reporting, February 23, 2009*, para 10.

<sup>3345</sup> U.S. Embassy- Dakar official, E-mail communication to USDOL official, March 30, 2009. See also U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 24B.

<sup>3346</sup> U.S. Embassy- Dakar, *reporting, February 19, 2009*, paras 27A and 27F.

<sup>3347</sup> U.S. Department of State, "Country Reports- 2008: Senegal." See also U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 26A.

<sup>3348</sup> ILO-IPEC official, E-mail communication to USDOL official, December, 2008. See also U.S. Embassy- Dakar official, E-mail communication, March 30, 2009. See also Severine Cirlande, *Nouveau départ pour des enfants victimes de traite à Dakar*, July 25, 2008; available from <http://www.iom.int/jahia/Jahia/featureArticleAF/cache/offonce/lang/fr?entryId=17898>. See also IOM, *Senegal*, [online] March 2009 [cited January 26, 2009]; available from <http://www.iom.int/jahia/Jahia/activities/pid/400>.

<sup>3349</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, April 16, 2009.

## The Republic of Serbia

### Incidence and Nature of Child Labor

Children in rural areas of the Republic of Serbia work in family businesses. In urban areas, children work in the informal sector as street vendors and car washers.<sup>3350</sup> Children from impoverished, rural communities, Roma children, and children in foster care have a high risk of entering exploitive child labor, including begging, prostitution, selling drugs, and physical labor.<sup>3351</sup> Children are trafficked for sexual exploitation, forced labor, and street begging.<sup>3352</sup>

### Child Labor Laws and Enforcement

The minimum age for employment is 15 years. Children less than 18 years can only be employed if they have written permission from a parent or guardian and a health certificate.<sup>3353</sup> Children less than 18 years are prohibited from work that involves strenuous physical activity; work underground, underwater, or at dangerous heights; or exposure to toxic or carcinogenic substances, extreme temperatures, noise, or vibrations.<sup>3354</sup> Further, children under 18 years

are not allowed to work over 35 hours per week or 8 hours a day.<sup>3355</sup> Children under 18 years of age can work at night only under strictly specified circumstances.<sup>3356</sup> Violations of child labor laws are punishable by fines.<sup>3357</sup>

Forced labor, human trafficking, and slavery are prohibited.<sup>3362</sup> Parents or guardians who force a minor to engage in excessive labor or labor incompatible with his/her age are punished by a prison term of 3 months to 5 years.<sup>3363</sup> A government department within the Ministry of Labor and Social Issues addresses the social problems in the Roma community that lead to forced labor.<sup>3364</sup>

Coercive trafficking of minors with the intent to exploit labor, prostitute, force service in armed conflicts, and involve them in pornography is punishable by 3 to 12 years' imprisonment. If the minor is seriously injured, the sentence is increased to a maximum of 15 year prison term; if the minor is killed, the punishment is a minimum of 10 years in prison.<sup>3365</sup> A prison term of 5 to 15 years is prescribed for the sale, handling, and/or purchase of slaves determined to be minors.<sup>3366</sup> The Government has anti-trafficking units in the organized crime police force, border police, and a designated anti-trafficking focal point officer in police stations in municipalities throughout the country.<sup>3367</sup> The Ministry of Interior's website includes information on anti-trafficking efforts, and the Ministry's hotline collects tips for law enforcement purposes related to trafficking in persons.<sup>3368</sup> In 2008, the Government sold a mandatory supplemental postage stamp, revenues from which are used for anti-trafficking activities.<sup>3369</sup>

The minimum age for voluntary recruitment into military service is 18 years. Military conscription occurs in the year the individual turns 18 years old.<sup>3370</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

After a year of being vacant, the position of Anti-Trafficking Coordinator was filled.<sup>3371</sup>

The Government of Serbia continues to raise public awareness of trafficking through education prevention programs and statements by government officials.<sup>3372</sup>

### **Selected Statistics and Indicators on Child Labor<sup>3358</sup>**

Population, children, 5-14 years (%), 2005:	895,616
Working children, 5-14 years (%), 2005:	6.0
Working boys, 5-14 years (%), 2005:	6.4
Working girls, 5-14 years (%), 2005:	5.7
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	96.9
Net primary enrollment rate (%), 2007:	95.1
School attendance, children 5-14 years (%), 2006:	92.5
Survival rate to grade 5 (%):	-
ILO Convention 138:	11/24/2000
ILO Convention 182:	7/10/2003
CRC:	3/12/2001*
CRCOPAC:	1/31/2003
CRCOPSC:	10/10/2002
Palermo:	9/6/2001
ILO-IPEC participating country:	No

\*Succession

The law provides various penalties for involvement in child prostitution. The crime of inducing a minor into prostitution is punishable by a prison term of 1 to 10 years; the punishment for pimping a minor is up to 5 years' imprisonment.<sup>3359</sup> The production of pornographic materials portraying a child is punishable by 6 months' to 5 years' imprisonment, while the distribution of child pornography is punishable by imprisonment for up to 2 years.<sup>3360</sup> CEACR noted that child pornography laws do not protect children 14 to 18 years.<sup>3361</sup>

<sup>3350</sup> U.S. Department of State, "Serbia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119103.htm>.

<sup>3351</sup> *Ibid.*, section 5.

<sup>3352</sup> U.S. Department of State, "Serbia (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 12, 2008, 221; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>3353</sup> Government of Serbia, *The Labor Law*, (March 15, 2005), articles 24 and 25; available from <http://www.vip.org.yu/Files/LaborLaw.pdf>.

<sup>3354</sup> *Ibid.*, article 84.

<sup>3355</sup> *Ibid.*, articles 87 and 88.

<sup>3356</sup> *Ibid.*, article 88.

<sup>3357</sup> *Ibid.*, article 274.

<sup>3358</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Serbia, *Constitution of Serbia*, (September 30, 2006), article 66; available from [http://www.mfa.gov.yu/Facts/UstavRS\\_pdf.pdf](http://www.mfa.gov.yu/Facts/UstavRS_pdf.pdf). For age to which education is compulsory, see Centre for Education Policy, *Compulsory Education*, [online] June 1, 2008 [cited January 13, 2009]; available from <http://www.cep.edu.rs/eng/?q=node/117>. For free public education, see Government of Serbia, *Constitution of Serbia*, article 71.

<sup>3359</sup> Government of the Republic of Serbia, *Criminal Code*, (2005), articles 183 and 184; available from [http://www.osce.org/documents/fry/2006/02/18196\\_en.pdf](http://www.osce.org/documents/fry/2006/02/18196_en.pdf).

<sup>3360</sup> *Ibid.*, article 185.

<sup>3361</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No.182) Serbia (ratification: 2003)*, [online] 2008 [cited January 13, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=2861&chapter=16&query=Serbia%40ref%2BRequest%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>.

<sup>3362</sup> Government of Serbia, *Constitution of Serbia*, article 26.

<sup>3363</sup> Government of the Republic of Serbia, *Criminal Code*, article 193.

<sup>3364</sup> U.S. Embassy- Belgrade, *reporting*, January 13, 2009, para 5.

<sup>3365</sup> Government of the Republic of Serbia, *Criminal Code*, article 388.

<sup>3366</sup> *Ibid.*, article 390.

<sup>3367</sup> U.S. Department of State, "Country Reports- 2008: Serbia," section 5. See also U.S. Department of State, E-mail communication to USDOL official, July 1, 2009.

<sup>3368</sup> U.S. Embassy- Belgrade, *reporting*, February 13, 2009, para 2d.

<sup>3369</sup> U.S. Department of State, "Country Reports- 2008: Serbia," section 5. See also U.S. Embassy- Belgrade, *reporting, February 13, 2009*, para 2c.

<sup>3370</sup> Coalition to Stop the Use of Child Soldiers, "Serbia," in *Child Soldiers Global Report 2008*, London, 2008, 294; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3371</sup> U.S. Embassy- Belgrade, *reporting, January 13, 2009*, para 6.

<sup>3372</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Serbia," 223. See also U.S. Department of State, E-mail communication, July 1, 2009.

## Seychelles

### *Selected Statistics and Indicators on Child Labor*<sup>3373</sup>

Gross primary enrollment rate (%), 2007:	125.3
Net primary enrollment rate (%), 2004:	99.4
Survival rate to grade 5 (%), 2002:	98.7

#### **Incidence and Nature of Child Labor**

No changes have been recorded since the last reporting period regarding the incidence and nature of child labor in Seychelles.\*

#### **Child Labor Laws and Enforcement**

No changes have been recorded since the last reporting period regarding child labor laws and enforcement in Seychelles.\*

#### **Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

No changes have been recorded since the last reporting period regarding government policies

or programs by the Government of Seychelles to address exploitive child labor.\*

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting

period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

<sup>3373</sup> For statistical data not cited here, see the Data Sources and Definitions section.

## Sierra Leone

<i>Selected Statistics and Indicators on Child Labor</i> <sup>3374</sup>	
Population, children, 5-14 years, 2005:	1,670,733
Working children, 5-14 years (%), 2005:	58.5
Working boys, 5-14 years (%), 2005:	59.0
Working girls, 5-14 years (%), 2005:	58.0
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	147.1
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2006:	67.8
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	No
CRC:	6/18/1990
CRCOPAC:	5/15/2002
CRCOPSC:	9/17/2001
Palermo:	No
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

### Incidence and Nature of Child Labor

Children in Sierra Leone are found working on family subsistence farms. Some children work in the fishing industry (e.g., snapper, herring, and

mackerel).<sup>3375</sup> Children also engage in petty vending and domestic work.<sup>3376</sup> Street children are used by adults to sell various items, steal, and beg.<sup>3377</sup> Street children are also engaged in commercial sexual exploitation, including in Freetown and Bo.<sup>3378</sup>

Children crush stones in granite quarries and work under hazardous labor conditions, including carrying heavy loads and working long hours.<sup>3379</sup> Children are engaged in sand mining.<sup>3380</sup> Children also work in alluvial diamond mining areas.<sup>3381</sup> The majority of children that work in the diamond mining areas are boys generally between the ages of 10 and 17 years. These boys work in areas such as the Kenema and Kono districts and generally engage in petty trade and perform supportive roles.<sup>3382</sup> Some children report being forced to work in diamond mining areas 6 to 7 days a week without pay and report injury and illness due to the activities they perform.<sup>3383</sup>

Sierra Leone is a source, transit, and destination country for trafficking in children. Within Sierra Leone, children are trafficked to urban areas, where they work in domestic service, petty trading, or are engaged in prostitution.<sup>3384</sup> Children are also trafficked internally for forced labor in agriculture, fishing, diamond mines, and begging. Children from Sierra Leone are trafficked to Guinea, Côte d'Ivoire, Liberia, Nigeria, Guinea-Bissau, and The Gambia.<sup>3385</sup> Further, children from Nigeria and possibly Liberia and Guinea, are trafficked to Sierra Leone

for forced begging and mining, as well as portering and sexual exploitation.<sup>3386</sup>

### **Child Labor Laws and Enforcement**

The minimum age for employment is 15 years, although at 13 years children may perform light work, defined as work that is likely not to be harmful to a child or interfere with schooling.<sup>3387</sup> In addition, children must be 15 years or have completed basic education (whichever is later) before entering into an apprenticeship, including apprenticeships in the informal sector. Children are also prohibited from performing night work, defined as work between the hours of 8 p.m. and 6 a.m.<sup>3388</sup> The minimum age for a child to engage in hazardous work is 18 years. Hazardous work is defined as work that is dangerous to a child's health, safety, or morals, and includes activities such as going to sea; mining and quarrying; carrying heavy loads; working in bars; and working in environments where chemicals are produced or used and machinery is operated.<sup>3389</sup>

Forced and compulsory labor by children is prohibited by law.<sup>3390</sup> The law prohibits commercial sexual exploitation of children under 18 years. Procuring or attempting to procure a girl for prostitution is punishable by up to 2 years in prison.<sup>3391</sup> The law also criminalizes all forms of human trafficking.<sup>3392</sup> The penalty for trafficking a person for labor or prostitution is up to 10 years in prison and restitution to the victim.<sup>3393</sup> The age for voluntary recruitment or conscription into the armed forces is 18 years.<sup>3394</sup>

Sierra Leone was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>3395</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>3396</sup>

The Ministry of Labor is charged with enforcing child labor laws through its seven labor monitors.<sup>3397</sup> The Ministry of Mineral Resources

with an estimated 350 labor inspectors, is charged with enforcing regulations against the use of child labor in mining activities. According to USDOS, the Government did not effectively enforce laws against child labor (such as in the diamond mines), as well as forced and bonded child labor.<sup>3398</sup> However, during the reporting period, the Government undertook raids on brothels in an effort to enforce laws against commercial sexual exploitation.<sup>3399</sup> Further, in February 2009, the UN-supported Special Court for Sierra Leone convicted three Revolutionary United Front senior commanders of war crimes and crimes against humanity. The rebel leaders were also found guilty of recruiting child soldiers.<sup>3400</sup> The rebel leaders committed these crimes between 1991 and 2002, during the civil war in Sierra Leone.<sup>3401</sup> In addition, according to USDOS, the Government of Sierra Leone worked with the Government of Guinea to investigate traffickers and repatriate trafficking victims.<sup>3402</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Government of Sierra Leone continued to refer trafficking victims to the shelter, which provides services such as education, medical care, and counseling.<sup>3403</sup> With support from NGOs, the Government continued to participate in training sessions and awareness-raising campaigns on trafficking.<sup>3404</sup>

The Government of Sierra Leone continued to participate in a 2-year USD 324,000 project funded by USDOS and implemented by World Hope International. The project seeks to provide training on trafficking and strengthen victim referral networks.<sup>3405</sup> In addition, the Government is participating in a 4-year USD 23.8 million project, funded by the EU and implemented by ILO-IPEC, to combat child labor through education in 11 countries, including Sierra Leone.<sup>3406</sup>

The Government of Sierra Leone participates in the 4-year USD 6 million project that is funded by USDOL and implemented by the International Rescue Committee (IRC).<sup>3407</sup> The project operates in Sierra Leone and Liberia and aims to withdraw 8,243 children and prevent an additional 21,647



children in both countries by improving access to and quality of education.<sup>3408</sup> During the reporting period, the Government of Sierra Leone participated in IRC's media personnel trainings on child labor issues, in an effort to raise public awareness on child labor.<sup>3409</sup>

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<sup>3374</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Sierra Leone, *Child Rights Act 2007*, (June 7, 2007), section 125; available from <http://www.sierra-leone.org/Laws/2007-7p.pdf>. See also U.S. Department of State, "Sierra Leone," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For age to which education is compulsory, see Government of Sierra Leone, *Child Rights Act 2007*, section 125. For free education, see U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 5.

<sup>3375</sup> Macro International, *In-Country Research: Site Visit Notes*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008. See also 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. See also Macro International, *In-Country Research: Interview Type 2*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008. See also U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 6d.

<sup>3376</sup> 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, 2005, sections III; available from <http://www.icftu.org/www/pdf/clssierraleone2005.pdf>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Sierra Leone second report*, CRC/C/SLE/2, Geneva, September 8, 2006, sections 88, 320, and 322; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0d28ce8b8d49b955c12572610029584b/\\$FILE/G0644130.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0d28ce8b8d49b955c12572610029584b/$FILE/G0644130.pdf).

<sup>3377</sup> U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 6d. See also UN Committee on the Rights of the Child, *Consideration of Report: Sierra Leone*, sections 88, 320, and 322. See also International Rescue Committee, *Countering Youth and Child Labour through Education (CYCLE)*, Project Document, New York, August 2007, 9.

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<sup>3378</sup> U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 5.

<sup>3379</sup> Macro International, *In-Country Research: Summaries of Goods Researched*.

<sup>3380</sup> U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 6d.

<sup>3381</sup> Ibid. See also M. Bøås and A. Hatløy, *Living in a material world*, Fafo Institute for Applied Social Science, Oslo, 2006, 49; available from <http://www.faf.no/pub/rapp/515/515.pdf>. See also L. Gberie, *War and Peace in Sierra Leone: Diamonds, Corruption and the Lebanese Connection*, Partnership Africa Canada, Ottawa, November 2002, 20; available from [http://action.web.ca/home/pac/attach/sierraleone2002\\_e.pdf](http://action.web.ca/home/pac/attach/sierraleone2002_e.pdf). See also UN Committee on the Rights of the Child, *Consideration of Report: Sierra Leone*, articles 88, 320, and 322.

<sup>3382</sup> M. Bøås and A. Hatløy, *Living in a material world*, 50, 63. See also Office of the UN Secretary General, *Children and Armed Conflict: Report of the Secretary-General*, A/58/546, Geneva, October 30, 2003, section 40; available from [http://www.essex.ac.uk/armedcon/story\\_id/000161.pdf](http://www.essex.ac.uk/armedcon/story_id/000161.pdf). See also U.S. Embassy- Freetown official, E-mail communication to USDOL official, July 14, 2009.

<sup>3383</sup> M. Bøås and A. Hatløy, *Living in a material world*, 56-59, 61-63, 65. See also International Rescue Committee, *Child Labor and Education in Sierra Leone: Needs and Resource Assessment in Targeted Communities*, New York, June 2006, 12. See also UN, *Economic and Social Council: Advisory Services and Technical Cooperation in the Field of Human Rights*, E/CN.4/2006/106, February 15, 2006, section 10.

<sup>3384</sup> U.S. Department of State, "Sierra Leone (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>.

<sup>3385</sup> Ibid.

<sup>3386</sup> Ibid.

<sup>3387</sup> Government of Sierra Leone, *Child Rights Act 2007*, sections 125-127, 128, 134-135.

<sup>3388</sup> Ibid.

<sup>3389</sup> Ibid.

<sup>3390</sup> U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 6c.

<sup>3391</sup> Government of Sierra Leone, *Child Rights Act 2007*, section 2. See also Government of Sierra Leone, *Prevention of Cruelty to Children Ordinance*, (1926), part I (article 2) and part II (articles 6-13); available from <http://www.sierra-leone.org/Laws/preventionofcrueltytochildren.html> [hard copy on file].

<sup>3392</sup> Government of Sierra Leone, *The Anti-Human Trafficking Act*, Vol CXXXVI, No 44, (August 18, 2005), Part II 2.1; available from <http://www.sierra-leone.org/Laws/2005-7p.pdf>.

<sup>3393</sup> U.S. Embassy- Freetown, *reporting*, January 27, 2009, para 6.

<sup>3394</sup> Government of Sierra Leone, *Child Rights Act 2007*, section 28. See also 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>.

<sup>3395</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

<sup>3396</sup> ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13; available from [http://www.ceeac-eccas.org/img/pdf/Multilateral\\_Agreement\\_Trafficking-1184251953.doc](http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc).

<sup>3397</sup> U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 6d. See also U.S. Embassy-Freetown, *reporting*, January 27, 2009, para 11.

<sup>3398</sup> U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 6c, 6d. See also U.S. Embassy-Freetown, *reporting*, January 27, 2009, para 11.

<sup>3399</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Sierra Leone."

<sup>3400</sup> Reuters, "U.N. Court Convicts Sierra Leone Rebels of War Crimes", [online], February 25, 2009 [cited October 8, 2008]; available from [http://www.reuters.com/articlePrint?articleId=USLP688235\\_CH\\_2400](http://www.reuters.com/articlePrint?articleId=USLP688235_CH_2400).

<sup>3401</sup> Ibid.

<sup>3402</sup> U.S. Embassy- Freetown, *reporting*, January 27, 2009, para 5g.

<sup>3403</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Sierra Leone." See also U.S. Department of State, "Country Reports- 2008: Sierra Leone," section 5. See also U.S. Embassy- Freetown, *reporting*, January 27, 2009, para 6b.

<sup>3404</sup> U.S. Embassy- Freetown, *reporting*, January 27, 2009, para 7a.

<sup>3405</sup> U.S. Embassy- Freetown, *reporting*, September 30, 2008, para 1. See also U.S. Department of State, "Fiscal Year 2008 Anti-Human Trafficking Programs," Washington, DC, November 3, 2008; available from <http://www.state.gov/g/tip/rls/rpt/111540.htm>.

<sup>3406</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 15, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=8511>.

<sup>3407</sup> International Rescue Committee, *CYCLE, Project Document*, 1-2, 23.

<sup>3408</sup> Ibid.

<sup>3409</sup> International Rescue Committee, *Countering Youth and Child Labour through Education (CYCLE)*, Technical Progress Report, New York, September 2008, 10.

## Solomon Islands

### Incidence and Nature of Child Labor

Government officials have acknowledged reports of children working as cooks and performing other tasks in logging camps and have also reported their involvement in the sale and production of homebrewed alcohol.<sup>3410</sup> Reports indicate that children, 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.<sup>3411</sup> The use of children in pornography is also indicated.<sup>3412</sup>

### Child Labor Laws and Enforcement

The minimum age for admission to work in Solomon Islands is 12 years. Children under 12 years may participate in light agricultural,

domestic, or other labor if they are employed by and in the company of a parent or guardian, and the work has been approved by the Commissioner of Labor.<sup>3413</sup> Children under 15 years are prohibited from working in industry or on ships, with the exception of approved school or training ships.<sup>3414</sup> It is illegal for children under 16 years to work underground in mines.<sup>3415</sup> Children 16 to 18 years are also prohibited from working underground in mines, though boys over 16 years may obtain a medical certificate clearing them for such work.<sup>3416</sup>

Children under 18 years may not be employed as trimmers or stokers on ships and must obtain a medical certificate for any other work on a ship. The Commissioner of Labor may allow a boy of less than 18 years to begin work on a ship without medical clearance in certain circumstances,

provided that the child is examined and certified at the first port of call where a medical practitioner is available.<sup>3417</sup> Children less than 18 years are prohibited from working at night in any industry, though males over 16 years may obtain written permission from the Commissioner to do so.<sup>3418</sup> Failure to comply with these provisions is punishable by a fine.<sup>3419</sup>

against her will upon any premises with intent that she has sex with any man is a misdemeanor subject to the same sentence. Hiring out or obtaining minors under 15 years with the intent that they be used for prostitution is a crime, again subject to 2 years in prison.<sup>3424</sup> There are no armed forces in the Solomon Islands, but the minimum age for recruitment into the police force is 18 years.<sup>3425</sup>

The Commissioner of Labor is responsible for enforcing child labor laws.<sup>3426</sup> Lack of sufficient capacity and resources in the Labor Department, however, has prevented investigation of violations and enforcement of the laws.<sup>3427</sup> USDOS reports that the Government devotes few resources to investigating child labor cases.<sup>3428</sup>

### Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Research has not identified any policies or programs by the Government of Solomon Islands to address exploitive child labor during the reporting period.

<sup>3410</sup> Solomon Islands Central Magistrate's Court official, Interview with USDOL consultant, June 23, 2006. See also Solomon Islands Ministry of Labor official, Interview with USDOL consultant, June 12, 2006. See also Solomon Islands Department of Home Affairs official, Interview with USDOL official, June 20, 2006. See also Solomon Islands Police Official, Interview with USDOL consultant, September 3, 2006.

<sup>3411</sup> 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](http://www.unicef.org/pacificislands/Small_CESEC.pdf). See also Solomon Islands Department of Home Affairs official, Interview, 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.

<sup>3412</sup> Rory Callinan, "Sold and Abused," *Time* 167, no. 13 (March 27, 2006); available from <http://www.time.com/time/magazine/article/0,9171,1174745,00.html>. See also UNICEF Pacific, *CSEC in the*

### Selected Statistics and Indicators on Child Labor<sup>3420</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	12
Compulsory education age:	Not compulsory
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	100.5
Net primary enrollment rate (%), 2005:	61.8
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	No
CRC:	4/10/1995**
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

The constitution prohibits forced labor.<sup>3421</sup> Several general provisions in the penal code could be applied to prosecute acts of trafficking.<sup>3422</sup> Procuring or attempting to procure a girl or woman for the purpose of prostitution or using threats, intimidation, false pretences, drugs, or other matter to procure, attempt to procure, or overpower a woman or girl for sex is punishable by 2 years in prison.<sup>3423</sup> Detaining a woman or girl

*Pacific*. See also Solomon Islands National Council of Women official, Interview with USDOL consultant, June 23, 2006.

<sup>3413</sup> Government of Solomon Islands, *Labour Act (Chapter 73)*, article 46.

<sup>3414</sup> *Ibid.*, article 47.

<sup>3415</sup> *Ibid.*, article 48.

<sup>3416</sup> *Ibid.*, article 49.

<sup>3417</sup> *Ibid.*

<sup>3418</sup> *Ibid.*

<sup>3419</sup> *Ibid.*, article 52.

<sup>3420</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Solomon Islands, *Labour Act (Chapter 73)*, (1996 Edition), article 46; available from <http://www.paclii.org>. See also U.S. Department of State, "Solomon Islands," 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/eap/119057.htm>. For age to which education is compulsory, see U.S. Department of State, "Country Reports- 2008: Solomon Islands," section 5. For free public education, see Solomon Islands Office of the Attorney General official, Interview with USDOL consultant, June 12, 2006. See also U.S. Embassy- Port Moresby official, E-

mail communication to USDOL official, February 9, 2009. See also Joanna Sireheti, "Launch of Fee Free Education", [solomontimes.com](http://solomontimes.com) [online] January 16, 2009 [cited January 31, 2009]; available from <http://www.solomontimes.com/news.aspx?nwID=3406>.

<sup>3421</sup> Government of Solomon Islands, *Constitution of Solomon Islands*, (July 7, 1978), article 6; available from [http://www.paclii.org/sb/legis/consol\\_act/c1978167/](http://www.paclii.org/sb/legis/consol_act/c1978167/).

<sup>3422</sup> Government of Solomon Islands, *Penal Code*; available from [http://www.paclii.org/sb/legis/consol\\_act/pc66/](http://www.paclii.org/sb/legis/consol_act/pc66/).

<sup>3423</sup> Government of Solomon Islands, *Penal Code (Chapter 26)*, (Revised 1996), articles 144-145; available from [http://www.paclii.org/sb/legis/consol\\_act/pc66/](http://www.paclii.org/sb/legis/consol_act/pc66/).

<sup>3424</sup> *Ibid.*, articles 148-150.

<sup>3425</sup> 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>.

<sup>3426</sup> U.S. Department of State, "Country Reports- 2008: Solomon Islands," section 6d.

<sup>3427</sup> Solomon Islands Ministry of Labor official, Interview with USDOL consultant, June 12, 2006.

<sup>3428</sup> U.S. Department of State, "Country Reports- 2008: Solomon Islands," section 6d.

## Somalia

### Incidence and Nature of Child Labor

Children in Somalia work in agriculture, herd animals, sell water and cigarettes, wash cars, and shine shoes.<sup>3429</sup> Children market a narcotic plant chewed by adults and young people throughout Somalia.<sup>3430</sup> Children also engage in prostitution and break rocks for gravel.<sup>3431</sup>

It is believed that Somalia is a source, destination, and transit country for child trafficking.<sup>3432</sup> 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, and Tanzania for prostitution and exploitive labor, and to South Africa for prostitution.<sup>3433</sup>

Armed groups and militias continue to recruit and use Somali children from military operations. Some of conscripted children plant roadside bombs, operate checkpoints, and are trained to conduct assassinations.<sup>3434</sup>

### Child Labor Laws and Enforcement

Three distinct entities have governed Somalia since 1991: the Transitional Federal Government (TFG) in Mogadishu; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast.<sup>3435</sup> The 2004 TFG Charter calls on the Government to establish a minimum age for employment and prohibits forced labor and military service for children under 18 years.<sup>3436</sup> According to USDOS, government institutions in Somalia, Somaliland, and Puntland did not

enforce child labor laws during the reporting period.<sup>3437</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>3438</sup>	
Population, children, 5-14 years, 2006:	2,544,081
Working children, 5-14 years (%), 2006:	39.8
Working boys, 5-14 years (%), 2006:	41.2
Working girls, 5-14 years (%), 2006:	38.4
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	Not applicable
Compulsory education age:	Not compulsory
Free public education:	No
Gross primary enrollment rate (%):	-
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2006:	48.9
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	No
CRC:	No
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	No

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Somalia to address exploitive child labor.

<sup>3429</sup> U.S. Department of State, "Somalia," 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/119024.htm>. See also Integrated Regional Information Networks, "Somalia: Conflict, drought force more children onto Hargeisa streets", IRINnews.org, [online], October 22, 2008 [cited February 3, 2009];

available from <http://www.irinnews.org/Report.aspx?ReportId=81052>.

<sup>3430</sup> U.S. Department of State, "Country Reports- 2008: Somalia," section 6d. See also Emily Wax, "Khat Trade Rules in Somalia: In Nation Without a Government, Educated Women Play Dominant Role as Sellers of Widely Used Narcotic Plant," *The Washington Post* (Washington DC), April 16, 2006; available from <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/15/AR20060415006666.html>.

<sup>3431</sup> U.S. Department of State, "Country Reports- 2008: Somalia," sections 5 and 6d.

<sup>3432</sup> U.S. Department of State, "Somalia (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 Integrated Regional Information Networks, "Tragic Cargo- Part One", IRINnews.org, [online], June 8, 2006 [cited February 4, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=59251>.

<sup>3433</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Somalia." See also U.S. Department of State, "Country Reports- 2008: Somalia," section 5.

<sup>3434</sup> United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict in Somalia*, S/2008/352, May 30, 2008, 21, 23, 25; available from <http://www.mineaction.org/downloads/1/S2008352.pdf>. See also U.S. Department of State, "Country Reports- 2008: Somalia," section 5.

<sup>3435</sup> U.S. Department of State, "Country Reports- 2008: Somalia," introduction.

<sup>3436</sup> Transitional Federal Government of Somalia, *Transitional Federal Charter for the Republic of Somalia*, 2004, articles 18(4) and 26(d); available from <http://www.somali-jna.org/downloads/Transitional%20Feneral%20Charter%20English%20version.doc>.

<sup>3437</sup> U.S. Department of State, "Country Reports- 2008: Somalia," section 6d. See also U.S. Department of State official, E-mail communication, March 27, 2008.

<sup>3438</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work and age to which education is compulsory, see U.S. Department of State official, E-mail communication to USDOL official, March 27, 2008. For free public education, see Somali Joint Needs Assessment, *Social Services and Protection of Vulnerable Groups Cluster Report*, World Bank and United Nations Coordination Secretariat, September 14, 2006, paras 280, 285, 286; available from [http://www.somali-jna.org/index.cfm?module=ActiveWeb&page=WebPage&ts=social\\_services\\_\\_1](http://www.somali-jna.org/index.cfm?module=ActiveWeb&page=WebPage&ts=social_services__1).

## South Africa

### *Selected Statistics and Indicators on Child Labor*<sup>3439</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15 (9 <sup>th</sup> grade)
Free public education:	No
Gross primary enrollment rate (%), 2005:	103.2
Net primary enrollment rate (%), 2005:	86.3
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2003:	82.4
ILO Convention 138:	3/30/2000
ILO Convention 182:	6/7/2000
CRC:	6/16/1995
CRCOPAC:	No
CRCOPSC:	6/30/2003*
Palermo:	2/20/2004
ILO-IPEC participating country:	Yes

\*Accession

### **Incidence and Nature of Child Labor**

Children in South Africa work in subsistence and commercial farms and family business.<sup>3440</sup> Children also work as domestic servants, vendors, car guards, train attendants, shop assistants, and taxi conductors.<sup>3441</sup> Children are employed in taverns and liquor stores to clean, stock supplies, prepare food, and serve alcohol.<sup>3442</sup> Children are also used to scavenge landfills and dumpsites for recyclable materials.<sup>3443</sup> Some children are also engaged in commercial sexual exploitation.<sup>3444</sup> Many children in rural areas carry water for their families for excessive hours under physically demanding conditions.<sup>3445</sup> Some children are exploited by adults and forced to

commit robberies, including armed robbery, and sell drugs.<sup>3446</sup>

The extent of trafficking is unknown, but South Africa remains a country of origin and destination for children trafficked for sexual exploitation and forced labor.<sup>3447</sup> South African girls are reportedly trafficked to Zimbabwe for domestic service.<sup>3448</sup> Children are trafficked from the Democratic Republic of the Congo and Zimbabwe into South Africa for sexual exploitation.<sup>3449</sup> Some girls are reportedly trafficked from Swaziland to South Africa for commercial sexual exploitation and domestic service.<sup>3450</sup> Boys are trafficked to South Africa from Mozambique and Zimbabwe for agricultural work.<sup>3451</sup> South African girls are also trafficked internally for prostitution and domestic service.<sup>3452</sup> South African boys are trafficked internally for farm work and street vending.<sup>3453</sup>

### **Child Labor Laws and Enforcement**

The law establishes the minimum age for employment at 15 years.<sup>3454</sup> Employers may hire children less than 15 years to work in the performing arts with permission from the South African Department of Labor (SADOL).<sup>3455</sup> Children who are under 18 years may not perform work that is harmful to their wellbeing and development.<sup>3456</sup> The Minister of Labor is authorized to set additional restrictions on the employment of children 15 years and above.<sup>3457</sup> The law provides for the right of every child, defined as a person under 18 years, to be protected from age-inappropriate and exploitive labor practices.<sup>3458</sup> The penalty for illegally employing a child under the law is a fine or a maximum jail term of 3 years.<sup>3459</sup>

The law prohibits all forms of forced labor and establishes a maximum penalty of 3 years in prison for imposing forced labor on another person.<sup>3460</sup> The law does not specifically prohibit trafficking in persons, though traffickers may be prosecuted under various laws related to child and forced labor.<sup>3461</sup> Since May 2008, the government began prosecuting new trafficking cases under recently implemented sex offense

laws; the court cases are on-going and no trafficking offenders have yet been convicted.<sup>3462</sup> The law prohibits the commercial sexual exploitation of children and the placement of a female under 16 years in a brothel for prostitution. The maximum penalty for violating the law is 20 years in prison.<sup>3463</sup> The law establishes 18 years as the minimum age for voluntary military service, military training, and conscription, even in times of national emergency.<sup>3464</sup>

SADOL is tasked with enforcing child labor laws. The Department tries to employ roughly 1,000 labor inspectors nationwide, who have the responsibility of enforcing labor laws, including those involving child labor. According to USDOS, SADOL sometimes has difficulty gaining spontaneous access to farms to enforce the law.<sup>3465</sup> In addition, the Government of South Africa does not give as much attention to labor trafficking as it does to sex trafficking.<sup>3466</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of South Africa continues to implement a national action program to eliminate the worst forms of child labor.<sup>3467</sup> Specific goals of this program include promoting new laws to combat the worst forms of child labor, increasing the Government's capacity to enforce the law, and raising awareness about child labor.<sup>3468</sup> The Government also provides a variety of financial support mechanism to prevent children's entry and to encourage children's withdrawal from the labor market.<sup>3469</sup>

The Government participated in a regional project funded by USDOL and implemented by the American Institutes for Research. This 4-year USD 9 million project was designed to improve the quality and access to education for children who are working in, or are at risk of working in, the worst forms of child labor in five countries, including South Africa.<sup>3470</sup> Over its lifetime, the project withdrew 2,388 children and prevented 8,739 children in the five countries from engaging in exploitive labor.<sup>3471</sup> The Government also participated in another 4-year regional project funded by USDOL and implemented by ILO-

IPEC. This USD 5 million project drafted national child labor plans of action and conducted targeted research on the worst forms of child labor in five countries, including South Africa.<sup>3472</sup> During its implementation, this project withdrew 939 children and prevented 2,826 children in the five countries from engaging in exploitive labor.<sup>3473</sup> The Government is supporting a USD 4.75 million regional project implemented by ILO-IPEC to support the implementation of national child labor plans in three countries, including South Africa. Over 4 years, this project aims to withdraw 2,800 children and prevent 5,600 children in the three countries, including South Africa, from engaging in exploitive labor.<sup>3474</sup> The Government also participated in a project implemented by IOM and funded by the Government of Norway and the European Commission to develop training on human trafficking and build government capacity to develop and implement anti-trafficking programs.<sup>3475</sup>

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<sup>3439</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of South Africa, *Basic Conditions of Employment Act 75 of 1997*, (December 5, 1997), articles 43(1a), 43(1b), 43(3); available from [http://www.workinfo.com/free/Sub\\_for\\_legres/data/bcea1998.htm](http://www.workinfo.com/free/Sub_for_legres/data/bcea1998.htm). For age to which education is compulsory, see Government of South Africa, *South African Schools Act*, No. 84 of 1996, (November 15, 1996), chapter 2, section 3(1); available from <http://www.info.gov.za/acts/1996/a84-96.pdf>. For free public education, see U.S. Department of State, "South Africa," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119025.htm>.

<sup>3440</sup> Government of South Africa, *The Child Labour Programme of Action for South Africa Phase 2 (2008-2012)*, Draft 4.4, Pretoria, June 2007, 15 and 17. See also Judith Streak, "Harvesting Childhood: Causes, nature, and impact of child agricultural labour," *HSRC Review* 5, no. 3 (September 2007); available from [http://www.hsrc.ac.za/HSRC\\_Review\\_Article-61.phtml](http://www.hsrc.ac.za/HSRC_Review_Article-61.phtml).

<sup>3441</sup> ILO-IPEC, *HIV/AIDS and Child Labour in South Africa: A Rapid Assessment*, Paper No. 4, March 2003, 27-28,38; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do;jsessionid=0a038009cefbceb41cf819c4cf38bf0f43335112036.hkzFngTDp6WI>

mQuUaNaLahD3lN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3elpkzFngTDP6WImQuxah8LaN8Qc3yOa2b48OX3b4DtGj15eMbynknvrkLOlQzNp65In0\_\_?productId=944. See also U.S. Department of State, "Country Reports- 2008: South Africa," section 6d.

<sup>3442</sup> Andrew Charman, *A rapid assessment of children making and selling liquor in South Africa*, ILO-IPEC, Pretoria, August, 2006, 8 and 10.

<sup>3443</sup> Saranel Benjamin, *A rapid assessment on scavenging and waste recycling work by children in South Africa*, ILO-IPEC, Pretoria, October, 2007, 7-9.

<sup>3444</sup> South African Department of Labour, *Commercial and sexual exploitation of children and child trafficking: A South African national situation analysis*, Pretoria, May 2006, 16. See also Government of South Africa, *Child Labour Programme of Action: Phase 2*, 18.

<sup>3445</sup> David Hemson, *Young drawers of water: The burden on children in rural South Africa* TECL Paper 39, Government of South Africa and ILO-IPEC, Pretoria, July 2006, 1, 2, 4, 8; available from [http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=0a038009cef56a88a5b927f48058ae6be8ee22b5c19.hkzFngTDP6WImQuUaNaLahD3lN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3elpkzFngTDP6WImQuxah8LaN8Qc3yOa2b48OX3b4DtGj15eMbynknvrkLOlQzNp65In0\\_\\_?productId=4211](http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=0a038009cef56a88a5b927f48058ae6be8ee22b5c19.hkzFngTDP6WImQuUaNaLahD3lN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWta3elpkzFngTDP6WImQuxah8LaN8Qc3yOa2b48OX3b4DtGj15eMbynknvrkLOlQzNp65In0__?productId=4211).

<sup>3446</sup> University of Western Cape, *Children Used by Adults to Commit Crime: Childrens' Perception of the their Use by Adults in the Commission of Offences*, ILO-IPEC and the Inter-Sectoral Committee on Child Justice, 2006, 14-17; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4485>. See also Government of South Africa, *Child Labour Programme of Action: Phase 2*, 18.

<sup>3447</sup> U.S. Department of State, "South Africa (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105389.htm>. See also UNESCO, *Human Trafficking in South Africa: Root Causes and Recommendations*, Paris, 2007, 20,21,24; available from <http://unesdoc.unesco.org/images/0015/001528/152823E.pdf>.

<sup>3448</sup> U.S. Department of State, "Zimbabwe (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105389.htm>.

<sup>3449</sup> U.S. Department of State, "Congo, Democratic Republic of the (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm>. See also U.S. Department of State, "Trafficking in Persons Report-2008: Zimbabwe."

<sup>3450</sup> U.S. Department of State, "Swaziland," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105390.htm>.

<sup>3451</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: South Africa." See also U.S. Department of State, "Trafficking in Persons Report- 2008: Zimbabwe." See also U.S. Department of State, "Mozambique (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105388.htm>.

<sup>3452</sup> Laura Gauer Bermudez, "No Experience Necessary": *The Internal Trafficking of Presons in South Africa*, International Organization for Migration, Pretoria, October, 2008, 34, 41, 46, 47, 49.

<sup>3453</sup> *Ibid.*, 53, 56-58. See also U.S. Department of State, "Trafficking in Persons Report- 2008: South Africa."

<sup>3454</sup> Government of South Africa, *Basic Conditions of Employment Act*, articles 43(1a), 43(1b), 43(3).

<sup>3455</sup> South African Department of Labour, *Sectoral Determination 10: Children in the Performance of Advertising, Artistic and Cultural Activities*, 2004, sections 2(1) and 2(6); available from <http://www.labour.gov.za/legislation/sectoral-determinations/sectoral-determination-10-children-in-the-performance-of-advertising-artistic-and-cultural-activities>.

<sup>3456</sup> U.S. Department of State, "Country Reports- 2008: South Africa," section 6d. See also Government of South Africa, *Amended Basic Conditions of Employment Act*, (2002), article 43(2b); available from <http://www.labour.gov.za/legislation/acts/basic-conditions-of-employment/read-online/amended-basic-conditions-of-employment-act>.

<sup>3457</sup> Government of South Africa, *Basic Conditions of Employment Act*, article 44(1).

<sup>3458</sup> Government of South Africa, *Constitution of the Republic of South Africa*, (December 10, 1996), sections 28(3), 28(1e), 28(1f); available from <http://www.info.gov.za/documents/constitution/1996/96cons2.htm#13>.

<sup>3459</sup> Government of South Africa, *Basic Conditions of Employment Act*, 93(2).

<sup>3460</sup> *Ibid.*, articles 93, 43(1a), 43(1b), 43(3), 44(2), 48.

<sup>3461</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: South Africa." See also U.S. Embassy-Pretoria, *reporting*, January 23, 2009, para 8.

<sup>3462</sup> U.S. Embassy- Pretoria, E-mail communication to USDOL official, July 6, 2009.

<sup>3463</sup> U.S. Embassy-Pretoria, *reporting*, January 23, 2009, para 8. See also U.S. Embassy- Pretoria, E-mail communication to USDOL official, July 6, 2009.

<sup>3464</sup> Government of South Africa, *Defense Act 42 of 2002*, (February 2003), chapter 9, article 52(1), chapter 14, article 91(2); available from



<http://www.dod.mil.za/documents/acts/New%20Defence%20Act%2042%20of%202002.pdf>. See also Coalition to Stop the Use of Child Soldiers, "South Africa," *In Child Soldiers Global Report* online, May 20, 2008; available from [http://www.child-soldiers.org/library/global-reports?root\\_id=159&directory\\_id=216](http://www.child-soldiers.org/library/global-reports?root_id=159&directory_id=216).

<sup>3465</sup> U.S. Department of State, *reporting, January 23, 2009*, para 11. See also U.S. Department of State, "Country Reports- 2008: South Africa," para 6d. See also U.S. Embassy- Pretoria, E-mail communication to USDOL official, July 6, 2009.

<sup>3466</sup> U.S. Embassy- Pretoria, E-mail communication to USDOL official, July 6, 2009.

<sup>3467</sup> U.S. Embassy-Pretoria, *reporting, January 23, 2009*, para 12.

<sup>3468</sup> Government of South Africa, *Child Labour Programme of Action: Phase 2, 4*.

<sup>3469</sup> *Ibid.*, 22. See also U.S. Embassy-Pretoria, *reporting, January 23, 2009*, para 13. See also U.S. Embassy-Pretoria, E-mail communication to USDOL official, July 6, 2009.

<sup>3470</sup> American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA), Project Document*, Washington DC, September 8, 2005, 17-18.

<sup>3471</sup> American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA), Final Technical Progress Report*, Washington, December 8, 2008, 20.

<sup>3472</sup> ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Project Document*, Geneva, September 15, 2003, 1. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Final Technical Progress Report*, Geneva, September, 2008, 1-4.

<sup>3473</sup> ILO-IPEC, *TECL Project Document*, 1. See also ILO-IPEC, *TECL Final Technical Progress Report*, 1-4. See also ILO-IPEC, *Towards the Elimination of Child Labor*, technical progress report, Geneva, March 10, 2008, 1, 39.

<sup>3474</sup> ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II, Project Document*, Geneva, September 25, 2008, 1, 3, 84.

<sup>3475</sup> IOM, *IOM Southern Africa Newsletter*, Pretoria, October 2008, 4; available from <http://iom.org.za/site/>.

## Sri Lanka

### Incidence and Nature of Child Labor

Children in Sri Lanka sometimes work during the harvest periods in both plantation and non-plantation agriculture, including on small family farms.<sup>3476</sup> Children also work in the informal sector, family enterprises, small restaurants, stores, repair shops, small-scale manufacturing, and craft production.<sup>3477</sup> Children between the ages of 14 and 18 also engage in work as domestic servants, and some have reported experiencing sexual abuse.<sup>3478</sup>

Sri Lanka is also a source country for children trafficked to Singapore and the Middle East for commercial exploitation and for work as domestic servants.<sup>3479</sup> Internal trafficking occurs for domestic service, commercial sexual exploitation, and for service in military activities.<sup>3480</sup> The prostitution of children is reported to be of concern in the country. It is estimated that there are more than 10,000 boys engaged in commercial sexual exploitation in Sri Lanka.<sup>3481</sup> Girls are also

victims of commercial sexual exploitation.<sup>3482</sup> The majority of children in prostitution are exploited by local citizens, though there are reports of sex tourism as well.<sup>3483</sup> Some of these children have been trafficked and many boys are from coastal areas and are exploited in the sex industry at southern beach resorts.<sup>3484</sup>

Conflict intensified in Sri Lanka during 2008 and the use of children in armed conflict remained a pressing concern.<sup>3485</sup> Reports indicate that the Liberation Tigers of Tamil Eelam (LTTE), an armed terrorist group fighting for a separate ethnic Tamil state, and the Tamil Makkai Viduthalai Pulikal (TMVP), a paramilitary group, both continued to heavily recruit children as soldiers, often forcibly.<sup>3486</sup> The LTTE recruited and abducted children to serve in combat and various battlefield support functions.<sup>3487</sup> There is evidence that the Government security forces were supporting and sometimes participating in the abductions and forced recruitment by the TMVP.<sup>3488</sup> In May 2009, the Government declared

victory over the LTTE, bringing the 26-year conflict to an end.<sup>3489</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>3490</sup>	
Population, children, 5-14 years, 1998:	3,186,838
Working children, 5-14 years (%), 1998:	15.0
Working boys, 5-14 years (%), 1998:	17.9
Working girls, 5-14 years (%), 1998:	11.9
Working children by sector, 5-14 years (%), 1998:	
- Agriculture	71.5
- Manufacturing	13.1
- Services	14.8
- Other	0.7
Minimum age for work:	14
Compulsory education age:	14
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	108.1
Net primary enrollment rate (%), 2004:	96.7
School attendance, children 5-14 years (%), 1998:	97.1
Survival rate to grade 5 (%), 2005:	93.4
ILO Convention 138:	2/11/2000
ILO Convention 182:	3/1/2001
CRC:	7/12/1991
CRCOPAC:	9/8/2000
CRCOPSC:	9/22/2006
Palermo:	No
ILO-IPEC participating country:	Yes

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment in most occupations at 14 years. The minimum age for employment at sea is 15 years.<sup>3491</sup> Children under 14 years may be employed in family-run agricultural enterprises or as part of technical training activities.<sup>3492</sup> However, these children may not be employed during school hours, for more than 2 hours on a school day or Sunday, between the hours of 8 p.m. and 6 a.m., or in any activity that jeopardizes health or education.<sup>3493</sup> The law limits the work hours of children 14 and 15 years to 9 hours per day and the work hours of children 16 and 17 years to 10 hours per day.<sup>3494</sup> The law also requires medical certification of children less than 16 years prior to employment in factories.<sup>3495</sup> The maximum penalty for child labor violations is 12 months of imprisonment and/or a fine.<sup>3496</sup>

The law prohibits all children from employment in any hazardous occupation and in industrial facilities after 11 p.m., except in certain training or apprenticeship situations.<sup>3497</sup> The Minister of Labor Relations and Manpower (MOLRM) plans to prohibit the employment of children in any of 49 identified hazardous occupations.<sup>3498</sup> Forty occupations are unconditional and are to be completely prohibited for children 14 to 18 years, while the other nine occupations will be conditionally prohibited upon the publication of the relevant regulations.<sup>3499</sup> MOLRM is responsible for the enforcement of child labor laws. As of January 2009, MOLRM employs approximately 300 labor inspectors tasked with enforcing child labor laws in addition to other labor laws.<sup>3500</sup> In 2008, MOLRM received 164 complaints of child labor violations that resulted in eight prosecutions.<sup>3501</sup>

The law prohibits forced labor, debt bondage, and all forms of slavery by persons of any age. The maximum sentence for violating the law pertaining to children is 30 years of imprisonment and a fine.<sup>3502</sup> It is illegal for any person to cause or encourage a girl under 16 years to be seduced or prostituted. According to the law, offenses may be punished with 6 months in prison and a fine.<sup>3503</sup> The law prohibits sexual violations against children, defined as persons under 18 years, particularly with regard to child pornography, child prostitution, and the trafficking of children. Penalties for pornography and prostitution violations range from 2 to 5 years of imprisonment.<sup>3504</sup> Trafficking of children is punishable by imprisonment of 3 to 20 years.<sup>3505</sup> It is also an offense to cause or procure a child for the purpose of begging.<sup>3506</sup>

The minimum age for recruitment into the Armed Forces is 18 years.<sup>3507</sup> The law criminalizes the act of engaging or recruiting a child for use in armed conflict.<sup>3508</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government concluded implementing a Policy and Plan of Action to Eliminate the Worst Forms of Child Labor as part of the National Plan of Action for Children (NPA) 2004-2008. MOLRM

implemented the child labor components of the plan, which included strengthening child labor laws and enforcement, improving the availability of child labor data, increasing vocational training programs for out-of-school youth, sensitizing the public to child labor issues, and reducing domestic child labor by 30 percent each year.<sup>3509</sup> The Government works with social welfare officers to implement the NPA at the community level and has established 25 district child development committees to further raise awareness of child abuse issues, including child labor.<sup>3510</sup> In December 2008, the Government signed an Action Plan with TMVP and UNICEF that calls for all child soldiers to be released by March 1, 2009. USDOS reports that this goal will not likely be met.<sup>3511</sup>

MOLRM trains labor inspectors, probation officers, and police officers on child labor issues. Training includes trauma and psychosocial counseling, surveillance, legal awareness, as well as training those who train others on these issues.<sup>3512</sup> The Women's and Children's Affairs division of the MOLRM conducted eight training programs in 2008 to improve the enforcement capacity of 250 labor, police, and probation officers responsible for combating child labor. The division also conducted 130 awareness-raising programs on the elimination of child labor, and organized a training program to raise awareness among parents.<sup>3513</sup>

The National Child Protective Authority (NCPA) is responsible for the prevention of child trafficking. NCPA has a Special Police Investigations Unit comprised of 20 officers whose primary responsibility is responding to complaints of abuse against children including commercial sexual exploitation.<sup>3514</sup> Under the purview of NCPA, the Government is implementing a National Plan of Action to combat trafficking of children for exploitive employment.<sup>3515</sup> The Government supports six resource centers and two rehabilitation centers that offer counseling, legal assistance, shelter, career guidance, and vocational training to child trafficking victims. In addition, health, judicial, and psychological services to children are supported at the local district level.<sup>3516</sup> The Government also supports two rehabilitation

centers for child soldiers. As of March 2008, the most recent date such information was available, 50 children had been assisted by these centers.<sup>3517</sup> The Government operates a hotline for complaints about child labor.<sup>3518</sup> In addition, the Government is participating in an IOM-funded project to train police officers on anti-trafficking strategies.<sup>3519</sup>

The Government participated in a USDOL-funded USD 562,000 ILO-IPEC project to address the effects of the tsunami on children that concluded in March 2008. The project withdrew 27 and prevented 2,438 children from exploitive work.<sup>3520</sup> The Government participated in a UNICEF-supported project to assist children affected by war, which ended in July 2008.<sup>3521</sup> Currently, the Government participates in an ILO-IPEC implemented youth employment project in Sabaragamuwa province, an area with many tea and rubber plantations. The project aims to enable rural youth to avoid exploitive work activities by strengthening their employability through providing training in agricultural-related skills, life skills, and entrepreneurship.<sup>3522</sup> The Government is also participating in a 4 year USDOL-funded USD 6.8 million ILO-IPEC project to conduct data collection on child labor.<sup>3523</sup>

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<sup>3476</sup> U.S. Department of State, "Country Reports- 2008: Sri Lanka," section 6d.

<sup>3477</sup> U.S. Embassy- Colombo, *reporting*, September 7, 2005, para 10. See also U.S. Department of State, "Country Reports- 2008: Sri Lanka," section 6d.

<sup>3478</sup> Nayomi Kannangara, Harendra de Silva, and Nilakshi Parndigamage, *Sri Lanka Child Domestic Labour: A Rapid Assessment*, ILO-IPEC, Geneva, September 2003, xvi; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/srilanka/ra/domestic.pdf>. See also U.S. Department of State, "Country Reports- 2008: Sri Lanka," section 6d.

<sup>3479</sup> U.S. Embassy- Colombo, *reporting*, February 16, 2009, paras 9-12.

<sup>3480</sup> *Ibid.*, paras 7, 8, 10, 12.

<sup>3481</sup> *Ibid.*, para 12.

<sup>3482</sup> *Ibid.*

<sup>3483</sup> U.S. Department of State, "Country Reports- 2008: Sri Lanka," section 5. See also U.S. Embassy- Colombo, *reporting*, January 20, 2009, para 14.

<sup>3484</sup> U.S. Embassy- Colombo, *reporting*, February 16, 2009, para 12.

<sup>3485</sup> U.S. Embassy- Colombo, *reporting, January 20, 2009*, para 12. See also British Broadcasting Corporation, "Wounded Sri Lanka Civilians Rescued", BBC News [online] [cited January 29, 2009]; available from [http://news.bbc.co.uk/2/hi/south\\_asia/7857491.stm](http://news.bbc.co.uk/2/hi/south_asia/7857491.stm). See also U.S. Department of State, "Country Reports-2008: Sri Lanka," Introduction.

<sup>3486</sup> U.S. Embassy- Colombo, *reporting, January 20, 2009*, para 12. See also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict in Sri Lanka*, New York, December 21, 2007, 2 and 7; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N07/634/74/PDF/N0763474.pdf?OpenElement>.

<sup>3487</sup> U.S. Embassy- Colombo, *reporting, January 20, 2009*, para 12.

<sup>3488</sup> Coalition to Stop the Use of Child Soldiers, "Sri Lanka," in *Child Soldiers Global Report 2008*, London, 2008, 311 and 312; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also U.S. Department of State, "Country Reports- 2008: Sri Lanka," introduction, section 1.

<sup>3489</sup> British Broadcasting Corporation, "Sri Lanka Leader Hails 'Victory'", BBC News [online] [cited May 19, 2009]; available from [http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/south\\_asia/8056752.stm?ad=1](http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/south_asia/8056752.stm?ad=1). See also Ministry of Defence, Public Security, Law, and Order, *Let us be magnanimous in victory - President*, [online] May 21, 2009 [cited May 29, 2009]; available from [http://www.defence.lk/new.asp?fname=20090521\\_11](http://www.defence.lk/new.asp?fname=20090521_11).

<sup>3490</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956*, No. 47, (November 7, 1956), sections 13 and 34; available from <http://www.labourdept.gov.lk/Legislations/Empl%20WomYouPersonsChi.pdf>. For age to which education is compulsory, see Government of Sri Lanka, *Report of the Democratic Socialist Republic of Sri Lanka on Efforts by GSP Beneficiary Countries to Eliminate Worst Forms of Child Labour*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Colombo, December 7, 2007, 6. See also Government of Sri Lanka, *Compulsory Attendance of Children at Schools*, Regulation No. 1 of 1997, (November 18, 1997). For free public education, see U.S. Embassy- Colombo, *reporting, January 20, 2009*, para 9. See also U.S. Department of State, "Sri Lanka," in *Country Reports on Human Rights Practices-*

2008, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119140.htm>.

<sup>3491</sup> Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956*, part III, sections 13 and 34(1). See also Government of Sri Lanka, *Shop and Office Employees Act of 1954*, No. 19, (August 9, 1954), article 10(1); available from <http://www.labourdept.gov.lk/Legislations/Shop%20Office%20Employees.pdf>. See also U.S. Embassy- Colombo, *reporting, August 18, 2003*.

<sup>3492</sup> Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956*, sections 13 and 14.

<sup>3493</sup> *Ibid.*, section 2. See also U.S. Embassy- Colombo, *reporting, August 18, 2003*.

<sup>3494</sup> Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956*, section 2. See also U.S. Embassy- Colombo, *reporting, August 18, 2003*.

<sup>3495</sup> U.S. Embassy- Colombo, *reporting, August 18, 2003*.

<sup>3496</sup> U.S. Department of State, "Country Reports- 2008: Sri Lanka," section 6d.

<sup>3497</sup> Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956*, sections 3(3) and 3(6).

<sup>3498</sup> U.S. Embassy- Colombo, *reporting, January 20, 2009*, para 4.

<sup>3499</sup> *Ibid.*

<sup>3500</sup> *Ibid.*, para 6.

<sup>3501</sup> *Ibid.*, para 7.

<sup>3502</sup> Government of Sri Lanka, *Penal Code (Amendment)*, 2006 Act No. 16, (April 24, 2006), section 358(a).

<sup>3503</sup> ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children Sri Lanka*, Bangkok, 2006, 23; available from [http://www.ecpat.net/eng/A4A\\_2005/PDF/South\\_Asia/Global\\_Monitoring\\_Report-SRI\\_LANKA.pdf](http://www.ecpat.net/eng/A4A_2005/PDF/South_Asia/Global_Monitoring_Report-SRI_LANKA.pdf).

<sup>3504</sup> Government of Sri Lanka, *Penal Code (Amendment)*, 1995, Act No. 22, (October 31, 1995), articles 286A(1), 286A(2), 360A, 360B. See also Government of Sri Lanka, *Penal Code (Amendment)*, 1998, Act No. 29, (June 6, 1998), articles 288A(1), 288A(2), 360A(1), 360A(2). See also Government of Sri Lanka, *Penal Code (Amendment)*, 2006, articles 268, 358, 360.

<sup>3505</sup> Government of Sri Lanka, *Penal Code (Amendment)*, 2006, 360(2).

<sup>3506</sup> Radhika Coomaraswamy and Ambika Satkunanathan, *Anti-child Trafficking Legislation in Asia: A Six-Country Review*, Report, ILO-IPEC, Bangkok, 2006, 88; available from <http://www.ilo.org/public/english/region/asro/bangkok/library/download/pub06-03.pdf>.

<sup>3507</sup> Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Sri Lanka."

<sup>3508</sup> Government of Sri Lanka, *Penal Code (Amendment)*, 2006. See also ILO-IPEC, *Emergency Response to Child Labour in Selected Tsunami Affected Areas in Sri Lanka*, Technical Progress Report, Geneva, March 30, 2006, 4.

<sup>3509</sup> National Planning Department, *National Plan of Action for the Children of Sri Lanka, 2004-2008*, Government of Sri Lanka Ministry of Finance and Planning, Colombo, 2004, 122-123; available from [http://www.humanitarianinfo.org/srilanka/docs/National\\_Plan.pdf](http://www.humanitarianinfo.org/srilanka/docs/National_Plan.pdf). See also ILO-IPEC, *Emergency Response to Child Labour in Selected Tsunami Affected Areas in Sri Lanka*, Technical Progress Report, Geneva, September 12, 2005, 3.

<sup>3510</sup> Government of Sri Lanka, *Report of Sri Lanka on Efforts to Eliminate Worst Forms of Child Labour*, 4. See also U.S. Embassy- Colombo, *reporting, January 20, 2009*, para 5.

<sup>3511</sup> U.S. Embassy- Colombo, *reporting, February 16, 2009*, para 2.

<sup>3512</sup> U.S. Embassy- Colombo, *reporting, September 7, 2005*. See also U.S. Embassy- Colombo, *reporting, August 23, 2004*.

<sup>3513</sup> U.S. Embassy- Colombo, *reporting, January 20, 2009*, para 6.

<sup>3514</sup> U.S. Embassy- Colombo, *reporting, February 16, 2009*, para 19.

<sup>3515</sup> ILO-IPEC, *Child Labour and Responses: Overview Note Sri Lanka*, November 2004, 3; available from <http://www.ilo.org/public/english/region/asro/newdelhi/ipecc/download/srilanka.pdf>.

<sup>3516</sup> U.S. Embassy- Colombo, *reporting, February 29, 2008*, para 4b. See also U.S. Department of State, "Country Reports- 2008: Sri Lanka," section 5.

<sup>3517</sup> U.S. Department of State, "Sri Lanka (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>.

<sup>3518</sup> U.S. Embassy- Colombo, *reporting, February 29, 2008*, para 4h.

<sup>3519</sup> *Ibid.*, para 3g.

<sup>3520</sup> ILO-IPEC, *Emergency Response to Child Labour, Technical Progress Report, September 2005*, 15 and 35. See also ILO-IPEC, *Emergency Response to Child Labour in Selected Tsunami Affected Areas in Sri Lanka*, Final Progress Report, Geneva, March 30, 2008, 32.

<sup>3521</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>3522</sup> U.S. Embassy- Colombo, *reporting, January 20, 2009*, para 11.

<sup>3523</sup> ILO-IPEC official, E-mail communication to USDOL official, March 31, 2009.

## Suriname

### Incidence and Nature of Child Labor

Children in Suriname work in the informal sector in rural and urban areas. They work in gold mines and the informal urban sector.<sup>3524</sup> Maroon children, particularly boys, are often engaged in exploitive labor.<sup>3525</sup> Children have been found in the commercial sex industry and trafficking of minors is a problem.<sup>3526</sup> There are reports of children being trafficked internally and internationally. Some minors are trafficked into the sex trade associated with gold mining camps.<sup>3527</sup> The Government of Suriname acknowledges the lack of information available on the incidence and nature of child labor in Suriname.<sup>3528</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years. However, children 12 to 14 years may work in family or special vocational settings if the work is not too physically or mentally demanding or hazardous.<sup>3529</sup> Children under 15 years are prohibited from working on fishing boats.<sup>3530</sup> Children under 18 years are prohibited from night work, which is defined as the hours between 7:00 p.m. and 6:00 a.m., and hazardous work, which is defined as work that endangers life, health, and decency, or as determined by the Minister of Labor.<sup>3531</sup> Employers are required to maintain a Register of Young Persons that includes each employee's name, address, date of

birth, and the occupational starting and ending dates.<sup>3532</sup> Employing a child under 14 years is punishable by fines and up to 12 months in prison. Parents who permit their children to work in violation of child labor laws may be prosecuted.<sup>3533</sup>

incarceration.<sup>3538</sup> Child pornography is punishable with 2 years of imprisonment. Brothel operation is illegal, but the law is not enforced.<sup>3539</sup>

Military service is not compulsory. Research has been inconclusive regarding the minimum age for voluntary recruitment into the Armed Forces. The ILO Committee of Experts has requested the Government to provide information on the minimum age for enlistment.<sup>3540</sup>

The Ministry of Labor's Department of Labor Inspections implements and enforces labor laws, including child labor laws, through its 40 inspectors. Labor inspectors and police officers investigate allegations of child labor.<sup>3541</sup> USDOS reports that both Government action and resources need to increase in order to expand beyond urban areas and into the hinterland.<sup>3542</sup>

The laws consider the worst forms of child labor to be crimes, and as such, they are enforced by the Ministry of Justice and Police, in conjunction with the Youth Police Department. The Youth Police are authorized to remove children from the worst forms of child labor and prosecute offenders.<sup>3543</sup>

The police conduct investigations and raids, including random checks of brothels, to ensure that minors are not working on those premises.<sup>3544</sup>

The Trafficking in Persons Unit of the Police Department has conducted checks on known prostitution locations and has rescued victims of trafficking, including children.<sup>3545</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, the Government continued to make up a working group on child labor, which consists of representatives from the Ministries of Labor, Social Affairs, and Education as well as representatives from labor unions, the private sector, and NGOs.<sup>3546</sup> The Government supports vocational programs for children who are no longer in school.<sup>3547</sup> The Minister of Labor, the Youth Affairs Section of the Police Force, and the Commission for Child Rights continue to conduct awareness-raising campaigns to combat child labor.<sup>3548</sup>

The Government of Suriname continues to combat trafficking in persons through the Anti-

### *Selected Statistics and Indicators on Child Labor*<sup>3534</sup>

Population, children, 5-14 years (%):	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	118.7
Net primary enrollment rate (%), 2007:	94.1
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2006:	79.7
ILO Convention 138:	No
ILO Convention 182:	4/12/2006
CRC:	3/1/1993
CRCOPAC:	No
CRCOPSC:	No
Palermo:	5/25/2007**
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

The law prohibits forced labor, trafficking in persons, slavery, and practices similar to slavery.<sup>3535</sup> Trafficking in persons, including for the purpose of sexual exploitation, is punishable with 5 to 20 years of imprisonment.<sup>3536</sup> The penalty for trafficking of minors under 16 years ranges from 10 to 20 years of incarceration. The Attorney General's Office may press dual charges against a trafficker for human trafficking and rape.<sup>3537</sup> Exploiting a child for the purpose of prostitution is punishable with 6 to 20 years of

trafficking Working Group, which coordinates government efforts to address human trafficking, including the trafficking of children. The Working Group is composed of the Attorney General's Office, the Ministries of Justice, Defense, Foreign Affairs, and Home Affairs, and NGOs.<sup>3549</sup> The Government has made available a hotline for children and youth to discuss youth-related issues, including trafficking.<sup>3550</sup>

The Government of Suriname participated in Phase II of a 5-year USD 750,000 regional project to combat the worst forms of child labor in the Caribbean, funded by the Government of Canada and implemented by ILO-IPEC.<sup>3551</sup> It also took part in a regional initiative to raise awareness of trafficking in persons, funded by USDOS and implemented by IOM.<sup>3552</sup> The Police Anti-trafficking Unit participated in training conducted by the Government of the Netherlands on human trafficking.<sup>3553</sup>

The Ministry of Transport, Communication, and Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts awareness-raising campaigns to combat the commercial exploitation of children in Latin America. It was created in 2005 and includes the Ministries of Tourism of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela.<sup>3554</sup>

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<sup>3524</sup> UN Committee on the Rights of the Child, *Periodic Reports of States Parties due in 2000: Suriname*, prepared by Government of Suriname, pursuant to Article 44 of the Convention on the Rights of the Child, November 24, 2005, paras 187-188, 196; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/bb62c614e8a84285c12570b2004036c8/\\$FILE/G0545193.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/bb62c614e8a84285c12570b2004036c8/$FILE/G0545193.pdf). See also UN Committee on the Rights of the Child, *Considerations of Reports Submitted by State Parties Under Article 44 of the Convention: Concluding Observations: Suriname*, Geneva, June 18, 2007, para 65 available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/05a8c4df61cb8e4fc125730700506451/\\$FILE/G0742426.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/05a8c4df61cb8e4fc125730700506451/$FILE/G0742426.pdf). See also U.S. Department of State, "Country Reports- 2008: Suriname," section 6d.

<sup>3525</sup> UN Committee on the Rights of the Child, *Concluding Observations: Suriname*, para 65.

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<sup>3526</sup> UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Suriname*, paras 185 and 186. See also UN Committee on the Rights of the Child, *Concluding Observations: Suriname*, para 67. See also U.S. Department of State, "Country Reports- 2008: Suriname," section 6d. See also U.S. Embassy-Paramaribo, *reporting, March 3, 2009*.

<sup>3527</sup> U.S. Department of State, "Suriname (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also U.S. Embassy- Paramaribo, *reporting, March 19, 2009*.

<sup>3528</sup> UN Committee on the Rights of the Child, *Periodic Reports of States Parties: Suriname*. See also U.S. Department of State, "Country Reports- 2008: Suriname," section 6d.

<sup>3529</sup> Clive Pegus, *A Review of Child Labour Laws of Suriname - A Guide to Legislative Reform*, ILO Subregional Office for the Caribbean, June 2005, 25. See also U.S. Department of State, "Country Reports- 2008: Suriname," section 6d.

<sup>3530</sup> Pegus, *A Review of Child Labour Laws of Suriname*, 25.

<sup>3531</sup> U.S. Department of State, "Country Reports- 2008: Suriname," section 6d. See also Pegus, *A Review of Child Labour Laws of Suriname*, 27.

<sup>3532</sup> Pegus, *A Review of Child Labour Laws of Suriname*, 27. See also U.S. Embassy- Paramaribo, *reporting, March 3, 2009*.

<sup>3533</sup> U.S. Embassy- Paramaribo, *reporting, March 3, 2009*.

<sup>3534</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Department of State, "Suriname," in *Country Report on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For age to which education is compulsory, see U.S. Department of State, "Country Reports- 2008: Suriname," section 5. See also U.S. Embassy-Paramaribo, *reporting, March 3, 2009*. For free public education, see Government of Suriname, *1987 Constitution with Reforms of 1992*, (1987), articles 38-39; available from <http://www.georgetown.edu/pdba/Constitutions/Suriname/english.html>. See also U.S. Department of State, "Country Reports- 2008: Suriname," section 5.

<sup>3535</sup> Government of Suriname, *Constitution*, article 15. See also Pegus, *A Review of Child Labour Laws of Suriname*, 29. See also U.S. Embassy- Paramaribo, E-mail communication to USDOL official, March 25, 2009.

<sup>3536</sup> U.S. Embassy- Paramaribo, E-mail communication to USDOL official, July 14, 2009. See also U.S. Embassy

-Paramaribo, E-mail communication to USDOL official, March 25, 2009.

<sup>3537</sup> U.S. Embassy- Paramaribo, E-mail communication, July 14, 2009.

<sup>3538</sup> U.S. Embassy- Paramaribo, E-mail communication, March 25, 2009. See also Government of Suriname, *Written Replies by the Government of the Suriname Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Second Periodic Report of Suriname*, CRC/C/SUR/Q/2/Add.1, November 29, 2006, 31; available from [http://www.unhcr.ch/tbs/doc.nsf/0/501c0bb6865367bcc12572610029b6d6/\\$FILE/G0645835.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/501c0bb6865367bcc12572610029b6d6/$FILE/G0645835.pdf).

<sup>3539</sup> U.S. Embassy- Paramaribo, E-mail communication, March 25, 2009. See also U.S. Embassy- Paramaribo, *reporting*, March 3, 2009.

<sup>3540</sup> 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](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Suriname (ratification: 2006)*, [online] 2009 [cited July 15, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

<sup>3541</sup> U.S. Embassy- Paramaribo, *reporting*, March 3, 2009. See also U.S. Department of State, "Country Reports- 2008: Suriname," section 6d.

<sup>3542</sup> U.S. Embassy- Paramaribo, *reporting*, December 6, 2007.

<sup>3543</sup> Pegus, *A Review of Child Labour Laws of Suriname*, 33.

<sup>3544</sup> U.S. Department of State, "Country Reports- 2008: Suriname," section 6d. See also Government of Suriname, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst

Forms of Child Labor", Washington, DC, February 8, 2008, 4.

<sup>3545</sup> U.S. Embassy- Paramaribo, *reporting*, October 8, 2008.

<sup>3546</sup> U.S. Embassy- Paramaribo, *reporting*, March 3, 2009. See also Government of Suriname, *Written communication*, 2.

<sup>3547</sup> U.S. Department of State, "Country Reports- 2008: Suriname," section 6d. See also Pegus, *A Review of Child Labour Laws of Suriname*, 33.

<sup>3548</sup> U.S. Embassy- Paramaribo, *reporting*, March 3, 2009.

<sup>3549</sup> U.S. Department of State, "Country Reports- 2008: Suriname," section 5. See also U.S. Embassy- Paramaribo, *reporting*, March 19, 2009.

<sup>3550</sup> U.S. Department of State, "Country Reports- 2008: Suriname," section 5.

<sup>3551</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>3552</sup> U.S. Department of State, *U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Projects*, February 26, 2008; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>. See also U.S. Department of State, "Country Reports- 2008: Suriname," section 5.

<sup>3553</sup> U.S. Embassy- Paramaribo, *reporting*, March 19, 2009.

<sup>3554</sup> Brazilian Ministry of Tourism, *Equador Assume Direção de Grupo Latino-Americano para a Proteção Infante-Juvenil*, November 26, 2008; available from [http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Equador\\_assume\\_direcao\\_de\\_grupo\\_latino-americano\\_para\\_protacao\\_infanto-juvenil.html](http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Equador_assume_direcao_de_grupo_latino-americano_para_protacao_infanto-juvenil.html). See also Ecuadorean Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, [online] 2008 [cited January 26, 2009]; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

## Swaziland

### Incidence and Nature of Child Labor

Children in Swaziland work in agriculture, herding, and domestic service.<sup>3555</sup> In the agriculture sector, children are employed to pick cotton and harvest sugarcane.<sup>3556</sup> Children also work in street vending and as bus and taxi conductors, porters, and car washers.<sup>3557</sup> Children are also reportedly employed in textile factories.

Children are reportedly used by adults to steal from homes and sell drugs.<sup>3558</sup> Some children also engage commercial sexual exploitation and distribute alcohol in liquor outlets.<sup>3559</sup>

Swaziland is a possible source, destination, and transit country for child trafficking.<sup>3560</sup> Anecdotal evidence indicates that Swazi girls are trafficked to South Africa and Mozambique for domestic



service and commercial sexual exploitation.<sup>3561</sup> Swazi children are reportedly trafficked within Swaziland for domestic service and farm work.<sup>3562</sup>

work between 6 p.m. and 7 a.m., unless the young person is engaged in an apprenticeship or vocational training activity approved by the Minister of Labor and the Labor Advisory Board. If such approval is obtained, the young person is entitled to 13 consecutive hours of rest between shifts.<sup>3568</sup> The Department of Labor within the Ministry of Enterprise and Employment is responsible for enforcing child labor laws; however, according to USDOS its effectiveness is limited by shortages of personnel and resources.<sup>3569</sup> In 2008, the Government did not conduct any child labor investigations.<sup>3570</sup>

Forced and bonded labor is prohibited.<sup>3571</sup> Children are protected by law from commercial sexual exploitation including child pornography.<sup>3572</sup> Although there is no law specifically prohibiting trafficking in persons, trafficking violations can be prosecuted under existing laws prohibiting kidnapping, prostitution, and forced labor.<sup>3573</sup> The minimum age for conscription and voluntary recruitment is 18 years.<sup>3574</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Swaziland participated in a regional project funded by USDOL and implemented by the American Institutes for Research. This 4-year, USD 9 million project improved the quality and access to education for children who were working in, or were at risk of working in, the worst forms of child labor in five countries, including Swaziland.<sup>3575</sup> Over its lifetime, the project withdrew 2,388 children and prevented 8,739 children from engaging in exploitive labor in five countries, including Swaziland.<sup>3576</sup> The Government also participated in another regional project funded by USDOL and implemented by ILO-IPEC. This 4-year USD 5 million project drafted national child labor plans of action and conducted targeted research on the worst forms of child labor in five countries, including Swaziland.<sup>3577</sup>

<sup>3555</sup> U.S. Department of State, "Swaziland," in *Country Reports on Human Rights Practices- 2009*

### **Selected Statistics and Indicators on Child Labor<sup>3563</sup>**

Population, children, 10-14 years, 2000:	282,227
Working children, 10-14 years (%), 2000:	9.6
Working boys, 10-14 years (%), 2000:	9.6
Working girls, 10-14 years (%), 2000:	9.6
Working children by sector, 10-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	12
Free public education:	No
Gross primary enrollment rate (%), 2005:	106.0
Net primary enrollment rate (%), 2005:	78.0
School attendance, children 10-14 years (%), 2000:	74.3
Survival rate to grade 5 (%), 2004:	84.0
ILO Convention 138:	10/23/2002
ILO Convention 182:	10/23/2002
CRC:	9/7/1995
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Associated

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment in an industrial undertaking in Swaziland at 15 years.<sup>3564</sup> Children under 15 years may work in industrial enterprises where family members are employed or in technical schools under supervision.<sup>3565</sup> The law distinguishes between a "child"—under 15 years—and a "young person"—between 15 and 18 years.<sup>3566</sup> Children and young persons are prohibited from working in mines, quarries, or underground, in premises that sell alcohol for consumption on site, or in any sector that is dangerous to their safety, health, or moral development.<sup>3567</sup> Children are prohibited from working during school hours and more than 4 continuous hours, 6 hours per day or 33 hours per week. Children and young persons may not

Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119027.htm>.

<sup>3556</sup> U.S. Embassy- Mbabane, *reporting, January 20, 2009*, para E.

<sup>3557</sup> U.S. Department of State, "Country Reports- 2008: Swaziland," section 6d. See also ILO-IPEC, *Implementation plan of the programme Towards the Elimination of worst forms of Child Labour (TECL) in Swaziland 2004-2007 (TECL Paper 12)*, Geneva, March 2006, 5-6; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4287>.

<sup>3558</sup> ILO-IPEC, *TECL Implementation Plan - Swaziland*, 6-7.

<sup>3559</sup> Miriam and Keregero Keregero, *TECL Paper No. 45: Commercial sexual exploitation of children in Swaziland*, Rapid Assessment, Geneva, 2006, 9; available from <http://www.child-labour.org.za/blns-countries/swaziland/documents-and-laws/research-reports/insights-into-children-subject-to-commercial-sexual-exploitation/>. See also ILO-IPEC, *TECL Implementation Plan - Swaziland*, 7. See also U.S. Department of State, "Country Reports- 2008: Swaziland," section 5.

<sup>3560</sup> U.S. Department of State, "Swaziland (Special Case)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105660.pdf>.

<sup>3561</sup> U.S. Department of State, "Swaziland (Special Case)," in *Trafficking in Persons Report- 2008*, Washington, DC, 2008; available from <http://www.state.gov/documents/organization/105660.pdf>. See also U.S. Department of State, "Swaziland," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100507.htm>.

<sup>3562</sup> ILO-IPEC, *TECL Implementation Plan - Swaziland*, 7.

<sup>3563</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Embassy- Mbabane, *reporting, January 20, 2009*, para A. For age to which education is compulsory, see UNESCO Institute for Statistics, *Ending Age of Compulsory Education - Swaziland 2005*; available from <http://stats.uis.unesco.org/TableViewer/tableView.aspx>. For free public education, see U.S. Embassy- Mbabane, *reporting, January 20, 2009*, para D.

<sup>3564</sup> U.S. Department of State, "Country Reports- 2008: Swaziland," section 6d. See also International

Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in the Five Countries of the Southern Africa Customs Union*, Geneva, April 2003, 13; available from <http://www.icftu.org/www/pdf/sacucls2003.pdf>. See also Government of Swaziland, *King and Parliament of Swaziland: The Employment Act*, (1980); available from [http://www.doingbusiness.org/Documents/LawLibrary/Swaziland-Employment-Act-1980-\(Excerpts\).pdf](http://www.doingbusiness.org/Documents/LawLibrary/Swaziland-Employment-Act-1980-(Excerpts).pdf).

<sup>3565</sup> Government of Swaziland, *Employment Act* article 97(1).

<sup>3566</sup> Debbie Budlender Dawie Bosch, and Nomthetho Simelane, , *Scoping Report on Child Labour in Swaziland*, Geneva, August 2003, 9. See also U.S. Embassy- Mbabane, *reporting, January 20, 2009*, para A.

<sup>3567</sup> Government of Swaziland, *Employment Act* article 98(3). See also Dawie Bosch, *Scoping Report Swaziland*, 9.

<sup>3568</sup> Government of Swaziland, *Employment Act* articles 97(2), 98(1), 98(2).

<sup>3569</sup> U.S. Department of State, "Country Reports- 2008: Swaziland," section 6d. See also U.S. Embassy- Mbabane, *reporting, January 20, 2009*, para b.

<sup>3570</sup> U.S. Embassy- Mbabane, *reporting, January 20, 2009*, para b.

<sup>3571</sup> U.S. Department of State, "Country Reports- 2007: Swaziland," section 6c.

<sup>3572</sup> Dawie Bosch, *Scoping Report Swaziland*, 11. See also U.S. Department of State, "Country Reports- 2007: Swaziland," section 5.

<sup>3573</sup> U.S. Department of State, "Country Reports- 2007: Swaziland," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Swaziland."

<sup>3574</sup> Coalition to Stop the Use of Child Soldiers, *"Swaziland" In Child Solidiers Global Report 2008*, London, 2008; available from [http://www.child-soldiers.org/library/global-reports?root\\_id=159&directory\\_id=216](http://www.child-soldiers.org/library/global-reports?root_id=159&directory_id=216).

<sup>3575</sup> American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA), Project Document*, Washington DC, September 8, 2005, 1, 31-33.

<sup>3576</sup> American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA), Final Technical Progress Report*, Washington, December 8, 2008, 20.

<sup>3577</sup> ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Project Document, Geneva, September 15, 2003, 1. See also ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Final Technical Progress Report, Geneva, September, 2008, 1-4.

# Tanzania

<i>Selected Statistics and Indicators on Child Labor</i> <sup>3578</sup>	
Population, children, 5-14 years, 2001:	9,829,325
Working children, 5-14 years (%), 2001:	35.4
Working boys, 5-14 years (%), 2001:	36.2
Working girls, 5-14 years (%), 2001:	34.5
Working children by sector, 5-14 years (%), 2001:	
- Agriculture	77.4
- Manufacturing	0.1
- Services	22.4
- Other	0.1
Minimum age for work:	14
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	110.3
Net primary enrollment rate (%), 2006:	97.8
School attendance, children 5-14 years (%), 2000:	57.0
Survival rate to grade 5 (%), 2006:	87.2
ILO Convention 138:	12/16/1998
ILO Convention 182:	9/12/2001
CRC:	6/10/1991
CRCOPAC:	11/11/2004**
CRCOPSC:	4/24/2003**
Palermo:	5/24/2006
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

\*\*Accession

## Incidence and Nature of Child Labor

The United Republic of Tanzania comprises a union between mainland Tanzania and the semi-autonomous archipelago of Zanzibar. In rural areas of mainland Tanzania, children work in small-scale agriculture on clove, coffee, sisal, sugarcane, tea, and tobacco farms.<sup>3579</sup> Some children also work in mines and quarries, including tanzanite and gold mines.<sup>3580</sup> Girls who live around mines also sell food and haul food supplies, water, and rocks.<sup>3581</sup> Boys, known as “snake boys,” run errands in unregulated mines, which include gathering stones by crawling through narrow tunnels in the mines.<sup>3582</sup>

Children work in the informal sector in stone-crushing, food processing, brick making, tailoring, basket making, preparing fish, or scavenging for items to sell such as plastic, metal, and bottles.<sup>3583</sup> Other children work as barmaids, street vendors, and auto mechanics.<sup>3584</sup> Children work as domestics, known as “house girls,” in third-party homes. After fleeing abusive employers, some are exploited in prostitution.<sup>3585</sup>

On Zanzibar, children work in agriculture, fishing, markets, and hotels.<sup>3586</sup> Zanzibari children also work in the tourism industry, petty trading, seaweed farming, clove picking, and domestic service, and are involved in commercial sexual exploitation near tourist locations.<sup>3587</sup> The commercial sexual exploitation of children is also a problem in mainland Tanzania.<sup>3588</sup>

Children in Tanzania are trafficked internally; boys are trafficked for exploitive labor in agriculture, mines, and fishing, and girls are trafficked from rural to urban areas for forced domestic service and commercial sexual exploitation.<sup>3589</sup> A limited number of Tanzanian girls are reportedly trafficked to the Middle East and Europe for sexual exploitation and forced domestic service.<sup>3590</sup>

## Child Labor Laws and Enforcement

The labor laws of mainland Tanzania and Zanzibar provide for the protection of children from exploitation in the workplace, and prohibit forced or compulsory labor.<sup>3591</sup> Mainland Tanzanian laws prohibit the employment of children under 14 years except for light work that is not likely to harm the child’s health and development, and that does not limit the child’s attendance at school. The law also prohibits children under 18 years from working in mines, factories, ships, or other worksites that the Minister of Labor deems to be hazardous.<sup>3592</sup> The Government of Tanzania maintains a list of the worst forms of child labor.<sup>3593</sup>

The labor law of mainland Tanzania establishes a criminal punishment for anyone using illegal

child labor or forced labor. Violators can be penalized by a fine, 1 year of imprisonment, or both.<sup>3594</sup>

Zanzibar is governed by its own labor laws.<sup>3595</sup> In Zanzibar, the minimum age for employment is 18 years.<sup>3596</sup> Zanzibari law provides for the following two categories of child labor offenses: (a) ordinary practices for child labor, and (b) worst forms of child labor. Penalties for these offenses are similar to mainland Tanzania's; the penalty for category (a) offenses is a fine or imprisonment for up to 6 months; while penalties for category (b) offenses include a fine, imprisonment for a minimum of 1 year, or both.<sup>3597</sup>

Tanzanian law also prohibits the military recruitment of children under 18 years, though children may volunteer with parental consent.<sup>3598</sup> The law also prohibits the procuring of a child less than 18 years for indecent exhibition or for sexual intercourse, either inside or outside the country.<sup>3599</sup>

The Anti-Trafficking in Persons Law became effective in February 2009, and formally criminalized trafficking in persons in both mainland Tanzania and Zanzibar. Trafficking in children is a form of "severe trafficking in persons" and punishable by a fine and 10 to 20 years' imprisonment.<sup>3600</sup> The procurement, promotion or facilitation of trafficking is punishable by a fine and 1 to 7 years' imprisonment.<sup>3601</sup>

The Ministry of Labor carries the primary responsibility of enforcing mainland Tanzania's labor laws. USDOS reports child labor cases were brought to court in 2008, but that effective enforcement is impacted by the insufficient number, low pay, and high turnover of labor officers.<sup>3602</sup> The police Interpol Office of Transnational Crimes incorporates a former anti-human trafficking unit, which received additional funding and training in order to effectively investigate cases of trafficking, including child trafficking.<sup>3603</sup> Zanzibar has its own Ministry of Labor, which is responsible for enforcing the island's child labor laws.<sup>3604</sup>

## **Current Government Efforts to Eliminate the Worst Forms of Child Labor**

Tanzania's National Strategy for Growth and Reduction of Poverty (NSGRP) 2005-2010 includes specific references to the reduction of the worst forms of child labor. The NSGRP commits the Government to reducing the percentage of children engaged in child labor to less than 10 percent by 2010 and linking former child laborers with a range of educational alternatives.<sup>3605</sup> It also aims to increase the rates of primary school enrollment, attendance, and completion for child laborers, as well as orphans and other vulnerable children.<sup>3606</sup>

At the district and community level, child labor committees identify and monitor children engaged in exploitive child labor.<sup>3607</sup> The Dar Es Salaam Police Department has a special officer dedicated to identifying children involved in child labor and referring them to education and healthcare assistance provided by a local NGO.<sup>3608</sup>

The Government of Tanzania is participating in a USDOL-funded, USD 5.09 million Child Labor Education Initiative project, TEACH, implemented by Winrock International. This 4-year project aims to withdraw 5,145 children and prevent 5,270 children from exploitive child labor through the provision of educational services.<sup>3609</sup> The Government also works with ILO-IPEC to implement its Timebound Program, supported by a USD 4.87 million, 4-year, USDOL-funded project to continue efforts to eliminate the worst forms of child labor in commercial agriculture, domestic service, mining, fishing, and prostitution in mainland Tanzania by 2010. The project ends in December 2009 and targets 10,250 children for withdrawal and 11,750 children for prevention in Mainland Tanzania and Zanzibar.<sup>3610</sup>

The Government of Tanzania partners with ILO-IPEC on the implementation of additional child labor and education projects including a 2-year, USD 428,040 inter-regional project to combat child labor and youth employment, funded by the Government of Sweden, and a 4-year, USD 1.44 million project to combat child labor in tobacco farming in the Urambo district, funded by the

Foundation for the Elimination of Child Labor in the Tobacco Industry.<sup>3611</sup>

The Ministry of Education and Vocational Training operates learning centers initially established by Education Development Center through a USDOL-funded project, providing radio-based curriculum and awareness raising activities.<sup>3612</sup>

The Government collaborated with IOM in a campaign to train law enforcement officials, NGOs, and community leaders on all aspects of child trafficking and child labor.<sup>3613</sup> Police officers, immigration officials, and prosecutors were trained by USDOJ on anti-trafficking measures. The Government established an anti-trafficking fund, which is used to trace families of victims of human trafficking, including young girls lured to foreign countries with promises of employment that end up in commercial sexual exploitation.<sup>3614</sup>

The Government of Tanzania continues to participate in the 2-year, USD 460,000 regional anti-trafficking technical assistance project implemented by the UNODC's Regional Office for Eastern Africa and funded by Norway and Sweden. The project aims to bolster coordination among the 11 EAPCCO countries through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa, and harmonize national legislation with the Palermo Protocol.<sup>3615</sup>

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<sup>3578</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see The National Network of Organizations Working with Children (NNOC), *The Non-Government Organisations' Report on the Implementation of the United Nations Convention on the Rights of the Child in Tanzania*, December 2005, 46. See also Government of Tanzania, *Employment and Labour Relations Act, 2004*, (December 2006), article 5; available from <http://www.parliament.go.tz/Polis/PAMS/Docs/6-2004.pdf>. For age to which education is compulsory and free public education, see U.S. Department of State, "Tanzania," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119028.htm>.

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<sup>3579</sup> U.S. Embassy- Dar es Salaam, *reporting*, January 30, 2009, para. 2. 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.

<sup>3580</sup> David Frank, "Good Hope rescues over 3500 children from dangerous labour", *Arusha Times Weekly* [online] April 1-8, 2005 [cited April 17, 2009]; available from [http://www.arushatimes.co.tz/2005/12/front\\_page\\_2.htm](http://www.arushatimes.co.tz/2005/12/front_page_2.htm). See also Integrated Regional Information Networks, "Tanzania: Gem slaves: Tanzanite's child labour", *IRINnews.org* [online] September 6, 2006 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=61004>. See also Wilson Mutagwaba, Rosemarie Mwaipopo, David Nyage, and Eleanor Fisher, *Increasing the Contribution of Artisanal and Small-Scale Mining to Poverty Reduction in Tanzania: Based on an Analysis of Mining Livelihoods in Misungwi and Geita Districts, Mwanza Region*, Department for International Development (UK), October 2004, 77.

<sup>3581</sup> ILO-IPEC, *Girls in mining: Research finding from Ghana, Niger, Peru and the United Republic of Tanzania*, 2007, sections 2.1.3 and 2.3.1; available from <http://www.ilo.org/dyn/gender/docs/RES/539/F181278003/Girls%20in%20Mining.pdf>.

<sup>3582</sup> Rebecca Wood, "Artisanal mining: A family affair," *Materials World* 13, no. 4 (April 2005), 33. See also U.S. Embassy- Dar es Salaam, *reporting*, July 8, 2008, para 2. See also U.S. Embassy- Dar es Salaam official, E-mail communication to USDOL official, June 24, 2009.

<sup>3583</sup> Government of Tanzania, *Hazardous Child Labour in Tanzania*, Child Labour Unit, Dar es Salaam, 22-24.

<sup>3584</sup> International Confederation of Free Trade Unions (ICFTU), *Internationally Recognized Core Labour Standards in Tanzania: Report for the WTO General Council Review of the Trade Policies of Tanzania*, Geneva, October 25 and 27, 2006, 7; available from [www.icftu.org/www/pdf/corelabourstandards2006tanzania.pdf](http://www.icftu.org/www/pdf/corelabourstandards2006tanzania.pdf). See also UN Committee on the Rights of the Child, *Summary Record of the 1363rd Meeting: Consideration of Reports Submitted by States Parties (continued)*, CRC/C/SR.1363, October 21, 2008, para. 66; available from [http://www.bayefsky.com/summary/tanzania\\_crc\\_c\\_sr1363\\_2008.pdf](http://www.bayefsky.com/summary/tanzania_crc_c_sr1363_2008.pdf).

<sup>3585</sup> U.S. Department of State, "Tanzania (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105659.pdf>. See also U.S. Embassy- Dar es Salaam, *reporting*, January 30, 2009, para. 1. See also Integrated Regional Information Networks, "Tanzania: Focus on child labour", *IRINnews.org* [online] August 13, 2003 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=45464>.

<sup>3586</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para 3. See also ILO-IPEC, *Time-Bound Programme, Project Document, September 2005*, 3. See also Integrated Regional Information Networks, "Tanzania: Thousands missing school to work, official says", IRINnews.org [online] June 26, 2006 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=59443>.

<sup>3587</sup> U.S. Department of State, "Country Reports- 2008: Tanzania," section 6d. See also The National Network of Organizations Working with Children (NNOC), *The Non-Government Organisations' Report on the Implementation of the United Nations Convention on the Rights of the Child in Tanzania*, 47. See also ILO-IPEC, *Time-Bound Programme, Project Document, September 2005*, 3.

<sup>3588</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) United Republic of Tanzania (ratification: 2001)*, [online] 2007 [cited February 13, 2009]; available from [http://www.oit.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=2876&chapter=16&query=\(Tanzania-Tanganyika\)%40ref%2BRequest%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0](http://www.oit.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=2876&chapter=16&query=(Tanzania-Tanganyika)%40ref%2BRequest%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0). 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: United Republic of Tanzania, CRC/C/TZA/CO/2*, June 21, 2006; available from <http://tb.ohchr.org/default.aspx?country=tz>. See also Integrated Regional Information Networks, "Focus on child labour".

<sup>3589</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para. 3. See also U.S. Department of State, "Country Reports- 2008: Tanzania," section 5. See also Integrated Regional Information Networks, "Tanzania: Human Trafficking 'significant', but US commends government for efforts", IRINnews.org [online] June 13, 2003 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=44303>.

<sup>3590</sup> U.S. Embassy- Dar es Salaam official, E-mail communication, June 24, 2009. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Tanzania."

<sup>3591</sup> Government of Tanzania, *The Constitution of the United Republic of Tanzania*, (1977), article 25(2); available from <http://www.nec.go.tz/publications/constitution.pdf>. See also Government of Tanzania, *Employment and Labour Relations Act*, article 6.

<sup>3592</sup> Government of Tanzania, *Employment and Labour Relations Act*, part 2, article 5. See also ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) United Republic of Tanzania (ratification: 1998)*, [online] 2008 [cited February 2,

2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21645&chapter=9&query=Tanzania%40ref&highlight=&querytype=bool&context=0>.

<sup>3593</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para 7.

<sup>3594</sup> Government of Tanzania, *Employment and Labour Relations Act*, article 102.

<sup>3595</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para 10. See also ILO-IPEC, *Project of Support to the National Time Bound Programme of Tanzania on the Elimination of the Worst Forms of Child Labour: Guidebook for District Child Labour Committees and Community Child Labour Committees*, March 2008, 20-21.

<sup>3596</sup> ILO-IPEC, *Time Bound Programme: Guidebook*, 21.

<sup>3597</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para 10.

<sup>3598</sup> Coalition to Stop the Use of Child Soldiers, "Tanzania," in *Child Soldiers Global Report 2008*, London, 2008, 331; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3599</sup> Government of Tanzania, *Sexual Offences Special Provisions Act*, (July 1998), section 12; available from <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&skip=0&coi=TZA&x=15&y=16>. See also Interpol, *National Laws: Legislation of Interpol member states on sexual offences against children*, [online] 2006 [cited January 2, 2009]; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/default.asp>.

<sup>3600</sup> Government of Tanzania, *The Anti-Trafficking in Persons Act*, (June 6, 2008), article 6.

<sup>3601</sup> *Ibid.*, article 5.

<sup>3602</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para. 9.

<sup>3603</sup> U.S. Embassy- Dar es Salaam official, E-mail communication, June 24, 2009.

<sup>3604</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para. 4.

<sup>3605</sup> The United Republic of Tanzania, *National Strategy for Growth and Reduction of Poverty (NSGRP)*, Dar es Salaam, June 2005, 14 and 27; available from [http://siteresources.worldbank.org/INTPRS1/Resource6/TanzaniaPRSP\(June-2005\).pdf](http://siteresources.worldbank.org/INTPRS1/Resource6/TanzaniaPRSP(June-2005).pdf).

<sup>3606</sup> *Ibid.*

<sup>3607</sup> ILO-IPEC, *Support for the Time-Bound Programme on the Worst Forms of Child Labour*, Technical Progress Report, September 2008, section II.B.

<sup>3608</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para 4.

<sup>3609</sup> Winrock International, *Teaching Education Alternatives for Children (TEACH)*, Project Document, September 2006, 1, 7, 27.

<sup>3610</sup> ILO-IPEC, *Time-Bound Programme, Project Document, September 2005*, cover page, ix.

<sup>3611</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>3612</sup> Winrock International, *Teaching Education Alternatives for Children (TEACH)*, Technical Progress Report, September 2007, 31. See also USDOL, *Trip Report of Site Visit by U.S. Department of Labor Officials to Tanzania and Angola: September 15-26*, Washington, DC, October 2008, 11.

<sup>3613</sup> U.S. Embassy- Dar es Salaam, *reporting, January 30, 2009*, para 13.

<sup>3614</sup> Ibid.

<sup>3615</sup> UNODC, *Ongoing Projects in Eastern Africa*, [online] December 16, 2008 [cited February 9, 2009]; available from <http://www.unodc.org/easternafrika/en/about-unodc-eastern-africa/ongoing-projects.html>. See also UNODC official, E-mail communication to USDOL official, April 2, 2009. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008.

## Thailand

### *Selected Statistics and Indicators on Child Labor*<sup>3616</sup>

Population, children, 5-14 years, 2005-2006:	9,990,624
Working children, 5-14 years (%), 2005-2006:	13.0
Working boys, 5-14 years (%), 2005-2006:	13.5
Working girls, 5-14 years (%), 2005-2006:	12.6
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	106.0
Net primary enrollment rate (%), 2006:	93.9
School attendance, children 5-14 years (%), 2005:	96.3
Survival rate to grade 5 (%):	-
ILO Convention 138:	05/11/04
ILO Convention 182:	02/16/01
CRC:	05/27/92**
CRCOPAC:	02/27/06**
CRCOPSC:	01/11/06**
Palermo:	No
ILO-IPEC participating country:	Yes

\*\*In practice, must pay for various school expenses

\*\*Accession

### Incidence and Nature of Child Labor

Native Thai and migrant children in rural Thailand work primarily in family-based agriculture, producing crops such as sugarcane, rice, cassava, corn, rubber, and oranges, and harvesting seeds.<sup>3617</sup> In urban areas, children work in the service sector in gas stations, entertainment venues, markets, and restaurants.<sup>3618</sup> Children also work in domestic service, street vending, and in the construction, manufacturing, knitting, garment, fishery, fishery-related, shrimp, and seafood sectors.<sup>3619</sup> Large numbers of street children are present in urban centers and many of them engage in begging.<sup>3620</sup> Children are exploited in prostitution and pornography.<sup>3621</sup>

Thailand is a source, transit, and destination country for trafficking in children, for both labor and commercial sexual exploitation, including through sex tourism.<sup>3622</sup> Boys and girls are trafficked from Burma, Cambodia, China, Laos, and Vietnam to Thailand for commercial sexual exploitation and forced begging.<sup>3623</sup> The Office of the National Commission of Women's Affairs estimated that there are between 22,500 and 40,000 Thai nationals below age 18 engaged in prostitution, representing 15-20 percent of the total prostitute population in Thailand.<sup>3624</sup> Children also migrate or are trafficked into Thailand and are subsequently subjected to forced labor in agriculture, construction, garment factories, commercial fisheries (including shrimp), deep-sea fishing, and domestic service in private

households.<sup>3625</sup> Thai children are trafficked abroad for commercial sexual exploitation.<sup>3626</sup> Internal trafficking of children occurs and members of northern Thailand's ethnic hill tribes are particularly vulnerable.<sup>3627</sup> There are also reports of children being used illegally by separatist groups in southern Thailand to carry out attacks.<sup>3628</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years. Employers are required to notify labor inspectors if children under the age of 18 are hired.<sup>3629</sup> The law prohibits employers from requiring children younger than 18 years of age to work between 10 p.m. and 6 a.m. without the written permission of the Director-General of the Labor Protection and Welfare Department, or a person assigned by the Director-General.<sup>3630</sup> Children under age 18 may not be employed in hazardous work, which includes any work involving hazardous chemicals, poisonous materials, radiation, harmful temperatures or noise levels, or manipulation of metals; exposure to toxic micro-organisms; the operation of heavy equipment; work underground or underwater; work in places where alcohol is sold; in hotels; or in massage parlors. The maximum penalty for violation of these prohibitions is one year of imprisonment.<sup>3631</sup> These prohibitions do not apply to the agricultural and informal sectors.<sup>3632</sup> However, the Ministry of Labor has issued regulations to increase protections for child workers carrying out home-based work and children working in agriculture.<sup>3633</sup>

The law guarantees the rights of all children to be protected by the State against violence and unfair treatment. Violations, such as forcing children to become beggars, to work in dangerous conditions, or to perform obscene acts, all carry penalties of 3 months imprisonment and or a fine.<sup>3634</sup> The law prohibits forced labor except in cases of averting public calamity, war, martial law, or states of emergency.<sup>3635</sup> In addition, migrant laborers are covered under Thailand's labor protection laws.<sup>3636</sup> The minimum voluntary age for military recruitment is 18 years, while the age for compulsory recruitment is 20 years.<sup>3637</sup>

The law prohibits all forms of prostitution and provides specific penalties for cases involving children.<sup>3638</sup> Fines and terms of imprisonment under the law are based on the age of the child involved, with more severe terms established for prostitution involving children age 15 years and younger. For example, prostitution of children ages 16 to 18 years is subject to jail terms of up to 15 years, while the range of penalties nearly doubles for those pimping and patronizing children younger than 16.<sup>3639</sup> The law also establishes that government officials who compel others to engage in commercial sexual exploitation face penalties of 15 to 20 years of imprisonment.<sup>3640</sup>

The Government of Thailand has bilateral MOUs with Laos, Cambodia, and Vietnam on cooperation to combat trafficking.<sup>3641</sup> In June 2008, Thailand's Anti-Trafficking in Persons Act came into force, which repealed the 1997 anti-trafficking law.<sup>3642</sup> The new Act defines trafficking and indicates various degrees of penalties, in terms of imprisonment time and fines, dependent on the victim's age and the type of trafficking.<sup>3643</sup> If the victim is 15 to 18 years old, the trafficker is subject to 6 to 12 years in prison and a fine from 120,000 to 420,000 Baht; and if the victim is below the age of 15 years, the trafficker may be sentenced to 8-15 years in prison and a fine from 160,000 to 300,000 Baht.<sup>3644</sup> If trafficking is committed by a company or agency, those responsible may be sentenced to 6 to 12 years of imprisonment and a fine from 200,000 to 1 million Baht.<sup>3645</sup> Government officials who conspire to trafficking in persons shall receive twice the penalty; and government officials who are entrusted to enact the Anti-Trafficking in Persons Act shall receive three times the penalty.<sup>3646</sup> The law allows undocumented, non-Thai trafficked victims to return to Thailand if there is evidence that the victim had established residence in Thailand. Without the written permission of the Minister of Justice, the law prohibits taking criminal action against trafficked victims for violating immigration, prostitution, and work permit laws.<sup>3647</sup>

The Ministry of Labor (MOL) is the primary agency responsible for enforcement of child labor laws and policies. As of February 2008, the MOL



had 735 labor inspectors who, as a matter of policy, were required to prioritize child labor issues.<sup>3648</sup> According to USDOS, enforcement is inadequate, and it is widely believed that there are too few investigators.<sup>3649</sup> The MOL does not track data on fines, penalties, or convictions on child labor violations.<sup>3650</sup> USDOS reported that while the MOL responded to publicized cases and/or specific complaints, it was not aggressive in prosecuting child labor violations.<sup>3651</sup> The Thai Police employ 341 police officers within the Children and Women Protection Division to handle a range of issues related to women, children, laborers and trafficking. It collects case information but does not track disaggregated data on child labor investigations.<sup>3652</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government maintains “woman and child labor assistance centers” in every province, which provide services to child laborers and trafficked children. The Government also disseminates information on child labor nationwide through outreach programs.<sup>3653</sup> Public education programs were implemented during 2008 to raise awareness, and volunteer programs were organized to train community leaders and teachers on local child labor issues.<sup>3654</sup> The Department of Public Welfare and the Department of Skill Development provide vocational training to improve children’s skills and prevent them from entering work prematurely or engaging in illegal activities. The Government operates a labor hotline to receive complaints about child labor and a child labor rescue unit for emergency cases involving physical harm or confinement of the child.<sup>3655</sup>

Thailand has a trafficking action plan for 2005-2010, the National Policy on Prevention and Resolution of Domestic and Cross-Border Trafficking in Children and Women.<sup>3656</sup> A series of MOUs, signed in 2003 and 2004 between law enforcement, domestic agencies and local NGOs provide guidelines for the treatment of trafficked

persons. As of July 2008, all of Thailand’s provincial governments had signed these MOUs.<sup>3657</sup> In accordance with the guidelines, police are trained to treat such individuals as victims of trafficking rather than as illegal immigrant workers, and victims become the responsibility of the Public Welfare Department instead of being deported. During the reporting period, the Ministry of Social Development and Human Security and the Thai Police coordinated training for 2,500 police officers and 80 government officials and NGO personnel on the new trafficking law. The Thai Government has an ongoing public awareness campaign on trafficking and a hotline for reporting suspected trafficking cases.<sup>3658</sup>

In 2008, the Government signed a bilateral anti-trafficking MOU with Vietnam, in which the parties agreed to cooperate on the investigation and prosecution of trafficking cases, as well as repatriation and victim services.<sup>3659</sup> Thailand participated in the Mekong Project to Combat Trafficking in Children, an eight-year, ILO-IPEC implemented regional project of research and practice that concluded in October 2008.<sup>3660</sup> The Ministry of Labor worked with six countries in the region and has a sub-regional advisory committee to raise awareness, train and build capacity on migration issues. Along with Burma, Cambodia, China, Indonesia, Laos, and Vietnam, Thailand is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). The members have a Sub-Regional Plan of Action for 2008-2010 that sets measurable targets and indicators of progress on national responses and intergovernmental coordination.<sup>3661</sup> The Thai Government coordinated with these six countries through government agencies, NGOs and embassies to assist foreign nationals who had been trafficked into Thailand.<sup>3662</sup> Thailand also participates in the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP), which has activities targeting children exploited through trafficking.<sup>3663</sup> Thailand was included in a USD 10.6 million ILO-IPEC Sub-Regional Project, funded by the United Kingdom and Japan through April 2008 to combat trafficking of women and children for exploitive labor in the Mekong sub-region.<sup>3664</sup>

Thailand is one of several countries in Southeast Asia participating in a U.S. Government-funded campaign by MTV to raise awareness on human trafficking.<sup>3665</sup>

Microsoft has committed over USD 240,000 to work with the Thai Government, NGOs, and the private sector to combat trafficking of women and children within Thailand through awareness raising, prevention, enforcement, and reintegration programs.<sup>3666</sup> The Ministry of Education is working with UNICEF to provide education assistance and training to girls at high risk of being trafficked.<sup>3667</sup>

The Government of Thailand is participating in a USD 3.5 million USDOL-funded project to eliminate the worst forms of child labor in agriculture, fishing, services, and domestic work, with emphasis on trafficking across sectors. The project aims to withdraw 1,670 children and prevent 3,330 children from exploitive labor in these sectors.<sup>3668</sup>

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<sup>3616</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Thailand, *Labour Protection Act*, (1998), Chapter 4; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_isn=49727](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=49727). For age to which education is compulsory, see U.S. Embassy- Bangkok, *reporting*, January 30, 2009. For free education, see Government of Thailand, National Education Act of 1999.

<sup>3617</sup> Jaranya Wongprom, Thanjak Yenbamrung, Niramom Srithongchai, Nisit Sakayapan, and Moontri Sawai, *Assessing the Situation of Selected Worst Forums of Child Labour in Udon Thani Province*, Research and Development Institute, Khon Kaen University, supported by IPEC, June 2006, 2, 21, 36-38. See also ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, Project Document, Geneva, September 30, 2006, 10-11.

<sup>3618</sup> Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand: Chiang Rai, Tak, Udon Thani, Songkla, and Pattani*, Bangkok, February 22, 2007, 13, 31. See also ILO, *Out of Work and Into School: Our Development Challenge*, Bangkok, 2006, 37. See also U.S Embassy- Bangkok, *reporting*, February 21, 2008.

<sup>3619</sup> Ptanawanit and Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of*

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*Thailand*, 13, 29, 31. See also U.S Embassy - Bangkok, *reporting*, March 8, 2008. See also U.S Embassy- Bangkok, *reporting*, February 21, 2008. See also Federation of Trade Unions-Burma (FTUB) Migrants Section, *The Mekong Challenge: Working Day and Night, The Plight of Migrant Child Workers in Mae Sot, Thailand*, ILO, Bangkok, 2006, executive summary; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/workingdayandnight-english.pdf>. See also ILO, *Out of Work and Into School: Our Development Challenge*, 37.

<sup>3620</sup> Ptanawanit and Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*, 13, 29, 31. See also UNICEF, *Begging Some Difficult Questions*, [online] April 2007 [cited December 29, 2008]; available from [http://www.unicef.org/thailand/reallives\\_6619.html](http://www.unicef.org/thailand/reallives_6619.html). 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; available from <http://www.friends-international.org/resources/FI/UNAIP-Report.pdf>. See also U.S. Department of State, "Thailand," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119058.htm>.

<sup>3621</sup> United Nations Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, March 15, 2007; available from <http://www2.ohchr.org/english/issues/children/rapporteur/annual.htm>. UNICEF, *Begging Some Difficult Questions*. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, Bangkok, 2006; available from [http://www.ecpat.net/A4A\\_2005/PDF/EAP/Global\\_Monitoring\\_Report-THAILAND.pdf](http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-THAILAND.pdf). See also U.S. Embassy-Bangkok, *reporting*, March 12, 2007.

<sup>3622</sup> U.S Embassy-Bangkok, *reporting*, March 12, 2007. See also U.S. Department of State, *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also ECPAT International, *Global Monitoring Report on CSEC*, 11-12. See also United Nations Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, 53.

<sup>3623</sup> U.S. Department of State, "Country Reports- 2008: Thailand." See also ECPAT International, *Global Monitoring Report on CSEC*, 12.

<sup>3624</sup> ILO, CEACR: *Individual Observation Concerning Worst forms of Child Labour Convention, 1999 (No. 182) Thailand (ratification: 2001)*, 2008, article 6; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1516&chapt>

er=3&query=Thailand%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0.

<sup>3625</sup> U.S. Embassy - Bangkok, *reporting*, March 8, 2008. See also U.S. Embassy- Bangkok, *reporting*, August 30, 2005. See also United Nations Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, 53. See also ILO, *The Mekong Challenge: Underpaid, Overworked and Overlooked- The Realities of Young Migrant Workers in Thailand*, Bangkok, 2006. See also Federation of Trade Unions-Burma Migrants Section, *The Mekong Challenge: Working Day and Night, The Plight of Migrant Child Workers in Mae Sot, Thailand*, ILO, Bangkok, 2006; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/workingdayandnight-english.pdf>.

<sup>3626</sup> ECPAT International, *Global Monitoring Report on CSEC*. See also ECPAT International CSEC Database, *Thailand*, accessed February 11, 2009; available from [http://www.ecpat.net/EI/Csec\\_onlineDatabase.asp](http://www.ecpat.net/EI/Csec_onlineDatabase.asp).

<sup>3627</sup> U.S. Department of State, *Trafficking in Persons Report- 2008: Thailand*. See also ECPAT International, *Global Monitoring Report on CSEC*, 12. See also U.S. Embassy - Bangkok, *reporting*, March 8, 2008.

<sup>3628</sup> Child Rights Information Network, "Thailand: Training of 'child soldiers' condemned", Crinmail 952, [online], January 29, 2008 [cited February 10, 2009]; available from [http://www.crin.org/email/crinmail\\_detail.asp?crinmailID=2583](http://www.crin.org/email/crinmail_detail.asp?crinmailID=2583). See also U.S. Department of State, "Country Reports- 2008: Thailand."

<sup>3629</sup> Government of Thailand, *Labour Protection Act* chapter 4, sections 44, 45.

<sup>3630</sup> *Ibid.*, section 47.

<sup>3631</sup> *Ibid.*, sections 49-50, 148.

<sup>3632</sup> *Ibid.*, section 22. See also ILO NATLEX National Labor Law Database, *Ministerial Regulation No. 9 issued under the Labour Protection Act*, accessed April 15, 2009; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_isn=53169](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=53169).

<sup>3633</sup> U.S. Embassy- Bangkok, *reporting*, January 30, 2009. See also David Taijgman, *Extending Labour Law to All Workers: Promoting Decent Work in the Informal Economy in Cambodia, Thailand and Mongolia*, ILO, Bangkok, January 1, 2006; available from [http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS\\_BK\\_PB\\_129\\_EN/index.htm](http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_BK_PB_129_EN/index.htm). See also ILO, *Minister Opens Discussions on Extending Protection to Millions of Informal Economy Workers*, [online] June 30, 2005 [cited February 11, 2009]; available from [http://www.ilo.org/asia/info/public/pr/lang--en/WCMS\\_BK\\_PR\\_135\\_EN/index.htm](http://www.ilo.org/asia/info/public/pr/lang--en/WCMS_BK_PR_135_EN/index.htm).

<sup>3634</sup> Government of Thailand, *Child Protection Act* (2003), articles 14, 26, 78. See also U.S. Embassy-Bangkok,

*reporting*, March 2, 2005. ILO-IPEC, *Support for National Action to Combat Child Labor, Project Document*, 17.

<sup>3635</sup> Government of Thailand, *Constitution*, (2007), section 38. See also Government of Thailand, *Prevention and Suppression of Prostitution Act* B.E. 2539 (1996), section 12; available from <http://natlex.ilo.org/txt/E96THA01.htm>.

<sup>3636</sup> Government of Thailand, *Thailand's Recent Development on Prevention Against the Worst Forms of Child Labor*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, January 23, 2009.

<sup>3637</sup> Coalition to Stop the Use of Child Soldiers, "Thailand," in *Child Soldiers Global Report 2004*, London, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=880](http://www.child-soldiers.org/document_get.php?id=880).

<sup>3638</sup> Government of Thailand, *Prevention and Suppression of Prostitution Act*. See also U.S. Embassy - Bangkok, *reporting*, March 8, 2008.

<sup>3639</sup> Government of Thailand, *Prevention and Suppression of Trafficking in Women and Children Act*, B.E. 2540, (1997), sections 8-12.

<sup>3640</sup> Government of Thailand, *Prevention and Suppression of Prostitution Act*, section 8-12.

<sup>3641</sup> ILO, *GMS Bilateral Memoranda of Understanding*, [2009 [cited February 11, 2009].

<sup>3642</sup> U.S. Embassy- Bangkok official, Email communication to USDOL official, June 26, 2009.

<sup>3643</sup> Government of Thailand, *Anti-Trafficking in Persons Act*, (June, 2008), chapter 6, sections 52 and 53; available from [http://www.no-trafficking.org/content/Laws\\_Agreement/laws\\_agreement\\_pdf/alien%20work%20act%20b.e.%202551%20\(eng.\).pdf](http://www.no-trafficking.org/content/Laws_Agreement/laws_agreement_pdf/alien%20work%20act%20b.e.%202551%20(eng.).pdf).

<sup>3644</sup> *Ibid.*, chapter 6, section 52.

<sup>3645</sup> *Ibid.*, chapter 6, section 53.

<sup>3646</sup> *Ibid.*, chapter 1, section 13.

<sup>3647</sup> *Ibid.*, chapter 4, sections 39, 41.

<sup>3648</sup> U.S. Embassy- Bangkok, *reporting*, January 30 2009, question 12.

<sup>3649</sup> *Ibid.*, question 10.

<sup>3650</sup> *Ibid.*, question 14.

<sup>3651</sup> U.S. Department of State, "Country Reports- 2008: Thailand," section 6d.

<sup>3652</sup> U.S. Embassy- Bangkok, *reporting*, January 30, 2009, question 11.

<sup>3653</sup> U.S. Embassy- Bangkok, *reporting*, August 30, 2005. See also Government of Thailand, *Child Labor Review in the Production of Certain GSP-Eligible Hand-loomed or Hand-hook Carpet Lines*, submitted in response to Office of the United States Trade Representative Federal Register Notice (January 18, 2008) "Generalized System of Preferences (GSP): Notice Regarding the Initiation of Child Labor Review in the Production of Certain

GSP-Eligible Hand-Loomed or Hand-Hooked Carpets", Washington, DC, March 13, 2008.

<sup>3654</sup> U.S. Embassy- Bangkok, *reporting, January 30, 2009*, question 17.

<sup>3655</sup> Ibid. See also U.S Embassy-Bangkok, *reporting, March 12, 2007*. See also Government of Thailand, *Child Labor Review in the Production of Certain GSP-Eligible Hand-loomed or Hand-hook Carpet Lines*.

<sup>3656</sup> Government of Thailand, *Thailand's Efforts in the Prevention and Suppression of Trafficking in Persons*, Washington, DC, March 11, 2008.

<sup>3657</sup> U.S. Embassy- Bangkok, *reporting, January 30, 2009*, question 16.

<sup>3658</sup> U.S. Department of State, *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from

<http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Embassy--Bangkok, *reporting, March 12, 2007*.

<sup>3659</sup> Government of Thailand, *Thailand's Efforts in the Prevention and Suppression of Trafficking in Persons*.

<sup>3660</sup> ILO, *Preventing Human Trafficking in the GMS: The ILO Mekong Sub-regional Project to Combat Trafficking in Women and Children*, [cited April 16, 2009]; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm>.

<sup>3661</sup> UNIAP, *About UNIAP*, [online] [cited April 9, 2009]; available from [http://www.no-trafficking.org/content/About\\_UNIAP/about\\_uniap.htm](http://www.no-trafficking.org/content/About_UNIAP/about_uniap.htm).

<sup>3662</sup> ILO, *CEACR: Individual Observation Concerning Worst forms of Child Labour Convention, 1999 (No. 182) Thailand (ratification: 2001)*, article 8.

<sup>3663</sup> UNIAP, *About UNIAP*.

<sup>3664</sup> ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, [online] [cited December 7, 2007]; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm>. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

<sup>3665</sup> USAID, *USAID-MTV Pan-Asian End Trafficking and Exploitation Campaign Background*, [March 19, 2009] [cited February 11, 2009]; available from [http://www.usaid.gov/rdma/programs/activity\\_90.html](http://www.usaid.gov/rdma/programs/activity_90.html).

<sup>3666</sup> Microsoft, *Public and Private Sectors Band Together to Help in Fight Against Human Trafficking*, Press Release, June 2, 2006; available from [http://www.no-trafficking.org/content/Press\\_Rooms/anti-trafficking%20announcement%20v4%20\(cc\).doc](http://www.no-trafficking.org/content/Press_Rooms/anti-trafficking%20announcement%20v4%20(cc).doc).

<sup>3667</sup> Human Trafficking.org, *Thailand Combats Human Trafficking on Cambodian Border*, [online] June 25, 2006 [cited April 10, 2009]; available from <http://www.humantrafficking.org/updates/378>. See also UNICEF, *UNICEF Supports Initiatives to Tackle Trafficking of Women and Children in Thailand*, [online] April 17, 2006 [cited April 10, 2009]; available from [http://www.unicef.org/infobycountry/Thailand\\_334\\_24.html](http://www.unicef.org/infobycountry/Thailand_334_24.html).

<sup>3668</sup> ILO IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, project document, Geneva, September 30, 2006. See also ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, Technical Progress Report, Geneva, September 2007.

## Togo

### Incidence and Nature of Child Labor

In Togo, children work in urban and rural areas, particularly on family-based farms, and in small-scale trading and workshops. Children working in agriculture risk injury from exposure to insecticides and herbicides, and typically do not attend school for most of the year.<sup>3669</sup> Children also work in rock quarries, transporting stones and extracting sand used for making bricks.<sup>3670</sup> Children, especially girls, work as domestic servants, risking physical abuse.<sup>3671</sup> Children also work in the streets as porters.<sup>3672</sup> Children also engage in prostitution, including the sex tourism industry.<sup>3673</sup>

Togo is a country of origin, destination, and transit for children trafficked for forced labor, including in domestic service and commercial sexual exploitation.<sup>3674</sup> Maritime, West, Central, and Kara are the regions most affected by internal trafficking, often of girls, for the purposes of domestic service, market work, portering, or commercial sexual exploitation.<sup>3675</sup> Children from Burkina Faso are also reportedly trafficked to Togo.<sup>3676</sup> Children, especially boys, are trafficked from Togo's central and northern villages to other African nations, chiefly Nigeria, where they work on plantations, in stone quarries, markets, and homes.<sup>3677</sup> Togolese boys are trafficked to Côte

d'Ivoire for forced labor in fishing and construction.<sup>3678</sup> A research project found that girls more often than boys report being subjected to beatings, deprivation, or sexual abuse while being trafficked and at their destination.<sup>3679</sup> Some children are also trafficked to Benin, Burkina Faso, Equatorial Guinea, Gabon, and the Republic of Congo.<sup>3680</sup>

also prohibited from certain activities, such as producing charcoal or slaughtering animals.<sup>3686</sup>

The Labor Code prohibits children less than 18 years from working at night, except if the Minister of Labor, by regulation, exempts a particular industry because of its nature.<sup>3687</sup> The law also requires a daily rest period of at least 12 consecutive hours for all working children.<sup>3688</sup> The penalty for noncompliance with the minimum age provisions, except if caused by an error related to the child's age, is a fine and possible prison sentence of up to 3 months, which may be doubled for repeat offenders.<sup>3689</sup> Violations of the daily rest period for children are subject to a fine and sentence of up to 1 month; however, the Labor Code does not establish any penalties related to violations of the provision governing children working at night.<sup>3690</sup>

The Labor Code also prohibits children from working in the worst forms of child labor, which are defined parallel to 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.<sup>3691</sup> Labor inspectors may require a health assessment to verify that work does not exceed the capacities of a child.<sup>3692</sup> The Child Code of 2007 expands on the definition of the worst forms of child labor and increases the penalties for noncompliance. Child sex tourism is specifically prohibited, and penalties for this range from 1 to 10 years of imprisonment as well as fines, depending on the age of the child.<sup>3693</sup> The law also establishes penalties for child traffickers and their accomplices of up to 10 years' imprisonment and fines.<sup>3694</sup>

The minimum age for military recruitment, including conscription, is 18 years.<sup>3695</sup>

Togo was 1 of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.<sup>3696</sup> As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in

### *Selected Statistics and Indicators on Child Labor*<sup>3681</sup>

Population, children, 5-14 years (%), 2006:	1,461,377
Working children, 5-14 years (%), 2006:	32.7
Working boys, 5-14 years (%), 2006:	33.7
Working girls, 5-14 years (%), 2006:	31.6
Working children by sector, 5-14 years (%), 2006:	
- Agriculture	83.0
- Manufacturing	1.2
- Services	15.1
- Other	0.6
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	97.1
Net primary enrollment rate (%), 2007:	77.2
School attendance, children 5-14 years (%), 2006:	72.4
Survival rate to grade 5 (%), 2006:	54.4
ILO Convention 138:	3/16/1984
ILO Convention 182:	9/19/2000
CRC:	8/1/1990
CRCOPAC:	11/28/2005
CRCOPSC:	7/2/2004
Palermo:	No
ILO-IPEC participating country:	Yes

### **Child Labor Laws and Enforcement**

The minimum age for employment in any enterprise is 15 years.<sup>3682</sup> Children of at least 15 years may engage in light work as regulated by a ministerial decree.<sup>3683</sup> For example, boys from age 15 to 16 years may carry only up to 15 kilograms, while girls of the same age may carry only up to 8 kilograms.<sup>3684</sup> For certain industrial and technical employment, 18 years is the minimum age for entry.<sup>3685</sup> Children less than 18 years are

Persons, the Government agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.<sup>3697</sup>

The Ministry of Social Affairs and Promotion of Women is the agency responsible for enforcing prohibitions on the worst forms of child labor. Ministry of Labor inspectors are responsible for enforcing the minimum age for employment, but only enforced these age restrictions in the urban formal sector.<sup>3698</sup> USDOS reports that the Government of Togo did not effectively enforce child labor laws due to limited resources and that there were no formal child labor inspections during the year.<sup>3699</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government of Togo continued to implement various sector-specific action plans that target children being exploited in domestic work, as well as the use of children as porters.<sup>3700</sup> Togo's National Steering Committee for the Prohibition of the Worst Forms of Child Labor continued work with NGOs to coordinate and monitor child labor programs.<sup>3701</sup> The Government also worked with local NGOs on awareness-raising campaigns related to the exploitation of children.<sup>3702</sup>

The Ministry of Social Action, the Promotion of Women and the Protection of Children and Aged Persons spearheads the Government's anti-trafficking efforts. Through this Ministry, the Government established a hotline, which was used as a tool to prevent the trafficking of children.<sup>3703</sup> There is also a National Committee for the Reception and Social Reinsertion of Trafficked Children that serves to coordinate statistics on child trafficking. The committee worked with local officials this year to repatriate 52 trafficked children.<sup>3704</sup>

The Government of Togo is participating in a 4-year USDOL-funded USD 5 million ILO-IPEC project designed to combat exploitive child labor. This project, launched in 2007, aims to withdraw 4,000 children and prevent 6,000 children from

exploitive child labor in urban informal sectors, domestic service, hazardous rural agriculture, and in commercial sexual exploitation.<sup>3705</sup>

Togo is participating in a 3-year USD 4.8 million regional ILO-IPEC project, funded by the Government of France, which runs through December 2009 and includes vocational training and apprenticeship programming.<sup>3706</sup>

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<sup>3669</sup> ILO-IPEC, *Combating Exploitative Child Labour in Togo Through Education*, Project Document, Geneva, September 2008, 9-10. See also U.S. Department of State, "Togo," 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/119029.htm>.

<sup>3670</sup> U.S. Embassy- Lome, *reporting*, February 6, 2009, para 15.

<sup>3671</sup> Kevin Sullivan, "In Togo, a 10-Year-Old's Muted Cry: 'I Couldn't Take Any More'," *Washington Post* (Washington, DC), December 26, 2008; available from <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/25/AR2008122501198.html>. See also Integrated Regional Information Networks, "Togo: How to improve a 'worst form of labour'", IRINnews.org [online] December 31, 2008 [cited January 5, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=82159>.

<sup>3672</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Togo (ratification: 2000)*, [online] 2008 [cited January 30, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21918&chapter=9&query=%28togo%29+%40ref&highlight=&querytype=bool&context=0>. See also ILO-IPEC, *Combating Exploitative Child Labour, Project Document, September 2008*, 9-10.

<sup>3673</sup> UNICEF, *UNICEF-supported center helps rehabilitate child sex workers in Togo*, [online] December 31, 2008 [cited January 22, 2009]; available from [http://www.unicef.org/protection/togo\\_46986.html?q=printme](http://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](http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-TOGO.pdf).

<sup>3674</sup> U.S. Department of State, "Togo (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105659.pdf>.

<sup>3675</sup> UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, Geneva, September

2006, 30; available from [www.unodc.org/documents/human-trafficking/ht\\_research\\_report\\_nigeria.pdf](http://www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf). See also U.S. Department of State, "Trafficking in Persons Report- 2008: 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; available from [www.crin.org/docs/study\\_report\\_Togo.pdf](http://www.crin.org/docs/study_report_Togo.pdf).

<sup>3676</sup> U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>3677</sup> Behrendt and Mbaye, *L'impact psychosocial de la traite*, 52-54. Integrated Regional Information Networks, "Togo: Law of silence trumps anti-trafficking rule", IRINnews.org [online] January 9, 2009 [cited January 14, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=82260>. See also Integrated Regional Information Networks, "Togo: Inoussa Bouberi, I have smuggled more than 100 children", IRINnews.org [online] January 12, 2009 [cited January 14, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=82314>. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Togo," article 7, para 2.

<sup>3678</sup> U.S. Department of State, "Cote d'Ivoire (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

<sup>3679</sup> Behrendt and Mbaye, *L'impact psychosocial de la traite*, 61. See also Integrated Regional Information Networks, "West Africa: Impoverished Families Trade Their Children", IRINnews.org [online] June 16, 2005 [cited February 4, 2009]; available from [http://www.irinnews.org/report.asp?ReportID=47680&SelectRegion=West\\_Africa](http://www.irinnews.org/report.asp?ReportID=47680&SelectRegion=West_Africa).

<sup>3680</sup> U.S. Department of State, "Country Reports- 2008: Togo," section 5. See also Integrated Regional Information Networks, "Congo: Tackling child trafficking", IRINnews.org [online] July 16, 2008 [cited January 22, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=79284>. See also UNODC, *Measures to Combat Trafficking in Human Beings*, 12 and 30.

<sup>3681</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Togo, *Code du travail*, (December 5, 2006), title V, chapter 4, article 150; available from [www.droit-afrique.com/images/textes/Togo/Togo%20-%20Code%20du%20travail.pdf](http://www.droit-afrique.com/images/textes/Togo/Togo%20-%20Code%20du%20travail.pdf). For age to which education is compulsory and free public education, see

Government of Togo, *Loi n. 2007-017 portant code de l'enfant*, (July 6, 2007), article 255. See also Plan International, *For the Price of a Bike: Child Trafficking in Togo*, [online] 2005 [cited February 2, 2009], 10 and 42; available from <http://www.plan-international.org/pdfs/togoreport.pdf>.

<sup>3682</sup> Government of Togo, *Code du Travail 2006*, title V, chapter IV, article 150. See also U.S. Department of State, "Togo," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100509.htm>.

<sup>3683</sup> Government of Togo, *Code du Travail 2006*, chapter IV, article 151. See also Government of Togo, *Arrete No. 1464 Déterminant les travaux interdits aux enfants conformément au point 4 de l'article 151 de la loi No 2006-010 du 13 décembre 2006 portant code du travail*, (November 12, 2007); available from <http://www.republicoftogo.com/>.

<sup>3684</sup> Government of Togo, *Déterminant les travaux interdits aux enfants*, article 12.

<sup>3685</sup> U.S. Department of State, "Country Reports- 2008: Togo," section 6d.

<sup>3686</sup> Government of Togo, *Déterminant les travaux interdits aux enfants*, article 6, article 9, tableau 3 and 7.

<sup>3687</sup> Government of Togo, *Code du Travail 2006*, title V, chapter II, article 145.

<sup>3688</sup> *Ibid.*, chapter VI, article 154.

<sup>3689</sup> *Ibid.*, chapter X, articles 293 and 294.

<sup>3690</sup> *Ibid.*, chapter X, article 295.

<sup>3691</sup> *Ibid.*, title VI, chapter IV, article 151.

<sup>3692</sup> *Ibid.*, chapter VI, article 155.

<sup>3693</sup> *Ibid.* See also Government of Togo, *Code de l'enfant*, chapter II, articles 387-389, 392, 394, chapter III, article 405.

<sup>3694</sup> Government of Togo, *Code de l'enfant*, chapter IV, articles 411-420.

<sup>3695</sup> Coalition to Stop the Use of Child Soldiers, "Togo," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=213>.

<sup>3696</sup> Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

<sup>3697</sup> Catholic Relief Services official, E-mail communication, 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, 5-13.

<sup>3698</sup> U.S. Department of State, "Country Reports- 2008: Togo," section 6d.

<sup>3699</sup> Ibid. See also U.S. Embassy- Lome, *reporting, February 6, 2009*, paras 6 and 9.

<sup>3700</sup> ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Togo (ratification: 1984)*, [online] 2008 [cited January 30, 2009], article 1; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21641&chapter=9&query=%28togo%29+%40ref&highlight=&querytype=bool&context=0>.

<sup>3701</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour*, article 3.

<sup>3702</sup> U.S. Department of State, "Country Reports- 2008: Togo," section 5. See also U.S. Embassy- Lome, *reporting, February 6, 2009*.

<sup>3703</sup> U.S. Embassy- Lome, *reporting, January 23, 2009*.

<sup>3704</sup> U.S. Department of State, "Country Reports- 2008: Togo," section 5.

<sup>3705</sup> ILO-IPEC, *Combating Exploitative Child Labour, Project Document, September 2008*, Cover Page. See also USDOL-ILAB, U.S. Department of Labor *awards more than \$54 million to eliminate exploitive child labor around the world*, Press Release, October 1, 2007; available from <http://www.dol.gov/opa/media/press/ilab/archive/ILAB20071498.htm>.

<sup>3706</sup> ILO-IPEC official, E-mail communication to USDOL official, December 2008.

## Tonga

### *Selected Statistics and Indicators*

#### *on Child Labor*<sup>3707</sup>

Population, children, 5-14 years (%):	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	None
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	113.1
Net primary enrollment rate (%), 2005:	95.9
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2004:	92.1
ILO Convention 138:	No
ILO Convention 182:	No
CRC:	11/6/1995**
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	No

\*In practice, must pay for various school expenses

\*\*Accession

### **Incidence and Nature of Child Labor**

Some family-owned operations in Tonga may employ child family members. In 2007, the most recent date such information was available, the National Center for Women and Children, a Government-supported NGO, reported that an increasing number of children were either not attending school or dropping out of school to work in the informal sector.<sup>3708</sup> There were reports of foreign fishing crews procuring girls for sexual exploitation.<sup>3709</sup>

### **Child Labor Laws and Enforcement**

Tonga does not have legislation setting the minimum age for work.<sup>3710</sup> The law prohibits forced or compulsory work, including slavery.<sup>3711</sup> The owning and/or operating of a brothel, pimping, and soliciting a prostitute in a public place are all prohibited by law. Penalties for offenses range from imprisonment for 6 months to 2 years, and may include whipping.<sup>3712</sup> The law also prohibits any person from assaulting a child, abducting girls, and procuring or attempting to procure any girl under 21 years for prostitution either within or outside the country. The maximum punishment for these offenses is imprisonment for up to 5 years.<sup>3713</sup>

There is no military conscription in Tonga. The minimum age of voluntary service is 18 years.<sup>3714</sup>



The Department of Immigration, Ministry of Police, Crown Law Office, Tonga Defense Services, resident embassies, and high commissions share information related to criminal matters, including human trafficking.<sup>3715</sup> According to USDOS, the Government did not conduct any investigations related to trafficking in persons during the reporting period.<sup>3716</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Tonga to address exploitive child labor.

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<sup>3707</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For age to which education is compulsory and free public education, see U.S. Embassy- Suva, *reporting*, December 10, 2007. See also U.S. Department of State, "Tonga," in *Country Reports on Human Rights Practices-2007*, Washington, DC, March 11, 2008, section 5, 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100540.htm>.

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<sup>3708</sup> U.S. Embassy- Suva, *reporting*, December 10, 2007.

<sup>3709</sup> U.S. Department of State, "Tonga," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119060.htm>.

<sup>3710</sup> U.S. Embassy- Suva, *reporting*, December 10, 2007.

<sup>3711</sup> Government of Tonga, *Constitution of Tonga*, (1988), article 2; available from [http://www.paclii.org/to/legis/consol\\_act/cot238/](http://www.paclii.org/to/legis/consol_act/cot238/). See also U.S. Department of State, "Country Reports- 2008: Tonga," section 6c.

<sup>3712</sup> Government of Tonga, *Criminal Offenses Act*, (1988), articles 80-81.

<sup>3713</sup> *Ibid.*, 125-126, 129.

<sup>3714</sup> Coalition to Stop the Use of Child Soldiers, "Tonga," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf). See also U.S. Central Intelligence Agency, *The World Factbook - Tonga*, [online] January 22, 2009 [cited February 3, 2009]; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/tn.html>.

<sup>3715</sup> U.S. Embassy- Suva, *reporting*, February 2, 2009.

<sup>3716</sup> U.S. Department of State, "Country Reports- 2007: Tonga," section 5.

## **Trinidad and Tobago**

### **Incidence and Nature of Child Labor**

Although there is no significant evidence of children working in Trinidad and Tobago, the Minister of Labor acknowledges that street children work.<sup>3717</sup> Children are reported to be victims of commercial sexual exploitation.<sup>3718</sup> There are conflicting reports as to whether Trinidad and Tobago is a destination and transit country for the trafficking of children for the purpose of sexual exploitation.<sup>3719</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment in public or private industries at 16 years. However, children 14 to 16 years may work in activities in which only family members are employed or if they are enrolled in a vocational or technical

training school.<sup>3720</sup> Children under 18 years are prohibited from working between 10 p.m. and 5 a.m., except in a family business or with other exceptions. One such exception allows children 16 to 18 years old to work at night in sugar factories.<sup>3721</sup> Violators of these regulations are subject to sanctions.<sup>3722</sup>

There is no compulsory military service in Trinidad and Tobago; the minimum age for voluntary military service is 16 years with parental or guardian consent.<sup>3723</sup> The ILO Committee of Experts has recommended that the Government of Trinidad and Tobago amend the Defense Act in order to establish the legal minimum age of enlistment at 18 or to allow enlisted children under 18 years of age to leave the service by their own choice upon reaching the age of 18.<sup>3724</sup>

Forced labor or exploitive labor under inhumane conditions is prohibited.<sup>3725</sup> Trafficking may be prosecuted under laws that pertain to kidnapping, procurement of sex, prostitution, slavery, and indentured servitude.<sup>3726</sup> The law prohibits the procurement of minors for prostitution or sexual offenses, with penalties up to imprisonment for life if the child is under 14 years of age, and up to 15 years if the child is under 16 years. Procurement is considered an offense, whether committed in Trinidad and Tobago or elsewhere.<sup>3727</sup> The operation of a brothel is punishable by imprisonment for 5 years, and allowing minors under 16 years to be on the premises of the brothel for sexual purposes is subject to imprisonment of 10 years.<sup>3728</sup> Any person responsible for causing or encouraging commercial sexual exploitation of a minor under 16 years of age is subject to 5 years of imprisonment.<sup>3729</sup>

The Children's Authority is responsible for the wellbeing of children. It oversees social services provided to children, enforces laws related to the rights of children, investigates complaints or reports, and makes sure that vulnerable children receive care and protection.<sup>3731</sup> The Ministry of Labor and Small and Micro-Enterprise Development (MLSMED) and the Ministry of Social Development (MSD) enforce child labor provisions.<sup>3732</sup> Currently, Trinidad and Tobago has 19 labor inspectors who receive training to identify child labor.<sup>3733</sup> Labor inspectors have the authority to enter, inspect, and examine any premises when there is reasonable cause to believe that violations are taking place.<sup>3734</sup> While the Family Court enforces child legislation, including child labor laws, the Police Services handle cases of commercial sexual exploitation of children, trafficking in children, and involvement of children in drug trafficking, all of which are considered to be crimes.<sup>3735</sup> According to USDOS, enforcement of child labor laws is weak due to the lack of a comprehensive Government policy on child labor and mechanisms for receiving and addressing child labor complaints.<sup>3736</sup> In general, the Government's capacity to pursue its commitment to protect the rights and welfare of children is limited by lack of funds and expanding social needs.<sup>3737</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

During the reporting period, MSD continued to implement the Revised National Plan of Action for Children (2006-2010), which includes specific goals to combat the commercial sexual exploitation of children, the trafficking of children, and exploitive child labor.<sup>3738</sup> MLSMED designed educational materials to enforce labor standards among employers and employees, which include information on child labor laws.<sup>3739</sup> The Government of Trinidad and Tobago participated in Phase II of a USD 750,000 regional project to combat the worst forms of child labor in the Caribbean, funded by the Government of Canada and implemented by ILO-IPEC.<sup>3740</sup> In partnership with UNICEF, the Government published the results of the Multiple Indicator

<i>Selected Statistics and Indicators on Child Labor</i> <sup>3730</sup>	
Population, children, 5-14 years (%), 2000:	257,049
Working children, 5-14 years (%), 2000:	3.5
Working boys, 5-14 years (%), 2000:	4.5
Working girls, 5-14 years (%), 2000:	2.6
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	12
Free public education:	Yes
Gross primary enrollment rate (%), 2005:	94.7
Net primary enrollment rate (%), 2005:	84.6
School attendance, children 5-14 years (%), 2000:	97
Survival rate to grade 5 (%), 2004:	91
ILO Convention 138:	9/3/2004
ILO Convention 182:	4/23/2003
CRC:	12/5/1991
CRCOPAC:	No
CRCOPSC:	No
Palermo:	11/6/2007
ILO-IPEC participating country:	Associated

Cluster Survey conducted in 2006, which provides insights into the situation of children, including child labor, in Trinidad and Tobago.<sup>3741</sup>

With the participation of the Government of Trinidad and Tobago and funding from USDOS, IOM launched an initiative to raise awareness and provide technical assistance on human trafficking in 2008.<sup>3742</sup> The Governments of Trinidad and Tobago and Colombia joined efforts to combat trafficking in persons.<sup>3743</sup>

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<sup>3717</sup> Ministry of Social Development, UNICEF, and Central Statistical Office, "Monitoring the Situation of Children and Women: Multiple Indicator Cluster Survey 3" (2008), 53; available from [http://www.childinfo.org/files/MICS3\\_TrinidadTobago\\_FinalReport\\_2006\\_Eng.pdf](http://www.childinfo.org/files/MICS3_TrinidadTobago_FinalReport_2006_Eng.pdf). See also

<sup>3718</sup> UN Committee on the Rights of Children, *Considerations of Reports Submitted by States Parties under Article 44 of the Convention*, CRC/C/TTO/CO/2, March 17, 2006, para 69; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6542c7bc295172d0c125716c003958d8/\\$FILE/G0640943.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6542c7bc295172d0c125716c003958d8/$FILE/G0640943.pdf). See also Suzanne Sheppard, "Sex Tourism Drives Illicit Trade, Experts Say," *Trinidad and Tobago's Newsday*, August 5, 2007; available from <http://www.newsday.co.tt/news/0,61837.html>.

<sup>3719</sup> U.S. Department of State, *Trafficking in Persons Report 2009*, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm>. See also U.S. Department of State, "Country Reports- 2008: Trinidad and Tobago," section 5c. See also Suzanne Sheppard, "Suzanne Sheppard, Sex Tourism Drives Illicit Trade, Experts Say.."

<sup>3720</sup> Government of the Republic of Trinidad and Tobago, *Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007*, article 4. See also Right to Education, *National Law and Policies on Minimum ages – Trinidad and Tobago*, [online] [cited January 16, 2009]; available from <http://www.right-to-education.org/country-node/533/country-minimum>. See also Clive Pegus, *A Review of Child Labour Laws of Trinidad and Tobago*, 25-26.

<sup>3721</sup> U.S. Department of State, "Country Reports- 2008: Trinidad and Tobago," section 6d. See also Right to Education, *National law and policies on Minimum ages – Trinidad and Tobago*.

<sup>3722</sup> Clive Pegus, *A Review of Child Labour Laws of Trinidad and Tobago*, 35.

<sup>3723</sup> Coalition to Stop the Use of Child Soldiers, "Trinidad and Tobago," in *Child Soldiers Global Report 2008*, London, 2008; available from

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<http://www.childsoldiersglobalreport.org/content/trinidad-and-tobago>.

<sup>3724</sup> Ibid. See also, ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Trinidad and Tobago (ratification: 1963)* [online] 2006 [cited July 8, 2009]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also, Clive Pegus, *A Review of Child Labour Laws of Trinidad and Tobago - a Guide to Legislative Reform*, ILO Subregional Office for the Caribbean, June 2005, 32.

<sup>3725</sup> Government of Republic of Trinidad and Tobago, *The Constitution of the Republic of Trinidad and Tobago with Reforms through 2000* (August 1, 1976), introduction and article 4; available from <http://pdba.georgetown.edu/Constitutions/Trinidad/trinidad76.html>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Trinidad and Tobago (ratification: 2003)* 2007 [cited March 27, 2009], para 2; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

<sup>3726</sup> U.S. Embassy- Port of Spain, *reporting*, February 18, 2009.

<sup>3727</sup> Government of Republic of Trinidad and Tobago, *Sexual Offences Act (with amendments)*, (November 11, 1986), Part I, sections 6-8, 17; available from <http://rgd.legalaffairs.gov.tt/Laws/Chs.%2010-13/11.28/11.28.htm#sec6>.

<sup>3728</sup> Ibid., sections 21-22.

<sup>3729</sup> Government of Republic of Trinidad and Tobago, *Children Act Chapter 46:01 (with amendments)*, (March 17, 1925 ), section 8; available from <http://rgd.legalaffairs.gov.tt/laws/Chs.%2044-46/46.01/46.01%20aos.htm>.

<sup>3730</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of the Republic of Trinidad and Tobago, *Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007*, No.3 of 2007, Fifth session, Eighth Parliament (February 26, 2007), article 4; available from <http://www.tparliament.org/legislations/a2007-03.pdf>. For age to which education is compulsory, see U.S. Department of State, "Trinidad and Tobago," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For free public education, see U.S. Department of State, *U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Projects*, February 26, 2008; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

See also Clive Pegus, *A Review of Child Labour Laws of Trinidad and Tobago- A Guide to Legislative Reform*, ILO

Subregional Office for the Caribbean, June 2005; available from <http://www.ilocarib.org.tt/childlabour/library.htm>.

<sup>3731</sup> Government of Republic of Trinidad and Tobago, *Act No. 14 of 2008 (modified the Children's Authority Act of 2000)*, (September 26, ), articles 6, 7, 9, 23; available from <http://www.ttparliament.org/legislations/a2008-14.pdf>.

<sup>3732</sup> U.S. Department of State, "Country Reports- 2008: Trinidad and Tobago," section 6d.

<sup>3733</sup> U.S. Embassy- Port of Spain, *reporting*, January 23, 2009.

<sup>3734</sup> Clive Pegasus, *A Review of Child Labour Laws of Trinidad and Tobago*, 37.

<sup>3735</sup> *Ibid.*, 40. See also U.S. Embassy- Port of Spain, *reporting*, February 18, 2009.

<sup>3736</sup> U.S. Department of State, "Country Reports- 2008: Trinidad and Tobago."

<sup>3737</sup> *Ibid.*

<sup>3738</sup> Government of the Republic of Trinidad and Tobago, *Revised National Plan of Action for Children*, Ministry of Social Development, Port of Spain, August 2006, 15, 88-94. See also U.S. Department of State, "Country Reports- 2008: Trinidad and Tobago."

<sup>3739</sup> U.S. Embassy- Port of Spain, *reporting*, January 23, 2009.

<sup>3740</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO, *IPEC Action Against Child Labour 2008: Highlights*, 2009, 56; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=9471>.

<sup>3741</sup> Ministry of Social Development, UNICEF, and Central Statistical Office, "Monitoring the Situation of Children and Women: Multiple Indicator Cluster Survey 3".

<sup>3742</sup> IOM, *Trinidad and Tobago*, [[cited January 21, 2009]; available from <http://www.iom.int/jahia/Jahia/activities/pid/485>. See also U.S. Department of State, *U.S. Department of State, U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Projects*. See also Camille Bethel, "Group Holds Human Trafficking Awareness Workshops," *Trinidad and Tobago Express*, June 3, 2008; available from [http://www.trinidadexpress.com/index.pl/article\\_news?id=161332536](http://www.trinidadexpress.com/index.pl/article_news?id=161332536). See also Trinidad and Tobago's Newsday, "Government Combating Human Trafficking," January 4, 2009; available from <http://www.caribdaily.com/article/117816/govt-combating-human-trafficking/>.

<sup>3743</sup> U.S. Embassy- Port of Spain, *reporting*, January 27, 2009.

## Tunisia

### Incidence and Nature of Child Labor

In Tunisia, children work in the informal sector, especially in the production of handicrafts. Older girls work as domestic servants.<sup>3744</sup> Children also work in small shops, as mechanics, and selling jasmine to tourists.<sup>3745</sup> There have been reports of children being trafficked internally for commercial sexual exploitation and labor.<sup>3746</sup>

### Child Labor Laws and Enforcement

The minimum age for employment is 16 years, with some exceptions. Children 13 years and above may perform light work.<sup>3747</sup> They may also begin working as apprentices or through vocational training programs at 14 years.<sup>3748</sup> Children younger than 16 years may work in family businesses, as long as their work does not negatively affect their mental or physical health or interfere with school. This exception does not

apply to hazardous work and legislation does not provide a minimum age for this exception.<sup>3749</sup> The minimum age for hazardous work is 18 years, and the Ministry of Social Affairs has the authority to determine which jobs fall under this category.<sup>3750</sup> The law restricts nonagricultural night work by prohibiting children under 14 years from working between 8 p.m. and 8 a.m. and children between 14 and 18 years from working between 10 p.m. and 6 a.m. Children working in the agriculture industry must have fixed rest periods and cannot work between 10 p.m. and 5 a.m.<sup>3751</sup> Children working in the nonagricultural sector may not be paid less than 85 percent of the salary paid to adults.<sup>3752</sup>

Labor inspectors from the Ministry of Social Affairs are responsible for enforcing labor laws.<sup>3753</sup> The Ministry of Women's Affairs, Family, Children, and Senior Citizens, and the Ministry of Youth, Sports, and Physical Training are

responsible for protecting children's rights, with a body of Child Protection Delegates answerable to the former and based in each governorate of the country.<sup>3754</sup> According to reports received by USDOS, overlapping responsibilities among various ministries, lack of resources, and cultural sensitivities sometimes limit the application of these laws.<sup>3755</sup>

exploitation includes prostitution or any other form of sexual deviation, including commercial sexual exploitation of children.<sup>3760</sup> Both child prostitution and the act of selling a child or a spouse are punishable by 3 to 5 years' imprisonment and fines.<sup>3761</sup>

The minimum age for voluntary military service is 18 years, and 20 years for compulsory recruitment.<sup>3762</sup>

### Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 2008, the Government of Tunisia worked with UNICEF to draft a report on street children that is expected to be released in 2009 after the writing of this report.<sup>3763</sup>

<sup>3744</sup> U.S. Department of State, "Tunisia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, sections 6c and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119128.htm>.

<sup>3745</sup> U.S. Embassy- Tunis, *reporting*, February 10, 2009.

<sup>3746</sup> U.S. Department of State, "Tunisia," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105390.htm>.

<sup>3747</sup> Government of Tunisia, *Code du travail*, articles 53, 53-2, 55.

<sup>3748</sup> *Ibid.*, articles 53 and 53-2.

<sup>3749</sup> *Ibid.*, article 54.

<sup>3750</sup> *Ibid.*, article 58.

<sup>3751</sup> *Ibid.*, articles 65, 66, 74.

<sup>3752</sup> ILO NATLEX National Labor Law Database, *Décret no 2003-1691 du 18 août 2003 fixant le salaire minimum interprofessionnel garanti dans les secteurs non agricoles régis par le Code du travail*, accessed February 5, 2009; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home).

<sup>3753</sup> Government of Tunisia, *Code du travail*, articles 170 and 171.

<sup>3754</sup> U.S. Department of State, "Country Reports- 2007: Tunisia," section 5. See also Government of Tunisia, *Ministère des Affaires de la Femme, de la Famille, de l'Enfance et des Personnes Agées (MAFFEPA)*, [online] [cited February 5, 2009]; available from <http://www.ministeres.tn/html/ministeres/tutelle/fe mme.html>.

<sup>3755</sup> U.S. Embassy- Tunis, *reporting*, March 31, 2006.

### Selected Statistics and Indicators on Child Labor<sup>3756</sup>

Population, children, 5-14 years (%):	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	108.3
Net primary enrollment rate (%), 2006:	96.1
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2005:	96.7
ILO Convention 138:	10/19/1995
ILO Convention 182:	2/28/2000
CRC:	1/30/1992
CRCOPAC:	1/2/2003
CRCOPSC:	9/13/2002
Palermo:	7/14/2003
ILO-IPEC participating country:	No

Forced labor is prohibited under the law.<sup>3757</sup> Although the law does not specifically prohibit trafficking, traffickers may be prosecuted under laws prohibiting forced labor, prostitution, participation in armed conflict, or displacement. Convicted traffickers are subject to fines and may be sentenced to prison for 3 to 20 years.<sup>3758</sup> The law protects children from abuse and exploitation, including participation in wars or armed conflicts, prostitution, and hazardous labor conditions.<sup>3759</sup> The law clarifies that sexual

<sup>3756</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Tunisia, *Code du travail, 1996*, Loi no. 66-27, (April 30, 1966), article 53; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44414/65029/F96TUN01.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Tunisia," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100607.htm>.

<sup>3757</sup> ILO NATLEX National Labor Law Database, *Loi no. 89-23 du 27 février 1989 portant suppression de la peine des travaux forcés*, accessed December 31, 2007; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home). See also U.S. Department of State, "Country Reports- 2007: Tunisia," section 6c.

<sup>3758</sup> U.S. Department of State, "Country Reports- 2007: Tunisia," section 5.

<sup>3759</sup> Government of Tunisia, *Loi No. 95-92, 1995, Relative à la publication du Code de la protection de l'enfant*, (November 9, 1995), articles 2, 3, 20, 25, 26; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42904/64989/F95TUN01.htm>.

<sup>3760</sup> U.S. Embassy- Tunis, *reporting*, April 4, 2006.

<sup>3761</sup> Government of Tunisia, *Written communication*, submitted in response to U.S. Department of Labor Request for information (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, DC, February 7, 2008.

<sup>3762</sup> 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](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3763</sup> U.S. Embassy- Tunis, *reporting*, February 10, 2009.

## Turkey

### **Incidence and Nature of Child Labor**

In Turkey, children work in agriculture, in the citrus fruit, cotton, cumin, hazelnut, peanut, pulse, and sugar beet sectors. There have been reports of children working in the tobacco sector.<sup>3764</sup> In some parts of Turkey, children are engaged in seasonal commercial agriculture and face poor living and working conditions. They work long hours and are involved in harvesting, animal husbandry, forestry, weeding, and collecting water.<sup>3765</sup> Some of these children migrate with their families for 3 to 7 months at a time and have difficulty attending school.<sup>3766</sup>

Children also work in small-scale manufacturing, commercial offices, electrical repair services, educational and health services, construction, weaving, roofing tile and brick-making, machinery production, food processing, chemical production, metalwork, woodwork and carpentry, textiles, leather goods, shoe-making, and auto repair.<sup>3767</sup> There were reports of girls kept out of school to work in handicrafts,

particularly in rural areas.<sup>3768</sup> Turkish children working in the furniture sector face health and safety risks, including exposure to dangerous chemicals and dangerous machinery.<sup>3769</sup>

Approximately 50,000 children work in the streets of the 10 provinces in Turkey where the problem is most acute. Children working on the streets are involved in shoe polishing; windshield cleaning; water carrying; scavenging through trash; selling tissues, chewing gum, flowers, or baked goods.<sup>3770</sup> There were reports of parents forcing their children to work on the streets and to beg.<sup>3771</sup> Street work makes children more vulnerable to sexual abuse, health hazards such as respiratory disease and infections, exposure to toxic substances, and alcohol and drug use.<sup>3772</sup> Children working on the street are also more vulnerable to commercial sexual exploitation and trafficking.<sup>3773</sup>

Turkey is reported to be a country of destination, and to a lesser extent transit country, for trafficking in children for the purpose of commercial sexual exploitation.<sup>3774</sup>

**Selected Statistics and Indicators  
on Child Labor<sup>3775</sup>**

Population, children, 5-14 years, 1999:	12,065,538
Working children, 5-14 years (%), 1999:	4.2
Working boys, 5-14 years (%), 1999:	4.6
Working girls, 5-14 years (%), 1999:	3.7
Working children by sector, 5-14 years (%), 1999:	
- Agriculture	66.7
- Manufacturing	13.4
- Services	18.0
- Other	2.0
Minimum age for work:	15
Compulsory education age:	For 8 Years
Free public education:	Yes
Gross primary enrollment rate (%), 2006:	94.2
Net primary enrollment rate (%), 2006:	91.4
School attendance, children 6-14 years (%), 1999:	88.1
Survival rate to grade 5 (%), 2006:	89.3
ILO Convention 138:	10/30/1998
ILO Convention 182:	2/8/2001
CRC:	4/4/1995
CRCOPAC:	5/4/2004
CRCOPSC:	8/19/2002
Palermo:	3/25/2003
ILO-IPEC participating country:	Yes

### Child Labor Laws and Enforcement

The law establishes the minimum age for employment at 15 years, and prohibits children under 16 years from working more than 8 hours per day.<sup>3776</sup> The law, however, allows children who are 14 years of age and have completed their primary education to perform light work that does not interfere with their education and does not hinder their physical, mental, or moral development.<sup>3777</sup> Such children are prohibited from working more than 2 hours per day or 10 hours per week.<sup>3778</sup> Before beginning a job, children 14 to 18 years must undergo a physical examination, which is to be repeated every 6 months.<sup>3779</sup> Children below 16 years are prohibited from employment in arduous or dangerous work.<sup>3780</sup> Under the law, persons should not be required to perform work unsuitable for their age or capabilities.<sup>3781</sup>

The Ministry of Labor and Social Security (MOLSS) has published a list of prohibited occupations for children 15 to 18 years.<sup>3782</sup> The law prohibits underground and underwater work for females of any age and for boys under 18 years of age.<sup>3783</sup> The law prohibits the employment of children under 18 years in industrial night work.<sup>3784</sup> Seasonal agricultural work, dangerous conditions in small- and medium-sized enterprises, and child labor in the streets are classified as the worst forms of child labor in Turkey.<sup>3785</sup>

Forced or compulsory labor is forbidden by law.<sup>3786</sup>

The minimum age for conscription into the Armed Forces is 19 years.<sup>3787</sup> The law prohibits prostitution under the age of 21 years and the sexual exploitation of children in the production of products. Child sexual abuse is punishable by 3 years to life in prison.<sup>3788</sup> The use of children in pornographic materials is punishable by imprisonment for 5 to 10 years.<sup>3789</sup> Article 80 of the Turkish Penal Code prohibits trafficking for both sexual exploitation and forced labor with penalties ranging from 8 to 12 years imprisonment. In 2008, 58 trafficking offenders were convicted, however only 13 under Article 80, while the rest were convicted under an older anti-trafficking statute, Article 227, which, for cases of children, prescribes 4-10 years imprisonment.<sup>3790</sup>

MOLSS conducted enforcement in workplaces that were covered by the labor law, including medium- and large-scale industrial and service sector enterprises. However, a number of sectors are not covered by the law, including agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons.<sup>3791</sup>

MOLSS inspectors are responsible for enforcing the child labor laws in Turkey and are instructed to prioritize complaints alleging child labor.<sup>3792</sup> As of February 2009 there were 603 labor inspectors operating in Turkey. According to the Labor Inspection Board (LIB), all have been trained in child labor issues, including how to identify underage children in the workplace.<sup>3793</sup>

LIB is responsible for conducting inspections of workplaces regarding a range of issues, including health, safety, work hours, salaries, leave, and compensation, and has identified instances where children have been working. However, according to USDOS, LIB does not have a data collection system that can allow for the tracking of punishments levied to individual workplaces found to be employing children.<sup>3794</sup>

The Turkish National Police (TNP) employs 3,500 officers tasked with addressing juvenile issues. However, these officers handle all issues related to the treatment and protection of children, and do not have a specific unit focused on child labor or exploitation.<sup>3795</sup>

Legal options available to Turkish government agencies that enforce child labor and worst forms of child labor laws include the removal of children from workplaces, fines, criminal complaints with the possibility of imprisonment, and the removal of children from the custody of parents/guardians found guilty of violating child labor laws.<sup>3796</sup>

The law establishes a set fine per child for workplaces found to be in violation of child labor laws. This amount can be raised annually by the Ministry of Finance.<sup>3797</sup>

The Commission on Child Laborers Working on the Streets investigates instances of child labor and proposes intervention programs.<sup>3798</sup>

The Ministry of Foreign Affairs (MFA), the Ministry of Justice, the Ministry of the Interior, including TNP and Jandarma, and MOLSS are the agencies most involved in anti-trafficking activities in Turkey, though other agencies, including the Ministry of Health and municipal governments are actively involved.<sup>3799</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In working towards meeting EU accession conditions, priorities for the Government of Turkey include fulfilling obligations to eliminate child labor.<sup>3800</sup> The Government of Turkey has developed a National Timebound Policy and

Program Framework designed to eliminate the worst forms of child labor by 2014,<sup>3801</sup> which is proposed through a combination of poverty reduction, an increase in the quality and accessibility of education, and an increase in the social awareness and sensitivity of child labor.<sup>3802</sup>

Eleven provinces have developed provincial action plans to eliminate the worst forms of child labor in street work.<sup>3803</sup> An official from MFA serves as national coordinator for the Government's Task Force on Human Trafficking, which also includes representation from the Ministries of Health, Interior, Justice, Finance, Labor, the Prime Ministry, and from NGOs, IOM, and municipalities.<sup>3804</sup>

From 2004 to 2008, the Government of Turkey participated in a USDOL-funded USD 6 million project, Combating Exploitive Child Labor through Education in Turkey.<sup>3805</sup> The project targeted children working under hazardous conditions in seasonal agriculture in the provinces of Gaziantep, anliurfa, Elazig, and Ankara.<sup>3806</sup> The project withdrew 461 children and prevented 2,009 children from exploitive labor.<sup>3807</sup> The Government of Turkey provides rehabilitation services to children withdrawn from the worst forms of child labor at 44 centers throughout the country.<sup>3808</sup>

The Prime Ministry's Social Assistance and Solidarity Directorate General (SYDGM) and the Prime Ministry's Social Services and Child Protection Institution noted that the primary reason that child labor continues in Turkey is family poverty. To help address this issue, SYDGM provided assistance and professional training to families with incomes below the poverty level.<sup>3809</sup> This assistance included direct provision of cash, food, fuel, and housing, as well as healthcare costs associated with children's school attendance. In rural areas, direct price supports and support for inputs were provided to farmers.<sup>3810</sup>

There are two NGO-operated shelters for trafficking victims, located in Ankara and Istanbul. These shelters received free rent from the municipalities, with the Ministry of Health providing free medical care to victims in the



shelters. Government financial support for these shelters was inconsistent, and threatened the operation of one shelter, although core services were not impacted.<sup>3811</sup>

The Government of Turkey established a national referral mechanism in partnership with IOM and the shelters, which provided for the voluntary and safe return of trafficking victims. IOM assisted 78 trafficking victims in this regard during the reporting period.<sup>3812</sup> IOM operated a toll-free hotline for trafficking victims that could receive international calls, with provisions for Russian, Romanian/Moldovan, English, and Turkish languages. The Government began a new anti-trafficking public awareness campaign, featuring television and radio advertisements, along with more than 40,000 posters in municipalities throughout Turkey, to promote the hotline.<sup>3813</sup>

The Government encouraged trafficking victims to participate in investigations and prosecutions, although most victims chose to return to their countries of origin. The Ministry of Justice provided free legal services to foreign victims choosing to remain in Turkey to testify against traffickers.<sup>3814</sup> Foreign trafficking victims may apply for humanitarian visas to remain in Turkey for up to 6 months, and may apply for renewal for an additional 6 months.<sup>3815</sup>

Law enforcement officers, judges, and prosecutors in Turkey participated in "train the trainers" courses, which focused on counter-trafficking techniques such as victim identification and interviewing.<sup>3816</sup>

The Jandarma distributed a guidebook to educate officers to identify trafficking; authorities distributed informational passport inserts to travelers entering the country at designated ports of entry; and Turkish embassies provided trafficking awareness inserts to visa applicants in source countries.<sup>3817</sup>

The Government publishes an annual report on combating human trafficking in Turkey, and the Government's NATO Partnership for Peace training center hosted anti-trafficking training for Turkish, NATO, and Partnership for Peace

personnel. The Partnership for Peace training center also hosts annual anti-trafficking training for Government of Turkey personnel assigned to peacekeeping operations.<sup>3818</sup>

The Government participated in international anti-trafficking investigations, and met on a regular basis with neighboring countries and regional groups promoting regional anti-trafficking law enforcement cooperation. The Government of Turkey has signed bilateral anti-trafficking MOUs and protocols with neighboring source countries, including Belarus, Georgia, Ukraine, Moldova, and Kyrgyzstan.<sup>3819</sup>

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<sup>3764</sup> Bülent GÜLÇUBUK, Ertan KARABIYIK, and Ferdi TANIR, *Turkey - Baseline Survey on Worst Forms of Child Labour in the Agricultural Sector: Children in Cotton Harvesting in Karatas, Adana*, Ankara, September 2003; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=5224>. See also U.S. Embassy- Ankara, *reporting*, June 9, 2008. See also U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2008*, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119109.htm>.

<sup>3765</sup> IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey*, Project Document, Columbia, MD, May 17, 2005, 7 and 8.

<sup>3766</sup> *Ibid.*, 7-8.

<sup>3767</sup> U.S. Embassy- Ankara, *reporting*, June 9, 2008. See also ILO, *ILO activities 2001-2004, Cooperation in a changing environment, Report of the Director-General*, Geneva, February 2005. See also World Health Organization, "Child labour in Izmir: Integrated programme for the elimination of the worst forms - Turkey," in *Children's Health and Environment Case Studies Summary Book - Actions and Interventions*, 2004; available from <http://www.euro.who.int/document/che/33TURweb.pdf>. See also U.S. Department of State, "Country Reports- 2008: Turkey," section 6d.

<sup>3768</sup> U.S. Department of State, "Country Reports- 2008: Turkey," section 6d.

<sup>3769</sup> ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, Project Document, TUR/03/P50/USA, Geneva, 2003, 44 and 46.

<sup>3770</sup> *Ibid.*, 40, 41, 43.

<sup>3771</sup> U.S. Department of State, "Country Reports- 2008: Turkey," section 6c.

<sup>3772</sup> ILO-IPEC, *Combating WFCL, Project Document*, 43.

<sup>3773</sup> *Ibid.*, 41.

<sup>3774</sup> U.S. Department of State, "Turkey (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, "Country Reports- 2008: Turkey," section 5.

<sup>3775</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Embassy- Ankara, *reporting*, August 20, 2003. See also U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2007*, March 11, 2008, sections 5 and 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100589.htm>. For age to which education is compulsory, see U.S. Embassy- Ankara, *reporting*, January 23, 2009. For free public education, see U.S. Department of State, "Country Reports- 2007: Turkey," section 5.

<sup>3776</sup> U.S. Department of State, "Country Reports- 2008: Turkey," section 6d.

<sup>3777</sup> Government of Turkey, *Labor Act of Turkey, Law No. 4857*, (May 22, 2003), article 71; available from <http://www.ilo.org/public/english/region/eurpro/anکارa/legislation/law4857.htm>.

<sup>3778</sup> Ibid.

<sup>3779</sup> Ibid., article 87.

<sup>3780</sup> Ibid., article 85.

<sup>3781</sup> Government of Turkey, *Constitution of the Republic of Turkey*, (1982), article 50; available from <http://www.hri.org/docs/turkey/>. See also Government of Turkey, *Labor Act*, article 71.

<sup>3782</sup> U.S. Embassy- Ankara, *reporting*, August 26, 2004.

<sup>3783</sup> Government of Turkey, *Labor Act*, article 72.

<sup>3784</sup> Ibid., article 73.

<sup>3785</sup> U.S. Embassy- Ankara, *reporting*, December 14, 2007. See also U.S. Department of State, "Country Reports- 2008: Turkey," section 6d.

<sup>3786</sup> U.S. Department of State, "Country Reports- 2008: Turkey," section 6c.

<sup>3787</sup> Coalition to Stop the Use of Child Soldiers, "Turkey," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3788</sup> Government of Turkey, "Turkey," in *Legislation of Interpol Member States on Sexual Offenses Against Children*, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaTurkey.pdf>.

<sup>3789</sup> Ibid.

<sup>3790</sup> U.S. Embassy- Ankara official, E-mail communication to USDOL official, June 29, 2009.

<sup>3791</sup> U.S. Department of State, "Country Reports- 2008: Turkey," section 6d.

<sup>3792</sup> U.S. Embassy- Ankara, *reporting*, January 23, 2009. See also U.S. Embassy- Ankara, *reporting*, December 14, 2007.

<sup>3793</sup> U.S. Embassy- Ankara, *reporting*, January 23, 2009. See also U.S. Embassy- Ankara official, E-mail communication to USDOL official, July 29, 2009.

<sup>3794</sup> U.S. Embassy- Ankara, *reporting*, January 23, 2009.

<sup>3795</sup> Ibid.

<sup>3796</sup> Ibid.

<sup>3797</sup> Ibid.

<sup>3798</sup> ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, Technical Progress Report, TUR/03/P50/USA, Geneva, March 2005, 2,3.

<sup>3799</sup> U.S. Embassy- Ankara, *reporting*, June 9, 2008.

<sup>3800</sup> Republic of Turkey Ministry of Foreign Affairs, *Executive Summary of the Turkish National Program for the Adoption of the Acquis*, 2003.

<sup>3801</sup> U.S. Embassy- Ankara, *reporting*, January 23, 2009.

<sup>3802</sup> Government of Turkey, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (November 8, 2007) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", January 28, 2009, 5.

<sup>3803</sup> ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, Technical Progress Report, Geneva, August 31, 2007, 3.

<sup>3804</sup> U.S. Department of State, "Country Reports- 2008: Turkey," section 5.

<sup>3805</sup> IMPAQ International, *Combating Exploitative Child Labor through Education, Project Document*, May 2005, cover.

<sup>3806</sup> Ibid.

<sup>3807</sup> IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey*, Technical Progress Report, Columbia, MD, September 2008.

<sup>3808</sup> U.S. Embassy- Ankara, *reporting*, January 23, 2009.

<sup>3809</sup> Ibid.

<sup>3810</sup> Ibid.

<sup>3811</sup> U.S. Department of State, "Country Reports- 2008: Turkey," section 5.

<sup>3812</sup> Ibid.

<sup>3813</sup> Ibid.

<sup>3814</sup> Ibid.

<sup>3815</sup> Ibid.

<sup>3816</sup> Ibid.

<sup>3817</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Turkey."

<sup>3818</sup> Ibid.

<sup>3819</sup> U.S. Department of State, "Country Reports- 2008: Turkey," section 5.

## Tuvalu

### *Selected Statistics and Indicators on Child Labor<sup>3820</sup>*

Gross primary enrollment rate (%), 2004:	99.1
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#### **Incidence and Nature of Child Labor**

No changes have been recorded since the last reporting period regarding the incidence and nature of child labor in Tuvalu.\*

#### **Child Labor Laws and Enforcement**

No changes have been recorded since the last reporting period regarding child labor laws and enforcement in Tuvalu.\*

#### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Tuvalu to address exploitive child labor.

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

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<sup>3820</sup> For statistical data not cited here, see the Data Sources and Definitions section.

## Uganda

#### **Incidence and Nature of Child Labor**

According to the 2005-2006 Understanding Children's Work Study in Uganda implemented by the Uganda Bureau of Statistics with support from ILO-IPEC, 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.<sup>3821</sup>

In Uganda, children are commonly engaged in crop farming and in commercial agriculture, including in the production of tea, sugarcane, tobacco, rice, and coffee.<sup>3822</sup> Children also cut and burn trees to produce charcoal.<sup>3823</sup> Children care for livestock. Children between 5 to 15 years work in fishing, including casting nets and processing fish.<sup>3824</sup> Some children who work in

agriculture-related sectors work long hours and carry heavy loads.<sup>3825</sup>

In the urban informal sector, children sell small items on the streets and work in shops, garages, bars, restaurants, and in brick making and laying.<sup>3826</sup> Children work in cross-border trade with counterparts in countries such as the Democratic Republic of Congo, Sudan, Rwanda and Kenya most often undertaking activities in the transportation and loading of goods.<sup>3827</sup> Children engage in domestic work; salt and mineral mining; and stone quarrying and crushing.<sup>3828</sup> Children are also engaged in pornography and some children as young as 10 years are victims of commercial sexual exploitation.<sup>3829</sup> According to the Government of Uganda, the number of children engaged in

commercial sexual exploitation has increased. Also, there were reports of ritual sacrifice of children.<sup>3830</sup>

trafficked to Pakistan, Egypt, Turkey, and Iraq for labor exploitation.<sup>3836</sup> Children from the Democratic Republic of the Congo, Rwanda, and Burundi are trafficked to Uganda for commercial sexual exploitation and agricultural work. Indian children are also trafficked to Uganda for commercial sexual exploitation.<sup>3837</sup>

There were no reports of abduction or recruitment of new child soldiers in Uganda by the Government of Uganda People's Defense Forces (UPDF) or the Lord's Resistance Army (LRA).<sup>3838</sup> However, it is unclear whether or not the LRA have released all of the Ugandan children within their ranks and whether or not they have completely ceased using children in a combat capacity.<sup>3839</sup> In addition, evidence suggests that the LRA engaged in the recruitment of children from the countries of the Central African Republic, the Democratic Republic of the Congo, and southern Sudan.<sup>3840</sup>

### Child Labor Laws and Enforcement

The minimum age for admission to work in Uganda is 14 years.<sup>3841</sup> Children between 12 and 14 years may engage in light work that does not hinder their education and is supervised by an adult over 18 years.<sup>3842</sup> Children under 12 years are prohibited from working in any business or workplace.<sup>3843</sup> The law states that no child under 18 years may be employed in hazardous work or between 7 p.m. and 7 a.m.<sup>3844</sup>

The law prohibits slavery and forced labor.<sup>3845</sup> 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 are punishable by up to 7 years of imprisonment; trading in slaves up to 15 years of imprisonment; and "defilement," defined as having sex with a girl under 18 years, can receive the death penalty.<sup>3846</sup> The minimum age for voluntary military service in Uganda is 18 years. In addition, there is no conscription.<sup>3847</sup>

The Ministry of Gender, Labor, and Social Development (MGLSD) is the lead agency for combating child labor and trafficking.<sup>3848</sup> MGLSD has 39 child labor inspectors. According to USDOS, child labor inspections were hampered by lack of funding, especially for the informal

### Selected Statistics and Indicators on Child Labor<sup>3831</sup>

Population, children, 5-14 years, 2005-2006:	8,749,882
Working children, 5-14 years (%), 2005-2006:	31.1
Working boys, 5-14 years (%), 2005-2006:	32.4
Working girls, 5-14 years (%), 2005-2006:	29.8
Working children by sector, 5-14 years (%), 2005-2006:	
- Agriculture	95.5
- Manufacturing	1.3
- Services	3.0
- Other	0.2
Minimum age for work:	14
Compulsory education age:	12
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	116.7
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2005-2006:	84.2
Survival rate to grade 5 (%), 2004:	48.7
ILO Convention 138:	3/25/2003
ILO Convention 182:	6/21/2001
CRC:	8/17/1990
CRCOPAC:	5/6/2002**
CRCOPSC:	11/30/2001**
Palermo:	No
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

\*\*Accession

Uganda is a source and destination country for the trafficking of children. Children are trafficked internally for sexual exploitation and forced labor.<sup>3832</sup> Karamojong children are sold at cattle markets or by intermediaries for forced labor, including for domestic service and herding.<sup>3833</sup> Children are largely recruited through offers of food and money.<sup>3834</sup> Ugandan children are trafficked to Canada, Egypt, the United Arab Emirates, and Saudi Arabia for commercial sexual exploitation and forced labor.<sup>3835</sup> In addition, there are reports that Ugandan children are

sector where the majority of child labor occurs.<sup>3849</sup> The Child and Family Protection Unit, under the Uganda Police Force, is responsible for investigating child abuses, including child prostitution and trafficking. According to USDOS, the Government monitored flights for child trafficking.<sup>3850</sup> The Uganda Human Rights Commission is responsible for monitoring children's engagement in the armed forces. According to the UN, with assistance support from NGOs, the Government continued to provide support to returning children who had been abducted by armed forces.<sup>3851</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Uganda continued to participate in a 2-year USD 460,000 regional anti-trafficking technical assistance project implemented by the UNODC's Regional Office for Eastern Africa and funded by Norway and Sweden. The project ending in December of 2009, aims to bolster coordination among the 11 EAPCCO countries through the Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa, and harmonize national legislation with the Palermo Protocol.<sup>3852</sup>

According to USDOS, the Governments of Uganda, the Central African Republic, the Democratic Republic of the Congo, and southern Sudan coordinated joint military operations to rescue abductees by the LRA.<sup>3853</sup> With funding from the World Bank's Disarmament Demobilization and Reintegration program, the Government supports the Amnesty Commission to resettle children who had formerly been abducted. The Amnesty Commission also refers children who had experienced violence as part of the armed conflict to trauma counseling centers for rehabilitation prior to reintegration.<sup>3854</sup> The Government continues to support programs that help Karamojong children, including removing them from the streets of Kampala and placing them in shelters in Karamoja.<sup>3855</sup> The Government continued its support for NGO-run shelters that provided food, medical care, education, and other services to vulnerable children.<sup>3856</sup>

With support from the Government of Uganda, the Federation of Uganda Employers along with the labor unions developed guidelines to reduce child labor in various businesses. The Uganda Tea Association developed a code of conduct to prevent child labor in the tea sector.<sup>3857</sup> The Government's labor inspectors participated in trainings on trafficking.<sup>3858</sup> The Government also continued awareness raising activities on trafficking and commercial sexual exploitation through radio, billboards, and other programs.<sup>3859</sup>

The Government of Uganda is participating in a 4-year USD 4.79 million Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labor.<sup>3860</sup> This project, funded in 2008 by USDOL and implemented by ILO-IPEC, aims to withdraw 2,712 and prevent 5,426 children from exploitive child labor in agriculture, commercial sexual exploitation, fishing, domestic work, construction, mining, quarrying, and the urban informal sector. The project will also contribute to the development of "child labor-free zones" in Wakiso, Rakai, and Mbale Districts.<sup>3861</sup> The Government also participated in the USDOL-funded USD 3 million ILO-IPEC project to combat HIV/AIDS-induced child labor in Uganda and Zambia, which ended in December 2008.<sup>3862</sup> The project withdrew 2,642 and prevented an additional 2,072 children from exploitive child labor through the provision of education in both counties.<sup>3863</sup> During the reporting period, the Government worked with the ILO-IPEC and local NGOs to enhance awareness of child labor issues, contributing over USD 21,000 to these activities.<sup>3864</sup> ILO-IPEC also distributed over 500 Supporting Children's Rights through Education, the Arts, and the Media (SCREAM) modules intended to train teachers on child labor, as well as HIV/AIDS-induced child labor.<sup>3865</sup>

The Government continues to participate in the 4-year USD 5.5 million project funded by USDOL and implemented by the International Rescue Committee (IRC) and the Italian Association for Volunteers in International Service titled Livelihoods, Education and Protection to End Child labor (LEAP).<sup>3866</sup> 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 quality of education. The project aims to withdraw a total of 2,825 children and prevent another 8,450 children from exploitive labor.<sup>3867</sup> During the reporting period, the Government participated in numerous LEAP project lead talk shows and radio sessions dedicated to child labor.<sup>3868</sup>

The Government of Uganda participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which was funded by USDOL at USD 14.5 million and WV at USD 5.9 million through March 2009. Implemented by WV, in partnership with the IRC and the Academy for Educational Development, the project withdrew and prevented a total of 32,823 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.<sup>3869</sup>

The Government continued to participate in the 7-year project started in 2001 funded by the Eliminating Child Labor in Tobacco-growing Sector Foundation. The project aims to eliminate child labor in the tobacco-growing sector in Uganda.<sup>3870</sup>

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<sup>3821</sup> Uganda Bureau of Statistics, *Understanding Children's Work in Uganda: Country Report*, ILO-IPEC and UCW, August 2008, i-ii, vii-ix; available from <http://ucw-project.org/pdf/publications/Uganda.pdf>.

<sup>3822</sup> U.S. Department of State, "Country Reports- 2008: Uganda," section 5. See also U.S. Embassy- Kampala, *reporting*, June 10, 2008, para 1-2.

<sup>3823</sup> Development Research and Training, *Children's Holiday Work in Gulu and Lira Districts*, Final Report, KURET (Kenya, Uganda, Rwanda, Ethiopia Together), May 2007, 23; available from <http://www.kuret.or.ug/Articles/reports/Final%20holiday%20activity%20report.pdf>. See also Annan Jeannie, Christopher Blattman, and Roger Horton, *The State of Youth and Youth Protection in Northern Uganda: Findings from the Survey for War Affected Youth*, Survey for War Affected Youth (SWAY), September 2006, 29; available from <http://www.sway-uganda.org/SWAY.Phase1.FinalReport.pdf>. See also ILO-IPEC, *A Report on Child Labour in General Agriculture in Uganda*, Geneva, 2006, section 6.5.3.

<sup>3824</sup> ILO-IPEC, *Child Labour in General Agriculture*, IX. See also Uganda Bureau of Statistics, *Uganda National Household Survey 2002/2003: Report on the Labour Force*

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*Survey*, Kampala, November 2003, 48-49. See also U.S. Embassy- Kampala, *reporting*, June 10, 2008, para 1, 4.

<sup>3825</sup> ILO-IPEC, *Child Labour in General Agriculture*, IX, IV.

<sup>3826</sup> ILO-IPEC, *Report of the Sectoral Study on Child Labour and the Urban Informal Sector in Uganda*, Geneva, June 2004, iv-v, 36-37; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=703>. See also U.S. Department of State, "Country Reports- 2008: Uganda," section 6d. See also Elizabeth Stites, Darlington Akabwai, Dyan Mazurana, and Priscillar Ateyo, *Angering Akuj: Survival and Suffering in Karamoja: A Report on Livelihoods and Human Security in the Karamoja Region of Uganda*, Tufts University, Medford, December 2007, 32; available from <https://wikis.uit.tufts.edu/confluence/download/attachments/14553663/Stites--Angering+Akuj--Survival+and+Suffering+in+Karamoja.pdf?version=1>.

<sup>3827</sup> ILO-IPEC, *Child Labour and Cross Border Trade in Uganda*, Geneva, June 2004, v, viii, 3; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=701>.

<sup>3828</sup> U.S. Department of State, "Country Reports- 2008: Uganda," section 6d. See also ILO-IPEC, *Child Labour Wages and Productivity: Results from Demand-Side Surveys*, SIMPOC, Geneva, May 2007, 7; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=7065>. See also U.S. Embassy- Kampala, *reporting*, June 10, 2008, 1-2. See also U.S. Embassy- Kampala, *reporting*, January 23, 2009, para 5.

<sup>3829</sup> ILO-IPEC, *Report of the Sectoral Study on Child Labour and Commercial Sex Exploitation of Children in Uganda*, Geneva, June 2004, 46, 48; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=702>. See also World Vision, *Situation of Child Labor and Education in East Africa: A Baseline Study and Situational Analysis for Kenya, Uganda, Rwanda, and Ethiopia Together*, Washington, DC, February 2, 2006, table 10.

<sup>3830</sup> U.S. Department of State, "Country Reports- 2008: Uganda," section 5.

<sup>3831</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Uganda, *The Employment Act, 2006*, Act 5, (June 8, 2006), Act 5, 32 (1-3); available from <http://www.oit.org/public/english/protection/trav/aids/laws/ugandalaw.pdf>. For age to which education is compulsory, U.S. Department of State, "Uganda," in *Country Reports on Human Rights Practices-2008*, Washington, DC, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. See also UNESCO, *Overcoming Inequality: Why Governance Matters 2009*, France, 2009, 298; available from

<http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>. For free public education see U.S. Department of State, "Country Reports- 2008: Uganda," section 5. See also Government of Uganda, *The Education (Pre-Primary, Primary and Post-Primary) Act, 2008*, Act 13, section 4; available from <http://www.education.go.ug/Education.Act.pdf>.

<sup>3832</sup> U.S. Department of State, "Uganda (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008>.

<sup>3833</sup> Save the Children, *A Chronic Emergency: Child Protection Issues Among Communities in Karamoja Region*, Kampala, 2006, sections 8.11, 10.1.

<sup>3834</sup> ILO-IPEC, *Rapid Assessment Report on Trafficking of Children into Worst Forms of Child Labor, including Child Soldiers in Uganda*, Geneva, February 2007, iii; available from <http://www.africanchildinfo.net/documents/child%20trafficking%20study%20in%20Uganda.pdf>.

<sup>3835</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Uganda." See also ILO-IPEC, *Report on Trafficking of Children into WFCL*.

<sup>3836</sup> U.S. Department of State, "Country Reports- 2008: Uganda," section 5.

<sup>3837</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Uganda."

<sup>3838</sup> U.S. Department of State, "Country Reports- 2008: Uganda," section 5.

<sup>3839</sup> United Nations, *Committee on the Rights of the Child: Consideration of Reports Submitted by States Parties Under Article 8, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: Uganda*, CRC/C/OPAC/UGA/1, Convention on the Rights of the Child, July 17, 2008, para 14; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPAC.UGA.1.doc>. See also U.S. Embassy- Kampala official, E-mail communication to USDOL official, July 7, 2009.

<sup>3840</sup> UN Security Council, *Additional Report of the Secretary-General on Children and Armed Conflict in Uganda*, S/2008/409, June 23, 2008, 1; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N08/376/76/PDF/N0837676.pdf?OpenElement>. See also U.S. Department of State, "Country Reports- 2008: Uganda," section 5.

<sup>3841</sup> Government of Uganda, *Employment Act*, act 6, 32 (1-3).

<sup>3842</sup> *Ibid.*, act 6, part I (2), 32 (1-5)

<sup>3843</sup> *Ibid.*, act 6, 32 (1-4).

<sup>3844</sup> *Ibid.*, act 6, part I (2), 32 (1-5)

<sup>3845</sup> Government of Uganda, *Constitution*, (1995), chapter 4, article 25; available from [http://www.ugandaonlinelawlibrary.com/files/constitution/constitution\\_1995.pdf](http://www.ugandaonlinelawlibrary.com/files/constitution/constitution_1995.pdf).

<sup>3846</sup> Government of Uganda, *Penal Code*, (June 15, 1950), chapter XIV, articles 126, 129, 134, chapter XXIV article 250; available from [http://www.ugandaonline.lawlibrary.com/files/free/The\\_Penal\\_Code\\_Act.pdf](http://www.ugandaonline.lawlibrary.com/files/free/The_Penal_Code_Act.pdf).

<sup>3847</sup> Coalition to Stop the Use of Child Soldiers, "Uganda," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

<sup>3848</sup> U.S. Department of State, "Country Reports- 2008: Uganda," section 5. See also U.S. Embassy- Kampala, *reporting, January 23, 2009*, para 2.

<sup>3849</sup> U.S. Embassy- Kampala, *reporting, January 23, 2009*, para 3.

<sup>3850</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Uganda."

<sup>3851</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Sierra Leone second report*, CRC/C/SLE/2, Geneva, September 8, 2006, para 18, 121; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0d28ce8b8d49b955c12572610029584b/\\$FILE/G0644130.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0d28ce8b8d49b955c12572610029584b/$FILE/G0644130.pdf).

<sup>3852</sup> UNODC, *Ongoing Projects in Eastern Africa*, [online] 2008 [cited December 16, 2008]; available from <http://www.unodc.org/eastern-africa/en/about-unodc-eastern-africa/ongoing-projects.html>. See also UNODC and EAPCCO, *Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa*, Addis Ababa, August 2008. See also UNODC official, E-mail communication to USDOL official, April 2, 2009. See also UNODC official, E-mail communication to USDOL official, April 3, 2009.

<sup>3853</sup> U.S. Embassy- Kampala, *reporting, January 23, 2009*, para 25g.

<sup>3854</sup> United Nations, *Committee on the Rights of the Child Consideration of Reports: Uganda* para 119-120. See also IOM, *Uganda*, [online] September 2008 [cited December 15, 2008]; available from <http://www.iom.int/jahia/Jahia/uganda>.

<sup>3855</sup> Integrated Regional Information Networks, "Uganda: Drought, Hunger Drive Karamoja Children to Beg in Kampala", IRINnews.org, [online], November 3, 2008 [cited November 3, 2008]; available from <http://www.irinnews.org/report.aspx?ReportID=81265>.

<sup>3856</sup> United Nations, *Committee on the Rights of the Child Consideration of Reports: Uganda* 121, 123.

<sup>3857</sup> U.S. Embassy- Kampala, *reporting, January 23, 2009*, para 2.

<sup>3858</sup> *Ibid.*, para 3.

<sup>3859</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Uganda."

<sup>3860</sup> 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.

<sup>3861</sup> Ibid., 30-31, 46-48.

<sup>3862</sup> ILO-IPEC, *Combating and Preventing HIV/AIDS-induced Child Labour in Sub-Saharan Africa: Pilot Action in Uganda and Zambia*, Project Document, Geneva, July, 2004, i, 14. See also ILO-IPEC, *Combating and Preventing HIV/AIDS-induced Child Labour in Sub-Saharan Africa: Pilot Action in Uganda and Zambia*, Final Report, December 10, 2008, 1.

<sup>3863</sup> ILO-IPEC, *Combating HIV/AIDS-induced Child Labour, Final Report-2008*, 33.

<sup>3864</sup> U.S. Embassy- Kampala, *reporting, January 23, 2009*, para 4.

<sup>3865</sup> International Rescue Committee, *Livelihoods, Education, & Protection to End Child labor in Uganda (LEAP)*, Technical Progress Report, New York, September 2008, 5.

<sup>3866</sup> International Rescue Committee, *Livelihoods, Education, & Protection to End Child labor in Uganda (LEAP)*, Project Document, New York, January 7, 2009, 1.

<sup>3867</sup> Ibid., 3, 37-41.

<sup>3868</sup> International Rescue Committee, *LEAP, Technical Progress Report-September 2008*, 9.

<sup>3869</sup> World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Project Document, Washington, DC, July 18, 2005, i, 2, 9. See also World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Technical Progress Report, Washington, DC, September 29, 2008, cover, 44. See also World Vision official, E-mail communication to USDOL official, October 6, 2008, Revised TPR, 44.

<sup>3870</sup> U.S. Embassy- Kampala, *reporting, June 10, 2008*, para 6.

## Ukraine

### Incidence and Nature of Child Labor

Children in Ukraine are found working in agriculture, trade in open air markets, and surface coal mining.<sup>3871</sup>

Ukraine is a source country for Internet child pornography.<sup>3872</sup> Ukrainian children are trafficked internationally and internally for the purposes of sexual exploitation, forced begging, and forced labor in agriculture.<sup>3873</sup> Most trafficked girls are subject to commercial sexual exploitation, while boys are trafficked for labor or to sell drugs. Debt bondage, forcing the child to pay off debt incurred as a result of the trafficking, is a common occurrence in trafficking situations.<sup>3874</sup>

Street children, victims of domestic violence, orphans, residents of children's homes, and children who migrate in search of work are among those most at-risk of becoming engaged in the worst forms of child labor, including commercial sexual exploitation and trafficking.<sup>3875</sup>

### Child Labor Laws and Enforcement

The minimum age for employment is 16 years. With the consent of a parent, children at 15 years may work in certain non-hazardous industries

and children at 14 years may work in agriculture and the social sector (orphanages, hospitals, elder care, etc.) on a short-term basis if it does not interfere with their education.<sup>3876</sup> The employment of an underage child is punishable by up to 6 months of imprisonment or judicial restraint for up to 3 years. The sentence is increased to 2 to 5 years of imprisonment if multiple children are involved, if considerable damage is done to the health of the child, or if the child was involved in hazardous work.<sup>3877</sup>

Forced labor of children is forbidden by law.<sup>3878</sup> The minimum age for military conscription and participation in combat is 18 years.<sup>3879</sup> Orphans and children of military personnel can begin military training at 15 years. Individuals can enroll in a military education institution at 17 years.<sup>3880</sup>

Pimping or managing a brothel that employs minors is punishable by 2 to 7 years of imprisonment.<sup>3881</sup> Involvement of a child in prostitution for profit or through violence or threats is prohibited, and offenders can be punished by 3 to 5 years of imprisonment.<sup>3882</sup> The importation, sale, distribution, or manufacturing of pornography is punishable by 6 months to 3 years of imprisonment.<sup>3883</sup> The sentence is



increased to 5 years if the material is on film or video media. If there are repeat violations or if the act was committed by a group of persons and involved compelling the minor to participate, the sentence is increased to 3 to 7 years of imprisonment.<sup>3884</sup>

<i>Selected Statistics and Indicators on Child Labor</i> <sup>3885</sup>	
Population, children, 5-14 years (%), 1999:	6,993,779
Working children, 5-14 years (%), 1999:	2.4
Working boys, 5-14 years (%), 1999:	3.0
Working girls, 5-14 years (%), 1999:	1.8
Working children by sector, 5-14 years (%), 1999:	
- Agriculture	49.5
- Manufacturing	3.3
- Services	44.7
- Other	2.6
Minimum age for work:	16
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	99.8
Net primary enrollment rate (%), 2007:	89.4
School attendance, children 5-14 years (%), 1999:	91.5
Survival rate to grade 5 (%):	-
ILO Convention 138:	5/3/1979
ILO Convention 182:	12/14/2000
CRC:	8/28/1991
CRCOPAC:	7/11/2005
CRCOPSC:	7/3/2003
Palermo:	5/21/2004
ILO-IPEC participating country:	Yes

Trafficking of minors for the purpose of exploitation is punishable by 5 to 12 years of imprisonment. The sentence is increased to a prison term of 8 to 15 years if a minor is trafficked internationally or the crime is committed by an organized group.<sup>3886</sup> Children are forbidden from leaving the country or changing residence without the consent of the minor's legal representatives.<sup>3887</sup>

The State Labor Inspectorate, under the Ministry of Labor and Social Policy, implements and enforces child labor laws in the formal sector.<sup>3888</sup> There were 708 labor inspectors in Ukraine in

2006, the most recent year for which data was available.<sup>3889</sup> In addition to the Labor Inspectorate, the Ministry of Emergencies and the Ministry of Health also conduct inspections.<sup>3890</sup> The State Department of Surveillance over Labor Legislation Observance reported that during 2008, there were 660 labor inspections which uncovered 2,237 cases of adolescents under 18 years working, of which 66 involved children less than 14 years and 104 of these cases were referred for prosecution.<sup>3891</sup> The Labor Inspectorate does not have the authority to inspect informal workplaces.<sup>3892</sup> The Department of Juvenile Affairs under the Ministry of Family, Youth, and Sport (MOFYS) and the Criminal Police on Juvenile Affairs under the Ministry of Internal Affairs are responsible for finding children engaged in the worst forms of child labor in the informal sector.<sup>3893</sup>

The Ministry of Interior's Anti-Trafficking Department oversees the enforcement of child anti-trafficking laws.<sup>3894</sup> The Ministry of Internal Affairs has bilateral and multilateral agreements with regional and international law enforcement agencies to address transnational trafficking.<sup>3895</sup> The Ministry of Health is responsible for providing physical and psychological rehabilitation to child victims of prostitution and trafficking.<sup>3896</sup> In 2008, IOM reported 37 cases of child trafficking for sexual exploitation.<sup>3897</sup> USDOS reported that victims were reluctant to testify against their traffickers due to a lack of trust in the law enforcement system, weak witness protection efforts, and a negative public perception of trafficking victims.<sup>3898</sup> USDOS also reported that corruption among the police and in the courts hampered the enforcement of anti-trafficking laws.<sup>3899</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government's State Program to Combat Child Homelessness and Neglect (2006-2010) identifies child homelessness as a factor related to child labor and aims to identify and support at-risk families.<sup>3900</sup> The Government of Ukraine has a National Action Plan (2006-2016) on the implementation of the UN Convention on the Rights of the Child, with separate chapters on the

worst forms of child labor, child trafficking, and sexual exploitation.<sup>3901</sup> The Donetsk Regional Action Plan to Eliminate the Worst Forms of Child Labor calls for regular workplace monitoring, support for local action committees working with ILO-IPEC, awareness-raising activities, the provision of services to formerly working children, and the regular supervision of at-risk families to prevent child labor.<sup>3902</sup>

The Kherson Regional Program on the Prevention of Trafficking in Human Beings (2007-2010) provides services for trafficking victims, including child victims. It also supports information and awareness-raising activities targeting children and youth, regular monitoring of labor migration, and the implementation of programs for the psychosocial rehabilitation of child victims.<sup>3903</sup> Ukraine's State Program on Counteracting Trafficking of People (2007-2010) aims to eliminate child prostitution, child pornography, and trafficking in children by serving as a guideline on strategies against child trafficking and enforcing mechanisms to eliminate child labor. Program activities include training courses, rehabilitation centers, and improvement of identification systems.<sup>3904</sup> It also requires MOFYS and other agencies to allocate funding to help child victims of trafficking.<sup>3905</sup> As of January 2009, the Government has appropriated USD 7,000 to the program.<sup>3906</sup> In 2008, the Decree on Activities on Protection of Children's Rights and Interests was issued. The decree includes measures to be taken by the Ministry of Internal Affairs to protect children from exploitation.<sup>3907</sup>

The Government participates in a USD 3.5 million USDOL-funded ILO-IPEC regional project (2006-2009) to combat child trafficking and other worst forms of child labor, which operates in Albania, Bulgaria, Kosovo, Moldova, Romania, and Ukraine. The project aims to withdraw 1,350 children and prevent 3,150 children from exploitive labor throughout all of the participating countries.<sup>3908</sup> With the support of the Government of Germany, the Government of Ukraine is participating in a USD 250,000 ILO-IPEC regional project (Albania, Moldova, Romania, Ukraine) to combat child trafficking for labor and sexual exploitation from December 2003 to December 2009.<sup>3909</sup> The Government is

participating in a USD 250,000 USDOS-funded, NGO-implemented, anti-trafficking project. The project aims to improve victim identification efforts, public awareness, and provide training to local government representatives.<sup>3910</sup> The Government of Ukraine also participated in a USD 843,000 German-funded ILO-IPEC regional project (Albania, Moldova, Romania, Ukraine) to combat child trafficking from February 2003 to March 2008.<sup>3911</sup>

The Government continued to work with NGOs on anti-trafficking awareness-raising campaigns and funded the production and distribution of anti-trafficking awareness material.<sup>3912</sup> In 2008, ILO-IPEC trained State Labor Inspectorate representatives on the child labor monitoring system.<sup>3913</sup>

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<sup>3871</sup> U.S. Embassy- Kyiv, *reporting*, January 16, 2009, para 6. See also U.S. Department of State, "Country Reports- 2008: Ukraine," section 6d.

<sup>3872</sup> Ryan Jason and Cook Theresa, *Global Child Porn Ring Taken Down*, [online] 2008 [cited January 15, 2009]; available from <http://abcnews.go.com/print?id=6452112>. See also Reuters, *Police Shut Ukraine Model Agency in Porn Crackdown*, [online] 2004 [cited January 16, 2009]; available from <http://web.archive.org/web/20040810103032/http://www.reuters.com/newsArticle.jhtml?type=internetNews&storyID=5801731>.

<sup>3873</sup> U.S. Department of State, "Ukraine," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008, 252; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, "Country Reports- 2008: Ukraine," section 6d.

<sup>3874</sup> ILO-IPEC, *Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Ukraine*, 2003, Geneva, 2004, 1-2; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=764>.

<sup>3875</sup> 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: Ukraine*, June 9, 2006, 6-7; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G06/4/25/67/PDF/G0642567.pdf?OpenElement>.

<sup>3876</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Project Document, Geneva, September 19, 2006, 34. See also U.S. Department of State, "Country Reports- 2008:

Ukraine," section 6d. See also U.S. Embassy- Kyiv, *reporting, January 16, 2009*.

<sup>3877</sup> Government of Ukraine, *Criminal Code*, (September 1, 2001), article 150; available from <http://www.legislationline.org/download/action/download/id/1710/file/e7cc32551f671cc10183dac480fe.htm/preview>.

<sup>3878</sup> Government of Ukraine, *Constitution of Ukraine*, article 43.

<sup>3879</sup> Coalition to Stop the Use of Child Soldiers, "Ukraine," in *Child Soldiers Global Report 2008*, London, 2008, 351; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3880</sup> *Ibid.*, 352.

<sup>3881</sup> Government of Ukraine, *Criminal Code*, article 302.

<sup>3882</sup> *Ibid.*, article 303.

<sup>3883</sup> *Ibid.*, article 301(1).

<sup>3884</sup> *Ibid.*, articles 301(2) and 301(3).

<sup>3885</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Department of State, "Ukraine," 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/eur/119110.htm>. For age to which education is compulsory, see U.S. Department of State, "Country Reports- 2008: Ukraine," section 5. For free public education, see Government of Ukraine, *Constitution of Ukraine*, Fifth Session of the Verkhovna Rada of Ukraine, (June 28, 1996), article 53; available from <http://www.rada.kiev.ua/const/conengl.htm>.

<sup>3886</sup> *Ibid.*, article 149.

<sup>3887</sup> Vittoria Luda di Cortemiglia, *Trafficking in Minors for Commercial Sexual Exploitation: Ukraine*, Turin, 12; available from [http://www.unicri.it/wwd/trafficking/minors/docs/dr\\_ukraine.pdf](http://www.unicri.it/wwd/trafficking/minors/docs/dr_ukraine.pdf).

<sup>3888</sup> U.S. Embassy- Kyiv, *reporting, January 16, 2009*, para 5. See also U.S. Department of State, "Country Reports- 2008: Ukraine," section 6d.

<sup>3889</sup> Ministry of Labor and Social Policy- Ukraine official, Interview with USDOL official, March 30, 2006.

<sup>3890</sup> *Ibid.*

<sup>3891</sup> U.S. Embassy- Kyiv, *reporting, January 16, 2009*, para 10.

<sup>3892</sup> Ministry of Labor and Social Policy- Ukraine official, Interview, March 30, 2006. See also State Labor Inspectorate- Ukraine official, Interview with USDOL official, March 30, 2006.

<sup>3893</sup> U.S. Department of State, "Country Reports- 2008: Ukraine," section 6d. See also U.S. Embassy- Kyiv, *reporting, January 16, 2009*, para 5.

<sup>3894</sup> U.S. Department of State, "Country Reports- 2008: Ukraine," section 6d.

<sup>3895</sup> UN Committee on the Rights of the Child, *Written Replies by the Government of Ukraine to the List of Issues (CRC/C/OPSC/UKR/Q/1)*, April 19, 2007, 7; available from

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/14e16b2090aac6bbc12572f1005287c2/\\$FILE/G0741224.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/14e16b2090aac6bbc12572f1005287c2/$FILE/G0741224.pdf). See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No.182) Ukraine (ratification: 2000)*, [online] 2008 [cited January 16, 2009], 5; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1518&chapter=3&query=Ukraine%40ref%2B%20Observation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>.

<sup>3896</sup> UN Committee on the Rights of the Child, *Written Replies by the Government of Ukraine*, 19.

<sup>3897</sup> U.S. Embassy- Kyiv, *reporting, January 16, 2009*, para 21.

<sup>3898</sup> U.S. Department of State, "Country Reports- 2008: Ukraine," section 5.

<sup>3899</sup> *Ibid.* See also U.S. Department of State, "Trafficking in Persons Report- 2008: Ukraine," 252.

<sup>3900</sup> ILO IPEC, *Combating trafficking in Children for Labour and Sexual Exploitation in the Balkans and Ukraine*, Technical Progress Report, Geneva, September 9, 2006, 24.

<sup>3901</sup> Ministry of Family Youth and Sport- Ukraine official, Interview with USDOL official, March 29, 2006. See also ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, September 2007, 7.

<sup>3902</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour*, Technical Progress Report, September 2007, 7.

<sup>3903</sup> *Ibid.*

<sup>3904</sup> Government of Ukraine, *Ukraine's Efforts in Eliminating the Worst Forms of Child Labor*, February 9, 2009.

<sup>3905</sup> U.S. Embassy- Kyiv, *reporting, January 16, 2009*, para 13.

<sup>3906</sup> *Ibid.* See also XE.com, *Universal Currency Converter*, [online] [cited February 3, 2009]; available from <http://www.xe.com/ucc/convert.cgi>.

<sup>3907</sup> ILO-IPEC, *Trafficking and Other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, September, 2008, 7-8.

<sup>3908</sup> ILO-IPEC, *Trafficking and other Worst Forms of Child Labour, Project Document, September 2006*, cover page, 70.

<sup>3909</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

<sup>3910</sup> U.S. Department of State, *Fiscal Year 2008 Anti-Trafficking Programs*, 2008, 5; available from

<http://www.state.gov/g/tip/rls/rpt/111540.htm#eap>.

<sup>3911</sup> ILO-IPEC Geneva official, E-mail communication, December 18, 2008.

<sup>3912</sup> U.S. Department of State, "Country Reports- 2008: Ukraine," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Ukraine," 253.

<sup>3913</sup> U.S. Embassy- Kyiv, *reporting, January 16, 2009*, section 11.

## Uruguay

### *Selected Statistics and Indicators on Child Labor*<sup>3914</sup>

Population children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	115.0
Net primary enrollment rate (%), 2006:	99.7
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2005:	93.1
ILO Convention 138:	6/2/1977
ILO Convention 182:	8/3/2001
CRC:	11/20/1990
CRCOPAC:	9/9/2003
CRCOPSC:	7/3/2003
Palermo:	3/4/2005
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

### **Incidence and Nature of Child Labor**

Children in Uruguay work in domestic service, as street vendors, and in construction. They also work cleaning cars, begging, minding parked cars, running errands, preparing foods for sale, and sorting garbage.<sup>3915</sup> In rural areas, children are found working in agriculture, forestry, beekeeping and fishing activities.<sup>3916</sup>

The Government found that many minors who resorted to prostitution did so to assist their families.<sup>3917</sup> Children are trafficked internally to border areas and tourist locations for the purpose of commercial sexual exploitation. Prostitution rings are reported to exploit children in border areas near Argentina and Brazil, as well as within the capital of Montevideo.<sup>3918</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 15 years. The Adolescent Labor Division of the Institute for Children and Adolescents (INAU) may grant permission to minors 13 to 15 years to engage in light work. However, Uruguay has not yet legally defined "light labor."<sup>3919</sup> Adolescents between 15 and 18 years require Government permission to work.<sup>3920</sup> Adolescents must undergo physical exams prior to beginning work and must renew these exams yearly. The Government only grants work permission to minors who either have finished 9 years of compulsory education or who are enrolled in school and are completing compulsory education.<sup>3921</sup> Work permits are not granted for hazardous, fatiguing, or night work.<sup>3922</sup>

The Government of Uruguay's National Committee for the Eradication of Child Labor compiled and maintains a list of the 50 hazardous jobs prohibited for children.<sup>3923</sup> The types of hazardous jobs by their condition include work with machines, at heights, with hot or toxic substances, handling animals, or with sharp tools. Jobs that are hazardous by their nature include work involving long workdays, isolation, mistreatment or abuse, or exposure to immoral, illegal, or socially unacceptable situations.<sup>3924</sup> Minors are not allowed to work for more than 6

hours per day within a 36-hour work week. Further, minors must rest 1 day per week, preferably Sunday, and cannot work between the hours of 10 p.m. and 6 a.m. Minors between the ages of 16 and 18 years may work up to 8 hours per day with permission from authorities.<sup>3925</sup> Violations of child labor laws are punishable by fines.<sup>3926</sup> Parents or adults responsible for working children may be subject to imprisonment of 3 months to 4 years.<sup>3927</sup>

Forced or compulsory labor is prohibited by law.<sup>3928</sup> The law prohibits child pornography, imposing prison terms of 2 to 6 years for its production; 1 to 4 years for its commercialization; and 6 months to 2 years for its distribution.<sup>3929</sup> The penalty for using or facilitating the prostitution of a minor is 2 to 12 years in prison. This penalty is increased for those who are in a position of authority.<sup>3930</sup> Trafficking of children into or out of the country for the purpose of sexual exploitation is penalized with 2 to 12 years in prison.<sup>3931</sup>

The minimum age for voluntary military conscription is 18 years.<sup>3932</sup>

The Ministry of Labor and Social Security has primary responsibility for enforcing child labor laws and works with INAU to investigate child labor complaints. INAU has five inspectors who specialize in child labor.<sup>3933</sup> However, USDOS reports that a lack of resources and the concentration of child work in the informal sector make enforcement difficult.<sup>3934</sup> The Ministry of the Interior is responsible for investigating trafficking in persons.<sup>3935</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Interdepartmental Commission for the Prevention and Protection of Children against Sexual Exploitation, in conjunction with INAU, has a national plan of action against commercial sexual exploitation of children. The goals of this plan are to strengthen victims' rights, to reinsert children back into school, to develop alternative means of income for families, and to improve protection measures for victims and witnesses.<sup>3936</sup> However, according to the UN Committee on the Rights of the Child, the Government needs to

dedicate more resources to understanding the nature of the problem of child labor and sexual exploitation of children, and its prevention.<sup>3937</sup>

The Government of Uruguay provides some assistance to trafficking victims through NGOs.<sup>3938</sup> The Government worked to raise awareness and cooperated with the IOM to combat trafficking in border and tourist areas. The Ministry of Education has produced anti-trafficking public service announcements on national television.<sup>3939</sup>

The Government is participating in an IDB-financed program that includes initiatives to address child labor, reduce school attrition, and improve children's performance in school. The program aims to assist 800 children working in the streets.<sup>3940</sup> UNICEF is implementing a project to raise awareness of children's and adolescents' rights that includes a component on child labor.<sup>3941</sup> The Government of Uruguay participated in a four-year Phase III USD 3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>3942</sup> The IDB is also funding a 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.<sup>3943</sup>

The Government of Uruguay and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* (Southern Child) initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>3944</sup> Uruguay's Ministry of Tourism and Sports 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. It was created in 2005 and includes the Ministries of Tourism from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, and Venezuela.<sup>3945</sup>

<sup>3914</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Department of State, "Uruguay," 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/wha/119176.htm>. For age to which education is compulsory, see Pan American Health Organization, *Uruguay*, [online] [cited February 10, 2009]; available from <http://www.paho.org/spanish/sha/prfluru.htm>. See also Government of Uruguay, *Constitución de la República*, (2004), article 70; available from <http://www.parlamento.gub.uy/constituciones/const004.htm>. For free public education, see Government of Uruguay, *Constitución de la Republica*, article 71.

<sup>3915</sup> ILO-IPEC, Comité Nacional para la Erradicación del Trabajo Infantil, Centro de Informaciones y Estudios del Uruguay, and Adolescencia y Familia Programa Infancia, *Estudio de 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, 79-81; available from [http://white.oit.org.pe/ippec/documentos/ti\\_uruguay\\_ciesu.pdf](http://white.oit.org.pe/ippec/documentos/ti_uruguay_ciesu.pdf). See also Instituto Nacional de Estadísticas, UN Development Program, UN Population Fund, Rodrigo Arim, and Gonzalo Salas, *Encuesta Nacional de Hogares Ampliada 2006, Módulo de trabajo infantil y adolescente*, 2006, 13; available from [http://www.ine.gub.uy/enha2006/INFORME\\_Trabajo\\_infantil.pdf](http://www.ine.gub.uy/enha2006/INFORME_Trabajo_infantil.pdf).

<sup>3916</sup> ILO-IPEC, Comité Nacional para la Erradicación del Trabajo Infantil, Centro de Informaciones y Estudios del Uruguay, and Programa Infancia, *Estudio de las Características de los Niños, Niñas y Adolescentes Trabajadores y sus Familias*, 80-81. See also Instituto Nacional de Estadísticas, UN Development Program, UN Population Fund, Arim, and Salas, *Módulo de trabajo infantil y adolescente*, 13. See also Anti-Slavery International, *Contemporary forms of slavery in Uruguay*, 2006, 8; available from <http://www.anti-slavery.org/homepage/resources/PDF/Contemporar y%20Forms%20of%20Slavery%20in%20Uruguay.pdf>.

<sup>3917</sup> U.S. Department of State, "Uruguay (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>.

<sup>3918</sup> *Ibid.*

<sup>3919</sup> ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Uruguay (ratification: 1977)*, [online] 2006 [cited February 4, 2009]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-displaycomment.cfm?hdroff=1&ctry=0620&year=2006&type=R&conv=C138&lang=ES>.

<sup>3920</sup> Government of Uruguay, *Código de la niñez y la adolescencia*, (August 2, 2004), article 162; available from [www.parlamento.gub.uy/leyes/ Acceso TextoLey.asp?Ley=17823&Anchor=](http://www.parlamento.gub.uy/leyes/ Acceso TextoLey.asp?Ley=17823&Anchor=).

<sup>3921</sup> *Ibid.*, articles 167 and 168.

<sup>3922</sup> *Ibid.*, articles 163 and 172.

<sup>3923</sup> U.S. Embassy- Montevideo, *reporting*, December 6, 2008.

<sup>3924</sup> *Ibid.*

<sup>3925</sup> Government of Uruguay, *Código de la niñez y la adolescencia*, article 169.

<sup>3926</sup> *Ibid.*, article 173.

<sup>3927</sup> *Ibid.*, article 176. See also Government of Uruguay, *Código penal de la República oriental del Uruguay*, (1986), article 279B; available from [http://www.unifr.ch/derechopenal/legislacion/uy/cp\\_uruguay.htm](http://www.unifr.ch/derechopenal/legislacion/uy/cp_uruguay.htm).

<sup>3928</sup> U.S. Department of State, "Country Reports- 2008: Uruguay," section 6c. See also Government of Uruguay, *Código penal de la República oriental del Uruguay*, article 280.

<sup>3929</sup> 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), articles 1-3; available from <http://www.parlamento.gub.uy/Leyes/Ley17815.htm>.

<sup>3930</sup> *Ibid.*, articles 4, 5.

<sup>3931</sup> *Ibid.*, article 6.

<sup>3932</sup> 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](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>3933</sup> U.S. Embassy- Montevideo, *reporting*, January 26, 2009. See also U.S. Department of State, "Country Reports- 2008: Uruguay," section 6d.

<sup>3934</sup> U.S. Department of State, "Country Reports- 2008: Uruguay," section 6d.

<sup>3935</sup> *Ibid.*, section 5.

<sup>3936</sup> U.S. Embassy- Montevideo, *reporting*, December 7, 2007. See also U.S. Embassy- Montevideo, *reporting*, January 26, 2009.

<sup>3937</sup> UN Committee on the Rights of the Child, *Periodic Reports of States Parties due in 2007: Uruguay*, July 5, 2007, paras 62 and 66; available from <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=469b351d2&skip=&coi=URY>.

<sup>3938</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Uruguay."

<sup>3939</sup> *Ibid.*

<sup>3940</sup> IDB, *Uruguay: Comprehensive Program for At-risk Children, Adolescents and Families*, UR-134, 2002, 2 and 45; available from <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=423035>.

<sup>3941</sup> UNICEF, *At a Glance: Uruguay*, [online] [cited February 5, 2009]; available from <http://www.unicef.org/infobycountry/uruguay.html>.

<sup>3942</sup> ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

<sup>3943</sup> IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] [cited February 5, 2009]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=R G%2DT1266>.

<sup>3944</sup> Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [cited April 7, 2009]; available from <http://www.derhuman.jus.gov.ar/>

mercotur/. 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 April 7, 2009]; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>3945</sup> Brazilian Ministry of Tourism, *Ecuador Assume Dirección de Grupo Latino-Americano para a Proteção Infante-Juvenil*, November 26, 2008; available from <http://www.turismo.gov.br/>. See also Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

## Uzbekistan

### Incidence and Nature of Child Labor

Numerous credible sources report the widespread, compulsory mobilization of children in Uzbekistan to work during the annual cotton harvest. There are no reliable figures on the number of children involved in the cotton harvest, which is thought to vary considerably by region and year and is a practice that dates from the early Soviet period.<sup>3946</sup> During past harvests, schools closed for months in some rural regions to allow children to pick cotton.<sup>3947</sup> There have been reports indicating that some children have had to endure poor living conditions during the harvest.<sup>3948</sup> While most children involved in the cotton harvest are older than 15 years and the vast majority are over 11 years, children as young as 9 years were seen picking cotton in 2008.<sup>3949</sup> Some children from Uzbekistan migrate to Kazakhstan with their families during the harvest season to work in the cotton industry.<sup>3950</sup>

Children in Uzbekistan also work in street vending, services, construction, building material manufacturing, and transportation.<sup>3951</sup> In urban areas, children as young as 7 or 8 years routinely work in family businesses during school holidays.<sup>3952</sup> There are also reports that children grow silkworm cocoons in rural areas.<sup>3953</sup>

There are reports that girls are engaged in forced prostitution in Uzbekistan.<sup>3954</sup> In the first 9 months of 2008, Uzbek girls were trafficked internally as well as to the United Arab Emirates, India, Kazakhstan, Russia, and Turkey. Boys were trafficked to Kazakhstan and Russia.<sup>3955</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment at 16 years, provided it does not interfere with the children's studies.<sup>3956</sup> At 14 years, children may work part time up to 24 hours per week, with parental permission when school is not in session and 12 hours per week when school is in session.<sup>3957</sup> Children 16 to 18 years may work up to 36 hours per week while school is not in session and 18 hours per week when school is in session.<sup>3958</sup> Children must receive an annual medical examination at their employer's expense to be eligible for work.<sup>3959</sup> A Government decree bans children from working in unhealthy conditions, and specifically lists manual harvesting of cotton as having unhealthy conditions for children.<sup>3960</sup>

The law prohibits forced labor, except when fulfilling a court sentence or as specified by law.<sup>3961</sup> The law prohibits attaining profit from

promoting prostitution, and though it does not specifically reference child prostitution, “inducing a minor to commit a crime” carries penalties of imprisonment for 5 to 10 years.<sup>3962</sup> The law prohibits trafficking of minors with penalties of 8 to 12 years’ imprisonment.<sup>3963</sup>

work in family-based employment. However, in 2008, it initially appears that authorities have made “a concerted effort” to prevent students from being mobilized for the cotton harvest.<sup>3967</sup>

The Ministry of Internal Affairs’ Anti-Trafficking in Persons Unit and the Prosecutor’s Office have investigated numerous trafficking-related crimes.<sup>3968</sup> The more than 600 investigations of individuals for trafficking crimes in 2008 resulted in almost 400 prosecutions, and 65 of the 2,941 trafficking victims were minors.<sup>3969</sup> Uzbekistan has assigned 272 police officers to work on trafficking in persons’ issues, 118 of whom work on the issue exclusively.<sup>3970</sup> According to USDOS, there were unconfirmed reports of Government officials involved in trafficking-related bribery and fraud.<sup>3971</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In June 2008, Uzbekistan ratified ILO Convention 182 on the worst forms of child labor.<sup>3972</sup> The Government adopted a National Action Plan for the implementation of the convention in September 2008, which called for the end of the mass mobilization of children for the cotton harvest.<sup>3973</sup> In 2008, the Prime Minister issued a statement ordering regional governors not to use child labor during the fall harvest; however, reports indicate that children were mobilized to pick cotton in several parts of the country.<sup>3974</sup>

In June 2008, the Government adopted the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.<sup>3975</sup> In December 2008, the Government of Uzbekistan adopted the Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.<sup>3976</sup>

Also in 2008, together with the Uzbek Ministry of Labor, the ILO created a manual and other materials on occupational safety and health including the worst forms of child labor.<sup>3977</sup> These materials were used in trainings with labor inspectors, occupational safety and health doctors, staff from the Association of Farmers,

### *Selected Statistics and Indicators on Child Labor*<sup>3964</sup>

Population, children, 5-14 years (%), 2006:	5,713,864
Working children, 5-14 years (%), 2006:	4.3
Working boys, 5-14 years (%), 2006:	4.4
Working girls, 5-14 years (%), 2006:	4.1
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	12 school years
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	95.5
Net primary enrollment rate (%):	-
School attendance, children 5-14 years (%), 2005:	84.1
Survival rate to grade 5 (%):	-
ILO Convention 138:	No
ILO Convention 182:	6/24/2008
CRC:	6/29/1994**
CRCOPAC:	12/23/2008**
CRCOPSC:	12/23/2008**
Palermo:	8/12/2008
ILO-IPEC participating country:	Associated

\*In practice, must pay for various school expenses

\*\*Accession

The minimum age for military recruitment is 18 years.<sup>3965</sup>

The prosecutor general and the Ministry of Interior’s criminal investigators are responsible for the enforcement of child labor laws.<sup>3966</sup> USDOS reports that while enforcement appears effective in deterring child labor in the formal sector, it is not effective at regulating children’s



and trade union staff. Participants held their own trainings throughout the country.<sup>3978</sup> The ILO and UNICEF collaborated with the National Human Rights Center, a Government agency, to publish books in Uzbek regarding key child labor conventions and to raise awareness regarding child labor legal reforms.<sup>3979</sup>

The Government and ILO continue to work with community-based management and social service organizations to protect children through neighborhood monitoring, publicizing and eliminating hazardous conditions for minors, and establishing a child labor monitoring system.<sup>3980</sup> UNICEF completed training for local officials in 2008 that focused on CRC and included a component on the worst forms of child labor.<sup>3981</sup> UNICEF also held school-based child labor training for teachers and students in five regions.<sup>3982</sup>

In April 2008, the President of Uzbekistan signed an anti-trafficking law that strengthened penalties against traffickers, includes an intra-Governmental coordination mechanism, protection from prosecution for victims forced to commit criminal acts as a result of trafficking, and promises for Government funding for victim protection and assistance.<sup>3983</sup> In November 2008, the President ordered the Ministry of Labor to open a national rehabilitation center in Tashkent to protect and assist human trafficking victims, including children.<sup>3984</sup>

The Government-approved program in which IOM meets returning trafficking victims at the airport and assists them with entry processing and formulating their preliminary statements for the Ministry of Internal Affairs has continued. Police, border patrol, and consular officials referred trafficking victims to IOM for assistance.<sup>3985</sup> The Government supported a public awareness campaign and broadcast anti-trafficking messages on state-controlled television, newspapers, radio, and the Internet.<sup>3986</sup> USDOS notes a "large" increase in the number of anti-trafficking articles in state media in 2008.<sup>3987</sup> The campaign also promoted the use of anti-trafficking hotlines operated by NGOs.<sup>3988</sup> The Government placed awareness-raising posters on buses and in passport offices and consular

sections.<sup>3989</sup> According to USDOS, recent anti-trafficking public awareness campaigns are "extraordinary."<sup>3990</sup>

A Government Inter-Agency Commission on Combating Trafficking in Persons meets four times per year and includes representatives of the Ministry of Interior's Office for Combating Trafficking, Crime Prevention Department, Department of Entry-Exit and Citizenship; the National Security Service's Office for Fighting Organized Crime, Terrorism, and Drugs; the Office of the Prosecutor General; the Ministry of Labor; the Consular Department of the Ministry of Foreign Affairs; and the State Women's Committee.<sup>3991</sup>

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<sup>3946</sup> U.S. Embassy- Tashkent, *reporting*, January 16, 2009, paras 1 and 11. See also U.S. Embassy- Tashkent official, E-mail communication to USDOL official, July 7, 2009. U.S. Department of State, "Country Reports-2008: Uzbekistan," section 6d. See also Integrated Regional Information Networks, "Uzbekistan: Focus on Rural Schools", IRINnews.org,, [online], August 10, 2004 [cited February 2, 2009]; available from [http://www.irinnews.org/report.asp?ReportID=42608&SelectRegion=Central\\_Asia&SelectCountry=UZBEKISTAN](http://www.irinnews.org/report.asp?ReportID=42608&SelectRegion=Central_Asia&SelectCountry=UZBEKISTAN). See also U.S. Department of State, "Uzbekistan (Tier 2 Watch List)," in *Trafficking in Persons Report-2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105659.pdf>.

<sup>3947</sup> U.S. Embassy- Tashkent, *reporting*, June 6, 2008. See also International Crisis Group, *The Curse of Cotton: Central Asia's Destructive Monoculture*, February 28, 2005, 17-18; available from [http://www.icg.org/library/documents/asia/central\\_asia/093\\_curse\\_of\\_cotton\\_central\\_asia\\_destructive\\_monoculture.pdf](http://www.icg.org/library/documents/asia/central_asia/093_curse_of_cotton_central_asia_destructive_monoculture.pdf). See also Gulnoza Saidazimova, "Uzbekistan: Call for Boycott Over Uzbek Child Labor", *rferl.org*, [online], November 21, 2007 [cited January 25, 2009]; available from <http://www.rferl.org/content/article/1079173.html>.

<sup>3948</sup> U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 6d. See also U.S. Embassy-Tashkent, *reporting*, June 6, 2008. See also International Crisis Group, *The Curse of Cotton: Central Asia's Destructive Monoculture*, 18. See also International Labor Rights Forum and Human Rights Defenders in Uzbekistan, *Forced Child Labor in Uzbekistan's 2008 Spring Agricultural Season*, 2008, 2; available from <http://www.crin.org/docs/UzbekistanSpring2008.pdf>.

<sup>3949</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, paras 1 and 37. See also Gulnoza Saidazimova, "Uzbekistan: Call for Boycott Over Uzbek Child Labor".

<sup>3950</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 37. See also U.S. Embassy- Astana, *reporting, December 3, 2007*.

<sup>3951</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 45.

<sup>3952</sup> U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 6d.

<sup>3953</sup> U.S. Embassy- Tashkent, *reporting, June 6, 2008*. See also U.S. Embassy- Tashkent official, E-mail communication to USDOL official, July 24, 2008.

<sup>3954</sup> U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 5.

<sup>3955</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 46.

<sup>3956</sup> U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 6d.

<sup>3957</sup> Ibid.

<sup>3958</sup> Ibid.

<sup>3959</sup> U.S. Embassy- Tashkent, *reporting, December 4, 2007*, para 5. See also U.S. Embassy- Tashkent, E-mail communication to USDOL official, August 1, 2007.

<sup>3960</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 6. See also U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 6d.

<sup>3961</sup> Government of Uzbekistan, *Constitution of the Republic of Uzbekistan*, (December 8, 1992), article 37; available from <http://www.umid.uz/Main/Uzbekistan/Constitution/constitution.html>. See also U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 6.

<sup>3962</sup> Government of Uzbekistan, *Criminal Code of the Republic of Uzbekistan*, (September 22, 1994), article 127; available from <http://www.unhcr.org/refworld/publisher,NATLEGBOD,,UZB,3ae6b59216,0.html>. See also U.S. Embassy- Tashkent, *reporting, December 4, 2007*, section 6.

<sup>3963</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 8. See also U.S. Embassy- Tashkent, *reporting, February 19, 2009*, 7.

<sup>3964</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Department of State, "Uzbekistan," 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/2007/100623.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 5.

<sup>3965</sup> Coalition to Stop the Use of Child Soldiers, "Uzbekistan," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=229>.

<sup>3966</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 9.

<sup>3967</sup> Ibid., para 10. See also U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 6d.

<sup>3968</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 13. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Uzbekistan."

<sup>3969</sup> U.S. Embassy- Tashkent, *reporting, February 19, 2009*, 9.

<sup>3970</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Uzbekistan."

<sup>3971</sup> Ibid.

<sup>3972</sup> ILO NATLEX Database on International Labour Standards, *Uzbekistan*, accessed January 25, 2009; available from <http://www.ilo.org/ilolex>.

<sup>3973</sup> U.S. Trade Representative official, E-mail communication to USDOL official, October 17, 2008. See also U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 29.

<sup>3974</sup> U.S. Embassy- Tashkent, *reporting, November 17, 2008*, para a.

<sup>3975</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 8.

<sup>3976</sup> Ibid., 5.

<sup>3977</sup> Ibid., 18.

<sup>3978</sup> Ibid.

<sup>3979</sup> Ibid., 19.

<sup>3980</sup> U.S. Embassy- Tashkent, *reporting, December 4, 2007*. See also U.S. Embassy- Tashkent, *reporting, January 16, 2009*, paras 18 and 26.

<sup>3981</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 14.

<sup>3982</sup> Ibid.

<sup>3983</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Uzbekistan." See also U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 8. See also U.S. Embassy- Tashkent, *reporting, January 7, 2009*, para 2.

<sup>3984</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 28.

<sup>3985</sup> U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 5. See also U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 27.

<sup>3986</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 25.

<sup>3987</sup> U.S. Department of State, "Country Reports- 2008: Uzbekistan," section 5.

<sup>3988</sup> Ibid. See also U.S. Embassy- Tashkent, *reporting, December 20, 2006*.

<sup>3989</sup> U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 26.

<sup>3990</sup> U.S. Embassy- Tashkent, reporting, January 7, 2009, para 26.

<sup>3991</sup> U.S. Embassy- Tashkent, reporting, January 16, 2009, para 12.

## Vanuatu

### *Selected Statistics and Indicators on Child Labor*<sup>3992</sup>

Gross primary enrollment rate (%), 2006:	108.3
Net primary enrollment rate (%), 2006:	87.8

#### **Incidence and Nature of Child Labor**

No changes have been recorded since the last reporting period regarding the incidence and nature of child labor in Vanuatu.\*

#### **Child Labor Laws and Enforcement**

No changes have been recorded since the last reporting period regarding child labor laws and enforcement in Vanuatu.\*

#### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

Research has not identified any policies or programs by the Government of Vanuatu to address exploitive child labor.

\* Because of extremely limited information, a determination was made that USDOL would publish full reports on 9 countries and 18 territories, including the country or territory covered here, once every 5 years. For this reason, this report includes shortened profiles for these countries and territories, containing only new information published during the reporting period. For extended profiles on these countries and territories, please see *The Department of Labor's 2005 Findings on the Worst Forms of Child Labor*. The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor*.

<sup>3992</sup> For statistical data not cited here, see the Data Sources and Definitions section.

## Venezuela

#### **Incidence and Nature of Child Labor**

In Venezuela, children can be found working in agriculture and small- to medium-sized businesses, scavenging in garbage dumps, and participating in gold mining.<sup>3993</sup> Children work in the formal and informal economic sectors. Some of them work as street vendors and store retailers.<sup>3994</sup> According to the Government of Venezuela Statistics Office, 142,098 children work in the agricultural sector, 14,057 in the manufacturing sector, and 36,852 in the construction sector.<sup>3995</sup> Minors are engaged in commercial sexual exploitation and pornography.<sup>3996</sup> Trafficking in children is a

problem. There are reports of the trafficking of children internally and internationally for the purposes of sexual exploitation and forced labor.<sup>3997</sup> Indigenous children are trafficked and forced to work as miners and prostitutes in illegal gold mining camps.<sup>3998</sup> Child prostitution in urban areas and child sex tourism in resort destinations appear to be growing.<sup>3999</sup>

#### **Child Labor Laws and Enforcement**

The law sets the minimum employment age at 14 years. However, children 12 to 14 years may be authorized to work in certain circumstances that do not compromise the health, education, or

development of the child. They are prohibited from work in mining and smelting factories.<sup>4000</sup> Children 14 to 16 years may work in activities allowed by the law with previous legal authorization. Children 14 to 17 years may not work in any activity expressly prohibited by law or which affects their development.<sup>4001</sup> While children under 16 years may work up to 6 hours per day, 30 hours per week, the Labor Code allows them to work 8 hours per day if the workload is light. Children under 18 years may only work between the hours of 6 a.m. and 7 p.m.<sup>4002</sup> Children under 16 years are prohibited from working in the entertainment industry without authorization.<sup>4003</sup>

Adolescents, a municipal agency that protects the rights of children. Minor workers are also entitled to the same rights and benefits provided to adult workers.<sup>4005</sup> Employers who hire minors must keep a registration, make sure the children undergo medical examinations every year, and notify authorities if they hire a minor as a domestic worker.<sup>4006</sup> Minors may not be paid by piece work or less than other workers for equal work. Labor Code provisions likewise apply to minors working under apprenticeships.<sup>4007</sup>

Employing or profiting from the employment of a minor in work for which they are physically unfit is punishable by 6 months to 2 years of imprisonment.<sup>4008</sup> Fines are established for violations of the registration, medical, and social security system requirements, as well as for employers that impede child labor inspections.<sup>4009</sup> Fines are also established for employing any minor 8 to 12 years, and employing or profiting from the employment of a child 12 to 15 years of age who does not have authorization to work.<sup>4010</sup> Hiring a child under 8 years is punishable by 1 to 3 years in prison.<sup>4011</sup>

Forced labor and trafficking of persons is prohibited by law.<sup>4012</sup> According to the Organic Law for the Protection of Children and Adolescents, forced child labor is punishable by 1 to 3 years of incarceration, and prison terms for slavery and slave trafficking are 6 to 12 years.<sup>4013</sup> Trafficking children internationally is punishable by 2 to 6 years in prison, and fines apply for transferring a child to a third party or transporting a child without authorization.<sup>4014</sup> However, the Organic Law on the Right of Women to a Violence-Free Life establishes prison sentences of 15 to 25 years to any person who participates in the trafficking of women, girls, and adolescents for the purpose of sexual exploitation, forced labor, slavery, illegal adoption, or trafficking of organs directly or indirectly.<sup>4015</sup> Child trafficking by members of organized groups is punishable by 10 to 18 years of incarceration.<sup>4016</sup> Persons who promote or assist human trafficking may be punished with prison sentences ranging from 4 to 10 years. The sentence will increase by 50 percent if health, life, or integrity is endangered.<sup>4017</sup>

*Selected Statistics and Indicators  
on Child Labor<sup>4004</sup>*

Population, children, 10-14 years (%), 2005:	2,753,796
Working children, 10-14 years (%), 2005:	5.4
Working boys, 10-14 years (%), 2005:	7.1
Working girls, 10-14 years (%), 2005:	3.6
Working children by sector, 10-14 years (%), 2005:	
- Agriculture	28.3
- Manufacturing	8.0
- Services	61.1
- Other	2.6
Minimum age for work:	14
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	106
Net primary enrollment rate (%), 2007:	92.2
School attendance, children 5-14 years (%), 2005:	94.9
Survival rate to grade 5 (%), 2006:	97.8
ILO Convention 138:	7/15/1987
ILO Convention 182:	10/26/2005
CRC:	9/13/1990
CRCOPAC:	9/23/2003
CRCOPSC:	5/8/2002
Palermo:	5/13/2002
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

The law establishes that children who work must be registered in the child labor registry kept by the Council for the Protection of Children and

The sexual exploitation of children is prohibited and punishable by 3 to 8 years of incarceration.<sup>4018</sup> Inducing, supporting, or facilitating the prostitution of a minor to another party may result in 3 to 18 months of incarceration. If the crime is done repeatedly, or for profit, it is punishable by 3 to 6 years of incarceration.<sup>4019</sup> The punishment for using minors to commit crimes is 1 to 4 years in prison.<sup>4020</sup>

The law prohibits child pornography and penalizes it through fines and prison sentences of between 3 months and 4 years.<sup>4021</sup> However, producing or selling child pornography by organized criminal groups may result in prison terms of 16 to 20 years.<sup>4022</sup> Using any form of information technology to depict child pornography is punishable by 4 to 8 years of incarceration and fines, with penalties increased under certain circumstances.<sup>4023</sup>

Punishments of 2 to 6 years of incarceration are established for the recruitment of minors into criminal organizations, with the prison sentence ranging from 4 to 8 years if the perpetrator is an authority figure.<sup>4024</sup>

The minimum recruitment age for the Government Armed Forces is 18 years. Secondary students are required to complete 2 years of pre-military instruction.<sup>4025</sup>

USDOS reports that the Ministry of Labor and the National Institute for Occupational Safety and Health (INPSASEL) enforced child labor laws effectively in the formal sector, but less effectively in the informal sector.<sup>4026</sup> INPSASEL provides training to labor inspectors on child labor.<sup>4027</sup> State and local Councils on the Rights of Children and Adolescents, the local Councils for the Protection of Children and Adolescents, Courts for the Protection of Children and Adolescents, and the Children's and Adolescents' Ombudsmen make up the System for the Protection of the Child and Adolescent, which is responsible for defending the rights of children.<sup>4028</sup> There is no information available on the number of trafficking investigations, or convictions, or sentences for the trafficking of children.<sup>4029</sup>

## **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

In 2008, the Government of Venezuela launched a program, Neighborhood Children Mission, which aims to protect the rights of children and provide services to vulnerable and poor children. The program, in Phase I, will offer services to 3,600 vulnerable children, including street children, working children, and children at risk of working. In Phase II, the program will provide educational, sports, and cultural activities to poor children.<sup>4030</sup>

The Venezuelan Government participates in a 4-year USD 3.3 million regional initiative to combat child labor in South America, funded by the Government of Spain and implemented by ILO-IPEC.<sup>4031</sup> The Government of Venezuela continued to raise awareness of commercial sexual exploitation of children, forced child labor, and child sex tourism.<sup>4032</sup> The Government is implementing a National Plan of Action against Sexual Abuse and Commercial Sexual Exploitation.<sup>4033</sup> However, research did not uncover information about the current activities carried out under this program.

The Government of Venezuela and the government members and associates of MERCOSUR are carrying out the *Niño Sur* (Southern Child) initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>4034</sup> The Venezuelan Ministry of Tourism 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. Created in 2005, it includes the Ministries of Tourism of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, and Uruguay.<sup>4035</sup>

During the reporting period, the Government of Venezuela trained public officials on anti-

trafficking efforts and operated a national hotline to receive trafficking complaints. It conducted a campaign to raise public awareness of the dangers of human trafficking and encourage trafficking victims to both denounce traffickers and utilize services available to victims provided by NGOs.<sup>4036</sup> The Government also supported anti-trafficking activities implemented by NGOs and international organizations. UNODC provided anti-trafficking training to government officials.<sup>4037</sup>

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<sup>3993</sup> U.S. Embassy- Caracas, *reporting*, February 20, 2009. See also U.S. Embassy- Caracas, *reporting*, June 18, 2008. See also UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1997: Bolivarian Republic of Venezuela*, prepared by Bolivarian Government of Venezuela, pursuant to Article 44 of the Convention on the Rights of Children, April 5, 2007, para 187; available from <http://www.unhcr.org/refworld/docid/47b962182.html>. See also Carmen Arcaya, "Niños y Niñas que Trabajan Tienen Esperanzas," *El Impulso*, December 12, 2008; available from <http://www.redandi.org/verPublicacao.php5?L=ES&idpais=16&id=7986>.

<sup>3994</sup> U.S. Department of State, "Venezuela," in *Country Report on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. See also Delia Meneses, "La Calle como Casa y Escuela," *El Universal*, January 25, 2009; available from [http://guarenasguatire.eluniversal.com/2009/01/25/ccs\\_art\\_la-calle-como-casa-y\\_1241334.shtml](http://guarenasguatire.eluniversal.com/2009/01/25/ccs_art_la-calle-como-casa-y_1241334.shtml). See also Carla Villamedina, "Tres Millones de Niños, Niñas y Adolescentes Trabajan en Venezuela," *Red Andi*, June 13, 2007; available from <http://www.redandi.org/venezuela/>. See also Carla Villamedina, "¿Están Protegidos los Niños, Niñas y Adolescentes que Trabajan en Venezuela?," *Red Andi*, June 10, 2008; available from <http://www.redandi.org/venezuela/>.

<sup>3995</sup> U.S. Embassy- Caracas, *reporting*, June 18, 2008.

<sup>3996</sup> *Ibid.* See also UN Committee on the Rights of the Child, *Second Periodic Reports: Venezuela*, para 187. See also Carmen Arcaya, "Carmen Arcaya, Niños y Niñas que Trabajan Tienen Esperanzas."

<sup>3997</sup> UN Committee on the Rights of the Child, *Second Periodic Reports: Venezuela*, para 187. See also U.S. Department of State, "Country Reports- 2008: Venezuela," sections 5 and 6c. See also U.S. Department of State, "Venezuela (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>. See also UNODC, *Global Report on Trafficking in Persons*, February 2009; available from

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[http://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/Global_Report_on_TIP.pdf).

<sup>3998</sup> UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of State Parties Due in 2004: Venezuela. Addendum*, prepared by Government of Venezuela, pursuant to Article 9 of the Convention on the Elimination of Race Discrimination, June 14, 2004, para 190; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>. See also U.S. Embassy- Caracas, *reporting*, February 20, 2009.

<sup>3999</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Venezuela."

<sup>4000</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 96. See also Government of Venezuela, *Ley Orgánica del Trabajo*, 5.152, (June 19, 1997), articles 249-251; available from [http://www.analitica.com/bitblib/congreso\\_venezuela/ley\\_del\\_trabajo.asp#Vc1](http://www.analitica.com/bitblib/congreso_venezuela/ley_del_trabajo.asp#Vc1).

<sup>4001</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 96, para 1. See also Government of Venezuela, *Constitución de la República Bolivariana de Venezuela*, article 89(6).

<sup>4002</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 102. See also Government of Venezuela, *Ley Orgánica del Trabajo*, articles 255 and 257.

<sup>4003</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, articles 249-251.

<sup>4004</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, (October 2, 1998), article 105; available from [http://www.analitica.com/bitblib/congreso\\_venezuela/lopna.asp](http://www.analitica.com/bitblib/congreso_venezuela/lopna.asp). For age to which education is compulsory, see Government of Venezuela, *Constitución de la República Bolivariana de Venezuela*, (December 30, 1999), articles 102-103; available from <http://www.gobiernoenlinea.ve/legislacion-view/sharedfiles/ConstitucionRBV1999.pdf>. For free public education, see Government of Venezuela, *Constitución de la República Bolivariana de Venezuela*, article 103.

<sup>4005</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, articles 96-104, 110-111. See also Government of Venezuela, *Ley Orgánica del Trabajo*, articles 258-261.

<sup>4006</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 105. See also Government of Venezuela, *Ley Orgánica del Trabajo*, articles 262 and 265.

<sup>4007</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, articles 258, 259, 266.

<sup>4008</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 256.

<sup>4009</sup> *Ibid.*, articles 240-243.

<sup>4010</sup> *Ibid.*, articles 238-239.

<sup>4011</sup> *Ibid.*, article 257.

<sup>4012</sup> Government of Venezuela, *Constitución de la República Bolivariana de Venezuela*, article 54.

<sup>4013</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 255. See also Government of Venezuela, *Código Penal*, 5.494, (October 20, 2000), article 174; available from <http://www.mintra.gov.ve/legal/codigos/penaldevenezuela.htm>.

<sup>4014</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, articles 231, 232, 266, 267.

<sup>4015</sup> Government of Venezuela, *Ley Orgánica sobre el Derecho de las Mujeres a una Vida Libre de Violencia*, 38.668, (April 23, 2007), article 56; available from <http://www.fiscalia.gov.ve/leyes/10-LEYDERECHOMUJER.pdf>.

<sup>4016</sup> Government of Venezuela, *Ley Contra la Delincuencia Organizada*, 38.281, (September 27, 2005), article 16; available from <http://www.asambleanacional.gov.ve/ns2/leyes.asp?id=298>.

<sup>4017</sup> Government of Venezuela, *Ley de Extranjería y Migración*, 37.944, (May 24, 2004), articles 56-58; available from <http://www.acnur.org/biblioteca/pdf/2867.pdf>.

<sup>4018</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, articles 33 and 258.

<sup>4019</sup> *Ibid.*, article 258.

<sup>4020</sup> *Ibid.*, article 264.

<sup>4021</sup> *Ibid.*, article 237.

<sup>4022</sup> Government of Venezuela, *Ley Contra la Delincuencia Organizada*, article 14.

<sup>4023</sup> Government of Venezuela, *Ley sobre Delitos Informáticos*, 37.313, (October 30, 2001), articles 24, 27, 28; available from <http://www.abinia.org/ley-contra-delitos-informaticos.pdf>.

<sup>4024</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 265.

<sup>4025</sup> Government of Venezuela, *Ley de Conscripción y Alistamiento Militar*, 2.306, (September 11, 1978), articles 3, 4, 70, 71; available from [http://www.gobiernoenlinea.ve/legislacion-view/view/ver\\_legislacion.pag](http://www.gobiernoenlinea.ve/legislacion-view/view/ver_legislacion.pag). See also Coalition to Stop the Use of Child Soldiers, "Venezuela," in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>4026</sup> U.S. Embassy- Caracas, *reporting, February 20, 2009*.

<sup>4027</sup> National Institute for Occupational Safety and Health, *Minitrass Forma Comisionados Especiales para Inspección de Trabajo*, [online] [cited March 18, 2009];

available from [http://www.inpsasel.gov.ve/paginas/noticia\\_216.htm](http://www.inpsasel.gov.ve/paginas/noticia_216.htm).

<sup>4028</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, articles 117-119. See also UN Committee on the Elimination of Racial Discrimination, *Periodic Report of States Parties: Venezuela*, paras 139, 140, 142. See also UN Convention on the Rights of the Child, *Consideration of Reports Submitted by State Parties Under Article 44 of the Convention: Concluding Observations: Venezuela*, CRC/C/VEN/CO/2, Geneva, October 17, 2007, paras 70-71; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G07/445/90/PDF/G0744590.pdf?OpenElement>.

<sup>4029</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Venezuela."

<sup>4030</sup> Ministry of Popular Power for Participation and Social Protection, *Misión Niños y Niñas del Barrio: Un Paso más Hacia la Patria Nueva*, July 25, 2008; available from [http://www.mps.gob.ve/index2.php?option=com\\_content&do\\_pdf=1&id=814](http://www.mps.gob.ve/index2.php?option=com_content&do_pdf=1&id=814). Government of Venezuela, *Misión Niñas y Niños del Barrio*, [cited January 29 2009]; available from <http://www.gobiernoenlinea.ve/miscelaneas/mision.es.html>.

<sup>4031</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO, *IPEC Action Against Child Labour 2008: Highlights*, 2009; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=9471>.

<sup>4032</sup> U.S. Embassy- Caracas, *reporting*, February 13, 2009.

<sup>4033</sup> Inter-american Children's Institute, *VIII Informe al Secretario General de la OEA sobre las Acciones Emprendidas por los Estados Miembros para Combatir la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en las Américas*, July 2007, 78; available from [http://www.iin.oea.org/IIN/Pdf/exp\\_sexual/VIII%20Informe%20ESCNA.pdf](http://www.iin.oea.org/IIN/Pdf/exp_sexual/VIII%20Informe%20ESCNA.pdf).

<sup>4034</sup> Security Argentine Ministry of Justice, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, 2008; available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>4035</sup> Brazilian Ministry of Tourism, *Ecuador Assume Direção de Grupo Latino-Americano para a Proteção Infante-Juvenil*, November 26, 2008; available from [http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Ecuador\\_assume\\_direcao\\_de\\_grupo\\_latino-americano\\_para\\_protetcao\\_infanto-juvenil.html](http://200.143.12.85/turismo/opencms/institucional/noticias/arquivos/Ecuador_assume_direcao_de_grupo_latino-americano_para_protetcao_infanto-juvenil.html). See also Ecuadorean Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la*

*Protección de Menores Jóvenes*, November 18, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

<sup>4036</sup> U.S. Embassy- Caracas, *reporting, February 13, 2009*. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Venezuela."

<sup>4037</sup> U.S. Embassy- Caracas, *reporting, February 13, 2009*. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Venezuela."

## Yemen

### *Selected Statistics and Indicators on Child Labor*<sup>4038</sup>

Population, children, 5-14 years, 1999:	5,936,728
Working children, 5-14 years (%), 1999:	11.1
Working boys, 5-14 years (%), 1999:	11.2
Working girls, 5-14 years (%), 1999:	11.0
Working children by sector, 5-14 years (%), 1999:	
- Agriculture	92.0
- Manufacturing	1.0
- Services	6.2
- Other	0.8
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2005:	87.3
Net primary enrollment rate (%), 2005:	75.2
School attendance, children 6-14 years (%), 1999:	55.1
Survival rate to grade 5 (%), 2004:	66.3
ILO Convention 138:	6/15/2000
ILO Convention 182:	6/15/2000
CRC:	5/1/1991
CRCOPAC:	3/2/2007*
CRCOPSC:	12/15/2004*
Palermo:	No
ILO-IPEC participating country:	Yes

\*Accession

### **Incidence and Nature of Child Labor**

A 2003 study by UCW estimated that 87 percent of working children in Yemen work within the family environment.<sup>4039</sup> The majority of working children are found in agricultural sectors, including in the production of *qat*—a mild narcotic that is legal in Yemen.<sup>4040</sup> Children

working in agriculture are confronted with hazardous conditions and activities, including the use of pesticides and heavy equipment, prolonged exposure to extreme temperatures, and carrying heavy loads.<sup>4041</sup> Children also work in hazardous conditions in rock quarries and mines, building, painting, auto shops, welding and glass shops, factories, construction, offshore fishing, garbage collection, and begging.<sup>4042</sup> Children are involved drug and alcohol smuggling, serve as loan guarantees, and are engaged in prostitution.<sup>4043</sup> Children are employed in domestic service and restaurants where they are particularly vulnerable to sexual abuse and exploitation.<sup>4044</sup> Male street children sell clothes and small appliances, act as porters, collect fares on buses, or wash cars.

Children are trafficked internally for commercial sexual exploitation, labor, and forced begging.<sup>4045</sup> The commercial sexual exploitation of girls as young as 15 years has been reported in the Governorates of Mahweet, Aden, and Ta'iz.<sup>4046</sup> Children are also trafficked internationally for commercial sexual exploitation and, primarily boys, are trafficked to Saudi Arabia for begging, forced labor, or street vending.<sup>4047</sup> Reports indicate that these children sell basic commodities, and smuggle *qat*, which is illegal in Saudi Arabia, and that a high percentage of these children are sexually abused.<sup>4048</sup> According to USDOS, there are reports that Somali girls are trafficked to Yemen for commercial sex work.<sup>4049</sup>

Children are allowed to carry weapons and reportedly participate in ongoing conflicts among tribal and family groups.<sup>4050</sup> According to USDOS, there are reports of child soldiering in Saada Governorate.<sup>4051</sup>



## Child Labor Laws and Enforcement

The minimum working age in Yemen is 15 years.<sup>4052</sup> A 2004 Ministerial Decree allows children between 13 and 15 years to perform light work that does not interrupt their attendance at school.<sup>4053</sup> The Decree prohibits the exploitation of children, as well as hazardous or “socially damaging” working conditions.<sup>4054</sup> The Decree also limits the work hours of children 15 to 17 years to 6 hours per day between the hours of 7 a.m. to 7 p.m., with a break period of 1 hour after 4 consecutive hours worked.<sup>4055</sup> Additionally, employers must grant 24 hours of compulsory paid rest and must also grant annual leave to every working child ages 15 to 17 years.<sup>4056</sup> A 2002 law contains similar conditions for working hours for children who are at least 14 years, limiting work to 6 hours a day on weekdays.<sup>4057</sup> According to USDOS, the law exempts children working for their parents.<sup>4058</sup> Penalties for noncompliance with child labor laws include fines and imprisonment up to 3 months.<sup>4059</sup>

Children under 18 years are prohibited from entering the Armed Forces.<sup>4060</sup>

The law does not specifically criminalize trafficking.<sup>4061</sup> Kidnapping is punishable by up to 7 years in prison, and kidnapping cases involving sexual assault or murder are punishable by the death penalty.<sup>4062</sup> The law stipulates a prison sentence of 5 to 8 years for anyone who pushes or incites a child to engage in drug trafficking; the prison term may be doubled for repeat offenders.<sup>4063</sup> Yemen law also stipulates a maximum prison sentence of 10 years for those who force a child into prostitution, and a term of 10 to 15 years for those who buy or sell a child.<sup>4064</sup> While the Government did not report any human trafficking cases in 2008, in February 2009, authorities from the Ministry of Interior arrested 4 people attempting to smuggle 12 children to Saudi Arabia.<sup>4065</sup> In 2008, a center for repatriated trafficked children in Hajja Governorate received 500 children, and another in Sana’a received 83.<sup>4066</sup> There are reports that child sex tourists come to Yemen from Saudi Arabia and other Gulf states.<sup>4067</sup>

The Child Labor Unit of the Ministry of Labor and Social Affairs (MOSAL) is responsible for

implementing and enforcing child labor laws, and has 20 child labor monitors throughout the country.<sup>4068</sup> However, these inspectors can no longer perform site visits because their travel budget has been eliminated.<sup>4069</sup> According to USDOS, the Government’s enforcement of these laws is limited due to a lack of resources in both urban and rural areas, and violations are rarely reported.<sup>4070</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government addresses child labor concerns in its third 5-Year Plan for Socioeconomic Development (2006-2010), the National Poverty Reduction and Childhood and Youth Strategy, and the 2007 National Policy and Program Framework (NPPF).<sup>4071</sup> The NPPF aims to harmonize domestic legislation with international standards regarding child labor, strengthen national capacity, and increase awareness.<sup>4072</sup> In February 2009, as part of the Government’s 2007 National Strategy for Secondary Education, the Ministry of Education launched the Secondary Education Development and Girls Access Project, which targets 9 provinces. The Project aims to provide equal educational opportunities for girls and boys and bridge the gap between rural and urban children.<sup>4073</sup>

In 2008, the Child Labor Unit of MOSAL distributed anti child labor posters, banners, stickers, and t-shirts and held 18 training workshops in Sana’a, Ta’iz, and Sayun for governorate officials.<sup>4074</sup> The Ministry of Information produced public service announcements on child labor that were broadcast on 60 different radio stations and 5 television stations.<sup>4075</sup>

In August 2008, the Government approved a 3-year National Action Plan (NAP) to combat child trafficking.<sup>4076</sup> According to USDOS, informal estimates suggest that fewer children were trafficked from Yemen to Saudi Arabia in 2008 perhaps due to “increased public awareness of the dangers related to child labor.”<sup>4077</sup> The NAP includes engaging imams and community leaders in awareness campaigns.<sup>4078</sup> The Government has asked the Government of Saudi Arabia to sign a

joint MOU to increase cooperation on anti-trafficking measures and is targeting resources to the border Governorates of Hajja and Saada.<sup>4079</sup> The Government provides training for border guards on how to recognize trafficking; the last training was held in June 2008.<sup>4080</sup> The government also provides some services for medical and psychological care for child trafficking victims and arranges for free medical care for trafficked children and child laborers at a hospital in Sana'a.<sup>4081</sup> However, according to USDOS, government funding remains inadequate, as the child trafficking budget was halved in FY 2009.<sup>4082</sup>

The Government of Yemen participated in a 3.5-year USDOL-funded USD 3 million project implemented by ILO-IPEC, that also operated in Lebanon and ended in May 2008. The project promoted the collection and analysis of child labor information, strengthened enforcement and monitoring mechanisms, built capacity, and raised awareness of the negative consequences of child labor.<sup>4083</sup> Through provision of educational services or training, the program withdrew 2,158 children, and prevented 3,480 children from engaging in the worst forms of child labor.<sup>4084</sup> The Government also participated in a 4-year USD 8.4 million sub-regional project, funded by USDOL and implemented by CHF International that ended in August 2008 and aimed to combat child labor through education in Lebanon and Yemen. The project withdrew 4,812 children and prevented 11,907 children from entering exploitive labor.<sup>4085</sup>

The Government of Yemen is participating in a new USDOL-funded USD 3.5 million project implemented by CHF International in association with the Charitable Society for Social Welfare to combat child labor through education in Yemen (2008-2011). The project began in September 2008 and aims to withdraw 4,100 and prevent 3,000 children from the worst forms of child labor.<sup>4086</sup>

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<sup>4038</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Department of State, "Yemen," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, 2009,

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section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119130.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Country Reports- 2008: Yemen," section 5. See also U.S. Embassy- Sana'a, *reporting*, November 29, 2007, para 5.<sup>4039</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, Geneva, March 2003, 3; available from [http://www.ucw-project.org/resources/pdf/yemen/Report\\_Yemen\\_dr\\_aft.pdf](http://www.ucw-project.org/resources/pdf/yemen/Report_Yemen_dr_aft.pdf). See also U.S. Department of State, "Country Reports- 2008: Yemen," section 6d.

<sup>4040</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, 2. See also UN Committee on the Rights of the Child, *Third Periodic Reports of State Parties due in 2003: Yemen*, CRC/C/129/Add.2, prepared by Government of Yemen, pursuant to Article 44 of the Convention on the Rights of the Child, December 3, 2004, para 319; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/55f20ff8a72f20c0c1256f8800329002?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/55f20ff8a72f20c0c1256f8800329002?Opendocument). See also U.S. Embassy- Sana'a, *reporting*, January 29, 2009.

<sup>4041</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, 2. See also UN Committee on the Rights of the Child, *Third Periodic Reports: Yemen*, para 319. See also Integrated Regional Information Networks, "Yemen: Fears Over Possibly Rising Number of Child Labourers", IRINnews.org, [online], August 27, 2007 [cited January 25, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=73964>.

<sup>4042</sup> U.S. Embassy- Sana'a, *reporting*, January 29, 2009, para 4. See also ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, 2. See also U.S. Department of State, "Country Reports- 2008: Yemen," section 6d. See also ILO-IPEC, *Supporting the National Policy and Programme Framework for the Elimination of the Worst Forms of Child Labour in Lebanon and Yemen: Consolidating Action against the Worst Forms of Child Labour*, Project Document, RAB/04/P51/USA, Geneva, September 3, 2004, 32. See also Integrated Regional Information Networks, "Zaid Abdullah, Yemen, 'I Live from Hand to Mouth'," IRINnews.org, February 2007; available from <http://www.irinnews.org/HOVreport.aspx?ReportId=70271>. See also Integrated Regional Information Networks, "Yemen: Fears Over Possibly Rising Number of Child Labourers". See also U.S. Embassy- Sana'a, *reporting*, January 29, 2009, para 4.

<sup>4043</sup> U.S. Embassy- Sana'a, *reporting*, January 29, 2009, para 4.

<sup>4044</sup> UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Yemen*, CRC/C/15/Add.267, September 21, 2005, para 65(b); available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/1296a4](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/1296a4)

127ff7b38ac1257018002e6633?Opendocument. See also ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, 2.

<sup>4045</sup> U.S. Embassy- Sana'a, *reporting*, February 27, 2008, 1. See also U.S. Department of State, "Country Reports-2008: Yemen," section 5. See also U.S. Department of State, "Yemen (Tier 2)," in *Trafficking in Persons Report-2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105659.pdf>. See also U.S. Embassy-Sana'a, *reporting*, February 17, 2009, para 23b.

<sup>4046</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Yemen."

<sup>4047</sup> Ibid. See also Integrated Regional Information Networks, "Yemen: Fears Over Increasing Child Trafficking", IRINnews.org, [online], December 8, 2005 [cited January 25, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=25787>. See also U.S. Embassy- Sana'a, *reporting*, February 17, 2009, para 23b.

<sup>4048</sup> Joseph Risploli, *Feasibility Study on Recovery and Reintegration Schemes for Children Victims of Trafficking: Case Studies of Hajja, Hodeida, and Al Mahweet Governorates*, December 2006, 25; available from [http://www.iom.int/jahia/webdav/shared/shared/mainsite/projects/showcase\\_pdf/ye20061219\\_rep.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/projects/showcase_pdf/ye20061219_rep.pdf). See also U.S. Embassy- Sana'a, *reporting*, February 27, 2008, 1. See also U.S. Embassy- Sana'a, *reporting*, February 9, 2009, para 4.

<sup>4049</sup> U.S. Embassy- Sana'a, *reporting*, February 17, 2009.

<sup>4050</sup> UN Committee on the Rights of the Child, *Consideration of Reports of State Parties (Continued): Third Periodic Report of Yemen*, CRC/C/SR.1049, June 1, 2005, para 41; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/43ba7a8950f906ecc125708400311306?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/43ba7a8950f906ecc125708400311306?Opendocument). See also Coalition to Stop the Use of Child Soldiers, "Yemen," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org>. See also ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, 2.

<sup>4051</sup> Integrated Regional Information Networks, "Yemen: Eliminating the Worst Forms of Child Labour", IRINnews.org, [online], December 29, 2008 [cited January 25, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=82121>. See also U.S. Embassy- Sana'a, *reporting*, January 29, 2009, para 5.

<sup>4052</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, 31. See also UN Committee on the Rights of the Child, *Third Periodic Reports: Yemen*, paras 312 and 313.

<sup>4053</sup> Ministry of Social Affairs and Labor, *Ministerial Decree No. 56 for 2004*, (December 28, 2004), article 6.

<sup>4054</sup> Ibid., articles 8, 21-23.

<sup>4055</sup> Ibid., article 12.

<sup>4056</sup> Ibid., article 13.

<sup>4057</sup> U.S. Embassy- Sana'a, *reporting*, January 29, 2009, para 3.

<sup>4058</sup> Ibid.

<sup>4059</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, 31.

<sup>4060</sup> Ibid., 2. See also Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008: Yemen."

<sup>4061</sup> U.S. Embassy- Sana'a, *reporting*, February 17, 2009, para 25a.

<sup>4062</sup> U.S. Embassy- Sana'a, *reporting*, March 13, 2005, 4a.

<sup>4063</sup> Ministry of Social Affairs and Labor, *Ministerial Decree No. 56*, article 26.

<sup>4064</sup> Ibid., articles 27-28.

<sup>4065</sup> U.S. Embassy- Sana'a, *reporting*, February 17, 2009, para 25e.

<sup>4066</sup> Ibid., para 23b. See also U.S. Embassy- Sana'a, *reporting*, February 9, 2009, para 3.

<sup>4067</sup> U.S. Embassy- Sana'a, *reporting*, February 17, 2009, para 25m.

<sup>4068</sup> U.S. Embassy- Sana'a, *reporting*, November 29, 2007, para 3. See also U.S. Department of State, "Country Reports- 2008: Yemen," section 6d. See also U.S. Embassy- Sana'a, *reporting*, January 29, 2009, para 6.

<sup>4069</sup> CHF International, *Alternatives to Combat Child Labor through Education and Sustainable Services ACCESS-Plus, Yemen*, Technical Progress Report, April 3, 2009, 4.

<sup>4070</sup> U.S. Department of State, "Country Reports- 2008: Yemen," section 6d. See also U.S. Embassy- Sana'a, *reporting*, January 29, 2009, para 6. See also ILO-IPEC, *Supporting the National Policy and Programme Framework for the Elimination of the Worst Forms of Child Labour in Lebanon and Yemen*, Technical Progress Report, RAB/04/P51/USA, March 2008, 8 and 9.

<sup>4071</sup> ILO-IPEC, *Supporting the National Policy and Programme Framework for the Elimination of the Worst Forms of Child Labour in Lebanon and Yemen*, Technical Progress Report, RAB/04/P51/USA, September 2006, 3 and 4. See also U.S. Embassy- Sana'a, *reporting*, November 29, 2007, 6. See also ILO-IPEC, *Supporting the National Policy and Programme Framework, Technical Progress Report*, March 2008, 8 and 9.

<sup>4072</sup> ILO-IPEC, *Supporting the National Policy and Programme Framework, Technical Progress Report*, March 2008, 1.

<sup>4073</sup> Ashwaq Arrabyee, "Project to develop secondary education and girls' access launched," *Yemen Observer*, February 11, 2009; available from <http://www.yobserver.com/culture-and-society/10015759.html>.

<sup>4074</sup> U.S. Embassy- Sana'a, *reporting*, January 29, 2009, para 7.

<sup>4075</sup> Ibid.

<sup>4076</sup> U.S. Embassy- Sana'a, *reporting*, February 17, 2009, para 23a.

<sup>4077</sup> Ibid., para 23b.

<sup>4078</sup> U.S. Embassy- Sana'a, reporting, February 9, 2009, para 5.

<sup>4079</sup> U.S. Embassy- Sana'a, reporting, February 17, 2009, para 25g. See also U.S. Embassy- Sana'a, reporting, February 9, 2009, para 5.

<sup>4080</sup> U.S. Embassy- Sana'a, reporting, February 17, 2009, para 25f.

<sup>4081</sup> Ibid., para 26c.

<sup>4082</sup> Ibid., para 24c.

<sup>4083</sup> ILO-IPEC, *Supporting the National Policy and Programme Framework for the Elimination of the Worst Forms of Child Labour in Lebanon and Yemen:*

*Consolidating Action against the Worst Forms of Child Labour*, Final Technical Progress Report, August 15, 2008, 1 and 50.

<sup>4084</sup> Ibid., 50.

<sup>4085</sup> CHF International, *Alternatives to Combat Child Labor through Education and Sustainable Services in the Middle East and North Africa (ACCESS-MENA)*, Final Technical Progress Report, Silver Spring, MD, August 15, 2008, 2 and 32.

<sup>4086</sup> USDOL-CHF International Cooperative Agreement, 2008, 3.

## Zambia

### *Selected Statistics and Indicators on Child Labor*<sup>4087</sup>

Population, children, 5-14 years, 2005:	3,253,153
Working children, 5-14 years (%), 2005:	33.4
Working boys, 5-14 years (%), 2005:	34.4
Working girls, 5-14 years (%), 2005:	32.4
Working children by sector, 5-14 years (%), 2005:	
- Agriculture	95.5
- Manufacturing	0.5
- Services	3.9
- Other	0.0
Minimum age for work:	15
Compulsory education age:	No
Free public education:	Yes*
Gross primary enrollment rate (%), 2007:	119.0
Net primary enrollment rate (%), 2007:	94.0
School attendance, children 5-14 years (%), 2005:	63.8
Survival rate to grade 5 (%), 2006:	89.0
ILO Convention 138:	2/9/1976
ILO Convention 182:	12/10/2001
CRC:	12/6/1991
CRCOPAC:	No
CRCOPSC:	No
Palermo:	4/24/2005**
ILO-IPEC participating country:	Yes

\*In practice, must pay for various school expenses

\*\*Acceptance

### **Incidence and Nature of Child Labor**

In Zambia, children work in domestic service, subsistence agriculture, and other informal sectors.<sup>4088</sup> In rural areas, children work in the production of tobacco, corn, and cotton; herd cattle; and sell foodstuffs.<sup>4089</sup> Children also work as street vendors, fishermen, and bus attendants.<sup>4090</sup> Boys work on farms and in gardens, cut trees, burn charcoal, carry timber, and dig wells and latrines.<sup>4091</sup> Girls sell goods in markets and in the streets, wash clothes, and work as maids, cooks, and waitresses.<sup>4092</sup> Children also work in hazardous industries, including stone crushing, mining, and construction.<sup>4093</sup>

Children are also involved in begging and commercial sexual exploitation.<sup>4094</sup> Children in poverty or without parents are known to engage in prostitution.<sup>4095</sup> Internal human trafficking is a problem. Trafficked children, who are often female, are transported from rural to urban areas where they sell goods on the street, haul goods for merchants, work as domestic servants, or are sold for commercial sexual exploitation.<sup>4096</sup> Girls often agree to work as domestics with the expectation of receiving schooling in exchange, but become trafficked, without going to school and without pay.<sup>4097</sup> Zambian children are reportedly trafficked to Malawi, and some to Europe, for commercial sexual exploitation,

agricultural labor, fishing, and domestic service.<sup>4098</sup> Children have reportedly been trafficked to Angola and from Malawi and Mozambique for forced labor in agriculture.<sup>4099</sup>

### **Child Labor Laws and Enforcement**

The law defines a child as a person less than 15 years; a “young person” is defined as a person 15 to 18 years.<sup>4100</sup> The law sets the minimum age for employment at 15 years.<sup>4101</sup> Children 13 to 15 years can perform light work that is not harmful to the child’s health or ability to attend school.<sup>4102</sup> Children under 18 years are forbidden from engaging in hazardous labor.<sup>4103</sup>

The law prohibits the worst forms of child labor, including child prostitution; slavery in all of its forms; forced military recruitment of children; and work harmful to the safety, health, or morals of children and young people.<sup>4104</sup> A person violating these laws is subject to a fine and imprisonment for up to 25 years.<sup>4105</sup>

Children under 18 years cannot be recruited into the military without the consent of a parent, guardian, or local District Secretary, at which time a child older than 16 years may serve.<sup>4106</sup> The law prohibits the use of children in military hostilities.<sup>4107</sup> The UN Committee on the Rights of the Child has voiced concern that the law is stated in terms of “apparent age,” which could contribute to exploitive child labor in the form of underage military recruitment.<sup>4108</sup> Zambian law prohibits forced labor and trafficking of children.<sup>4109</sup> The law prescribes a penalty of 25 years to life in prison for trafficking, depending on the situation in which the person is trafficked, the age of the victim, and whether he or she was harmed or died.<sup>4110</sup> It is a felony for any person to sexually harass a child in the workplace or in a learning institution, with a minimum sentence of 3 years in prison for violators.<sup>4111</sup>

The Ministry of Labor and Social Security (MLSS) is responsible for enforcing labor laws and has established a child labor unit.<sup>4112</sup> MLSS conducts inspections of workplaces and investigates child labor complaints through its 60 labor inspectors.<sup>4113</sup> The law gives labor inspectors the authority to enter households and agricultural fields in order to investigate potential child labor

violations.<sup>4114</sup> The law empowers MLSS to bring child labor charges against perpetrators, which can result in a fine or imprisonment.<sup>4115</sup> However, labor inspectors lack resources to conduct inspections in rural areas and mines.<sup>4116</sup> Violators of child labor laws are provided with mediation and counseling.<sup>4117</sup> In April 2008, two men were sentenced to 20 and 25 years’ imprisonment, respectively, for child trafficking.<sup>4118</sup> However, according to USDOS, a lack of technical capability and adequate financial resources prevents the Government from fully addressing problems of human trafficking.<sup>4119</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The eradication of child labor is a goal of the Government of Zambia’s National Development Plan and the country’s Decent Work Program.<sup>4120</sup> The Government of Zambia conducts awareness-raising campaigns for its citizens and monitors child labor trends.<sup>4121</sup> The Government is working to combat trafficking, including child trafficking, through awareness raising, legal reform, and research.<sup>4122</sup> The Zambia Law Development Commission created a manual of the new anti-trafficking law for prosecutors and police, and held trainings in February 2009.<sup>4123</sup> Child labor officers are also trained in combating child trafficking and on ILO conventions.<sup>4124</sup>

The Zambian Government operates two camps for withdrawn and rehabilitated street children. Some graduates of the camps furthered their skills training with sponsorship from the Ministry of Science, Technology, and Vocational Training, and were reintegrated with their families.<sup>4125</sup> The Government continues to work with NGOs to relocate children, predominantly urban orphans, and place them in appropriate educational or vocational training settings.<sup>4126</sup> By the end of 2008, over 20 District Child Labor Committees had been created to perform outreach and plan activities for vulnerable and working children.<sup>4127</sup>

Through a USDOL-funded USD 3.92 million project, ILO-IPEC is assisting the Government with preparing a national Timebound Program against the worst forms of child labor. The 3-year project aims to withdraw 3,000 and prevent 7,000

children from exploitive work through the provision of education and training services.<sup>4128</sup>

The Government participated in a 4-year, USDOL-funded, USD 3 million ILO-IPEC program to combat and prevent exploitive child labor caused by or related to the HIV/AIDS epidemic in Uganda and Zambia.<sup>4129</sup> The project withdrew 2,642 and prevented 2,072 children from exploitive child labor through community-based social protection schemes.<sup>4130</sup>

The Government of Zambia is also participating in a 4-year, USD 23.84 million project funded by the EU and implemented by ILO-IPEC to combat child labor through education in 11 countries.<sup>4131</sup>

The Government works in partnership with IOM to increase awareness on trafficking issues among government officials and the public using radio broadcasts, posters, and other materials. IOM is funding two projects and working with the Government of Zambia to combat trafficking in Southern Africa, and to build capacity for the National Victims Assistance Units in Zambia.<sup>4132</sup>

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<sup>4087</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Zambia, *Constitution of Zambia*, article 24; available from <http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpan004847.pdf>. See also Government of Zambia, *Employment of Young Persons and Children Act (Chapter 274 of the Laws of Zambia)*, article 5, section 4A; available from <http://annualreview.law.harvard.edu/population/countries/zambia/THE%20EMPLOYMENT%20OF%20YOUNG%20PERSONS%20AND%20CHILDREN%20ACT.htm>. For age to which education is compulsory, see U.S. Department of State, "Zambia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from [www.state.gov/g/drl/rls/hrrpt/2008/af/119031.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/af/119031.htm). For free public education, see Government of Zambia, *Constitution of Zambia*, 1991.

<sup>4088</sup> U.S. Department of State, "Country Reports- 2008: Zambia," section 6d. See also ILO-IPEC, *Zambia: Child Labour Data Country Brief*, Geneva, January 2008, 4; available from [www.ilo.org/ipeginfo/product/download.do?type=document&id=7808](http://www.ilo.org/ipeginfo/product/download.do?type=document&id=7808). See also ILO-IPEC, *Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia*,

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Project Document, ZAM/06/P50/USA, Geneva, September 14, 2006, 9.

<sup>4089</sup> 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]*, Lusaka, July 17, 2007, vi.

<sup>4090</sup> ILO-IPEC, *Zambia: Child Labour Data Country Brief*.

<sup>4091</sup> ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour*. See also Integrated Regional Information Networks, "Zambia: Children forced to a life of stone crushing", IRINnews.org, [online], April 24, 2006 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=58821>.

<sup>4092</sup> ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour*. See also Integrated Regional Information Networks, "Zambia: Help for child-headed homes", IRINnews.org, [online], December 11, 2006 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=62721>.

<sup>4093</sup> ILO-IPEC, *Timebound Measures Against the WFCL, Project Document, September 2006*, 9. See also Betniko Kayaya, "Zambia: Tackling Child Labor in Zambia", *afrol.com*, [online], January 3, 2008 [cited February 23, 2009]; available from <http://allafrica.com/stories/printable/200806030382.html>. See also Integrated Regional Information Networks, "Zambia: Children forced to a life of stone crushing".

<sup>4094</sup> U.S. Department of State, "Country Reports- 2008: Zambia," section 5. See also Integrated Regional Information Networks, "Zambia: Street Kids Open Their Minds to Govt Plan", IRINnews.org, [online], March 27, 2006 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=58564>.

<sup>4095</sup> The Protection Project, *2006 Human Rights Report on Trafficking in Persons, Especially Women and Children: Zambia*, [online] 2006 [cited January 29, 2009], 2-3; available from [http://www.protectionproject.org/human\\_rights\\_reports/report\\_documents/zambia.doc](http://www.protectionproject.org/human_rights_reports/report_documents/zambia.doc). See also U.S. Department of State, "Country Reports- 2008: Zambia," section 5.

<sup>4096</sup> U.S. Embassy- Lusaka, *reporting*, February 17, 2009, sections b-d.

<sup>4097</sup> Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*, ILO, 2008.

<sup>4098</sup> U.S. Department of State, "Zambia (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>. See also U.S. Embassy- Lusaka, *reporting*, February 29, 2008, para 3b.

<sup>4099</sup> U.S. Department of State, "Zambia (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from

<http://www.state.gov/documents/organization/123357.pdf>. See also ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001)*, [online] 2009 [cited July 23, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11130&chapter=6&query=Zambia%40ref&highlight=&querytype=bool&context=0>. See also, ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001)*, [online] 2008 [cited February 23, 2009]; available from <http://www.oit.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1521&chapter=3&query=C182%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>.

See also The Protection Project, *2006 Human Rights Report on Trafficking in Persons*. See also U.S. Embassy-Lusaka, *reporting, February 17, 2009*, sections b-d.

<sup>4100</sup> Government of Zambia, *Employment of Young Persons and Children Act (Amendment), 2004*, paras 3a and 3e; available from <http://www.parliament.gov.zm/downloads/VOLUME%2015.pdf>. See also Government of Zambia, *Employment of Young Persons and Children Act*, part I, para 2.

<sup>4101</sup> Government of Zambia, *Constitution of Zambia, 1991*, article 24.

<sup>4102</sup> U.S. Embassy-Lusaka, *reporting, January 16, 2009*, section 2.

<sup>4103</sup> *Ibid.*

<sup>4104</sup> Government of Zambia, *Employment of Young Persons and Children Act*, part I, article 2a.

<sup>4105</sup> Government of Zambia, *Employment of Young Persons and Children Act (Amendment)*, article 17.b(2).

<sup>4106</sup> Coalition to Stop the Use of Child Soldiers, "Zambia," in *Child Soldiers Global Report 2008*, London, 2008; available from [www.child-soldiers.org/document/get?id=1481](http://www.child-soldiers.org/document/get?id=1481).

<sup>4107</sup> *Ibid.*

<sup>4108</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Zambia, CRC/C/15/Add.206*, Geneva, July 2, 2003, 14; available from <http://tb.ohchr.org/default.aspx?country=zm>. See also Coalition to Stop the Use of Child Soldiers, "Child Soldiers Report 2008: Zambia."

<sup>4109</sup> Government of Zambia, *Constitution of Zambia, 1991*, articles 14 and 24.

<sup>4110</sup> U.S. Embassy-Lusaka, *reporting, December 5, 2008*, section 2.

<sup>4111</sup> Permanent Mission of the Republic of Zambia to the United Nations, "Statement by H.E. Mr. Tens C. Kapoma Ambassador and Permanent Representative of Zambia to the United Nations at the Fifty-First Session of the Commission on the Status of Women on Agenda Item 3: Follow Up to the Fourth World

Conference on Women and to the Twenty Third Special Session of the General Assembly Entitled: "Women 2000: Gender Equality Development and Peace for the Twenty-First Century", [online], March 1, 2007 [cited February 23, 2009]; available from <http://www.un.int/zambia/s44.html>. See also U.S. Embassy-Lusaka, *reporting, January 16, 2009*, section 2.

<sup>4112</sup> U.S. Embassy-Lusaka, *reporting, January 16, 2009*, section 5.

<sup>4113</sup> *Ibid.*

<sup>4114</sup> U.S. Department of State, "Country Reports- 2008: Zambia," section 6d.

<sup>4115</sup> *Ibid.* See also U.S. Embassy-Lusaka, *reporting, January 16, 2009*, section 5.

<sup>4116</sup> U.S. Department of State, "Country Reports- 2008: Zambia," section 6d. See also U.S. Embassy-Lusaka, *reporting, July 30, 2008*, sections 1 and 5.

<sup>4117</sup> U.S. Embassy-Lusaka, *reporting, January 16, 2009*, sections 5, 6.

<sup>4118</sup> U.S. Embassy-Lusaka, *reporting, February 17, 2009*, section 4e.

<sup>4119</sup> *Ibid.*, section 3c.

<sup>4120</sup> 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.

<sup>4121</sup> U.S. Embassy-Lusaka, *reporting, January 16, 2009*, section 11.

<sup>4122</sup> U.S. Embassy-Lusaka, *reporting, February 29, 2008*, sections 3e, 4a-4c, 5i, 6b.

<sup>4123</sup> U.S. Embassy-Lusaka, *reporting, February 17, 2009*, section 4f.

<sup>4124</sup> U.S. Embassy-Lusaka, *reporting, January 16, 2009*, section 11.

<sup>4125</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Zambia," 264. See also U.S. Embassy-Lusaka, *reporting, January 16, 2009*, section 10. See also U.S. Department of State, "Country Reports- 2008: Zambia," section 5.

<sup>4126</sup> U.S. Department of State, "Country Reports- 2008: Zambia," section 6d. U.S. Embassy-Lusaka, *reporting, February 29, 2008*, section 5h.

<sup>4127</sup> U.S. Department of State, "Country Reports- 2008: Zambia," section 6d.

<sup>4128</sup> ILO-IPEC, *Timebound Measures Against the WFCL, Project Document, September 2006*, 5 and 46.

<sup>4129</sup> ILO-IPEC, *Combating and Preventing HIV/AIDS-induced Child Labour in Sub-Saharan Africa: Pilot Action in Uganda and Zambia*, Technical Progress Report, RAF/04/P57/USA, Geneva, September 2008.

<sup>4130</sup> Ibid., 33.

<sup>4131</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=8511>. See also EuropeAid, *EC and ILO launch project to tackle child*

*labour in African, Caribbean and Pacific countries*, June 10, 2008; available from [http://ec.europa.eu/europeaid/where/acp/documents/ec\\_tackle\\_pressrel\\_ease\\_en.pdf](http://ec.europa.eu/europeaid/where/acp/documents/ec_tackle_pressrel_ease_en.pdf).

<sup>4132</sup> IOM, *Zambia*, [online] 2008 [cited January 26, 2009]; available from <http://www.iom.int/jahia/Jahia/activities/pid/350>. See also U.S. Embassy-Lusaka, *reporting, February 29, 2008*.

## Zimbabwe

### *Selected Statistics and Indicators on Child Labor*<sup>4133</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	Not compulsory
Free public education:	No
Gross primary enrollment rate (%), 2006:	101.2
Net primary enrollment rate (%), 2006:	87.8
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%), 2002:	69.7
ILO Convention 138:	6/6/2000
ILO Convention 182:	12/11/2000
CRC:	9/11/1990
CRCOPAC:	No
CRCOPSC:	No
Palermo:	No
ILO-IPEC participating country:	Associated

### **Incidence and Nature of Child Labor**

During the reporting period, Zimbabwe continued to suffer from humanitarian and economic crises with high rates of inflation and unemployment; severe shortages of food and

other basic necessities; widespread cholera outbreaks and continued effects of the HIV/AIDS pandemic; political violence carried out by state-sponsored groups, including the youth militia, in the wake of the March 2008 presidential elections; and the internal displacement of thousands, including many children.<sup>4134</sup> The economic crisis, coupled with the erosion of the educational system, has led to an increase in the number of children working in the country.<sup>4135</sup> The number of street children has increased, as has the number of children working in the informal sector as more children struggle to fill the income gap left by relatives who are unemployed, ill, or deceased.<sup>4136</sup>

In Zimbabwe, most working children are engaged in agriculture, hunting, and fishing.<sup>4137</sup> In agriculture, children work on coffee,<sup>4138</sup> tea,<sup>4139</sup> tobacco, cotton, sugar, and timber plantations. On tea, tobacco, cotton, and timber plantations, children work long hours for little pay and sometimes handle hazardous chemicals.<sup>4140</sup> Children work in the production of maize.<sup>4141</sup> They also engage in herding cattle.<sup>4142</sup>

To a lesser extent, Zimbabwean children work in domestic service, the restaurant and hotel industries, mining, quarrying, manufacturing, construction, and other types of work.<sup>4143</sup> Children engage in domestic work for third-party households, and are sometimes not paid by their employers.<sup>4144</sup> Children engage in the mining of diamonds,<sup>4145</sup> gold, chrome, and tin, as well as illegal gold panning with their families.<sup>4146</sup> In the capital of Harare, children work as street vendors, selling phone cards, fruit, and foodstuffs.<sup>4147</sup> Street



children are sometimes rounded up by police and taken to farms, where they are made to work as unpaid laborers.<sup>4148</sup>

Girls continue to be exploited in prostitution, including in rural Matabeleland South Province. Poverty, high food prices, and lack of funds to pay school fees are all factors contributing to the prostitution of girls, including girls as young as 13 years.<sup>4149</sup> The belief that sex with a virgin can cure sexually transmitted infections contributes to the sexual exploitation of children and the spread of disease.<sup>4150</sup>

Within Zimbabwe, rural children are trafficked to farms for agricultural work and domestic service, and to urban areas for commercial sexual exploitation and domestic service.<sup>4151</sup> A limited number of South African girls are trafficked into the country for forced labor in domestic service.<sup>4152</sup> There are reports that children left in Zimbabwe by emigrating parents have been exploited by traffickers offering to transport the children to their parents' countries of resettlement.<sup>4153</sup>

A large number of Zimbabweans have migrated to other countries as a result of the deteriorating economic and social conditions, including some children.<sup>4154</sup> One study indicated that Zimbabwean children migrate due to the combined effects of poverty, the HIV/AIDS epidemic, and lack of educational opportunities in the country. Children are known to migrate to South Africa where they engage in street vending, domestic service, hairdressing, washing cars, and unloading goods.<sup>4155</sup> Some reports indicate that children are sexually exploited by taxi and truck drivers in exchange for passage across the border to South Africa.<sup>4156</sup> Children are also known to cross the border into Mozambique in search of work. Zimbabwean children engage in market vending, selling firewood, and harvesting crops in Mozambique.<sup>4157</sup> Zimbabwean girls as young as 12 years are known to engage in prostitution along the transport corridor between Zimbabwe and the Mozambican port of Beira in Sofala Province and in Central Mozambique along the Zambezi River.<sup>4158</sup> Zimbabwean girls also work in Mozambique in bars and restaurants.<sup>4159</sup>

## Child Labor Laws and Enforcement

The minimum age for employment in Zimbabwe is 15 years.<sup>4160</sup> Children 13 to 15 years may be employed, but only as apprentices with permission from their parents or guardians or if their work is an integral part of a technical or vocational training program.<sup>4161</sup> Children under 18 years are prohibited from performing work that might jeopardize their health, safety, or morals. Employers violating these provisions of the labor code can be punished by a fine, imprisonment of up to 2 years, or both.<sup>4162</sup> The Children's Protection and Adoption Amendment Act further specifies that children under 18 years are prohibited from performing work that is likely to interfere with their education; expose them to hazardous substances; involve underground mining; expose them to electronically-powered hand tools, cutting, or grinding blades; subject them to extreme conditions; or occur during a night shift.<sup>4163</sup>

The law prohibits forced labor, servitude, and slavery but provides exceptions in cases where such labor is required by a member of a "disciplined force," such as the National Youth Service, or parents. The law provides penalties of 2 years of imprisonment, a fine, or both, for forced labor violations.<sup>4164</sup> There are no laws specifically prohibiting trafficking in persons in Zimbabwe; however, the law prohibits procuring individuals for prostitution either inside the country or internationally. The law also prohibits procuring individuals to leave Zimbabwe with the intention of engaging them in prostitution.<sup>4165</sup> The law provides penalties of a fine and up to 10 years of imprisonment for those convicted of procuring children for prostitution.<sup>4166</sup> Sexual relations with children under 16 years are prohibited and rape is punishable by life imprisonment.<sup>4167</sup>

The minimum age for both military conscription and for voluntary recruitment into the Armed Forces is 18 years.<sup>4168</sup> The minimum age for joining the National Youth Service training is 16 years.<sup>4169</sup>

The Zimbabwe Republic Police (ZRP) was the lead government agency responsible for human

trafficking; its Victim Friendly Units investigate cases of child trafficking. Officers of the ZRP comprised Interpol Zimbabwe's anti-trafficking desk and assisted with international investigations in 2008.<sup>4170</sup> During the reporting period, Zimbabwean police arrested a number of adults on charges of procuring children for prostitution and referred the child victims for counseling.<sup>4171</sup> The Ministry of Home Affairs' Department of Immigration is responsible for monitoring border areas and ports for signs of human trafficking.<sup>4172</sup>

According to USDOS, a lack of resources limited the ability of the Ministry of Labor's Department of Social Welfare to conduct inspections or enforce child labor laws.<sup>4173</sup> Similarly, USDOS has indicated that Zimbabwe's efforts to investigate and combat trafficking were hindered by hyperinflationary conditions and a lack of resources, including personnel and fuel.<sup>4174</sup>

### **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The Government of Zimbabwe's UN Development Assistance Framework (ZUNDAF) 2007-2011 incorporates child labor issues. ZUNDAF specifically includes the number of districts holding monthly meetings to discuss child labor issues as an indicator for measuring improved capacity of the education system to retain students at all levels.<sup>4175</sup>

The Government of Zimbabwe continued to collaborate with the ILO, UNICEF, IOM, and UNESCO for a program to eliminate the worst forms of child labor in the country. During the program's first phase, the Government worked with the ILO to define the worst forms of labor in Zimbabwe and conduct a national survey on the extent of child labor.<sup>4176</sup>

While the Government lacks resources to assist trafficking victims, it has referred some victims to NGOs and international organizations for assistance.<sup>4177</sup> In collaboration with Save the Children-Norway, the Government provided assistance to children at an IOM Child Care Center in Beitbridge along the South African border.<sup>4178</sup> This center served 2,087 children in

2008.<sup>4179</sup> Between June and December 2008, 766 children were assisted at the new IOM center for unaccompanied children and child trafficking victims in Plumtree, on Zimbabwe's border with Botswana. The Government provided the land to the IOM for this center, which was opened in May 2008.<sup>4180</sup> The Government continued to take part in anti-trafficking awareness campaigns implemented by the IOM and Interpol, and worked with the IOM to educate government officials on trafficking issues.<sup>4181</sup>

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<sup>4133</sup> For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Zimbabwe, *Act to Amend the Labour Relations Act and the Public Service Act*, No. 17, (2002), section 9. See also ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Zimbabwe (ratification: 2000)*, [previously online], Geneva, 2003 [cited December 8 2007]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/> [hard copy on file]. For age to which education is compulsory, see U.S. Department of State, "Zimbabwe," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>. See also The Law Library of Congress official, Personal communication to USDOL official, February 2008. See also Government of Zimbabwe, *Education Act*, (1987), part II, section 5. For free public education, see Government of Zimbabwe and UNDP, *Zimbabwe United Nations Development Assistance Framework (ZUNDAF) 2007-2011*, Harare, 2006, 11; available from [http://www.undg.org/archive\\_docs/1507-Zimbabwe\\_UNDAF\\_2007-2011\\_-\\_ZUNDAF\\_2007-2011.pdf](http://www.undg.org/archive_docs/1507-Zimbabwe_UNDAF_2007-2011_-_ZUNDAF_2007-2011.pdf). See also Government of Zimbabwe, *Education Act*, part II, section 6.

<sup>4134</sup> Human Rights Watch, *Crisis Without Limits: Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe*, New York, January 22, 2009, 13; available from <http://www.hrw.org/en/reports/2009/01/21/crisis-without-limits-0>. See also UNICEF, *UNICEF Humanitarian Action Report 2009*, New York, 2009, 119-121; available from <http://www.unicef.org/har09/index.html>. See also U.S. Department of State, "Country Reports- 2008: Zimbabwe," sections 5 and 6d.

<sup>4135</sup> U.S. Embassy- Harare, *reporting*, March 3, 2009, para 1C. See also Nadia Strakova and Pavel Vondra, *Africa Tour 2008- Final Integrated Report*, Hivos/Stop Child Labour, The Hague, 2008, 34; available from <http://www.stopchildlabour.eu/africatour2008/img/>

africatour2008-finalreport.pdf. See also Zim Online, "Harare says Poverty and AIDS Fueling Child Labour", May 10, 2006 [cited February 6, 2009]; available from [http://www.zimbabwesituation.com/may10\\_2006.html#Z2](http://www.zimbabwesituation.com/may10_2006.html#Z2).

<sup>4136</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," sections 5 and 6d.

<sup>4137</sup> Zimbabwe Central Statistics Office, *Child Labour Report, 2004*, Harare, March 2006, 38 and 44.

<sup>4138</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 6d.

<sup>4139</sup> Caiphas Chimhete, "Deperate Farmers Resort to Child Labour," *Zim Standard* (Harare), February 6, 2006; available from [http://www.zimbabwesituation.com/feb6\\_2006.html#Z16](http://www.zimbabwesituation.com/feb6_2006.html#Z16). See also Nadia Strakova and Pavel Vondra, *Africa Tour 2008- Final Report*, 38. See also Integrated Regional Information Networks, "Zimbabwe: Growing Problem of Child Labour on Farms", IRINnews.org, [online], January 28, 2004 [cited February 9, 2009]; available from <http://www.globalmarch.org/clns/clns-jan-2004-details.php#29-2>. See also Educational International, "Barometer of Human and Trade Union Rights in Education: Zimbabwe", [previously online], June 18, 2007 [cited August 13, 2007]; available from [http://www.eiie.org/barometer/en/profiles\\_detail.php?country=zimbabwe](http://www.eiie.org/barometer/en/profiles_detail.php?country=zimbabwe) [hard copy on file].

<sup>4140</sup> Pamela Saffer, "Zimbabwe: Child Labor on Farms," *World Notes*, February 16, 2006; available from <http://www.pww.org/article/articleview/8600/1/142/>.

<sup>4141</sup> Refugees International, "Zimbabwe: Access to Education Difficult for the Children of Farm Workers", [online], July 7, 2004 [cited November 4, 2007]; available from <http://www.refugeesinternational.org/content/article/detail/3071/> [hard copy on file].

<sup>4142</sup> Global March Against Child Labor, "Zimbabwe: Zim to Host International March", [online], September 13, 2007 [cited February 9, 2009]; available from <http://www.globalmarch.org/clns/clns-sep-2007-details.php#13-1>.

<sup>4143</sup> Zimbabwe Central Statistics Office, *Child Labour Report 2004*, 44.

<sup>4144</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 6d.

<sup>4145</sup> Brian Leber, *Zimbabwe: The Mugabe Regime and the Diamond Trade*, January 20, 2009, 3.

<sup>4146</sup> Global March Against Child Labor, *Stats and Facts on Child Labour in Mines and Quarries*, [cited February 9, 2009]; available from <http://www.globalmarch.org/events/facts-wdacl.php3>. See also Educational International, "Barometer in Education: Zimbabwe".

<sup>4147</sup> "Zimbabwe Capital Tops on Child Labor," *Bernama.com- Malaysian National News Agency* (Kuala Lumpur), October 15, 2008; available from

[http://www.bernama.com/bernama/v3/news\\_lite.php?id=364728](http://www.bernama.com/bernama/v3/news_lite.php?id=364728).

<sup>4148</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 6d.

<sup>4149</sup> Integrated Regional Information Networks, "Zimbabwe: Sex Work Thrives as Girls Struggle to Survive", IRINnews.org, [online], April 18, 2007 [cited February 9, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=71678>. See also ECPAT International CSEC Database, *Zimbabwe*, accessed December 11, 2007; available from [http://www.ecpat.net/EI/Csec\\_onlineDatabase.asp](http://www.ecpat.net/EI/Csec_onlineDatabase.asp) [hard copy on file].

<sup>4150</sup> Integrated Regional Information Networks, "Zimbabwe: Child Abused Every Hour, New Data Reveals", IRINnews.org, [previously online], November 20, 2006 [cited November 27, 2006]; available from <http://www.irinnews.org/print.asp?ReportID=56443> [hard copy on file]. See also UNICEF, "UNICEF "Shocked and Outraged" at Latest Case of Child Rape in Zimbabwe", UNICEF.org, [previously online], August 1, 2006 [cited October 13, 2006]; available from [http://www.unicef.org/infobycountry/media\\_35154.html?q=printme](http://www.unicef.org/infobycountry/media_35154.html?q=printme) [hard copy on file].

<sup>4151</sup> U.S. Department of State, "Zimbabwe (Tier 2 Watch List)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/>.

<sup>4152</sup> Ibid.

<sup>4153</sup> Integrated Regional Information Networks, "Zimbabwe: Children Left at Home Pay the Price of Migration", IRINnews.org, [online], June 11, 2007 [cited February 9, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=72669>.

<sup>4154</sup> Integrated Regional Information Networks, "Zimbabwe: Child Migrants Seek a Better Life in South Africa", IRINnews.org, [online], September 3, 2007 [cited February 9, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=74083>.

<sup>4155</sup> Save the Children UK, *Children Crossing Borders: Report on Unaccompanied Minors who have Travelled to South Africa*, July 2007, 5-6; available from [http://www.savethechildren.org/uk/en/54\\_3163.htm](http://www.savethechildren.org/uk/en/54_3163.htm) [hard copy on file]. See also Integrated Regional Information Networks, "Child Migrants".

<sup>4156</sup> Integrated Regional Information Networks, "South Africa-Zimbabwe: Undocumented Kids Alone in a New Country", IRINnews.org, [online], March 8, 2007 [cited February 9, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=70584>.

<sup>4157</sup> 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, 6; available from <http://www.reliefweb.int/library/documents/2006/s-c-zim-24may.pdf>

<sup>4158</sup> *Ibid.*, 7-8. See also Integrated Regional Information Networks, "Mozambique: Exploitation and Abuse Awaits Zimbabwe's Migrant Children", IRINnews.org, [online], May 25, 2006 [cited December 9, 2009]; available from <http://www.irinnews.org/report.aspx?reportid=59123>.

<sup>4159</sup> Integrated Regional Information Networks, "Exploitation Awaits Zimbabwe's Children".

<sup>4160</sup> Government of Zimbabwe, *Labour Relations Amendment Act*, section 9. See also ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No.138)*

<sup>4161</sup> Government of Zimbabwe, *Labour Relations Amendment Act*, section 9.

<sup>4162</sup> *Ibid.*

<sup>4163</sup> Government of Zimbabwe, *Children's Protection and Adoption Amendment Act, 2001 (No. 23)*, February 10, 2009; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.home](http://www.ilo.org/dyn/natlex/natlex_browse.home).

<sup>4164</sup> Government of Zimbabwe, *Labour Relations Amendment Act*, section 6. See also Government of Zimbabwe, *Constitution of Zimbabwe*, (April 20, 2000), chapter 3, article 14; available from [http://www.nca.org.zw/Downloads/zim\\_constitution.pdf](http://www.nca.org.zw/Downloads/zim_constitution.pdf) [hard copy on file]. See also U.S. Department of State, "Country Reports- 2008: Zimbabwe," sections 5 and 6c.

<sup>4165</sup> Government of Zimbabwe, *Sexual Offences Act, 8/2001, (2001)*, part IV, 11. See also U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 5.

<sup>4166</sup> Government of Zimbabwe, *Sexual Offences Act*, part IV, 11.

<sup>4167</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 5. See also U.S. Embassy- Harare, *reporting, March 3, 2009*, para 25D.

<sup>4168</sup> Government of Zimbabwe, *National Service Act 19/1979, (1979)*, sections 2, 9, 12, 17. See also The Law Library of Congress official, Personal communication, February 2008.

<sup>4169</sup> U.S. Embassy- Harare, *reporting, March 3, 2009*, para 1A.

<sup>4170</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 5. See also U.S. Embassy- Harare, *reporting, March 3, 2009*, para 1A.

<sup>4171</sup> U.S. Department of State, "Trafficking in Persons Report- 2008: Zimbabwe."

<sup>4172</sup> U.S. Embassy- Harare, *reporting, March 3, 2009*, para 24B.

<sup>4173</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 6d.

<sup>4174</sup> U.S. Embassy- Harare, *reporting, March 3, 2009*, para 24C.

<sup>4175</sup> Government of Zimbabwe and UNDP, *ZUNDAF 2007-2011*, 61.

<sup>4176</sup> U.S. Embassy- Harare, *reporting, March 3, 2009*. See also U.S. Embassy- Harare, *reporting, December 5, 2007*, para 1A. See also The Herald (Harare), "Govt Committed to Ending Child Labour", allAfrica.com, [previously online], October 2, 2007 [cited October 8, 2007]; available from <http://allafrica.com/stories/printable/200710020256.html> [hard copy on file].

<sup>4177</sup> U.S. Embassy- Harare, *reporting, March 3, 2009*, para 24C.

<sup>4178</sup> Integrated Regional Information Networks, "Child Migrants". See also U.S. Embassy-Harare, *reporting, December 5, 2007*, para E. See also U.S. Department of State, "Trafficking in Persons Report- 2008: Zimbabwe."

<sup>4179</sup> U.S. Embassy- Harare, *reporting, March 3, 2009*, para 26C.

<sup>4180</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 5. See also U.S. Embassy- Harare, *reporting, March 3, 2009*, para 26C.

<sup>4181</sup> U.S. Department of State, "Country Reports- 2008: Zimbabwe," section 5.

## Territories and Non-Independent Countries

There is limited information on the extent and nature of child labor in non-independent countries and territories eligible for GSP, AGOA, and CBTPA benefits. These countries and territories generally are not eligible to become members of ILO, so ILO Conventions 138 and 182 do not apply to any of them.<sup>4182</sup> Territories are subject to the laws of the sovereign country.

Because of extremely limited information, a determination was made that USDOL would publish full reports on 18 of the 19 territories covered in this report once every 5 years. For this reason, this report includes shortened profiles for these territories, containing only new information published during the reporting period. For extended profiles on these territories, please see

*The Department of Labor's 2005 Findings on the Worst Forms of Child Labor.* The next extended profiles on these countries and territories should appear in *The Department of Labor's 2010 Findings on the Worst Forms of Child Labor.*

#### **Anguilla (Territory of the United Kingdom)**

During the reporting period, new statistics on education in Anguilla became available. UNESCO reports that in 2006, the gross primary enrollment rate was 92.9 percent and the net primary enrollment rate was 91.6 percent.<sup>4183</sup>

#### **British Virgin Islands (Territory of the United Kingdom)**

During the reporting period, new statistics on education in the British Virgin Islands became available. UNESCO reports that in 2006, the gross primary enrollment rate was 112.1 percent, and the net primary enrollment rate was 94.7 percent.

#### **Christmas Island (Territory of Australia)**

There are no changes to report for Christmas Island.

#### **Cocos (Keeling) Islands (Territories of Australia)**

There are no changes to report for Cocos (Keeling) Islands.

#### **Cook Islands (Self-Governing State in Free Association with New Zealand)**

During the reporting period, new statistics on education in the Cook Islands became available. In 2005, the gross primary enrollment rate was 79.7 percent and the net primary enrollment rate was 74.2 percent.

#### **Falkland Islands (Territory of the United Kingdom)**

There are no changes to report for the Falkland Islands.

#### **Gibraltar (Territory of the United Kingdom)**

There are no changes to report for Gibraltar.

#### **Montserrat (Territory of the United Kingdom)**

During the reporting period, new statistics on education in Montserrat became available. In 2006, the gross primary enrollment rate was 113.9 percent and the net primary enrollment rate was 99.1 percent.

#### **Niue (Self-Governing State in Free Association with New Zealand)**

During the reporting period, new statistics on education in Niue became available. In 2005, the gross primary enrollment rate was 104.7 percent.

#### **Norfolk Island (Jointly Governed Territory of Australia)**

There are no changes to report for Norfolk Island.

#### **Pitcairn Islands (Territory of the United Kingdom)**

There are no changes to report for Pitcairn Islands.

#### **Saint Helena (Territory of the United Kingdom)**

There are no changes to report for Saint Helena.

#### **Tokelau (Self-Administering Territory of New Zealand)**

There are no changes to report for Tokelau.

#### **Turks and Caicos Islands (Territory of the United Kingdom)**

There are no changes to report for the Turks and Caicos Islands.

#### **West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority)**

##### *Incidence and Nature of Child Labor*

Children in the West Bank and Gaza Strip work for family farms and shops, as street vendors, porters, or in small manufacturing enterprises.<sup>4184</sup> Reports indicate that children also collect salvageable materials from garbage dumps.<sup>4185</sup> It

is noted that children, particularly those who live near the border area, sell goods at military checkpoints and cross into Israel to work.<sup>4186</sup> Palestinian children who cross the border to work meet with security problems.<sup>4187</sup> There have been reports of Palestinian terrorist groups using minors to conduct attacks, smuggle weapons, and act as human shields.<sup>4188</sup>

check-ups every 6 months while working. Exceptions are made for children who work for direct relatives and are under their supervision.<sup>4191</sup> The law prohibits the exploitation of children and does not allow children to perform work that might damage their safety, health, or education.<sup>4192</sup>

The law states that work is a right, duty, and honor and that PA will strive to provide work to those who are capable. Labor Ministry officials have said that the law prohibits forced and compulsory labor.<sup>4193</sup> There is no law specifically prohibiting trafficking in persons. Prostitution is illegal.<sup>4194</sup>

PA does not have a system of universal conscription for its security services. Recruitment or government service, including security services, is voluntary beginning at 18 years.<sup>4195</sup> The law prohibits the use of children in armed conflicts.<sup>4196</sup>

USDOS reports that there are eight child labor inspectors for West Bank and Gaza.<sup>4197</sup> According to a Ministry of Labor official, the inspectors do not have the training or resources needed for effective monitoring of the law.<sup>4198</sup> Ministry of Labor officials also report that there is no enforceable law to monitor and protect Palestinian children working in Israeli settlements and that there are no Israeli inspectors in West Bank settlements and industrial zones.<sup>4199</sup>

#### *Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor*

The National Plan of Action for Palestinian Children 2004-2010 includes a strategic goal to monitor all workplaces where children are employed.<sup>4200</sup>

#### **Western Sahara**

There are no changes to report for Western Sahara.

#### **Other Territories and Non-Independent Countries**

Information on the incidence and nature of child labor, child labor laws and legislation, and government policies and programs to eliminate

### *Selected Statistics and Indicators on Child Labor*<sup>4189</sup>

Population, children, 5-14 years:	-
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	15
Free public education:	Yes
Gross primary enrollment rate (%), 2007:	80.4
Net primary enrollment rate (%), 2007:	73.3
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO Convention 138:	N/A
ILO Convention 182:	N/A
CRC:	N/A
CRCOPAC:	N/A
CRCOPSC:	N/A
Palermo:	N/A
ILO-IPEC participating country:	No

#### *Child Labor Laws and Enforcement*

The minimum age for admission to work in the West Bank and Gaza Strip is 15 years, as indicated by the Palestinian Authority (PA) Labor Law. There are restrictions on the employment of children 15 to 18 years including prohibitions against night work, work under conditions of hard labor, or jobs that require travel outside one's residence.<sup>4190</sup> The Ministry of Labor requires children between 15 and 18 years to be cleared by a medical exam before starting work and receive

the worst forms of child labor is unavailable for the following territories and non-independent countries—British Indian Ocean Territory (territory of the United Kingdom), Heard Island and MacDonal Islands (territory of Australia), and Wallis and Futuna (territory of France).

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<sup>4182</sup> ILO, *Constitution*, (April 1919); available from <http://www.ilo.org/ilolex/english/constq.htm>.

<sup>4183</sup> For statistical data not cited here, see the Data Sources and Definitions section.

<sup>4184</sup> U.S Embassy- Jerusalem, *reporting, December 7, 2007*. See also U.S. Department of State, "Country Reports-2008: Israel and the Occupied Territories," section 6d. See also Integrated Regional Information Networks, "Poverty driving Palestinian children onto the streets", IRINnews.org [online] June 12, 2007 [cited April 13, 2009]; available from <http://www.irinnews.org/report.aspx?ReportId=72677>. See also Birzeit University Development Studies Programme and United Nations Children's Fund- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, Ramallah, October, 2004; available from <http://www.miftah.org/Doc/Reports/2004/unicefp.pdf>.

<sup>4185</sup> Integrated Regional Information Networks, "Palestinian children". See also Mel Frykberg, "Palestinian children forced onto street", Middle East Times [online] April 9, 2008 [cited April 13, 2009]; available from [http://www.metimes.com/International/2008/04/09/palestinian\\_children\\_forced\\_onto\\_street/8064/](http://www.metimes.com/International/2008/04/09/palestinian_children_forced_onto_street/8064/).

<sup>4186</sup> Integrated Regional Information Networks, "Palestinian children". See also Frykberg, "Palestinian children forced onto street". See also Birzeit University Development Studies Programme and United Nations Children's Fund- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*. See also Education International, *Country Profile - Palestine*, June 12, 2007; available from [http://www.ei-ie.org/barometer/en/profiles\\_detail.php?country=palestine](http://www.ei-ie.org/barometer/en/profiles_detail.php?country=palestine).

<sup>4187</sup> U.S. Department of State, "Country Reports- 2008: Israel and the Occupied Territories," section 6d.

<sup>4188</sup> *Ibid.*, section 5.

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<sup>4189</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see U.S. Department of State, "Israel and the Occupied Territories," 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/2007/100597.htm>. See also U.S. Embassy- Jerusalem, *reporting, December 7, 2007*. For age to which education is compulsory, see U.S. Embassy- Jerusalem, *reporting, December 7, 2007*. See also UNESCO, *EFA Global Monitoring Report 2009*, UNESCO and Oxford University Press, Paris, 2009, annex available from <http://unesdoc.unesco.org/images/0017/001776/177683E.pdf>. For free public education, see U.S. Embassy- Jerusalem, *reporting, December 7, 2007*.

<sup>4190</sup> U.S. Embassy- Jerusalem, *reporting, December 7, 2007*.

<sup>4191</sup> *Ibid.*

<sup>4192</sup> U.S Embassy- Jerusalem, *reporting, December 7, 2007*.

<sup>4193</sup> U.S. Embassy- Jerusalem, *reporting, December 7, 2007*.

<sup>4194</sup> *Ibid.*

<sup>4195</sup> Coalition to Stop the Use of Child Soldiers, "Occupied Palestinian Territory," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/occupied-palestinian-territory>.

<sup>4196</sup> *Ibid.*

<sup>4197</sup> U.S. Department of State, "Country Reports- 2008: Israel and the Occupied Territories," section 6d.

<sup>4198</sup> Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory: A National Position Paper*, Jerusalem, June, 2005; available from [http://www.crin.org/docs/NPASEC\\_OPT\\_Child\\_Protection.pdf](http://www.crin.org/docs/NPASEC_OPT_Child_Protection.pdf).

<sup>4199</sup> U.S. Department of State, "Country Reports- 2008: Israel and the Occupied Territories," section 6d.

<sup>4200</sup> Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory*.





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